

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, 19 July 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.

20/07/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 28 June 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/17/0256 - 42 Southview Road, Peacehaven, East Sussex, BN10 8EA (page 5)

7 LW/17/0323 - Beachside, Cricketfield Road, Seaford, East Sussex, BN25 1BU (page 11)

8 LW/17/0325 - 2 Southview Road, Peacehaven, East Sussex, BN10 8DQ (page 18)

9 LW/17/0363 - 5 Bramber Avenue, Peacehaven, East Sussex, BN10 8LR (page 28)

10 LW/17/0375 - 79 Phyllis Avenue, Peacehaven, East Sussex, BN10 7RA (page 34)

11 LW/17/0412 - 36 Quarry Lane, Seaford, East Sussex, BN25 3BJ (page 42)

Planning Applications WITHIN the South Downs National Park

12 SDNP/17/02217/FUL - Unit 1, Wootton Farm, Novington Lane, East Chiltington, East Sussex, BN7 3AU (page 47)

13 SDNP/17/02606/FUL - Greyfriars Court, Court Road, Lewes, BN7 2RF (page 63)

Non-Planning Application Related Items

14 Tree Preservation Order (No.4) 2017, Land at 'Nuggets' Valebridge Road, Burgess Hill (page 72)

To consider the Report of the Trees & Landscape Officer (Report No 108/17 herewith).

15 Written Questions from Councillors

To deal with written questions which councillors pursuant to Council Procedure Rule 12.3 (Page D8 of the Constitution).

16 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 August 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

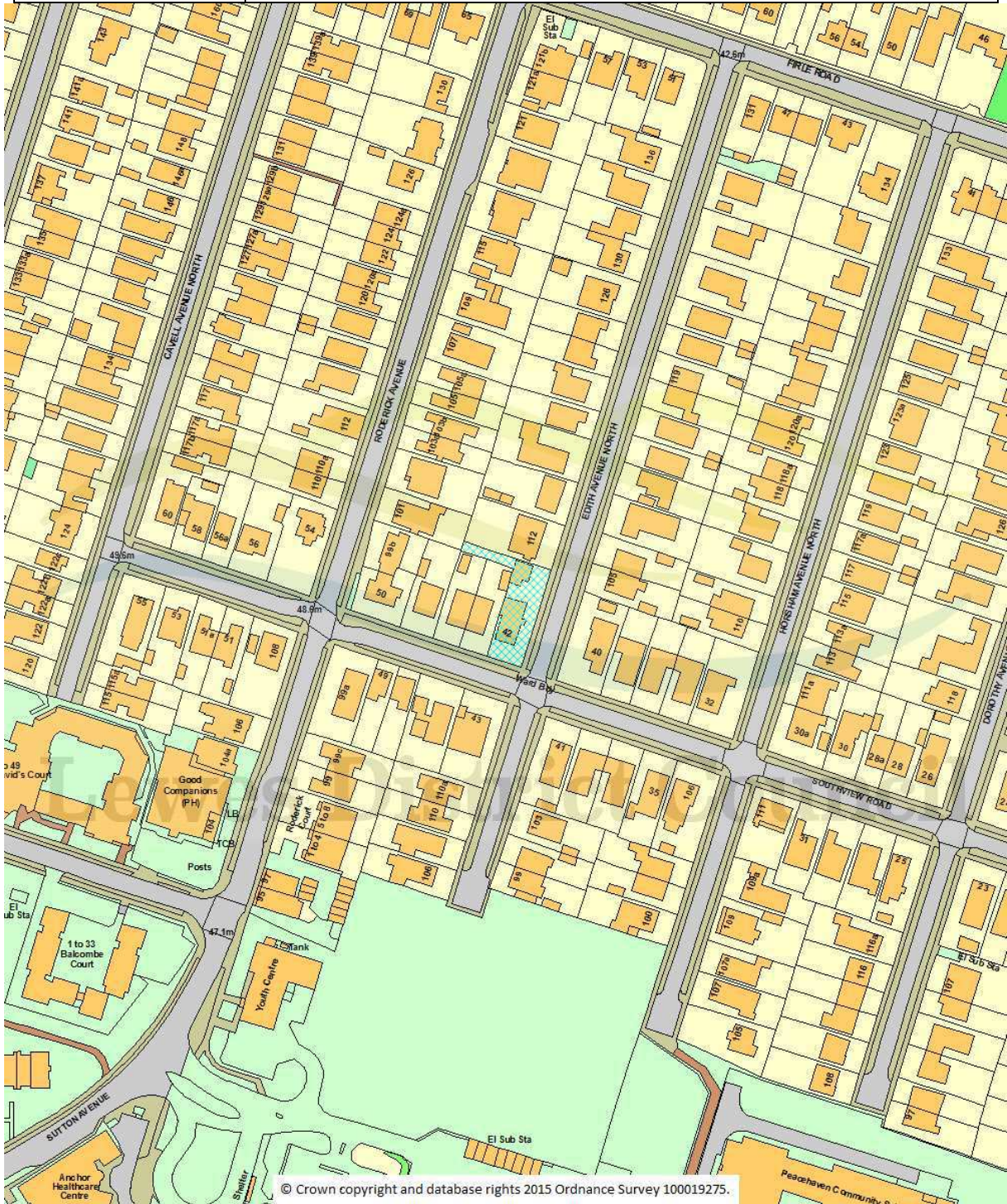
The two statutory purposes of the South Downs National Park designations are:

- 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.

APPLICATION NUMBER:	LW/17/0256	ITEM NUMBER:	6
APPLICANTS NAME(S):	Mr Chris Anderson	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning Application for The erection of a single storey extension to an existing bungalow, to allow the formation of two semi detached bungalows, including the erection of a 1800mm high fence		
SITE ADDRESS:	42 Southview Road Peacehaven East Sussex BN10 8EA		
GRID REF:	TQ 4101 NW		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached bungalow at the corner of Southview Road and Edith Avenue North. The bungalow, together with an adjacent double garage, effectively fronts onto Edith Avenue North, with its side elevation 'end on' to Southview Road. The bungalow has a pitched roof, and a detached flat roof double garage fronting onto Edith Avenue North.

1.2 The proposal is to demolish the garage, and to extend (effectively lengthen the bungalow along the Edith Avenue frontage) with a matching pitched roof. The enlarged building would be converted to one x 3-bed and one x 2-bed semi-detached bungalows.

1.3 Two parking spaces for each of the dwellings would be provided, off Edith Avenue North. These would be grouped away from the corner, next to neighbouring 112 Edith Avenue North. Garden space for one of the dwellings would be provided around the front of the building corner, while garden space for the other would be provided on land extending back behind 42 and 46 Southview Road, which is within the application site.

2. RELEVANT POLICIES

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

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

3. PLANNING HISTORY

E/68/0682 - Planning and Building Regulations Applications for detached bungalow with garage on plots 1 and part 2, block 156. Building Regs. Approved. Completed. - **Approved**

E/71/0145 - Planning and Building Regulations application for porch. Building Regs Approved. Completed. - **Approved**

LW/77/1721 - Planning and Building Regulations applications for laundry room and garage extension. Building Regs rejected. - **Approved**

LW/79/0527 - Planning Application to extend existing garage, erect new garage and erect 7ft side boundary wall. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

District Services

4.1 Regarding the above planning application waste & recycling have no issues regarding the development.

Southern Gas Networks

4.2 Standard gas safety advice.

Environmental Health

4.3 Recommends an 'unsuspected contamination condition'.

Peacehaven Town Council

4.4 Refusal Recommended due to:-

- Inadequate infrastructure
- Increase in air pollution due to congestion on A259
- Development will increase traffic congestion
- Impact on locality
- Back garden development
- Inadequate off road parking provided for
- Perimeter fence too high which would have an adverse effect on road safety.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 4 representations from local residents objecting received, on grounds of:

- Highway Hazards
- Inadequate Access :Poor visibility
- Insufficient Information
- Out of Character
- Over-development
- Parking Issues: Insufficient parking.
- Traffic Generation
- Traffic on A259
- Overshadowing
- Out of keeping; fence obstructing traffic sightline; Lack of parking provision.

6. PLANNING CONSIDERATIONS

6.1 The site is within the Planning Boundary for Peacehaven, where new residential development can be accepted in principle, subject to compliance with district-wide planning policies.

6.2 The form of the extended bungalow is considered to be acceptable in the street scene. The roof pitch of the extended building, together with the detailed design and facing materials, would match the existing building. There would be a gap of just over 4m between the extended building and the side boundary with 112 Edith Avenue North.

6.3 Local concern has been expressed about the potential increase in pressure for on-road parking in the immediate locality. Two on-site parking spaces per dwelling would be provided. Although the 2 spaces for the corner property would be positioned on the north end of the overall plot, the provision of the on-site spaces in itself means, it is considered, that a refusal on grounds of a shortfall of parking would not be reasonable.

6.4 Garden space would be provided for both properties. The garden space serving the corner property would be 'as existing' between the building and the road, and would thus not be private, but would be available for amenity purposes. A close board fence around this area was initially proposed, but was removed from the application given that the majority of front boundaries in the immediate vicinity are low walls (this was the 'perimeter fence' referred to by the Town Council). The other bungalow would have a garden area at the back, 18m long but 3m wide (effectively a strip behind 44 and 46 Southview Road).

6.5 The main effect on nearby living conditions would be the effect on 44 Southview Road from the extended bungalow and its pitched roof. This extension would be parallel to the rear garden of 44 Southview Road, at a distance of 0.4m off the boundary. However, a detached garage to 44 Southview Avenue would, it is considered, reduce the impact on the living conditions of that property. No dormers or other windows would be provided in the extended roof facing 44 Southview Road, and so there would be no increase in overlooking.

6.6 The concerns of the Town Council about traffic generated onto the A259 are noted. However, this is a net increase in dwellings of one, which could not reasonably be sustained as reason for refusal on grounds of increased traffic generation onto the A259, or a reduction in air quality.

6.7 Overall, this is a balanced decision, given the proximity of the extended building to the boundary with 44 Southview Road, the exposed amenity space for the dwelling on the corner and that parking for the corner property would be along the Edith Avenue frontage on the north end of the site. However, it is not considered that these reservations about the proposal would justify refusal and, therefore, approval is recommended.

7. RECOMMENDATION

That planning 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 Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only. Two of the parking spaces shall be allocated for the use of each of the semi-detached bungalows hereby approved.

Reason: In the interests of highway safety 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.

3. 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-C of Part 1, 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 residential amenity and the appearance and character of the area having regard to policies ST3 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No development, including demolition of the existing bungalow, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

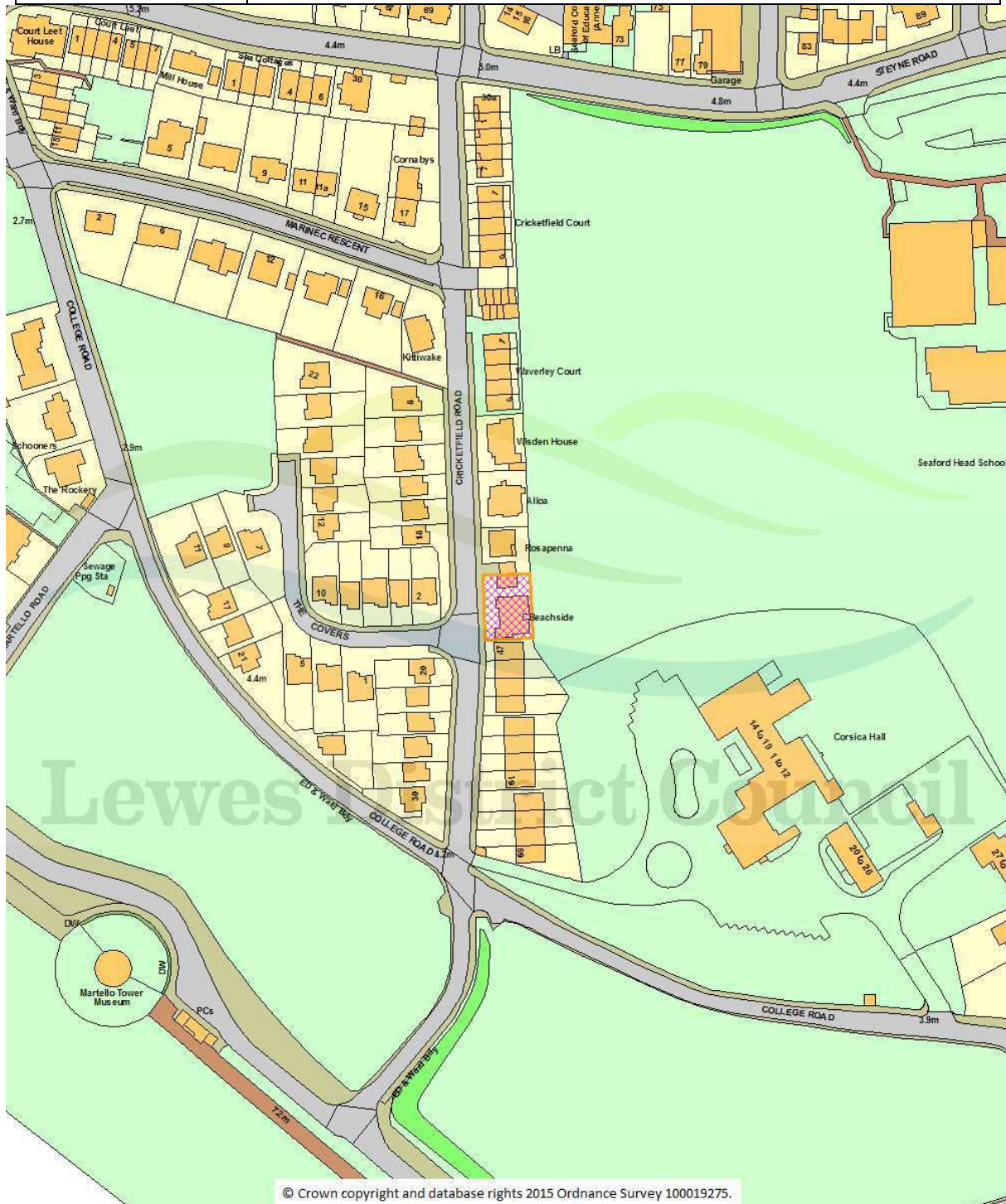
2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your

obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	27 March 2017	
Proposed Block Plan	27 March 2017	1:500
Location Plan	27 March 2017	1:1250
Existing Roof Plan	27 March 2017	MCA/SR/002
Proposed Roof Plan	27 March 2017	MCA/SR/002
Proposed Layout Plan	27 March 2017	MCA/SR/003
Existing Elevation(s)	26 June 2017	MCA/SR/001-REV C
Proposed Elevation(s)	26 June 2017	MCA/SR/001-REV C
Existing Floor Plan(s)	26 June 2017	MCA/SR/001-REV C
Existing Floor Plan(s)	26 June 2017	MCA/SR/001-REV C

APPLICATION NUMBER:	LW/17/0323	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mrs J Ho	PARISH / WARD:	Seaford / Seaford South
PROPOSAL:	Planning Application for Proposed demolition of care home and the erection of 4 x three bedroom dwellings		
SITE ADDRESS:	Beachside Cricketfield Road Seaford East Sussex BN25 1BU		
GRID REF:	TV 4898		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is care home fronting onto Cricketfield Road, opposite The Covers cul-de-sac. The building is two-storey, with dormers serving a third floor in the roofspace, and the site includes a detached single storey building adjacent to the neighbouring property to the north, 'Rosapenna'.

1.2 The proposal involves demolishing the main and single storey buildings and erecting a terrace of four houses across the site. The terrace would be two-storey to eaves, with a third floor in the roofspace lit by rooflights. The houses would be faced with brick and weatherboarding.

