

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, 30 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.

16/08/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 9 August 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/17/0494 - 3 Bramber Avenue, Peacehaven, East Sussex, BN10 8LR (page 5)

7 LW/17/0491 - 30 Brambletyne Avenue, Saltdean, East Sussex, BN2 8EJ (page 13)

8 LW/17/0462 - Land Rear of 1 Denton Drive, Newhaven, East Sussex (page 18)

Planning Applications WITHIN the South Downs National Park

9 SDNP/17/00775/FUL - Land adjacent to Hanover House, Timberyard Lane, Lewes, East Sussex (page 29)

10 SDNP/17/03395/LIS - 32 High Street, Lewes, BN7 2LU (page 47)

Non-Planning Application Related Items

11 Enforcement Monitoring (Part A) (page 55)

To receive the Report of the Director of Regeneration and Planning (Report No 110/17 herewith).

12 Enforcement Monitoring (Part B) (page 58)

To receive the Report of the Director of Regeneration and Planning (Report No 111/17 herewith).

13 Outcome of Appeal Decisions on 6th June 2017 and 8th August 2017 (page 60)

To receive the Report of the Director of Service Delivery (Report No 112/17 herewith).

14 Written Questions from Councillors

To deal with written questions from councillors pursuant to Council Procedural Rule 12.3 (page D8 of the Constitution).

15 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is

scheduled to be held on Wednesday, 6 September 2017 in Sutton Hall, Downs Leisure Centre, Sutton Road, Seaford, BN25 4QW, 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

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

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

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

Planning Applications OUTSIDE the South Downs National Park

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

Planning Applications WITHIN the South Downs National Park

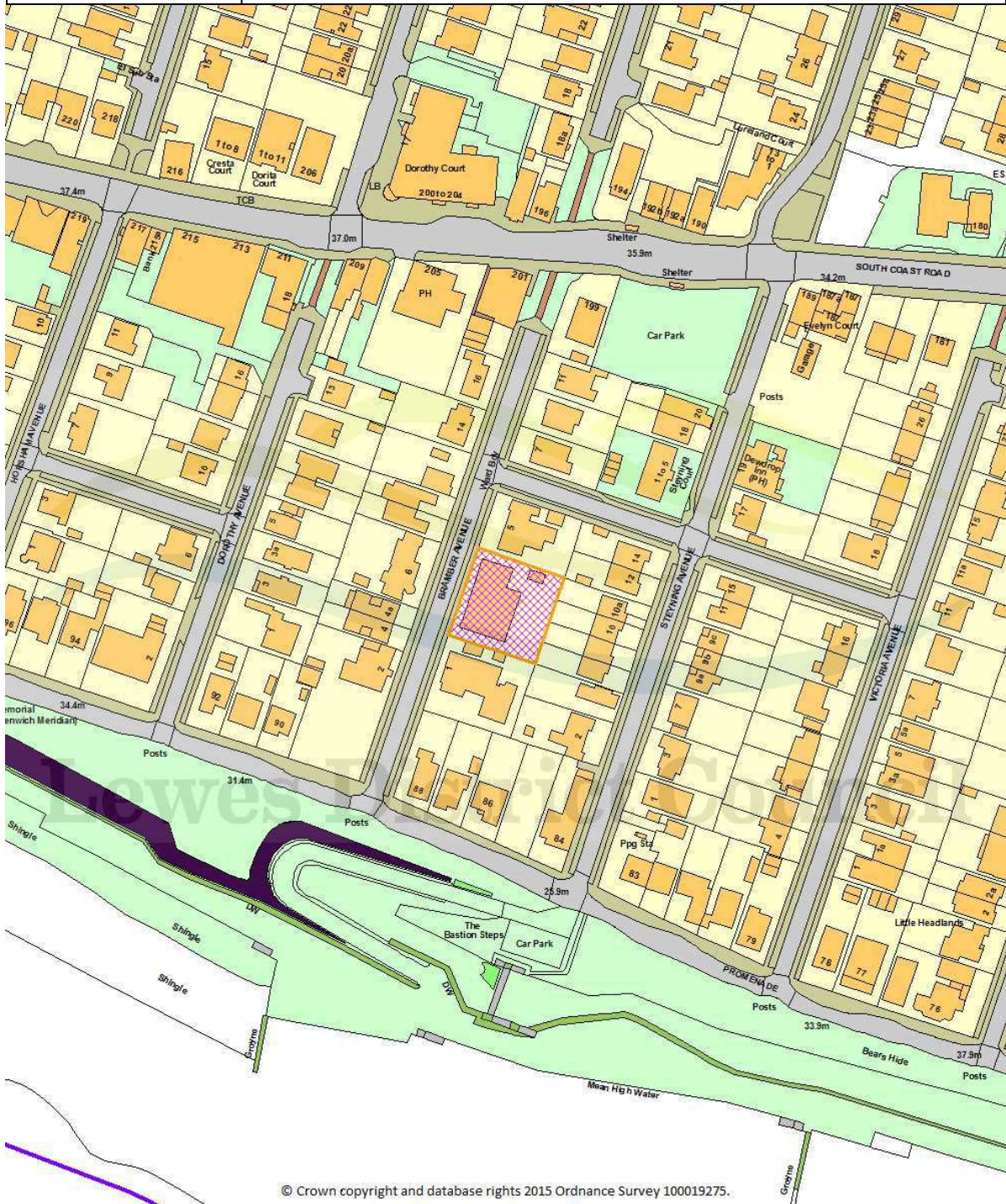
The two statutory purposes of the South Downs National Park designations are:

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

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

set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

APPLICATION NUMBER:	LW/17/0494	ITEM NUMBER:	6
APPLICANTS NAME(S):	BNM Parkstone LLP	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Change of use from nursing home to House in Multiple Occupancy to include 14 letting suites and manager's accommodation		
SITE ADDRESS:	3 Bramber Avenue Peacehaven East Sussex BN10 8LR		
GRID REF:	TQ4100		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a large two-storey detached property on the eastern side of Bramber Avenue, near to the clifftop and within the Planning Boundary of Peacehaven. The property is set at lower level than the street and has a car park and a small garden at the rear. The building has a gable feature to the principal elevation, with black-painted exposed timber detailing. There is accommodation within the pitched and hipped roof, evidenced by flat roof dormer windows and a top window within the gable feature to the front elevation. The building is finished in a white-painted stippled/textured render and the windows are white PVCu. The building is not Listed and is not situated in a Conservation Area.

1.2 The building has until recently been used as a nursing/care home which had 19 rooms and which was closed in 2016.

PROPOSAL

1.3 The application seeks planning permission for a change of use of the building from a nursing home (Use Class C2) to a House in Multiple Occupation (HMO) having 14 letting rooms (Sui Generis land use).

1.4 The seven car parking spaces behind the building will be retained and an additional 16 spaces for cycle parking will be provided. Two car parking spaces for staff are proposed to the side of the building.

1.5 The existing nursing home layout comprises 17 bedrooms with office space on the top floor, although the applicant states that the nursing home provided 19 bedrooms and was registered to accommodate up to 21 persons. The proposed HMO will comprise 8 rooms on the ground floor (6 with en-suite) and 6 rooms on the first floor (all with en-suite) making a total of 14 rooms.

1.6 There will also be a lounge, kitchen and shared bathroom on the ground floor, and, on the top floor, an office and a 1-bedroom self-contained flat for manager's accommodation.

1.7 The application is a revised submission following the refusal of a previous planning application, LW/17/0156, for the change of use of the nursing home to an HMO with 22 letting rooms. The reason for refusal was as follows:-

“The proposed development will lead to a significant intensification of the use of the land when compared with the former use, more frequent movements to and from the site, and broader levels of domestic activity throughout the building and throughout the day, resulting in a use which is not appropriate in nature and character in respect of the prevailing ambience of the locality as a relatively quiet and tranquil environment characterised primarily by single family dwelling units. The development will therefore irreversibly alter the character of the locality and have a harmful impact on neighbour amenity, contrary to retained policy ST3 and Core Policy 11 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.”

1.8 The revised application no longer includes the previously proposed first floor level extension to the front of the building which would have enclosed the existing roof terrace.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

E/54/0584 - Planning and Building Regulations Applications for proposed entrance porch. Building Regs Approved. - **Approved**

LW/86/1332 - Section 32 Retrospective application for continued use of property as a rest home for the elderly and alterations to the building – **Approved**

LW/89/2170 - Extension to provide extra bedrooms for dual registered nursing/residential care home for owner occupation. – **Approved**

LW/17/0156 - Change of use from nursing home (C2) to House in Multiple Occupation (Sui Generis) with 22 letting rooms and erection of first floor front extension to replace front roof terrace - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council

4.1 Refusal Recommended due to:-

- This is a quiet residential area, occupied mainly by retired residents, an HMO is not appropriate in this location
- Inadequate local infrastructure - including A259, surgeries, school
- Effect on local character - surrounding area included
- Absence of adequate car parking facilities - provision for pedestrians, wheelchairs and prams
- Increase of traffic, congestion and air pollution
- Exacerbate existing parking problems

ESCC Highways

4.2 No objection subject to the imposition of conditions

British Telecom

4.3 Is unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Natural England

4.4 Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Brighton To Newhaven Cliffs SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Sussex Police

4.5 This revised application has now significantly reduced the number of letting suites to 14, with the emphasis on single occupancy. In addition, provision has also been made for a Managers accommodation to allow for 24/7 supervision of the site. I also take note of earlier comments from East Sussex County Council Highways regarding car parking provision in and around the site. Accordingly, my earlier concerns have been addressed and I have no objection to approval.

Southern Water Plc

4.6 Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

4.7 We request that should this application receive planning approval, the following informative is attached to the consent: *"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".*

4.8 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: *"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."*

ESCC SUDS

4.9 No Objection

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from 178a Roderick Avenue North; 2 and 6 Steyning Avenue; 88 The Promenade; 4 and 11 Bramber Avenue, objecting to the application for the following reasons:-

- Drainage and sewers
- Lack of infrastructure such as surgeries and schools
- Living rooms may be sub-let leading to more inhabitants
- The HMO could be occupied by up to 30 people (28 in bed-sites) and 3 or more staff.
- There are few opportunities for professionals to find work in Peacehaven
- Noise and disturbance such as music

- Intensification of the use of the land
- Increased levels of domestic activity
- Damaging to quality of life
- Comings and goings at all hours
- Out of character
- Quiet residential road
- Parking issues
- Highway hazards
- More traffic/congestion on the A259
- More violence on the A259
- No reference to means of escape or emergency lighting
- Fire risk
- The number of kitchens is insufficient
- No evidence that the care home is no longer feasible
- Not clear who will live in the HMO
- Contrary to policy

6. PLANNING CONSIDERATIONS

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

Principle

6.2 A sufficient supply of housing of all tenures, including affordable housing, is essential to meet the objectives of the Core Strategy and to meet the wide range of housing needs that will be experienced in the district over the plan period as far as sustainably possible.

6.3 Both care homes and Houses in Multiple Occupation are recognised as having important roles to play in providing a full range of residential accommodation within the district. As such the applicant must be able to demonstrate that the former care home use is no longer viable, providing evidence from the Care Quality Commission (CQC) that the care home does not meet current standards and cannot reasonably be adapted to meet current standards; evidence from ESCC Adult Social Care to state that the care home is no longer needed, giving reasons and agreeing to the managed loss of the care home to an alternative use; and details of marketing to demonstrate that the use as a care home is no longer feasible financially.

6.4 In this instance the applicant has submitted copies of letters from the Care Quality Commission where the CQC has decided to cancel the registration of the premises, although no specific reason for this is given. The application has not been submitted with a statement from ESCC Adult Social Care but details of marketing by a specialist firm that deals with nursing homes has been submitted. As there is no specific planning policy requirement to allow the loss of care home, and as HMO accommodation is also required within the district, the change of use is considered to be acceptable in principle subject to the need to safeguard the character of the locality and the amenities of the local residents

Amenity

6.5 The representations received are acknowledged and have been taken into consideration. The former use of the building incorporated 19 rooms as a care home whereas the current application seeks 14 letting rooms. The concerns of neighbouring

residents in respect of the rooms being occupied by more than 1 person are acknowledged, but the HMO will need to be Licensed by the Council's Environmental Health team, and an enforceable limit will be incorporated into the HMO Licence. In addition, a planning condition could be used to ensure that the HMO is not occupied by any more than 14 persons - this is common practice, and the number of persons to be accommodated within the proposed HMO is also stipulated in the description of the development.

6.6 The immediate locality is relatively quiet and is predominantly characterised by bungalow dwellings, and these are well spaced apart and few in number. However, the site is short distance from the busy A259 South Coast Road and there is a supermarket and a number of restaurants and takeaways a short distance from the application site.

6.7 The proposal to convert the building into an HMO may lead to an increase in levels of activity, comings and goings, but this is a large building and the applicant has demonstrated that the care home use is no longer viable. As such, viable alternative uses that make the most effective and efficient use of the building should be sought and in this instance an HMO is considered to be acceptable and should not give rise to an unacceptable degree of harm to neighbour amenity provided it is well managed. In this regard the 24 hour supervision by an on-site manager, with quarters on the top floor, will help to mitigate any potentially harmful impact on neighbour amenity, for example noise and/or loud music.

Accessibility and Sustainable Transport

6.8 The application site is very accessible situated on the South Coast Road (A259) which has frequent bus services east and west to Brighton and Eastbourne. Future residents will not need to be reliant and dependent on the use of a private car for their day-to-day needs and the applicant has demonstrated, to the satisfaction of the highway authority, that car ownership among HMO residents is relatively low when compared to other types of dwelling unit, and that the provision of 7 car parking spaces within the site should be sufficient to meet likely demand.

7. RECOMMENDATION

In view of the above, approval of the application is recommended.

The application is subject to the following conditions:

1. The House in Multiple Occupation (HMO) 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.

2. Prior to the occupation of the House in Multiple Occupation (HMO) 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 shelter. 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.

3. The House in Multiple Occupation (HMO) hereby permitted shall not, with the exception of the self-contained manager's accommodation, be occupied by more than 14 residents at any one time, unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the amenities of the locality and enable the local planning authority to monitor and control the intensity of the use in the interests of preserving the character of the area and the amenities of local residents, in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Policy 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. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

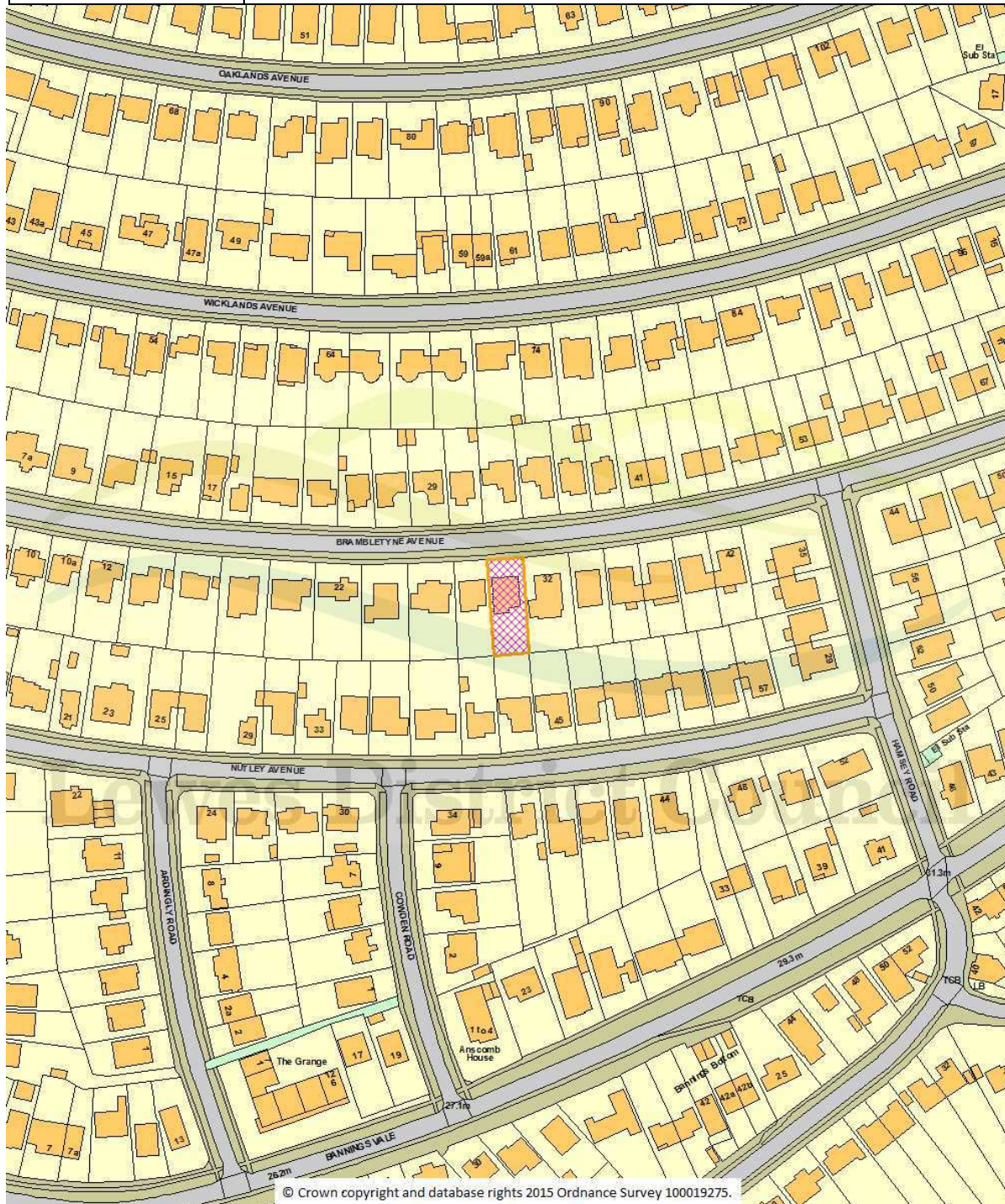
4. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 June 2017	
Location Plan	7 June 2017	1103.01A
Existing Block Plan	7 June 2017	1103.01A
Existing Floor Plan(s)	7 June 2017	1103.02A

