

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, 09 August 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.

31/07/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 19 July 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/17/0042 - Freshford Cottage, Dane Road, Seaford, East Sussex, BN25 1DU (page 5)**
- 7 **LW/17/0353 - Tomkins Farm, Cinder Hill, Chailey, East Sussex, BN8 4HP (page 16)**
- 8 **LW/17/0229 - 5 Riddens Close, Plumpton, East Sussex, BN7 3BP (page 27)**
- 9 **LW/17/0450 - Sites Of 13 To 19 Chapel Street, Newhaven, East Sussex (page 35)**

**Planning Applications WITHIN the South Downs National Park**

- 10 **SDNP/17/01684/FUL - Sites Of 13 To 19 Chapel Street, Newhaven, East Sussex (page 38)**

**Non-Planning Application Related Items**

- 11 **Written Questions from Councillors**  
To deal with written questions from Members pursuant to Council Procedure Rule 12.3 (Page D8 of the Constitution).
- 12 **Date of Next Meeting**  
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 30 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 the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email [planning@lewes.gov.uk](mailto:planning@lewes.gov.uk)

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

## NOTES

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

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

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

### **Planning Applications OUTSIDE the South Downs National Park**

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

### **Planning Applications WITHIN the South Downs National Park**

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

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

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

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<b>APPLICATION NUMBER:</b>	LW/17/0042	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	Dr T Osman	<b>PARISH / WARD:</b>	Seaford / Seaford Central
<b>PROPOSAL:</b>	Planning Application for 20 room extension to the existing nursing home		
<b>SITE ADDRESS:</b>	Freshford Cottage Dane Road Seaford East Sussex BN25 1DU		
<b>GRID REF:</b>	TV 47 99		



## 1. SITE DESCRIPTION / PROPOSAL

### Site Description

1.1 The application site is occupied by a nursing home which currently has 18 beds. The building is 2 stories in height with pitched roofs and measures 22.75m x 24m - having a shallow, L-shape footprint in the north-west corner of the site. There is car parking in front and a 42m long driveway down the side of a building of flats called Dane Mere, opening out onto Dane Road. The building is directly behind the back gardens to Stonestrow, 62 and 64 Dane Rod and distant views of the rear elevation are gained from across the Seaford Rugby Club pitches and the beach.

1.2 The existing buildings are not Listed and the site is not in a Conservation Area. The property is within the Planning Boundary for Seaford, and is not in the South Downs National Park.

1.3 The proposed development is located within Flood Zone 1, and as such has a less than 0.1% annual probability of flooding from rivers or the sea.

### Proposal

1.4 The application seeks planning permission for the construction of a two storey extension which will provide 20 additional bedrooms along with a laundry room, three day rooms, an administrator's office and a staff room.

1.5 The extension will have a deeper and more rectilinear footprint compared to the existing building, and will measure nearly 37m across and 12m wide. The extension will be two storeys in scale, with a tall pitched roof and a lowered eaves height such that the first floor windows are in fact half-dormers with flat roofs, because they will cut through the eaves line. There will be two projections on the eastern elevation.

1.6 The extension will be positioned 3.8m from the westerly boundary with the Seaford Rugby Club pitches, 4.6m from the rear boundaries of Dane Lea and Dane Mere and 6.2m from the rear elevation of the Rugby Club clubhouse.

1.7 The development will be finished using facing brick and render walls with a tiled roof, uPVC windows and timber doors.

1.8 The number of employees will increase from 18 to 22 full time staff, and from 12 to 16 part time staff.

1.9 The layout plan submitted shows that there will be a total of 9 car parking spaces, 2 of which will be disabled car parking spaces.

## 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

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

**LDLP: – RES13 – All extensions**



**LDLP: – CP2 – Housing Type, Mix and Density**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP13 – Sustainable Travel**

### **3. PLANNING HISTORY**

**LW/75/0368** - Planning and Building Regulations application for garage with studio over. Building Regs Approved. - **Approved**

**LW/75/0370** - Outline application for annexe to the Viking Hotel consisting of twenty bedrooms. - **Refused**

**LW/80/1383** - Continued use of detached garage with studio over for the manufacture of gas-fire grates with store over. - **Refused**

**LW/84/0059** - Alterations and additions to form Rest Home. - **Approved**

**LW/85/0729** - Outline application for alterations and extensions to existing houses and outbuildings to form a rest home plus erection of a block of eighteen retirement flats on three floors. - **Refused**

**LW/87/1273** - Planning and Building Regulations Application for alterations and additions to form rest home. Building Regs Approved. Completed. - **Refused**

**LW/87/1654** - Alterations and additions to form nursing home. - **Approved**

**LW/89/0481** - Outline application for two storey extension to Nursing Home. - **Approved**

**LW/91/0684** - Proposed two storey extension (plus basement) - **Refused**

**LW/94/0010** - Two storey extension (plus basement). - **Refused**

**LW/98/0622** - Two storey extension (with basement) to accommodate 15 single bedrooms & associated facilities & lounge/dining hall - **Refused**

**APPEAL/98/0622** - Development Appeal - **Dismissed**

**LW/99/1549** - Two storey side extension (with basement) - **Approved**

**LW/03/2141** - Erection of a detached nursing home (19 beds) to be used as an extension to existing – **Withdrawn**

**LW/04/1065** - Three storey extension - **Approved**

**LW/07/0598** - Erection of a three storey extension (revised scheme to planning approval LW/04/1065) - **Approved**

**LW/09/0077/CD** - Discharge of condition 1 relating to planning approval LW/08/1283 - **Approved**

## **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

### **Seaford Town Council**

4.1 The Planning and Highways Committee RESOLVED to SUPPORT the application 'in principle' as it was aware of the local need for the services in dementia care provided by the Nursing Home and of the fact that currently the nearest provider of specialist respite care services was in Hailsham.

4.2 Members would however expect the issues as raised in the Highway Authority's objection to be dealt with prior to the granting of consent even if this were to require amending the proposed scheme to allow more space on the site for the provision of adequate parking for visitors and staff.

### **ESCC Adult Social Care**

4.3 Support; East Sussex has an aging population and the need for quality nursing care provision is anticipated to continue to rise. The provision of nursing care across the county is inconsistent and there are fewer nursing homes in the west of the county. The current provision is used for Adult Social Care & Health referrals and also for clients funding their own care. Additional capacity is welcomed as securing placements can be challenging due to the low capacity available in this area.

### **British Telecom**

4.4 No objection

### **Environmental Health**

4.5 No objection subject to a condition relating to unsuspected contamination.

### **ESCC Highways**

4.6 Objection; There is insufficient information to determine if there is sufficient parking provided for the 20 room extension. It is understood that planning permission was previously granted for a similar proposal in 2007, however, this permission has lapsed and the layout as shown does not meet current requirements in terms of parking dimensions or number of spaces.

#### **4.6.1. Parking Provision/ Cycle Parking**

- a) The main highway issue related to this proposal is parking. It is not indicated what parking provision is provided for the existing use. In accordance with the East Sussex County Council's adopted parking guidelines a nursing home should be provided with 1 space per 2-3 rooms plus 1 space for staff and visitors plus 1 spaces per proprietor, plus an ambulance bay. Taking these standards into account the existing 18 bed nursing home requirement for parking is between 7 and 10 spaces. The addition of 20 rooms would therefore require an extra 7-10 spaces totalling a minimum of 14 spaces overall. The 9 spaces plus 1 ambulance space provided falls short of what is recommended, additionally spaces 5 to 9 are not provided with adequate room to the rear to manoeuvre making the number of usable spaces 4 which falls significantly short of the 14 space requirement. It is considered there maybe potential to revise the layout and incorporate echelon parking; this would be down to the applicant to demonstrate. No details have been provided on cycle parking. In accordance with the East Sussex County Council's



adopted parking standards a nursing home should be provided with 1 s/t space per 20 beds with 1 l/t space per 10 staff on duty. No details on staffing levels have been provided but 3 spaces are likely to be required. Cycle storage facilities should be covered and secure and located within the site in a convenient location for users.

#### 4.6.2. Vehicle Movements

- a) No details have been provided on the number of trips associated with the existing nursing home or with the proposed extension. Having looked at the TRICS database to consider the number of trips associated with the proposed increase in beds it is evident that the proposal will result in an increase in approximately 35 trips per day. I am satisfied that the additional trips will not have a significant impact on the surrounding network, however it is recommended the nursing home submit a Travel Plan Statement for staff to increase awareness of sustainable travel options.

#### 4.6.3. Access

- a) The site is situated within a 30mph speed limit and utilises the existing access off Dane Road (UC5476), the existing access is of suitable width to accommodate two way flows. It is not shown how the site will be serviced, the refuse collection point is not within 25m of the access, and as such refuse vehicles are likely to require access. Additional details should be provided to ensure that the servicing needs can be met.

#### 4.6.4. Accessibility

- a) There are a variety of travel choices available in Seaford. The site is located within walking distance of the nearest bus stops and the Railway Station is within approximately 350m providing the option for onward journeys. Therefore the site is sustainable in transport terms. Further information is required, the layout of the parking spaces should be revised. Following a satisfactory outcome conditions may be issued.

### **Sussex Police**

4.7 No objection; the proposed extension will adjoin the existing facility and is wholly within the footprint of this site which is approached by a private driveway from Dane Road and benefits from a defined perimeter. The extended building will enjoy similar physical security measures to the original, with doors, windows, lighting and access control meeting the requirements to create a safe and secure environment for the residents, staff and visitors. Furthermore the 24/7 presence and activity of staff provides reassurance as a crime prevention measure.

### **Southern Water Plc**

4.8 No objection; Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

- a) *"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) The application details for this development indicate that the proposed means of surface water drainage for the*

site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

- b) We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **Southern Gas Networks**

4.9 No objection

### **ESCC SUDS**

4.10 Objection; The proposals submitted for the management of surface water from the proposed development are not sufficient to support a full planning application.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

### **Seaford Rugby Football Club**

5.1 Objection; The submitted Design and Access statement would suggest that the proposed two storey extension is merely overlooking football pitches when the majority of the extension, located against the northern boundary of the application site, is up against our existing clubhouse and changing facilities.

5.2 The Rugby Club has enjoyed for many years a lively and robust social atmosphere in this location and it is felt that the provision of 20 elderly residential bedrooms constructed over two stories on our boundary represents an un-neighbourly form of development. The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on our property and amenities immediately adjacent to the site by reason of overlooking, loss of privacy and visually overbearing impact.

5.3 Whilst we have no objection to the principle of additional elderly care facilities within the town this proposal does appear to be an over development of an existing site which has the potential to negatively impact other valuable community and social provisions within the town.

## Representations

5.4 Representations have been received from Stonestrow, Dane Road; Flat 2 - Danemere, Dane Road; Flats 1, 3, 4, 5 - 64 Dane Road; Flats 3, 9, 15 - Dannfields House, Richmond Road; objecting to the application for the reasons below:-

- Over development
- Overly dominant
- Oppressive
- Over dominating
- Densely populated area
- Larger building than that previously approved
- Out of character
- Disproportionate in size
- 200% increase in size
- Small site
- Loss of open space
- Contextual significance
- Overbearing building/structure
- Increased sense of enclosure
- Overlooking, loss of privacy
- Overshadowing
- Loss of light
- Noise pollution
- Noise and disturbance
- Potential conflict between future residents and the neighbouring rugby club use
- May compromise the continued activities of the neighbouring rugby club
- Delivery lorries
- Increased collection of hazardous waste
- Loss of sleep
- Inadequate access
- The access road is not two-way
- Limited access for emergency vehicles
- Highway hazards
- Insufficient provision for staff and visitors
- Parking issues
- Increased parking requirements
- Poorly maintained boundary wall
- Poorly maintained building
- Insufficient information
- Lack of infrastructure
- Concentration of nursing homes and residential homes in Seaford
- Nursing homes should be more evenly spread across the county
- Not sustainable
- Care home is rated "needs improvement" by the Care Quality Commission
- Loss of sea view\* [Loss of a private view is not a material planning consideration.]

