

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.

ESCC - County Archaeologist

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

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

- 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 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.

Access/parking

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

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

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.

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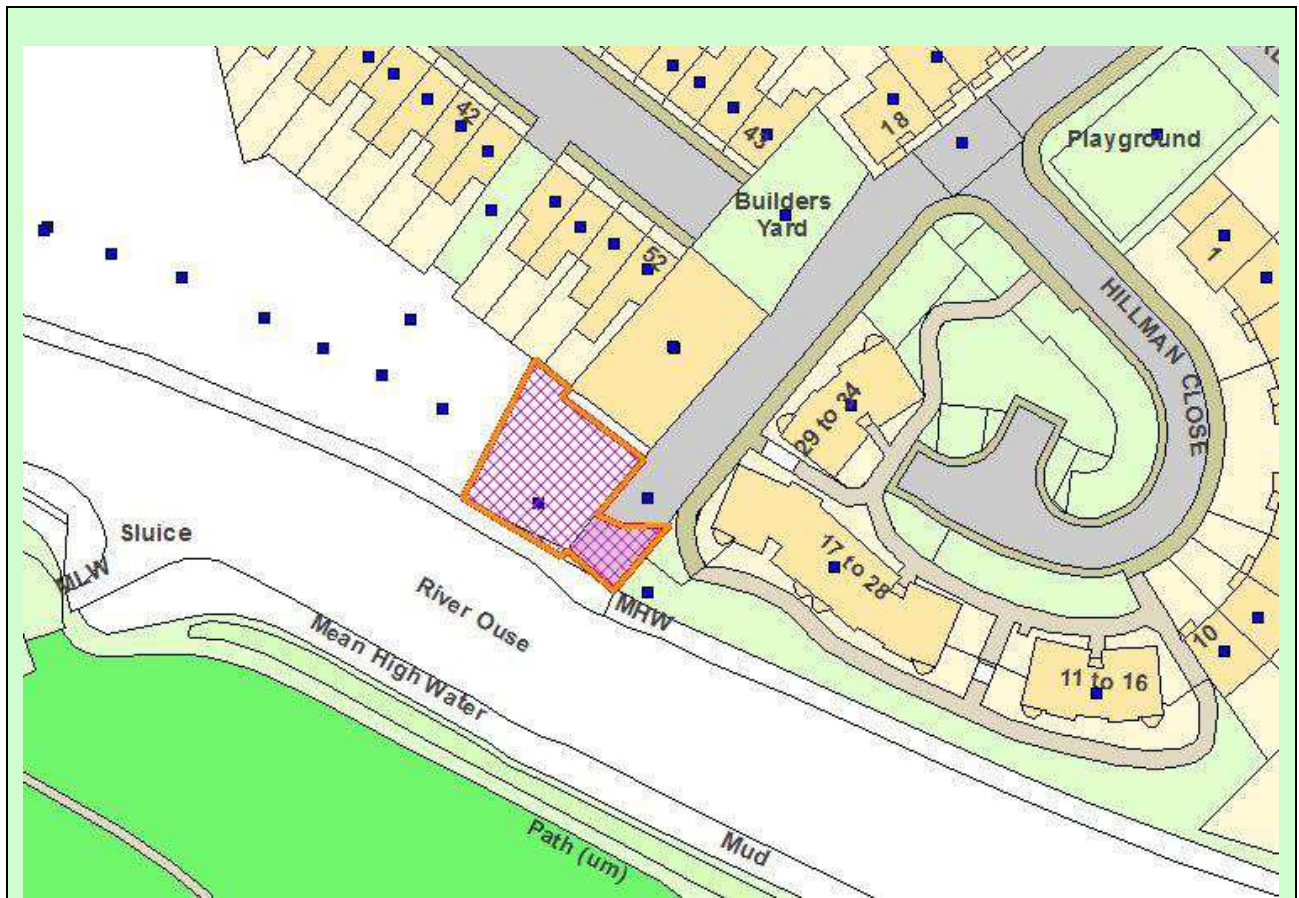
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
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.