Existing Floor Plan(s)	7 June 2017	1103.03B
Existing Floor Plan(s)	7 June 2017	1103.04B
Existing Floor Plan(s)	7 June 2017	1103.05B
Existing Roof Plan	7 June 2017	1103.06B
Existing Elevation(s)	7 June 2017	1103.07B
Existing Elevation(s)	7 June 2017	1103.08B
Location Plan	7 June 2017	1103.09C
Proposed Block Plan	7 June 2017	1103.09C
Proposed Floor Plan(s)	7 June 2017	1103.10
Proposed Floor Plan(s)	7 June 2017	1103.11C
Proposed Floor Plan(s)	7 June 2017	1103.12C
Proposed Floor Plan(s)	7 June 2017	1103.13C
Proposed Roof Plan	7 June 2017	1103.14B
Proposed Elevation(s)	7 June 2017	1103.15B
Proposed Elevation(s)	7 June 2017	1103.16B
Additional Documents	7 June 2017	MARKETING INFORMATION

APPLICATION NUMBER:	LW/17/0491	ITEM NUMBER:	7
APPLICANTS NAME(S):	Davies and Lila	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning Application for Proposed rear extension, decking and first floor balcony		
SITE ADDRESS:	30 Brambletyne Avenue Saltdean East Sussex BN2 8EJ		
GRID REF:	TQ3802		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow dwelling in a traditional style having a pitched and hipped roof. The property is set back from the road along an established building line, and the rear garden backs onto Nutley Avenue. The back garden also slopes downwards owing to the hillside location of the application site and ground level at the rear of the property is 2.3m lower than ground level at the front of the property.

1.2 The dwelling is in a predominantly residential area which is characterised mainly by single storey dwellings of varying styles, many of which have roof extensions and loft conversions.

1.3 The building is not Listed or located in a Conservation Area.

PROPOSAL

1.4 The application seeks planning permission to extend the rear hipped roof into a gable end and to convert the resulting loft space and incorporating a first floor level balcony and a small flat roof projection with lantern roof light on the top.

1.5 A 3m deep area of raised decking to a maximum height of 2.3m above ground level is also proposed. The level of the decking is a continuation of existing internal floor height which owing to the changes in ground level is 2.3m lower at the rear than it is at the front of the property.

1.6 The first floor balcony will be 1.6m x 4.4m and 5m above back garden level.

1.7 The applicant proposes to install obscure glazed screens to the sides of both the raised decking and the balcony.

2. RELEVANT POLICIES

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

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

E/54/0447 - Planning and Building Regulations Applications for proposed bungalow with garage. Building Regulations Approved. Completed. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Telscombe Town Council – Objection

4.1 The Planning & Highways Committee considered the application and OBJECT to the proposal on the grounds that the raised decking and first floor balcony would lead to a loss of privacy particularly to no.28. This would therefore be contrary to ST3 of the saved policies of the Lewes District Local Plan. However should Lewes District be minded to

grant consent, then the Planning & Highways Committee would request conditions be applied seeking details of ground levels to be approved prior to commencement and details of boundary treatment to ensure the residents of neighbouring properties are not detrimentally affected by the proposal.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One representation has been received from 43 Nutley Avenue, objecting to the planning application for the following reasons:-

- The first floor level balcony will cause overlooking.
- The bedroom, kitchen and garden will be overlooked.
- Loss of privacy.
- Intrusive.

6. PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the planning application include the design and appearance of the extensions and alterations and their impact on neighbour amenity.

DESIGN AND APPEARANCE

6.2 The proposed alterations will not significantly affect the street scene and the rear extension will retain the existing roof form albeit with a gable end replacing the existing hipped roof slope. In terms of design and detailing the proposals represent a modern approach to a residential extension but the scale is appropriate and the character of the original property will not be lost and there will not be a harmful impact on visual amenity.

NEIGHBOUR AMENITY

6.3 The main issue is the impact of the proposals on the amenity of neighbouring residents, notably those occupying the property behind the application site in Nutley Avenue. The objection received from the Town Council also relates primarily to the impact of the proposals on neighbour amenity.

6.4 The neighbouring property in Nutley Avenue has a raised and levelled area towards the back of the rear garden and along the boundary with the application site there is a 1.8m close-boarded timber fence with trellis above, taking the overall height to approximately 2m. The neighbouring property also has a converted loft space and at first floor level there is a bedroom window.

6.5 Due to the steep slope of the land there is already a degree of overlooking from the ground floor windows of properties in Brambletyne Avenue. This is because these windows are at least 2.3m above ground level, so they very nearly have a similar impact to traditional first floor level windows. However, these windows are at least 29m away from the rear elevations of properties in Nutley Avenue and established planning practice requires a minimum separation of about 21m, above which concerns relating to overlooking and loss of privacy may not be sustained and may be overturned at appeal. For these reasons the proposed balcony off the proposed loft bedroom is not considered to overlook the neighbouring properties to the extent that a refusal of planning permission would be warranted.

6.6 The proposed raised decking is more contentious because although it will not be any higher than the existing ground floor level of the property, it will project further into the back garden and thereby be nearer to the neighbouring property in Nutley Avenue. An external amenity space at this level and proximity will have a view beyond the remaining 14.5m length of back garden to the application site but these longer views will be distant. The raised garden area within the property in Nutley Avenue does not have the same impact because it is a lower level and is positioned at the foot of the back garden, and is thereby screened by the existing timber boundary fence.

6.7 However, the separation distance between the two properties along with the angle of view due to the steeply sloping land is such that the ground floor level of the property in Nutley Avenue would not be significantly overlooked and a refusal on these grounds may be difficult to justify. In addition, although the first floor window on the rear elevation of the property in Nutley Avenue serves a bedroom as opposed to a habitable room such a living room or dining room, the distance from the window to the edge of the proposed raised decking is more than 21m (it will be 26.5m) and again a refusal of planning permission based on an unacceptable degree of overlooking may be difficult to justify.

7. RECOMMENDATION

In view of the above, approval of the application is recommended.

The application is subject to the following conditions:

1. Neither the first floor level balcony nor the area of raised decking hereby permitted shall be brought into use until the obscure glazed screens as shown on the approved plans have been installed. The obscure glazed screens shall thereafter be retained as such, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the amenity of adjoining residents in accordance with retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to national planning policy contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

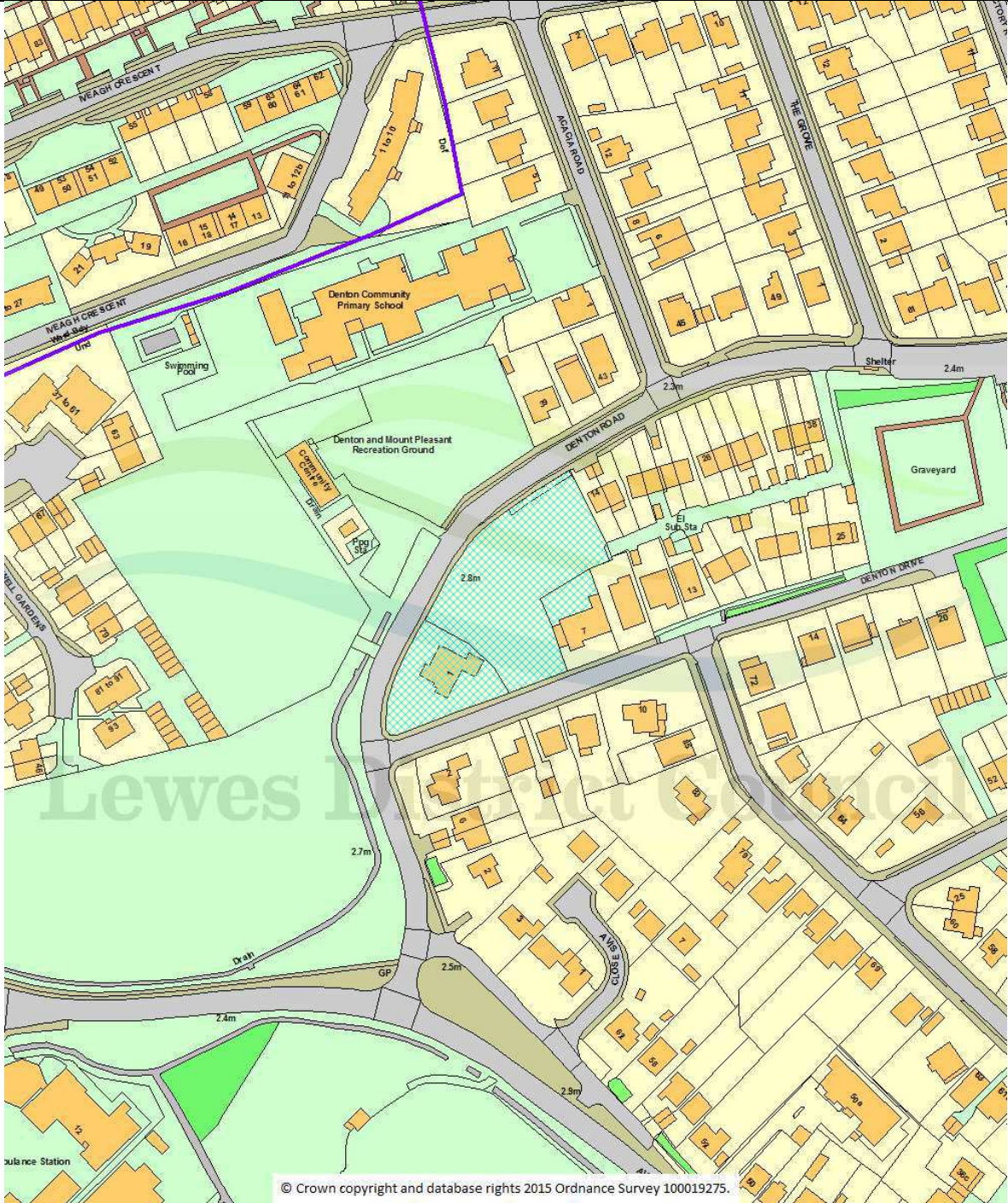
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	8 June 2017	
Proposed Block Plan	8 June 2017	
Location Plan	8 June 2017	100038864

Existing Elevation(s)	19 June 2017	VS/BTA/01
Existing Floor Plan(s)	19 June 2017	VS/BTA/01
Existing Roof Plan	19 June 2017	VS/BTA/01
Proposed Floor Plan(s)	19 June 2017	VS/BTA/02
Proposed Elevation(s)	19 June 2017	VS/BTA/03

APPLICATION NUMBER:	LW/17/0462	ITEM NUMBER:	8
APPLICANTS NAME(S):	DMH Stallard LLP	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Variation of Planning Condition for Variation of condition 1 relating to planning approval LW/16/0892 to amend the boundary line around the site		
SITE ADDRESS:	Land Rear Of 1 Denton Drive Newhaven East Sussex		
GRID REF:	TQ4502		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is some 2231 square metres in area situated on land between Denton Road and Denton Drive. The land slopes upwards both from north to south and from west to east.

1.2 The site has a frontage of some 71m to Denton Road, following the curve of the street in between 14 Denton Road and 1 Denton Drive, the former being a two storey dwelling and the latter being a single storey dwelling on the corner plot at the junction with Denton Drive.

1.3 The site is 53m across at its widest point and has 21m frontage to Denton Drive, adjacent to 7 Denton Drive, which is a detached bungalow.

1.4 The site is currently empty and comprises scrubland with some tree planting to the Denton Road boundary.

1.5 The application site is within the defined Planning Boundary for Denton/Newhaven. There are no listed buildings on the site and it is not in a Conservation Area.

PROPOSAL

1.6 On 2nd February 2017 planning permission was granted at Planning Applications Committee for the development of the site by way of 9 dwellings with associated access and landscaping.

1.7 Following this decision the applicant is now seeking to alter the red edge boundary of the approved scheme following intervention from the residents of 7 Denton Drive, by way of applying for a VARIATION OF CONDITION 1 to substitute an amended drawing to replace the previously approval location and block plans.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP7 – Infrastructure

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

P/60/0025 - Outline application for use of land for residential development. - **Approved**

P/71/0046 - Outline application for erection of three semi-detached split-level dwellings. - **Refused**

P/71/0047 - Outline application for eight houses in two blocks. - **Refused**

P/71/0097 - Outline application for the erection of dwellings and extension of service road between Denton Road and Denton Drive. - **Approved**

P/72/0042 - Outline application for six houses, one chalet and two bungalows. - **Approved**

LW/89/1367 - Outline application for erection of six detached houses. Restrictive Planning Condition No 7. - **Approved**

LW/92/1363 - Application for Certificate of Lawfulness of use as private, commercial motor vehicle retail, vehicle and agricultural machinery repairs, maintenance, motor body repairs, breaking and storage. - **No Decision**

LW/92/1550 - Renewal of Outline Application LW/89/1367 for the erection of six detached houses. - **Approved**

LW/08/0411 - Erection of 10 new terraced houses comprising of eight x three bed and two x four bed & four new apartments comprising of two x two bed & two x one bed - **Withdrawn**

LW/08/1151 - Erection of nine x three bedroom houses and four apartments (two x two bed and two x one bed) - resubmission of planning application LW/08/0411 - **Withdrawn**

LW/16/0892 - Erection of 9 dwellings with associated access and landscaping. - **Approved**

LW/17/0462 - Variation of condition 1 relating to planning approval LW/16/0892 to amend the boundary line around the site -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Newhaven Town Council – Objection

4.1 To object to this application because it is understood that the owner of 7 Denton Drive is still in disagreement with the boundary on this new application. The owner of 7 Denton Drive is particularly anxious that the trees at the rear of her garden should be retained and kept on her property. The retention of the trees also fits in with the emerging Neighbourhood Plans desire to keep green fringes on new developments.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Two representations have been submitted by 7 Denton Drive, objecting to the application for the following reasons:-

- The red edge does not correctly reflect the boundary of 7 Denton Drive.
- The developer should not be permitted to build on land within the boundary of 7 Denton Drive.

- The trees on the site are within the boundary of 7 Denton Drive and should not be enclosed by the red edge plan.
- Drainage issues.

6. PLANNING CONSIDERATIONS

6.1 The content of the proposed development is identical to the previously approved planning application LW/16/0892 with the exception of the minor alteration proposed to the red edge boundary; as such the acceptability of the development of the site as proposed has previously been established.

6.2 The red edge plan indicates the land necessary to implement and access the proposed development. The red edge boundary does not have to follow lines of land ownership, provided that any third parties with an interest in that land are aware of a planning application having been submitted.

6.3 It necessarily follows that if the red edge encompasses land outside of the applicant's ownership, the consent of that owner will be needed in order for the development to be carried out. This is however a private matter between the land owners and the fact that a red edge boundary strays into a neighbouring property is not a reason in itself to refuse or approve planning permission, and the merits of the proposals will be fully assessed in the normal way.

6.4 In this instance the applicant has reduced the size of the red edge plan by moving it away from the back garden of 7 Denton Drive. This is acceptable and does not have a significant impact on the planning merits of the proposed development, the acceptability of which has already been established at the time the previous application, LW/16/0892, was approved.

6.5 It is noted that the neighbour's primary concern is the row of trees between the rear boundary of 7 Denton Drive and the application site. According to the Existing Site Survey Plan submitted (ref. 1521-P-002 P2), ten of these trees are within the curtilage of 7 Denton Drive and twelve of the trees are within the application site. These trees will be in the back gardens of four of the new dwellings proposed, units 4, 5, 6 and 7. The proposed Site Plan - Roof Level (ref. 1521-P-004 P2) shows that these trees will be retained as part of the proposed development, as a tree screen.