## **6. PLANNING CONSIDERATIONS**

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

### **Principle**

6.2 The site lies within the Planning Boundary of Seaford and the scheme represents infill of an unidentified site for additional housing in the form of an enlarged nursing home. Core Policy 2 of the Joint Core Strategy states that with an ageing population it is particularly important to accommodate the needs of the elderly with suitably designed accommodation within an environment that provides an appropriate level of care. The Adult Social Care consultation is supportive of the scheme in principle because there is a recognised need and a known shortage of nursing home facilities in the eastern part of the county.

6.3 The provision of appropriate accommodation for the ageing population is therefore supported in principle. At present there are no site allocations for nursing or retirement homes as these will be coming forward in the emerging Local Plan Part Two.

6.4 Account should also be given to the existing character and housing mix of the vicinity and it is noted that the 2007 permission to extend the nursing home would have provided 29 additional bedrooms, whereas the current scheme seeks permission for only 20 extra bedrooms.

6.5 In principle the proposed extension to the nursing home, to provide extra beds at the current standards, is acceptable.

6.6 The proposed development is located within Flood Zone 1, and as such has a less than 0.1% annual probability of flooding from rivers or the sea. In terms of the NPPF Technical Guidance on Flood Risk, the site is therefore considered appropriate for the proposed use. The potential for other forms of flooding at the site is considered to be low.

### **Design and Appearance**

6.7 In terms of site coverage, footprint, form and design detailing, the proposed extension will be similar to that which was previously granted planning permission in 2007. The rear elevation of the extension will be prominent from across the adjoining rugby pitches. The acceptability of the design and scale of the extension has therefore been previously established and notwithstanding the objections received from residents, a refusal based on design grounds would be difficult to defend in light of this previous planning approval.

### **Neighbour Amenity**

6.8 A number of objections have been raised by local people and neighbouring residents, citing loss of privacy, noise, deliveries, parking and a potentially prejudicial impact on existing neighbouring uses.

6.9 The sole access point into the site is the driveway between residential properties fronting Dane Road. The application site is effectively a 'backland' site. It stands to reason that more than doubling the number of bedrooms within the nursing home will involve more deliveries of supplies, collection of waste and comings and goings of visitors and staff to the nursing home. The consequence of this will be more frequent usage of the access

point and this intensification of the land use will have an adverse impact on neighbour amenity in this location.

6.10 The proposed extension will also be close to the neighbouring Rugby Club building, which is a place of social gathering as well as an important community and sports use, the playing pitches adjoining the application site albeit at lower ground level. The proposed extension to the nursing home is noise-sensitive residential development. It is expected that the nursing home environment will be quiet and peaceful and that residents will not expect disturbance, despite the relatively central town location of the application site.

6.11 The National Planning Policy Framework states at para. 123 that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and it is considered that introducing such noise sensitive development in such close proximity to a sport club is likely to lead to conflicts in the future and could potentially compromise the Rugby Club, the activities of which have been established for many years without complaint.

### **Accessibility and Sustainable Transport**

6.12 The application site is within walking distance of Seaford railway station and the A259, along which there are frequent bus services along the south coast. The site is in a sustainable location in respect of transport, but, as the proposals relate to a nursing home whereby residents are less likely to be less mobile and because staff and visitors will need to access the site, it is important that the proposals provide for the level of transport demand generated. The proposed extension will more than double the size of the existing nursing home and this will lead to increased movements to and from the site, an additional 35 trips in accordance with highway authority comments. The proposals should provide at least 14 car parking spaces and an ambulance bay.

6.13 The car parking plan submitted shows only 9 parking spaces and this falls well short of the minimum required for the scale of development which is proposed. If the proposed extension was smaller in size there would be more space available around it for car parking, and indeed the car parking requirement would reduce. The Highway Authority also cites potential problems with refuse and servicing vehicles entering the site and having enough space to manoeuvre. These concerns will not only result in a degree of localised congestion potentially leading to highway safety issues or interruption of the free flow of traffic, but will also increase the time that servicing and refuse vehicles spend at the site, with a consequent impact on neighbour amenity in terms of noise, disturbance and fumes.

6.14 It is noted also that no cycle parking provision is proposed, but this matter, together with the Travel Plan required by the highway authority, could be addressed by imposing conditions in the event planning approval was to be granted.

6.15 The Highway Authority raises objections to the planning application and the support of the Town Council is conditional on the satisfactory provision of adequate parking within the site.

### **Flood Risk**

6.16 In terms of flooding by river or sea the application site is in a low risk Zone 1 area. However, the County Council as Lead Local Flood Authority has objected to the application on the grounds of insufficient information as to the method of surface water drainage at the site. In this instance it is considered that this issue could be overcome by imposing a

condition in the event that planning approval was to be granted and this issue in itself is not sufficient to warrant refusal of the planning application.

## **7. RECOMMENDATION**

In view of the above, refusal is recommended.

### **Reason(s) for Refusal:**

1. The proposed development will, by reason of its scale and siting, intensify the use of this site which is set back from the public highway behind existing buildings, resulting in increased movements to and from the site and increased noise and disturbance from vehicular traffic and servicing vehicles that would have a significant harmful impact on the amenities of neighbouring residents. As such the proposals are contrary to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

2. The proposed development will, by reason of its scale and siting, introduce noise sensitive residential development for the elderly and those requiring a nursing home, in close proximity to an existing and well established sports club, which is also used to host community and social events. This is likely to lead to a conflict whereby future residents living conditions would not meet the standards reasonably expected and the continued activities of the sports club will be compromised. In view of this the proposals are contrary to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

3. The proposed development will not provide sufficiently for the levels of demand for parking generated by an increase in the size and scale of the nursing home proposed. There will be insufficient parking space within the site and inadequate room for access and manoeuvring servicing vehicles. This will lead to localised congestion and vehicles waiting on the highway, interrupting the free flow of traffic, and exacerbate the harmful impact on the amenity of adjoining residents. In view of this the proposals are contrary to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

### **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>

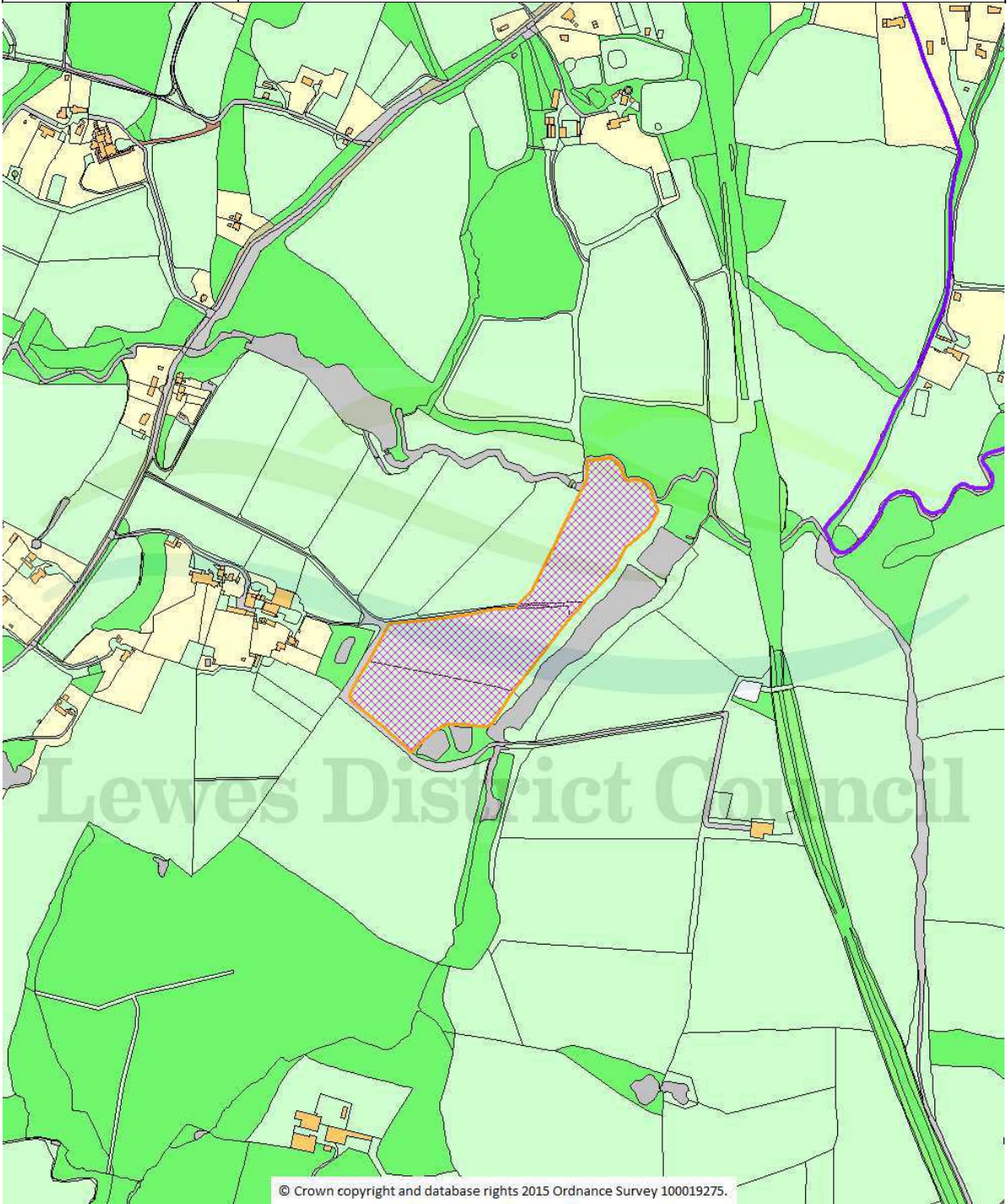
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application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



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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	17 January 2017	
Flood Risk Assessment	28 March 2017	
Location Plan	17 January 2017	00302200
Existing Floor Plan(s)	17 January 2017	2373/101
Existing Floor Plan(s)	17 January 2017	2373/102
Existing Elevation(s)	17 January 2017	2373/103
Existing Layout Plan	17 January 2017	2373/104
Existing Roof Plan	17 January 2017	2373/104
Proposed Floor Plan(s)	17 January 2017	2373/201
Proposed Floor Plan(s)	17 January 2017	2373/202
Proposed Floor Plan(s)	17 January 2017	2373/203
Proposed Floor Plan(s)	17 January 2017	2373/204
Proposed Elevation(s)	17 January 2017	2373/205
Proposed Layout Plan	17 January 2017	2373/206
Proposed Roof Plan	17 January 2017	2373/206
Proposed Parking Plan	21 July 2017	2373/206
Proposed Block Plan	31 January 2017	2373/207
Location Plan	31 January 2017	2373/207

<b>APPLICATION NUMBER:</b>	LW/17/0353	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Mr P O'Conor	<b>PARISH / WARD:</b>	Chailey / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Planning Application for Change of use from agricultural land to campsite summer seasons and erection of barn style toilet and shower facilities		
<b>SITE ADDRESS:</b>	Tomkins Farm Cinder Hill Chailey East Sussex BN8 4HP		
<b>GRID REF:</b>	TQ 40 19		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 This application seeks consent for the change of use from agricultural land to a campsite for the summer seasons and the erection of barn style toilet and shower facilities at Tomkins Farm, Cinder Hill, Chailey.