1.3 The proposal would provide for one on-site parking space per house. This would be provided for off Cricketfield Road at the front of each property.

2. RELEVANT POLICIES

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

3. PLANNING HISTORY

S/51/0050 - Siting of caravan in garden. - **Refused**

S/63/0197 - Change of use to tutorial building - **Approved**

S/65/0094 - Planning and Building Regulations application for school games room. Building Regs approved. – **Approved**

S/67/0346 - Planning and Building Regulations Application for an addition to playroom. B Regs approved. - **Approved**

LW/82/0054 - Application for a Change of Use from school to rest home, alterations and extensions. Restrictive Planning Condition No. 1. – **Approved**

LW/84/1281 - Extension to rest home to provide seven additional bedrooms and three additional W.C's. - **Refused**

LW/85/0171 - Planning and Building Regulations Application for two storey extension to side elevation, dormer to rear elevation, internal alterations, one additional vehicle crossover. Building Regs Refused. - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council

4.1 It was RESOLVED to OBJECT to the application. The Committee considered that the provision of four terraced houses on this limited site would be overdevelopment and that three dwellings would be more appropriate.

The Committee did however consider that the design would complement the existing character of the area although it regretted the loss of the much-needed local care facilities and were also concerned, given the location, at the potential flood risk.

Southern Gas Networks

4.2 SGN has "no comment" on this application. Applicant must comply with CDM Regulations and HSG47 guidance at the appropriate stage in their construction planning.

ESCC Archaeologist

4.3 Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is advised that no significant below ground archaeological remains are likely to be affected by these proposals. For this reason there are no recommendations to make in this instance.

Environmental Health

4.4 Recommends conditions requiring a 'demolition asbestos survey' (with mitigation as appropriate), a strategy to deal with unsuspected contamination (if discovered), a control over construction hours and a Construction Environment Management Plan.

District Services

4.5 Has no concerns regarding the development, as the refuse would need to be placed on the kerbside of the road for collection .

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Three objections received, on grounds of:

- Inadequate access
- Overdevelopment. One building providing much needed care facilities is to be replaced with four households. Most households have at least 2 cars each, so there will be more street parking where there is only limited space. Replacing the property with two houses would enable some garden space and better off-street parking.
- The plot is small and not suitable for four houses. The rear of the property has very limited space behind. Directly opposite the writers house is a terrace of four properties which has a combined frontage almost twice as wide as the current nursing home.

6. PLANNING CONSIDERATIONS

6.1 The loss of the care home, or "care facility", has been highlighted by the Seaford Town Council. There are no policies which aim to resist the change of use of care homes to alternative uses, however, and in these circumstances, the proposed alternative use of the site must be considered on its merits. In principle, the use of the site for residential purposes is considered to be acceptable in this residential area.

6.2 Cricketfield Road contains a mix of dwelling types, including some terraces, notably three terraces of four houses each adjacent to the site on the south side. The terraced form of the proposed development is thus evident in the locality.

6.3 The houses would be about 4.6m wide (externally) and would be set off both side boundaries by 0.9m, on a site with a width of approximately 20m. As a comparison, the adjacent terrace (47-51 Cricketfield Road) has houses about 4.8m wide (externally), set off the side boundaries by 0.4m, with a site width of 24.8m. Although therefore smaller than the neighbouring terrace, it is not considered that the difference would be so striking or noticeable to make the proposed houses stand out, or look incongruous. Similarly, it is not considered that there is a strong justification to argue that the proposed terrace of four houses should be reduced to a terrace of three, as suggested by the Town Council.

6.4 The ESCC Parking Demand Calculator suggests that either 9 or 6 parking spaces should be provided, depending on the number of allocated or unallocated spaces per house. Four spaces are proposed, which is clearly short of that suggested by the Calculator. The Highway Authority advises, however, that the site is in a sustainable location (close to town centre shops, services and public transport) and that there is no off-street parking for the existing use (so the existing use is reliant on on-road parking space). In the circumstances, the Highway Authority advise that a refusal of permission on parking grounds would be difficult to sustain.

6.5 The site is relatively close to the Esplanade and beach. At the time of writing, the advice of the Environment Agency (EA) is awaited on the application, in terms of whether the development is acceptable regarding the risk from flooding. The recommendation of approval is therefore subject to 'no objection' from the Environment Agency being received, and an update on the EA response will be given at the meeting.

6.6 The houses would be similar, but not identical, to the terraces of houses to the south of the site. The height of the terrace would be similar to that of the existing care home, being higher than the adjacent terrace. Small back gardens, about 3m deep, would be provided (the same depth as the existing terrace to the south) behind which are the playing fields of Seaford Head Lower School.

7. RECOMMENDATION

That the Director of Regeneration and Planning be authorised to grant conditional planning permission, subject to no 'objection' to the application being received from the Environment Agency.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality 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. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality 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.

3. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only.

Reason: In the interests of highway safety 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.

4. 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-C, 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.

5. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development, including demolition of the existing bungalow, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

INFORMATIVE(S)

1. 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.

2. 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>

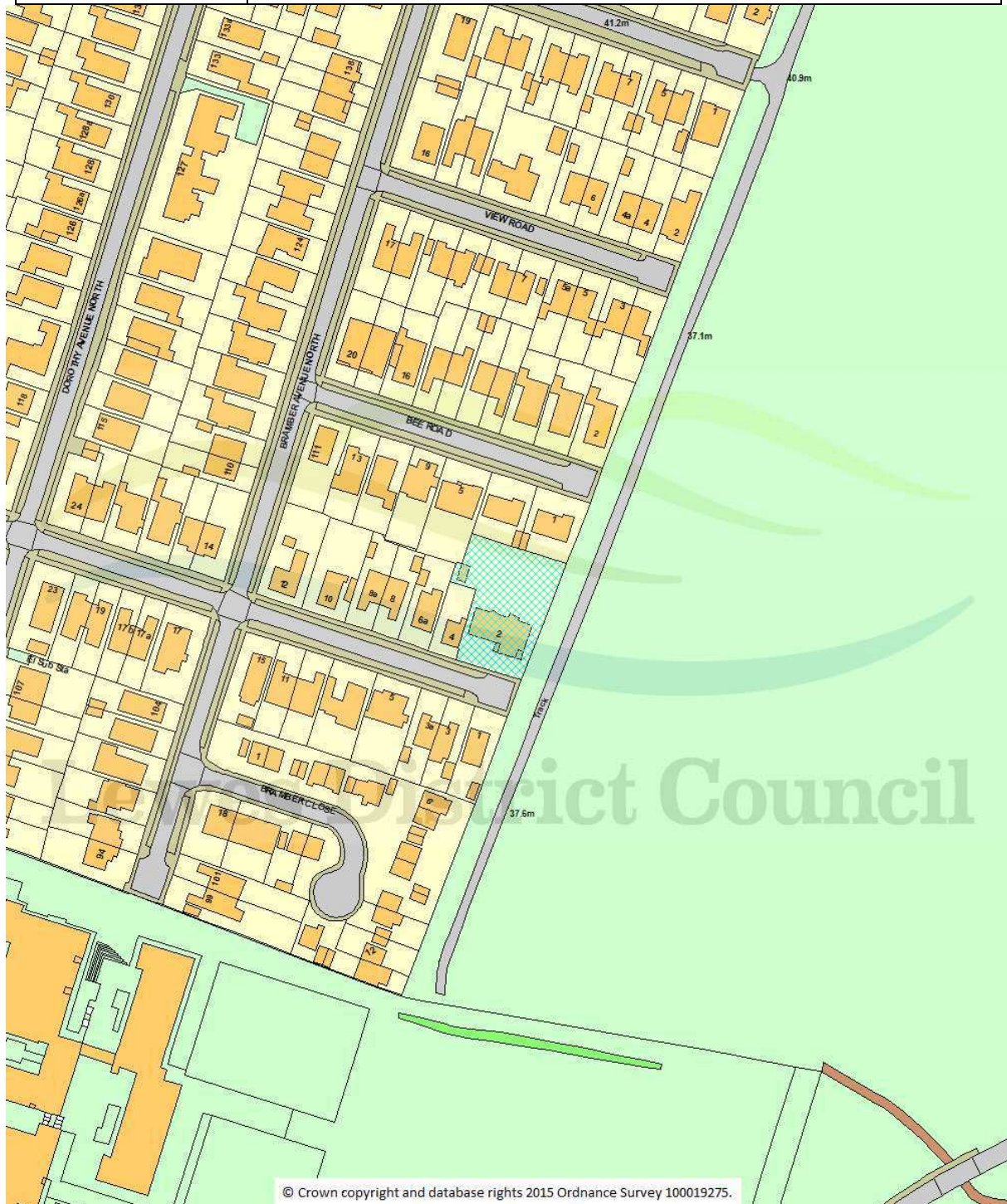
3. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	13 April 2017	
Existing Layout Plan	13 April 2017	
Flood Risk Assessment	13 April 2017	
Photographs	13 April 2017	
Proposed Block Plan	13 April 2017	2017-30-01
Proposed Floor Plan(s)	13 April 2017	2017-30-02
Proposed Floor Plan(s)	13 April 2017	2017-30-03A
Street Scene	13 April 2017	2017-30-04A
Location Plan	13 April 2017	2017-30-05
Proposed Elevation(s)	13 April 2017	2017-30-06

Street Scene	13 April 2017	2017-30-07 EXISTING
Flood Risk Assessment	30 May 2017	AMBIENTAL
Justification / Heritage Statement	4 May 2017	HER
Additional Documents	27 April 2017	HER CONSULTATION
Technical Report	13 April 2017	HIGHWAYS
Existing Floor Plan(s)	13 April 2017	P001-100FF
Existing Floor Plan(s)	13 April 2017	P001-100GF
Existing Floor Plan(s)	13 April 2017	P001-100SF

APPLICATION NUMBER:	LW/17/0325	ITEM NUMBER:	8
APPLICANTS NAME(S):	P L Projects	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning Application for Demolition of the existing bungalow and erection of 2 x 4-bedroom semi-detached houses and 1 x 4-bedroom detached house (amended plans).		
SITE ADDRESS:	2 Southview Road Peacehaven East Sussex BN10 8DQ		
GRID REF:	TQ 41 01		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a large detached bungalow dwelling situated on an L-shaped plot that is wider than most in the immediate locality, with a back garden that overlaps with the back garden to the neighbouring property, 4 Southview Road, which is a two storey detached house. The bungalow is located on the northern side of the street and is the last property on that side of the road, adjacent to the Planning Boundary line of Peacehaven.

1.2 The site is not in a Conservation Area and the building is not Listed or of Local Interest.

PROPOSAL

1.3 The application seeks planning permission for the demolition of the existing bungalow and for the construction of three 4-bedroom dwellings comprising a pair of semi-detached houses and a detached house.

1.4 The houses will be set back from the street by 5m with two car parking spaces in front of each dwelling. The detached property will be 6.8m x 13.9m and will have an internal floor area of some 160 square metres. Amended plans have been submitted for the two semi-detached houses and they have been reduced in depth by 1.2m, from 13.9m to 12.7m. They will be 6.4m in width.

1.5 The revised plans have also increased the gap between Plot 1 and 4 Southview Road, which will now be 1.5m. A 2.75m space is proposed between the semi-detached and detached house.

1.6 The houses will provide kitchen/dining room, utility room, W.C. and living room at ground floor level. At first floor level each house will have 4 bedrooms (one en-suite), a study and a family bathroom.

1.7 The houses will have pitched roofs with hipped ends and will be finished in white render at ground floor level and tile hanging at first floor level. The roofs will be finished in plain clay tiles. The semi-detached houses will have a flat roof area instead of a single ridge line.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

E/67/0876 - Outline application for detached bungalow with integral garage and detached garage on plots 1 - 3, and part plots 22 - 24, Block 162, Southview Road. - **Approved**

E/68/0310 - Planning and Building Regulations Applications for one detached bungalow on plots 1-3 and part plots 22-24, block 162. Building Regs. Rejected but presume an Approval followed that is missing from file. Completed. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health

4.1 No objection, Subject to conditions relating to asbestos; unexpected contamination; hours of construction; dust suppression; and provision of a Construction Environmental Management Plan (CEMP).

Southern Gas Networks

4.2 No objection

Peacehaven Town Council

4.3 Objection, Refusal is recommended due to:

- Inadequate infrastructure
- Increased air pollution due to congestion on A259
- Development will increase traffic congestion
- Out of keeping with street scene
- Over development
- Unneighbourly
- The parking issues at this location will increase significantly

5 REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from 3 Bee Road; 1, 3A, 4, 5 and 6a Southview Road, objecting to the application for the following reasons:-

- Contextual significance
- Out of character
- Does not follow building line
- Cramped low-grade accommodation
- Over development
- Effect on wildlife
- Loss of light
- Overshadowing
- Overlooking, loss of privacy
- Overbearing building/structure
- Overly dominant
- Cramped opportunistic development

- Will dominate end of Southview Road where it blends into adjacent fields
- Block out sky
- Noise and disturbance
- Smell/fumes
- Loss of open space
- Loss of trees
- Drainage
- Flooding
- Effect on town centre viability
- Inadequate access
- Highway hazards
- Parking issues
- The properties will not have garages
- Will compromise turning head
- Traffic generation
- Traffic on A259
- Lack of infrastructure
- Schools and doctors' surgeries are stretched to the limits
- Not sustainable
- Loss of views*

5.2 *Officer Note - The safeguarding of views is not a material planning consideration.

5.3 Following the submission of revised plans and an additional period of neighbour and public notice, the following objections have been received from 4 Southview Road:

- Conservation significance
- Contextual significance
- Drainage
- Effect on town centre viability
- Effect on wildlife
- Flooding
- Highway hazards
- Historical significance
- Inadequate access
- Insufficient information
- Lack of infrastructure
- Loss of light
- Loss of open space
- Loss of trees
- Noise and disturbance
- Not sustainable
- Out of character
- Over-development
- Overbearing building/structure
- Overlooking, loss of privacy
- Overshadowing
- Parking issues
- Smell/fumes
- Traffic generation
- Traffic on A259
- Amended plans do not address previous concerns

- Scale and bulk

6 PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

PRINCIPLE

6.2 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area a short distance from the Meridian shopping centre. The proposal is to replace an existing dwelling with three new dwellings and in principle this is acceptable and compliant with Spatial Policy 2 of the Joint Core Strategy, the site constituting an unidentified infill development within the existing Planning Boundary.

6.3 The plot is wider than most in the nearby vicinity and can accommodate more than a single dwelling unit, however, there are concerns that the development will appear cramped and incongruous with the character and layout of existing development which defines the site context.

6.4 The demolition of the existing bungalow is considered acceptable in principle. Whilst it has a unique design redolent of the 1960s, the building is not of Local Interest or a special historic significance.

DESIGN

6.5 Initially there are significant concerns that due to the scale and bulk of the new houses along with the gaps between them at first floor level, the development will have a cramped appearance. There are also concerns that the provision of car parking across the front of the application site will erode the positive characteristics of the street, such as the continuing front boundary walls and front gardens.

6.6 The amended plans have brought the properties slightly forward of the original position so that they will be more in alignment with neighbouring houses, which are positioned along an established building line. Car parking can still be provided in front of each property. Aside from improving the visual impact of the development, this amended also means that the houses will not project so far beyond the line of the rear elevation to 4 Southview Road.

6.7 Notwithstanding the comments received from nearby residents, here is no objection in principle to two storey development at this site, largely owing to the presence of 4 Southview Road which itself is two storeys. Furthermore, the ridge line to the semi-detached houses will be 370mm lower than the ridge line of 4 Southview Road, and the detached property will be stepped down an additional 380mm again. The revised plans have also increased the space between the new dwellings so that their layout is more in keeping with the pattern of neighbouring development in spatial terms.