6.6 In the interests of the neighbour's concerns it is therefore considered that as well as varying condition 1 to include the revised red edge plans, an additional condition should be added to the decision notice in order to safeguard the tree screen and prevent its removal without the formal approval of the local planning authority.

7. RECOMMENDATION

In view of the above, approval of the application to vary condition 1 is recommended, along with an additional condition to safeguard the tree screen between the application site and the rear boundary to 7 Denton Drive.

The application is subject to the following conditions:

1. This decision relates solely to the following plan(s) relating to planning approval LW/16/0892:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	18 October 2016	
Transport Assessment	18 October 2016	
Design & Access Statement	18 October 2016	
Flood Risk Assessment	18 October 2016	
Location Plan	18 October 2016	001 P1
Proposed Block Plan	18 October 2016	001 P1
Existing Layout Plan	18 October 2016	002 P1
Proposed Floor Plan(s)	18 October 2016	003 P1
Proposed Roof Plan	18 October 2016	004 P1
Proposed Floor Plan(s)	18 October 2016	005 P1
Proposed Floor Plan(s)	18 October 2016	006 P1
Proposed Elevation(s)	18 October 2016	007 P1
Proposed Section(s)	18 October 2016	008 P1
Proposed Floor Plan(s)	18 October 2016	009 P1
Proposed Elevation(s)	18 October 2016	009 P1
Proposed Floor Plan(s)	18 October 2016	010 P1
Proposed Elevation(s)	18 October 2016	010 P1
Illustration	18 October 2016	011 P1
Technical Report	18 October 2016	BAT SURVEY
Biodiversity Checklist	18 October 2016	ECOLOGICAL APPRAISAL
Land Contamination	18 October 2016	PHASE 1 PART 1, 2 & 3
Technical Report	18 October 2016	REPTILE SURVEY

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. 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.

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. 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.

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

- the size of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries);
- hours of operation;
- contractors' parking and Travel Plan;
- temporary site-security fencing;
- lighting;
- measures to control the emission of dust and dirt during construction;
- loading and unloading of plant and materials;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices.

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

7. No development shall take place until details of a Wheel Cleaning Facility have been submitted to and approved in writing by the Planning Authority. The approved facilities shall be installed at the site prior to the commencement of construction work and shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site and re-entering the public highway.

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

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

Reason: In the interests of the residential amenities of the neighbours having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. 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.

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

1. A site investigation scheme based on the submitted Phase 1 Desk Study Report (carried out by Phlorum Limited and dated January 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) 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.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

11. Prior to the first residential occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing,

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

12. 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.

13. No development shall take place until details of the means of providing surface water drainage, to include an assessment of the hydrological and hydrogeological context of the development, system and including :

1. Details of the existing surface water management including the connection to the wider drainage network and existing peak discharge rate.
2. A demonstration using the relevant hydraulic calculations of how the proposed drainage is expected to function during a critical storm duration for a number of rainfall events such as event with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios.
3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.
4. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development.

Reasons: In the interests of amenity and because contamination may be present at the site as a result of its historical uses and may be mobilised by the approved development, thereby posing a risk, and in accordance with Core Policies 12 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012, in particular paragraph 109.

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

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

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

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

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

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

17. The semi-detached houses hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (Drawing No. 1521-P-003 Rev P1) and the turning space shall be retained thereafter for that use and shall not be obstructed.

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.

18. The development shall not be occupied until visibility splays have been provided either side of the vehicular access to Denton Road, measuring at least 2.4m (x) by 43m (y) in both directions. The visibility splays shall be kept clear of all obstructions exceeding 600mm in height above the highway, and retained as such thereafter.

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

19. No development shall take place until details of the layout of the new access onto Denton Road, and the specification for the construction of the access, which shall include details of dropped kerbs and tactile paving, have been submitted to and approved in writing by the local planning authority in consultation with the highway authority, and the development hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT507.

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

20. No development shall take place until details have been submitted to and approved by the local planning authority a scheme to incorporate tactile paving and dropped kerbs in order to provide crossing points to the recreation ground opposite the application site. The scheme shall include details of the timing of the works in relation to the implementation of the approved development, and shall be carried out in accordance with the approved details prior to the first occupation of the semi-detached houses hereby permitted.

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

21. The line of 22 trees that forms a screen between the boundary of units 4, 5, 6 and 7 of the application site and the rear boundary of 7 Denton Drive shall not be removed without the written approval of the local planning authority and shall otherwise be retained for the lifetime of the development hereby permitted.

Reason: In the interests of visual amenity and the character of the area and in order to ensure the privacy and living conditions of neighbouring residents are safeguarded in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and to comply with National Planning Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

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

3. In respect of condition 12 the applicant is hereby advised that the surface water drainage scheme should ensure that the discharge of surface water from the application site onto the public highway, and the discharge of surface water from the public highway onto the application site, should be prevented.

4. In respect of condition 16, the applicant is hereby advised that the new access point on Denton Road shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

5. The applicant is hereby advised that in respect of condition 19, details of Form HT407 can be found by contacting East Sussex County Council as the highway authority for the Lewes District, on 01273 337 051.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	25 May 2017	1521-P-001-P2
Proposed Block Plan	25 May 2017	1521-P-001-P2
Existing Layout Plan	25 May 2017	1521-P-002-P2
Proposed Layout Plan	25 May 2017	1521-P-003-P2
Proposed Roof Plan	25 May 2017	1521-P-004-P2
Illustration	25 May 2017	1521-P-011-P2
Additional Documents	25 May 2017	SUPPORTING LETTER

Report to **Planning Committee**
Date **30 August 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/00775/FUL**
Applicant **Mr R Williams**
Application **Erection of three bedroom detached townhouse with single garage,
off-street parking space and roof terrace**
Address **Land adjacent to Hanover House
Timberyard Lane
Lewes
East Sussex**

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

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

Executive Summary

I Site Description

1.1 The application site lies at the southern end of Timberyard Lane at the south east corner of the former Chandlers Building Yard, where construction has recently been completed for the redevelopment of the site with 13 new dwellings, approved under applications LW/11/01284/NP and LW/11/1285/NP.

1.2 The application site is bounded to the south by the River Ouse and to the north by the access road to the new housing development which extends along the river bank to the west. On the opposite side of the access road to the north is Hanover House, an office building fronting Timberyard Lane. Planning permission has recently been approved to demolish this office building and replace it with a new dwelling (application SDNP/16/05778/FUL refers). To the west of Hanover House are the terraced houses of Morris Road, which back onto the new Chandlers Wharf development. To the east is Timberyard Lane and on the opposite side of the road are the Guinness Trust flats (Hillman Close). Opposite the site, on the southern side of the river is the Railway Land Nature Reserve.

1.3 The site falls within the Planning Boundary of Lewes as defined by the Lewes District Local Plan. It also falls within a designated Conservation Area.

1.4 The site is currently soft landscaped, these works having been carried out as part of the completion of the Chandlers Wharf development.

1.5 During the consideration of this application the red line of the application site has been enlarged to incorporate a small area of land at the southern end of Timberyard Lane.

2 Proposal

2.1 Planning permission is sought for the erection of a single three bedroom dwelling.

2.2 As originally submitted the proposed dwelling was shown to have a footprint of some 70sqm (11sqm smaller than the dwelling sought under application SDNP/15/04120/FUL). Stepped accommodation was proposed over three floors, with a garage at lower ground floor level. At ground floor level a double bedroom with ensuite was proposed with a separate WC. The main living accommodation was proposed at first floor with an open plan living and kitchen area. Access onto a large external terrace on the south-eastern side of the dwelling was gained from this living area. At second floor two further bedrooms were proposed, both with an ensuite and a further separate bathroom.

2.3 The dwelling was shown to be positioned close to the southern boundary of the application site where it abuts the river walkway, in line with the Chandlers Wharf dwellings. A curved south eastern corner allowed for a 2 metres gap for access onto the riverside walk.

2.4 The proposed dwelling was initially designed with timber clad elevations set over a brick ground floor base, with two mono pitched roofs. The envelope of the building was irregular with protruding and setback elements on all four elevations

2.5 During consideration of the application the plans have been amended to seek to try and address the concerns raised by officers, consultees and other interested parties.

2.6 The footprint of the dwelling has not change however the internal arrangement of the dwelling has been amended slightly and the external elevations have been changed to try and better reflect the adjacent Chandlers Wharf development. In addition the red line of the application site has been amended to now show the riverside walk included in the application site as well as a small area of land at the end of Timberyard Lane.

2.7 The proposed dwelling is now shown to have a symmetrical pitched roof, in place of the previously proposed monopitched roofs. The elevations have also been simplified slightly in terms of window positions and sizes, in particular on the south west elevation.

2.8 Parking for the proposed dwelling remains as originally proposed with a single garage parking space integral to the dwelling and an additional parking space shown immediately to the front (north of the dwelling) set at 90 degrees to the access road.

3 Relevant Planning History

LW/07/1007 - Change of use of land to provide 55 car parking spaces and modified entrance gate
- Approved

LW/11/1284/NP & LW/11/1285/NP - Demolition of existing buildings, decontamination of the site and redevelopment with 13 No. dwellings comprising a mix of 2, 3 and 4 bedroom homes, with associated access, parking, landscaping and flood defences - Approved

SDNP/14/00015/FUL - Realignment of site entrance and access road (as previously approved under planning references LW/11/1284/NP and LW/11/1285/NP) including demolition of canopy/mezzanine to Hanover House - Approved

SDNP/14/00098/NMA - Amendment to planning approval LW/11/1284/NP & LW/11/1285/NP (Demolition of existing buildings, decontamination of the site and redevelopment with 13 No. dwellings comprising a mix of 2, 3 and 4 bedroom homes, with associated access, parking, landscaping and flood defences) for alterations to fenestration, reposition units towards river, garages to units 12/12A and entrances at ground floor and realign access road at site entry - Approved

4 Consultations

Parish Council Consultee

4.1 Members maintained their previous **OBJECTIONS** in that the design is 'bulky' and an overdevelopment and can see insufficient improvement to rescind earlier comments and objections.

4.2 Mr Warren Medlock gave a brief presentation to Members on this application. He explained that discussions on this application had continued at 'pre-application' stage over the last two and a half years and that it had been contentious because of the design of the building. They originally attempted to match the look of Hanover House, but had been advised to revise that in order to blend with other buildings nearby. Comments had been taken on board from the Architects Panel and Planning officers regarding such aspects as the overall fenestration, and amendments to make the roofscape more varied and interesting. There were known objections regarding the height of the application in relation to other buildings in the area. The height of the proposed building was lower by around 1.1m although in two dimensional drawings this did not show clearly. Mr Medlock considered that the scheme had been heavily revised. A question and answer session followed with Members expressing a variety of views regarding detailed aspects of the proposals. Members felt it was difficult to form a clear view given shortcomings of the present drawings and recommended that the application should be called-in for consideration by Committee, preferably overseen by the South Downs National Park Authority as this was considered an important and sensitive location.

LE - Environmental Health

4.3 Thank you for consulting me about this application. I recommend two conditions which would help protect neighbouring residents from impacts associated with the construction of this proposed building. I request that an advisory comment is attached to any permission in respect of waste management.

1. Hours of operation at the site during any 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.

4.4 The proposed development is for a new three storey detached town house with a roof terrace and a single garage with off street parking for a car. The site is within the Lewes Conservation Area at the southwestern end of Timbryard Lane, an unadopted road notable for its new residential developments. A feature of new development in this area are 'plinths', required due to the flood risk from the River Ouse, located immediately south of the site. Located to the south-west of the site is Chandlers' Wharf a development of two and three storeys on a plinth and to the south-east Hillman Close a three storey development. To the north-east is Hanover House, an existing single storey office building with a warehouse like appearance. Opposite the site over the River Ouse is the Lewes Railway Land, a Local Nature Reserve and Site of Nature Conservation Interest.

4.5 Notably there is a current application, reference SDNP/16/05778/FUL, for demolition of the Hanover House office building and its replacement with a two storey dwelling above a plinth. At the time of writing this report the application has an officer recommendation of approval and is going to be determined at a Planning Committee. The proposed development within the current application has been designed to reference the design and materials of the proposed dwelling shown in SDNP/16/05778/FUL.

4.6 Concern is raised over the proposed dwelling. In design terms its scale, massing, appearance and its impact on open space are considered to harm its context, which includes the River Ouse, the Lewes Conservation Area and a Local Nature Reserve.

4.7 It is important to note the existing context, particularly that of the river frontage which is considered the most sensitive. The Chandlers' Wharf development has a footpath path between it and the river, then a wall directly abutting the river. It has a hard frontage to the river. The Hillman Close development is set back from the river frontage with a natural river bank and a wider footpath. Beyond this to the east development along the river becomes sparser, comprising detached and semi-detached dwellings with gardens facing onto the river and the land associated with Lewes Rowing Club having an open character. The river then widens and meets the rear of the tightly knit two storey dwellings along South Street where it then becomes more open countryside. It is notable that the river frontage changes from being more built up in the town centre to being less built up and more open to the east.

4.8 The site specifically is open and has recently been attractively landscaped, forming a small amenity space. It is considered this openness allows a breathing space between the existing denser urban forms along the river frontage. It is considered the openness contributes to this part of the townscape and river frontage. A significant concern is raised the proposed dwelling would result in the loss of this openness and result in an unacceptably more built up frontage to the River Ouse in an area where the urban grain begins to become less dense and more open. The proposal is therefore considered to result in overdevelopment along the river frontage. This built up character would be further reinforced if the dwelling proposed under planning application SDNP/16/05778/FUL were approved and implemented. It is not considered this concern can be addressed. Any proposed dwelling in this location will detrimentally affect the openness of the river frontage.

4.9 Notwithstanding concerns over the loss of openness, it is also important to consider the scale and massing of the proposed dwelling in relation to its context. It should be noted significant concerns are raised over the scale and massing of the proposed dwelling.

4.10 The site sits between Hillman Close, a three storey development with a modest plinth (facing the river) and part of the Chandlers' Wharf development, a terrace of four dwellings. The terrace is designed so that it reduces in height from three storeys with a plinth to down to two with a plinth, then one storey with a plinth and parapet wall. It is this lower height of the Chandlers' Wharf development that is adjacent to the site.

4.11 The height of the proposed dwelling is considered to inappropriately reference the higher part of Chandlers' Wharf in that it is three storeys with a plinth. This is not considered to respect the established pattern of the neighbouring residential development, it appearing overly large and incongruous within its context. The result is a dwelling with a scale and massing that

would sit awkwardly between Hillman Close and Chandlers' Wharf. The proposal is therefore considered overdevelopment of the site.

4.12 Concern is raised over the heavier appearance of the plinth which has a different fenestration treatment and detailing to its neighbours. This plinth, would exacerbate the concern over the proposals scale and massing by almost giving the proposed dwelling the appearance of a four storey dwelling. Also of concern is the proposed plinth showing a blank part brick part flint wall on the ground floor facing onto the riverside path. The treatment of the plinth is not considered desirable as it would result in a lack of passive overlooking and create a hostile and unfriendly pedestrian environment.

4.13 Concern is raised over the footprint of the proposed dwelling which is considered indicative of overdevelopment of the site. It occupies almost all the floor area of the site, with the exception of the narrow riverside footpath to the south of the dwelling and the land to the north, which is an existing access road for Chandlers' Wharf. The small size of the site and the constraints to the north and south has resulted in an increase in its height to achieve additional habitable floorspace.

4.14 Concern is also raised over the reduction in size of the footpath. Notably the proposed dwelling continues the building line created by Chandler's Wharf. However, as a result the footpath between the dwellings and the river narrows. This results in the proposed dwelling creating a more cramped appearance along the River Ouse and is considered indicative of the overdevelopment of this small site.

4.15 Notwithstanding the concerns over the loss of openness and the scale and massing of the proposed dwelling, concern is also raised over the proposals materials and detailing.

4.16 The proposed materials and detailing reflect the proposed dwelling shown in application SDNP/16/05778/FUL. It is considered the main views of both these dwellings together would be from the south-west end of Timberyard Lane and from restricted views through vegetation on the opposite bank of the River Ouse. This is considered a misguided approach as views of the two dwellings together will be limited. It ignores more significant views of the site from the river where it will be seen in relation to Chandler's Wharf and Hillman Close. It is considered more appropriate that the materials and detailing reference these developments.

4.17 Concern is specifically raised over the proposed roof form of the dwelling, which is comprised of two mono-pitched roof abutting each other. The river frontage is dominated by gable ends facing onto the river. The proposed roof form is considered to sit awkwardly with this dominant roof form, to the detriment of its immediate context.