1.2 The fields subject of this application lie to the east of Cinder Hill, just to the east of a collection of un-associated residential properties which include Wildings Farm and Ades. The application site consists of a pair of agricultural fields currently used for grazing, generally for alpacas and sheep. The fields are located at the end of the first section of the access track leading to Tomkins Farm and are enclosed by stock fencing. The access track leading to Tomkins Farm turns 90 degrees at this point and runs along the western most boundary of the application site, where it then turns 90 degrees again to run alongside the southern edge of the application site.

1.3 The land slopes gently across the application site from west to east to a large lake that sits at the lowest point of the farm and runs along the entire eastern boundary of the application site. This lake is tree lined and falls within a Flood Zone 2. The land rises beyond the lake and a new farm house is currently under construction towards the highest point. At the northern end of the application site the lake joins Longford Stream which runs along the northern edge of the application site. The stream is also tree lined and falls within Flood Zone 3. Beyond this stream and a small block of woodland the land begins to rise.

1.4 Other than the small collection of dwellings to the west, and the new farmhouse under construction, the surrounding land is generally agricultural and undeveloped.

1.5 Public footpath 13c passes alongside the southern boundary of the site in an east-west direction. This converges with footpaths 11 and 13b to the south west of the application site.

1.6 The proposal seeks to change the use of the land to a summer campsite. The applicant has confirmed that by summer season they mean from the Easter Bank Holiday weekend to the 1st October each year. The absolute maximum number of pitches would be 40 and it would be tented site only, with no towed caravans. Small camper vans are however likely to be permitted.

1.7 In order to formalise the campsite this application also seeks consent for a permanent shower and WC block. This would consist of a timber clad barn type structure to be erected in the south east corner of the application site. The building would measure 9 metres by 5 metres. It would have a pitched roof with a maximum ridge height of 4.5 metres. The buildings would effectively be subdivided into three sections - a male WC/shower area, a female WC/shower area and a bin/general store area. At the end of the building, accessed externally, would be two washing up sinks.

1.8 It is proposed that in the interim, whilst the barn is under construction, WC and shower facilities would be provided by portable facilities.

1.9 It is the intention to continue to graze the land in the off-season.

## 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

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

**LDLP: – E17 – New Camping/Touring Caravan Sites**

**LDLP: – CP4 – Economic Development and Regeneration**

**LDLP: – CP5 – The Visitor Economy**

**LDLP: – CP10 – Natural Environment and Landscape**

**LDLP: – CP11 – Built and Historic Environment & Design**

### **3. PLANNING HISTORY**

**LW/15/0292** - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Refused**

**APPEAL/15/0019** - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Dismissed**

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**ESCC Highways** – This application seeks approval for the change of use from agricultural land to campsite during the summer months (Easter Bank Holiday - October). As submitted there is insufficient information to determine if the proposal would lead to increased traffic hazards on Cinder Hill [C651] by reason of the inadequate visibility at the proposed access and substandard width.

See file for detailed comments.

#### **Environmental Health – 1. General**

After reading the supporting documents and online comments and considering the issues which relate to the Environmental Health Public Health team, I can confirm that I am supportive of the proposal. I am confident that the development will not challenge the objectives set out in Policy ST3 of the Lewes District Local Plan which states that "development [...] should respect the amenities of adjoining properties in terms of noise, privacy, natural daylight and visual amenities" providing some suitable conditions are included in any permission granted. Furthermore, diversification from agricultural use is welcomed if it increases a farm's resilience against the challenges which face most farmers.

The proposals carry only low potential for disturbance to local residents. I do consider that disturbances are unlikely but I feel that some appropriate conditions could justifiably be included with any permission granted and have made some suggestions in section 3 below. I also request that two advisory comments are included (see section 4).

#### **2. Potential sources of disturbance - discussion**

The Council has no records of any complaints or alleged noise disturbances caused during a campsite trial during 2016.

The proximity of camping pitches in the field to the nearest private dwelling (Wilding Farm Cottage) is approximately 100 metres. I consider that there is a low potential for campsite noise to travel this distance so as to cause a nuisance.

Campsite conditions should include noise management restrictions but, with no apparent management plan or site policy submitted with the application, I feel that some conditions should be included with any permission hereby granted. In general terms, no fireworks or amplified music should be permitted on the site at any time and only low-level acoustic music should be allowed until 22.00 hours. These conditions would help to reassure neighbouring residents.

Vehicle movements at sensitive times of day might generate noise which is audible at the nearest private dwellings. A suitable restriction to the permitted hours of access to and from site is therefore recommended. Noise caused by daytime deliveries and collections to and from the site are unlikely to cause a disturbance, but a suggested restriction to their permitted hours may provide reassurance to residents.

An integrated waste management plan is recommended to ensure that a clear strategy is put in place to manage the various waste streams that arise from the use of the site. The plan should illustrate how these wastes will be collected, stored and disposed of and, where appropriate, the times of day that these activities will take place. Recycling is encouraged wherever it is possible and arrangements for this should be included in the plan.

There is no reference to the provision of artificial lighting at the site and it is assumed there will be none, but a basic condition is recommended to protect the interests of public and private residents.

Conditions recommended - see file.

**Chailey Parish Council** – At a meeting of the Planning & Environs Committee of Chailey Parish Council held on 4th July 2017, Councillors resolved to support (in principle) the establishment of a campsite at Tomkins Farm. Taking into account representations from members of the public (expressing differing views on the application) Councillors considered that the following issues needed to be addressed either prior to permission being granted or by way of conditions to the granting of permission:

**Traffic:** Councillors are concerned about the likely increase in traffic using Cinder Hill and consider that adequate arrangements as regards traffic management should be made before permission is granted. Access to the village facilities likely to be used by campers (principally the shop and public houses) will necessitate their walking along at least part of the stretch of Cinder Hill between the entrance to the campsite and the A275 and the safety of those using this roadway needs to be considered. Councillors also considered that traffic using the campsite should be required to access Cinder Hill and the campsite only from the A275 and not via the junction with the A272.

**Size of vehicles:** Councillors considered that any permission granted should contain restrictions on the size of vehicles allowed to access the campsite. Councillors considered that private cars and smaller vans (for example VW campervans) would be acceptable but not vehicles of any greater size. Consideration should be given to preventing access by larger vehicles by the provision of physical constraints.

**Noise and smoke from campfires:** Councillors considered that any permission granted should contain a requirement for steps should be taken to control the potential for nuisance to adjoining properties by the imposition of appropriate campsite rules which should be clearly promulgated and policed so that they are effective.



Development of the site: Councillors considered that any permission granted should contain a bar on development of the site by, for example, the creation of hard standings or similar. The campsite area should remain capable of being returned to agricultural use without the need for any remedial works.

Barn style toilet and shower facilities: Councillors had no objections to the erection of these facilities but thought that the proposed extent of the toilet and shower facilities could be insufficient at times when the campsite is heavily used.

Summer season: Councillors considered that any permission granted should contain a formal restriction on the use of the campsite to between Easter and the end of September in any year.

Number of pitches: Councillors noted that at least some of the issues identified by them and detailed above could be alleviated by reducing the number of pitches.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

### **5.1 Five letters of objection:**

- o Applicant proposed to use the land for 6 months of the year - this is more than a 'summer' season.
- o Will result in a significant increase in vehicles using the access track that passes our property and surrounding highway network which is narrow and ill suited.
- o Number of toilets/showers proposed is inadequate - likely to lead to future development proposals.
- o Likely to result in noise and disturbance, smoke,
- o Permission recently granted for new dwelling on agricultural needs - now changing the use of some of this agricultural land
- o Will further decrease the agricultural viability of Tomkins Farm
- o Not clear exactly what the application is for.
- o Unclear how rubbish will be dealt with.
- o Could result in security threat to local properties
- o Will alter the character and appearance of the landscape
- o Where will the cars be parked?

### **5.2 Two letters of support:**

- o Support the application if it continues to operate as present
- o Benefits to local economy (shop, pub)
- o Will provide some financial stability for the land owner
- o Suggest conditions to help mitigate impact e.g. screening to be planted, no. of pitches to be restricted, no caravans or RVs, no hardstandings, no provision of services to pitches (water/electricity), site needs to be managed to control noise etc., revert to agricultural grazing on cessation.
- o Suggest ESCC Highways are urged to review traffic speed along Cinder Hill where campers will walk.
- o Good access to local footpath network
- o Much better than a solar farm.

## **6. PLANNING CONSIDERATIONS**

### Principle



6.1 The application site falls outside of any planning boundary a defined by the Lewes District Local Plan. On this basis Policy CT1 is relevant to the consideration of this proposal. Policy CT1 only allows for certain types of developments in rural locations; however this includes certain types of tourism proposals. Policy E17 of the Local Plan allows the creation of new camping sites in countryside locations where the following criteria are met:

*"(a) there is reasonable access from the primary or secondary road network  
(b) use is made of existing buildings/structures in providing ancillary facilities. Small scale new buildings should be sited close to any existing buildings and sympathetically designed  
(c) the site is adequately screened with either existing trees/hedges or will be landscaped in a way which enables the development to be accommodated without detracting from the character or quality of the area  
(d) conditions will be applied limiting the use of the site in order to preclude its use as winter storage for touring caravans  
(e) the proposal complies with all relevant District-Wide Policies"*

6.2 Policy CP5 of the Joint Core Strategy states that *"opportunities for the sustainable development of the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local employment"*. It goes on to state that support will be given to a wide range of accommodation types, and that there will be a: *"Presumption in favour of the retention and improvement of existing visitor accommodation stock, including camping and caravan sites and existing visitor attractions/facilities."*

6.3 There is clearly a good degree of policy support both a local and higher level for the principle of new camping facilities in rural locations such as this. Therefore the main issues for consideration are the visual impact of the proposals, highway implications, and neighbour amenity issues.

#### Visual Impact

6.4 As set out above it is the applicant's intension that this will be a free area camping site, i.e. there will be no permanent pitches and campers will erect their tents at the start of their stay and take them down at the end. No dedicated parking area is to be provided, vehicles will simply park adjacent the pitched tents. It is not the applicant's intention to allow towed caravans on the site, however small camper vans will be permitted.

6.5. The introduction of tents and vehicles on this land will clearly have some negative visual impact on the currently undeveloped and natural landscape, through the introduction of man-made features i.e. tents, vehicles etc. Whilst the site is well screened along its northern and eastern boundaries, public views will be available from the public right of way passing the site along its southern side where the field is particularly open. Also from two other nearby public rights of way, by virtue of the rising ground levels, one of which forms part of the Meridian Way. By the nature of the campsite not providing fixed structures, the impact will clearly vary and, with the exception of the proposed barn, will not be permanent. Views are also limited to a fairly short range, again as a result of the undulating ground levels.