6.8 Whilst the applicant has made some reference on site to the Lower Hoddern Farm site adjacent to the application site (ref. LW/17/0226) this scheme has not been approved at this stage, and in any case this will form a separate character area, separated from the application site by a green corridor and bike/pedestrian route.

6.9 Whilst some neighbouring properties have car parking in front, the predominant theme which characterises the street scene includes low front boundary walls and front gardens. The revised plans have incorporated increased elements of soft landscaping to the frontage of the new houses as well as sections of low front boundary walls, to make the setting of the development more in keeping with the positive characteristics of the street scene.

AMENITY

6.10 The application site is considered capable of providing additional residential units with no significant adverse impact on neighbour amenity by way of intensification of the use, increased comings and goings, domestic activities, noise and disturbance. However, there are two areas of concern that need to be addressed including the impact of the bulk, massing and siting on residents, and future residents, of the adjoining house, 4 Southview Road, and the effect of increased vehicular movements within the turning head at the bottom end of Southview Road.

6.11 The letters received from nearby residents are acknowledged and it is noted that the rear elevation of 4 Southview Road is north-facing and there is a single storey rear extension to this property. In relation to the line of the first floor, the nearest of the proposed dwellinghouses will project 3.7m further back. However, the proximity of the proposed development to the neighbouring house has been improved in order to reduce any overbearing impact and the development will have a minimal impact on the rear extension to the neighbouring property in terms of loss of light.

6.12 Currently the public highway widens out at the end of Southview Road to form a turning head. Southview Road is not a through-road and terminates in the aforementioned turning head beyond which lies a field around which there is a footpath.

6.13 The turning head at the end of the street will remain and each dwelling will provide sufficiently for off-street car parking. Future residents are unlikely to park across their own car parking spaces and there is no reason to consider that the new housing will impede the use of the turning head by other motorists. It is noted that presently, cars are sometimes parking within the turning head for brief periods, for example when local people are walking their dogs. The proposed development will not materially worsen this situation and may in fact help to ensure that the turning head is kept clear of parked cars in the future.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.14 The application site is within walking distance of the shops and facilities at the nearby Meridian shopping centre, where there is also a gym and a school. Southview Road also intersects with Roderick Avenue, along which there are bus services leading along the south coast from Brighton in the west to Eastbourne to the east, via Newhaven and Seaford. The application proposes that each dwelling will have secure and sheltered cycle storage facilities and two off-street car parking spaces per house. This is considered acceptable and the application site is in a satisfactory sustainable location whereby future residents and visitors would not need to be solely reliant on private car use for their travel needs.

6.15 The comments received in respect of congestion and the wider impact of traffic on the A259 coast road is acknowledged. However, the increase in traffic generated by three households is not likely to have a significant impact on the existing situation. There are alternative methods of transport available for future occupiers to use so residents will have a choice as to whether they rely solely of use of a private car.

OTHER MATTERS

6.16 Concerns have been raised in relation to the potential loss of trees and to drainage matters relating to front gardens and the highway.

6.17 The majority of the planting and trees within the back garden of the existing bungalow will not be removed as part of the proposal. The back garden areas will continue to be well landscaped.

6.18 The issue of drainage can be addressed by encouraging natural drainage within the site, facilitated by the use of porous hard surfacing materials and areas of planting.

6.19 These matters can be addressed by imposing appropriate conditions in the event planning approval is granted.

7 RECOMMENDATION

Approval is recommended, subject to conditions.

The application is subject to the following conditions:

1. No development shall take place details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

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

2. The overall maximum height of the ridge to the main roof of the pair of semi-detached dwellings hereby permitted shall not exceed 370mm below the main ridge height of 4 Southview Road, and the ridge height to the detached dwelling hereby permitted shall not exceed 380mm below the ridge height to the aforementioned semi-detached houses, in accordance with approved drawing no. 17052/13.008E, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the appearance of the street scene, having regard to retained Policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. The boundary treatment shall be completed in accordance with the approved details shown on drawing no. 17052/10.001F prior to the first residential occupation of any of the three dwellings hereby permitted and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of either new dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development, including demolition of the existing bungalow, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors) and B, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and

neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. The dwellings hereby approved shall not be occupied until the cycle parking facilities have been provided in accordance with the approved drawing no. 17052/10.001F and the facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

Reason: In the interests of amenity and to provide for alternative methods of transport to the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

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

3. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>

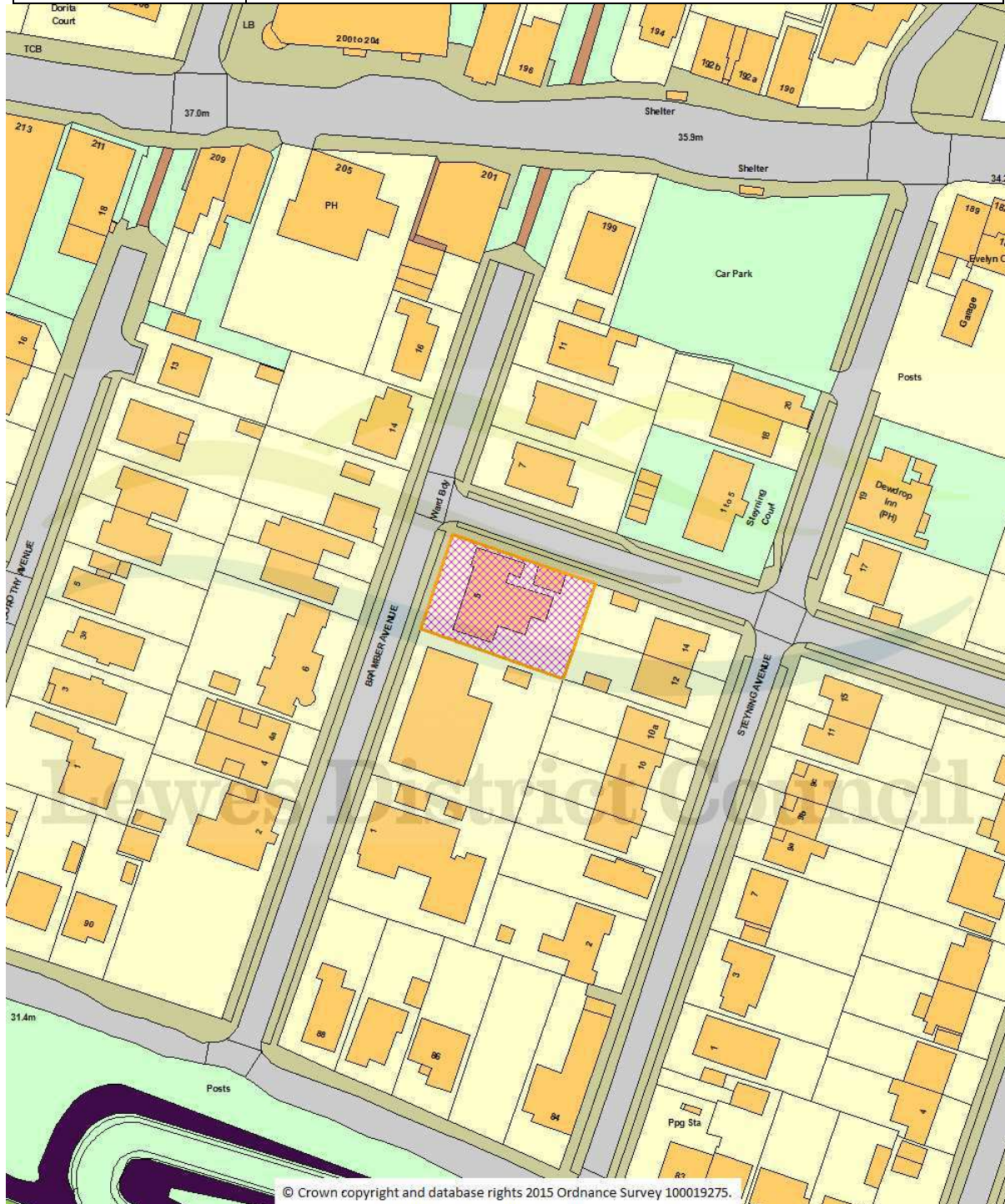
4. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	13 April 2017	
Existing Block Plan	13 April 2017	
Design & Access Statement	13 April 2017	
Waste Minimisation Statement	13 April 2017	
Planning Statement/Brief	13 April 2017	
Proposed Layout Plan	12 June 2017	10.001F

Proposed Floor Plan(s)	12 June 2017	11.001C
Proposed Floor Plan(s)	12 June 2017	11.002D
Proposed Roof Plan	12 June 2017	11.003E
Proposed Floor Plan(s)	13 April 2017	11.004B
Proposed Floor Plan(s)	13 April 2017	11.005C
Proposed Elevation(s)	12 June 2017	13.001D
Proposed Elevation(s)	12 June 2017	13.002E
Proposed Elevation(s)	12 June 2017	13.003D
Proposed Elevation(s)	12 June 2017	13.004C
Proposed Elevation(s)	13 April 2017	13.005C
Proposed Elevation(s)	13 April 2017	13.006D
Proposed Elevation(s)	13 April 2017	13.007C
Street Scene	12 June 2017	13.008E

APPLICATION NUMBER:	LW/17/0363	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr & Mrs M Loughrey	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Demolition of existing garage and construction of new single storey office accommodation		
SITE ADDRESS:	5 Bramber Avenue Peacehaven East Sussex BN10 8LR		
GRID REF:	TQ 4100		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located on the corner of Bramber Avenue and the Bramber and Steyning Avenue link road, in Peacehaven. Bramber Avenue is a non-through road just south of South Coast Road, A259.

1.2 The site comprises a detached chalet bungalow and flat roofed single garage sited to the north of the existing dwelling.

1.3 The application proposes demolition of the existing garage and construction of a single storey pitched roof building to be used by the applicant as an office for an established cryotherapy business facilitating beauty treatment equipment and supplies. It currently has a maximum of two staff.

1.4 The footprint of the proposed new office is approximately 7.7m by 4.6m. The proposed building would measure 2.3m to the eaves and 4.0 m to the ridge.

1.5 The ground floor of the proposed new building would be an open plan office area with ancillary kitchenette and WC facilities.

1.6 The new building has been designed from materials that match the existing dwelling. Walls would be white painted render with white UPVC framed windows and doors. The roof would be tiled with plain clay tiles.

1.7 Level access to the new building will be provided from an existing off road parking area, via a gate into the rear garden. Access to the existing house will be unaffected by the proposals.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – RES18 – Garages and other Buildings

3. PLANNING HISTORY

E/55/0386 - Outline Application to erect a bungalow. - **Refused**

E/55/0504 - Planning and Building Regulations Application for proposed bungalow with garage. Building Regs Approved. - **Approved**

LW/85/0273 - Erection of garage and extension to form new lounge and bedroom and use of bungalow to accommodate three elderly persons. – **Approved**

LW/87/1950 - Extension. - **Refused**

LW/88/0354 - Extension. - **Approved**

LW/90/1718 - Single storey rear extension, porch and rooms in roof to provide three additional bedrooms. - **Approved**

LW/01/0290 - Single storey front extension - **Approved**

LW/10/0224 - Section 73A Retrospective application for the continued use as a residential dwelling - **Approved**

LW/17/0114 - Demolition of existing double garage and erection of home office/studio with storage space above

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council

4.1 Refusal recommended on the following grounds:

- Over development
- Inadequate local infrastructure - including A259, surgeries, school
- Reduction of car parking facilities
- Exacerbate existing parking problems
- Density of layout & over development - too large for plot
- Local drainage needs to be improved - previous issues in this locality

Environmental Health

4.2 Contaminated Land; No objection but recommends a condition in relation to unsuspected contamination.

ESCC Archaeologist

4.3 No objection.

Environmental Health

4.4 No objection but recommends a condition restricting the hours of construction and an informative relating to waste management.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 None.

6. PLANNING CONSIDERATIONS

6.1 The main planning issues for consideration are whether the proposed building will respect the character and appearance of the dwelling and locality and whether the use will have an adverse impact on the living conditions of the occupants of adjoining properties.

6.2 In terms of scale and siting the proposed building is considered to be acceptable and would read as a building used for ancillary purposes to the existing dwelling. The proposed building would be the same width as the existing garage, albeit extending beyond the existing garage by 0.7m at the front and 1.5 m at the rear, an increase in floor area of 9.9 square metres. The maximum overall height of the flat roof of the existing garage is 2.8 m. The proposed eaves height is around 2.3m with a pitched roof sloping away from the road up to a ridge height of 4m. The ridge height would be the same height as the roof of the existing rear projection to the main dwelling, with which it would be seen from the street. The proposed building will not materially harm the character and appearance of the existing dwelling or the wider street scene. The proposals are not considered to represent an overdevelopment of the site.

6.3 In terms of the use, having looked at the website address given in the application details www.cryosthetics.co.uk, the business aims to "revolutionise Cryo into the beauty market by bringing new and exciting profitable treatments straight to your salon. At Cryosthetics, we are happy to help with starting up your business. As the business grows and develops we will continue to support and assist you."

6.4 Cryosthetics involves freezing/heating fat cells in stubborn fatty areas (Lipocontrast). The proposed building will be used as an office to assist the start-up of new businesses to make them operational elsewhere.

6.5 The building would be used between 09:00 and 17:00 and there will be 2 full time and 1 part time staff. This is as per the existing arrangement. The application form also states that there are currently 2 off street parking spaces and no additional car parking spaces are proposed. There is unrestricted on street parking available in the vicinity however.

6.6 It is considered that the office use would be relatively low key and that the level of comings and goings would not materially harm the living conditions of the occupants of adjoining properties. The siting of the proposed building is next to a road and the level of parking proposed and activity generated by the business is not such that a reason for refusal could be justified and defended at appeal.

6.7 It is noted that the use of the building as an office will be linked to the occupiers of the existing dwelling adjacent. However, in future, should a different business or office user, who does not also reside in the adjacent dwelling, occupy the new building, this could raise concerns in respect of the impact on residential amenity and potentially highways considerations, depending on the intensity of any such use. For this reason, and in view of the building itself being acceptable in terms of scale, design and siting, it is considered prudent to impose a condition to ensure that the building is only used for office purposes by persons who also occupy the adjoining dwelling.

6.8 Overall, it is considered that this application is acceptable and should be granted planning permission.

7. RECOMMENDATION

That permission be GRANTED.

The application is subject to the following conditions:

1. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents 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. No deliveries shall be taken at or despatched from the site outside the hours of 08:00 and 18:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenities 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.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

4. Unless otherwise approved in writing by the local planning authority, the office use of the outbuilding hereby permitted shall be carried on only by persons who occupy the existing dwelling, 5 Bramber Avenue, as their main residence, and their associated staff.