4.18 Concern is also raised over the proposed fenestration detailing which is considered excessive and cluttered in its application. The proposal does not reflect the hierarchy of windows found on the neighbouring modern residential developments.

4.19 The proposal is considered an unacceptable overdevelopment of a small site that raises issues over the loss of openness, scale, massing and design and detailing. It is recommended the application be refused for the above reasons. Notwithstanding other concerns over the proposal it is not considered the dwelling can be amended to address the significant concern over the impact of the proposal on the openness between the existing urban forms along the river frontage. It is therefore recommended the application be refused.

LE - Design and Conservation Officer

COMMENTS ON REVISED SCHEME:

4.20 The amended plans dated 3/7/17 are not considered to have addressed the issues raised in the previous conservation comments. Concern is therefore still raised over the proposed dwelling. In design terms the amended proposals scale, massing, appearance and its impact on open space are considered to continue to harm its context. For ease most of the previous conservation comments are reproduced below because the concerns have not been addressed. However the advice has, in part, been updated to account for the amendments.

4.21 As previously stated, it is important to note the existing context, particularly that of the river frontage which is considered the most sensitive. The Chandlers Wharf development has a footpath path between it and the river, then a wall directly abutting the river. It has a hard frontage to the river. The Hillman Close development is set back from the river frontage with a natural river bank and a wider footpath. Beyond this to the east development along the river becomes sparser, comprising detached and semi-detached dwellings with gardens facing onto the river and the land associated with Lewes Rowing Club having an open character. The river then widens and meets the rear of the tightly knit two storey dwellings along South Street where it then becomes more open countryside. It is notable that the river frontage changes from being more built up in the town centre to being less built up and more open to the east.

4.22 The site specifically is open and has recently been attractively landscaped, forming a small amenity space. It is considered this openness allows a breathing space between the existing denser urban forms along the river frontage. It is considered the openness contributes to this part of the townscape and river frontage. A significant concern is raised the proposed dwelling would result in the loss of this openness and result in an unacceptably more built up frontage to the River Ouse in an area where the urban grain begins to become less dense and more open. The proposal is therefore considered to result in overdevelopment along the river frontage. This built up character would be further reinforced if the dwelling proposed under planning application SDNP/16/05778/FUL were approved and implemented. It is important to note as a result of this concern it was previously stated this concern cannot be addressed by amendment. It was explicitly stated any proposed dwelling in this location would detrimentally affect the openness of the river frontage.

4.23 Amended plans dated 1/6/17 were submitted showing an extension to the 'red line' boundary to include part of the end of the road way of Timber Yard Lane. Notably this did not previously form part of the site and was not identified within a 'blue line' as being within the ownership of the applicant. This extended part of the site shows the creation of a small amenity space and extended footpath. This replacement amenity space is not considered to address the previous concerns as the issue is not specifically with the loss of the existing amenity space but with the loss of openness that the existing amenity space provides in breaking up the dense urban form found along the river frontage. It should be noted that the area now proposed to be an amenity space already contributes to the openness around the built forms so there is no gain in this regard. It should also be noted it is unclear whether the applicant owns this land and therefore whether this proposed amenity space is deliverable.

4.24 Notwithstanding concerns over the loss of openness, it is also important to consider the scale and massing of the proposed dwelling in relation to its context. It should be noted significant concerns are still raised over the scale and massing of the proposed dwelling.

4.25 As previously as stated, the site sits between Hillman Close, a three storey development with a modest plinth (facing the river) and part of the Chandlers Wharf development, a terrace of four dwellings. The terrace is designed so that it reduces in height from three storeys with a plinth to down to two with a plinth, then one storey with a plinth and parapet wall. It is this lower height of the Chandlers Wharf development that is adjacent to the site.

4.26 The height of the proposed dwelling is considered to inappropriately reference the higher part of Chandlers Wharf in that it is three storeys with a plinth. This is not considered to respect the established pattern of the neighbouring residential development, it appearing overly large and incongruous within its context. The result is a dwelling with a scale and massing that would sit awkwardly between Hillman Close and Chandlers Wharf. The proposal is therefore considered overdevelopment of the site.

4.27 Concern is raised over the heavier appearance of the plinth which has a different fenestration treatment and detailing to its neighbours. This plinth, would exacerbate the concern over the proposals scale and massing by almost giving the proposed dwelling the appearance of a four storey dwelling. Also of concern is the proposed plinth showing a blank part brick part flint wall on the ground floor facing onto the riverside path. The treatment of the plinth is not considered desirable as it would result in a lack of passive overlooking and create a hostile and unfriendly pedestrian environment.

4.28 Concern is raised over the footprint of the proposed dwelling which is considered indicative of overdevelopment of the site. It occupies almost all the floor area of the site, with the exception of the narrow riverside footpath to the south of the dwelling and the land to the north, which is an existing access road for Chandlers Wharf. The small size of the site and the constraints to the north and south has resulted in an increase in its height to achieve additional habitable floorspace.

4.29 Concern is also raised over the reduction in size of the footpath. Notably the proposed dwelling continues the building line created by Chandlers Wharf. However, as a result the footpath between the dwellings and the river narrows. This results in the proposed dwelling creating a more cramped appearance along the River Ouse and is considered indicative of the overdevelopment of this small site.

4.30 Notwithstanding the concerns over the loss of openness and the scale and massing of the proposed dwelling, concern is also raised over the proposals materials and detailing.

4.31 The proposed materials and detailing still reflect the proposed dwelling shown in application SDNP/16/05778/FUL. It is considered the main views of both these dwellings together would be from the south-west end of Timberyard Lane and from restricted views through vegetation on the opposite bank of the River Ouse. This is considered a misguided approach as views of the two dwellings together will be limited. It ignores more significant views of the site from the river where it will be seen in relation to Chandlers Wharf and Hillman Close. It is considered more appropriate that the materials and detailing reference these developments.

4.32 Concern was previously raised over the proposed roof form of the dwelling, which had two mono-pitched roof abutting each other. It was stated the river frontage is dominated by gable ends facing onto the river and the proposed roof form was considered to sit awkwardly with this dominant roof form, to the detriment of its immediate context. As a result of the amended plans dated 3/7/17 the proposed dwelling now has a large gable on its front and rear elevations. However concern is raised over the size of this gable when compared to the existing gables found on the neighbouring terrace at Chandlers Wharf and Hillman Close, which are notably smaller in scale. As a result, the proposed gable is considered to have a roof form that appears overly large and therefore have an incongruous appearance along the River Ouse and from the rear access road to Chandlers Wharf and Timber Yard Lane.

4.33 The proposal is considered an unacceptable overdevelopment of a small site that raises issues over the loss of openness, scale, massing and design and detailing. The amended plans do not address the concerns raised previously. It is reiterated the proposals cannot be amended to address the significant concern over the impact of the proposal on the openness between the existing urban forms along the river frontage. It is therefore recommended the application be refused.

Officer note: The applicants have provided a detailed response to the above comments which are available to view on file.

Architects Advisory Panel

4.34 These were amended plans following the AAP meeting on 28 February 2017. The Panel noted that minor changes had been made to the plan form, but as a whole the elevations were a large improvement compared to the original submission. The elevations had been simplified and the proportions were better. The amended scheme related better to the adjacent Chandlers Wharf. Care will be needed with detailing and materials, to help ensure a successful scheme in this prime, conservation area location within the National Park.

LE - Waste & Recycling

4.35 Comments awaited.

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

Environment Agency

4.37 We have no objection to the proposed development, as submitted, subject to the inclusion of the below condition in any permission granted.

Condition - Flood risk mitigation

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (1 June 2017) and the following mitigation measures detailed within the FRA:

1. No habitable accommodation set lower than 5.45 m above Ordnance Datum (AOD).
Page 4 point 5.3.

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 To reduce the risk of flooding to the proposed development and future occupants, in accordance with paragraphs 100-103 of the National Planning Policy Framework (NPPF).

4.38 Advice to applicant - Environmental Permit for Flood Risk Activities

In addition to planning permission the applicant may need an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent prior to 6 April 2016) as the applicant wants to carry out work in, under, over or near a main river and in the flood plain of a main river.

4.39 There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in under, over or within 8m of the Main River. For further information please visit:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Office:
PSOEastSussex@environment-agency.gov.uk Advice to applicant - flood protection

4.40 We strongly recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

5 Representations

IN RESPECT OF ORIGINAL PROPOSAL:

1 letter of support:

Proposal bookends the new riverside development

Forms a 'gatehouse'

Design has the same idiom as the Hanover House proposals

Design is robust and crisp and relates well in terms of scale and materials to its neighbours

8 letters of objection:

Site is not suitable for development

Contextual information provided is misleading

Site is too small

Will prevent the use of adjacent roads and paths.

Site has just been turned into a pleasant landscaped space

Will make access into and out of Chandlers Wharf difficult
Further drilling of deep piles so close to flood defences and dwelling could have an effect upon the stability of the riverbank and buildings.
Out of character
Design is thoughtless, antisocial and would be an eyesore
Will spoil the view of the Riverside development
Bulky
Will obliterate view from no.1 and affect its value
Will give the impression that there is no public access to the riverside walk.
Will affect light at the Guinness Trust buildings.
Loss of light to 52 Morris Road
Site specifically excluded from adjacent site to avoid need for social housing
Overdevelopment
Parking space will obstruct access to Chandlers Wharf
Detrimental to character of conservation area.

IN RESPECT OF THE AMENDED PROPOSAL:

1 letter of support:

This is a big improvement

4 letters of objection:

Will cut views

Will cause disruption during construction

Loss of light

Even large and more overbearing than previous plans

Design is better but still an overdevelopment

Question whether seating should be provided at the end of Timberyard Lane

Taller than the highest of the Chandlers Wharf properties

6 Planning Policy Context

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

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

Other plans considered:

- Lewes Neighbourhood Plan

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 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:

- NPPF07 - Requiring good design
- NPPF12 - Conserving and enhancing the historic environment

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

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

- CPI1 - Built and Historic Environment and Design

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

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

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

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

- General Policy 9
- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in

accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The key planning considerations are outlined below as follows:-

Policy/Principle

8.2 As noted above the application site falls within the defined Planning Boundary of Lewes and also within a designated Conservation Area. In 2003 the Council designated this site, as part of the wider Chandlers Wharf site, as a 'Potential Site for Housing for 2006-2011' under policy RES3 of the Local Plan and as set out above the site also formed part of the application site for the 13 new dwellings recently completed.

8.3 The principle of residential development at this site is therefore clearly acceptable in terms of planning policy, however what must now be considered is whether the details of the proposal are acceptable and in compliance with other relevant Development Plan policies.

Design/Layout/Impact on Conservation Area

8.4 As noted above the Council's Design and Conservation Officer was asked to comment on the application proposals and his detailed comments on both the original and amended scheme are outlined above. The proposals have also twice been considered by the Council's Architect's Advisory Panel. Whilst the amendments to the scheme are noted by all parties to represent an improvement on the originally submitted design, concerns are maintained in relation to the scale, massing and detailing of the proposed dwelling.

8.5 The recently completed Chandlers Wharf development is a substantial development arranged in three distinct blocks ranging in height between 2.5 and 3.5 storeys. The higher blocks are located towards the centre of the development stepping down in height either side along the river frontage. It has a hard frontage to the river with a footpath between it and the river. As a consequence of the need for habitable floor levels to be a minimum of 5.45m AOD to safeguard the properties from flood risk, the scheme also has a notable plinth, which is broken up by small openings serving lower ground floor (non-habitable) accommodation. Similar plinths are features of other surrounding development.

8.6 Moving away from the town, beyond the Chandlers Wharf development, river frontage developments are set further away from the river edge, the spacing to the river edge increasing and development becoming sparser as one travels further to the east.

8.7 As noted above the application site has only recently been landscaped as part of the Chandlers Wharf development and consequently introduces a pleasant open area in this otherwise tightly knit urban area. It is considered that the openness of the site contributes to this part of the townscape and river frontage and that its loss and replacement with further built form will result in overdevelopment of the river frontage to the detriment of the character of the area. The applicants have stated to officers that this landscaped area is and always has been, private property and that it has been illegally landscaped without permission. They have additionally pointed out that at present, the riverside walk that runs along the southern edge of the Riverdale Development ends at plot 1 and that therefore there is currently no right of access to the riverside walk across the application site. Land ownership matters are entirely separate to the consideration of this application. Whether the public have a right to access this land or not does not take away from the fact that it is currently an open area, free of any built form.

8.8 Putting the loss of the open space to one side, concerns are also raised in relation to the scale and massing of the proposed dwelling.

8.9 As noted above the adjacent Chandlers Wharf development has been designed with three distinct blocks, higher in the middle and lower at either end. The proposed dwelling, whilst arguably following this rise and fall arrangement by stepping in height at the southern end of the development and "bridging" the gap between it and the neighbouring Hillmans Close development, is considered to fail to successfully integrate with the adjacent buildings as a result of its scale, massing and design.

8.10 The height of the proposed dwelling inappropriately references the highest part of Chandlers Wharf and would be overly large and incongruous within its context. As a result it is considered that the dwelling will sit awkwardly between Hillman Close and Chandlers Wharf and would represent an overdevelopment of the site.

8.11 The heavier appearance of the plinth will exacerbate this concern by giving the dwelling a four storey appearance. Furthermore the height and blank façade of the plinth adjacent the riverside walk would create a hostile and unfriendly pedestrian environment.

8.12 With regard to the overall footprint of the dwelling, the dwelling will still occupy the majority of the plot. Whilst the application site has been enlarged, the additional land will not be provided as amenity space for the dwelling but is just shown to be laid out as a landscaped area. The proposed dwelling will therefore have little in terms of external amenity space and this is considered illustrative of the overdevelopment of the site.

8.13 Whilst it is accepted that the neighbouring development is a relatively dense development with little amenity space or landscaping, there is at least some relief around the buildings, including the application site itself. In contrast the proposed dwelling will remove the existing open space, and introduce another dwelling hard up against the riverside walk which has practically no space around it other than the parking space/driveway and a small area set aside for planting.

8.14 It is however acknowledged that the increase to the size of the application site will provide a more pleasant entry point to the riverside walkway than the original proposal and will secure a continuous and obvious route for pedestrians across the end of Timberyard Lane.

8.15 In terms of the actual design and external treatment of the proposed dwelling it is acknowledged that the amended plans have gone some way to addressing some of the initial concerns raised in relation to this proposal. In particular the simplification of the design and amendment to a symmetrical pitched roof is considered to better pick up the style of the adjacent Chandlers Wharf development. However the dwelling doesn't have the verticality of the Chandlers Wharf scheme and therefore appears overly wide and it will therefore appear as a dominant feature on the riverfront that will be out of keeping within and detrimental to the existing townscape

Neighbour amenity

8.16 The Chandlers Wharf development was specifically designed with the main outlook for the dwellings being to the south in order to protect the amenity of the residents along Morris Road. The proposed dwelling has been designed in a similar manner so that the main outlook is either to the south west or south east. Whilst there are a few window openings in the north east elevation that face the closest residential properties, 50 and 52 Morris Road, these are mainly windows serving the stairwell where views will generally be passing.

8.17 There is a kitchen window that is arranged as a corner window therefore directing views more towards the north east. It is accepted however that some overlooking will occur to the neighbouring properties to the north owing to the close proximity (approximately 20 metres to the rear elevation of the closest dwelling, with the rear garden/yard falling within 10 metres).

8.18 Within a highly built up area such as this, some level of overlooking between properties is generally expected. Whereas the earlier scheme proposed both kitchen and bedroom windows that would overlook the neighbouring windows, the amendment to just a single kitchen

window (along with the stairwell windows) is considered to bring this proposal to within the scope of acceptability on these grounds.

8.19 A number of the local residents have objected to this proposal on the basis of loss of light and views. Whilst the loss of a view is not a planning matter (there is no right to a view) loss of light is a material planning consideration. As set out above the two closest dwellings to this site are 50 and 52 Morris Road. These properties sit due north of the application site with no. 52 sitting the closest due to the angled arrangement of the road. When the Chandlers Wharf application was considered the following assessment on the impact on the Morris Road properties was made:

The proximity of the new development to the Morris Road dwellings has been an issue that was highlighted at the very beginning of the application process, specifically with regards to overshadowing, overbearing, and loss of privacy. In trying to satisfactorily resolve these issues they have strongly influenced certain design elements of the development. Two significant breaks/gaps have been provided creating three distinct blocks of development. The buildings have been orientated north-south, with gabled pitch roofs following the same alignment, which allows more light and views of the sky. The roof heights have also been varied, with the buildings stepping down at both the east and west ends of the development.

The applicants have submitted sun path indicators for March, June, September and December. An analysis of the results would suggest that whilst there would be some impact, especially during winter months when the sun is lowest in the sky, pulling the buildings 8m away from the rear boundary despite their height increase over the existing building, would improve outlook and would not prejudice amenity to a level that a reason for refusal would be justified.