6.6. It has been suggested that the applicant should be required to screen the site with new landscaping to help minimise the visual impact. Some additional screening along the southern boundary of the site where is abuts the public right of way would go some way to limiting the visual impact, but will not screen the site in its entirety.

6.7. When considering the appeal for the solar farm proposed elsewhere on the Farm in 2015 the Inspector noted the following:

*"The site lies with the Western Low Weald Landscape Character Area. This is made up of gently undulating countryside with a well-established field pattern, primarily edged with hedgerow, and with an abundance of trees, some in small woods or larger areas of woodland. This gives an enclosed feel along roads and lanes, although open views are available on higher ground and from elevated points in the landscape. The landscape shows some evidence of intrusion, in the form of scattered settlements and groups of farm buildings, some of which are relatively large in scale. This, along with the undulating topography, and the degree to which blocks of woodland break up long range views, provides some capacity within the landscape to absorb further built form without significantly altering the established character of the landscape."*

6.8. Whilst the inspector dismissed that appeal, her reasons for doing so being partly due to the adverse impact on the appearance of the countryside in local and mid-range views, this was a very different type of development on a much larger scale and on more raised and therefore prominent land. In contrast, this is a low key proposal, with significantly less visual impact, which, for half of the year, will be absent anyway.

6.9. The only part of the proposal that would have any permanent impact would be the toilet/shower barn. This has however been sited at the lowest part of the site, and set against the backdrop of existing mature trees. Whilst it will result in a new permanent structure in this otherwise undeveloped location, the design of the building is fairly typical of a rural location such as this and should not appear significantly incongruous.

6.10. Overall it has to be accepted that there will be some visual harm resulting from this proposal and that this harm has to be balanced in the overall determination of this application.

### Highways

6.11. A number of the objections in relation to this application are in relation to the proposed access and the impact of increased numbers of vehicle movements to and from the site on neighbour amenity and the local road network. The impact on neighbour amenity is considered in more detail below.

6.12. In terms of the impact on the road network the application has been considered by ESCC Highways Officers, who initially raised a concern that insufficient information had been submitted to demonstrate that the proposed access is safe i.e. that adequate visibility is available and that the entrance is of adequate width. The applicant has sought to address these concerns by providing information relating to a traffic speed survey on Cinder Hill that shows that whilst the speed limit where the access joins Cinder Hill is 60mph the average vehicle is travelling much slower than this. Therefore, whilst much longer visibility splays would usually be sought on a road subject to the national speed limit, in this instance they have sought to demonstrate that it is appropriate to accept less extensive splays due to the average speed of vehicles using this particular stretch of road.

6.13. A revised plan indicating the width of the access drive has been submitted and the red line of the application site has been amended to include the entire length of the access drive so that these provisions can be secured by an appropriately worded planning condition. Confirmation is awaited from the Highways Authority that this has sufficiently addressed their initial concerns.

6.14. Representations have been made raising concerns about this use resulting in/encouraging pedestrians to use Cinder Hill, which has no pavement and is subject to the national speed limit, to access to the local facilities (pub, shop etc.). Residents are

concerned that whilst they are familiar with the dangers of this road, visitors to the area will not have this local knowledge and will potentially be putting themselves at risk.

6.15. The site is well connected to a good network of public footpaths that could give access to nearby facilities without the need to walk on the roads other than for short stretches. This clearly, in most cases, will not be the most direct route, but does allow this as a safer option, and could be attractive to those visiting and wanting to explore the area. It does have to be accepted though that there will be those that opt to take the shortest option and that this could potentially be in darker conditions (coming back from the pub for example). The Highways Authority has been asked to specifically comment on this issue and Members will be updated with their response.

### Neighbour Amenity

6.16. One of the main areas of concerns in relation to the impact of this proposal on neighbour amenity is in respect of the increased number of vehicles using the access track that passes a number of residential properties. At its closest this track is some 60 metres from these neighbouring dwellings.

6.17. 40 potential pitches at maximum capacity is likely to generate a number of vehicle movements. Whilst some campers will arrive, park up and not use their vehicle again until they leave, others are likely to use their vehicle for coming and going throughout their stay. Notwithstanding this the access track is not immediately adjacent the closest neighbouring properties, and the majority of vehicles are going to be cars as opposed to heavy vehicles. The additional movement of vehicles is therefore likely to be noted, but will not be significantly disruptive to the quiet enjoyment of these properties. On this point it is interesting to note that none of the objectors state that they experienced any disturbance during the applicant's trial camping weekends carried out last summer and the Council's Environmental Health Officer has confirmed that no complaints were received last year.

6.18. With regard to general noise and disturbance from the campsite itself the applicant has confirmed that all campers are issued with a "Code of Conduct". This sets out the rules of the campsite and expectations in respect of noise, movements, litter etc. No care movements are allowed between the hours of 9pm and 9am, and campers are asked to be as quiet as possible after 10pm. No amplified music is allowed, and no audible music is allowed between 10.30pm and 9am. The applicant is usually on site to personally supervise the camp between the hours of 7am and 6.30pm (later on Fridays and Saturdays). Whilst the farmhouse is being built, out of hours he is on call 24 hours and day, and once the farmhouse has been built he will be in much closer proximity to oversee the use of the site.

6.19. Small camp fires are allowed in designated fire pits. Their size is controlled by the size of the steel car wheel rim supplied by the applicant.

6.20. The Council's Environmental Health Officers have considered the application proposals and raised no objections, considering there to be low potential for nuisance to the neighbouring properties, subject to appropriately worded planning conditions.

### Other matters

6.21. Concerns have been raised that the proposed number of WCs/showers is insufficient for the number of pitches proposed by this application. Questions have also been raised in respect waste disposal from the site.

6.22. With regard to the number of toilets the Council's Environmental Health Officers have confirmed that the applicant would be required to apply for a campsite licence, which would address matters such as these.

6.23. However, in respect of waste disposal, the applicant has confirmed that it is campsite policy for all guest to take their own rubbish home. This is not an uncommon arrangement. It is also noted that the proposed barn does include space for bin storage and it would be the applicants responsibility to ensure rubbish is disposed of from the site in an appropriate manner, either through a contract with the Council's waste department or a private waste contract.

#### Planning Balance/Conclusion

6.24. The principle of the creation of new campsites is clearly permitted by both local and national policy. The creation of a campsite at Tomkins Farm will allow for diversification of the farm, boosting the rural economy, not only for the applicant but for local businesses as well. There are therefore clear economic benefits to this proposal. Against this the negative visual impact of the introduction of the campsite and its associated facilities has to be balanced, along with the (limited) impact on the impact on the living conditions of nearby residents. With appropriately worded conditions ensuring that these impacts are mitigated it is not considered that significant harm will result that would outweigh the benefits of the proposals. For these reasons, it is considered that on balance, the application can be supported, and is therefore recommended for approval.

## **7. RECOMMENDATION**

Recommend that, subject to confirmation from the Highways Authority that they have no objections to the proposals and the conditions outlined below, permission is approved.

### **The application is subject to the following conditions:**

1. This planning decision relates solely to the plan(s) listed below.
2. Hours of operation at the site for the purposes of constructing or maintaining site infrastructure 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 or collections shall be made at the site outside of these specified times.

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

3. The development hereby permitted shall be limited to a maximum of 40 separate campsite pitches, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 or as amended in the future, no areas of hardstanding or additional structures (including any form of children's play equipment) or means of enclosure shall be formed or erected at the site unless planning permission is specifically granted by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan

5. The campsite hereby approved shall only be operational between Easter Bank Holiday and 1st October. Outside of these dates all the temporary structures associated with the use of the land as a campsite shall be removed from the site.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 and CT1 of the Lewes District Local Plan.

6. Details of any lighting to be provided to illuminate the premises should be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall thereafter be installed in accordance with the approved details. Such details shall ensure any lighting is directed so as to avoid causing a nuisance to the public or to private residents and no additional lighting shall be erected at the site without prior approval of the Local planning Authority.

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

7. No amplified sound shall be permitted at any time.

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

8. No fireworks shall be permitted at any time.

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

9. Commercial waste collections from the site should be restricted to 07.00 hours until 17.30 hours Monday to Saturday only. No collections should be made on Sundays or Bank and Public Holidays.

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

10. Within three months of the date of this decision a Waste Management Plan should be submitted to and approved in writing by the Planning Authority. The plan should identify all waste streams and confirm how wastes shall be collected, stored and disposed of. All waste collected at the site shall thereafter be collected and disposed of in accordance with the approved plan.

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

11. Within three months of the date of this decision details of soft landscape works to the southern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To mitigate the visual impact of the proposed use on the wider locality having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

## INFORMATIVE(S)

1. 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. Mixed use of the land for livestock grazing and camping could expose campers to public health hazards such as E. coli O157. Published guidance currently recommends that livestock should be removed from the land three weeks prior to use of the land for recreational purposes. Further information can be found on the Health and Safety Executive website: <http://www.hse.gov.uk/event-safety/venue-site-design.htm>.

3. The applicant is encouraged to contact the Environmental Health Department if they intend to produce a noise management plan for the campsite.

4. The applicant is advised that it is their responsibility to apply for a separate campsite licence. Further details are available here: <http://www.lewes.gov.uk/environment/1638.asp>

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	19 July 2017	
Proposed Elevation(s)	20 April 2017	AMENDED DRAWING
Proposed Floor Plan(s)	20 April 2017	AMENDED DRAWING
Photographs	20 April 2017	AERIAL PHOTO



<b>APPLICATION NUMBER:</b>	LW/17/0229	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mr D Symonds	<b>PARISH / WARD:</b>	Plumpton / Plumpton Street E.Chiltington St John W
<b>PROPOSAL:</b>	Planning Application for Demolish existing house and garaging and construct replacement dwelling with new double garage and raised decked area to garden		
<b>SITE ADDRESS:</b>	5 Riddens Close Plumpton East Sussex BN7 3BP		
<b>GRID REF:</b>	TW 36 16		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies at the bottom of a short cul-de-sac of properties known as Riddens Close, on the western side of Plumpton Green.

1.2 The five properties that make up the close are all located on the eastern side of the road, facing due west and were originally constructed as single storey bungalows. Whilst the property on the application site remains a bungalow, some of the other properties have been extended into the roof space with dormer windows.

1.3 Riddens Close slopes gently from north to south with the application site falling at the lowest level. The bungalows follow the fall in ground levels with the ridge heights of the dwelling stepping down accordingly.

1.4 No. 5 Riddens Close is by far the largest plot of the five that make up the cul-de-sac, with the land extending down to the adjacent waterway, Bevern Bridge Stream. The garden serving the property drops away more sharply past the dwelling, and at this point falls within Flood Zone 3. It appears that a number of trees have recently been cleared from the site.

1.5 At the end of the cul-de-sac the existing property has a small single detached garage. The dwelling itself has a simple L-shaped footprint, with a floor area of some 73 sqm. It is brick built and set under a relatively low pitched concrete tiled roof.

1.6 Planning permission is sought for the demolition of the existing bungalow and its replacement with a new two storey property with a floor area of some 165 sqm.

1.7 The proposed dwelling retains an L-shaped footprint, but hands its position on the site, so that the shortest elevation sits adjacent no. 4 Riddens Close and the deepest elevation sits on the southern side of the site.

1.8 As originally submitted the southern section of the dwelling was a full two storey element projecting above the northern section, by approximately 1 metre. Dormer windows were proposed in the front and rear elevation of the northern section and a barn hip roof was proposed.

1.9 Following discussions with officers, the design of the dwelling has been amended. The front facing dormer has been removed, the overall height of the southern section has been reduced, and a fully hipped roof is now proposed.

1.10 Two parking spaces are to be provided to the front of the dwelling and the existing garage at the head of the cul-de-sac is to be replaced with a new detached double garage.

## 2. RELEVANT POLICIES

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

**LDLP: – CP11 – Built and Historic Environment & Design**

## 3. PLANNING HISTORY

None relevant.

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Environmental Health** – 1. Hours of operation at the site during any demolition, 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 or collections shall be made at the site outside of these specified times. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. Dust control. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

3. Waste management advisory comment. All waste material 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.

**Environment Agency** – We have no objections to the proposed development, as submitted.

**Plumpton Parish Council** – Council is neutral on this proposal: two against, two for and two abstentions.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 2 letters of objection in relation to the original plans:

- o Development is far too big and out of keeping with surrounding bungalows
- o Roofline will be far higher than the existing bungalows and will dominate no. 4
- o The position of the double garage will encourage the mis-use of the road in front as parking area.
- o Water runs straight down the road and will flood the garage.
- o Access road is not suitable for construction vehicles.
- o How will the development effect the structural stability of our properties
- o Balcony will overlook the neighbouring property
- o There is a need for smaller and single storey properties in the village
- o Why not build a four bedroom bungalow rather than a house?

5.2 5 letters of objection in relation to the amended plans:

- o Amended plans have not changed my original concerns
- o Occupiers have been burning waste on site.
- o Still out of character
- o Adequate drainage needed to protect the garage
- o Road is not wide enough to accommodate two garages
- o Already been significant removal of trees
- o Lower part of the land is subject to extensive flooding
- o Parish Council owns park of the land at one side of the site

## 6. PLANNING CONSIDERATIONS

6.1. On the basis that the application site falls with the planning boundary of Plumpton Green as defined by the Lewes District Local Plan there is no objection to the principle of the replacement of the existing dwelling. The main issues for consideration therefore are:

- 1) Design/visual impact
- 2) Impact on neighbour amenity
- 3) Access and parking arrangements
- 4) Flooding and drainage

#### DESIGN AND VISUAL IMPACT

6.2. As noted above the design and scale of the dwelling has been amended since original submission. This was due to concerns raised by officers in relation to the impact of the proposal on the wider street scene.

6.3. As explained, Riddens Close is a small cul-de-sac of similarly designed and scaled bungalows. Whilst there is some variation between the existing dwellings as a result of minor additions to the majority, there is still a well-established character and rhythm to the street that the original scheme would have conflicted with. The originally proposed dwelling by virtue of its scale, despite an attempt to utilise the change in ground levels across the site, would have appeared as a tall and prominent addition at the end of the road. This was emphasised by the tallest section of the dwelling projecting forward.

6.4. In order to try and address this concern the overall scale of the dwelling has been reduced, through a mixture of lowered eaves, the introduction of a fully hipped roof, removal of the front facing dormer window and overall reduction in height. From the front the dwelling will largely appear as a single storey dwelling and whilst it will still be slightly taller than the adjacent bungalow and therefore disrupts the existing natural fall in building heights through the street scene, it is not considered that the proposed dwelling now appears so out of keeping or bulky to warrant refusal of consent.

6.5. The main appearance of a two storey dwelling will be from the south where there is no public access. Dwellings backing on to the stream to the south are some 70 metres away. Where views are available through the tree line these will be of the new dwelling set against a back drop of both single and two storey dwellings. With this in mind it is not considered that the new dwelling could be deemed out of character.

6.6. It is considered that the fully hipped roof is reflective of the other dwellings in the street scene. Due to the large size of the application site when compared to the other dwellings in the close, it could not be argued that the dwelling will result in an overdevelopment of the site. Overall the design of the dwelling and its impact on the wider street scene is now considered acceptable.

#### IMPACT ON NEIGHBOUR AMENITY

6.7. The position of the application site at the end of the cul-de-sac means that neighbouring properties are limited. Those likely to be most affected by this proposal are 4 Riddens Close to the north and 8 Riddens Lane to the east.

6.8. The proposal will see the new dwelling moved further away from the mutual boundary with no. 4 than the existing bungalow. In addition as noted above the handed arrangement of the L-shaped footprint now means that the shortest elevation would sit alongside the closest neighbouring property. Whilst there will be a slight increase in overall height with the roof hipped away from the mutual boundary impact on the living conditions of the neighbouring occupiers will be limited.



6.9. To the east 8 Riddens Lane is set to the north east of the application site. This is a two storey property with a long rear garden that runs behind both no. 4 and 5 Riddens Close. The proposed new dwelling will be set some 8 metres from the mutual boundary. Proposed ground floor rear facing windows are to serve an ensuite, a WC and a small utility room. Overlooking from these openings will therefore be limited. At first floor a bathroom and a bedroom window are proposed. On the southern elevation a first floor projecting balcony is proposed. This will be approximately 1 metre in depth and will set some 11 metres from the mutual boundary.

6.10. Whilst the first floor bedroom window will introduce some overlooking to the neighbouring property, in a built up area such as this, some element of overlooking is to be expected, especially in an area where there is already a mix of single and two storey properties. Limited overlooking will be experienced from the balcony on the basis that the dwelling itself will largely screen direct views.

6.11. To the west the closest neighbouring dwelling is set to the north west and is some 50 metres away. As set out above the dwellings to the south are some 70 metres away and set behind a belt of trees. With such an intervening distance it would be difficult to demonstrate any significant harm to the living conditions of the occupiers of these properties.

#### ACCESS AND PARKING ARRANGEMENTS

6.12. The existing dwelling currently has two single garages serving it. One at the head of the cul-de-sac and one towards the rear of the dwelling adjacent the eastern boundary. The proposed scheme sees the provision of two driveway parking spaces to the front of the dwelling and the replacement of the existing garage at the head of the cul-de-sac with a new double garage.

6.13. The internal dimensions of the double garage are such that the spaces it provides cannot be counted as parking spaces for the dwelling. However two spaces to serve a single four bedroom dwelling meet with ESCC minimum standards and therefore no objection is raised to the level of parking proposed.

6.14. At present 'heras' fencing has been erected across the site frontage as the site is unsafe, however once this has been removed, it will reinstate access to the turning head for other users of the close. Concerns have been raised that the position of the proposed garage will encourage inconsiderate parking, however this situation is not different from the current arrangement and therefore a refusal on these grounds would be difficult to sustain.

#### FLOODING AND DRAINAGE

6.15. A large portion of the southern section of the application site is located with Flood Zone 3 of the Environment Agency's Flood Map. This indicates that the land has a high probability (1 in 100 year) of flooding from the Bevern Stream. However the proposed dwelling is shown to be located entirely in Flood Zone 1. This indicates land with a low probability (less than 1 in 1000 year) of flooding from the river, and therefore flood risk to the proposed is not considered to be a concern.

6.16. Whilst a small portion of the proposed garage is located within Flood Zone 3 as this replaces an existing garage and does not constitute habitable accommodation it too is considered to be appropriate and raises no concerns in relation to flood risk.

6.17. A couple of the objectors writing in relation to this application have made comments in respect of surface water drainage in the cul-de-sac and poor highway drainage. Whilst this is a matter unrelated to the application proposals the applicants agent has confirmed that investigations have revealed that a water man replacement has cut through part of the road surface water drainage. It is understood that the applicant is planning to undertake repairs and incorporate new gullies to replace and/or repair existing blocked gullies in the Cloe by the turning head.

## OTHER MATTERS

6.18. Other matters raised by the third parties, whilst have been noted, are not considered to result in reasons to resist the approval of this application. The removal of trees from the site prior to the submission of this application did not require the consent of the Council as none of the trees on site are protected in any manner. Notwithstanding this a condition ensuring those remaining on site are protected during construction should ensure no further loss.

6.19. With regard to the comments made in regard to the possible impact of the proposed construction on the road surface and/or neighbouring properties, these are matters for the applicant to address. Any damage to third party property caused as a result of demolition or construction works would be for the applicant to resolve and would not be reason to prevent permission being granted.

## CONCLUSION

6.20. For all of the above reasons, the proposed dwelling as amended, is now considered acceptable and will not appear out of keeping with the street scene, unacceptably affect the living conditions of neighbouring occupiers and will be have suitable access and parking facilities. On this basis the proposal is considered to comply with the requirements of policy ST3 of the Lewes District Local Plan and Policy CP11 of the Joint Core Strategy and can be supported.

## 7. RECOMMENDATION

That planning permission be granted.

### **The application is subject to the following conditions:**

1. This planning decision relates solely to the below plan(s).
2. 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.

3. Hours of operation at the site during any demolition, 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 or collections shall be made at the site outside of these specified times.



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

4. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

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

5. The dwelling hereby approved shall not be occupied until vehicle parking spaces have been laid out within the site in accordance with drawing no. 592/03 Rev K dated 12th June 2017 and these spaces shall be made permanently available for that use.

Reason: In the interests of and for the safety of persons and vehicles using premises and/or adjoining road 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.

6. 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.

7. All trees, shrubs and hedges within the site, to be retained, shall be protected by 1m high fences for the duration of the building works at a distance equivalent to the outer most limit of the branches or half the height of the tree or whichever is the greatest or such other distance as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within the fenced area and no changes in ground level or excavations may be made within the exclusion zone of the tree, shrub or hedge without the prior consent in writing of the Local Planning Authority, in accordance with BS.5837 - Trees in Relation to Construction.

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.

## **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>

3. This development may require an Environmental Permit from us under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any temporary or permanent proposed works or structures within 8 metres of the top of the bank of the Bevern Stream. This may include the construction of the replacement garage.

This was formerly called a Flood Defence Consent.

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

Further details and guidance are available on the GOV.UK website:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

4. All waste material 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>
Existing Floor Plan(s)	20 March 2017	592/01
Existing Elevation(s)	20 March 2017	592/02
Design & Access Statement	20 March 2017	
Location Plan	12 June 2017	592/03 K
Proposed Elevation(s)	12 June 2017	592/07 I
Proposed Floor Plan(s)	9 June 2017	592/04 I
Street Scene	12 June 2017	592/09 F
Photographs	3 May 2017	
Survey Plan	3 May 2017	8338

<b>APPLICATION NUMBER:</b>	LW/17/0450	<b>ITEM NUMBER:</b>	<b>9</b>
<b>APPLICANTS NAME(S):</b>	Lewes District Council	<b>PARISH / WARD:</b>	Newhaven / Newhaven Valley
<b>PROPOSAL:</b>	Planning Application for Replacement of existing glazed frontage with new window system and addition of air conditioning unit to gable elevation		
<b>SITE ADDRESS:</b>	Sites Of 13 To 19 Chapel Street Newhaven East Sussex		
<b>GRID REF:</b>	TQ 44 01		





## 1. SITE DESCRIPTION / PROPOSAL

- 1.1 The application properties are three vacant retail units located on the west side of Chapel Street within a pedestrianized area. The proposal is for the replacement of the existing glazed frontage to the east elevation with a new window system and addition of air conditioning unit to gable (north) elevation.

## 2. RELEVANT POLICIES

**LDLP: ST3**

## 3. PLANNING HISTORY

**P/72/0069** - Proposed temporary car parks. Approved by ESCC. Temporary Permission Expires 30/06/1973. - **Approved**

**LW/78/0308** - Outline for redevelopment for shops, offices, community facilities, public conveniences, car park, access roads and pedestrian areas. Former Jolly Sailor to be retained. – **Approved**

**LW/79/0673** - Amendment to Reserved Matters (LW/78/0308) approved at reference LW/78/1324DP for a block of shops and offices. - **Approved**

**LW/78/0792** - Construction of roads and footpaths to serve shops, offices and car park development. – **Approved**

**LW/78/1324** - Approval of Reserved Matters (LW/78/0308) Construction of shops, offices, car park, public conveniences. - **Approved**

**LW/15/0005** - West bank improvement -

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

### Environmental Health

- 4.1 Considering the nature of the development proposed no comment to make in relation to land contamination.

### Newhaven Town Council

- 4.2 No comment

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

- 5.1 None received.

## 6. PLANNING CONSIDERATIONS

6.1 It is proposed to alter the frontages of the three vacant units. The existing frontages are glazed and it is proposed to replace these with new frontages which are a mixture of glazing, infill panels and high level louvres. The existing frontages are tired in appearance and it is considered that the works will improve the appearance of the units and the wider streetscene.

6.2 It is also proposed to install an air-conditioning unit to the north elevation. It is not considered that the installation of the unit will impact on either the appearance of the north elevation or the amenity of the surrounding area.

6.3 No objections have been received from the neighbouring properties.

6.4 It is considered the proposal will not have a detrimental impact on the appearance of the properties or the surrounding area, in accordance with Policy ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan.

6.5 It is recommended that planning permission be granted.

## 7. RECOMMENDATION

That planning permission be granted.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	23 May 2017	17937/PA/001
Proposed Block Plan	23 May 2017	17937/PA/001
Existing Floor Plan(s)	23 May 2017	17937/PA/005
Existing Elevation(s)	23 May 2017	17937/PA/005
Proposed Floor Plan(s)	23 May 2017	17937/PA/006
Proposed Elevation(s)	23 May 2017	17937/PA/006
Proposed Elevation(s)	23 May 2017	17937/PA/007
Photographs	23 May 2017	17937/PA/007
Additional Documents	23 May 2017	AIR CON REPORT



Report to **Planning Committee**  
Date **9 August 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/01684/FUL**  
Applicant **Mr P Templeton**  
Application **Demolition of existing buildings and construction of five family dwellings (C3) together with associated parking and landscaping**  
Address **68-74  
Malling Street  
Lewes  
BN7 2RH**

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**Recommendation:** That the application be **Approved for the reasons and subject to the conditions set out in paragraph 10 of this report and subject to the completion of a SI06 agreement with obligations relating to:**

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

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## **Executive Summary**

### **I Site Description**

I.1 The application site is occupied by a single storey sales office and with a canopy covered forecourt which is in use as a car sales showroom and display area. There is parking for cars behind the office building and there is a totem sign at the front of the site. The garage is located on the north-western side of Malling Street a short distance from the opening to the Culfail Tunnel. The site is bounded to the north by Southdown Place, which comprises a terrace of two storey houses. To the south the site is bounded by the Davey's Lane and the rear gardens to properties in Malling Street and neighbouring Thomas Street. To the rear, the site backs onto an access route connected to a retail and office use known as The Malthouse and occupied by the Steamer Trading Company.

I.2 The application site incorporates a strip of highway land along Davey's Lane as well as the public footway and planters between the garage forecourt and Malling Street.

I.3 The application site measures 14m in width and 31m in depth from the back edge of the public footway, covering an area of 420 square metres.

I.4 The buildings on the site are not Listed and the site is not located in a Conservation Area, but the site is an important street frontage near to the point where the Culfail Tunnel arrives in Lewes along the route of the A26.

## 2 Proposal

2.1 The application seeks planning permission for the demolition of the existing car sales buildings and for the re-development of the site with 2-storey development of three terraced houses with 3-bedrooms and with accommodation within the pitched roofs and first and second floor level bay windows fronting Malling Street, and two storey development to the rear, fronting Davies Lane, by way of two semi-detached houses each having 2-bedrooms.

2.2 The three houses fronting Malling Street will have car parking underneath, at ground floor level, and living accommodation and private outdoor amenity space above. The houses will feature distinctive bay windows and a pitched roof, the ridge line and eaves height in alignment with neighbouring buildings of similar scale. External materials and finishes include grey slate cladding and grey-brown facing brickwork, stained timber screens and gates, and off-white and grey fenestration.

2.3 Behind these properties and on the land between Davies Lane and Southdown Place, a pair of semi-detached homes is proposed. These will have off-street car parking behind sliding timber gates, and the houses will be set back from Davies Lane. The roof will have a long pitched slope to the rear, reducing the height on the Southdown Place elevation to a tall single storey. The first floor level of each house will be cantilevered over the ground floor which on the Davies Lane elevation will create an overhang with a void beneath.

## 3 Relevant Planning History

None relevant.

## 4 Consultations

### ESCC - Highways

No objection

#### 1. Trip Generation

It has been accepted that the 5 dwellings generating approximately 20 - 25 vehicular trips a day is comparable to the existing trip rates generated by the car sales use. I therefore have no highway objection in principle to the proposed 5 dwellings.

#### 2. Access/Highway

The application indicates that the existing access onto Malling Street [A26] would be permanently closed off. The existing access onto Davey's Lane would be altered to provide a paired access to two of the dwellings and a new shared access created onto Davey's Lane to serve the 3 dwellings fronting Malling Street [A26].

Part of the development [southeastern corner of plot 5] would be built within the limits of the public highway [please see attached plan which shows the adopted public highway coloured pink]. As can be seen this development would require part of the highway limits being stopped up. This can be dealt with through the application under the Town and Country Planning Act.

The south-eastern end of Daveys Lane was closed to vehicles and the highway was 'stopped up' when Cuilfail Tunnel was constructed. The road closure works comprised of creating a footway over the former road between Malling Street and Daveys Lane. When a road is 'stopped up' control over the land in question reverts back to the owner. The 'stopped area' appears to be unregistered land.

Notwithstanding the above comments, and given the number of years which the public have passed over the 'stopped up' land, it is considered that a pedestrian right of way has been established between Malling Street and Daveys Lane. It is therefore recommended that the status of the 'stopped up' area is further amended by formally adopting it as highway under s228 of the highways Act.

It is also noted that the proposal includes alterations to the parking restrictions on Malling Street by extending the on-street parking bay adjacent to the site. The footway will also be altered in this location with provision of a new raised planter in the public highway fronting Malling Street. These off site highway works would require the works to be done through a s278 agreement [with appropriate Road Safety Audit stage 1-4] and secured through a s106 agreement. Additionally the raised planter would be subject to a Licence from the Highway Authority and in any event would need to be set back at least 450mm from the kerblines of Malling Street.

A stage 1 Road Safety Audit has been carried out and although some issues have been raised these have been addressed and will be dealt with through the detailed design and completion of the Road Safety Audit procedure.

## 2. Parking

ESCC's parking guidelines recommend that 7 spaces should be provided for the 5 residential units. The application provides a total of 5 car parking spaces, 1 allocated per dwelling. Given the capacity issues of on-street parking in Lewes Town the Highway Authority, at present, requires an informative be put on any planning decision for new dwellings that the owner/occupier may not be eligible for a residents parking permit.

Although 2 spaces falls short of the recommended number of spaces the proposed 5 spaces are considered sufficient given the above and subject to the existing parking bay being extended to provide either a car club bay or pay & display parking. This is to encourage other non car modes of transport together with other highway mitigation measures [see point 5 below].

The applicant has provided vehicle tracking of the swept path for private motor vehicles entering and leaving the proposed access points which are satisfactory.

The Transport Report states that servicing will take place on Malling Street along with existing properties. However, I note that some existing dwellings may result in some delivery vehicles stopping on the A26 [Malling Street]. Due to the parking available within this site the existing use does not result in vehicles currently stopping on the double yellow lines on Malling Street [A26].

This proposal could generate a requirement for delivery/removal vehicles to stop on the existing parking restrictions on Malling Street, however, given the size of the development this is not likely to be a regular occurrence. However, it is recommended that thought is given to the addresses for these dwellings, when developed, to prevent vehicles from stopping on Malling Street [A26] e.g. Can they be given address as Davey's Lane?

## 3. Cycling Provision

In accordance with ESCC's guidelines 1 cycle space per 2 bedroom dwelling and 2 spaces per 3 bedroom dwelling should be provided. The proposal provides for 2 covered and secure cycle spaces per dwelling and is therefore acceptable to the highway authority.

## 4. Demolition/Construction

The applicant will need to provide a construction traffic management plan [CTMP] which would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the whole of the demolition and construction phases.

The CTMP should also include Risk Assessment Methods showing how the demolition will take place including all associated traffic management measures required to ensure pedestrian and road user safety.

## 5. Mitigation Measures

Improvements towards infrastructure would be required in order to make the site accessible to alternative modes of transport and secured through the original Section 106 Agreement (including provisions for a S278 Highway agreement to cover the physical works detailed below) would be required to include provision of

1. Extension to the parking bay on Malling Street outside the site as shown for illustrative purposes on drawing number 0144P.101A to provide further pay & display area or a car club bay.
2. Alterations to Davey's Lane as illustrated on drawing number 0144P.101A and to provide 2 sets of highway delineation along the northern side of Davey's Lane to mark the edge of carriageway and also at the back of highway/site boundary..
3. Alterations to the existing footway and remaining highway land along Malling Street as illustrated on approved drawings.

Points 1 - 3 above are subject to all details to be agreed at design stage.

It should be noted that point 1 above would also require the existing Traffic Regulation Order [TRO] to be amended accordingly and therefore a contribution of £6,000 towards the administrative costs of carrying out the TRO is sought.

It should be noted that a TRO is open to objection and is therefore not guaranteed.

## **LE - Environmental Health**

No objection

No objection in principle to the development. However, the Phase I Desk Study, Site Reconnaissance & Phase II Site investigation Report Ref: LP00994 of 9 October 2015 has identified a number of pollutant linkages on the site due to its former uses as a former petrol station, car sales and timbers yard. The limited intrusive investigation undertaken on the site suggest the presence of elevated levels of petroleum hydrocarbons in made ground as well as in groundwater and I therefore recommend the following conditions: contaminated land, remediation and verification. Also an informative relating to asbestos and conditions relating to unsuspected contamination and a Construction Environment Management Plan. This location is beside the A26 a busy road approximately 100m from the entrance to Cuifall Tunnel. The A26 suffers from congestion at rush hour and is within an urban canyon at this location. Lewes District Council monitors air quality at this location as part of our remit under the Environment Act 1995. We monitor nitrogen dioxide at 2 locations in the vicinity, levels although elevated are below the air quality objective for nitrogen dioxide. Road traffic noise at this location is elevated.

Accompanying the application air quality and noise assessments have been provided, which we welcome. Having reviewed both documents we are satisfied with their conclusions.

Should you be minded to recommend planning permission at this location we would recommend that the following condition is considered as means of ensuring that internal residential amenity is provided.

Internal sound insulation

The building envelope including windows and doors of the units facing Malling Street shall be constructed so as to provide an internal noise levels that are compatible to BS8233:2014 using the rigorous noise calculation approach and as described in the Acoustic Report supporting the planning application. The developer shall prior to occupation provide in writing details of the scheme and by testing of one property demonstrate that the scheme meets the requirements of BS8233:2014. The scheme shall demonstrate that either the through whole housing ventilation or mechanical ventilation methodology that the properties can be appropriately ventilated without the need to open the windows of rooms facing the A26.

Reason: To provide appropriate internal residential amenity and to conform the National Planning Policy Framework requirements

External Sound Amenity

Prior to occupation details of the noise fences for the external amenity areas shall be provided in writing to the LPA for its written approval. The scheme shall ensure that the WHO standard of 50dB(A) is complied with and the scheme shall be compatible with the recommendations made in the acoustic report submitted with planning application.

Reason: To provide appropriate internal residential amenity and to conform the National Planning Policy Framework requirements

During the construction phase the impact of the development on the neighbouring residents should be managed and mitigated given their close proximity. To that end I recommend the following condition

#### Construction Environmental Management Plan (CEMP)

No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local 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 Local Planning Authority.

Reason: In the interests of amenity of the locality.

#### **LE - Waste & Recycling**

Comments awaited.

#### **Environment Agency (STAT)**

No objection

No objections to the proposed development, subject to the inclusion of the following conditions in any planning permission. Without the inclusion of these conditions the Environment Agency considers that the development poses an unacceptable risk to groundwater quality, and to people and property from flooding:

Surface water drainage and flood risk mitigation together with informatives relating to emergency flood procedures and flood resistance and resilience.

#### **Parish Council Consultee**

Objection

Members felt there was little improvement over previous applications and this would still be a cramped overdevelopment which would dwarf neighbouring properties. The design was dominant and out of rhythm with the local roofscape, and generally out of proportion to the location.

## **5 Representations**

Friends of Lewes - Support

Friends of Lewes Society support this lower density development for 68/74 Malling Street as it has fewer dwellings than in the previous proposal, to which it objected. The Society considers the proposed development to be well designed and supports the use of slate gables which will break up the bulk of the principal elevation.

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It supports the scale of the development and the modern design, conditional on careful detailing and construction delivering high quality buildings. The west side of Malling Street has a history of



commercial development of poor design and inappropriate scale and this development presents an opportunity to restructure the residential balance of the street.

#### Lewes Conservation Area Advisory Group - Support

This Application replaces one that proposed a higher dwelling density with considerably greater massing and few obvious positive design elements. The Group welcomes this fresh Application and believes that, although the proposed development is outside the boundary of the CA, it will fit well into the streetscape and, through good design quality, have a positive impact upon the CA, situated as it is on one of the main access routes to the town centre.

Malling Street is one of the busiest roads in Lewes and the general environment for pedestrians and residents is very poor. Problems include poor air quality, noise and dirt. The scheme appears to address this by providing a landscaped barrier between the development and Malling Street.

The west side of Malling Street has been blighted by extensive demolition and the construction of commercial premises that are of unsympathetic design and inappropriate scale. The new proposal, by filling one of these gaps, goes some way to mending the domestic fabric of the street.

The Group particularly likes the use of slate gables to break up the bulk of the principal elevation. On the two side streets the new houses are much lower and the general feeling is of a mews, entirely appropriate for this site. Some Group members question the degree of roof pitch to the houses on the eastern face and suggest that this might be revisited by the developer.

As always with such buildings, the final appearance will depend on careful detailing and meticulous construction.

#### Lewes District Architects' Advisory Panel - No objection

No objection in principle. Close attention to detail will be required for example to the guttering and external materials. The proposal is a clever scheme and the changes suggested by the South Downs National Park Authority are a retrograde step and the original design is superior.

#### South Downs National Park Design Review Panel - No objection

1. The Panel began by saying that this scheme is an ingenious scheme that appears to make best use of a tight site and had obviously taken some time to development.
2. The Panel noted that it still was not convinced by the parking, but that this is a fairly minor issue overall.
3. The Panel raised concern about the aspect to the North East and wondered whether units 1 and 2 could be moved to the South West of the site. Bays could be constructed that project and look down on to Davis Way so the scale and bulk of the building would have less impact overall.
4. The Panel recommended that a shadow analysis is done of the gable end of unit 3, which they think will shadow Southdown Place, and perhaps consider pitching the roofs in the other direction in order to overcome that.
5. The Panel suggested that the bays need more development of the details, in order to ensure. Currently the bays are aggressively dominant against the context and calming that down would be beneficial to the overall street.
6. The Panel noted that the bed in the planned layout of the bedrooms would be close to the window and questioned whether that would be comfortable, especially given that the front three units look out on to a very aggressive, noisy road.

7. The Panel suggested that the wall by Southdown Place could be in a perforated brick design or made from slatted timber panels in order to let some light in while keeping the privacy of the occupants intact.

8. The Panel raised a concern that the gables are too high above the roofline of the surrounding buildings, which looks quite aggressive. They also expressed some doubts about the detailing shown in the CGI. Additionally, they feel that the spandrel panel does not work particularly well.

9. The Panel finished by saying that they hope that the scheme will be carried forward and reminded the Applicant that they have a reputation to maintain.

Letters of representation have been received from (no number) Southdown Place; 4 and 22 Thomas Street; 62 Malling Street; and 108 Western Road, objecting to the application for the following reasons:-

Over development  
Too high  
Out of character  
High density  
Over dominant  
Materials  
Modern design and massing  
Noise and disturbance  
Loss of light and privacy  
Inadequate parking  
Access issues  
Highway safety  
Air quality  
Eligibility for parking permits should be limited

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- South Downs National Park Local Plan - Preferred Options September 2015
- SDNPA Partnership Management Plan 2014
- National Planning Policy Framework

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

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

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

### National Planning Policy Framework (NPPF)

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

- NPPF - Achieving sustainable development
- NPPF - Delivering a wide choice of high quality homes
- 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 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 **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- SP2 - Distribution of Housing
- CP2 - Housing Type, Mix and Density
- CP10 - Natural Environment and Landscape
- CP11 - Built and Historic Environment and Design
- CP12 - Flood Risk, Coastal Erosion and Drainage
- CP13 - Sustainable Travel

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

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

- General Policy 50

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

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- NPPF - Achieving sustainable development

- NPPF - Delivering a wide choice of high quality homes

#### 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:

- General Policy 50

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

## **8 Planning Assessment**

8.1 The principal considerations in the determination of the application include the principle of development; the design and appearance of the dwellings; the impact on neighbour amenity; the impact on sustainable transport; flood risk; and contaminated land risk.

### **PRINCIPLE -**

8.2 Within the defined Planning Boundaries opportunities do arise for residential development by infilling, redevelopment or conversion of buildings.

8.3 Provided such arrangements respect the need to safeguard the character of the town or village and the amenities of the local residents, they can make a contribution to the share of the District's housing requirements and an allowance for such "unidentified sites" is made in the calculation of Housing Land Supply in the District.

8.4 The existing use of the land for car sales falls into a Sui Generis land use class and the site employs a small number of people, mainly in the small office space, and most of the site area is used primarily for the storage, display and preparation of cars for sale. There is no policy within the Local Plan that seeks to safeguard such uses and this previously developed, brownfield site, is therefore suitable for alternative uses such as residential development.

8.5 The application site is located within the Planning Boundary of Lewes where there is a presumption in favour of sustainable development and being contained within the Planning Boundary the application site is compliant with policy CT1 of the Lewes District Local Plan. The proposals also relate to previously developed land, the re-use of which for residential purposes is supported in principle. The proposed dwellings will help to meet the housing need identified in the Lewes District which is welcomed.

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8.6 Being a scheme for 5 residential units, the proposals fall below the threshold of 6 or more dwellings that would trigger a contribution for affordable housing within the National Park.

## DESIGN AND APPEARANCE -

8.7 In terms of scale and massing the three dwellings fronting Malling Street will be sympathetic with and comparable to neighbouring buildings and also the buildings behind the site such as The Maltings. The eaves level and the full pitched roof to the rear elevation will give the development the scale of a two storey building with accommodation at second floor level and this is not out of keeping with other neighbouring buildings that front Malling Street. The external materials and finishes proposed to be used are traditional but the form and detailing of the building is contemporary. The three bay windows to the front elevation will give the development vertical articulation and a rhythm which is in keeping with the sub-division of neighbouring terraced properties and buildings such as 84-94 Malling Street. The three bay windows are striking but not overly dominant and they reflect the gable frontages of 84-94 Malling Street and will feature a modern design and arrangement of windows that will complement the overall scheme. This high quality and innovative design approach is supported.

8.8 The two dwellings proposed behind will be much smaller scale and will be two storeys in height. This is to reflect the scale and massing of the terraced houses in Thomas Street and Southdown Place. Again the palette of materials and finishes is traditional and takes cues from other buildings within Lewes which define its unique character and which will reinforce local distinctiveness. Once more the design makes a modern re-working of the traditional style by way of a cantilevered first floor level and the use of sliding timber gates to the parking areas.

8.9 The proposed landscaping and construction of a new planter in front of the development will enhance the street scene as well as making a positive contribution to the setting of the proposed development.

8.10 In summary the proposals represent a high quality and innovative approach to this difficult site, and it is considered that the proposals will enhance the appearance and character of this location and enhance the public realm.

8.11 Neither the South Downs National Park Design Review Panel nor the Lewes District Council Design Panel raise objections and it is noted that the Friends of Lewes and also the Lewes Conservation Area Advisory Committee do not raise objections to the application.

## NEIGHBOUR AMENITY -

8.12 The development proposal essentially comprises two elements. The larger two-storey building will be separated from the neighbouring buildings by the widths of both Southdown Place and Davey's Lane, and in terms of depth, the building will be comparable with the terrace 76 - 94 Malling Street. With respect to the first floor level garden terraces to the rear of the building, the applicant has taken steps to ensure these are positioned as far from properties in Southdown Place as practicable, and a timber screen wall will prevent undue overlooking of these neighbouring properties and also the rear elevations of those in Thomas Street.

8.13 The two storey semi-detached houses behind will have a lower profile and will be set back from both Davey's Lane and from Southdown Place.

8.14 No upper floor windows are proposed that would result in loss of privacy for occupiers of Southdown Place and the rooflights on the rear roof slope will be at least 3.5m above internal finished floor level, and will direct light straight down to ground floor level. The rear roof slope is long and shallow and the rear eaves height will be 3.73m and set back from the rear boundary of the site by approximately 1m. The rear elevation will be 1.5m taller than the boundary wall which exists along this site boundary.

8.15 In summary, and in view of the site constraints and the character of this location as a densely built-up area, the proposed development will not give rise to a level of overlooking or overshadowing that will be demonstrably harmful to neighbour amenity.

## ACCESSIBILITY AND SUSTAINABLE TRANSPORT -



8.16 The application site is within walking distance of the superstores located nearby in Brooks Road, which include Homebase, Aldi and Tesco. The site is also within walking distance of bus services along Malling Street/A26 between Tunbridge Well, Ringmer and Brighton. As such future residents need not be solely reliant on private car use. It is also noted that the applicant proposes to provide secure and sheltered cycle storage. On-street parking spaces are limited and controlled by parking permits. Nonetheless, the applicant proposes off-street car parking to the ratio of one space per unit. This level of car parking provision is acceptable to the highway authority and the applicant has shown tracking of vehicles on the plans submitted, indicating that access and manoeuvring will be acceptable.

8.17 The applicant will need to amend the Traffic Regulation Order in effect along Malling Street in order to provide the additional on-street car parking bay, and the highway authority is seeking improvements to Davey's Lane, which can be secured by entering into a S106 Agreement.

8.18 The comments of neighbouring residents are acknowledged but it is not considered that the development will result in increased vehicle usage of Thomas Street and the rear access via Southdown Place are pedestrian only, and will lead to the back gates of the development rather than the main entrance points. Davey's Lane is already used by vehicular traffic and residents wishing to access their properties via the back gates will need to exercise caution as these access points open directly onto the road. The number of vehicular movements associated with the small number of additional units proposed, taking into account the densely built-up character of the locality (there are some 14 properties in Thomas Street and 6 in Southdown Place) and its relatively central position, will not result in a material impact on highway safety or the operation of the public highway, and the highway authority raises no objection to the proposals on these grounds.

#### FLOOD RISK -

8.19 The application site lies within both a Zone 3 and Zone 2 flood risk area, meaning the site is at higher risk of fluvial flooding owing to the nearby River Ouse. The site is protected against 1 in 200 year flood events but there is always a residual risk of defence failure or overtopping.

8.20 The Environment Agency has been consulted and having reviewed the Flood Risk Assessment submitted with the planning application raises no objection subject to a condition to ensure that all sleeping accommodation is restricted to first floor level or above, in accordance with the recommendations of the Flood Risk Assessment.

8.21 Informatives are also recommended to ensure that the applicant has considered flood emergency procedures and flood resistance and resilience measures.

#### CONTAMINATED LAND -

8.22 The applicant has submitted a Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report because the land is potentially contaminated by virtue of its current and former uses for car sales, as a petrol station, and a timber yard. The reports highlight the presence of elevated levels of petroleum hydrocarbons in the made ground as well as in the groundwater.

8.23 In view of this both the Environmental Health team and the Environment Agency recommend conditions to ensure that the necessary investigations, remediation strategies, verification reports and methodology for long-term monitoring are put in place.

8.24 These conditions will ensure that any contaminated land is dealt with and the land made safe for residential use.

A) A financial contribution of £6000 towards amending the Traffic Regulation Order to allow the top end of Davey's Lane to be adopted as highway and for the extension of the existing parking bays on Malling Street to provide an additional parking space together with:

i) An invitation to the Co Wheels car club to use the above parking bay as a car club space, together with a maintenance payment of £6000 per annum for the first two years following the first occupation of any of the dwellings hereby permitted.

ii) A cascade clause to allow for the parking bay to be used as a pay-and-display parking space in the event that a deal with the car club cannot be secured within 6 months of the commencement of the development hereby approved or in the event the car club space is not self-supporting after the first two years following first occupation of any of the dwellings hereby permitted.

B) Alterations to Davey's Lane to provide highway delineation in accordance with the approved plans.

8.25 The proposed development will attract a CIL liability which can then be used to deliver the projects outlined in the adopted Regulation 123 List, which includes education and highway improvements.

## **9 Conclusion**

The development proposal is acceptable in principle and will provide much needed additional housing on a site that has been previously developed, in buildings of a high quality and innovative design that reflect the positive characteristics of the immediate locality and take into account the constraints of the site whilst seeking to minimise the impact of the development on neighbour amenity and the highway.

Accordingly approval is recommended.

## **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 and subject to the completion of a S106 agreement with obligations relating to:

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

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

2. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.

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

3. No development shall take place until full details of the existing and proposed ground levels within the site, together with the eaves and ridge height of the approved development, and details of the ground levels, eaves and ridge heights of the existing buildings on land adjoining the

site, to include 66 and 76 Malling Street and 8 Southdown Place, by means of spot heights and cross-sections to OS Datum, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved level details.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development 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.

5. Prior to the occupation of the residential units hereby permitted, full details of the facilities for secure cycle storage shall be submitted to and approved in writing by the local planning authority. Each cycle parking facility shall provide Sheffield type stands allowing for secure storage of cycles by frame and wheel, together with details of a canopy or shelter over each cycle parking facility. The development shall be implemented in accordance with the approved details and the cycle parking facilities shall be retained thereafter for the use of residents of, and visitors to the development.

Reason: In order to encourage the use of sustainable transport and minimise dependence on private car use in the interests of the environment and the amenity of the area in accordance with Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

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

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

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

Reason: In the interests of the residential amenities of the neighbours having regard to policy ST3 of the Lewes District Local Plan, policy CPI 1 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- o the anticipated number, frequency and types of vehicles used during construction,

- o the method of access and egress and routing of vehicles during construction,
  - o the parking of vehicles by site operatives and visitors,
  - o a workers' Travel Plan
  - o the loading and unloading of plant, materials and waste,
  - o the storage of plant and materials used in construction of the development,
  - o the erection and maintenance of security hoarding,
  - o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - o details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area.
- o A Risk Assessment Method showing how the demolition will take place including all associated traffic management measures required to ensure pedestrian and road user safety.

Reason: In the interests of highway safety and amenity and having regard to retained policy ST3 and Core Policies 11 and 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.

9. No development shall take place, including any ground works or works of demolition, until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, and 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 the amenities of neighbouring residents and occupants, having regard to policy ST3 of the Lewes District Local Plan, policy CPI 1 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To ensure safe and satisfactory means of vehicular access to the site during construction in accordance with retained policy ST3 and Core Policies 11 and 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.

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ambiental ref. 2300, dated June 2015) and the following mitigation measures detailed within the FRA:

I. Sleeping accommodation must be restricted to the first floor and above (no sleeping accommodation on the ground floor) as referenced in section 6.3 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In the interests of the amenity of future occupants, ensure safe access and egress from and to the site and to manage flood risk in accordance with Core Policy 12 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. No development shall take place until details of the proposed surface water drainage to prevent the discharge of surface water from the application site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority and the Lead Local Flood Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained as such thereafter unless otherwise agreed in writing.

Reason: In the interests of highway safety and to manage flood risk in accordance with Core Policies 12 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect the underlying groundwater from potential pollution having regard to Core Policy 10 of the Lewes District Local Plan Part One: Joint Core Strategy; the National Planning Policy Framework 2012; and because the site lies on the New Pit Chalk Member, which is designated a Principal Aquifer.

14. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. 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.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site and including further intrusive investigation in the area of the underground petrol storage tank in order to delineate the extent of hydrocarbon contamination and quantify the level of hydrocarbons in the made ground.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken to include measures required to deal with the elevated level of petroleum hydrocarbons and VOCs in soil and ground water, and details of how the underground fuel storage tanks including the associated pipework can be safely removed from the site.

4. Gas monitoring in accordance with CIRIA C665 (nine over 6 months) particularly in the areas of the made ground and the car sales office building and if elevated levels of gas are detected, adequate gas protection measures shall be undertaken to prevent gas ingress into the buildings.

5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the underlying groundwater from potential pollution having regard to Core Policy 10 of the Lewes District Local Plan Part One: Joint Core Strategy; the National Planning



Policy Framework 2012; and because the site lies on the New Pit Chalk Member, which is designated a Principal Aquifer and contamination may be present at the site as a result of its historical uses.

15. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the any remediation, if deemed necessary, is satisfactorily completed, having regard to Core Policy 10 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2012

16. No occupation of any part of the permitted development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the any remediation, if deemed necessary, is satisfactorily completed, having regard to Core Policy 10 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2012

17. 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.

18. Unless otherwise agreed in writing, no part of the development shall be occupied until such time as the existing vehicular access onto Malling Street [A26] has been physically closed in accordance with plans and details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with retained policy ST3 and Core Policies 11 and 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.

19. Unless otherwise agreed in writing, no part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed vehicular accesses onto Daveys Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: In the interests of highway safety in accordance with retained policy ST3 and Core Policies 11 and 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.

20. The residential units hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking and manoeuvring of motor vehicles used by occupants of and visitors to the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

21. Travel plan packs should be provided for each householder upon occupation

Reason: To encourage and promote sustainable transport.

22. Unless otherwise agreed in writing by the local planning authority, no development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designer's Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety, to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

23. Unless otherwise agreed in writing by the local planning authority, no part of the development shall be occupied until a Servicing Management Plan for has been submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and amenity, to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

24. No development shall take place until details of both hard and soft landscape works, including new tree planting, 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 prior to the first occupation of the dwellinghouses hereby permitted.

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

25. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Parts 1 and 2 of Schedule 2, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

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

26. The building envelope including windows and doors of the units facing Malling Street shall be constructed so as to provide an internal noise levels that are compatible to BS8233:2014 using the rigorous noise calculation approach and as described in the Acoustic Report supporting the planning application. The developer shall prior to occupation provide in writing details of the scheme and by testing of one property demonstrate that the scheme meets the requirements of BS8233:2014. The scheme shall demonstrate that either the through whole housing ventilation or mechanical ventilation methodology that the properties can be appropriately ventilated without the need to open the windows of rooms facing the A26.

27. Prior to occupation of any of the residential units hereby permitted, details of the noise fences for the external amenity areas shall be provided in writing to the local planning authority for its written approval. The scheme shall ensure that the World Health Organisation standard of 50dB(A) is complied with and the scheme shall be compatible with the recommendations made in the acoustic report submitted with planning application, unless otherwise agreed in writing by the local planning authority.

Reason: To provide appropriate internal residential amenity and to conform with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

## **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 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.

## **South Downs National Park Authority**

Contact Officer: Chris Wright  
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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
Reports - Design and Access Statement Parts 1,2 & 3			29.03.2017	Approved
Reports - Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report			29.03.2017	Approved
Reports - Noise Assessment			29.03.2017	Approved
Reports - Phase I Flood Risk Assessment			29.03.2017	Approved
Reports - Planning Statement			29.03.2017	Approved
Reports - Preliminary Air Quality Assessment			29.03.2017	Approved
Reports - Stage I Road Safety Audit			29.03.2017	Approved
Reports - Sustainability & Energy Strategy Report			29.03.2017	Approved
Plans - Location Plan	1616_50		29.03.2017	Approved
Plans - Landscape GF Plan	0144.P.101 A		29.03.2017	Approved
Plans - Landscape Roof Terraces Plan	0144.P.102 A		29.03.2017	Approved
Plans - Planting Roof Terraces Plan	0144.P.302 A		29.03.2017	Approved
Plans - Exterior Lighting GF Plan	0144.P.501 A		29.03.2017	Approved
Plans - Existing Topographical Site Plan	1616_100		29.03.2017	Approved
Plans - Existing and Proposed Block Plans	1616_105		29.03.2017	Approved
Plans - Proposed Ground Floor Plan	1616_201		29.03.2017	Approved
Plans - Proposed First Floor Plan	1616_202		29.03.2017	Approved
Plans - Proposed Second Floor Plan	1616_203		29.03.2017	Approved
Plans - Proposed Roof Plan	1616_204		29.03.2017	Approved
Plans - Existing Elevations	1616_400		29.03.2017	Approved
Plans - Proposed Elevations	1616_410		29.03.2017	Approved
Plans - Proposed Elevation/Sections	1616_411		29.03.2017	Approved
Plans - Proposed Elevations/Sections	1616_412		29.03.2017	Approved
Plans - Proposed South East Contextual Elevations	1616_420		29.03.2017	Approved

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