Reason: In order to manage the potential amenity and highways impacts and conflicts that may arise should the office use no longer be associated with the residential occupancy of the existing dwelling, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

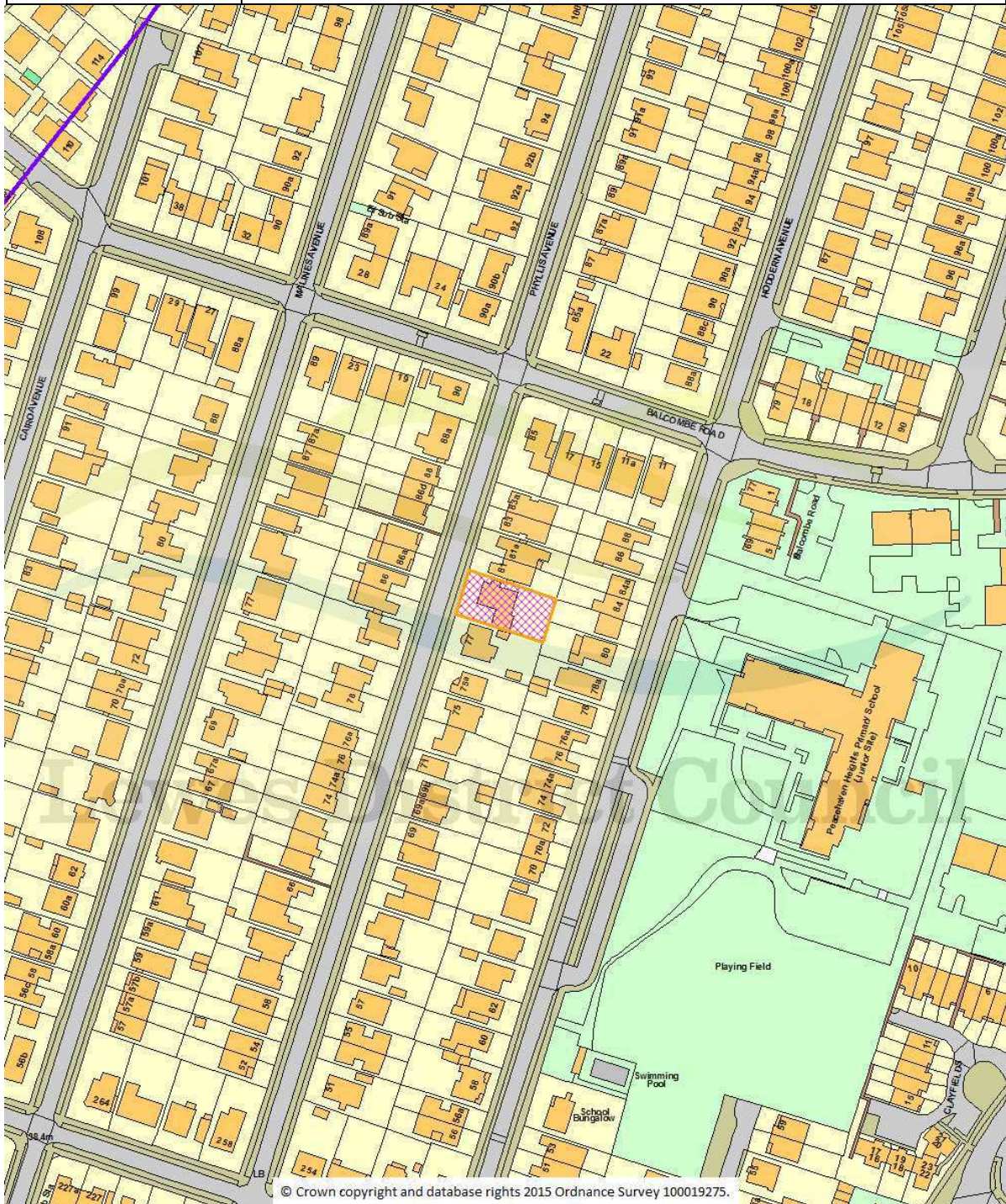
grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	2 May 2017	
Existing Floor Plan(s)	2 May 2017	001
Existing Floor Plan(s)	2 May 2017	002
Existing Elevation(s)	2 May 2017	003A
Existing Elevation(s)	2 May 2017	004
Existing Elevation(s)	2 May 2017	005
Proposed Floor Plan(s)	2 May 2017	102B
Proposed Elevation(s)	2 May 2017	103B
Proposed Elevation(s)	2 May 2017	104B
Proposed Elevation(s)	2 May 2017	105B
Location Plan	2 May 2017	1506 1:1250
Proposed Block Plan	2 May 2017	1506 1:500

APPLICATION NUMBER:	LW/17/0375	ITEM NUMBER:	10
APPLICANTS NAME(S):	Stevens & Page Services Ltd	PARISH / WARD:	Peacehaven / Peacehaven West
PROPOSAL:	Planning Application for Demolition of the existing bungalow and double garage and erection of two x 3 bedroom semi-detached bungalows with rooms in the roof		
SITE ADDRESS:	79 Phyllis Avenue Peacehaven East Sussex BN10 7RA		
GRID REF:	TQ 40 01		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow dwelling located on the eastern side of Phyllis Avenue, and to the west of Hoddern Avenue. The property has a traditional form and design with a pitched roof and tile hung gable and a flat roof double garage and driveway to one side. The property has a front garden area and a low brick wall along the front boundary.

1.2 The site is in a predominantly residential area and is close to Peacehaven Heights Primary School. The property is located within the Planning Boundary for the town, and the building is not Listed or situated in a Conservation Area.

PROPOSAL

1.3 The application seeks planning permission for the demolition of the existing bungalow and double garage and for the erection of two semi-detached bungalows, each having 3-bedrooms and accommodation within the roof space.

1.4 The overall site is 30m deep and 14.8m in width. The new dwellings will each be approximately 6.1m across and 15m in depth, with a small projection to the front elevation. The floor area of each property will be approximately 95 square metres, not including the floor areas within the roof space where the clear head height is less than 2m between floor and ceiling).

1.5 On the ground floor the new properties will comprise two bedrooms at the front, the entrance hall and bathroom on each side, and an open plan kitchen, lounge and diner at the rear. On the first floor a master bedroom and bathroom will be accommodated.

1.6 The dwellings will be set back from the street along the established building line and no farther forward than the front of the existing bungalow. Gaps of 1.1m to 1.5m will be retained between the new properties and the adjoining plots.

1.7 The form will be traditional with a pitched roof having a pitched front elevation and a half-hip roof to the rear elevation, allowing for first floor level windows.

1.8 External materials include West Hoathly facing brick and dark red Ludlow Major roof tiles, samples of which have been submitted by the applicant.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

E/60/0993 - Planning and Building Regulations applications for bungalow with double garage on plots 31-32, block 116. Building Regs approved. Completed. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health

4.1 No objection. No objection subject to conditions relating to hours of construction, dust control, unsuspected contamination, a Construction Environmental Management Plan, and informative in respect of waste management and working with asbestos.

ESCC Archaeologist

4.2 No objection. No objection subject to the imposition of the following condition:

- *No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.*
- *Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.*

4.3 The proposed development is within an Archaeological Notification Area defining an area of prehistoric and Roman activity, including significant flint knapping sites dating to the Mesolithic and Neolithic periods.

4.4 Although there is likely to have been some impact to archaeological remains on this site from the existing bungalow foundations, the proposed new building is on a slightly large footprint and requires groundwork's relating to soakway's and new parking areas in areas that are likely less disturbed.

4.5 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

Main Town Or Parish Council

- 4.6 Objection. Refusal Recommended due to:-
- Inadequate local infrastructure - including A259, surgeries, school
 - Increase air pollution on A259
 - Effect on local character - surrounding area included

- Density of layout & over development - too large for plot
- Inadequate parking
- Increase of traffic & congestion
- Exacerbate existing parking problems

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 No representations have been received from neighbours or the wider public.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

PRINCIPLE

6.2 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area a short distance from a local primary school and within walking distance of the Meridian Shopping Centre. The proposal is to replace an existing dwelling with two new dwellings and in principle this is acceptable and compliant with Spatial Policy 2 of the Joint Core Strategy, the site constituting an unidentified infill development within the existing Planning Boundary.

6.3 The plot is wider than most in the nearby vicinity and can accommodate more than a single dwelling. The proposals will provide a net increase of one residential unit on the site and this will go a small way towards helping the district meet its housing demand.

6.4 The demolition of the existing bungalow is considered acceptable in principle.

DESIGN

6.5 The new dwelling will have a traditional form and design in keeping with the character and appearance of many neighbouring properties within the local area. The eaves height and ridge line of the new development will be in keeping with the scale of neighbouring properties, and the new dwellings will be the same height as 81 Phyllis Avenue.

6.6 The development will retain a sufficient gap with the adjoining properties and will not have a cramped or incongruous appearance within the street scene.

6.7 The applicant has sought to replicate the character of neighbouring properties by including low boundary walls across the site frontage, formed by fixed planters, and areas of front garden as soft landscaping.

AMENITY

6.8 The proposals to introduce two dwellings onto this site which is currently occupied by a single dwelling will lead to some increase in levels of activity and intensification of the

use of the land. However, this is not considered to be significant in this predominantly residential area.

6.9 The new homes will broadly align with both of the neighbouring properties and due to the separation distances between the properties the additional depth beyond the rear elevations of the neighbouring properties will not lead to undue overshadowing or an overbearing impact.

6.10 On each of the side elevations to the two new dwellings there will be a kitchen window and a secondary window to the living and dining areas.

6.11 The applicant proposes a 1.8m high close-boarded timber fence along the side boundaries to the new properties and this should afford sufficient screening to prevent overlooking from the development into the neighbouring properties.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.12 Both of the new dwellings will have two off-street car parking spaces together with provision for secure cycle storage within the back gardens.

6.13 The comments received in respect of congestion and the wider impact of traffic on the A259 coast road is acknowledged. However, the increase in traffic generated by the net increase of one household on the site is not likely to have a significant material impact on the existing situation. There are alternative methods of transport available for future occupiers to use so residents will have a choice as to whether they rely solely of use of a private car or use cycling, buses or walking to local shops and facilities as alternatives.

7. RECOMMENDATION

Approval is recommended subject to conditions.

The application is subject to the following conditions:

1. The development hereby permitted shall be constructed in accordance with the West Hoathly facing brick and dark red Ludlow Major roof tile samples submitted on 28th June 2017 for external finishes and materials to the walls and roof. The development shall be carried out in accordance with the approved samples and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

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

2. The overall maximum height of the ridge to the main roof of the pair of semi-detached dwellings hereby permitted shall not exceed 840mm above the main ridge height of 77 Phyllis Avenue, or exceed the overall ridge height of 81 Phyllis Avenue, in accordance with approved drawing no. 17053/13.005A, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the appearance of the street scene, having regard to retained Policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. The boundary treatment shall be completed in accordance with the approved details shown on drawing no. 17053/10.001D prior to the first residential occupation of any of the two dwellings hereby permitted and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of either new dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development, including demolition of the existing bungalow, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors) and B, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. The dwellings hereby approved shall not be occupied until the cycle parking facilities have been provided in accordance with the approved drawing no. 17053/10.001D and the facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

Reason: In the interests of amenity and to provide for alternative methods of transport to the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy.

INFORMATIVE(S)

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

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

3. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>

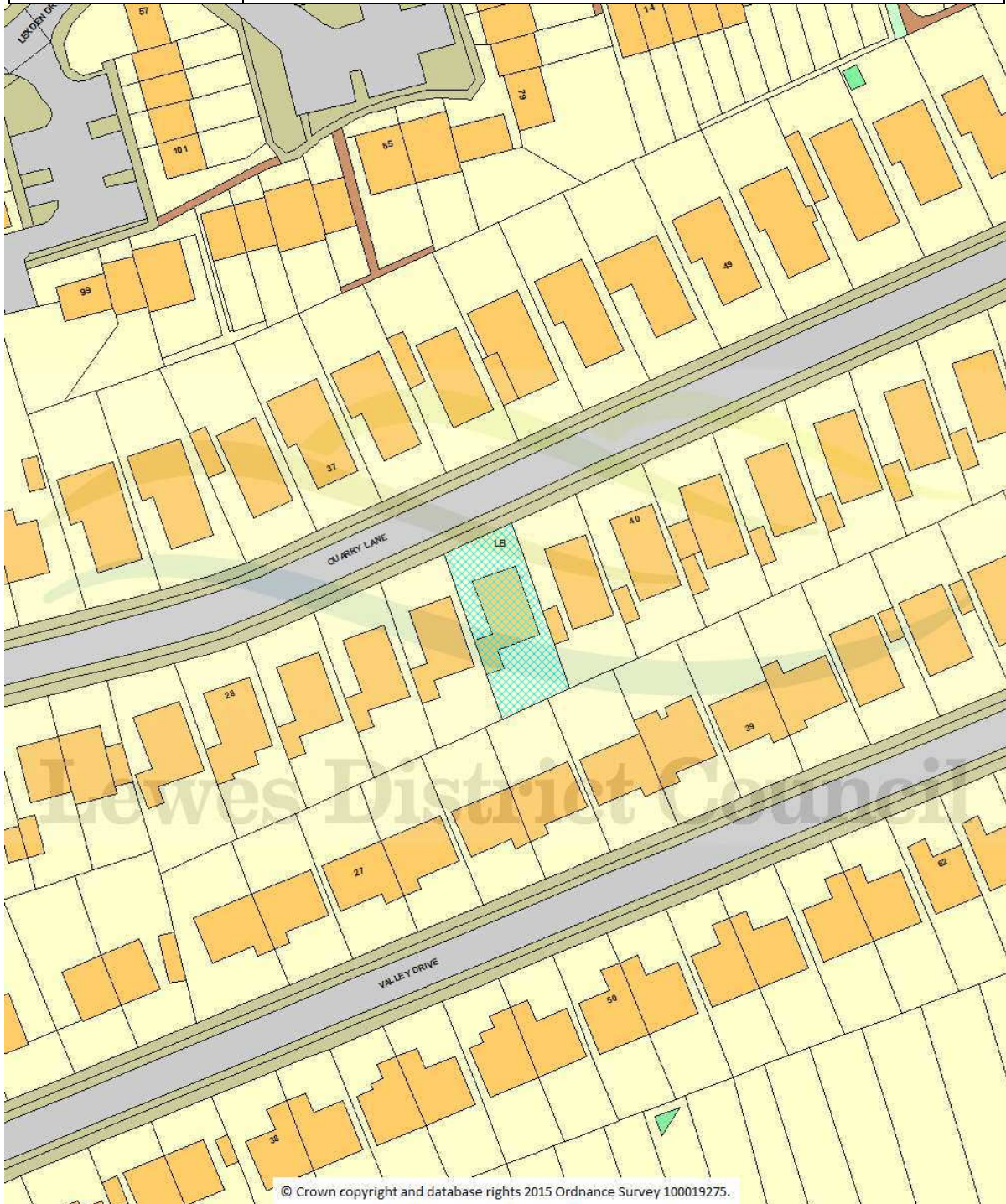
4. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction

activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Waste Minimisation Statement	4 May 2017	
Design & Access Statement	4 May 2017	
Proposed Layout Plan	28 June 2017	10.001D
Proposed Floor Plan(s)	4 May 2017	11.001C
Proposed Floor Plan(s)	4 May 2017	11.002B
Proposed Roof Plan	4 May 2017	11.003
Proposed Elevation(s)	4 May 2017	13.001A
Proposed Elevation(s)	4 May 2017	13.002
Proposed Elevation(s)	4 May 2017	13.003
Proposed Elevation(s)	4 May 2017	13.004
Street Scene	28 June 2017	13.005A
Location Plan	4 May 2017	1:1250
Proposed Block Plan	16 May 2017	1:500
Existing Block Plan	4 May 2017	1:500
Justification / Heritage Statement	4 May 2017	HER
Justification / Heritage Statement	4 May 2017	HERITAGE STATEMENT
Planning Statement/Brief	4 May 2017	PLANNING STATEMENT

APPLICATION NUMBER:	LW/17/0412	ITEM NUMBER:	11
APPLICANTS NAME(S):	Mr & Mrs F Wells	PARISH / WARD:	Seaford / Seaford North
PROPOSAL:	Planning Application for Single storey side extension to front elevation of former garage		
SITE ADDRESS:	36 Quarry Lane Seaford East Sussex BN25 3BJ		
GRID REF:	TQ 4900		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application property is a detached bungalow located in a built up residential area in the northern part of Seaford, west of the Cradle Hill Industrial Estate.