In terms of the BRE guidance on daylight angles, there is a slight impingement from the top 0.3m of the apex of the ridge of the tallest buildings but as the roof is pitched and orientated north-south it is not considered that this very marginal deviation would noticeably prejudice residential amenity."

8.20 Whilst no such assessment has been submitted with this application and despite the increase in height at the end of Chandler Wharf now proposed, because no. 52 is already heavily overshadowed by Hanover House to its south east, it is considered that it would be difficult to demonstrate a significant loss of light to this property.

8.21 Likewise, with the Hillman Close properties falls some 17 metres to the east at the very closest, loss of light to these properties would be difficult to substantiate.

8.22 With regard to the impact on 1 Chandlers Wharf the main issue is the impact on the large roof terrace that sits on the south eastern side of the dwelling and a side facing kitchen window also on the south east elevation.

8.23 The proposed dwelling would sit within 3.5 metres of the side elevation of no. 1 Chandlers Wharf with its north west elevation rising above the floor level of this terrace by some 4-4.5 metres. It is considered that the close proximity of such an expanse of wall is likely to have quite an overbearing relationship with this terrace to the detriment of the living conditions of the occupiers as a result of loss of outlook. Whilst it is accepted that they would still have an unobstructed view to the south west directly over the river, the proposed structure will significantly enclose this otherwise open terrace.

8.24 The side facing kitchen window is set below the terrace and therefore also faces the side elevation of the proposed dwelling. The close proximity of the dwelling will significantly impact the outlook from this window, however on the basis that there is also a south west facing full height window that serves the same room, whilst some there will be some impact on light to and outlook from this room it is not considered that this amounts to sufficient harm for this to be a reason for refusal.

8.25 It is intended that the proposed dwelling would share the new access serving Chandlers Wharf. Access rights over this roadway are a private matter and should not influence the determination of this application.

8.26 As set out above two parking spaces are indicated, one in the form of an integral garage and one on the northern side of the dwelling. Both parking spaces are of sufficient size and on this basis the level of parking is considered acceptable, particularly bearing in mind the close proximity of the site to the town centre.

8.27 Whilst the comments in relation to disruption to residents and possible blockage of the access road to Chandlers Wharf during construction are noted, these will be of a temporary nature and would not amount to a reason to resist the development. Nonetheless a condition seeking a construction traffic management plan would be appropriate were the application to be supported in order to manage this matter as best as possible.

Flooding

8.28 The application site was flooded during the October 2000 event. It is understood that the flood level during this event, in the vicinity of the site, was 5.15m AOD.

8.29 This event led the Environment Agency to consider what improvements were necessary to the existing flood defences in Lewes. A report entitled Flood Report: March 2001 was produced by Binnie Black and Veatch in 2001 for the EA. This report refers to 8 separate flood cells in Lewes, based on topography and flood risk. The application site falls within the Cliffe cell. Each distinctive flood cell is not linked and works in any cell do not affect other cells.

8.30 Following the 2000 flood event, temporary flood defences were installed by the EA and permanent improvements have subsequently been carried out by the developers of the adjacent Chandlers Wharf site. These works complete the defences to the Cliffe flood cell and raise the defence level to 5.35m. These defences should be sufficient to withstand a 1:100 fluvial event and a 1:200 tidal event, thereby locating the site in Flood Zone 1.

8.31 Notwithstanding this, the proposed dwelling has been designed with habitable rooms with a finished floor level (FFL) set at 5.45mAOD. This matches the floor levels agreed at the adjacent development and ensures that FFLs are 300mm above flood level. This is considered to satisfactorily mitigate the flood risk to the proposed dwelling.

9 Conclusion

9.1 Whilst the site falls within the defined planning boundary of Lewes where the principle of residential development would be considered acceptable, the proposed dwelling is considered unacceptable by virtue of its scale, massing, design and layout. As a result it is considered that it will have a detrimental impact on the character of the locality and fails to preserve or enhance the designated conservation area. Furthermore, as a result of its design and layout significant harm will be caused to neighbour amenity as a result of the dwelling appearing overbearing and causing a loss of outlook to the residents of 1 Chandlers Wharf.

9.2 The application is therefore deemed to fail to comply with Policies ST3, and H5 of the Lewes District Local Plan, Policy CPI 1 of the Joint Core Strategy and the objectives of the NPPF and the acknowledged benefits of the proposal in terms of the addition of a dwelling in a sustainable location and the securing of the riverside walk are not considered sufficient benefits to outweigh the conflict with the Development Plan.

10 Reason for Recommendation and Conditions

1. The proposed dwelling by virtue of its scale, massing, design and layout will constitute an overdevelopment of the plot and will have a detrimental impact on the character of the locality, failing to preserve or enhance the special character and appearance of the designated Conservation Area, contrary to national and local development plan policies. The application is therefore considered to fail to comply with Policies ST3 and H5 of the Lewes District Council, Core Policy 11 of the Joint Core Strategy and the objectives of the NPPF.

2. The proposed dwelling by virtue of its close proximity to 1 Chandlers Wharf will appear overbearing and will result in a loss of outlook to the detriment of the amenity of the occupiers. The application therefore fails to comply with Policy ST3 of the Lewes District Local Plan Core Policy 11 of the Joint Core Strategy and the objectives of the NPPF.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Sarah Sheath
Tel: 01273 471600
email: sarah.sheath@lewes.gov.uk

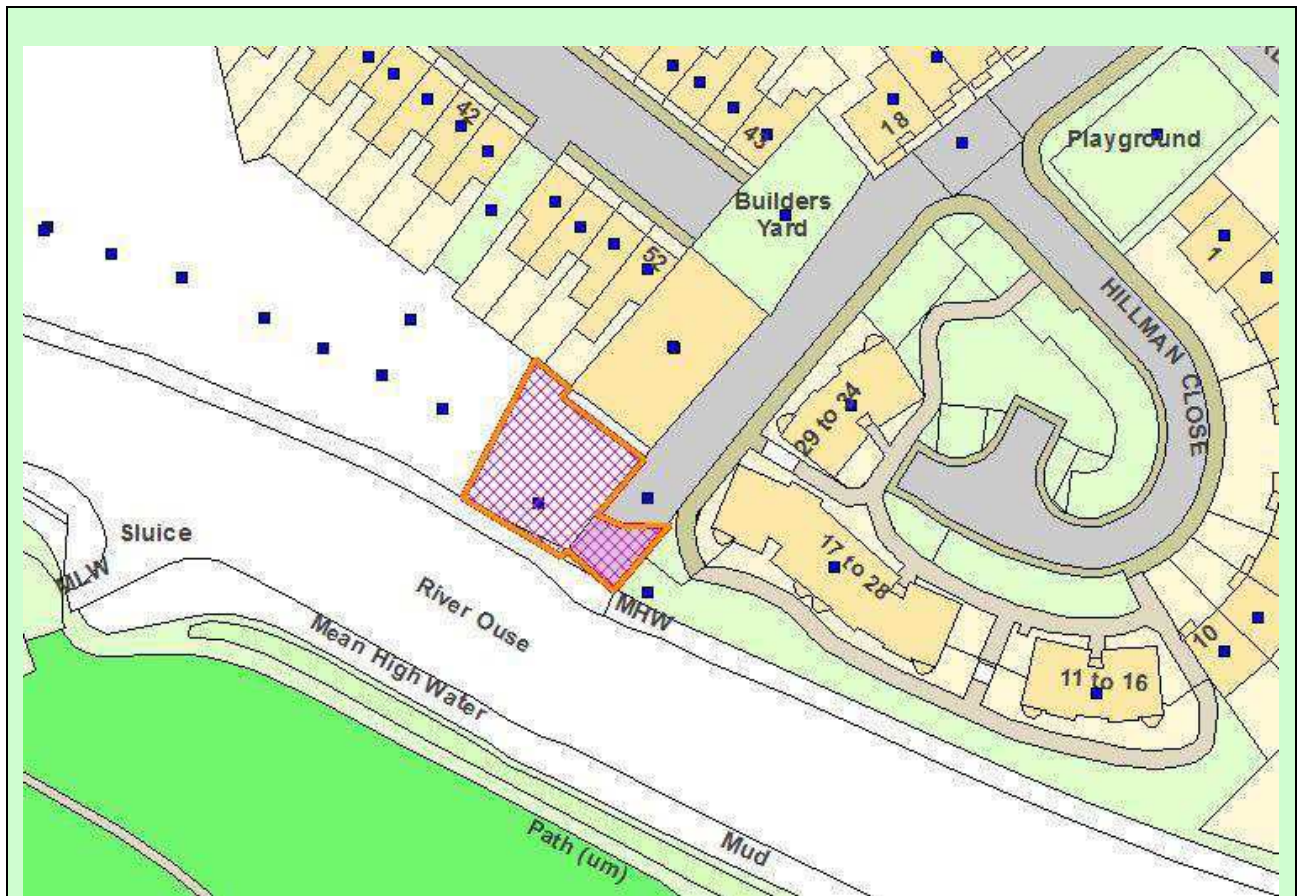
Appendices Appendix 1 - Site Location Map
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SDNPA Consultees

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
Application Documents -	DESIGN ACCESS HERITAGE		13.02.2017	Superseded
Application Documents -	DESIGN AND ACCESS STATEMENT		02.06.2017	Not Approved
Application Documents -	FLOOD RISK ASSESSMENT		01.06.2017	Not Approved
Application Documents -	FLOOD RISK ASSESSMENT		13.02.2017	Superseded
Application Documents -	HER CONSULTATION		13.02.2017	Not Approved
Plans - Location & block plans	P-001		13.02.2017	Superseded
Plans - Existing site plan	P-002		13.02.2017	Superseded
Application Documents - Existing site photos	P-003		13.02.2017	Superseded
Plans - Location and Block Plan	P001 A		01.06.2017	Not Approved
Plans - Existing site plan	P002		01.06.2017	Not Approved
Plans - Existing site photos	P003		01.06.2017	Not Approved
Plans - Proposed ground floor plan	PI01		13.02.2017	Superseded
Plans - Proposed ground floor plan	PI01 A		01.06.2017	Not Approved
Plans - Proposed first floor plan	PI02		13.02.2017	Superseded
Plans - Proposed First Floor Plan	PI02 A		01.06.2017	Superseded
Plans - Proposed first floor plan	PI02B		03.07.2017	Not Approved
Plans - Proposed second floor plan	PI03		13.02.2017	Superseded
Plans - Proposed second floor plan	PI03 A		01.06.2017	Superseded
Plans - Proposed second floor plan	PI03B		03.07.2017	Not Approved
Plans - Proposed roof plan	PI04		13.02.2017	Superseded
Plans - Proposed roof plan	PI04 A		01.06.2017	Superseded
Plans - Proposed roof plan	PI04 C		25.07.2017	Not Approved
Plans - Proposed roof plan	PI04B		03.07.2017	Superseded
Plans - Proposed North & East elevations	PI05		13.02.2017	Superseded
Plans - Proposed SWSE Elevations	PI05 A		02.06.2017	Superseded
Plans - Proposed elevations	PI05 C		25.07.2017	Not Approved
Plans - Proposed elevations	PI05B		03.07.2017	Superseded
Plans - Proposed south & west elevations	PI06		13.02.2017	Superseded

Plans - Proposed NWNE Elevations	P106 A		02.06.2017	Superseded
Plans - Proposed elevations	P106 C		25.07.2017	Not Approved
Plans - Proposed elevations	P106B		03.07.2017	Superseded
Plans - Context elevations	P107		13.02.2017	Superseded
Plans - Riverfront Context Elevations	P107 A		01.06.2017	Superseded
Plans - Riverside context elevations	P107 C		25.07.2017	Not Approved
Plans - Context Drawing	P107B		03.07.2017	Superseded
Plans - Perspective view	P108		13.02.2017	Superseded
Plans - 3D Perspective	P108 A		01.06.2017	Superseded
Plans - Perspective view from River Ouse Bank	P108 B		25.07.2017	Not Approved
Plans - Materials palette	P109		13.02.2017	Superseded
Plans - Material palette	P109 A		01.06.2017	Not Approved
Plans - Proposed sections	P110		01.06.2017	Superseded
Plans - Proposed sections	P110 A		25.07.2017	Not Approved
Plans - Proposed Riverfront view	P111		03.07.2017	Superseded
Plans - Perspective view from River Ouse Bank	P111 A		25.07.2017	Not Approved
Plans - Perspective view from east side of Chandlers Wharf	P112		25.07.2017	Not Approved

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

Report to **Planning Committee**
Date **30 August 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/03395/LIS**
Applicant **Mr D Templar**
Application **Replacement of the existing coping stones and refurbishment of the iron railings**
Address **32 High Street
Lewes
BN7 2LU**

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

Executive Summary

1 Site Description

1.1 The application property is a detached Grade II* listed, building located on the south side of the High Street. The property is within the Conservation Area.

2 Proposal

2.1 The proposal is for the replacement of the existing coping stones and refurbishment of the iron railings at the front of the property.

3 Relevant Planning History

N/A.

4 Consultations

Parish Council Consultee

Comments awaited.

LE - Design and Conservation Officer

No objection is raised to the principle of the proposed works however the information within the application concerning the condition of repair is light. It is therefore recommended the application be approved subject to the following conditions:

A detailed condition survey and repair schedule for the railings shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Details of materials, to include but not be limited to samples, finishes, product information, etc. shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

5 Representations

5.1 Friends of Lewes welcome and support the refurbishment proposed.

6 Planning Policy Context

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

- Lewes District Local Plan (2003)

Other plans considered:

- Lewes Neighbourhood Plan

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72

requires that “special attention shall be paid to the desirability of preserving or enhancing the character of that area”.

National Planning Policy Framework (NPPF)

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

NPPF - Requiring good design.

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

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

- CP11 - Built and Historic Environment and Design

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

- ST3 - Design, Form and Setting of Development
- H2 - Listed Buildings
- H5 - Within / Affecting Conservation Area

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

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

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

8 Planning Assessment

8.1 The application property is a detached Grade II* listed building located on the south side of the High Street. The property is within the Conservation Area. The proposal is for the replacement of the existing coping stones and refurbishment of the iron railings at the front of the property.

8.2 The wall at the front of the property requires remedial works to enhance its appearance. It is proposed to remove and then repair the existing railings where possible in order to refurbish them. Where they cannot be repaired new railings are proposed to match the existing. The

existing wall coping is a mixture of concrete and re-constituted stone and it is proposed to replace this with natural stone coping.

8.3 Several of the existing flag stones to the front paved area are also cracked and it is proposed to repair/replace these.

8.4 The Design and Conservation Officer has been consulted and considers the work acceptable.

8.5 It is considered the proposals will not have a detrimental impact on the character, appearance or fabric of the listed property or Conservation Area in accordance with Policies ST3 (Design, Form and Setting of Development), H2 (Listed Buildings) and H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan.

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

8.7 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.