1.2 The application proposes a single storey side extension measuring 3.6m deep by 2.8m wide. The proposed extension would sit in front of an existing single storey flat roofed addition and would be set back approximately 5.6m from the front elevation of the existing bungalow. It would have a mono hipped roof and be constructed from materials to match the existing property comprising brickwork walls and a concrete tiled false pitched roof, with white uPVC fenestration. The extension would be adjacent to the boundary with 34 Quarry Lane, which is at a lower level than the application site.

1.3 The application has been called in to the Planning Applications Committee meeting by Councillor Franklin.

2. RELEVANT POLICIES

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

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

S/57/0041 - Outline application for residential development. - **Refused**

S/63/0019 - Outline application for bungalows - **Refused**

S/64/0486/4 - Planning and Building Regulations applications for further twelve bungalows and garages, plots 72-83. Building Regs approved. - **Approved**

S/64/0486 - Outline application for residential development, Lexden Road. – **Approved**

LW/17/0335 - Small flat roofed side extension to create a new shower room and entrance hall - **Application Returned**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Seaford Town Council

4.1 At the meeting of the Planning and Highways Committee last Thursday 22nd it was RESOLVED to SUPPORT the application

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Three letters of objection have been received including one from the son of the occupier at the adjoining property (No. 34 Quarry Lane) closest to the proposed extension, and an objection from Cllr Lambert. Their concerns about the extension have been summarised as follows;

- unneighbourly and will cause overshadowing and a loss of daylight and sunlight to the kitchen and hall
- overdevelopment
- overlooking/loss of privacy
- overbearing impact and an obstruction
- detract from the character and appearance of the street scene and locality

6. PLANNING CONSIDERATIONS

6.1 The main planning issues for consideration are whether the proposed extension respects the character and appearance of the bungalow, the street scene and general locality, and whether it has an adverse impact on the living conditions for the occupier of 34 Quarry Lane, which the extension would be closest to.

Character and appearance

6.2 This is a 1970s brick built detached bungalow which is set back from the southern side of Quarry Lane. The proposed extension would be substantially set back from the principle elevation of the existing bungalow fronting Quarry Lane and set down in height considerably from the ridgeline of the roof of the existing bungalow. It is therefore considered that the proposed extension would be subservient in terms of its proportions, form and bulk when considered with the scale of the existing dwelling. In this respect, the proposed extension would respect the character and appearance of the existing bungalow. It is not considered to constitute an overdevelopment of the site.

6.3 There are other examples of extensions to properties in Quarry Lane, and also to the side. No. 42, which is three properties to the east of the application bungalow, has a very similar extension, albeit larger, to that proposed on the application site. Given that the extension would be set back from the principle elevation of the existing bungalow, it is considered that it would not be incongruous in the street scene and would not be materially harmful to the character and appearance of the vicinity.

Living Conditions

6.4 A letter of objection has been received from the son of the occupant at No. 34 Quarry Lane which is the bungalow adjoining the application site to the west. The ground levels slope downhill from east to west with No. 34 at a lower level. The concerns expressed in relation to the proposed extension, are 1) overbearing impact due to proximity, height and building mass; 2) overshadowing and reduction of daylight and sunlight; 3) overlooking and loss of privacy

6.5 Overbearing / Obstruction - The levels at the adjoining bungalow to the west are lower than the application site and the proposed extension would be built up to the boundary shared with No. 34. It would be flush with the side elevation of the existing single storey projection. There is a boundary screen wall between the properties constructed from 'leaf' blocks which is not solid and is designed to provide a degree of privacy but allows sunlight to permeate through.

6.6 A solid boundary wall or fence could be erected up to 2m high without the need for planning permission. The proposed extension would be about 2.6m high.

6.7 No. 34 and the application bungalow are roughly on the same building line and the proposed extension would be set back around 6m from the front elevation of No.34. The depth of the extension is 3.6m. It is not considered that this extension would be materially harmful by reason of having an overbearing impact, in terms of it appearing oppressive from the outlook when viewed by the occupier of the adjoining property.

6.8 It is considered that the proposed extension would not represent an obstruction. It will not physically encroach or act as a barrier/obstacle for the occupant of the adjoining property.

6.9 In terms of overshadowing, the issue is about the potential loss of daylight and sunlight to a kitchen and hall areas. The proposed extension would be on the western side of the application property. With the sun rising in the east and the extension being subservient in terms of its scale, and having regard to the existing dwelling, it is considered that the overshadowing and loss of daylight/sunlight caused by the extension would not be materially harmful to the living conditions for the occupier of the neighbouring property.

6.10 In addition, the kitchen and hall areas, although well used, are not usually regarded as habitable spaces (worthy of the same level of protection as a lounge, for example). The kitchen window in the eastern side of No.34 is also a secondary window to the kitchen which has a dual aspect. There is a glazed conservatory on the rear which allows daylight/sunlight into this room via the rear of the property. A reason for refusal on these grounds would therefore be difficult to defend on appeal if the Council were to refuse the application on this basis.

6.11 The proposed extension has no windows facing no.34 and as such there would be no overlooking or loss of privacy to the occupier of no.34. In fact, it could be that the proposed extension would improve privacy because it would be built in front of the existing door to the application property.

6.12 Overall, it is considered that the proposed extension is acceptable and complies with all relevant planning policies. As such, the application has been recommended for approval.

7. RECOMMENDATION

That permission be GRANTED.

The application is subject to the following conditions:

1. The development hereby approved shall be finished in external materials and finishes to match those used in the walls and roof of the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. No windows, doors or other openings shall be constructed on the westerly flank elevation of the extension hereby approved, which is adjacent to the boundary of the site with neighbouring 34 Quarry Lane, unless otherwise approved in writing by the local planning authority in an application on that behalf.

Reason: To protect the privacy and residential amenity of the neighbouring occupiers of 34 Quarry Lane, and having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. 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.

2. 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>

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	15 May 2017	
Location Plan	15 May 2017	16-737-05
Existing Block Plan	15 May 2017	16-737-05
Existing Elevation(s)	15 May 2017	16-737-05
Proposed Elevation(s)	15 May 2017	16-737-06A
Proposed Floor Plan(s)	15 May 2017	16-737-09A

Report to **Planning Committee**
Date **19 July 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/02217/FUL**
Applicant **Mr & Mrs L Vaisey**
Application **Proposed demolition of existing agricultural building, surrender of open storage yard (B8 use) and construction of holiday let units**
Address **Unit 1
Wootton Farm
Novington Lane
East Chiltington
East Sussex
BN7 3AU**

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

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

I Site Description

I.1 Wootton Farm lies on the eastern side of Novington Lane. It is accessed via a long shared private driveway along which runs a public right of way - East Chiltington 45a and 45b. The building the subject of this application fronts this public right of way and lies within a small complex of former farm buildings. It is a fairly standard Atcost style barn with a corrugated roof and timber/corrugated walls.

I.2 To the west of the building, on the other side of a large concrete apron, is a large tithe barn consent for which has been granted for residential conversion. Further to the west, the other side of this barn, is Wootton Farmhouse. To the rear (north) of the application site is another large barn that has consent for use as a livery. In between the livery and the application site is a much smaller building that has consent for use as a commercial kitchen. This building has recently been extended and adjoins a small workshop/store that also forms part of the application site. Adjacent this workshop is a small open yard currently being used as a scaffold store. To the east of the application site is another public right of way (East Chiltington 34b) that runs past the application site in a north/south direction.

I.3 To the south east of the application site on the other side of the access drive is a residential dwelling, The Grange, and further to the east, also accessed via the shared drive are two more dwellings, Whitehouse Farm and White House.

2 Proposal

2.1 Planning permission is sought for the demolition of the existing barn and its replacement with holiday let units, contained within a single building.

2.2 The proposed building would have a U-shaped footprint measuring some 17.8 metres in width by 21 metres in length. The main "wing" would have a depth of some 7 metres with the two "arms" both measuring 6 metres in depth. The entire structure would be two storeys with the second floor accommodation contained within the roof space giving the building a maximum height of 6.4 metres. The first floor accommodation would be served by either rooflights or north and south facing gable end windows.

2.3 It is proposed that the accommodation would be arranged as one two bedroom unit in the main "wing" with two self contained single bedroom units in the southern wing and three ensuite bedrooms contained within the northern "wing" that can be booked in conjunction with the main wing. They could also potentially be let as additional bed and breakfast accommodation (the main Wootton Farmhouse is used for bed and breakfast accommodation).

2.4 The building would sit on a similar footprint as the existing building with 5 parking spaces provided at the rear, where the existing scaffold yard is located, and a further two parking spaces available at the front.

3 Relevant Planning History

The following applications are directly related to the application site:

LW/98/1646 - Section 73A Retrospective application for the continued change of use from redundant farm buildings & yard to storage of garden contractors equipment & materials - Approved

LW/00/1886 - Change of use of former farm buildings to B1 and B8 use - Withdrawn

LW/01/1027 - Change of use of farm buildings at Wootton Farm to B1 and B8 use. Removal of conditions two & three of LW/98/1646 to allow B8 use in building one of Birchington Farm and open storage at Wootton Farm - Approved

LW/02/0789 - Amendment to condition 4 of planning consent LW/01/1027 to read 'The total number of vehicle movements associated with the caravan storage will be restricted to 18 movements associated with each caravan (caravans and associated car movements) per calendar year. A record of all vehicles movements including the date and time of movements, caravan owner and vehicle registration shall be maintained and made available for inspection by the Local Planning Authority on 24 hours notice' - Refused

SDNP/16/02212/FUL - Demolition of existing agricultural building and surrender of open storage yard (B8 Use) and erection of 4 holiday let units - Withdrawn

Whilst the following applications do not directly relate to the application site they do relate to the surrounding buildings and therefore are of interest in the determination of this application:

LW/03/2484 - Conversion of tithe barn to residential dwelling, and change of use to outbuildings to ancillary residential use - Approved

LW/04/2438 - Section 73A Retrospective application for continued use of buildings as equestrian stables - Approved

LW/05/2033 - Change of use from B1 (carpenters workshop) to B2 (preparation of food) - Approved

LW/06/1279 - Conversion of tithe barn to residential dwelling (amendment to planning permission LW/03/2484 to include a dining room extension) - Approved

LW/08/1284 - Change of use of redundant agricultural building and silage pit to livery and menage - Withdrawn

LW/09/0593 - Change of use of redundant agricultural building and silage pit to full equestrian livery and menage and improvements to access to Novington Lane - Approved

LW/10/0242 - Vary planning condition nine attached to LW/06/1279 to remove requirement for speed humps on access - Approved

LW/12/0178/NP - Section 73A Retrospective application for the temporary siting of mobile home (12 months) for residential use during construction work of the barn and by the manager of the livery - Approved

SDNP/13/00927/FUL - Section 73A Retrospective application for the temporary siting of mobile home (12 months) for residential use during construction work of the barn and by the manager of the livery (resubmission of planning approval LW/12/0178/NP) - Approved

SDNP/14/02034/FUL - Section 73A Retrospective application for the retention of a mobile home for use during construction work on barn conversion - Approved

SDNP/14/03576/FUL - Extension to existing commercial kitchen to provide toilet accommodation, dry food store and clients reception and demonstration area - Approved

SDNP/15/03923/FUL - Section 73A Retrospective application for the temporary siting of mobile home for residential use during construction work on barn and by the manager of the livery (resubmission of planning approval SDNP/14/02034/FUL) - Approved

SDNP/16/05184/FUL - Section 73A Retrospective application for siting of mobile home for residential use by the livery manager - Refused

SDNP/17/01757/FUL - Section 73a retrospective application for change of use of equestrian stables to commercial food preparation kitchen and associated dry food store - Approved

4 Consultations

Parish Council Consultee – East Chiltington Parish Council

4.1 A meeting of the Planning and Environment Committee (PEC) of East Chiltington Parish Council was held on Tuesday 6th June at East Chiltington Church in order to consider this application. The committee comprised Cllr Symes (chair), Cllrs Harrison, Smith and Nurse. Cllr Funnell took the minutes. In commenting on this application, East Chiltington Parish Council has taken into account:

1. The full application and supporting documents.
2. A site visit undertaken by the PEC on 24th May, attended by the applicants.
3. Letters of objection from residents and Mr and Mrs Vaisey's statements, which directly address the objections.
4. Conversations with the LDC planning officer and ESCC Highways officer.

4.2 Our response focuses on:

- a. The traffic and road safety implications
- b. The redundancy of the barn
- c. The size, design, and position of the proposed development
- d. The impact on local amenity

4.3 We conclude with our views on its overall consistency with current planning policy.

Traffic

4.4 The issue of increased traffic on Wootton Farm drive and southbound on Novington Lane, has been raised by most objectors. ESCC Highways has suggested to us that a calculation of 20 movements per day for the development would be appropriate. However as this would be at fully occupancy, which is unlikely, the figures suggested in the application of 8 movements per day are broadly correct and the PEC does not object on these grounds.

4.5 We note that there are concerns that the 10 mph speed limit on Wootton Farm drive is not currently adhered to and the possibility of road humps should be explored further.

Redundancy of the barn

4.6 Some objectors stress that the barn is not redundant. The PEC has been advised by the applicants that there will be no requirement of additional storage at Wootton Farm when this storage facility is removed.

Size, design and position

4.7 We note that the revised design is an improvement on the previous submission in that the roof has been considerably lowered. Nonetheless, the overall number of units and bedrooms has not been reduced. We are also concerned that the new layout will lend itself to large gatherings of people (see below). Although the proposed built footprint is less than that of the current barn it would replace, the overall area covered is considerably more. We consider that the revised design is still too large for the site and will be in very close proximity to the tithe barn.

4.8 We are concerned that the large south facing windows will overlook the neighbouring property and result in loss of privacy for that property.

Impact on local amenity

4.9 The proposal is for a group of holiday lets that will lend themselves to 'large family and friendship get-togethers, celebrations and house parties'. The wedding business that currently operates at Wootton (and which several objectors link to the current proposal) operates with a curfew and is restricted to a limited number of days in the year. As there are no such restrictions on the current proposal, there is an understandable and reasonable concern that this proposed development will result in unacceptable noise, especially for immediate neighbours.

Consistency with planning policy

4.10 The development of holiday lets is consistent with planning policy, particularly the SDNP/LDC joint core strategy, core policies 4 and 5. We consider that there is potential for a small development at Wootton that could enhance the local economy and contribute to the wider aims of the SDNP. However, the current proposal contravenes Policy ST3 of the LDC local plan, which requires that:

1. Development should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area more generally;
2. Materials should be of a quality, type, colour and design which is appropriate to the character of the local area;
3. Development should respect the amenities of adjoining properties in terms of noise, privacy, natural daylight and visual amenities and smell;
4. Development should not result in detriment to the character of the amenities of the area through increased traffic levels, congestion or hazards, noise levels and other environmental considerations;

4.11 We note and are sympathetic to the fact that a great number of objectors are concerned about the possibility that this proposal could contribute to the loss of tranquillity already experienced as a result of the existing wedding business. On balance, we consider that the present size and design of the proposal could lead to loss of privacy, noise and light pollution and therefore object for these reasons.

LE - Environmental Health

4.12 There is no reason to believe that this development would result in a nuisance to other residents, except for during the site clearance and construction stages. I recommend two conditions which would help protect neighbouring residents from impacts associated with the construction of this proposed building. I request that an advisory comment is attached to any permission in respect of waste management. See file for recommended conditions.