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

9 Conclusion

9.1 It is recommended that listed building consent be granted.

10 Reason for Recommendation and Conditions

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

1. Approved Plans

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

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

2. 3 year time expiry listed building

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. A detailed condition survey and repair schedule for the railings shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Reason: To protect the historic fabric and character of the listed building having regard to policy H2 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Details of materials, to include but not be limited to samples, finishes, product information, etc. shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

Reason: To protect the historic fabric and character of the listed building having regard to policy H2 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

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

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Matthew Kitchener (Lewes DC)
Tel: 01273 471600
email: matthew.kitchener@lewes.gov.uk

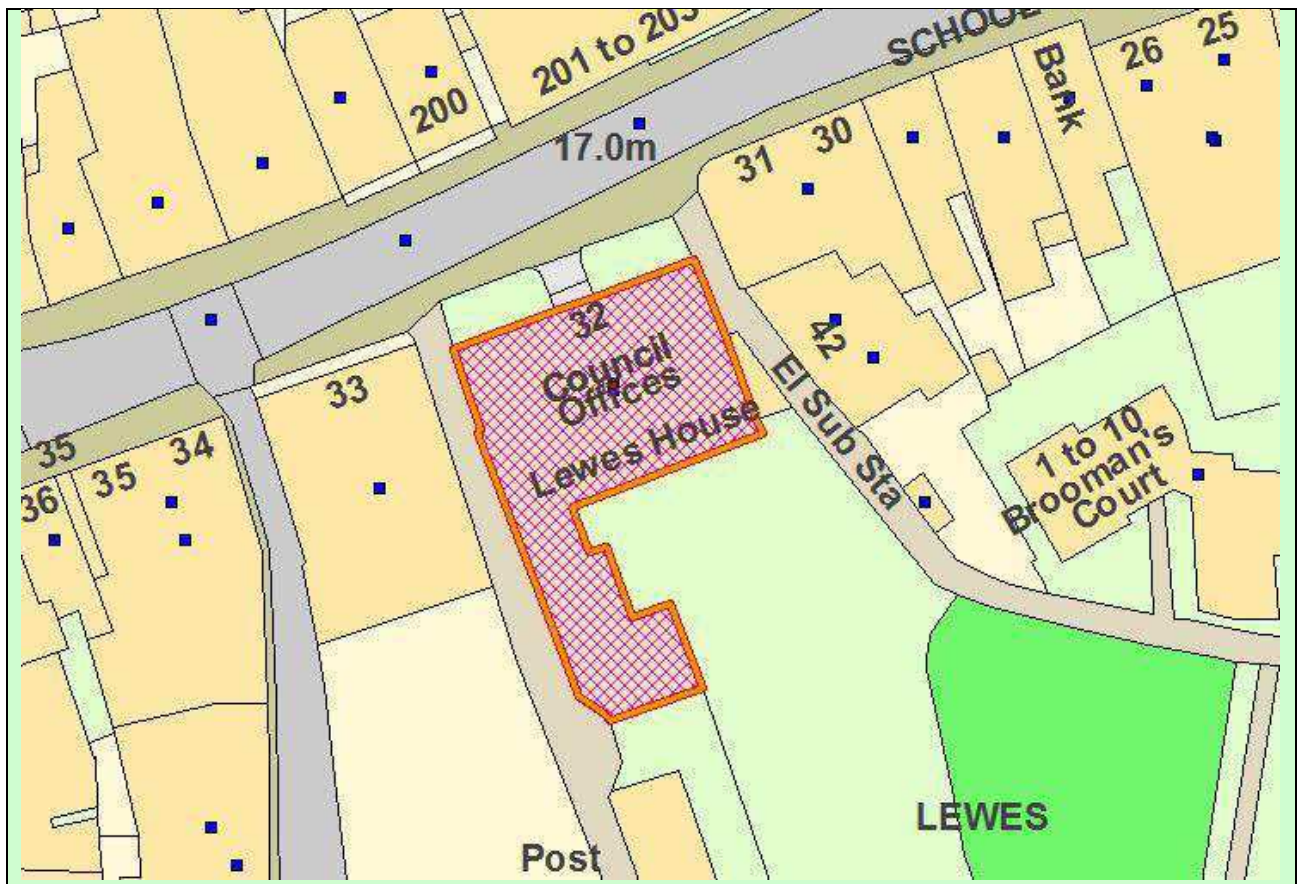
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Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - block	1:500		04.07.2017	Approved
Plans - location	1:1250		04.07.2017	Approved
Plans - elevation, flagstone plan, block plan & section	001-B		04.07.2017	Approved
Application Documents - Historic Buildings Record Part 1-5			04.07.2017	Approved
Application Documents - Justification Statement			04.07.2017	Approved

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

Agenda Item No: 11 **Report No:** 110/17
Committee: Planning Applications Committee
Date: 30 August 2017
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 April 2017 – 30 June 2017. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A total of 57 complaints (20 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	33	(18 NP cases)
Other complaints – Untidy sites, adverts etc.	4	(2 NP cases)
During this period the total number of cases disposed of was:- (19 of which were National Park (NP))	67	(19 NP cases)
No breach found	19	(5 NP cases)
Compliance achieved	16	(6 NP cases)
No action to be taken	13	(8 NP cases)

2 Enforcement Action Authorised

2.1 Section 215 Notices	1	(0 NP cases)
2.2 Breach of Condition Notices	0	(0 NP cases)
2.3 Enforcement Notices	0	(0 NP cases)
2.4 Prosecution Proceedings	0	(0 NP cases)
2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
2.6 Planning Contravention Notices	0	(0 NP cases)

3 Enforcement Notices Served etc.

3.1 Section 215 Notices	1	(0 NP case)
3.2 Breach of Condition Notice	0	(0 NP case)
3.3 Enforcement Notices	1	(1 NP case)

3.4	Prosecution Proceedings	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	0	(0 NP cases)

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 14 sites:-

		Submitted following enf officer investigation
1	Wivelsden Farm, North Common Road, North Chailey – LW/17/0258 – Section 73A Retrospective application for the change of use from barn to livery yard and isolation boxes	✓
2	1 Church Close, Telscombe – LW/17/0100 – Section 73A Retrospective application for the erection of wooden garden building	✓
3	Tomkins Farm, Cinder Hill Chailey – LW/17/0353 – Section 73A Retrospective application for change of use from agricultural and to campsite summer seasons and erection of barn style toilet and shower facilities	
4	Pellingbrook Lewes Road, Scaynes Hill, Chailey – LW/17/0432 – Section 73A Retrospective application for a rear two storey extension and balcony	
5	Unit 30, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford – LW/17/0490 – Section 73A Retrospective application for the erection of a gas flue on the side elevation	✓
6	12 South Way, Newhaven – LW/17/0326 – Section 73A Retrospective application for conversion of house into 2 self-contained flats	
7	78A South Coast Road, Peacehaven – LW/17/0513 – Section 73A Retrospective application for a conservatory to rear elevation	✓
8	62 East End Lane, Ditchling – SDNP/17/01749/HOUS – Section 73A Retrospective application for the insertion of boiler flue through front roof slope	✓
9	Barn at Wootton Farm, Novington Lane, East Chiltington – SDNP/17/01757/FUL – Section 73A Retrospective application for change of use of equestrian stables to commercial food preparation kitchen and associated dry food store	
10	The Volunteer, 12 Eastgate Street, Lewes – SDNP/17/01886/FUL – Section 73A Retrospective application for the retention of a timber smoking shelter	✓
11	128 High Street, Lewes – SDNP/17/01445/HOUS – Section 73A Retrospective application for retention of a single storey garden studio	✓

- 12 Stile Cottage, The Street, Rodmell – SDNP/17/01612/FUL – Section 73A Retrospective application for flint wall around a new boundary where extra land had been acquired
- 13 Court House Farm, Lewes Road, Piddinghoe – SDNP/16/04870/FUL – Section 73A Retrospective application for the siting of a caravan and the erection of a fence ✓
- 14 YHA South Downs, Itford Farm, Itford Farm Lane, Beddingham – SDNP/17/02450/FUL – Section 73A Retrospective application for the installation of wc and shower cabin ✓

5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain,
Director of Regeneration and Planning
02/08/2017

Agenda Item No: 12

Report No: 111/17

Committee: Planning Applications Committee

Date: 30 August 2017

Department: Planning & Environmental Services

Subject: Enforcement Monitoring (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 April 2017 – 30 June 2017

Address/Breach	Current Position	SDNP area
<p>EAST CHILTINGTON</p> <p>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none">• Enforcement notice served in respect of the unauthorised siting and use of the mobile home.• Appeal lodged against the enforcement notice	<p>✓</p>
<p>SEAFORD</p> <p>2 East Dean Rise, Seaford – EN/15/0094</p> <p><u>Breach</u></p> <p>Untidy front, side and rear garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none">• Section 215 Notice served to clear the front, side and rear garden	

Address/Breach	Current Position	SDNP area
<p>WIVELSFIELD</p> <p>More House Farm, Wivelsfield – EN/14/0214</p> <p><u>Breach</u></p> <p>Unauthorised summer house</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served for the cessation of the summerhouse and the removal of the summerhouse from the land. • Appeal lodged against the enforcement notice 	

Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain
 Director of Regeneration and Planning
 02/08/2017

Agenda Item No: 13 **Report No:** 112/17
Report Title: Outcome of Appeal Decisions on 6th June 2017 and 8th August 2017
Report To: Planning Applications Committee **Date:** 30th August 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

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

<p>Foxhole Farm, Seaford Road, Newhaven, BN9 0EE</p> <p>Description:</p> <p><i>Change of use of an agricultural building to a residential dwelling house</i></p>	<p>Application No: SDNP/17/00052/CND</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 28th July 2017</p>
<p>East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP</p> <p>Description:</p> <p><i>creation of safe landing strips for gliders</i></p>	<p>Application No: LW/16/0775</p> <p>Refusal by Committee against recommendation</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p>Award of Costs</p> <p>Decision: 28th July 2017</p>

<p>Greyfriars Court, Court Road, Lewes, BN7 2RF</p> <p>Description:</p> <p><i>Replacement of timber windows with PVC-U double glazed units</i></p>	<p>Application No: SDNP/17/00040/FUL</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p>Decision: 31st July 2017</p>
<p>Highway grass verge, A259 Buckle Bypass, Seaford, East Sussex BN25</p> <p>Description:</p> <p><i>Installation of one Elara Streetpole with two equipment cabinets and three antennae</i></p>	<p>Application No: LW/16/0753</p> <p>Refusal by Committee against recommendation</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p>Decision: 8th August 2017</p>
<p>Land Adjacent To Hillhead, 95 Firle Road, Seaford, East Sussex</p> <p>Description:</p> <p><i>Proposed dwelling</i></p>	<p>Application No: LW/16/0965</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 8th August 2017</p>

Robert Cottrill

Chief Executive of Lewes District Council and Eastbourne Borough Council



Appeal Decision

Site visit made on 10 July 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 28 July 2017

Appeal Ref: APP/Y9507/W/17/3172206

Foxhole Farm, Seaford Road, Newhaven BN9 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Gary Lownds against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/00052/CND, dated 5 January 2017, was refused by notice dated 22 February 2017.
 - The application sought planning permission for erection of a dwelling for equestrian worker and relocation of manege without complying with a condition attached to planning permission Ref SDNP/13/04982/FUL, dated 3 February 2014.
 - The condition in dispute is No 1 which states that: The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the equestrian livery business at Foxhole Farm Stables and occupying the area edged in blue on the 1:2500 location plan hereby approved, or a widow or widower of such a person or any resident dependants.
 - The reason given for the condition is: To ensure that the dwelling remains available to meet the identified need for which consent has been granted and to prevent unnecessary development in the countryside having regard to Policy RES6 of the Lewes Local Plan and PPS7.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission ref SDNP/13/04982/FUL (the original permission) has been implemented. The appellant sought permission to vary the terms of condition 1 by deleting the requirement for the occupation of the dwelling to be tied to the land edged in blue on the 1:2500 location plan.
3. The main issues are whether condition 1 is reasonable and necessary to retain the tied occupation of the dwelling to the land relating to the existing equestrian livery business and the effect of the proposal upon the character and appearance of the South Downs National Park (SDNP) countryside.

Reasons

4. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid new isolated homes in the countryside unless there are special circumstances for a new dwelling. The Council indicates that the functional

- need and financial visibility of the equestrian business provided the special circumstances to granting the original planning permission as a need had been demonstrated for a rural worker to live permanently at Foxhole Farm Stables.
5. The appellant indicates that he needs to raise additional funding to complete the build of the dwelling and poses two options that would facilitate this. He could reclaim VAT on the new build if the dwelling were independent from the business and use the money to complete the dwelling. Alternatively he could secure a mortgage but he has been advised that it would be easier to find a lender on just the dwelling alone rather than the dwelling and associated land as a lender would recognise this as being a business. Whilst I recognise a business loan may be more onerous this cannot be a determining factor in the regulation of the use of land and buildings.
 6. The appellant asserts that the dwelling is an integral part of the equestrian livery located within the livery complex and the amended condition would retain the occupancy of the dwelling by an equestrian worker. The appellant indicates that all the land edged in blue would be kept within his control and would not be sold off, to ensure the livery business remains economically viable.
 7. The appellant has referred me to an appeal decision at Hill House Farm, Haywards Heath¹ in which an agricultural occupancy condition was imposed to a dwelling to be occupied by a person employed in agriculture in the locality. I have no information as to the reasoning behind the justification of the planning permission and the wording of the condition or the nature of the agricultural land or holding. All of which may have a bearing on the wording of that condition.
 8. In this case, the land edged in blue was integral to the planning permission as this land comprises the equestrian livery business at Foxhole Farm Stables at which the occupier of the new dwelling is employed.
 9. The Council's agricultural adviser notes that "*The enterprise involves the care and welfare of several horses for which there is a continuing need for the owner/principal worked to live on site*". Amending the condition to delete the retention of the blue land would fail to ensure that the dwelling would remain permanently linked to the subject land holding or vice versa. Therefore, the issue as I see it is that the dwelling and the equestrian land within the blue area are intrinsically linked. Furthermore, the detachment of this land, or any part of it, from the equestrian holding would potentially undermine the equestrian enterprise at Foxhole Farm Stables and would circumvent the special circumstances that justified the dwelling at Foxhole Farm Stables in the first instance. Although the appellant advises that it is not his intention to sell off the land as it is required to make his business viable, the proposed variation to the condition would not prevent this from taking place. It therefore remains important to retain the tie between the equestrian livery land edged in blue and the dwelling and its occupation by a person employed at the livery.
 10. The Council is also concerned that the fragmentation of the land could lead to alternative land use or uses and the pressure for other buildings or structures to support those alternative uses. However, there is no substantive evidence before me that would demonstrate that any such development would take

¹ Council ref SDNP/17/03101/FUL

place, therefore I am not persuaded that the fragmentation of the land would result in further built development taking place or that it would compromise the countryside character of the National Park's landscape. In any event, the planning system embodies control in terms of the need for planning permission, approval or consent to be obtained for structures where necessary.

11. The Council has highlighted a Building Regulations inspection carried out by the Council in May this year which indicated the electrics and plumbing had been installed and the dwelling was very near completion. I observed that the dwelling is plastered and painted internally, kitchen and bathroom furniture has been installed but some sockets remained to be fitted and the grounds and landscaping were unfinished. Notwithstanding this, the appellant has provided a list of outstanding works and I accept these further works are necessary to make the dwelling habitable. Whilst I sympathise with the personal financial circumstances of the appellant, this is not pertinent to the planning issues before me and the appellant's particular circumstances are not a determining factor that would justify the amendment to the original planning permission.
12. I therefore conclude that the evidence before me does not support the deletion from condition 1 of the requirement for the occupation of the dwelling to be tied to the land edged in blue on the 1:2500 location plan.
13. Whilst I have not found that harm would occur to the character and appearance of the SDNP countryside, I conclude, for the reasons given above, that the condition with its current wording is reasonable and necessary to retain the tied equestrian livery use of the land to the dwelling and its occupation. The deletion and severing of the equestrian land would not be within the spirit of paragraph 55 of the Framework that seeks to promote sustainable development in rural areas. Furthermore, the proposal would conflict with Policy CT1 of the Lewes District Local Plan and Policy GP50 of The South Downs Partnership Management Plan that seek to contain development within existing planning boundaries and that require housing in the National Park to be closely matched to the social and economic needs of local people, amongst other matters. I do not, however, find conflict with Policy CP10 of the Lewes District Local Plan Part 1 Joint Core Strategy that seeks to protect the natural environment and landscape.

Other Matters

14. The appellant has referred to the Neighbourhood Plan Act and noted this may have implications for planning conditions but I have not been directed to any specific aspect of this Act or provided with any explanation as to how it might impact this appeal. I therefore attach limited weight to this.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 27 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/P1425/W/17/3172151

East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by East Sussex Gliding Club against the decision of Lewes District Council.
 - The application Ref LW/16/0775, dated 7 September 2016, was refused by notice dated 17 March 2017.
 - The development proposed is described as 'creation of safe landing strips for gliders'.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of safe landing strips for gliders at the East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP in accordance with the terms of the application, Ref LW/16/0775, dated 7 September 2016, subject to the conditions set out in the Schedule to this decision.

Procedure Matters

2. Some of the application plans were amended prior to the application's determination and I have therefore only had regard to the drawings that formed the basis of the Council's decision.
3. At my request, and for the purposes of clarification, the appellant has provided some information concerning the planning history for the gliding club's operation, including a copy of planning permission LW/87/83.
4. In connection with this appeal it has been submitted that lorries (HGVs) servicing the development could generate emissions that would contribute to nitrogen deposition within the Ashdown Forest Special Protection Area/Special Area of Conservation (SPA/SAC), with the potential to cause harm to this European protected site. That concern having been raised in the light of a High Court challenge made by Wealden District Council against the adoption by Lewes District Council and the South Downs National Park Authority of their joint Core Strategy, with the challenge being successful insofar as it concerns the Park Authority's adoption of the joint Core Strategy. Given the representations that have been made concerning the SPA/SAC I have sought the appellant's and the Council's comments on those representations and I shall return to this matter below.

Main Issue

5. The main issue is the effect of the development on the living conditions for the occupiers of neighbouring properties, with particular regard to noise during the construction works.

Reasons

6. The development would involve the re-engineering of the gliding club's pair of grass track runways and the area of land between the runways. The works would involve the raising of the ground levels of the runways. While there would be some variation in the degree of land raising to be undertaken, the maximum increase in height would be around one metre¹. The works have been designed to address the waterlogging of the runways following prolonged periods of rainfall. To that end the runways would be capped by a half metre deep layer of chalk. A field drainage scheme would also be installed as part of the works. The affected parts of the airfield would be re-laid to grass following the completion of the works.
7. To allow the gliding club to remain functional during the development the works would be phased, enabling at any given time one of the runways to remain operational throughout the two year duration of the works. The two year period for the works assumes Monday to Saturday working.
8. The development would involve the importation of 95,000 cubic metres (m³) of materials, 13,800 m³ of chalk and 81,200 m³ of subsoils². It is anticipated that the imported material would be transported by HGVs in 12 m³ loads³. The appellant has indicated that between 30 and 40 loads of materials would be delivered during each day of the works. However, the Council in making its appeal case has submitted that in the event of the appeal being allowed the number of loads received at the site should be restricted to 30 per day, which would amount to 60 HGV movements per day⁴. The appellant has not objected to a daily load limit of 30 per day and I have therefore assessed the development on that basis. Assuming that the HGVs delivering material to the site would have payloads of 12 m³, the total number of HGV movements generated by the development would be of the order of 15,834, ie 7,917 inbound movements and 7,917 outbound movements.
9. This development has been proposed notwithstanding the fact that land raising was undertaken following the granting of a planning permission in 1999 by the County Council. While the previously approved scheme included the installation of a drainage scheme it has been submitted that those works were ineffective, because the runways have been affected by subsidence and the previously laid drains have been subject to some collapse and silting.
10. The Council is concerned that the development would be harmful to the living conditions of the residents living 'near the access routes to the site'. That is because it is alleged that the number of HGV movements generated by the works would cause noise and disturbance for residents of the area. The glider club is directly accessible via The Broyle (the B2192) and there are various

¹ Based on the differences in existing and proposed levels for the five cross sections shown on drawing 15/329/102

² Volumes as stated on page 3 of the appellant's Planning Support Statement and Design and Access Statement

³ As advised by the County Council's waste and minerals team, a figure that applies a bulking factor to the 14 to 15 cubic metre lorry volumes referred to in the application's supporting documentation

⁴ Ie 30 loaded HGV movements and 30 empty HGV movements

other 'A' (A22, A26 and A27) and 'B' (B2124) class roads in the area that would be the most likely routes for the HGVs making trips to and from the site in association with the development. The application was accompanied by a vehicle routing map showing that the unclassified roads linking the B2124 and B2192 with one another, ie Half Mile Drove and Shortgate Lane would not be used.

11. The greatest intensity of HGV activity associated with the works would affect B2192, given that all HGVs would have to use it to gain access to the site. However, there are a relatively small number of dwellings in the immediate vicinity of the site and I saw that the B2192 is quite heavily trafficked, with it being actively used by HGVs, not least because it provides access to the building supplies business opposite the gliding club.
12. Notwithstanding the nature of the Council's reason for refusal it has provided no evidence demonstrating what the current volume of traffic using the B2192 is and how that volume might be increased during the works. Similarly no acoustic evidence relating to the current noise levels in the area and how they might be affected has been provided by the Council. The Council has therefore presented no evidence quantifying how a maximum of 60 HGV movements per day would affect the local noise climate.
13. Given the prevailing volumes of traffic using the B2192 I observed, I consider, in relative terms, that the extra noise arising from 60 HGV movements per day would be quite limited. Were the works to be undertaken between the hours of 08:00 and 18:00 on Mondays and Fridays and 08:00 to 13:00 on Saturdays then the hourly movement averages for those days would respectively be six and twelve movements. I consider that those average hourly movements would generate levels of noise that would not be discernible by residents living near the access routes to the site. In practice there could well be peaks and troughs in the flow of HGVs to and from the site. However, even at levels of intensity greater than the hourly averages I have previously mentioned, I consider that the noise associated with the HGV movements would not be harmful to residents' living conditions.
14. While not part of the reason for refusal the Council in making its appeal case has sought to argue that the noise associated with the on-site earth moving would be noticeable and thus disturbing to the residents living close to the site. However, that contention is not supported by any acoustic evidence, ie noise monitoring data or commentary from the Council's environmental health/protection department. It is inevitable that some noise associated with the on-site works would be discernible by residents, particularly those occupying the small cluster of properties at the western end of the airfield, with the prevailing wind affecting how much noise transmission there might be. However, there is scope for noise mitigation measures to be used and the works would be of a temporary nature. The available evidence does not persuade me that the on-site noise associated with the works would cause undue disturbance for the residents of the area.
15. For the reasons given above I conclude that the development would not cause unacceptable harm to the living conditions of the residents of the area as a consequence of either HGVs using the local highway network or the on-site works. There would therefore be no conflict with saved Policy ST3 of the Lewes District Local Plan of 2003 and paragraph 17 (the fourth core planning

principle) of the National Planning Policy Framework. That is because the development would be respectful of the amenities (living conditions) of residents of the area because the works would not give rise to undue noise disturbance.

16. Conflict with Policy CP11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 has been cited in the reason for refusal. However, I find Policy CP11 not to be relevant to the issue that gave rise to the refusal of planning permission because this policy addresses the design (appearance) of new development. I am also of the opinion that Policy WMP8b of the Waste Local Plan⁵ is not of direct relevance to the concern that gave rise to the refusal of planning permission because this policy concerns the general principle of depositing inert waste and the end purpose and appearance of the deposited material. I further consider that there would be no conflict with Policy 8.1 of the "Ringmer to 2030" Neighbourhood Plan made in February 2016 because no evidence has been provided demonstrating that the volume of traffic generated by the development would '... result in severe detrimental impacts to the local road system'.

Other Matters

17. Concern has been raised that the development would result in the additional use of the gliding club with the result that residents would experience increased noise disturbance when there are aerotow or self-propelled glider launches. However, powered glider launches are controlled by conditions imposed on planning permission LW/87/83 and are not for consideration as part of the appeal development.
18. The detailed consideration of the quality of the chalk and soils to be used in connection with this development would be a matter for the Environment Agency under the regulations it administers and is therefore not a matter for my consideration.
19. With respect to the development's potential implications for the SPA/SAC, the works for which permission has been sought would last for two years. It is therefore likely that the works would have been completed prior to the bulk of the new housing and other new development planned for over the life of the extant development plans for Lewes and Wealden District Councils having been built and occupied. Given the scale and timing of the appeal development relative to the other planned development in the area, and allowing for a worst case scenario of all of the HGV traffic travelling in the vicinity of the Ashdown Forest, I consider that the HGV movements generated by the development alone and/or in combination with other development in the area would not give rise to an adverse effect on the SPA/SAC.

Conditions

20. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance. There are a number of instances of the suggested conditions duplicating the requirements of other suggested conditions and I have therefore avoided that duplication in the conditions that I have imposed.

⁵ East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan adopted February 2013

21. Apart from the standard time limit condition, I find it necessary that the development should be implemented to accord with the submitted plans for certainty. In order to safeguard the living conditions of nearby residents it also necessary that conditions limiting the works in the following ways are imposed: the works should not exceed a duration of two years from their commencement; the total number of HGV movements per day should not exceed 60; and the working times should be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays, with no works on Sundays and bank or public holidays. With respect to HGV movements the condition suggested by the Council refers to the number of 'vehicle movements' and if that wording was to be used then it would include the vehicle movements of the construction personnel as well as HGVs. For clarity the wording of the vehicle movement condition that I have imposed specifically refers to HGVs entering and exiting the site.
22. To safeguard the living conditions of nearby residents and the local environment it is necessary for a construction management plan (CMP) to be submitted and approved prior to the works commencing. The CMP should include details of: the phasing, sequencing and duration of the works within their individual phases; a noise attenuation scheme; fencing to protect trees and hedgerows; dust control; and the construction of the facilities for the storage of oils, fuels and chemicals. With respect to the attenuation of noise the Council has suggested two conditions the first of which (condition 13) makes references to a 100 metre buffer zone, while condition 14 would require the noise emitted from the site not to exceed 68dB(A). However, no noise monitoring has been undertaken to date and I therefore consider defining a buffer zone and a target noise level would be inappropriate as there is no evidence demonstrating that they would serve their intended purpose. I therefore consider that details of a noise attenuation scheme should be submitted as part of the CMP and that the submitted details should include: the pre-development background noise levels; the maximum noise levels for the duration of the works at the boundaries of the site; noise attenuation fencing or barriers; and any construction plant noise suppression measures.
23. With respect to the CMP the Council has suggested that the details to be submitted for approval should include the size and routing of HGVs, the construction and removal of the internal haul routes and the location of wheel washing facilities. However details relating to the routing of HGVs and the siting of the wheel washing facilities are shown on the application plans and will be subject to the approved plans condition and I therefore consider that there is no need to submit further details for those matters. I am also of the opinion that there is no need for details of the size of HGVs visiting the site to be submitted. That is because the HGVs will be using A and B class roads in accordance with the requirements of the routing plan. Given the scale of the site I am also of the opinion that there is no need for details of the internal haul routes to be submitted, with it being the contractor's responsibility to manage the safe movement of vehicles and pedestrians within the works site.
24. To safeguard the local water environment it is necessary that details for the disposal of surface water, including any alterations to the existing ditches and watercourses within the site, are submitted for the Council's approval. As those drainage arrangements will be integral to the development it is necessary for them to have been approved prior to the commencement of the development. To safeguard the local water environment it is also necessary

that no land raising or excavation works be undertaken within five metres of the top of any ditches or watercourses within the site. To safeguard the local environment only inert soils and green chalk should be used in connection with the works.

25. In the interests of highway safety I have imposed a condition limiting vehicular access to the site for the duration of the works to the access shown on the application drawings. To ensure that HGVs waiting to enter the site can stand clear of the B2192 it is necessary that any gates to be installed at the works entrance are sited a minimum of 17 metres from the back edge of the carriageway, as per the details shown on drawing 15/329/103-500 Revision A. The Council's fifth suggested condition would require details of the construction site entrance to be submitted for approval. However, I consider it unnecessary to impose the suggested fifth condition because sufficient details relating to the site entrance are shown on drawing 15/329/103-500 Revision A and that drawing will be subject to the approved plans condition.
26. In the interests of highway safety it is necessary that wheel washing facilities and an HGV turning area are available within the works site for the duration of the works. However, there is no need for further details of the location of the wheel washing and turning areas to be submitted as they are shown on drawing 15/329/103-500 Revision A. I consider it unnecessary for the specific details of the wheel washing equipment to be submitted for the Council's approval. I have, however, imposed a condition requiring a wheel washing facility to be provided in the location shown on the aforementioned drawing.
27. The fourth suggested condition would require marker posts and profile boards to be installed as a means of checking that the development was being implemented in accordance with the details shown on the approved drawings. However, it will be the applicant's responsibility to ensure that the development is implemented in accordance with the details shown on the drawings subject to the plans condition and I therefore consider it unnecessary to impose the suggested condition. I am similarly of the view that there is no need to impose a condition requiring a post completion topographic survey to be submitted to the Council, with powers being available to the Council to address any breaches of control if it is considered expedient to use them.
28. The third suggested condition requires details of the submission of a site restoration scheme. However, the development would be of a permanent nature and I therefore consider that the suggested site restoration condition is unnecessary. It is however, necessary to safeguard the appearance of the area that the runways are re-laid to grass once the works have been completed.
29. As all of the trees and hedgerows within the site are situated along its boundaries and will not be directly affected by the works I consider that there is no need to impose a condition requiring that they should be retained.

Conclusion

30. Having regard to the provisions of the local and national planning policies drawn to my attention and in the absence of evidence demonstrating that the

development would be harmful to residents living near the the site, I conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be completed within two years of it being commenced, further to the local planning authority being notified in writing of the commencement of the development.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered Ordnance Survey location plan; 15/329/100 Revision B – Topographical Survey; 15/329/101 – Proposed Drainage Layout; 15/329/102 – Sections; 15/329/103-200 Revision A – Access Details Topographical Survey; 15/329/103-500 Revision A – Access Details Topographical Survey; and unnumbered traffic routing plan.
- 4) The development hereby permitted shall not be commenced until a construction management plan has been submitted to and approved in writing by the local planning authority. The details to be submitted as part of the construction management plan shall include:
 - a) The phasing, sequencing and duration of the works within the individual phases of the works.
 - b) A scheme to attenuate noise during each phase of the works, which shall include:
 - i. the identification of the pre-development background noise levels at the boundaries of the site and the maximum noise levels at the boundaries of the site while the works are being undertaken;
 - ii. the type, location and height of any fencing or other barriers to be installed to control the level of noise arising from the works; and
 - iii. any construction plant noise suppression measures.
 - c) The location and specification for tree and hedgerow protection fencing.
 - d) Dust suppression measures; and
 - e) The location and construction of the facilities for the storage of oils, fuels and chemicals.

For the duration of the development hereby permitted the construction management plan shall be implemented in accordance with the approved details.

- 5) The development hereby permitted shall not be commenced until details of a surface water disposal scheme, including any phasing associated with its

installation, have been submitted to and approved in writing by the local planning authority. The details to be submitted as part of the surface water disposal scheme shall include any alterations to the existing ditches/watercourses within the site. The surface water disposal scheme shall be implemented in accordance with the approved details and the drainage scheme shall be made available for use in accordance with any phasing that forms part of the approved scheme.

- 6) The parts of the site affected by the development hereby permitted shall be re-seeded with grass no later than the end of the first planting season following the completion of the works.
- 7) No land raising or excavation works shall be undertaken within five metres of the top of any ditches or watercourses within the site.
- 8) Only inert soils and green chalk shall be used in connection with the implementation of the development hereby permitted.
- 9) The number of heavy goods vehicle movements per day associated with the implementation of the development hereby permitted shall not exceed 30 inbound movements and 30 outbound movements.
- 10) In implementing the development hereby permitted the on-site works and the arrival and departure of heavy goods vehicles shall only take place between the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. No works or heavy goods vehicle arrivals or departures shall take place on Sundays and bank or public holidays.
- 11) For the duration of the development hereby permitted the means of vehicular access for the construction traffic to the site shall only be via the access shown on the application drawings and at no time shall the northern field access be used. For the duration of the works any gate or gates to be installed at the access to the site from The Broyle/the B2192 shall be sited a minimum of 17 metres from the back edge of the public highway.
- 12) Prior to the receipt of any chalk or soils at the site wheel washing equipment shall be installed in the location shown on drawing 15/329/103-500 Revision A and the wheel washing equipment shall thereafter be retained for the duration of the works.



Costs Decision

Site visit made on 27 June 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 28th July 2017

Costs application in relation to Appeal Ref: APP/P1425/W/17/3172151 East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer BN8 5AP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by East Sussex Gliding Club for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for the creation of safe landing strips for gliders.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the PPG) advises¹ that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. A full award of costs is sought and the application is made on a substantive basis. There are two elements to the applicant's application, the first seeks to recover the costs the applicant incurred for the period between the planning application's deferment from determination at a planning committee meeting in February 2017 and the application's subsequent determination. The second element of the costs application concerns the costs incurred in making the appeal against the refusal of planning permission.
4. With respect to the first element of the applicant's application the PPG makes it clear that costs that are unrelated to the submission of an appeal are ineligible for an award². Accordingly the costs associated with the first element of the applicant's application fall outside the scope of the costs regime.
5. The Council refused planning permission because it contended that the development would be harmful to the living conditions of residents living near the access routes to the site, as a consequence of the generation of vehicular noise and disturbance. That decision was made by members of the Council's planning committee, contrary to its officer recommendation, and following a member site visit. While members of the planning committee are not bound by the officer recommendation, the consideration of noise, and any

¹ PPG Paragraph: 028 Reference ID: 16-028-20140306

² PPG Paragraph: 032 Reference ID: 16-032-20140306

disturbance arising from it, is a matter of a more technical nature. In this instance no significant concerns about the prospect of noise being generated by the flow of works traffic were raised by either the Council's environmental health/protection officers or its planning officers. In defending the appeal the Council has submitted no evidence, ie traffic flow data and the results from background noise monitoring, to demonstrate that the scale of traffic associated with the development would generate harmful levels of noise disturbance for residents of the area.

6. I consider that the reason for refusal was expressed as a generalised assertion, which was not supported by any objective analysis when the planning application was determined. In determining the appeal I have found that the reason for refusal has not been substantiated by the evidence submitted by the Council. The decision to refuse planning permission has not been justified and was therefore an unreasonable one.

Conclusion

7. Having regard to the provisions of the PPG, most particularly paragraphs 028, 030, 032 and 049 (the second and third bullet points), I conclude that it was unreasonable of the Council to have refused planning permission, with the result that the applicant has directly incurred unnecessary and wasted expense in submitting its appeal. An award of costs is therefore justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Lewes District Council shall pay East Sussex Gliding Club, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in making its appeal; such costs to be assessed in the Senior Courts Costs Office if not agreed.