Contaminated Land

4.13 I have no objection in principle to the development. However, the site in question is currently an agricultural building and has a proposed residential end use (holiday cottage). Agricultural buildings may have been subject to potentially contaminative uses over time such as storage of agricultural machinery, vehicles, fuels and agri-chemicals. Associated machinery and vehicle maintenance activities may have also been carried on-site. Conditions recommended (see file).

ESCC - County Archaeologist

4.14 Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

ESCC - Highways

4.15 It is noted that the access road serving the site currently serves a number of dwellings, full equestrian livery and, commercial unit. It is understood that the remaining surrounding agricultural land is farmed by other nearby farms. It is difficult to assess the number of trips associated with the existing use as existing workshop and storage yard (B8 use); however, the proposed holiday lets are unlikely to result in a significant increase in trips to and from the site. In addition the loss of this agricultural use onsite will reduce the level of agricultural vehicles to the site. It is noted that a previous visibility condition on an earlier consent ensuring splays at the junction of Novington Lane of 47m to the North and 55m to the South. During a site visit it was noted that these splays do not appear to be maintained and as such impacts on visibility.

4.16 The access as existing is of suitable width to allow two vehicles to pass clear of the highway. Although it is not a requirement, it is recommended that any internal passing bays within the access road are maintained to ensure that vehicles have adequate room to pass. Novington Lane leading to the site is narrow in places and as a result vehicles meeting head on may have difficulty passing without reversing to a wider section of carriageway; however, the level of traffic generated by the holiday let is unlikely to be perceptible and therefore impact on this road does not give rise to highway safety concern. Having checked the Sussex Police accident database no accidents have been reported along Novington Lane for the last 3 years and therefore it would appear to operate safely. Although there are limited facilities available in the immediate vicinity; the recreation use of the site and proximity to a number of public footpaths will reduce the level of vehicular trips.

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4.17 It is noted the indicative block plan and location plan are slightly different. Ideally the red site boundary should be indicated on the block plan to ensure that parking spaces 1-5 can be accessed.

4.18 No objections subject to conditions.

5 Representations

21 letters of objection raising the following concerns:

- Overdevelopment
- Surrounding roads and access drive unsuitable to combined use of site for residential and commercial purposes, this will exacerbate the situation
- Will result in further building to replace existing barn, existing barn is not redundant - is used to store hay and farm machinery
- Insufficient parking
- Unnecessarily/excessively large accommodation - could result in future subdivision of accommodation.
- Size and design is out of keeping
- Will alter the character of this sensitive rural site
- Will cause noise and disturbance
- Traffic estimate is unreasonably low.
- Loss of privacy to neighbouring properties
- Application does not provide accommodation for the livery manager
- Development creep over the past 10 years
- Large glazed openings will impact the dark area
- Overly domesticates the site
- Will double the population in the area.
- Negligible public transport in East Chiltington therefore high dependency on private car.
- Will exacerbate poor water supply and poor state of the track

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 Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Building a strong, competitive economy
- NPPF - Supporting a prosperous rural economy
- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

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

- CP5 - The Visitor Economy
- CP11 - Built and Historic Environment and Design
- CP10 - Natural Environment and Landscape

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- CT1 - Planning Boundary and Key Countryside
- ST3 - Design, Form and Setting of Development

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1
- General Policy 3
- Farming Policy 13
- Visitor and Tourism Policy 43
- General Policy 50

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:

- General Policy 1
- General Policy 3
- Farming Policy 13
- Visitor and Tourism Policy 43
- General Policy 50

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

Principle of development:

8.1 The application site falls outside of any planning boundary as defined by the Lewes District Local Plan where generally policies are restrictive towards new development i.e. policy CT1 of the Local Plan. However as this proposal seeks the provision of holiday let accommodation, there is some policy acceptance to the principle of such development in the form of Core Policy 5 of the recently adopted Joint Core Strategy. This policy provides "*support for the high quality provision of new, and the upgrading/enhancement of existing sustainable, visitor attractions; a wide range of accommodation types; encouraging emerging and innovative visitor facilities and accommodation offers; and giving flexibility to adjust to changing market trends.*"

8.2 The SDNP Local Plan Preferred Options document September 2015 is an emerging development plan of limited weight as a material consideration. Among its policies SD27 supports the rural economy and in particular SD20 supports sustainable tourism, subject to landscape, environmental and amenity impact considerations. However, it also refers to other matters more explicitly including: appropriateness of scale, tourism need, sustainable access and connection to the wider countryside pathways, the control of tourism uses and viability.

8.3 The site is considered to be fairly well connected to the local footpath and bridleway network and redevelopment of the site for tourism uses could therefore be seen to accord with the second purposes of the National Park, especially the promotion of opportunities for understanding and enjoyment of the special qualities of the Park by the public.

8.4 On this basis it is considered that the principle of the redevelopment of this site for holiday lets would be acceptable in planning terms and the main issues that need further consideration are in relation to design and layout, highways, and neighbour amenity.

Design and Layout

8.5 As set out above the existing building is a fairly average Atcost style barn with a rectangular footprint measuring some 15.2 metres by 18.4 metres. It has a relatively shallow roof with a maximum ridge height of some 5.6 metres.

8.6 As set out above, the proposed replacement building would have a U-shaped footprint measuring 17.8 metres in length by 21 metres at its maximum extremities. It would be a timber clad building set under a natural slate roof. The main north-south ridge would have a maximum height of some 6.4 metres, with the pitch over the two projecting "wings" being slightly lower at 6 metres.

8.7 The U-shaped footprint of the proposed building gives it a substantially smaller footprint than the existing barn (some 40%), however there will be a modest increase in overall height. Whereas the existing barn presents a full gable to the front southern aspect, the proposed building would have a slightly narrower gable, albeit taller, with the large extent of roof sloping away from the adjacent rights of way.

8.8 A number of comments have been made in relation to this application, referring to the overall scale of the structure and its accommodation being unnecessarily large. The accommodation proposed is generous and arguably overly so, bearing in mind this is a new build construction for holiday let purposes only. However as noted above the proposed footprint of the building is substantially less than the existing building, therefore if no demonstrable harm arises from the provision of accommodation on this scale, an objection on grounds of scale alone would be unsustainable.

8.9 As set out above the proposed building would sit within an existing collection of buildings and it is considered reflective of the character of these existing buildings, both in terms of its scale and design. The new building is not considered to overly dominate any of the existing structures and will sit comfortably within this enclave of buildings. From long distance views the impact on the wider landscape will be comparable to the existing despite the slight increase to overall height. Furthermore the superior design and improvements to on-site landscaping are considered to be benefits of this proposal.

8.10 For these reasons whilst it is accepted that the proposed building is slightly taller than the existing structure, its design is considered to be an improvement and overall will represent an improvement to the character and appearance of the site. In terms of wider impact, the building will be seen as part of the existing collections of buildings at the site and will not have a significant impact on the character and appearance of the wider landscape. On this basis the application is deemed to comply with the requirements of Policy ST3 of the Lewes District Local Plan and Policies CPI0 and CPI1 of the Joint Core Strategy.

Highways

8.11 A number of the objections in relation to this application are in relation to the poor access to the site. The access drive that serves Wootton Farm is a long narrow largely single width drive shared between the farm and its associated commercial activities, and a small number of residential properties. Previous planning permissions granted at the farm have secured passing places along this driveway however objectors to this application suggest that additional traffic as a result of the holiday units will be unacceptable. Whilst these concerns are noted, it would be extremely difficult to defend a reason based on increased traffic movements when lawful commercial and agricultural uses would be extinguished as a result of the change of use. The lawful use of the barn for agricultural purposes, if it were to revert to such a use, could attract a significant number of vehicles movements, many more than would likely be associated with the proposed holiday lets.

8.12 Another concern noted by a number of the objectors to this proposal relates to the occasional use of Wootton Farm for weddings and other similar celebrations. This naturally attracts a high volume of traffic to the site and there is a concern that this in combination with the traffic associated with the holiday lets will lead to additional highway safety concerns. As set out above the use of the farm for the holding of weddings is currently taking place under the applicants permitted development rights, meaning that planning permission is not required, provided that the events take place for no more than 28 days in any calendar year. Clearly these events are more than likely to take place at the weekends, and this is more than likely to correspond with higher occupancy rates in the holiday homes. However, as set out above vehicle movements in relation to the holiday lets is not expected to be particularly high and is likely to be notably less than the existing lawful use of the site.

8.13 Owing to the level of concern in respect of highway safety raised by interested parties, the Highways Authority were asked to comment on the application proposals. As can be seen from their comments above no objections are raised.

8.14 Whilst it is accepted that the proposed use would result in a high dependency on the private car, the site also has excellent access to public rights of ways, which is likely to be attractive to some holiday makers wishing to visit the National Park.

8.15 For these reasons it is considered that the proposed use of the site for holiday accommodation is acceptable in highway terms.

Neighbour Amenities

8.16 Objections have been received from the occupiers of The Grange concerned that the proposed change of use will affect their amenity as a result of loss of privacy and noise disturbance, especially if the holiday lets are occupied in association with the applicant's use of their land for wedding events. As noted above The Grange lies to the south east of the application site. The actual dwelling would be located more than 30 metres away from the proposed building. Whilst there are a number of openings proposed in both the front and side elevations, at this distance and with the buildings off set from one another it is unlikely that any significant loss of privacy would be experienced.

8.17 With regard to noise disturbance (a matter raised by all of the objectors), again whilst these concerns are noted, it is considered that it would be difficult to substantiate this as a reason to refuse consent. Many of the objectors are concerned that occupation of the holiday lets by wedding party guests could result in continued "partying" after formal proceedings. Whilst it is likely that the accommodation would be rented by guests attending events held at the farm and it would not be possible to prevent such occupation, it is not a given that such occupation would result in significant noise and disturbance. Whereas the wedding events take place in temporary marquees in which it is difficult to contain noise, this will be a solid structure, and therefore even if celebrations were to continue after event curfews, any noise will be much better contained. With the applicants also on site to manage holiday makers/tenants it is unlikely that noise from the units will be an issue. Certainly the Environmental Health Officer who have considered the proposals and are aware of the overall use of the site (including the temporary wedding events) has raised no objections to the proposals.

9 Conclusion

9.1 The proposal would replace an existing building with a new structure of similar scale, which is considered to be sympathetically designed to suit this rural location. Whilst it is acknowledged that the new building is slightly larger than the existing building it is considered that the wider landscape impact is likely to be largely unchanged, and therefore the proposal will conserve the natural beauty of the wider landscape in accordance with the first purpose of the National Park.

9.2 Impact on the local highway network is deemed to be acceptable bearing in mind the relatively small scale of development proposed and the existing uses to be extinguished at the

site. Similarly it is not considered that significant harm will be caused to the living conditions of neighbouring occupiers as a result of noise, disturbance or loss of privacy.

9.3 The proposal will introduce a small number of holiday homes to the National Park increasing choice and availability of accommodation, which in turn will help promote opportunities for the public understanding and enjoyment of the special qualities of their areas in accordance with the second purpose of the National Park.

9.4 Whilst the comments and concerns of the local residents are noted and have been taken into consideration, they are noted deemed to amount to sustainable reasons to refuse consent.

9.5 Overall the application proposals are considered to comply with the relevant criteria of Policies ST3 of the Local Plan, and Policies CP5, CP10 and CP11 of the Joint Core Strategy and can therefore be supported.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. 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. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality 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

4. None of the holiday lets hereby approved shall be occupied unless and until vehicle parking and bicycle parking spaces have been laid out within the site in accordance with the approved Site Plan (15.12.02.305 dated 28th April 2017) and these spaces shall be made permanently available for that use.

Reason: To secure satisfactory standards of access for the proposed development having regard to Policy ST3 of the Lewes District Local Plan.

5. The holiday units hereby permitted shall be used for short term holiday accommodation only and for no other purpose (including any purposes in Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order.

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Reason: Permission is only granted on the basis that the use is for holiday accommodation 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.

6. The owners or operators of the holiday units hereby approved shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times, to the Local Planning Authority.

Reason: To ensure that the premises are not used as a residential 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.

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C. The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

8. 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.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

10. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times.

Reasons: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

11. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality

12. No external lighting shall be erected at the site unless and until details have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be erected in accordance with the approved details.

Reason: In the interest of local biodiversity having regard to National Policy Guidance contained in the National Planning Policy Framework 2012.

13. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any of the holiday units hereby approved or in accordance with a programme to be approved in writing by the Local Planning Authority.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 47m to the North and 2.4m by 55 metres to the South have been provided at the site vehicular access onto Novington Lane in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

11. **Crime and Disorder Implications** Page 59 of 78

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

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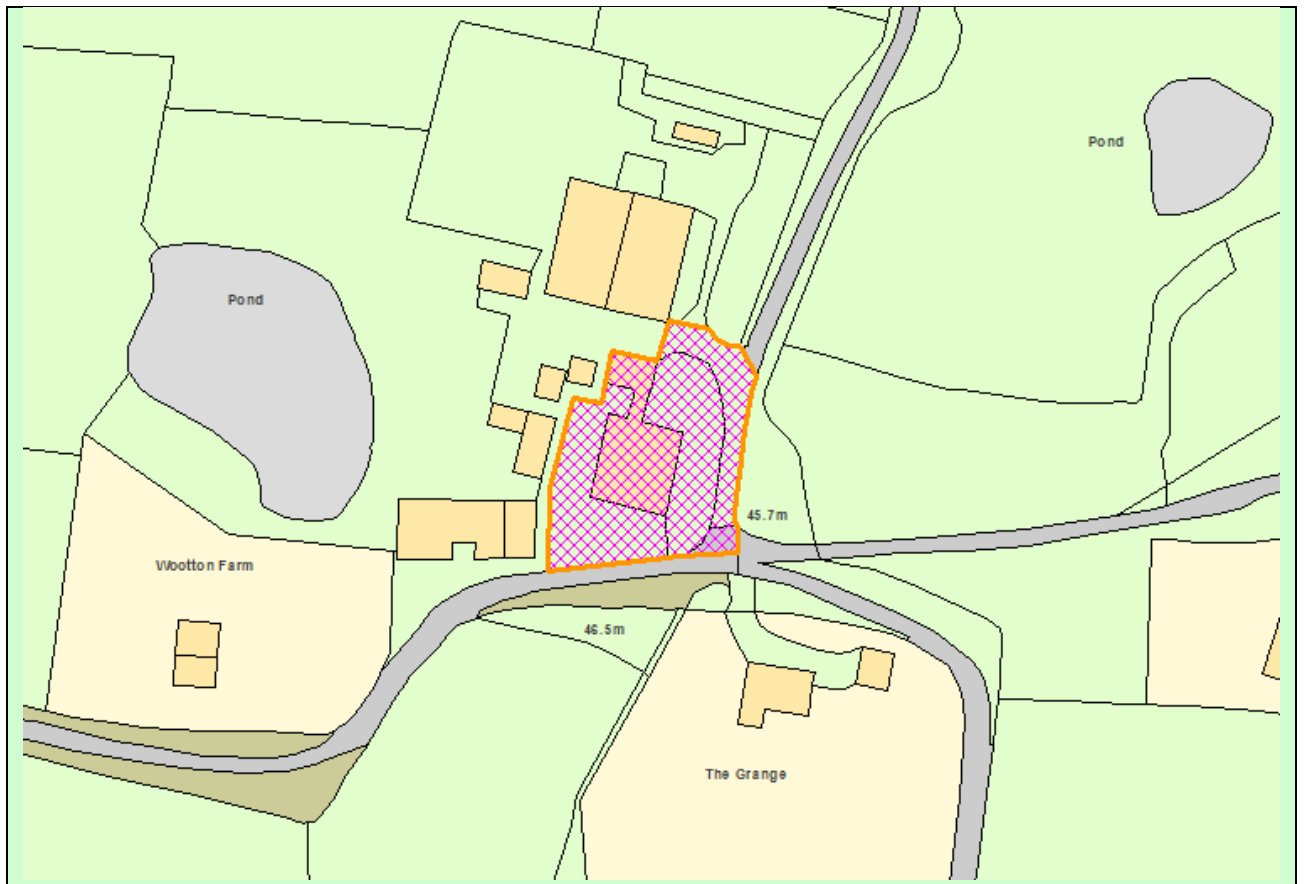
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - location plan	001		28.04.2017	Approved
Plans - layout plan	305		28.04.2017	Approved
Plans - existing floor plan	020		28.04.2017	Approved
Plans - existing elevations	021		28.04.2017	Approved
Plans - proposed ground floor plan	300		28.04.2017	Approved
Plans - proposed first floor plan	301		28.04.2017	Approved
Plans - proposed elevations	302		28.04.2017	Approved
Plans - proposed elevations	303		28.04.2017	Approved
Plans - proposed elevations	304		28.04.2017	Approved
Plans - proposed/existing east site elevations	306		28.04.2017	Approved
Plans - proposed/existing south site elevations	307		28.04.2017	Approved
Plans - indicative east site elevations	308		28.04.2017	Approved
Plans - location plan	ESHER plan		28.04.2017	Approved
Application Documents - design & access statement	Design _ access statement		28.04.2017	Approved
Application Documents - HER report for a heritage statement	HER report		28.04.2017	Approved
Application Documents - landscape and visual impact appraisal	Landscape & visual impact appraisal		28.04.2017	Approved
Application Documents - planning statement	Planning statement		28.04.2017	Approved

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

Report to **Planning Committee**
Date **19.07.2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/02606/FUL**
Applicant **Greyfriars Court**
Application **Replacement of timber casement and louvre windows with UPVC double glazed units**
Address **Greyfriars Court
Court Road
Lewes
BN7 2RF**

Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.

Executive Summary

1 Site Description

1.1 The application property is a detached building located on the east side of Court Road. The property is directly adjacent to the Lewes Conservation Area.

2 Proposal

2.1 The proposal is for the replacement of timber casement windows with PVC-U double glazed units.

3 Relevant Planning History

SDNP/17/00040/FUL Replacement of timber windows with PVC-U double glazed units Refused

SDNP/16/05901/FUL Removal of existing slate hanging above entrances and walkways and replacement with cement based slate effect boarding Refused

4 Consultations

Lewes Town Council

4.1 The Chairman and Vice-Chairman of the Greyfriars' leaseholders company presented their case for replacing the windows and selecting their preferred design in PVCu. They submitted that the existing timber frames were failing, and that the proposed steel-reinforced

slim-line plastic replacements offered several advantages. Unlike older technologies, they would be less 'bulky' visually and structural sections were of comparable dimensions to the existing timber. Residents had chosen to avoid multiple transoms and fanlights and this would help maintain an 'uncluttered' look to the building and admit maximum daylight. Modern improvements in plastics technology meant that the chosen white units would not yellow with age and it was believed that the quality of the design would enhance the appearance of the building. There were obvious benefits to residents from thermal efficiency and reduced maintenance costs. Several buildings in the area had been similarly re-equipped in recent years and an appraisal of these supported these arguments. It was submitted that the building was not in the conservation area; displayed no particular architectural merit, and was only partially visible when viewed from the direction of the town centre.

4.2 Members acknowledged the merit of these submissions and SUPPORT the application.

LE - Design and Conservation Officer

4.3 Greyfriars Court is a retirement development constructed in the 1990s to loosely reflect the nearby wharf buildings found along the River Ouse. It is adjacent to a number of listed buildings on Railway Lane and the Lewes Conservation Area. The boundary of the Lewes Conservation Area is located immediately to the north and east of Greyfriars Court.

4.4 The National Planning Policy Framework requires local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. The following report will consider the site and its context to determine the proposals impact.

4.5 While the horizontal scale and massing of Greyfriars Court is arguably overly large in comparison with neighbouring buildings, its impact is slightly mitigated through the use of setbacks in elevations, varying roof forms and materials and detailing that reference its historic context. Notably this includes the use of a local brick, slate and timber windows. Because of the buildings somewhat awkward relationship with its context it is considered any change to the elevations needs to be carefully considered to avoid exacerbating its existing somewhat incongruous appearance.

4.6 Concerning the context of the site, Greyfriars Court forms the south side of Friars' Walk Car Park. Also surrounding this car park is a recently constructed Premier Inn hotel which is designed to reflect the character of the Georgian terraces along Friars' Walk to the west. To its east is Railway Lane along which sit a number of historic wharf buildings and sympathetically designed modern buildings. Many of the historic buildings along here are either listed buildings or identified within the Lewes Conservation Area Character Appraisal as making a positive contribution to the character and appearance of the conservation area. To the north of the Friars' Walk Car Park are the rear elevations of mainly modern development along Lewes High Street.

4.7 While this area is not the most attractive part of the Lewes Conservation Area improvements have been made to it through the introduction of sympathetic modern development, i.e. the Premier Inn and the currently under construction Falcon Wharf development and through the upgrading of exiting historic buildings, including the cladding and alterations to Viper's Wharf, the repointing work and cladding to Pannetts Building and the repairs and repainting to the Riverside centre. These enhancements have all gradually and in a piecemeal way benefited this part of the Lewes Conservation Area. It is therefore important changes to the elevational details of Greyfriars Court are carefully considered so the character and appearance of the neighbouring heritage assets are similarly sustained or enhanced.

4.8 The proposal is to change all the windows from timber to upvc. It should be noted the Lewes Conservation Area Appraisal identifies upvc as modern material that does not reflect the vernacular character of the conservation area. Concerns over upvc relate to its appearance and detailing, it having a chunkier appearance and reflective surface quality that appears incongruous within a historic setting. It is considered in this instance due to the sensitivity of its context where slim profile detailing can be found on both historic and modern buildings, its use is not

appropriate as it would harm the setting of the neighbouring heritage assets. This is a particularly important issue on the northwest and northeast elevations which are more prominent within the conservation area and the most notable building to be impacted upon by the proposal, the grade II listed Stricklands Warehouse.

4.9 As proposed the application is unacceptable and better quality materials and detailing that reflect the character and appearance of the surrounding historic and modern buildings.

5 Representations

5.1 **Friends of Lewes (the Lewes Civic Society)** welcome the change to the proposed window design from that of the previous application SDNP/17/00040/FUL, which included horizontal transoms that it objected to. The Society has no objection to the new design proposed. However, it maintains its objection to the use of 70mm profile uPVC sections which are thicker than those of the existing timber. The Society does not agree with the statement in the Design and Access Statement that "The frames are less bulky than the existing timber windows; therefore there will not be any visual impact from an increase in the size of the frames." The Society considers the thicker uPVC styles and rails of the opening casements will result in a visual impact that is detrimental to the local townscape. Greyfriars Court faces buildings in Railway Lane that are either historic or of high quality modern design that use slim profile metal windows. Future housing development at Court Road Car Park, opposite, that has permission under SDNP/16/01618/FUL will also have metal windows. uPVC windows are therefore considered inappropriate in the context of the building's setting and contrary to Policy 11 of the adopted Lewes District Plan Joint Core Strategy, which seeks to ensure that the design of development responds sympathetically to the site and its local context.

5.2 **Lewes Conservation Area Advisory Group** comments that the Group takes issue with the Applicant when stating a) that the proposed windows have a reduced profile and b) that the building is not in the CA. While the latter is factually correct. This large building does impact upon the CA. It fronts onto an important open space, along with other buildings which have been correctly fenestrated. Group offers the suggestion that window replacement could be made of powder coated metal. Recommend: Objection

5.3 Twenty six letters received in support of the proposal commenting that "all other buildings in Court Road have UPVC" and economically it is better have UPVC windows.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

NPPF - Requiring good design.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

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

- CP11 - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

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

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 application property is a detached building located on the east side of Court Road. The property is adjacent but not within the Lewes Conservation Area. The building also impacts upon the adjacent grade II Stricklands Warehouse to the east and the local nature reserve Lewes Railway Land to the south. The proposal is for the replacement of timber windows with PVC-U double glazed units.

8.2 A previous application (SDNP/17/00040/FUL) for the replacement of the timber windows with UPVC windows of a slightly different design was refused and the application is currently the subject of an appeal to the Planning Inspectorate.

8.3 The Design and Conservation Officer has been consulted and has commented fully (see consultation response). He states that the application is unacceptable and should be refused. It is advised better quality materials and detailing that reflect the character and appearance of the surrounding historic and modern buildings be proposed.

8.4 The Friends of Lewes object to the proposal as they consider the thicker uPVC styles and rails of the opening casements will result in a visual impact that is detrimental to the local townscape. Greyfriars Court faces buildings in Railway Lane that are either historic or of high quality modern design that use slim profile metal windows. Future housing development at Court Road Car Park, opposite, that has permission under SDNP/16/01618/FUL will also have metal windows. uPVC windows are therefore considered inappropriate in the context of the building's setting and contrary to Policy 11 of the adopted Lewes District Plan Joint Core Strategy, which seeks to ensure that the design of development responds sympathetically to the site and its local context.

8.5 Lewes Conservation Area Advisory Group takes issue with the applicant when stating a) that the proposed windows have a reduced profile and b) that the building is not in the CA. While the latter is factually correct. This large building does impact upon the CA. It fronts onto an important open space, along with other buildings which have been correctly fenestrated. Group offers the suggestion that window replacement could be made of powder coated metal. Recommend: Objection.

8.6 Lewes Town Council supports the application.

8.7 It is considered that due to the change in the detailing and material of the window frames and their resultant appearance, the proposal will have a detrimental impact on the appearance and setting of the property, conservation area and listed buildings contrary to Policies ST3 (Design, Form and Setting of Development) and H5 (Development Within/Affecting Conservation Areas) of the Lewes District Local Plan and Policy CPI 1 (Built and Historic Environment) of the Lewes District Council Joint Core Strategy.

8.8 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the overarching strategies that all other planning documents will need to be in conformity with. This proposal is considered to be contrary to Core Policy 11 Built and Historic Environment and Design.

8.9 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 will run from 2nd September to 28th October 2015 after which the responses received will be 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 confirm 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.

8.10 The development is considered to not accord with the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and does not accord with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

It is recommended that planning permission be refused.

10 Reason for Recommendation and Conditions

It is recommended that the application be refused for the reasons set out below.

1. The application as been assessed and determined on the basis of the plans noted below.

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

2. It is considered that due to the change in the detailing and material of the window frames and their resultant appearance, the proposal will have a detrimental impact on the appearance and setting of the property, conservation area and listed buildings contrary to Policies ST3 (Design, Form and Setting of Development) and H5 (Development Within/Affecting Conservation Areas) of the Lewes District Local Plan and Policy CPI I (Built and Historic Environment) of the Lewes District Council Joint Core Strategy.

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 identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Tim Slaney
Director of Planning
South Downs National Park Authority

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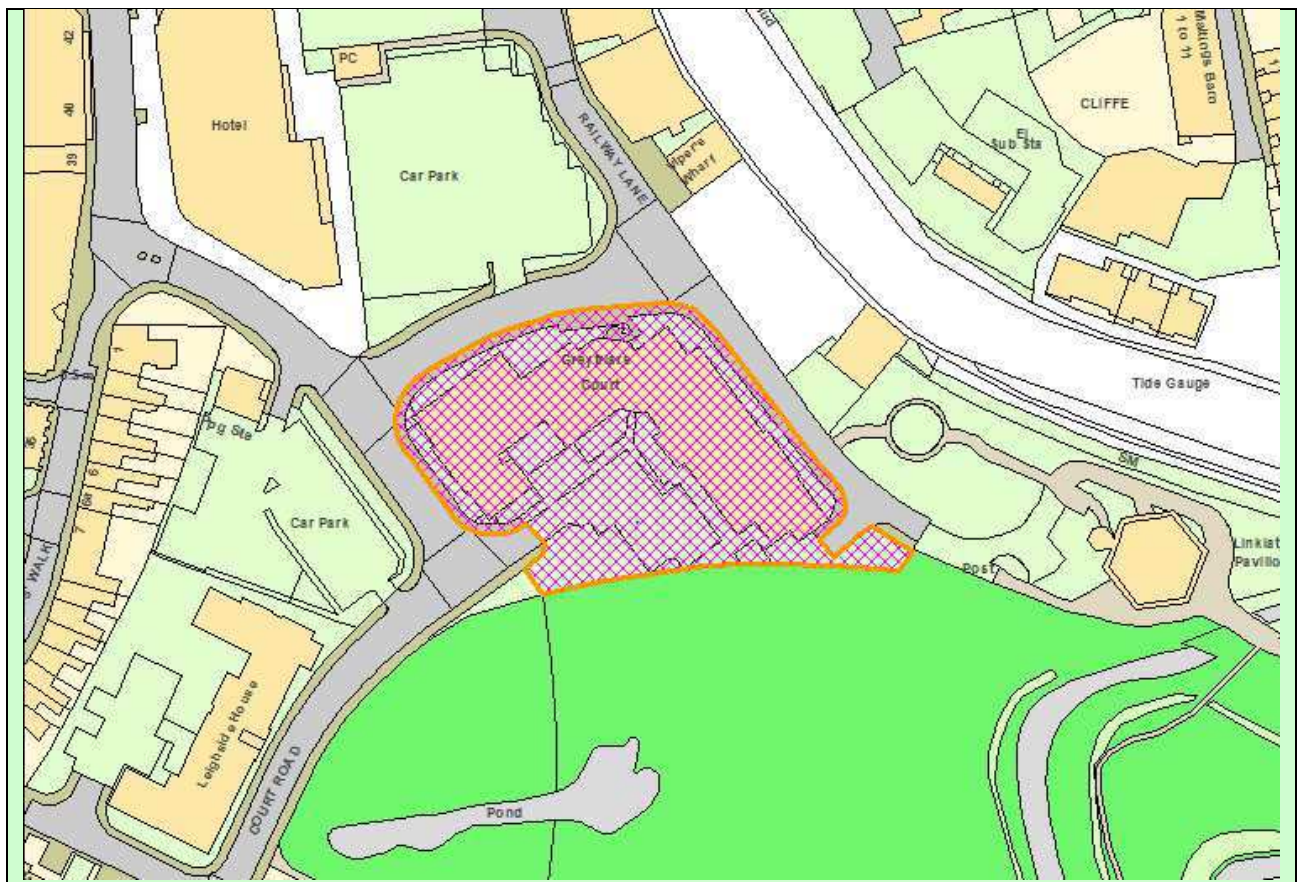
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - sectional plan			18.05.2017	Not Approved
Plans - section A, B & C			18.05.2017	Not Approved
Site Photographs - examples of windows			18.05.2017	Not Approved
Plans - existing elevations, block & location	01		18.05.2017	Not Approved
Plans - existing elevations, block & location	02		18.05.2017	Not Approved
Plans - proposed elevations, block & location	03		18.05.2017	Not Approved
Plans - location 1:1250 & 1:2500	03/REVA		18.05.2017	Not Approved
Plans - proposed elevations, block & location	04		18.05.2017	Not Approved
Plans - window elevation	151102B/Ext/TypeA		18.05.2017	Not Approved
Plans - window elevation	151102B/Ext/TypeB		18.05.2017	Not Approved
Plans - proposed window elevation	151102B/Prop/TypeA		26.05.2017	Not Approved
Plans - proposed window elevation	151102B/Prop/TypeB		26.05.2017	Not Approved
Application Documents - design & access statement	Statement		18.05.2017	Not Approved
Application Documents - design statement	Statement		18.05.2017	Not Approved
Plans - section detail	System 10		18.05.2017	Not Approved
Application Documents - brochure	System 10		18.05.2017	Not Approved
Application Documents - Waste minimisation statement	WMS		18.05.2017	Not Approved

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

Agenda Item No: 14 **Report No:** 108/17
Report Title: Tree Preservation Order (No.4) 2017, Land at 'Nuggets'
Valebridge Road, Burgess Hill.
Report To: Planning Applications **Date:** 19 July 2017
Committee
Lead Councillor: Councillor Tom Jones
Ward(s) Affected: Chailey & Wivelsfield Ward
Contact Officer(s): Daniel Wynn, Trees & Landscape Officer

Purpose of Report: To consider whether to confirm the Order.

1. Officers Recommendation(s):

1.1 You are recommended to confirm the Order.

Note: This report specifically relates to W1 of the Order. No objections have been raised in relation to W2 or W3 of the Order.

2. Information

- 2.1 The site is located at the northern end of Burgess Hill to the east side of Valebridge Road. The western access to the site is partly located within Mid-Sussex District Council's jurisdiction. It is considered that the site forms part of a larger historical ancient woodland complex.
- 2.2 The woodland in question is known as 'Knowle Wood' part of which to the north was designated Ancient Woodland in Natural England's Ancient Woodland Inventory, but has since been bisected by the dwelling 'Nuggets' and its associated outbuildings since circa 1970s. The revision of the ancient woodlands inventory in 2010 appears however, to have overlooked the inclusion of the area identified as W1.
- 2.3 The Tree Preservation Order was raised in response to pre-emptive felling operations that resulted in a large number of mature trees being felled in preparation for development proposals in the near future. Some of the felled trees actually formed part of the wooded boundary to a development site to the south which has recently acquired planning permission (LW/16/1040 erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping).

3 Representations

- 3.1 No comments have been received from Wivelsfield Parish Council at the time of going to print.
- 3.2 The landowner's appointed tree expert objects to the imposition of the Order for the following reasons:
- a. '...the imposition of the TPO in its current form is considered inappropriate.

- b. 'The 'connective woodland'whilst being considered ASNW [ancient semi-natural woodland], was not recorded as such on the LPA [local planning authority] register or on the government MAGIC webportal.'
- c. 'The remaining vegetation within this corridor is predominately understory shrubs and small trees, which are not worthy of inclusion within a TPO....and is not considered expedient in the interests of amenity to do so.
- d. 'It is considered at this juncture that the TPO is being used to prevent or inhibit perceived development, when it should only be utilised where trees are intrinsically worthy of preservation.

4 Material considerations

Policy on Ancient Woodland

- 4.1 Generally, 'ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. 'Wooded continuously' does not mean there has been a continuous tree cover across the entirety of the whole site. Open space, both temporary and permanent, can also be an important component of woodlands.
- 4.2 Some ancient woods, however, may link back to the original woodland that covered the UK around 10,000 years ago, after the last Ice Age. Because they have developed over such long timescales, ancient woods can have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable.
- 4.3 The Forestry Commission and Natural England's standing advice is:

"Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. It is a scarce resource, covering only 3% of England's land area."
- 4.4 For these reasons, where development is proposed, national and local policy exists for the protection of Ancient Woodlands. The National Planning Policy Framework, at para 118, states:

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;"
- 4.5 The Council is under a duty to protect trees and can impose Tree Preservation Orders under section 197 of the Town & Country Planning Act 1990 which states:

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'
- 4.6 Section 197 of the Act also states that:

‘..it shall be the duty of the local planning authority to make such Orders [Tree Preservation Orders] under section 198 of the Act as appears to the Authority to be necessary...’

5 Response to landowners representations

- 5.1 A woodland category tree preservation order is considered to be the most appropriate form of TPO in this case. According to the government’ guidance:

“The woodland category’s purpose is to safeguard a woodland as a whole. While some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order”

- 5.2 The woodland compartment identified as W1 is not included within the ancient woodland inventory. It is, however, a relic of larger woodland originally shown as ‘Nolands Wood’ (as shown on circa 1875 OS maps) and later named as ‘Knowle Wood’ (circa 1910) which is now designated Ancient Woodland. Similarly, the adjacent woodland to the east, identified as W2 of the Order, is historically connected and is also designated ancient woodland. It is quite reasonable to conclude that W1 must also be ancient woodland but was for some reason omitted from the review of the ancient woodland inventory in 2010.

- 5.3 W1 also contains a range of other features that are directly associated with the two adjacent ancient woodland compartments. It has the same woodland species composition of the same age range, the same ancient woodland ground flora indicator species and the same type and arrangement of ancient woodland archaeology. For these reasons W1 of the Order is considered to be a relic of, and an integral part of the larger local ancient woodland complex.

- 5.4 The entire local ancient woodland complex contains predominately Oak standards with an understory of Hornbeam, which is typical of the traditional ‘coppice-with-standards’ woodland of the area. Unfortunately, the Oak standards have all been recently felled in W1 but the stumps remain. They, together with the Hornbeam, will regrow and form an area of coppice, which is typical of traditional woodland management practice in Sussex. It is also worth mentioning that such coppice is highly beneficial for wildlife.

- 5.5 The woodland is considered to be important for the visual amenity it provides and also for its natural, historical and cultural associations and for its contribution to the historic landscape of the area.

- 5.6 Order was raised in direct response to unauthorised clear felling operations being undertaken most likely in preparation for a planning application for development. As a result there remains a clear and present threat of further pre-emptive felling operations. The fate of the woodland, particularly W1 of the Order, can be decided when a planning application for development is eventually submitted. The Committee will then be in a position to consider all the pertinent factors at that time before deciding the outcome.

- 5.7 The Forestry Commission considers the felling of the trees to be in breach of the terms and conditions of the Forestry Act 1967. To help protect Britain’s forests and woodlands a felling license is required to fell trees and it is an offence to fell trees without a license if an exemption does not apply. In response to the unauthorised clear felling operations, the Forestry Authority has issued a ‘Restocking Notice’. This

requires the landowner to replant the entire area with trees in accordance with the terms of the Notice.

6 Reasons for Confirmation of Order

- 6.1 There is sufficient evidence and sound reasons to consider W1 of the Order to be an integral part of the local ancient woodland complex.
- 6.2 The Council is under a duty to protect all woodland, with particularly emphasis on protecting ancient woodland.
- 6.3 Ancient woodlands are important public amenity assets for their wildlife, soils, cultural value, historic and contribution to the landscape.
- 6.4 The Order will incorporate the new trees planted in accordance with the 'Restocking Notice' issued by the Forestry Commission.
- 6.5 The Order will elevate the woodland to a 'material consideration' for any future planning applications for development which propose the loss of part or of the whole woodland.
- 6.6 The reasons given in objection to the imposition to the Order are considered to fall short of overcoming the importance of the woodland to the area.

7 Summary

- 7.1 It is considered that under the circumstances the Order is entirely justified and should be made permanent (or 'confirmed').
- 7.2 The Forestry Commission has imposed a 'Restocking Notice' to replant the area of felled woodland which infers support for the imposition of the Order.
- 7.2 It is considered that the reasons given in opposition to the Order do not outweigh the public amenity benefit that the ancient woodland provides.

8 Financial Implications

- 8.1 There are no financial implications for the Council at this time.

9 Environmental Implications

- 9.1 None.

10. Background Papers

- [provisional] Tree Preservation Order (No.4) 2017.
- Strategic Housing Allocation Assessment 10WV; 18WV and 22WV
- Natural England's Ancient Woodland Inventory
- Forestry Authority's 'Restocking Notice' [details to be provided in due course]

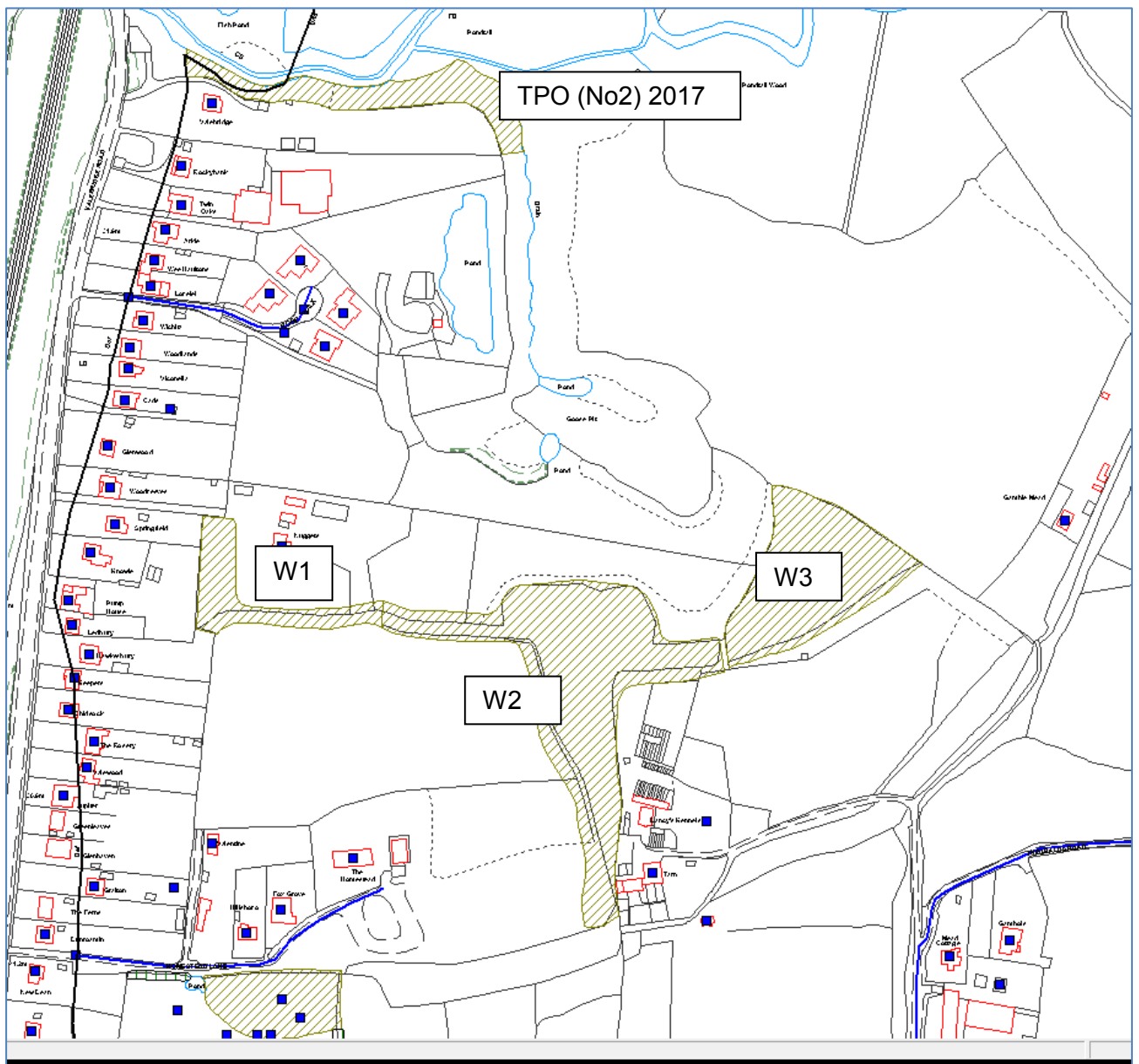
Note: Any documents that disclose exempt information are excluded from the above list of background papers.

11. Appendices

- Appendix 'A' - A plan of the Order
- Appendix 'B'- A plan showing the local designated ancient woodland compartments
- Appendix 'C'- A circa 1874 & 1910 maps showing original woodland complex

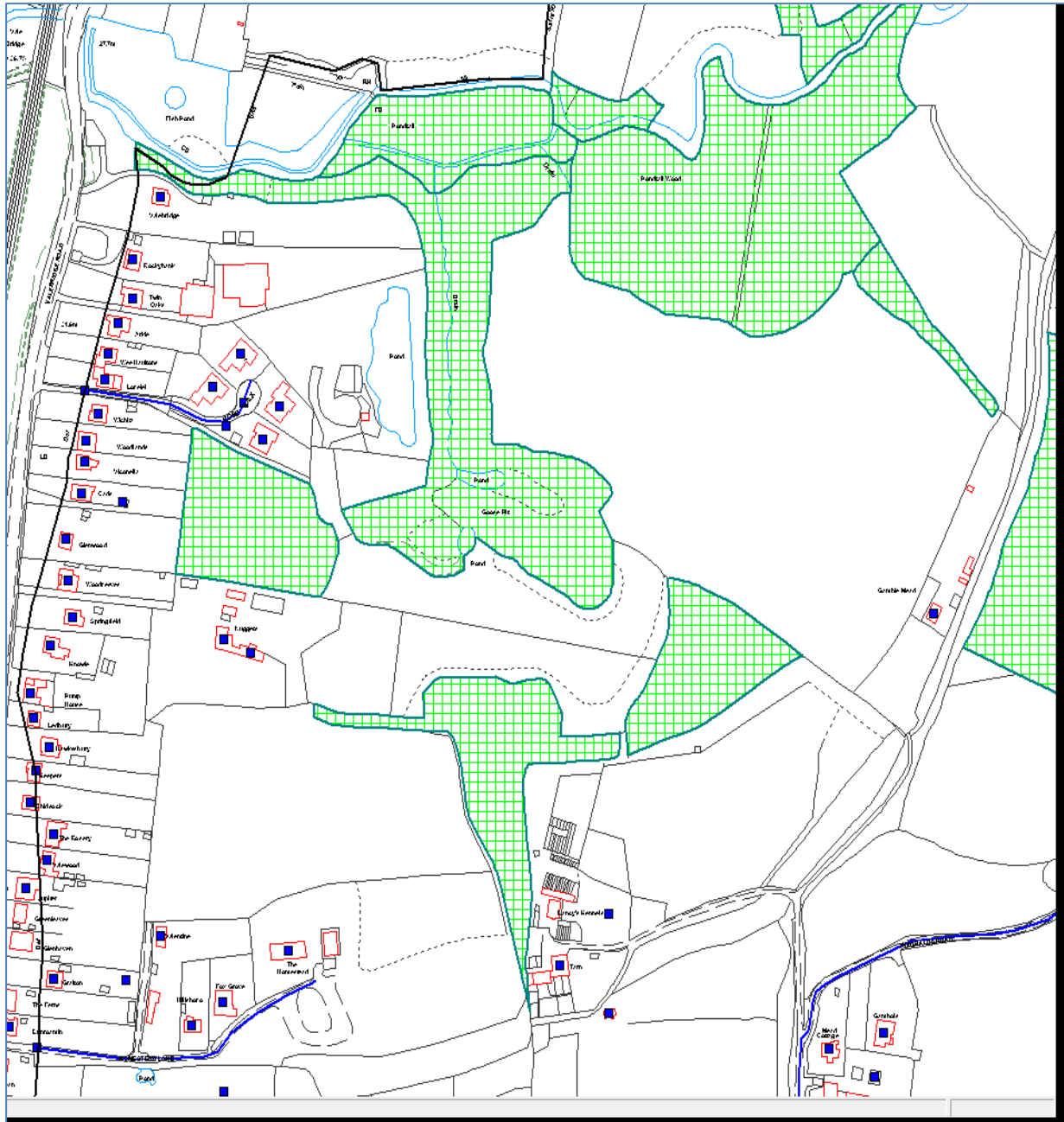
APPENDIX 'A'

Plan of proposed Order.



APPENDIX 'B'

Plan showing local ancient woodland complex (shaded green)



APPENDIX 'C'

Ordnance Survey map dated 1875



And 1910