Grahame Gould

INSPECTOR



Appeal Decision

Site visit made on 18 July 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 31st July 2017

Appeal Ref: APP/P1425/W/17/3173629

Greyfriars Court, Greyfriars Road, Lewes BN7 2RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Greyfriars Court against the decision of Lewes District Council.
 - The application Ref SDNP/17/00040/FUL, dated 4 January 2017, was refused by notice dated 2 March 2017.
 - The development proposed is the replacement of existing decayed timber casement and louvre windows with pvc-U double glazed units of a similar design.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing decayed timber casement and louvre windows with pvc-U double glazed units of a similar design at Greyfriars Court, Greyfriars Road, Lewes BN7 2RF in accordance with the terms of the application, Ref SDNP/17/00040/FUL, dated 4 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing elevations - 151102B/01; Existing elevations - 151102B/02; Proposed elevations - 151102B/03; Proposed elevations - 151102B/04; Block and Location plans - 151102B/03 A; Type A existing timber window - 151102B/Ext/TypeA; Type B existing timber window - 151102B/Ext/TypeB; Greyfriars window type A proposed - 151102B/Prop/TypeA; Greyfriars window type B proposed - 151102B/Prop/TypeB; Greyfriars post visit - Planning appeal window frame sizes (A3) - 151102B/WFS1; Greyfriars post visit - Planning appeal window frame sizes (A3)(A2) - 151102B/WFS2; PVC Section & P10502 Outerframe; Greyfriars casement window details - Technical Information.

Preliminary Matter

2. In support of the appeal the appellant submitted a number of plans providing technical information for the proposed windows. The Council has, as part of the appeal, had the opportunity to consider and comment on these additional plans. I therefore consider the plans to be admissible and I have considered them as part of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Lewes Conservation Area and the setting of the listed building.

Reasons

4. The host property, Greyfriars, is a modern three storey building in residential use, constructed predominantly of facing brickwork with a slate covered roof. Stricklands Warehouse is a grade II listed building which sits on Railway Lane, opposite the appeal site. The building was erected in the 1990s and is adjacent to, but not within, the Lewes Conservation Area.
5. A number of the buildings in the immediate vicinity of the appeal site are modern in their design. The windows in the properties at this location do not conform to a particular style; they display a mixture of pvc-U, timber, aluminium and steel frames. The variation in style and design is particularly apparent when looking at the properties from the adjacent ground level public car park, and when standing on Railway Lane. Greyfriars is seen as one of a number of modern buildings which form a prominent and imposing set of structures.
6. Due to its location on the edge of the conservation area, and close to the grade II listed Stricklands Warehouse, alterations to the property should be considered in accordance with the effect that they would have on the setting of the listed building and the character and appearance of the conservation area.
7. The proposal would result in the replacement of all timber windows with pvc-U windows. These windows are referred to in the evidence as window type A which is the type of window used in the majority of rooms, and window type B which includes the louvre window to the kitchen units. The replacement window type A would have the same design as existing, and the frame would be some 5mm narrower than the existing frame. The replacement window type B is in two parts; the fixed light frame would be approximately 6mm wider than the existing timber frame, and the louvre window would be replaced with a high level opening light which would have a frame in the region of 5mm narrower than the existing louvre window.
8. I have considered the evidence relating to the proposed design of the frames and I consider that the sizes of the proposed frames are sympathetically designed to reflect the existing timber frames. Window type A would be marginally different in respect of its size, the main difference would be the design of window type B due to the removal of the louvre. The proposed design of Window type B is more in keeping with the design of the property's windows when considered as a whole. The change in thickness is minimal and would not result in bulky or clumsy window frames.
9. The careful use of sympathetically designed pvc-U windows would not appear at odds to the surrounding buildings. The design would replicate a strong vertical element as currently exhibited. Although the use of slim profile metal windows would match properties on Railway Lane, it would not respond to the other surrounding buildings within which the appeal site is viewed when standing in the adjacent car park, or travelling along Court Road.
10. At present the property maintains a respectful façade towards the adjacent conservation area and listed building. The pvc-U has been designed to ensure

that it largely replicates the current size and design of the windows. Accordingly, the proposal would not adversely affect but would preserve the setting of the listed building and would preserve the character and appearance of the adjacent conservation area.

11. As such, I find that the proposal would not harm the setting of the listed building, and would be consistent with the preservation of the character of the conservation area. It would therefore comply with Policies ST3 and H5 of the Lewes Local Plan 2003 insofar as those policies seek to protect the character of the area.

Conditions

12. In addition to the implementation condition, it is necessary to include a condition specifying the relevant plans as this provides certainty.
13. The Council suggested a condition securing the approval of the pvc-U materials. I have included as part of the plans condition a requirement that the proposal is carried out in accordance with the technical information and plans submitted as part of the appeal. Therefore I consider that this matter is adequately addressed in the plans condition.

Conclusion

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be allowed.

J Ayres

INSPECTOR



Appeal Decision

Site visit made on 24 July 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 8 August 2017

Appeal Ref: APP/P1425/W/17/3171100

Highway grass verge, A259 Buckle Bypass, Seaford, East Sussex BN25

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Telefonica UK Ltd against the decision of Lewes District Council.
 - The application Ref LW/16/0753, dated 30 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is the erection of 1 No. 15 m Elara streetpole, 2 No. equipment cabinets and 3 No. antennas on streetpole.
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Decision

1. The appeal is allowed and approval is granted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of 1 No. 15 m Elara streetpole, 2 No. equipment cabinets and 3 No. antennas on streetpole on the highway grass verge, A259 Buckle Bypass, Seaford, East Sussex BN25, in accordance with the terms of the application, Ref LW/16/0753, dated 30 August 2016, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Maps 100 Issue B, Proposed Site Plan 200 Issue B, Proposed Site Elevation 300 Issue B.
 - 2) No other part of the development hereby approved shall be carried out until a parking space has been provided in accordance with details submitted to and approved in writing by the local planning authority. The space shall thereafter be retained at all times and shall not be used other than for the parking of motor vehicles.
 - 3) The development hereby approved shall not be carried out until full details of the colour specification of the streetpole, equipment cabinets and antennas have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details and maintained thereafter.

Main Issue

2. The proposal is permitted development under Part 16 Class A of the 2015 Order but prior approval is required for its siting and appearance under paragraph A.3(3). The main issue is therefore the effect of the proposal on the character and appearance of the area and the outlook of nearby residents.

Reasons

Character, appearance and outlook of nearby residents

3. The proposal is for a new telecommunications base station including a 15 m high Elara streetpole with three antennas together with two equipment cabinets adjacent to the pole, one on each side, and a vehicle lay-by. The base station is needed to address the current lack of 4G connectivity in the Seaford area which affects residents, businesses, visitors and those passing through the town. The streetpole would be the shortest, slimmest and least intrusive possible to achieve the necessary coverage from the chosen site.
4. The proposed location for the base station is on the grass verge on the northern side of the A259 Buckle Bypass as it passes through Seaford. Although the bypass is within the built up area of the town, for a long stretch there is no frontage development on either side as it runs firstly in cutting and then on an embankment when gaining height from the junction with Marine Parade to the west until it levels off and runs alongside Kingsway.
5. The proposed site would be towards the top of this rising section of the bypass roughly where the cutting gives way to the embankment. It would be opposite Hawth Place, a cul-de-sac of bungalows to the south, from where it would be visible breaching the skyline but not excessively intrusive being some distance away on the other side of the road. The nearest bungalows face each other rather than the bypass and consequently their outlook would not be directly affected by the streetpole.
6. On the northern side of the road the base station would be sited alongside a number of roadside trees and bushes which line the road and run behind the rear boundaries of the bungalows on the south west side of Princess Drive. According to the appellant these trees are about 8 m high¹, in which case about 7 m of the 15 m streetpole would be visible above the trees from the north. The top of the pole would therefore be clearly seen breaching the skyline from the rear living room windows and back gardens of several bungalows in Princess Drive. The pole would also be seen from the road between and behind the bungalows, but given the distance away, the intervening properties and street context would not be unduly intrusive in such views.
7. The number of bungalows on Princess Drive significantly affected² would be relatively small and their back gardens are quite deep, reducing the visual impact of the pole when seen from the windows. However, there is no doubt that the proposal would adversely affect the outlook from several properties in Princess Drive and their occupiers would understandably be aggrieved. This factor therefore weighs against the appeal.
8. The base station with its 15 m streetpole and equipment cabinets would also be readily apparent to users of the bypass, with regular users passing it often. Sited a few metres from the carriageway edge, the streetpole would breach the skyline when approaching from either direction but would be associated with the roadside trees and bushes, and for those approaching from the west the bottom of the pole would be screened by a group of trees growing out from the side of the cutting over the verge. The installation would not therefore appear

¹ Proposed site elevation drawing 300 Issue B

² Primarily the even numbered properties centred on Nos 16 and 18

- completely isolated, despite the lack of lighting columns and other street furniture along the bypass for some distance either side.
9. In any event, road users are familiar with ubiquitous street furniture on the roadside and would not be surprised or offended by an installation of a type commonly seen in similar locations. Within the built up area of Seaford, on one side of the Buckle Bypass, the sight of a base station would not be unexpected. The installation would be coloured to minimise its visual impact, and once in place would soon become an accepted and settled part of the street scene.
 10. The appellant has supplied details of several alternative sites in Seaford that have been investigated but neither the Council nor Town Council have put forward any suggestions as to a better alternative. With the town surrounded by the South Downs National Park and mainly comprising attractive residential areas the options for locating the required installation are limited.
 11. For technical reasons an installation on lower ground would involve a taller mast and/or achieve less coverage. Sites to the north, whilst higher, would fall within or be clearly visible from the national park, whilst to the north east no suitable sites have been identified within the built up area. There are few tall buildings, structures, industrial or commercial areas in the town where telecommunications apparatus are often located. It is not surprising therefore that the search for sites has concentrated on the Buckle Bypass.
 12. Previously applications have been made for sites further to the east where the bypass levels out and runs alongside Kingsway. In the early 2000s a site close to 19 Kingsway was dismissed on appeal and in 2007 a site near Birling Close was allowed on appeal but not implemented. In 2016 the latest application near Dukes Close was refused by the Council leading to informal discussions that resulted in officer support for the current proposal. Full details of these proposals have not been provided but the officer report to committee states that the current site is less prominent than the previous locations and would have significantly less impact on the visual amenities of the area.
 13. Advanced, high quality communications infrastructure is essential for economic growth locally and is strongly supported by national policy³. The Seaford area currently suffers from poor 4G coverage and demand from users is rising rapidly. Additional capacity in the area would be of substantial benefit for a large number of people and this must be balanced against the visual impact of the installation on the character and appearance of the area and the impact on the outlook of nearby residents. The proposal would have an adverse effect, breaching the skyline and being visible along the bypass and over part of the town. More importantly, it would affect the outlook from the rear facing windows and gardens of the nearest bungalows in Princess Drive, affecting the enjoyment of these properties by their occupiers. However, on balance, the need for the development, its siting in an optimum position along the bypass and the lack of suitable alternative sites outweigh these concerns.
 14. The proposal would therefore comply with Policies ST3 and T16 of the Lewes District Local Plan 2003 which require telecommunications development to respect the local area and minimise any adverse impact on the appearance and amenity of its surroundings, taking account of technical and operational requirements. It would also be consistent with Core Policy 4 of the Lewes Joint

³ National Planning Policy Framework paragraphs 42-46

Core Strategy 2016 which seeks to promote high speed e-communications and IT infrastructure to encourage economic development.

Other matters

15. A series of other objections have been raised against the proposal. These include disruption and danger to passing traffic during construction and maintenance, alleged health risks, impact on property values and conflict with utility services in the verge. However, no objections have been raised by the highway authority on highway safety grounds and base stations are designed to meet very strict standards to ensure there is no danger to public health. Property values are not a determining factor in themselves. Finally, the developer would be responsible for resolving any conflicts with roadside services and ensuring the safe construction and operation of the installation.
16. In addition to the standard conditions imposed by the 2015 Order, the Council seek two conditions which are not disputed by the appellant. Conditions are necessary to ensure that the parking space is provided before the remainder of the development goes ahead and for the colour specification of the installation to be approved by the local planning authority to ensure the satisfactory appearance of the development. In addition, a condition is necessary to define the plans which have been approved in the interests of certainty.

Conclusion

17. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR



Appeal Decision

Site visit made on 24 July 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 8 August 2017

Appeal Ref: APP/P1425/W/17/3168724

Land adjacent to Hillhead, Firle Road, Seaford, East Sussex BN25 2JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Brown against the decision of Lewes District Council.
 - The application Ref LW/16/0965, dated 16 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on protected trees.

Reasons

Character and appearance

3. The proposal is for a large chalet style dwelling at the end of the existing row of houses on the north western side of Firle Road. The new property would be situated next to Hillhead, a substantial two storey house, within one end of a woodland strip which wraps around behind the houses at the eastern end of Duchess Drive. The site plan shows the location of the proposed house and access point but other aspects of the proposal such as any surrounding garden and the parking/turning area in front of the house are not clearly shown.
4. It would seem that the woodland amenity strip was established as a result of a legal agreement between the developer of Duchess Drive and the Council in 1989. The strip was planted with trees with the apparent intention of establishing a long term landscape feature to mark the edge of the built up area and to separate the cul-de-sac of houses from the rural area to the north east. However, the agreement is not stated to be a planning obligation and its terms do not now appear to be enforceable.
5. The woodland strip is currently unmanaged and consists mainly of Sycamore up to 10-14 m high together with some Hawthorn, Blackthorn and other species. Many of the trees within the appeal site are low quality being multi-stemmed, ivy clad or suppressed. The understorey comprises seedling Sycamore, Buddleia, Ground Elder, Bramble and Nettles with some fly tipping in evidence. The woodland is protected by a Tree Preservation Order.

6. Whilst not prime woodland and in need of active management, the amenity strip forms an important landscape feature in the area and is highly visible from Firle Road, the adjacent public bridleway and the countryside to the north east. It also forms an attractive backdrop to the detached houses at the end of Duchess Drive, where it forms an enclosing feature on the rising land behind.
7. According to the arboricultural report submitted with the application the construction of the dwelling would require the removal of six individual trees and two groups of small trees. Using the BS5837:2012 categories these are either grade C – unremarkable trees of low quality – or U - poor quality trees that cannot realistically be retained. No category A or B trees would be lost. The tree protection plan indicates that protective fencing would be erected closely around the dwelling footprint to protect the other trees on the site.
8. However, the site plan does not include an accurate layout showing proposed parking/turning areas nor details of likely clearance around the house to avoid nuisance such as overshadowing and falling debris, or indeed a useable area of external amenity space. It does not therefore fully illustrate the likely impact of the proposal on the woodland and consequently the arboricultural report probably understates the tree losses that would actually be involved. Whilst the individual trees to be lost may be of low quality they contribute collectively to the overall value of the woodland.
9. In addition, the introduction of a dwelling within the woodland is likely to result in future pressure for further works to cut back or remove trees to reduce real or perceived nuisance from overshadowing, leaf fall etc. Whilst the appellant may plan to live with trees in close proximity, in the medium term applications for further works are likely and notwithstanding the controls available under the Tree Preservation Order the interests of the occupiers are likely to prevail.
10. In any event, the proposal would result in the introduction of a significant built development into one end of the woodland strip. In addition to the large chalet style dwelling the scheme would involve a new access onto Firle Road, an area of hardstanding for parking/turning in front of the property and in all likelihood the creation of an open garden around and/or behind the house. The overall result would be a fundamental change in the character of the site from an area of woodland, albeit unkempt, to a clearly residential property with parked cars and domestic paraphernalia such as refuse bins and garden furniture.
11. Although adjacent to an existing large house and only involving a proportion of the overall woodland strip this would, contrary to the views of the appellant, represent a substantial encroachment into one end of the treebelt. The new dwelling would be easily seen from Firle Road at the front and the view of the woodland from Duchess Drive to the rear would also be adversely affected due to the loss of tree cover. The integrity of the woodland strip as a whole would be compromised and its important contribution as a landscape feature in the area correspondingly reduced.
12. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policy CP11 of the Lewes Joint Core Strategy 2016 and Policies ST3 and H12 of the Lewes District Local Plan 2003. These aim to conserve and enhance the high quality and character of the district's towns, preclude the loss of trees or other landscape features which make an important contribution to the character of the area and seek to retain the existing character of defined Areas of Established Character.

Conclusion

13. The proposal would provide an additional family size dwelling with important social and economic benefits for the area. Being located within the defined planning boundary for Seaford the site can be regarded as a sustainable location notwithstanding the distance from the town centre. The proposal would provide an attractive and convenient housing solution for the appellant and would also facilitate improved management of the remaining woodland strip. The Town Council do not object to the scheme and are apparently pursuing development on some other amenity spaces in the town. However, despite these points, the proposal would not satisfy the environmental role of sustainable development due to the conflict with the character and appearance of the area and consequently should not go ahead..
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR