

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, 20 September 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.

07/09/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 6 September 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/17/0045 - Land North Of Chapters, Bishops Lane, Ringmer, East Sussex (page 5)**

**7 LW/17/0494 - 3 Bramber Avenue, Peacehaven, East Sussex, BN10 8LR (page 48)**

**8 LW/17/0529 - 1 Capel Avenue, Peacehaven, East Sussex, BN10 8NB (page 58)**

**9 LW/17/0361 - 9 Victoria Avenue, Peacehaven, East Sussex, BN10 8LX (page 68)**

**10 LW/17/0367 - Lynchets, Lewes Road, Ringmer, East Sussex, BN8 5ET (page 77)**

**11 LW/17/0601 - Corsica Cottage, Old Uckfield Road, Ringmer, East Sussex, BN8 5RX (page 85)**

**12 LW/17/0598 - Meadow Business Centre, Old Uckfield Road, Ringmer, East Sussex (page 88)**

**13 LW/17/0542 - 32 Fairlight Field, Ringmer, East Sussex, BN8 5QP (page 92)**

**14 LW/17/0264 - Land Adjoining North Common Road, Wivelsfield Green, East Sussex (page 95)**

**15 LW/17/0262 - The Forge, Lewes Road, Ringmer, East Sussex, BN8 5NB (page 98)**

**Non-Planning Application Related Items**

**16 Outcome of Appeal Decisions on 8th August 2017 and 18th August 2017 (page 101)**

To receive the Report of the Director of Service Delivery (Report No 122/17 herewith).

**17 Written Questions from Councillors**

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

## **18 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 11 October 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email [planning@lewes.gov.uk](mailto:planning@lewes.gov.uk)

**Distribution:** Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, V Ient, T Jones, D Neave, 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**

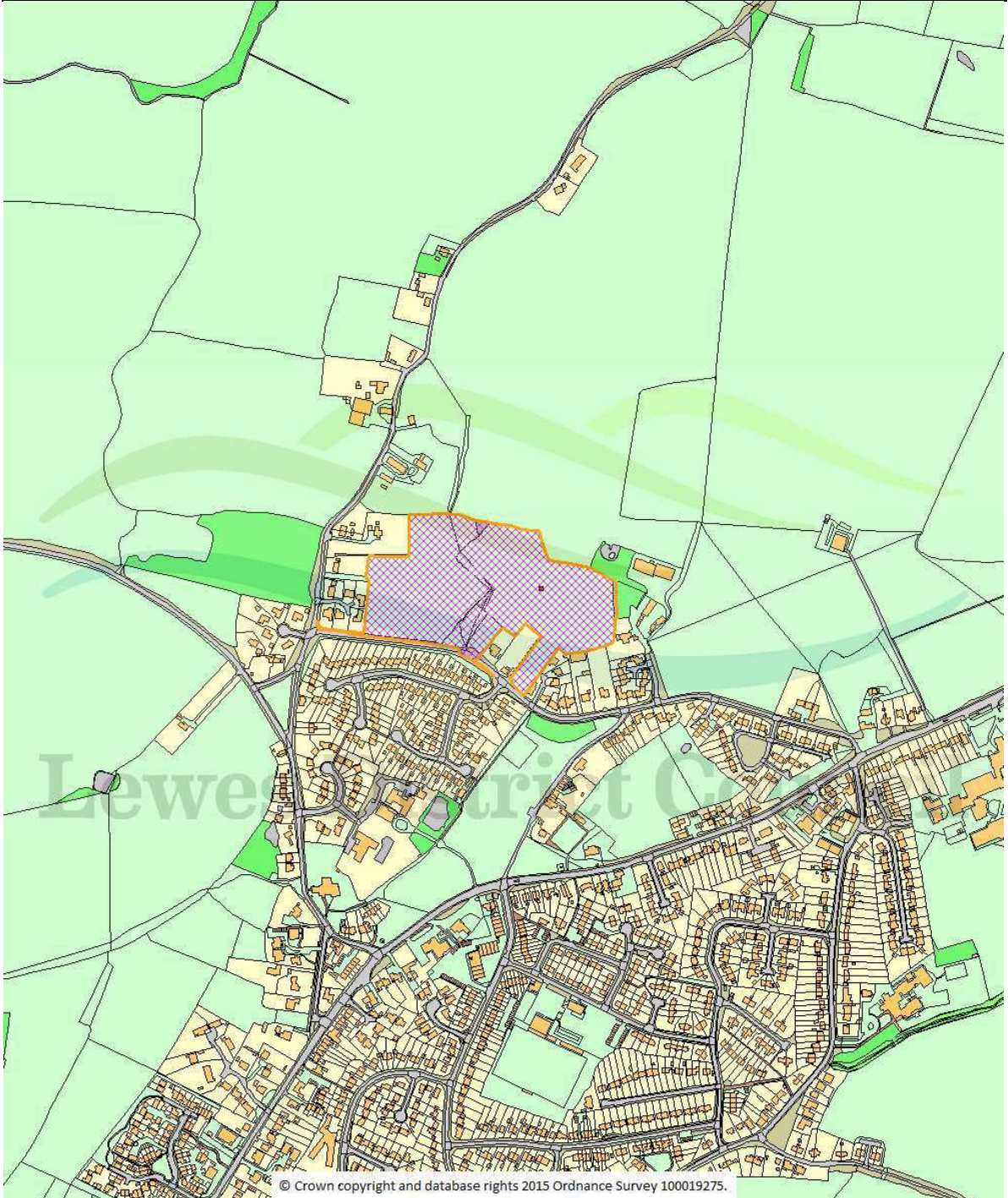
The two statutory purposes of the South Downs National Park designations are:

- 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.

<b>APPLICATION NUMBER:</b>	LW/17/0045	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	Bovis Homes	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Approval of Reserved Matters Application for Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale		
<b>SITE ADDRESS:</b>	Land North Of Chapters Bishops Lane Ringmer East Sussex		
<b>GRID REF:</b>	TQ 44 12		





## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located on the north side of Bishops Lane, which is a relatively quiet rural lane, without pavements or street lighting, on the edge of Ringmer. The site is approximately 4.4 ha in size and is made up of two fields known as Bishops Field (on the west) and Potters Field (on the east). The fields are divided by, with access between them through, a dog-leg hedge, which also contains trees, including two protected oaks.

1.2 Established hedgerows and trees surround the site, albeit that these are reduced in height to the rear of Orchard House and the western side of Kerridge. The site is relatively flat and, beyond the hedges and their immediate environs, has been used for rough grazing. A partly culverted watercourse crosses the site from southwest to northeast, with a public right of way crossing it approximately southeast to northwest.

1.3 There is residential development to the south and west, with residential and commercial development to the east. Much of the residential development is relatively modern, comprising both large dwellings in spacious plots and the higher density 'Delves' estate on the southern side of Bishops Lane, opposite the application site.

1.4 In January 2016 following the refusal of application LW/14/0127 and a public inquiry, the Secretary of State granted outline planning permission for the development of this site with up to 110 houses to include affordable housing, access and public open space (application LW/14/0127 refers). The only matters that the Secretary of State determined in the approval of that appeal were the principle of the development of the site with up to 110 houses and the means of access to the site. All other matters were reserved for future consideration and this application now seeks approval for those matters i.e. the external appearance, layout, landscaping and scale.

1.5 The outline scheme approved by the Secretary of State (SoS) included an illustrative master plan. Whilst this plan was not formally approved by the SoS and therefore there is no requirement for the reserved matters details to replicate it, it has clearly formed the basis of the layout now submitted for consideration. The plans now submitted for consideration show the dwellings laid out around a single main access route through the site with a number of smaller side roads branching off throughout the site, resulting in a series of cul-de-sacs, with no through routes for vehicles. A secondary access for emergency vehicles only is however shown between Chapters and Potters Field, in accordance with the access details approved under the outline application. This emergency access will also provide cycle and pedestrian access to the site.

1.6 All of the dwellings would be two storeys in height and are generally of traditional design. The construction materials would be a mix of brick, hanging tiles and weatherboarding. With the exception of the proposed flats, all of the dwellings would have private garden amenity space. The flats would share communal gardens.

1.7 The proposed development will deliver a range of 1, 2, 3 and 4 bedroom dwellings broken down as follows:

	Housing Type	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Private	House		5	25	31	5	66
Affordable	House		26	2			44
	Flat	16					
Total		16	31	27	31	5	110

1.8 This achieves the provision of 40% of the proposed dwellings as affordable units.

1.9 A total of 288 parking spaces would be provided on site, made up of a mixture of on plot garaging and driveway parking, courtyards and on street spaces.

1.10 Along the northern edge of the site an area of open space is provided that will incorporate a series of balancing ponds and a Local Equipped Area of Play (LEAP).

## **2. RELEVANT POLICIES**

**LDLP: – RNP81 – Policy 8.1-Traffic Generation**

**LDLP: – RNP82 – Policy 8.2-Road Safety/Congestion**

**LDLP: – RNP83 – Policy 8.3-Off-Road Parking**

**LDLP: – RNP85 – Policy 8.5-Safe Pedestrian Route**

**LDLP: – RNP811 – Policy 8.11-mains drainage & sewerage**

**LDLP: – RNP91 – Policy 9.1-Design, Massing and Height**

**LDLP: – RNP92 – Policy 9.2-Housing Densities**

**LDLP: – RNP93 – Policy 9.3-Materials**

**LDLP: – RNP94 – Policy 9.4-Housing Space Standards**

**LDLP: – RNP95 – Policy 9.5-Footpaths and Twittens**

**LDLP: – RNP96 – Policy 9.6-Hard and Soft Landscaping**

**LDLP: – RNP97 – Policy 9.7-Types of Residential Dev**

**LDLP: – CP13 – Sustainable Travel**

**LDLP: – RNP41 – Policy 4.1-Planning Boundary**

**LDLP: – RNP410 – Policy 4.10-Biodiversity**

**LDLP: – RNP62 – Policy 6.2-Affordable Units**

**LDLP: – RNP63 – Policy 6.3-Respect the Village Scale**

**LDLP: – RNP6 – Policy 6.4-Housing split into Two Phases**

**LDLP: – RNP75 – Policy 7.5-Outdoor Play Facilities**

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

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

**LDLP: – ST11 – Landscaping of Development**

**LDLP: – RES19 – Provision of Outdoor Playing Space**

**LDLP: – SP1 – Provision of Housing and Employment Land**

**LDLP: – SP2 – Distribution of Housing**

**LDLP: – SP6 – Land at Harbour Heights**

**LDLP: – CP1 – Affordable Housing**

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

**LDLP: – CP7 – Infrastructure**

**LDLP: – CP8 – Green Infrastructure**

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

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

### **3. PLANNING HISTORY**

**LW/15/0152** - Erection of up to 110 dwellings to include affordable housing, access and public open space (resubmission of LW/14/0127) - **Refused**

**APPEAL/15/0001** - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Allowed**

**LW/14/0127** - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Refused**

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

**ESCC SUDS – Original comments:** The ordinary watercourses on the development receive surface water runoff from existing development to the south and Bishops Lane through a network of pipes and ditches. The current development proposals do not show a full understanding of the potential flood risk impacts to these areas draining to the site. Hydraulic modelling was undertaken as part of the outline planning application, but it does not appear to have been informed by a better understanding of the existing drainage arrangements, which has an impact on the catchment and modelling approach.

Site observations, Environment Agency (EA) updated Flood Map for Surface Water (uFMfSW) and surface water modelling undertaken for another site off Bishops Lane show surface water overland flow routes from Bishops Lane onto the development site. The site layout should be informed by a better understanding of these flow routes to ensure that they do not get blocked which will result in increased flood risk to Bishops Lane and areas south of the site.

Therefore we request that the applicant carry out 2-dimensional modelling of the existing drainage system to assess the existing flood plan extent of the watercourse on site. The modelling should be informed by a good understanding of the existing drainage coming onto the site from areas south and should provide a good understanding of existing surface water overland flow routes onto and from the site. Any surface water overland flow routes identified by the detailed hydraulic modelling should be retained or carefully diverted with a good understanding of the impact of the diversion.



We welcome the opening up of the existing culvert within the site as recommended by the EA during the outline application. However, we are also disappointed to see proposals to culvert the watercourse on site around Plots 51 to 54. As the LLFA we do not support culverting open watercourses due to impacts on flood risk and biodiversity and maintenance requirements. Therefore we request that the applicant revise the proposed layout to ensure the watercourse on site remains an open channel.

British Geological Survey data indicates that groundwater on site is less than 3m below ground level. In addition archaeological trenches dug in January/February 2013 were observed to quickly fill up with water. A recent site visit also found the site to be boggy with standing water in various locations. The Phase 2 Site Investigation (BDR Report dated August 2013) supporting this application found resting groundwater between 0.81m to 4.84m below ground level during visits between 18/07/2013 and 21/08/2013. These observations were made in the summer when groundwater levels are relatively low, and levels would be even higher in the winter. No information has been provided to assure us that the impacts of groundwater on the development, surface water drainage proposals and consequential impacts on offsite area will be managed appropriately.

The applicant should provide details on how the impacts of groundwater will be managed. The proposed attenuation ponds have depths of 1.2m, which is most likely to be within the established groundwater levels even during summer months. Consequently they are unlikely to have capacity to manage surface water runoff from the proposed development if measures to manage the impacts of groundwater (on hydraulic capacity and structural integrity) are not taken. In addition the proposed properties would need to be constructed to be resistant to groundwater ingress.

The above mentioned issues were discussed with the applicant and his agents during a recent meeting.

Given the aforementioned and other issues, we request that the applicant submit the following additional information to ensure surface water management measures are appropriate and sufficient:

1. Findings of a 2-dimensional hydraulic modelling to demonstrate the flood risk impacts of the proposed development. The findings of the 2D modelling should inform the layout of the development, allowing existing surface water overland flow paths to be retained or carefully diverted ensuring on increase in flood risk on or offsite.
2. Evidence that the existing watercourses on site will be retained as an open channel with only bridges/culverts to enable access. The existing flow routes to the pond shown on OS maps should be investigated further, and if there are any proposals to block this route they should be informed by an good understanding of the resulting flood risk.
3. The surface water management proposals should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.
4. The hydraulic calculations should include an allowance for urban creep and show how surface water runoff volumes will be limited to existing volumes. If it is not feasible to limit runoff volumes to existing, long term storage volume should provided based on the 1 in 100 6hour storm, and this volume should be discharged at a rate of 2 l/s/ha.

5. Information of how impacts of high groundwater will be managed in the design of the attenuation ponds and permeable pavements to ensure storage capacity is not lost and structural integrity is maintained.
6. A utilities strip should be provided within the permeable paving to allow access for maintenance/or replacement of the foul network with minimal impact on the integrity of the permeable pavement.
7. Details on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely should be provided.
8. The design of the surface water management proposals should take into account requirements of those who will be responsible for maintenance of all aspects of the system. This is to ensure that the approved plans can be implemented without major changes to accommodate adopting authorities, which will most likely change the flood risk impacts of the proposed drainage system.
9. Information on the maintenance responsibilities for all parts of the proposed surface water drainage strategy should be provided. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Any works affecting the existing watercourse on site will require consent from the County Council as the LLFA. Ordinary watercourse consent for such works should be secured prior to construction of the works. Details of the application process and the relevant form can be found here:

<https://new.eastsussex.gov.uk/environment/flooding/ordinarywatercourseconsent>.

**Environmental Health –**

Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale.

This consultation is for an amended plans received altering layout and mix of units.

I have no further comment in relation to land contamination. Comments made on 12 April 2017 by this section are still pertinent.

**District Services –** No comment.

**ESCC Archaeologist –** This development carries an archaeological planning condition under LW/14/0127 (Allowed on Appeal). For this reason I have no further recommendations to make in this instance.

**British Telecom –** I write in response to your letter dated 29 June regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels. To check the location of BT's network, enquiries should be made direct to the Openreach Maps by Email Service which can be found at the following URL:  
<http://www.openreach.co.uk/orpg/home/contactus/avoidingnetworkdamage/avoidingnwdamage.do>

**ESCC Highways** – This HT401 is issued in response to the original application and amended plans/additional information received from Lewes District Council on 29th June 2017 and follows extensive discussions with the agents. The amended plans are:

RGMR-007H - fire vehicle turning and visibility splays  
RGMR-002J - proposed site layout  
RGMR 006H - refuse collection strategy  
RGMR-900F - landscape & biodiversity

This application is for up to 110 dwellings which has been given OUTLINE approval under LW/14/0127 at Appeal therefore the principle of the development has already been agreed. All the off-site highway works and contributions were secured at that stage through the s106 agreement dated August 2015. In accordance with the s106 Agreement the applicant is progressing the off-site highway works through a s278 agreement with ESCC.

The applicant has addressed the Highway Authority's original concerns within the amended plans. I therefore have no objection to the proposal subject to the following comments and recommend conditions to be included in any grant of this reserved matters application.

See file for full comments.

**Southern Gas Networks** – No objection. General advice given regarding building near gas pipes.

**Tree & Landscape Officer Comments – Existing Trees to be Retained**

Subject to precautionary and tree protection measures being implemented trees shown for retention should not be adversely affected by site clearance, subsequent development operations and post development maintenance of ditches etc.

The applicants will be required to submit an Arboricultural Method Statement and Tree Protection Plan to ensure the retained trees survive post construction operations. This can be dealt with under Reserved Matters.

Existing Hedgerow

This relates to the existing hedge line, which runs in a zig-zag pattern on a north/south axis through the centre of the site. There are now three discrete segments to the hedgerow, the bottom, middle and top.

The Soft Landscaping Details appears to be at odds with the Landscape & Biodiversity Master Plan. Unless I have read it incorrectly (our printer is a little myopic and colour-blind) the Biodiversity Plan shows the existing vegetation in the bottom segment of the hedge line to be retained, whereas the 'Soft Landscaping Plan' appears to show much of it replaced with 'Wildflower area'. It might be an idea for the applicants to revert to the Biodiversity plan for the bottom segment as I don't see this adversely affecting the objectives of both the biodiversity and landscaping of the area.

The middle segment appears to show the existing hedgerow to be retained and bordered by wildflower meadow with garden bordered by new hedges consisting of native species. A combination of the protected trees, the hedgerow and the meadow will make an attractive feature that will help visually break up the development and mitigate its visual impact on the area.

The top segment of the hedge appears to be shown as retained but with a path bisecting it. Given the interest expressed over the fate of the hedges it would surely be an easy fix to relocate the path to pass between the 'pond' and the retained Ash and to continue as is

beyond plot 52. This would avoid causing significant damage to it and ensure it retains its visual cohesion within the context of the site as a whole.

### Soft Landscaping

The scheme shows existing vegetation/hedgerows/trees retained around the peripheral boundaries, with some additional planting in specific areas. The north eastern area contains a large swathe of meadow with strategically positioned native planting nearer the eastern side. This is, in my view, forms a reasonably acceptable transition between the built up area and the open countryside.

I am mindful of the comments made the occupant of 'Orchard House, but the applicants appear to have addressed the concerns with the creation of an area of 'native mixed planting' immediately bordering the property, together with the planting of individual specimen trees (Field Maple, Lime and Oak) and a further buffer zone of 'meadow' to separate their property from the development. I have nothing further to add at this stage.

I have also fielded concerns raised by the occupants of 'Chapters' about the fate of their protected trees. I am satisfied that the two protected trees in their garden will survive post construction operations providing the tree protection measures are adequately implemented.

The local area play (LAP) or Local Equipped Area for Play (LEAP) will be dealt with by others (probably Chris Bibb or at least Andy Frost's team)

### Details

The soft landscaping plans does not show reference to BS:8545:2014 Trees: from nursery to independence in the landscape. This gives guidance on selecting, transporting, site preparation, planting and post planting operations etc. I have also not had sight of any further details on the installation of soft landscaping or a management plan showing post planting maintenance regimes.

Further to our discussion, I agree that the soft landscape proposals are incomplete and fail to incorporate the biodiversity elements described in RGMR-900 Rev H. To this end, further details can be submitted for consideration as a reserved matter.

See file for suggested conditions.

**Natural England** – Natural England has no comments to make on this application.

**Sussex Police** – The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Lewes district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

In general terms I support the proposals in this application which will create a single vehicle access point off Bishops Lane, leading into a series of small residential cul de sacs with no through route. This will give residents a sense of ownership and community and will deter trespass. The orientation of the dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, public open space including the LEAP, and designated car parking areas. Good provision has been made for car parking with a mix of garages and in curtilage driveways, car barns and small parking courts.

I would encourage the applicant to adopt all appropriate measures for crime prevention and community safety in this development using the principles of Secured by Design and the attributes of safe, sustainable places. These are:

- o Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- o Structure - places that are structured so that different uses do not cause conflict.
- o Surveillance - places where all publicly accessible spaces are overlooked.
- o Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- o Physical protection - places that include necessary, well designed security features.
- o Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- o Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

**Southern Water Plc** – The layout of the proposed development site should incorporate the non habitable distance of 15 metres from the proposed pumping station.

The proposed on site drainage would not be adoptable by Southern Water in current form. Please note that Southern Water would not accept tanked permeable paving and cellular storage over or within 5 metres of public or adoptable sewers. The design of drainage should ensure that no infiltration of surface water to public foul sewer will occur.

The connection to the public sewerage system can be carried out only on completion of the public sewerage network improvement works scheme, which introduces the online storage in order to avoid the overall increase of flows to wastewater treatment works.

**Housing Needs And Strategy Division** – The New Affordable Housing Policy Guidance: Technical Note, which recently completed a second round of consultation, provides an explanation of how the Council's affordable housing policy, as set out in the Lewes District Local Plan Part 1 - Joint Core Strategy, is to be implemented.

Number of affordable dwellings

Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) states that 'A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units. For developments in designated rural areas affordable housing, or financial contributions towards, will be sought on developments of 6 or more'.

The Planning Inspectorate Report to the Secretary of State for Communities and Local Government (File Ref: APP/P1425/W/14/3001077) dated 8 October 2015 states: 'The proposed development is intended to provide up to 110 dwellings, of a range of types, 40% of which would be affordable units.' (P.2).

Page 27 of the Planning Statement/Brief on the LDC Planning » Planning Application Documents webpage displays the proposed Affordable Housing Distribution as follows:

1 bed flat	16 (36%)
2 bed house	26 (59%)
3 bed house	2 (5%)
TOTAL	44

40 per cent of 110 dwellings equates to 44 affordable units (0.4 x 110 = 44).

Therefore, the Council is happy with the number of affordable units proposed for this development.

#### Dwelling mix

At March 2016 the Housing Register displayed the following need for dwellings in Ringmer:

Housing Register at 31 March 2016:

Ringmer	1 bed	2 beds	3 Beds	4 Beds	5+ Beds	Total
Number	29	8	9	1	0	47
Percentage	61.70	17.02	19.15	2.13	0.00	100

The greatest need in Ringmer is for 1 bedroom dwellings, followed by 3 bedroom dwellings, and then 2 bedroom dwellings.

Page 25 of the Planning Statement/Brief on the LDC Planning » Planning Application Documents webpage displays the proposed Total Housing Provision, and page 27 of the same document displays the proposed Affordable Housing Distribution. These are displayed below with the percentages each dwelling type makes up of their respective totals:

Total Development			Affordable Housing	
Dwelling Type	Number	Percentage	Number	Percentage
1 Bed flat	16	14.55	16	36.36
2 bed house	26	23.64	26	59.09
3 bed house	30	27.27	2	4.55
4 bed house	33	30.00	0.00	
5 bed house	5	4.55	0.00	
Total	110	100.00	44	100.00

Ideally the Council would like to see a greater proportion of 1 bedroom dwellings amongst the affordable units. The Council would also like to see the proportions of 2 bedroom houses and 3 bedroom houses of the total development better reflected in the dwelling mix of affordable 2 bedroom houses and affordable 3 bedroom houses.

Consequently, further discussion regarding the dwelling mix would be useful: how the number of each affordable dwelling type can better reflect the housing needs of Ringmer and the development overall, for example.

#### Tenure split

Core Policy 1 of The Joint Core Strategy states: 'The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.'

The Other Plan(s) (amended) - 005 C Affordable Housing document and the Proposed Layout plan (amended) - 002 F Site Layout document on the LDC Planning » Planning Application Documents webpage demonstrates that of the proposed housing:

All the 1 bedroom apartments are scheduled to be affordable rented (plots 74 - 81 and plots 82 - 89);  
4 of the 2 bedroom houses are scheduled to be affordable rented (plots 16, 17, 20 and 21);



2 of the 3 bedroom houses are scheduled to be affordable rented (plots 18 and 19); 22 of the 2 bedroom houses are scheduled to be Shared Ownership (plots 9, 10, 11, 12, 13, 65, 66, 67, 68, 69, 90, 91, 92, 102, 103, 104, 105 106, 107, 108, 109 and 110).

Page 27 of the Planning Statement/Brief on the LDC Planning » Planning Application Documents webpage, which discusses the proposed Affordable Housing Distribution states: 'The affordable housing mix is designed to accord with the terms of the letter from Mr S Chamberlin (Lewes Council's Nominated Officer) dated 22nd June 2016. In this letter it was agreed that 50/50 split of rented and shared ownership affordable housing was acceptable.'

Page 85 of the Joint Core Strategy states: 'The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.' The tenure split is a somewhat flexible target, which can be adjusted for each site where demonstrated to be appropriate, and following discussions with the Council.

Contingent that the tenure split has been agreed by Lewes District Council's Nominated Officer as stated, the Council is generally satisfied with a tenure split of 50:50, affordable rented: intermediate (shared ownership), for this development.

#### Size of dwellings

The Council's expected space standards for affordable housing, taken from the DCLG document Technical housing standards - nationally described space standard (March 2015) and set out in the New Affordable Housing Policy Guidance: Technical Note, are displayed below:

Studio Flat	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House		
Unit Size - m2	39	50	61	79	93	
4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow		
Unit Size - m2	106	119	50	70	86	

From the planning application documents which are visible on the LDC Planning » Planning Application Documents webpage, it is not clear what the size of any affordable dwellings will be.

Consequently, further discussion regarding the size of the proposed affordable dwellings would be useful.

**ESCC Rights Of Way** – Public Footpath Ringmer 22 runs through the application site on a north-south alignment. Please see the plan attached showing its route on the application layout plan.

A footway runs through the development substantially on the line of Footpath 22 and it is assumed that the footway will serve as the route of Public Footpath 22. The footway does not align precisely with Footpath 22, although the extent of the alignment difference is unclear at the path's recorded scale of 1:10560 on the Definitive Map. A copy of the Definitive Map is attached for information.

We would request that the following matters are considered in the interest of preserving the amenity of Footpath 22.

A Path Diversion Order will need to be made under s257 of the Town and Country Planning Act 1990 if the recorded line will be physically obstructed by any part of the development.

We recommend that the District Council should make a Path Diversion Order to acknowledge the proposed alignment of Footpath 22, in the interest of their being no future doubt as to the legal line of the path through the development.

Notwithstanding the possibility of a diversion order, we would request that the ongoing maintenance of the path is explicitly addressed by a management agreement.

It is understood that the footways and roads within the development are not offered for formal adoption by ESCC and an agreement would therefore be needed to ensure that the responsibility for the future inspection and maintenance of is appropriately assigned to a management company or similar.

We recommend that there should be signage of Footpath 22 at locations through the development where the path leaves the main highway at Bishop's Lane, and also where the path leaves the new estate roads., as shown on the attached plan.

Finally, we would ask you to consider a general condition attached to this application, to the effect that Footpath 22 should remain available during and after the construction period, unless an alternative line is agreed with the County Council under a formal Temporary Closure of the existing path.

**Parks And Open Spaces (LDC)** – Planning application LW/17/0045 (Reserved matters for 110 houses in Bishops Lane, Ringmer) proposes a Local Equipped Area of Play (LEAP) on the eastern boundary of the development. The proposed site is not too close to nearby houses and is overlooked by a number of properties. I note that there ponds marked on the plans but I understand these are part of a SUDs system and will only hold low levels of water for a short period of time, and the design will enable easy egress if required.

Lewes District Council uses the Fields in Trust Standards as the benchmark for play provision. The standards state that the main characteristics of a LEAP are:

- o It is intended primarily for children who are beginning to go out and play independently
- o It is within 5 minutes walking time of the child's home
- o It is best positioned beside a pedestrian route that is well used
- o It occupies a well drained, reasonably flat site surfaced with grass or a hard surface, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate
- o The recommended minimum activity zone is 400 sq m
- o A buffer zone of 10 metres minimum depth normally separates the activity zone and the boundary of the nearest property containing a dwelling.

It is important that play facilities is provided on the development. The proposed provision is relatively rudimentary and could be enhanced to provide a better quality of provision to appeals to a wide range of children and abilities. From experience a well-designed playground can become a focal point for the local residents and will not have the vandalism issues associated with poor provision. I suggest the developer looks at the Play England website for guidance <http://www.playengland.net/wp-content/uploads/2015/09/design-for-play.pdf>

The ongoing maintenance, inspection, repair and a sink fund for future replacement is also an important consideration for provision of onsite play facilities such as this.

## **ESCC SUDS – Additional comments following submission of additional information:**

This response has been partly informed by findings of hydraulic modelling which were submitted directly to the County Council on 9th August 2017 and the Drainage and Maintenance Strategy Technical Note submitted on 25th August 2017. However the County Council did not review or approve the hydraulic model itself as we would expect the organisation undertaking the modelling to carry out rigorous and robust quality assurance of their modelling.

We are pleased to see that the layout has been amended in-order to accommodate the existing watercourses on site, with culverting only to allow for access. However, we prefer that any culverts are clear span which results in minimal impact to the existing stream. If this cannot be achieved, we would recommend that the soffit of the culvert be set at the 1 in 100 (plus climate change) flood level with a 300mm freeboard. This should be demonstrated by any Ordinary Watercourse Consent application submitted to the LLFA.

We are disappointed to note that the ditch alongside Bishops Lane, which flows into a 600mm diameter culvert on the boundary of the site, was not incorporated into the hydraulic model because the outlet of the culvert was not established. We would have preferred to see detailed investigations into the route of the culvert and its outlet at this stage, to ensure that this is taken into account in the site design, in the event the culvert flows onto the site. Nevertheless this can be carried out during the discharge of condition stage to ensure that the culvert is diverted towards the watercourse should it cross any of the proposed dwellings/infrastructure.

The hydraulic model results (Figures 7 and 8 of the Pluvial Flood Study) show that local overland flows will be obstructed locally to the west adjacent to Norlington Court and south adjacent to Chapters resulting in ponding. Therefore, we recommend that site levels within those areas are adjusted to allow surface water flow towards the onsite stream as per the existing scenario. This will ensure against any potential increase in flood risk to neighbouring properties. We also understand from the Technical Note that there is a plan to raise levels by up to 400mm in some portions of the site close to the northern boundary of the site. However it is not very clear whether this has been taken into account in the hydraulic model. Raising ground levels especially close to boundaries can potentially increase surface water overland flows downstream. The land bordering the site on the eastern boundary extends further north compared to the application site and has planning approval for construction of houses. Therefore, the proposed increase in site levels should not increase overland flows offsite, and possible interception measures which direct flows into the watercourses on site should be incorporated in the design.

We are disappointed to note that groundwater flood risk has not been fully assessed at this stage. The risk of groundwater to surface water drainage structures has been only based on the trial pits which were carried out in July 2013, which was a relatively dry summer. Our experience of the site, based on two site visits in March 2017 following a relatively dry winter, is that the whole site is generally wet. In addition it is our understanding that trenches dug for archaeological surveys in January 2013 filled with water quickly. Therefore, we would expect further investigations and groundwater monitoring between autumn and spring at the very least to inform groundwater management measures for both proposed properties and drainage structures. The proposed houses should be constructed to be resistant to groundwater ingress.

The Drainage and Maintenance Strategy Technical Note indicates that part of the proposed surface water drainage will be offered for adoption by Southern Water. However, it is not clear whether there were any discussions with Southern Water during the development of

this strategy. Southern Water in its response to Lewes District Council dated 9th March 2017 advised that the proposed drainage at the time was not adoptable by Southern Water. The strategy also states that the main spine road and associated drainage will be adopted by East Sussex Highways, however no initial discussions with the Highway Authority have been carried out to date on its adoption requirements. Requirements of adopting authorities can potentially lead to a revision of the drainage design which affect its flood risk impacts. Therefore, it would have been reassuring to have confirmation that those organisations who will adopt the infrastructure had an input in its design.

While we acknowledge that the outline permission (LW/14/0127) covers surface water drainage and flood mitigation through Conditions 5 and 6, we would recommend additional conditions to any approval of this reserved matters application to ensure local flood risk is not increased on or offsite.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Further investigations of the 600mm culvert on Bishops Lane adjacent the application into which an existing ditch flows should be carried out. The investigations should determine the route of the culvert and if the culvert is found to flow through the site and affected by development, it should be diverted to ensure there is build over and access for its future maintenance is available.
2. Site levels adjacent to Chapters (between proposed plots 97 and 101) and Norlington Court (between proposed plots 1 and 32) should be adjusted to ensure that overland surface water flows continue towards the onsite watercourse/stream as existing. In addition the proposed raising of ground levels close to the northern boundary should not result in increased overland flows offsite. Evidence should be submitted to the Local Planning Authority incorporating any measures to intercept the overland flows, if required.
3. Surface water runoff from the proposed development should be limited to total of 22.2 l/s (as shown in submitted hydraulic calculations) for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
4. The detailed design of the attenuation ponds/permeable pavements should be informed by findings of additional groundwater monitoring between autumn and spring as a minimum. The design should leave at least 1m unsaturated zone between the base of the ponds/permeable pavements and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
6. The condition of the ditch/ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
7. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan

should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

8. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs

**Natural England** – Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21 February 2017.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Southern Water Plc** – The layout of the proposed development site should incorporate the non habitable distance of 15 metres from the proposed pumping station.

The proposed on site drainage would not be adoptable by Southern Water in current form. Please note that Southern Water would not accept tanked permeable paving and cellular storage over or within 5 metres of public or adoptable sewers. The design of drainage should ensure that no infiltration of surface water to public foul sewer will occur.

The connection to the public sewerage system can be carried out only on completion of the public sewerage network improvement works scheme, which introduces the online storage in order to avoid the overall increase of flows to wastewater treatment works.

#### **Main Town Or Parish Council** – Ringmer Parish Council - COMMENTS ON REVISED SUBMISSIONS

Having considered both the original application and those subsequent modifications of which we have been made aware, Ringmer Parish Council strongly and unanimously recommends refusal of this Reserved Matters application, because it is in conflict with:

- o the outline permission for residential development at this location, as approved by the Secretary of State; and
- o with the key principles and policies of the National Planning Policy Framework (NPPF); and
- o with policy SP6 of the Lewes Local Plan part 1; and
- o with several policies in the Ringmer Neighbourhood Plan.

The nine principal reasons for refusal are as follows. We expand separately on each of these nine reasons below. A central reason for the recommendation is reason 1, the failure of Bovis Homes to engage meaningfully with the local community, as strongly recommended by NPPF paragraph 66. Many of the reasons that the Reserved Matters application cannot be approved in anything like its present form could and should have been resolved had Bovis Homes been prepared to undertake any meaningful engagement with the local community.

1. The failure of Bovis Homes to engage in meaningful discussions with the local community, as strongly recommended by NPPF paragraph 66.



2. The failure of Bovis Homes to provide clear and accurate plans for their proposed new development.
3. The poor spatial and architectural quality of the proposed development and its poor design, contrary to NPPF paragraphs 56-64, Local Plan policy ST3 and Ringmer Neighbourhood Plan policy 9.3.
4. An inappropriate mix of market housing, contrary to NPPF paragraphs 9 & 50, Local Plan policy CP2 and Ringmer Neighbourhood Plan policies 9.1 & 9.7.
5. An inappropriate mix of affordable housing contrary to the outline approval, NPPF paragraphs 9 & 50, Local Plan policy CP2 and Ringmer Neighbourhood Plan policies 6.2, 9.1 & 9.7.
6. The failure by Bovis Homes to give reasonable consideration to existing and approved new neighbours, contrary to the outline approval, NPPF paragraph 17(4) and to Local Plan policy SP6.
7. Inadequate car parking provision for the proposed new 1-bed homes, contrary to Ringmer neighbourhood Plan policy 8.3, and the unneighbourly location of some other parking, contrary to NPPF paragraph 17(4) and to all common sense.
8. Inappropriate provision for Ringmer public footpath no.22, contrary to NPPF paragraph 75.
9. The entirely unnecessary proposed destruction of an 'important hedgerow', as defined in the 1997 Hedgerow Regulations, and unclear arrangements for the protection and retention of the key stream across the site, contrary to condition 1 of the outline permission and Local Plan policy SP6.

In addition no Reserved Matters approval should be granted for new residential development at this site unless conditions are attached as follows.

10. A condition to ensure that a safe pedestrian route, including a pedestrian crossing across the B2192, is either shown to be available or provided from the site to Ringmer's schools, as required by the outline permission and by Ringmer Neighbourhood Plan policy 8.5. This condition of the outline approval is nowhere addressed in the RM application.
11. A condition to ensure that essential proposals are agreed for the provision of traffic calming and other highway works on Bishops Lane that preserve the present rural character of the north-western section of the lane, to comply with Ringmer Neighbourhood Plan policy 3.1 and the appeal inspector's comments in paragraph 11.27 of his report, endorsed by the Secretary of State. While some aspects of this highway work were agreed in the outline permission, others were left for the Reserved Matters stage but the expected proposals are nowhere evident in this application. We are aware that East Sussex County Council are currently developing such proposals but the work is ongoing, and it is essential that they are delivered before any new housing is occupied.
12. A construction management plan is required by conditions 14 & 15 of the outline permission but none is included in the current Reserved Matters application.
13. A detailed drainage plan is required by conditions 5, 6 & 7 of the outline permission and by Local Plan policy SP6, but none is provided. This is of particular importance as the whole of the Delves Estate and Ringmer Green, to the west of the site, drains across the proposed development site through Potters Field. Potters Field has to date served as the flood plain for these large areas, and has routinely suffered surface water flooding in wet weather. In both fields the water table is frequently at ground level [confirmed by the detailed hydrology reports that accompanied the outline application], which makes the failure to provide detailed plans (see 1 above) a particular concern. The hydrology report emphasised the challenge of creating a effective SUDS system for this site.
14. It is essential that there are conditions to ensure the ongoing maintenance of the drainage and public open space. It is essential that the SUDS drainage system and the foul drainage system remain effective and properly maintained. The public open space includes grassland, hedges, pathways, a play area, ponds and streams, all of which will require



regular maintenance. Some elements will require substantial replacement and repair costs in due course. The play area will bring onerous inspection and public liability responsibilities to whichever body accepts responsibility.

### **Ringmer Parish Council – Ringmer Parish Council - COMMENTS ON ORIGINAL SUBMISSIONS**

Ringmer Parish Council considered this very substantial application at its meeting on 23 February. For ease of understanding, the Parish Council's general conclusions are summarised below, but these are expanded and explained in a series of additional comments submitted separately.

Ringmer Parish Council would also like to point out that, contrary to the impression given in the Bovis Homes Statement of Community Involvement, there has been no meaningful consultation with Ringmer Parish Council or Ringmer residents. A representative of Bovis Homes did attend two parish council meetings, as stated, but did not provide the council with any meaningful information. In particular when asked for information about the proposed housing mix the representative declined to provide it, although it is evident from the information now provided that such information was in fact available and had been discussed with the District Council. When invited to make a public presentation of the proposals to Ringmer residents the representative responded that he did not think that would be helpful to Bovis Homes. A leaflet about the proposed development was circulated to some Ringmer households, inviting comments, but as this gave no indication of the proposed housing mix or design it is hardly surprising that very few responses were received. The only change to the plan that we can identify as in response to these "consultations" is the inclusion of a pedestrian footway parallel to Bishops Lane within the site that was formally required by the permission granted but had been omitted. This application does not conform with the recommendations of NPPF paragraph 66 that states "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."

In addition we would comment that there appear to be conflicting layouts in what should be identical plans. What appears to be the site Masterplan [RGMR-002] differs in very significant detail from the Landscape Plan [RGMR-900], the Material Combination Key [RGMR-004] and the Drainage Strategy Plan [RGMR-501]. They all differ from the apparently equivalent plans in the Planning Brief submitted with the application. Which are the real plans?

This Reserved Matters application differs substantially from the indicative plan attached to the earlier application LW/14/0127 for outline approval. Ringmer Parish Council strongly and unanimously recommends refusal of this Reserved Matters application for the reasons summarized below.

1. Omission of the second emergency road access included in the approved access plans, contrary to condition 4 attached to the Secretary of State's decision and Local Plan policy SP6.
2. Failure to provide the safe B2192 crossing agreed when outline permission was sought, and as required by Ringmer Neighbourhood Plan policy 8.5.
3. Omission of essential proposals for highway works and traffic calming proposals for Bishops Lane that were agreed to be included at this stage when outline permission was sought.
4. Omission of any construction management plan as required by conditions 14 and 15 attached to the Secretary of State's decision.

5. Omission of essential figured layout and building dimensions and levels and conflicting plans.
6. Poor spatial and architectural quality and poor design, contrary to NPPF paragraphs 56-64, Local Plan policy ST3 and Ringmer Neighbourhood Plan policy 9.3.
7. Inappropriate market housing mix contrary to NPPF paragraphs 9 & 50, Local Plan policy CP2 and Ringmer Neighbourhood Plan policies 9.1 & 9.7.
8. Inappropriate affordable housing mix contrary NPPF paragraphs 9 & 50, Local Plan policy CP1 and Ringmer Neighbourhood Plan policies 6.2, 9.1 & 9.7.
9. Failure to give due consideration to the amenity of existing neighbours, contrary to NPPF paragraph 17(4) and to Local Plan policy SP6.
10. Inappropriate location of the unnecessary proposed children's playground, contrary to NPPF paragraph 17(4).
11. Inadequate and inappropriate car parking provision and design, contrary to Ringmer Neighbourhood Plan policy 8.3 and East Sussex County Council requirements.
12. Inappropriate provision for Ringmer public footpath 22, contrary to NPPF paragraph 75.
13. Inappropriate site layout and landscaping, including destruction of an 'important hedgerow' as defined in the 1997 Hedgerow Regulations, and contrary to condition 1 attached to the Secretary of State's decision.
14. Destruction of an important archaeological heritage asset that was to be conserved by the approved indicative plan.
15. Inadequate provision for foul and surface water drainage, contrary to Local Plan policy SP6 and so that there is no evidence that conditions 5, 6 & 7 of the Secretary of State's decision are or can be met.
16. Absence of public open space maintenance strategy.
17. Omission of a design for the sewage pumping station.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 24 letters of objection to the original submissions:

- o Access is inappropriate, will increase accidents
- o Site is unsuitable for development
- o Conflicts with Neighbourhood Plan
- o Site is prone to flooding
- o Village infrastructure is unable to cope with this number of extra dwellings
- o Appeal should never have been granted
- o Overlooking/loss of privacy concerns
- o Archaeological issues need to be taken into account
- o Drainage and sewage matters should be dealt with before building starts
- o Site is overcrowded
- o Do not want this to become another Bovis disaster
- o Reserved matters application has a different mix of dwelling to that proposed under the outline application
- o Very few housing designs proposed - not in keeping with rural settlement
- o Not enough parking
- o Tandem parking on plots is unacceptable
- o Emergency access has been omitted
- o No provision for local wildlife
- o Need to submit a construction management plan to control construction appropriately
- o Provision of flats if out of keeping
- o LEAP on the site will lead to segregation
- o Houses are too small
- o Drainage ponds should be fenced off
- o Plans do not reference our drainage easement that must be protected
- o Removal of scrub vegetation should ensure no damage to hedgerows to be retained

- o Conflicts with Policy SP6 of the JCS
- o Loss of views across Bishops Lane
- o Application has been submitted with missing and conflicting information
- o Will degrade a rural footpath
- o Inadequate consultation with the local residents
- o Block of flats adjacent Kerridge is inappropriate
- o No information in relation to the pumping station
- o Will result in the destruction of the kiln

5.2 8 letters of objection in relation to the revised details raising the following issues (in addition to those listed above):

- o Electricity substation now in close proximity to 4 Norrington Court
- o Works to clear the site have already begun and caused harm to nesting birds
- o Pavements are of no use - don't lead anywhere
- o Better quality boundary fencing should be secured

5.3 4 further representations received following further amended plans:

- o Amendments should be subject of a full re-consultation
- o Position of substation in south east corner of the site seems nonsensical due its distance from the HV supply and the majority of the dwellings.
- o Amendments to rear of Orchard House do not address previous concerns in relation to overlooking and loss of privacy
- o Proposals are still in adequate and un-approvable due to conflict with NPPF, and Development Plan policies.
- o Application should either be withdrawn or refused.
- o All properties facing Kerridge should have windows obscure glazed and fixed shut.
- o Distances between dwellings should be clearly marked.
- o Second access should be reinstated
- o Archaeological issues need to be taken care of
- o Drainage issues need resolving.

5.4 One letter of support

## 6. PLANNING CONSIDERATIONS

### Principle/Policy SP6

6.1. As set out above, outline consent for the development of this site with up to 110 dwellings has already been allowed at appeal by the Secretary of State (SoS). The principle of developing this site has therefore clearly already been accepted and there is no need to revisit this issue in the determination of this application.

6.2. Despite this, there have been a number of objections to this application noting conflict with the Ringmer Neighbourhood Plan in terms of overall numbers of dwellings and phasing of development. These are matters that were debated at length at the planning inquiry and the SoS acknowledged in his decision letter that there would be some conflict, stating:

*"although the appeal scheme would conflict with DRNP policy 6.4 in terms of the quantity of housing proposed, the site is allocated in the DRNP for housing and the additional 24 dwellings proposed do not represent a substantial uplift over the minimum proposed in that Plan... there is no evidence to suggest that early delivery of the site would give rise to any substantive harm or that the proposed development is so substantial that to grant planning*

*permission would prejudice the neighbourhood plan-making process by predetermining decisions about the scale, location and phasing of new residential development."*

6.3. Since the determination of the appeal, both the Joint Core Strategy and the Ringmer Neighbourhood Plan have been formally adopted as part of the Development Plan. Spatial Policy 6 of the Joint Core Strategy is specifically relevant to the determination of this application and states:

*"Land amounting to 4.4 hectares is allocated for residential development of approximately 110 dwellings. Development will be permitted subject to compliance with the Core Delivery Policies of this plan and the following criteria:*

*i) The primary and secondary access points will be off Bishops Lane, to enable ease of access into the village centre and aid in the integration of the development into the existing village.*

*ii) The development facilitates the removal of the culverted sections of watercourse that are within the site, as far as feasibly possible, thereby assisting in the improvement of ecological corridors.*

*iii) The development will wherever possible allow for the retention and enhancement of important existing hedgerows. Mitigation will be required in the event that the removal of a hedgerow, or parts, is needed to facilitate development;*

*iv) An appropriate surface water drainage strategy is agreed by the appropriate body and implemented accordingly.*

*v) The development incorporates and/or makes a contribution towards the provision of equipped play space and sports pitches.*

*vi) Development is subject to a geophysical survey and trial trench evaluation due to the high archaeological potential in the area.*

*vii) Development respects the amenity of the existing dwellings adjoining the site.*

*viii) Contributions towards off-site infrastructure improvements arising from and related to the development. This will include off-site highway improvements being made to the Earwig Corner junction as well as in the immediate vicinity of the site, particularly along Bishops Lane and its junction with the B2192; and*

*ix) The development will provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.*

6.4. As this is a strategic policy, in accordance with paragraphs 184 and 185 of the NPPF it takes precedence over the non-strategic policies of the adopted Ringmer Neighbourhood Plan. In considering the application submissions against the requirements of Policy SP6, the following assessment is made:

#### Access

6.5. As explained above the outline application allowed at appeal included details of the intended access arrangements to the site i.e. a single point of access off Bishops Lane utilising the current field access towards the west of the site frontage, along with an emergency access (also accessible by bicycle or on foot) onto Bishops Lane making use of a further extant field access point between Chapters and the Potters Field cul-de-sac. The

proposed details submitted under this application for reserved matters maintain these access arrangements.

6.6. The Section 106 Agreement signed in association with the outline approval also secured the creation of a new footpath link to be created along the northern side of Bishops Lane, running either within the site boundary or using highway land. Further short sections of footpath are shown to run from the main access to Norlington Lane and extending the footway running out of Norlington Fields. The footway running out of Christie Avenue and from Christie Avenue towards the village green is shown to be widened to two metres. The specific technical details of these elements of the proposals are currently being worked up under a separate process with the Highways Authority, under a Section 278 Agreement and do not form part of these reserved matters submissions, nor do they need to. However it is relevant to note that the SoS in approving the outline application was satisfied with these provisions and approved the application on the understanding that these highway improvements would be delivered as part of the overall scheme.

6.7. The Section 106 Agreement also secured the following additional off-site highway works:

- o Works to Earwig Corner (the junction of the A26 and B2192), including signalisation, a new right turn lane and street lighting;
- o Realignment of the Ham Lane/Norlington Lane junction;
- o Improvements, including street lighting, to the junction of Bishops Lane and the B2192;
- o A new controlled crossing on the B2192 close to The Forge; and
- o Two new bus stops on Lewes Road near its junction with Bishops Lane.

6.8. With all of these works secured by the approval of the outline application with its associated legal agreement, the scheme is considered to comply with criteria i) and viii) of Policy SP6.

#### Surface water drainage

6.9. Criteria ii) and iv) of policy SP6 are both relevant to the surface water drainage proposals for this development. The application was initially submitted with a detailed Flood Risk Assessment & Drainage Strategy and this was considered by ESCC SUDS Officers.

6.10. Initially concerns were raised that the submitted information did not show a full understanding of the potential flood risk impacts and that insufficient information had been provided to demonstrate that the impacts of groundwater on the development, the surface water drainage proposals and consequential impacts on offsite areas would be managed appropriately. Additional information was therefore requested from the applicants which was been submitted direct to ESCC and is now available to view on file. ESCC SUDS officers have now removed their initial objection to this reserved matters application, and have recommended a number of additional conditions to supplement condition 6 of the outline approval that secures full details of a surface water drainage scheme. Whilst their request for additional conditions is noted, effectively what they have provided is details on the level of information that will be required in order for the surface water drainage scheme to be deemed acceptable. On this basis it is not proposed to add any additional conditions. The applicant has however been made aware of the comments and clearly condition 6 of the outline application will not be discharged until ESCC SUDS officers are satisfied that the final design of the surface water drainage scheme is satisfactory.

6.11. In brief, the proposed surface water drainage strategy, through on site attenuation, will restrict surface water flows from the entire site during all storm events up



to the 100 year (plus 30% allowance for climate change) to the existing 1 year greenfield runoff of 22.2 l/s. Thereby ensuring that the proposed development will not increase flood risk on site or off site.

6.12. With ESCC confirming that they have no objections at this stage, sufficient detail has been submitted with this application for reserved matters to demonstrate that criteria iv) of Policy SP6 can be complied with, through the discharge of appropriate conditions.

6.13. Whilst the initial plan showed the opening up of the existing culvert as required by criteria ii) of Policy SP6, it did also show proposals to culvert part of the existing watercourse on the site. Due to impacts on flood risk, biodiversity and maintenance requirements the applicants were asked to revise the proposed layout to ensure the watercourse on site remains an open channel. This was duly done and the watercourse passing through the site is now shown as an open channel for its full extent, with the exception of where it has to pass under the access roads. On this basis criteria ii) is considered to be adequately complied with.

#### Retention and enhancement of important existing hedgerows

6.14. This was another subject of much debate at the public inquiry during the consideration of the outline application, despite the fact that layout of the development was not being considered. Notwithstanding this the Inspector, and subsequently the SoS, concluded that the development of the site could take place without significant loss of the most ecologically significant features of the site i.e. the treed hedgerows surrounding and crossing the application site.

6.15. Whilst the reserved matters submission clearly show that the large majority of the hedgerows surrounding the application site will be retained, the large section of the hedgerow crossing the application site from north to south was originally shown to be removed, with the exception of the section between the two protected trees, despite this area being retained as an undeveloped area of landscaping around the watercourse. This section of hedgerow was acknowledged during the appeal process to be historically important, albeit not necessarily "ancient". The applicants have therefore amended their plans to show the majority of the existing hedge crossing the application from north to south in a dog leg retained, except where openings are required for access.

6.16. The majority of the length of this existing hedge follows the route of the watercourse crossing the application, which as noted above is to be retained as an open channel. The applicants were therefore asked to confirm that the retention of the hedge would not interfere with the surface water drainage proposals. Their drainage engineer has confirmed that retaining the hedge will not impact on the surface water drainage effectiveness.

6.17. Concerns have been raised about the loss of the hedgerow along the southern edge of the application site, in particular in relation to the highway works where pavements are to be introduced and the road widened. Again this was a matter considered in detail by the appeal Inspector when considering the outline application and he concluded that:

*"It was suggested that the highway works, which would require some hedge loss at the site access and some trimming back of the hedgerow to accommodate the footways required by the County Council, would result in the loss of the green corridor on Bishops Lane. However, the hedge loss would be limited and, as a proportion of its entirety, along with any verge lost to footways, could not be said to present a significant interruption to the green corridor or result in the isolation of habitats."*



6.18. On the basis of the amended plan now showing the majority of the internal hedge to be retained it is considered that the reserved matters details sufficiently comply with criteria iii) of policy SP6.

#### Play space and sports pitches

6.19. Criteria v) of policy SP6 requires that the development either incorporates or makes a contribution towards the provision of equipped play space and sports pitches. This requirement is also reflective of policy RES19 of the Lewes District Local Plan which seeks to ensure that in areas where there is a deficiency of outdoor sports and/or children's play space in quantitative or qualitative terms, planning applications for all residential development include a level of provision for outdoor sports and/or children's outdoor play space. Furthermore Policy 7.5 of the RNP states that *"While current demand for outdoor play facilities is met by current provision, development of new outdoor play facilities will be supported as required to meet additional demand created by new development."*

6.20. The proposed layout includes a LEAP (local equipped area of play) at the eastern edge of the site. Concerns were initially raised in relation to the size and nature of the equipment proposed falling short of minimum standards for the scale of development it is seeking to serve. Further discussions have taken place between officers and the applicants. Whilst the size of the LEAP is considered to be acceptable, the details of the specific equipment to be provided is yet to be agreed. However it is considered that a suitably worded planning condition securing these details is an appropriate way of dealing with the final design of the LEAP and the determination of this reserved matters application need not be held up with such minor details.

6.21. The Parish Council has noted that, following the approval of new development at the adjacent Diplock's Yard site, the position of the proposed LEAP would fall within 6 metres of the closest dwelling approved by this development (LW/16/0704). The Fields in Trust guidance recommends a minimum separation distance of 20 metres between the activity zone of a LEAP and the closest habitable room façade of neighbouring dwellings. Whilst this is achieved in relation to the dwellings proposed by this development, once the dwellings on the neighbouring site have been constructed this separation distance will not be met and this could lead to disturbance to future occupiers. Clearly this is not an issue at present as the dwellings have not been constructed, however it is considered appropriate to plan for this future relationship. On the basis that there is space to shift the proposed LEAP to achieve these minimum separation distances within the current approximate location shown, officers are content to leave these final details to be managed by condition.

6.22. The Parish Council has suggested that the on-site provision of a LEAP is unnecessary, and could lead to segregation of the community. They have therefore suggested that a contribution towards existing off-site facilities (on the village green) would be more beneficial. Whilst these comments are noted, condition 1 of the outline approval requires the submission of details of a LEAP. Therefore there is clearly an expectation that a LEAP will be provided on site. In addition as set out above there is a clear policy preference for development of this scale to provide new playspace on site as part of the delivery of the development, as they are generally considered more accessible for future residents.

6.23. With regard to a contribution toward sports pitches, on the basis that the outline application was approved after the Council adopted its CIL Charging Schedule the applicants will be required to make a significant CIL contribution. Outdoor sports facilities for youths and adults at Ringmer are one of the Green Infrastructure Projects identified in the Council's Regulation 123 list, which sets out possible projects on which CIL funds can

be spent on. On this basis, the application is considered to satisfactorily address criteria v) of Policy SP6.

### Archaeology

6.24. Criteria vi) of Policy SP6 requires the applicants to carry out a geophysical survey and trial trench evaluation due to the high archaeological potential in the area. A geophysical survey has already been carried out and this identified a number of areas where further investigation is required.

6.25. Condition 22 of the outline approval requires a programme of archaeological works to be carried out in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the local planning authority. This reserved matters application has been submitted with a "Written Scheme of Investigation for an Archaeological Excavation". This document has also been formally submitted to discharge condition 22 of application LW/14/0127.

6.26. The County Archaeological Advisor has considered the submitted document and confirmed that its content is acceptable. This document secures the excavation of two areas of the site along with four additional trenches which will allow for the excavation, recording and analysis of any items of archaeological interest. This includes detailed excavation and recording of the mediaeval kiln located towards the east of the site. Therefore whilst the proposal layout shows new dwellings to be built on the site of the kiln (whereas the illustrative layout submitted with the outline application showed this area to be free of development) no objections have been raised by the County Archaeologist.

6.27. With this work in place it is considered that the historic interest of the site is adequately protected and that the requirement of criteria vi) of policy SP6 are met.

### Neighbour amenity

6.28. As set out above there are only a limited number of dwellings that actually abut the application site, the majority of the nearby properties falling on the other side of Bishops Lane. Nonetheless the impact on the amenity of these dwellings that do adjoin the application site is a key consideration in the determination of this application.

6.29. Along the western boundary of the application site, there are four properties that share the mutual boundary, 3 and 4 Norlington Court, Culverden and Sunnymede.

6.30. 3 and 4 Norlington Court are two storey properties sitting at the end of a short cul-de-sac of six dwellings built on a former abattoir. Numbers 3 and 4 are handed versions of each other, with L-shaped footprints, the longest elevations backing onto the application site. The main garden area serving no. 4 lies on its southern side, whilst the main garden area serving no.3 lies on its northern side. Both dwellings are set approximately 3.5 metres from the mutual boundary with the application site which is marked by vegetation/hedging.

6.31. Both properties have a number of windows facing the application site both at ground floor and first floor level. The ground floor windows serve various habitable areas for each of the dwellings, with the first floor windows serving bedrooms and an ensuite.

6.32. Along this side of the application site, the dwellings have been laid out to face west. In order to accommodate an existing easement that crosses the site in this location from south to north, the access road passes on the western side of the proposed dwellings and there is an area of soft landscaping along the very western edge of the application site.

The plans indicate that the existing shrub vegetation will be retained and enhanced with new native woodland planting. Six parking spaces are indicated along the western edge of the access road, parallel to the green space. This creates an intervening distance of some 26.5 metres between the existing and proposed dwellings. This is considered sufficient to prevent any significant loss of privacy to these existing properties as a result of overlooking. Furthermore there is unlikely to be any significant sense of enclosure or loss of light to these properties.

6.33. Concerns have been raised by the occupants of 4 Norlington Close, that revisions to the submitted plans introduced an electricity substation in close proximity to their property (within 10 metres). They were concerned that this is likely to cause loss of privacy and noise disturbance. Following completion of works it is unlikely that the substation will result in frequent activity, with only occasional maintenance visits required. Their concerns in relation to loss of privacy would therefore be difficult to sustain. With regard to potential noise disturbance the applicants have confirmed that noise disturbance should be low to non-existent, (it is not uncommon to find such substations within residential developments such as this).

6.34. Nonetheless they were asked to reconsider whether there were any less intrusive locations for the substation. They have responded by moving the substation slightly further south so that it is not directly to the east of no. 4 Norlington Court. They have also introduced additional planting along the western boundary to help provide a buffer. A condition is recommended to secure the final details of the proposed substation, however as this will be a single storey structure it is considered that it would be extremely difficult to substantiate significant harm to the living conditions of the occupiers of no.4 as a result of its position in this revised location.

6.35. To the north of Norlington Court is Culverden. This is a two storey dwelling, set in a good sized plot some 55 metres in length. The dwelling sits towards the front (west) of the plot and is therefore some 37 metres from the shared boundary with the application site. Whilst therefore the proposed dwellings are closer to the boundary at this point, the closest plot (32) sits with a blank side elevation to the mutual boundary. The plans also show the existing shrub vegetation to be retained along this side boundary and its exclusion from the garden of the closest plot which will ensure this can be maintained in the long term. On this basis the relationship with Culverden is considered acceptable.

6.36. To the north of Culverden is Sunnymede. This is another detached two storey dwelling set within a generous plot. In fact the plot is identified in the Ringmer Neighbourhood Plan as a housing site for 9 dwellings and outline planning permission has already been approved for its redevelopment with 10 new dwellings (application LW/16/0459 refers).

6.37. When considering the proposed layout in relation to the existing dwelling it is noted that the dwellings are arranged so that they either back onto or side onto the garden of Sunnymede. Where the dwellings back onto this neighbouring dwelling they have rear gardens some 13 metres in length. Where they side on, the closest property is about 4.5 metres from the boundary. Whilst a side facing first floor window is proposed, this is to serve a bathroom and therefore could be conditioned to remain obscure glazed to prevent overlooking/loss of privacy. With Sunnymede set more towards the north west corner of the plot this gives minimum intervening distances of 38 metres between the existing dwelling and the proposed dwellings. This is considered more than sufficient to protect the amenities of the existing property.

6.38. Even when considering the proposals against the proposed development at Sunnymede (layout was a matter determined at outline stage) it is noted that a minimum

intervening distance of 18 metres is achieved with the dwellings that back onto the Sunnymede site. To the east of Sunnymede, the proposed dwellings would sit side by side but off set at an angle, which will help to prevent overlooking/loss of privacy and creates an acceptable relationship, especially with the retention of the existing boundary vegetation which both schemes clearly show is to be retained.

6.39. To the south east of the application site Kerridge fronts Bishops Lane and has two boundaries abutting the application site (north and west). Kerridge is a chalet style dwelling with rooms in the roof served by dormer windows. The main aspect for this dwelling is to the front and rear (north and south), albeit there are a couple of small secondary ground floor windows in the western elevation.

6.40. The dwelling sits in a good sized plot some 45 metres in depth by 22 metres in width, with the dwelling sat fairly centrally with the width of the plot. The proposed layout on the application site places one of the two blocks of flats to the west of this property. The building would be set some 14 metres away from the side elevation of Kerridge. The proposed block of flats is a two storey structure and through the consideration of this application the floor plans have been amended in order to remove some of the originally proposed side facing windows that would have faced directly onto Kerridge. The layout has also been amended to move this block of flats further away from the mutual boundary in order to improve not only the relationship in terms of overlooking but also the street scene in terms of the larger two storey block of flats sitting adjacent this smaller chalet style dwelling (this is a matter considered in more detail below).

6.41. Whereas the originally proposed block of flats had a number of windows serving the main living areas of the proposed flats that would have faced directly towards Kerridge, the amended plans now only show a small kitchen window and a bedroom window in each floor.

6.42. To the rear of Kerridge there are a number of dwellings shown whose gardens will back on to the rear garden of this property. All of these dwellings are arranged at a slight angle therefore ensuring any direct overlooking is slightly oblique. The minimum distance between Kerridge and any of the proposed dwellings at the rear is in excess of 30 metres. In addition the plans have been drawn to ensure that the existing shrub vegetation is retained outside of the gardens of the proposed dwellings to maintain a buffer between the gardens. This also applies alongside the parking/turning area adjacent to Kerridge to help minimise disturbance from vehicle movements in this area. With all these provisions in place it is considered that the relationship with Kerridge is acceptable.

6.43. Kerridge shares its eastern boundary with a property call Chapters. This is two storey dwelling set in an even larger plot than Kerridge, extending some 70 metres in depth, with the dwelling sat almost hard up to the Bishops Lane frontage. The emergency access road, as approved under the outline application would run along the eastern boundary of this property.

6.44. There are two substantial trees in the rear garden of Chapters located towards the rear boundary that are protected by tree preservation orders. The layout of the proposed dwellings and access roads ensures the preservation of these trees and with such extensive intervening distance between the existing dwelling and the proposed development, the relationship with Chapters is considered acceptable.

6.45. Alongside the emergency access road, five dwellings are proposed that will sit alongside 1 and 5 Potters Field. Potters Field is a small cul-de-sac of five dwellings. No. 1 Potter Field sits at the rear of the cul-de-sac and has three windows in its side elevation facing the application site, which are all located approximately 1.5 metres from the mutual

boundary. It is understood that these windows serve a ground floor WC and a kitchen/dining room at ground floor and a bathroom at first floor.

6.46. The proposed house adjacent this dwelling is set slightly forward therefore helping to mitigate any impact on these windows in term of outlook/loss of light. Whilst this does mean that it will be more prominent from views from the front of this existing property, it is considered that it would be difficult to demonstrate that this will result in demonstrable harm to the living conditions of the occupiers of this property. Likewise with a back to back distance of some 21 metres to the proposed dwelling behind no. 1 Potters Field, an acceptable relationship is considered to be proposed.

6.47. Like no. 1, no. 5 Potters Field also has a number of windows facing the application site. It is understood that these serve a kitchen, utility and living room at ground floor and a bathroom and hallway at first floor. The position of the proposed dwellings to the immediate west of this property is likely to cause some loss of light to the utility room and the hallway serving the attached garage of no 5, however significant loss of light to the main habitable rooms should be avoided. On the basis that the first floor windows are not main habitable rooms the close proximity of plot 110 is not considered to be objectionable.

6.48. To the east of Potters Field, Orchard House abuts the southern boundary of the application site. Orchard House is a relatively new dwelling that has been built in the rear garden of South Norlington House. It is a fairly contemporary single storey bungalow that is set close to its northern boundary. Whilst the main living areas of the property face due south, there are a number of windows serving bedrooms (and bathrooms) in the north elevation that are set within 1.5 metres of the boundary. At present this boundary is marked by low vegetation, meaning that the entire rear elevation of this property is fairly exposed to the application site, albeit a number of the windows in the north elevation of this property are at high level.

6.49. As originally submitted the proposed layout of the development placed the closest dwellings (a short run of four terraced dwellings) at an angle to Orchard House at a distance of some 11 metres at the very closest, this distance increasing to some 16 metres. Amended plans have subsequently been submitted that swap this terrace of four dwellings with the terrace of three originally proposed opposite. This now means that the closest dwelling is some 14 metres at the very closest to the rear of Orchard Cottage. The end elevation of the terrace has only one ground floor and one first floor window, both serving a WC/bathroom and therefore can be conditioned to be obscure glazed.

6.50. Due to the angle of the proposed dwellings any direct overlooking from the rear facing first floor windows is likely to be very oblique and therefore it is considered that it would be difficult to sustain an objection to the proposals based on this relationship. Likewise with the closest of the terrace of four that has been relocated as part of this reorganisation being some 24 metres from Orchard House no objection is raised to this proposed relationship.

6.51. In addition to concerns regarding outlook and loss of privacy to their property, the occupiers of Orchard House are also concerned about the close proximity of an area of parking, an area of open space and a foul sewage pumping station.

6.52. Four visitor parking spaces were originally shown to be located to the rear of Orchard House. These would have been some 5 metres from the rear elevation of Orchard House. Amended plans were subsequently submitted which rearranged the proposed parking in this location. The closest parking space was shown to be 13.5 metres from the rear elevation of Orchard House. In addition the soft landscaping scheme sought to increase planting along the southern boundary of the application site in this location.



The idea being to create a strong buffer at the edge of the site that would help mitigate any noise or light disturbance and limit physical access, where otherwise people would clearly be in close proximity to this existing neighbouring dwelling.

6.53. Further amended plans have since been submitted slightly re-organising this area of the development again to show a clear 10 metre landscaped buffer to the rear of Orchard House, with additional hedge and tree planting.

6.54. This was always going to be a difficult area to resolve due to the very close proximity of Orchard House to the site boundary however it is considered that the measures the applicants have employed are sufficient to create an acceptable relationship between this existing property and the proposed development.

6.55. With regard to the pumping station, this is a below ground facility (with the exception of a small pump house/kiosk) and the applicants have confirmed that the noise level will be low to non-existent. In re-arranging the position of the housing and car parking as outlined above, the position of the proposed pumping station has also been amended slightly, pushing it even further away from Orchard House. Precise details of the pumping station can be secured by way of a suitably worded planning condition.

6.56. To the east of Orchard House is Pippins. This property stands in a plot similar in size to Chapters and therefore the dwelling will be well distanced from the proposed development. At this far eastern end of the application site an area of open space is proposed which wraps around the north eastern edge of the application site, incorporating the LEAP and balancing ponds mentioned above. The presence of this area of open space helps limit any impact on the amenities of Pippins.

6.57. Similarly, Lionville, which shares its boundary with the eastern edge of the application site is separated from the closest proposed dwelling by this area of open space.

6.58. Taking all of the above into consideration, it is considered that the proposed layout sufficiently respects the amenity of the existing dwellings adjoining the site and therefore complies with criteria vii) of policy SP6.

#### Off-site infrastructure improvements

6.59. Criteria viii) of policy SP6 requires contributions to be made towards off-site infrastructure arising from and related to the development, to include off-site highway improvements being made to the Earwig Corner junction as well as in the immediate vicinity of the site.

6.60. As mentioned above, on the basis that the outline application was approved after the Council adopted its CIL Charging Schedule the applicants will be required to make a significant CIL contribution (circa. £1.3 million). This money will be put towards Infrastructure Projects identified in the Council's Regulation 123 list, which sets out possible projects on which CIL funds can be spent on. This includes but is not limited to capital improvements in healthcare facilities, outdoor sports facilities, and the expansion of Ringmer Library.

6.61. As also identified above, the outline application also secured, by way of the Section 106 agreement a number of highway works that include:

- o Works to Earwig Corner (the junction of the A26 and B2192), including signalisation, a new right turn lane and street lighting;
- o Realignment of the Ham Lane/Norlington Lane junction;

- o Improvements, including street lighting, to the junction of Bishops Lane and the B2192;
- o A new controlled crossing on the B2192 close to The Forge; and
- o Two new bus stops on Lewes Road near its junction with Bishops Lane.

6.62. It is understood that the new controlled crossing on the B2192 is likely to be brought forward by CALA homes who are developing The Forge site further along Bishops Lane. The other remaining items will still however be secured by the S106.

6.63. Whilst the concerns that have been raised in relation to the impact of this proposal on the existing infrastructure in the village are noted, with a substantial CIL contribution secured that can be put towards enhancing/addressing infrastructure deficiencies this would not be a sustainable reason to now resist this application. If the impact of this scale of development on the village infrastructure was considered to be a significant issue, outline consent would not have been forthcoming in the first instance and the site certainly would not have been allocated as a strategic housing site in the Joint Core Strategy.

6.64. For these reasons, the application is considered to satisfactorily address criteria viii) of Policy SP6.

#### Foul Sewerage

6.65. Criteria ix) of Policy SP6 requires that the development will provide a connection to the sewerage system at the nearest point of adequate capacity as advised by Southern Water.

6.66. During the consideration of the outline application there was a concern that there was inadequate capacity in the foul sewerage network to accommodate the proposed flows from this development and that there is no additional capacity available at the Neaves Lane Waste Water Treatment Works (WWTW). However in his report the appeal Inspector notes:

*"Southern Water's Further Study into the Options for Foul Drainage Provision at Bishops Lane, Ringmer, East Sussex BN8 5JT (11 March 2013) concludes that there are solutions available, namely additional off-site sewers or improvements to existing sewers or connection to the nearest point of capacity (manhole reference 2502). These options would allow the development to proceed without the need to increase capacity at the WWTW."*

6.67. The Drainage Strategy submitted with this application confirms that improvements are proposed to the existing foul public sewers. These works include the upgrading of existing sewers and the installation of an orifice which will limit the discharge rate. Southern Water has confirmed to the applicants that the flow to the treatment works cannot be increased beyond existing rates due to the risk of increasing flood risk throughout the catchment. Therefore local storage has been deemed to be the only viable option.

6.68. An alternative point of connection where there is available capacity has been identified to east of the application site and a pumping station has been incorporated into the design of the scheme due to the public foul main being located on the high side of the development along Bishops Lane, to the south side of development.

6.69. Whilst no objections have been raised by Southern Water they have stated that the connection to the public sewerage system can be carried out only on completion of the public sewerage network improvement works scheme, which introduces the online storage in order to avoid the overall increase of flows to wastewater treatment works. This is controlled by virtue of condition 7 of the outline application which states:

*"No development shall take place until a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the local planning authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented for that phase."*

6.70. Criteria ix) of Policy SP6 is considered to be adequately addressed by these proposals.

6.71. For all of the above reasons it is considered that the application satisfactorily complies with the requirements of Policy SP6 of the Joint Core Strategy. However in addition to all the issues raised by Policy SP6 it is also necessary to consider the application proposals under the following headings:

- o Affordable house
- o Housing mix
- o Design, layout and visual impact
- o Parking
- o Biodiversity

#### Affordable Housing

6.72. Policy CP1 of the Joint Core Strategy sets a district wide target of achieving 40% affordable housing, on all new developments of 10 or more dwelling units. Policy 6.2 of the Ringmer Neighbourhood Plan (RNP) states *"Where new affordable housing is included within a market development the majority of the new units shall be 2-bed or 3-bed houses suitable for young families."*

6.73. A signed Section 106 Agreement was submitted during the appeal proceedings which was considered acceptable by the Secretary of State. This secures 40% of the proposed dwellings as affordable units and is broken down as 5% being three-bedroom units, 60% being two-bedroom units and 35% being one-bedroom units. The proposed split of units now submitted under this reserved matters application accords with these requirements and therefore is both in accordance with the overall objectives of Policy CP1 and the S106 obligations. Whilst the agreement does not necessarily accord with the requirements of policy 6.2 of the RNP the agreement has already been signed and accepted by the Secretary of State. To now seek a retrospective amendment could be seen as unreasonable.

6.74. In terms of the sizes of the affordable units proposed, all the units comply with the Council's expected space standards for affordable housing, taken from the DCLG document Technical Housing Standards - Nationally described space standards (March 2015) and as set out in the New Affordable Housing Policy Guidance: Technical Note.

6.75. In terms of the distribution of the affordable units across the site, they are loosely grouped in three areas to the west of the central landscaped area, to the east of the central landscaped area and at the far south eastern edge of the site. This arrangement is considered to acceptably integrate the proposed units within the overall development, ensuring it will be indistinguishable from the surrounding market housing.

6.76. It is noted from the applicant's submissions that they are now seeking to amend the tenure mix of the affordable housing from that agreed in the original S106 Agreement (no less than 75% to be rented with no more than 25% being intermediate) to a 50:50 split. This will require an amendment to the original Section 106 agreement. Core Policy 1 of the JCS notes that:

*"The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality."*

6.77. The policy clearly therefore allows for flexibility in this respect and such details are usually left for officers to resolve with the applicants post resolution when the final details of the S106 are agreed. However, the Council's Strategic Policy Officer has confirmed that he is generally satisfied with a tenure split of 50:50, affordable rented: intermediate (shared ownership), for this development.

### Housing Mix

6.78. Core Policy 2 of the Joint Core Strategy seeks to ensure new housing developments deliver sustainable, mixed and balanced communities. To this effect new developments are expected to deliver a range of dwelling types and sizes to meet identified local need whilst also taking into account the existing character and housing mix of the vicinity. Policy 9.7 of the RNP states that *"Larger developments (20 units or more) should be mixed, but with a high proportion of 2-3 bed houses suitable for young families. They should include some 1-2 bed starter homes and smaller homes built to Lifetime Homes standards for the elderly and disabled. Proposals for sheltered housing, self build schemes, flats or large houses will be considered on their merits."*

6.79. The overall mix of proposed units is outlined at paragraph 1.7 above. As set out above the mix of affordable units has already been fixed via the Section 106 Agreement signed with the outline application. In terms of the proposed mix of private housing the originally submitted proposals sought the following mix:

28 x 3 bed houses  
33 x 4 bed houses  
5 x 5 bed houses

6.80. As can be seen from the table at paragraph 1.7 the mix has been amended to reduce the number of three bedroom units slightly in order to introduce a small number of two bedroom units.

6.81. When the outline application was originally submitted the illustrative details indicated the following mix of units:

18 x four bedroom houses  
49 x three bedroom houses (9 affordable)  
41 x two bedroom houses (17 affordable)  
2 x one bedroom units (both affordable)

6.82. This however only secured 25% affordable housing and therefore the number of affordable units was increased at appeal to secure the required 40%.

6.83. Whilst the outline approval fixes the number and mix of affordable units, there is no requirement for the reserved matters details to match the mix of units submitted for illustrative purposes during consideration of the outline application. Whilst therefore it is clear that the outline proposal indicated a higher number of smaller two bedroom units, the fact that this reserved matters submission does not match that indicative mix is not reason to refuse this application for reserved matters. What has to be considered is whether the mix of units now proposed is acceptable or not.

6.84. As set out above, planning policy requires application proposals to provide a range of dwelling sizes to meet the identified local need, based on the best available evidence. The submissions certainly propose a range of dwelling types ranging from 1 bedroom to 5 bedroom units and the affordable housing mix secured by the S106 was designed to meet local need as understood at the time the agreement was signed. Arguably however the scheme in terms of its private market provision is heavily weighted towards the larger properties.

6.85. Equally arguable is the fact that 45% of the private market units are 2 or 3 bedroom units. With the Ringmer Neighbourhood Plan seeking to secure a high proportion of units of this size it would be difficult to suggest that this is not a high proportion and when factored in with the affordable units 64% of the proposed units are 2 or 3 bedroom units.

6.86. Whilst therefore it would have been preferable if a higher number of the private market dwellings were provided as 2 bedroom units, it would be difficult to argue that the proposal as submitted does not comply with these policy requirements.

#### Design, Layout and Visual Impact

6.87. Core Policy 11 of the emerging Joint Core strategy seeks to ensure that all new development respects and where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage. Development is also expected to respond sympathetically to the site and its local context and to be well-integrated in terms of access and functionality with the surrounding area. These objectives are also reflected in Policy ST3 of the existing Local Plan and within the aims of the Ringmer Neighbourhood Plan (policy 9.1).

6.88. Many of the objections to this application are in relation to the proposal being an overdevelopment of the site, appearing cramped and out of keeping with the locality. When considering the outline proposal the Inspector noted the following:

*"...the site is well contained by existing development, and its mature, hedged and treed boundaries (which are to be retained and enhanced, other than where the main access is required, along with the hedge crossing the site) such that it is hidden in long range public views, including from the village green and beyond.*

*Development would be visible when travelling along Bishops Lane, by whatever means. Any views, however, other than from the proposed access, would be heavily filtered by the substantial hedgerow. The introduction of sections of footway, and a new estate access, where there are currently none would bring a degree of formality to Bishops Lane and may result in the culverting of a section of ditch. It would not, however, result in the loss of a tree screen as suggested by the Parish Council.*

*The footways would use highway land, rather than result in the loss of hedgerow, and there is no reason why they could not be constructed using low key materials. Overall, the impact of the development upon Bishops Lane's character as a country lane would be limited.*

*The appearance of the site would, clearly, change from rough grazed fields to housing development. This would, inevitably, result in a loss of the semi-rural aspect from several of the dwellings overlooking the site. Visual change would also be considerable for those viewing the site from the public right of way that crosses it.*



*However, these views already incorporate, to varying degrees, the existing development around the appeal site on three sides; a situation that considerably reduces any sense of development-free surroundings. Considering the site's wider context [2.4], although the appeal scheme would result in an extension of development beyond the established built confines of the village, it would not appear as a significantly detrimental incursion into the open countryside."*

6.89. The Inspector then went into a detailed consideration of arguments put forward in respect of the density of the proposed development, eventually concluding:

*"...although the appeal site does have some large houses on large plots on its borders, I do not consider that the appeal proposal would appear significantly at odds with the character of the wider area. I am also mindful that Diplocks Business Park and the gardens of both Chapters and Sunnymede, which border the appeal site, are allocated for residential development (mixed-use in the case of Diplocks) in the DRNP (as RES4, RES7 and RES8 respectively), which would further intensify the grain of development in this location."*

6.90. As noted above the proposed layout of the dwellings as now submitted is loosely based on the illustrative details available to the Inspector when he was making the above statements. The dwellings remain set well back from the Bishops Lane frontage, there are generous amounts of open/green spaces to the north and east of the application site and through its centre (which secures the retention of the majority of the hedge and the TPO trees) and in fact the layout now proposed introduces a green landscaped edge at the west of the application site which was not a feature of the illustrative layout at outline stage.

6.91. The landscaped buffer around the site will help separate the proposed units from the existing surrounding dwellings and in particular along the Bishops Road frontage will help filter views of the new dwellings. Bishops Lane itself is already characterised by a variety of house types and sizes and it is not considered that the proposed development, and in particular the introduction of the proposed block of flats adjacent the chalet style dwelling, Kerridge, would appear out of keeping as a result. Whilst the block of flats is clearly taller than the existing chalet dwelling, is it still only two storeys in height and the separation distance ensures that it will not appear overbearing.

6.92. The large majority of the dwellings proposed are detached properties, with a few pairs of semi-detached properties and some short runs of terraced properties. In accordance with the desires of the RNP none of the dwellings are more than two storeys in height, are generally of fairly traditional appearance and use materials typical of the area, including brick, tile hanging, tiled roofs with some use of weatherboarding. The dwellings are generally sat close to the plot frontages giving the development structure and variety is introduced through a number of different house types spread throughout the development.

6.93. Criticisms have been made in respect of the use of "house types" with the suggestion that the scheme is very functional. It has also been suggest that the application should be considered by the Council's Architects Advisory Panel (AAP). Whilst these comments are noted, the use of multiple house types is not an uncommon approach to this type of development, and use of repeated forms and styles with variation in detail and materials helps give the development interest whilst at the same time creating a cohesive development. This approach has been accepted on a number of other developments around the District on a similar scale and it is not considered that the input from the AAP would add any significant value to a residential scheme of this type. It is not particularly unusual, and will read very much as a stand-alone development as opposed to a scheme in a highly urban area/town centre location. It is these types of location where input from



the AAP can be of assistance i.e. where new developments can sometimes be more difficult to assimilate due to their design.

6.94. Whilst the scheme has been laid out with a single point of access, pedestrian access through the site is good with numerous routes available around and through the site. As noted above, the access arrangements approved at outline stage include the extension and introduction of additional footways to link the development to the surrounding roads. Objections have been raised to the re-routing of the existing public footpath that currently passes through the application site. The scheme shows the footpath to pass along pavements through the application site in places alongside roadways. The objectors consider that this will significantly detract from the current countryside experience of the footpath and it has been suggested that it should be re-routed through the soft landscaped areas. Whilst these concerns are noted, no objections have been made by the Public Rights of Way Officers at ESCC. Whilst the character of this footpath will clearly change, this is inevitable with the development of this site. Once users have passed through the site they will be out into open countryside.

6.95. Overall it is not considered that the design and layout of the scheme proposed is objectionable, nor will it detract from the existing character of the village as a whole.

#### Access and Parking

6.96. As set out above the access arrangements to the site were approved under the outline application. In approving the outline application the Inspector (and subsequently the SoS) was also accepting the impact of up to 110 dwellings on the wider road network. There is therefore no reason to revisit these issues in the determination of this application for reserved matters. However it is pertinent to consider the internal road layout and parking provision.

6.97. In this respect the application proposals have been considered by ESCC Highways. Following the submission of amended plans to address some initial concerns (largely in relation to the position of parking spaces and on site turning) the Highways Authority has confirmed that they have no objections to the proposed submissions. They have however noted that the Section 106 Agreement will need to be varied to ensure there is an easement over the emergency access route from the back of the highway on Bishops Lane up to the proposed adopted section of internal roads.

6.98. Policy 8.2 of the RNP seeks to ensure all new development in Ringmer makes adequate provision for off-road parking for the numbers and types of vehicles likely to be attracted by the development. New residential development is expected to include off-road parking provision at the following minimum ratios:

- 1 parking space per 1-2 bed home designed specifically for older residents
- 2 parking spaces per 1-3 bed home
- 3 parking spaces per 4 bed or larger home.

6.99. Applying this ratio to the mix of dwellings proposed, this equates to a total of 256 spaces. ESCC's parking demand calculator suggests that the proposed 110 dwellings should provide for 260 spaces. As noted above the scheme provides for 288 spaces.

6.100. Despite the overall number of parking spaces meeting the above requirements, Ringmer Parish Council has objected to the application on the basis that the parking arrangements do not adhere to the above standards, i.e. the flats have only been allocated one space per unit. Whilst these comments are noted, on balance, it is not considered that the failure to provide an additional 8 allocated parking spaces when there are a number of

unallocated spaces that could accommodate any overflow would be a strong reason to refuse permission.

6.101. Overall the access and parking arrangements proposed by the reserved matters submissions are considered to be acceptable.

### Biodiversity

6.102. The outline application was submitted with a comprehensive suite of ecological surveys. In considering these surveys and the evidence presented at the Inquiry the Inspector was satisfied that the development of this site would not result in significant harm or loss to any protected species and that the layout of the scheme could be designed so as to ensure the retention of the most ecologically significant feature of the site. It is considered that the details submitted under this application for reserved matters have satisfactorily achieved this. The treed hedgerows surrounding and running through the site have been on the whole retained, with the exception of where access is required into or through the site and, a new pond that will create new habitat for great crested newts is proposed at the eastern edge of the site.

6.103. In granting the outline consent the SoS attached a condition that ensures that a scheme of ecological enhancements and mitigation measures, to include ongoing management as necessary, based on the recommendations of the submitted ecology reports and surveys is submitted to and approved by the local planning authority.

6.104. On the basis of the submitted layout and with this condition in place it is considered that the application adequately makes provisions for protected species, and will maintain, if not enhance, local biodiversity resources in line with Policy CP10 of the JCS.

### Other matters

6.105. There are a number of issues that have been raised by third parties that are already dealt with by conditions attached to the outline consent e.g. submission of a construction management plan, external lighting, surface water drainage, foul water drainage. There is no requirement for these details to be submitted at this stage, however these conditions provide the Local Planning Authority sufficient control over these matters.

6.106. The Parish Council has heavily criticised the applicants for their failure to engage in meaningful discussion with the local community. Paragraph 66 of the NPPF clearly recommends such discussions and states that:

*"Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."*

6.107. This does not however mean that absence of consultation should result in the refusal of an application.

### CONCLUSION

6.108. The principle of the development of this site with up to 110 dwellings has already been established through the approval of the outline application at appeal. The reserved matters submitted via this application are considered to represent a reasonably well laid out development, offering an acceptable mix of dwellings and designs. The layout of the dwellings retains and enhances the most ecologically significant features of the site, and sufficiently respects the amenity of the existing dwellings adjoining the site.

6.109. Overall, on balance, it is considered that the proposal would create an acceptable form of development without detriment to the wider surroundings or the amenity of the area in general and can therefore be supported.

## **7. RECOMMENDATION**

7.1 Recommend that subject to the variation of the Section 106 Agreement as outlined above, that this application for reserved matters be approved.

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

1. The glazing in the first floor west facing window of plot 44 and the east facing first floor windows of plot 67 shall be in obscured glass and top vent opening only and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

2. The connection of this development to the public sewerage system can be carried out only on completion of the public sewerage network improvement works scheme, which introduces the online storage in order to avoid the overall increase of flows to wastewater treatment works and no dwelling shall be occupied unless and until the Local Planning Authority has been provided with evidence to demonstrate this is the case.

Reason: To ensure that the scheme is satisfactorily drained and to accord with policy SP6 of the Joint Core Strategy.

3. Prior to the occupation of the last dwelling a LEAP shall be provided on site in accordance with details (siting and equipment) to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate play space is provided on site in accordance Policy SP6 of the Joint Core Strategy and Policy RES19 of the Lewes District Local Plan.

4. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas (including the LEAP), other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

5. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be carried out in accordance with the schedule/deposition of materials as shown on drawing no. - RGMR-004 Rev J.

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

6. Details of the proposed electricity sub-station (to include details of expected noise levels and possible mitigation) shall be submitted to any approved by the Local Planning Authority prior to any works in conjunction with this installation commence. The works shall thereafter be carried out in accordance with the approved details.

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

7. Details of the proposed foul water pumping station (to include details of expected noise levels and possible mitigation) shall be submitted to any approved by the Local Planning Authority prior to any works in conjunction with this installation commence. The works shall thereafter be carried out in accordance with the approved details.

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

8. Arboricultural Method Statement & Tree Protection Measures

a) No development shall take place until an arboricultural method statement, to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the District Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the District Planning Authority.

b) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during site clearance operations, site preparation and subsequent development operations and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: To protect residential/visual amenities having regard to Policy ST3 of the Lewes District Local Plan.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

10. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the garage(s) hereby permitted shall be used only as private domestic garages for

the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

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

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

12. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

## **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. It is advised that where an arboricultural method statement is required to satisfy a condition of planning consent it must be submitted prior to demolition, clearance or development works and be detailed, site specific, prepared by a qualified and experienced arboriculturist and in line with BS5837:2010 - 'Trees in relation to design, demolition, and construction - Recommendations'. The statement should include: method of demolition of structures and removal of surfaces within protected zone round retained trees and hedges; method of driveway construction and hard surfacing within protected zones around retained trees and hedges; locations, dimensions, and methods of installation of new drains, ditches, soak-aways, utility runs and other excavations within protected zone around retained trees and hedges, site set up including the position of all site huts, material storage areas, cement mixing and plant and equipment storage areas, design and construction of building foundations within protected zone around retained trees and hedges, and arrangements for supervision by the project arboriculturist which shall include timing and methods of site visiting and record keeping, including updates and procedures for dealing with variations and incidents. In this case, given the hydrology and soil type of the area the method of protection of proposed tree planting areas during construction and prior to landscape operations.

4. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public

highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

5. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

7. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	1 September 2017	002 M PROPOSED SITE LAYOUT
Other Plan(s)	1 September 2017	004 J MATERIAL DISPOSITION
Other Plan(s)	1 September 2017	005 J AFFORDABLE HOUSING LOCATIO
Landscaping	1 September 2017	900 I LANDSCAPE AND BIODIVERSITY
Technical Report	1 September 2017	PLUVIAL FLOOD STUDY REPORT
Technical Report	1 September 2017	PLUVIAL FLOOD STUDY NON TECH
Technical Report	1 September 2017	DRAINAGE & MAINTENANCE STRATEGY
Survey Plan	1 September 2017	S3671/3 A
Survey Plan	1 September 2017	S3671/4 A
Proposed Section(s)	3 August 2017	003-2 J PROPOSED SITE SECTION



Technical Report	31 January 2017	PHASE 1 ENVIRONMENTAL DESK STUDY
Technical Report	31 January 2017	PHASE 2 GEO-ENVIRONMENTAL
Proposed Elevation(s)	15 March 2017	012-1 B HOUSE TYPE C
Proposed Floor Plan(s)	15 March 2017	012-1 B HOUSE TYPE C
Proposed Elevation(s)	15 March 2017	012-2 B HOUSE TYPE C.1
Proposed Floor Plan(s)	15 March 2017	012-2 BHOUSE TYPE C.1
Proposed Elevation(s)	15 March 2017	014-1 B HOUSE TYPE E
Proposed Floor Plan(s)	15 March 2017	014-1 B HOUSE TYPE E
Planning Statement/Brief	18 January 2017	
Biodiversity Checklist	18 January 2017	
Flood Risk Assessment	18 January 2017	10-123
Location Plan	18 January 2017	000
Existing Layout Plan	18 January 2017	001
Proposed Elevation(s)	18 January 2017	011/1 HOUSE TYPE B
Proposed Floor Plan(s)	18 January 2017	011/1 HOUSE TYPE B
Proposed Elevation(s)	18 January 2017	011/2 HOUSE TYPE B.1
Proposed Floor Plan(s)	18 January 2017	011/2 HOUSE TYPE B.1
Proposed Elevation(s)	18 January 2017	013/1 HOUSE TYPE D
Proposed Floor Plan(s)	18 January 2017	013/1 HOUSE TYPE D
Proposed Elevation(s)	18 January 2017	014/2 HOUSE TYPE E.1
Proposed Floor Plan(s)	18 January 2017	014/2 HOUSE TYPE E.1
Proposed Elevation(s)	18 January 2017	017/1 HOUSE TYPE H
Proposed Floor Plan(s)	18 January 2017	017/1 HOUSE TYPE H
Proposed Elevation(s)	18 January 2017	050/1 HOUSE TYPE X
Proposed Floor Plan(s)	18 January 2017	050/1 HOUSE TYPE X
Proposed Elevation(s)	18 January 2017	050/2 HOUSE TYPE X.1
Proposed Floor Plan(s)	18 January 2017	050/2 HOUSE TYPE X.1

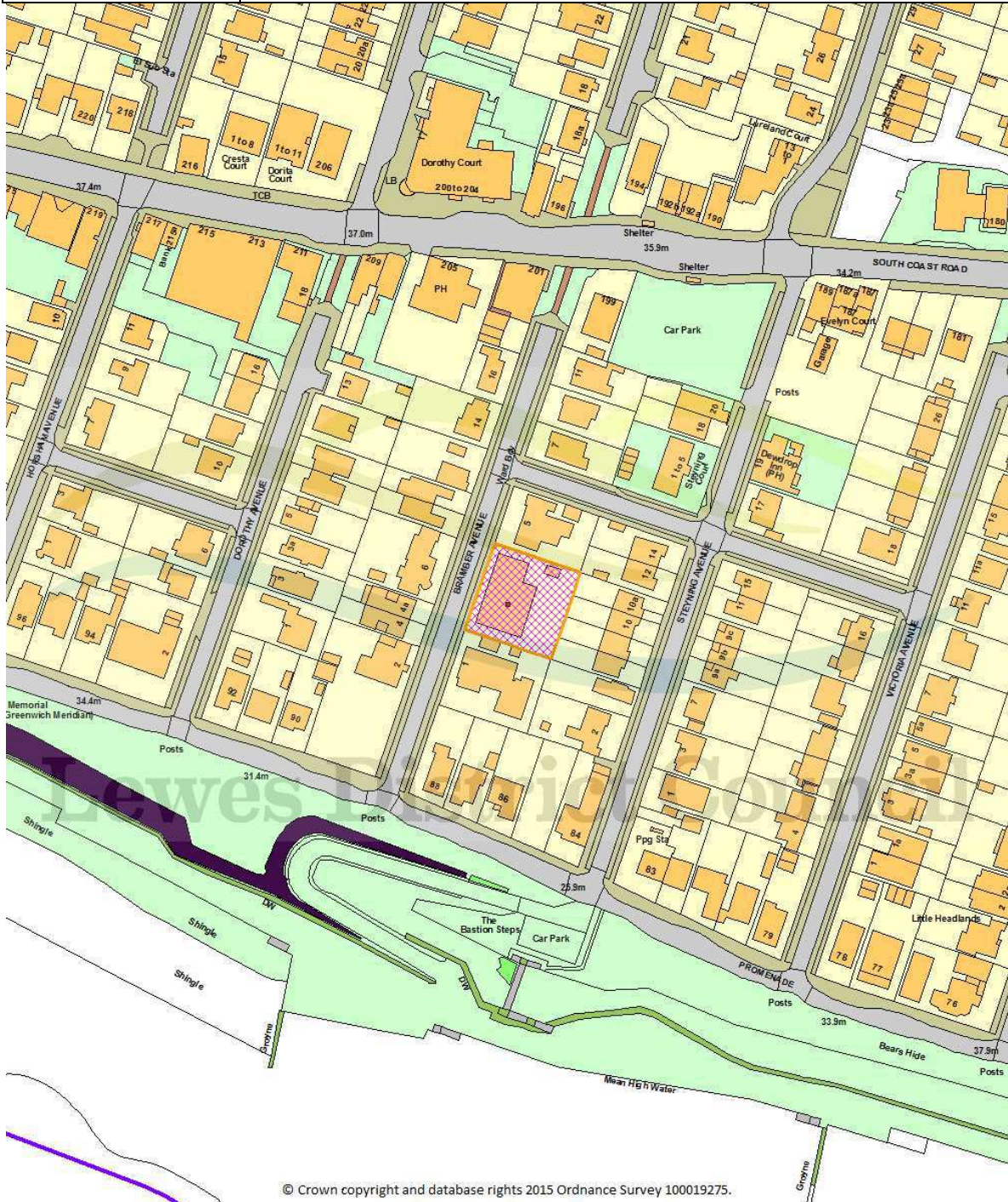
Proposed Elevation(s)	18 January 2017	050/3 HOUSE TYPE X.2
Proposed Floor Plan(s)	18 January 2017	050/3 HOUSE TYPE X.2
Proposed Elevation(s)	18 January 2017	050/4 HOUSE TYPE X.3
Proposed Floor Plan(s)	18 January 2017	050/4 HOUSE TYPE X.3
Proposed Elevation(s)	18 January 2017	050/5 HOUSE TYPE X.4
Proposed Floor Plan(s)	18 January 2017	050/5 HOUSE TYPE X.4
Proposed Floor Plan(s)	18 January 2017	090/1 SINGLE GARAGE DETACHED
Proposed Elevation(s)	18 January 2017	090/1 SINGLE GARAGE DETACHED
Proposed Floor Plan(s)	18 January 2017	090/2 SINGLE SEMI DET. GARAGE
Proposed Elevation(s)	18 January 2017	090/2 SINGLE SEMI DET. GARAGE
Proposed Floor Plan(s)	18 January 2017	090/3 TWIN DETACHED GARAGE
Proposed Elevation(s)	18 January 2017	090/3 TWIN DETACHED GARAGE
Proposed Floor Plan(s)	18 January 2017	091/1 DETACHED DOUBLE GARAGE
Proposed Elevation(s)	18 January 2017	091/1 DETACHED DOUBLE GARAGE
Proposed Floor Plan(s)	18 January 2017	091/2 SEMI-DET DOUBLE GARAGE
Proposed Elevation(s)	18 January 2017	091/2 SEMI-DET DOUBLE GARAGE
Proposed Roof Plan	18 January 2017	092/1 DOUBLE CAR PORT
Proposed Floor Plan(s)	18 January 2017	092/1 DOUBLE CAR PORT
Proposed Elevation(s)	18 January 2017	092/1 DOUBLE CAR PORT
Proposed Roof Plan	18 January 2017	092/2 TRIPLE CAR PORT
Proposed Floor Plan(s)	18 January 2017	092/2 TRIPLE CAR PORT
Proposed Elevation(s)	18 January 2017	092/2 TRIPLE CAR PORT
Proposed Elevation(s)	18 January 2017	095/1 BIN AND CYCLE STORE
Proposed Floor Plan(s)	18 January 2017	095/1 BIN AND CYCLE STORE
Illustration	18 January 2017	096/1 SHED A
Proposed Floor Plan(s)	18 January 2017	096/1 SHED A
Illustration	18 January 2017	096/2 SHED B
Proposed Floor Plan(s)	18 January 2017	096/2 SHED B

Other Plan(s)	18 January 2017	503 LONGITUDINAL SECTION
Other Plan(s)	18 January 2017	504 HIGHWAY DETAILS
Tree Statement/Survey	18 January 2017	TF/DR/884
Tree Statement/Survey	18 January 2017	ADDENDUM TF/DR/1053 REV B
Transport Assessment	18 January 2017	ADDENDUM
Flood Risk Assessment	18 January 2017	ADDENDUM
Noise Detail	18 January 2017	2014W-SEC -00001-01
Noise Detail	18 January 2017	ADDENDUM 2014W-SEC-00003-01
Technical Report	18 January 2017	ARCHAEOLOGICAL
Technical Report	18 January 2017	EXTENDED PHASE 1 HABITAT SURVEY
Flood Risk Assessment	18 January 2017	PART 2
Technical Report	18 January 2017	SUSTAINABILITY AND ENERGY
Other Plan(s)	4 September 2017	006 REV J REFUSE COLLECTION
Other Plan(s)	4 September 2017	006 REV J FIRE VEHILCLE TURNING
Proposed Section(s)	21 June 2017	003-1 H PROPSOED SITE SECTIONS
Proposed Floor Plan(s)	30 May 2017	010-1 C HOUSE TYPE A
Proposed Elevation(s)	30 May 2017	010-1 C HOUSE TYPE A
Proposed Floor Plan(s)	30 May 2017	010-2 C HOUSING TYOE A.1
Proposed Elevation(s)	30 May 2017	010-2 C HOUSE TYPE A.1
Proposed Floor Plan(s)	30 May 2017	019-1 HOUSE TYPE K
Proposed Elevation(s)	30 May 2017	019-1 HOUSE TYPE K
Proposed Floor Plan(s)	30 May 2017	019-2 HOUSE TYPE K.1
Proposed Elevation(s)	30 May 2017	019-2 HOUSE TYPE K.1
Proposed Section(s)	16 May 2017	503 LONGITUDINAL SECTIONS
Proposed Elevation(s)	2 May 2017	015/1 REV C HOUSE TYPE F
Proposed Floor Plan(s)	2 May 2017	015/1 REV C HOUSE TYPE F

Proposed Elevation(s)	2 May 2017	015/2 REV C HOUE TYPE F.1
Proposed Floor Plan(s)	2 May 2017	015/2 REV C HOUSE TYPE F.1
Proposed Elevation(s)	2 May 2017	016/1 REV C HOUSE TYPE G
Proposed Floor Plan(s)	2 May 2017	016/1 REV C HOUE TYPE G
Proposed Elevation(s)	2 May 2017	018/1 REV C HOUSE TYPE J
Proposed Floor Plan(s)	2 May 2017	018/1 REV CHOUSE TYPE J
Proposed Elevation(s)	2 May 2017	051/1 REV B HOUSE TYPE Y
Proposed Floor Plan(s)	2 May 2017	051/1 REV B HOUSE TYPE Y
Proposed Floor Plan(s)	2 May 2017	060/1 REV B BLOCK A
Proposed Floor Plan(s)	2 May 2017	060/2 REV B BLOCK A
Proposed Elevation(s)	2 May 2017	060/3 REV B BLOCK A
Proposed Floor Plan(s)	2 May 2017	060/4 BLOCK A.1
Proposed Floor Plan(s)	2 May 2017	060/5 BLOCK A.1
Proposed Elevation(s)	2 May 2017	060/6 BLOCK A.1



<b>APPLICATION NUMBER:</b>	LW/17/0494	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	BNM Parkstone LLP	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven East
<b>PROPOSAL:</b>	Planning Application for Change of use from nursing home to House in Multiple Occupancy for up to 14 persons together with a self-contained flat to be used as manager's accommodation.		
<b>SITE ADDRESS:</b>	3 Bramber Avenue Peacehaven East Sussex BN10 8LR		
<b>GRID REF:</b>	TQ 41 00		



## 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

**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**

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

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

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Peacehaven Town Council** – Refusal Recommended due to:-

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

**ESCC Highways** – No objection subject to the imposition of conditions

**British Telecom** – Dear Lewes Planning Team

Please advise the applicant that plans of their proposals should be submitted to Openreach using the Registration process outlined on this Website:

[http://www.ournetwork.openreach.co.uk/property-development.aspx?utm\\_source=furl-newsites&utm\\_medium=site&utm\\_campaign=Openreach-furl-newsites](http://www.ournetwork.openreach.co.uk/property-development.aspx?utm_source=furl-newsites&utm_medium=site&utm_campaign=Openreach-furl-newsites)

This will ensure that new residents have access to services provided via the Openreach Network, and check that any changes to the site don't affect existing Openreach apparatus.

I write in response to your letter dated 14th June regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels. To check the location of BT's network, enquiries should be made direct to the Openreach Maps by Email Service which can be found at the following URL:  
<http://www.openreach.co.uk/orpg/home/contactus/avoidingnetworkdamage/avoidingnwdamage.do>

**Natural England** – 4.6 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended) Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

**Sussex Police** – Thank you for your letter of 14 June 2017, advising me of an application for a change of use from nursing home to House in Multiple Occupancy at the above premises, to provide 14 letting suites and managers accommodation, for which you seek comment from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Lewes district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I refer to my previous letter reference DD/LEW/17/03/A of 20 March 2017, in which I was able to comment on the earlier refused application for this site (LW/17/0156). In those comments I voiced concerns over the impact the proposals might have on the neighbourhood and also on the provision of car parking.

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.

I refer the applicant to our website at [www.securedbydesign.com](http://www.securedbydesign.com) and follow the link to Industry Advice and Guides. The design guide SBD Homes 2016, paragraphs 27 - 31 gives advice on physical security measures specific to buildings containing multiple dwellings or bedrooms, including HMO's.

**Southern Water Plc** – Thank you for your letter of 14/06/2017.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: "A 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](http://www.southernwater.co.uk)".

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please be aware that the property is already built over an existing public sewer and any changes to the building foundations will require Southern Water approval. The applicant is advised to contact Southern Water.

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer. 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." Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

**ESCC SUDS – 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; 2, 4, 4a, 5, 7 and 11 Bramber Avenue, objecting to the application for the following reasons:-

- o Drainage and sewers
- o Lack of infrastructure such as surgeries and schools
- o Living rooms may be sub-let leading to more inhabitants
- o The HMO could be occupied by up to 30 people (28 in bed-sites) and 3 or more staff.
- o There are few opportunities for professionals to find work in Peacehaven
- o Noise and disturbance such as music
- o Intensification of the use of the land
- o Increased levels of domestic activity
- o Damaging to quality of life
- o Comings and goings at all hours
- o Out of character
- o Quiet residential road
- o Parking issues
- o Highway hazards
- o More traffic/congestion on the A259
- o More violence on the A259
- o No reference to means of escape or emergency lighting
- o Fire risk
- o The number of kitchens is insufficient
- o No evidence that the care home is no longer feasible
- o Not clear who will live in the HMO
- o Security concerns
- o 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](http://www.southernwater.co.uk)

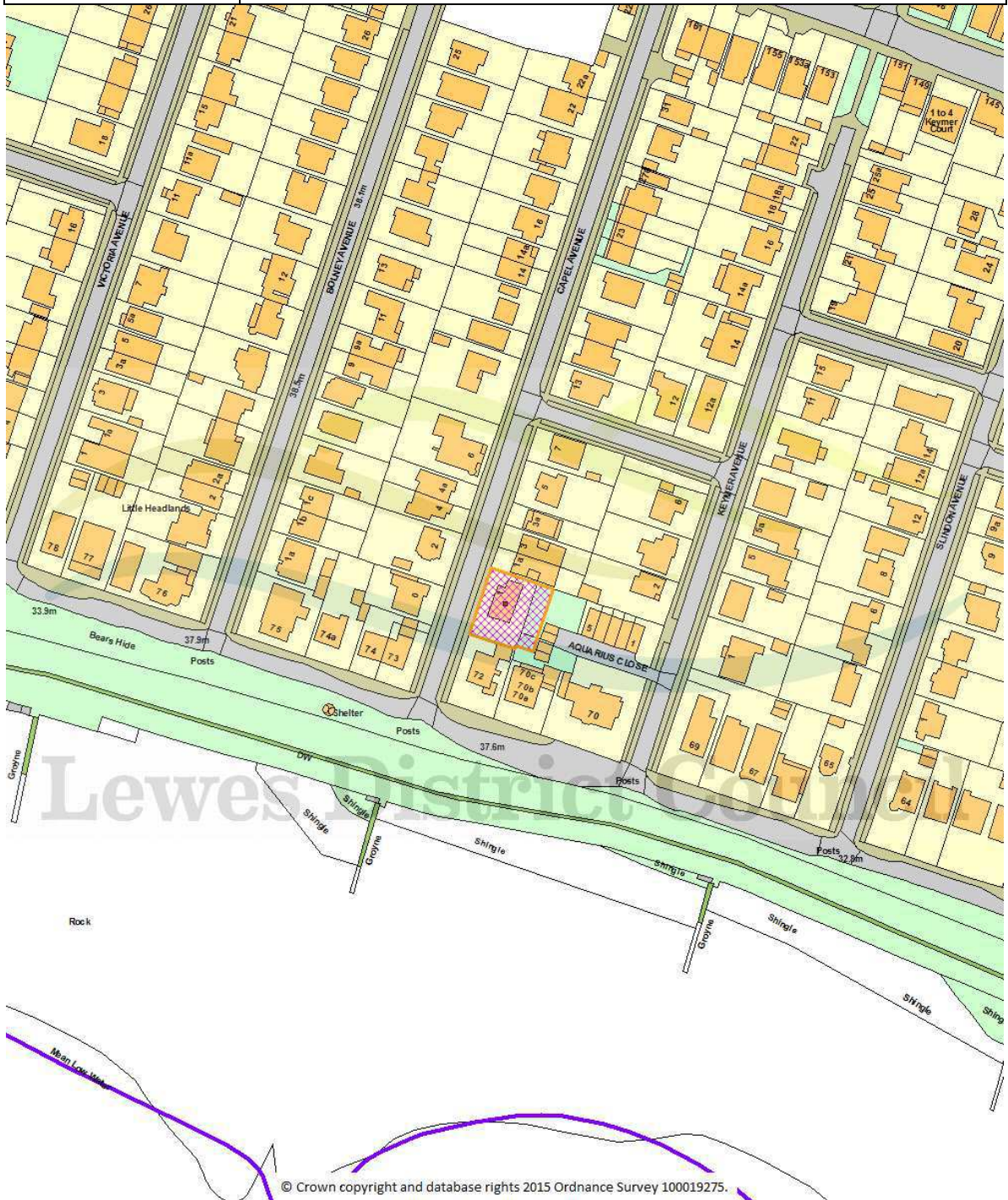
4. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

**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

<b>APPLICATION NUMBER:</b>	LW/17/0529	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mr & Mrs N Paterson	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven East
<b>PROPOSAL:</b>	Planning Application for Demolish existing bungalow and replace with two 3-bedroomed detached dwellings with off road parking and associated hard/soft landscaping		
<b>SITE ADDRESS:</b>	1 Capel Avenue Peacehaven East Sussex BN10 8NB		
<b>GRID REF:</b>	TQ 41 00		





## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow dwelling located on the eastern side of Capel Avenue near to the clifftop and the junction with The Promenade. The bungalow has been extended in the past and has off-street parking in front. The rear garden is partly truncated due to the communal gardens and garages to the flats at 70 The Promenade and Aquarius Close.

The site is not in a Conservation Area and the building is not Listed or of Local Interest. The application site is within the Planning Boundary of Peacehaven.

### PROPOSAL

1.2 The application seeks planning permission for the demolition of the existing bungalow and for re-development of the site by way of a pair of two storey dwellinghouses. Part of the land, including two garages and some of the back garden, are also owned by the applicant but this land is excluded from the proposed development site.

1.3 The two proposed dwellings will closely follow the footprint of the existing bungalow and will align with the building line along Capel Avenue.

1.4 The larger of the two dwellings will have a garage to one side with parking space for a second car in front of the garage. The back garden will be 7.5m in length and will include secure and sheltered cycle storage facilities. The first floor will provide an open plan kitchen, dining and living room. The ground floor will provide for three bedrooms, two having en-suite facilities, and a family bathroom. The dwelling will have dimensions of 11.7m x 7.7m and a floor area of 148 square metres (86 + 62).

1.5 The other property will have two off-street car parking spaces in front, but no garage. The back garden will also be 7.5m but will be slightly off-set owing to the position of the communal gardens to the nearby flats in The Promenade. Again cycle parking facilities are proposed in the back garden of the house. The upper floor of the dwelling will accommodate an open plan kitchen, living and dining room. The ground floor level will incorporate three bedrooms, one with en-suite facilities, and a family bathroom. The dwelling will be 10.6m from front to back and 7.1m in width and will have a floor area of 126 square metres (68 + 58).

1.6 The new dwellings will have a flat roof design achieving a height of 5.9m above ground level. The dwellings will have a first floor balcony on the rear elevation with spiral galvanised steel steps going down to the back gardens.

1.7 The palette of external materials and finishes includes a plinth of grey/blue engineering brick with off-white/pale grey rendered walls above and horizontal timber cladding of either larch or red cedar. The windows and doors will be anthracite.

1.8 The principal elevations will incorporate recessed and projecting elements and design details including long and low-profile window openings set into reveals and louvred timber blinds to the taller windows above the entrance to each dwelling.

## 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**

**LW/04/0076** - Outline application for the erection of a three bedroom bungalow within sub-divided rear garden, one bedroom to be in roofspace above the garage - **Refused**

**LW/00/1403** - Single storey side extension - **Approved**

**LW/98/0528** - Single storey side extension & retrospective application for a rear conservatory - **Approved**

**E/58/0269** - Planning and Building Regulations application for Approval of Detailed particulars for two detached bungalows on part plots 4-6, block 96, Capel Avenue. Building Regs Approved. Completed. - **Approved**

**E/58/0208** - Outline application to erect two detached bungalows on plots part 4 - part 6, block 96, Capel Avenue. - **Approved**

**E/58/0080** - Outline application to erect two detached bungalows and garages. - **Approved**

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

**Environmental Health – No objection**

Subject to conditions relating to hours of construction; dust suppression; and an Informative relating to waste management.

**Peacehaven Town Council – Refusal Recommended due to:-**

- o Out of keeping with street scene - impairment of street scene (properties in Capel Avenue are bungalows), changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue, unfriendly
- o Loss of privacy - over-looking, causing loss of privacy or light, too close
- o Poor design- does not fit in with local surroundings
- o Inadequate local infrastructure - including A259, surgeries, school
- o Effect on local character - surrounding area included
- o Increase of traffic, congestion and air pollution
- o Exacerbate existing parking problems
- o Parking & highway safety - this road being a dead end
- o Absence of adequate car parking facilities - provision for pedestrians, wheelchairs and prams

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

5.1 A representation has been received from 72 The Promenade, in support of the planning application for the following reasons:-

- No loss of light
- No loss of view
- No overlooking
- Colour scheme is easy on the eye
- Will blend in well with other buildings in Capel Avenue
- Design will enhance the area
- In keeping with today's architecture

5.2 A representation has been received from 70B The Promenade, objecting to the application for the following reasons:-

- Loss of privacy
- Incongruous appearance
- Disruption and noise
- Building works vehicles
- Danger to adjoining properties due to chalk cliff face

## **6. PLANNING CONSIDERATIONS**

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

6.2 The comments of the Town Council in relation to there being inadequate local infrastructure, including A259, surgeries, school, are acknowledged. However, it is considered that this small scale of development, which will result in a net increase of one additional household will not have a significant material impact on the existing infrastructure.

### **PRINCIPLE**

6.3 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area a short distance from the A259 South Coast Road. The proposal is to replace an existing dwelling with two new dwellings and in principle this is acceptable and compliant with Spatial Policy 2 of the Joint Core Strategy because the site constitutes an unidentified infill development within the existing Planning Boundary.

6.4 The plot is wider than most in the nearby vicinity and can accommodate more than a single dwelling unit.

6.5 The demolition of the existing bungalow is considered acceptable in principle and the building is not of Local Interest or a special historic significance.

### **DESIGN**

6.6 The comments of the Town Council in respect of the two storey height of the dwellings are noted. However, the neighbouring property of 72 The Promenade is also two storeys in height. The height of the proposed dwellings will not be significantly different to the overall heights of the pitched roofs to the bungalows within the locality, and the ground floor height will be similar to bungalow eaves height. The new dwellings will be 500mm higher than the bungalow to be demolished and this is considered to be acceptable in view of the unique position of the site next to two storey buildings in The Promenade. In addition, the wide and low-profile windows to the principal elevations will add to the low

profile and horizontal emphasis of the new dwellings. The Town Council also raises objection based on the incongruous appearance of the proposed dwellings. However, as a pair of contemporary dwellings towards the end of the street, the proposed design is considered to be acceptable, particularly as the adjoining site, 72 The Promenade has also been re-modelled in a contemporary style. The result is that the three properties will form a neat group of modern properties of an appropriate scale, positioned at the end of Capel Avenue, which is otherwise of a more traditional appearance, at the corner with the clifftop walk. It is not considered that the visual impact of the proposals will be unacceptable or harmful to the street scene.

## AMENITY

6.7 The application site is a wide plot within a built-up residential area. In terms of noise and disturbance, the intensification of the use of the land and the amount of domestic activities and comings and goings associated with the net increase of one single household is not likely to have a significantly adverse impact on the living conditions of neighbouring residents. Indeed there are examples nearby, for example 70 The Promenade, which comprise flats, and there are also 5 terraced houses in close proximity in nearby Aquarius Close.

6.8 The neighbour objection citing loss of privacy is acknowledged. The rear balconies to the two dwellings do have the potential to give rise to overlooking, particularly to the rear elevations of the flats within 70 The Promenade but in order to mitigate this issue the applicant is proposing obscure glazed privacy screens on the edge of the balconies. These screens will prevent the direct overlooking of neighbouring properties. A condition can be imposed to ensure that the screens are retained in the interests of safeguarding neighbour privacy.

6.9 Further comments include disruption and noise during construction and the impact of building works' vehicles. The period of construction is temporary and the impact of the works during construction can be controlled by imposing a condition requiring details of a Construction Environment Management Plan. This will include the locations for the parking of contractors' plant and vehicles, the locations of storage of materials, methods for dust suppression during demolition, site security fencing, and lighting among others.

6.10 The comments in respect of danger to adjoining properties due to chalk cliff face.

## ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.11 The application site is a short walk from the A259 South Coast Road through Peacehaven and along this road there are many shops and facilities including a Post Office, convenience store and food outlets. There are also frequent bus services along the A259 to Brighton and Eastbourne, with quick journeys to Newhaven where there is also a mainline railway station. This is considered acceptable and the application site is in a satisfactory sustainable location whereby future residents and visitors would not need to be solely reliant on private car use for their travel needs.

6.12 The comments from the Town Council in respect of an absence of adequate car parking facilities or provision for pedestrians, wheelchairs and prams are acknowledged.

6.13 The proposed development also includes 2 off-street car parking spaces for each of the new dwellings and this is considered acceptable. There is no defensible reason to consider that the proposed development will significantly increase congestion or result in unacceptable pressure for on-street car parking.

6.14 The application site is adjacent to the public footway along Capel Avenue, which has safe pedestrian links up to the A259 South Coast Road and to nearby streets. There is no defensible reason to consider that the development should be refused on the grounds of pedestrian access, wheelchair or pram access.

## OTHER MATTERS

6.15 Concerns have been expressed that the application site is near to the cliff edge and that this is susceptible to erosion which could be exacerbated by the proposed development. The matter of coastal management and cliff erosion is taken very seriously. However, the existing bungalow is set back farther from the cliff edge than other neighbouring properties and it is noted that there is a defence at the bottom of the cliff face in the form of a concrete walkway. This protects the bottom of the cliff face from erosion by the sea, but it does need maintenance in the long term.

6.16 The development of the site by way of two new dwellings would not put future residents or neighbouring residents at any greater risk of property damage by cliff erosion than they already are. For this reason it is not considered to be a sufficient planning reason to refuse the proposed development.

## 7. RECOMMENDATION

In view of the above approval is recommended.

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

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

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

2. The overall maximum height of the main roofs of the two new dwellings hereby permitted (e.g. the top edge of the parapet upstands around the edges of the roof) shall not exceed 350mm above the main ridge height of 1A Capel Avenue, or be less than 360mm below the highest part of the main pitched roof to 72 The Esplanade, in accordance with approved drawing no. 1726.PL05, unless otherwise agreed in writing by the local planning authority.

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

3. Notwithstanding drawing no. 1726.PL02 hereby approved, no development, excluding demolition of the existing bungalow, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a drawing/plan indicating the design, materials and height above ground level of the wall enclosures, fences and other boundary treatments within and around the perimeter of the application site. The boundary treatments shall be completed in accordance with the approved details prior to the first residential occupation of the development 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.

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

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

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

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

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

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

7. 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, D 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.

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



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

9. Prior to the first residential occupation of either of the two new dwellings hereby permitted the car parking facilities shall be provided in accordance with the approved drawings and retained as such thereafter only for the parking of vehicles associated with the residents and visitors to the approved development.

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

10. Prior to the first residential occupation of either of the two new dwellings hereby permitted the cycle parking facilities shown on the approved drawings (2 sheltered cycle parking spaces within the back garden of each property) shall be provided on site. The cycle parking facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

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

11. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 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.

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

13. Prior to the first residential occupation of the development hereby permitted the privacy screens to the side edges of the first floor level rear balconies/terraces to each dwelling, as shown on approved drawing no. 1726.PL06, shall be installed such that clear views into neighbouring properties cannot be achieved, and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to safeguard the privacy of adjoining residents in accordance with retained policy ST3 and Core Policy 11 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

## INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.
4. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 (as amended) when carrying out demolition and construction works.

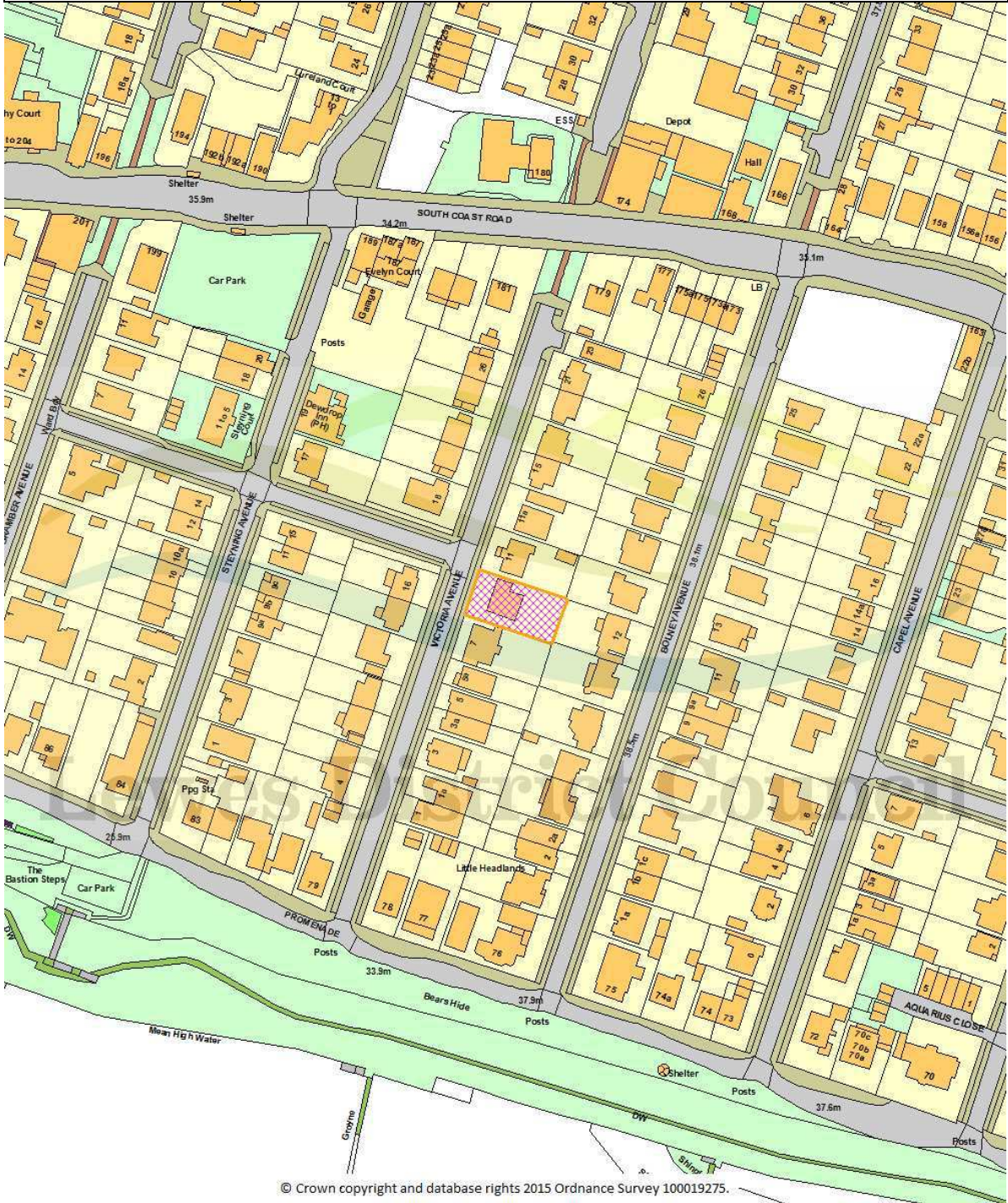
### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	19 June 2017	
Location Plan	19 June 2017	1726.LP01
Proposed Block Plan	19 June 2017	1726.LP01
Proposed Layout Plan	19 June 2017	1726.PL01
Proposed Floor Plan(s)	19 June 2017	1726.PL02
Proposed Floor Plan(s)	19 June 2017	1726.PL03
Proposed Roof Plan	19 June 2017	1726.PL04
Street Scene	19 June 2017	1726.PL05
Proposed Elevation(s)	19 June 2017	1726.PL05
Proposed Elevation(s)	19 June 2017	1726.PL06
Proposed Elevation(s)	19 June 2017	1726.PL07
Proposed Section(s)	19 June 2017	1726.PL08
Existing Floor Plan(s)	19 June 2017	1726.S01
Existing Floor Plan(s)	19 June 2017	1726.S02

Existing Roof Plan	19 June 2017	1726.S03
Street Scene	19 June 2017	1726.S04
Existing Elevation(s)	19 June 2017	1726.S04
Existing Elevation(s)	19 June 2017	1726.S05
Existing Elevation(s)	19 June 2017	1726.S06



<b>APPLICATION NUMBER:</b>	LW/17/0361	<b>ITEM NUMBER:</b>	<b>9</b>
<b>APPLICANTS NAME(S):</b>	Mr G Merchant	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven East
<b>PROPOSAL:</b>	Planning Application for Demolition of detached bungalow and erection of two three bedroom semi-detached chalet bungalows		
<b>SITE ADDRESS:</b>	9 Victoria Avenue Peacehaven East Sussex BN10 8LX		
<b>GRID REF:</b>	TQ 41 00		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow dwelling located on the eastern side of Victoria Avenue almost directly opposite the un-named link road with Steyning Avenue. The property is a short distance from both the A259 South Coast Road and also from the clifftop. The dwelling backs onto the rear garden of 12 Bolney Avenue and is located in a predominantly residential area.

1.2 The bungalow has a traditional design dating back to the late 1950s and has a pyramid style pitched roof and a garage to one side. There is a glazed conservatory addition across the front elevation, which is quite unusual.

1.3 The site is not in a Conservation Area and the building is not Listed or of Local Interest. The application site is within the Planning Boundary of Peacehaven.

### PROPOSAL

1.4 The application seeks planning permission for the demolition of the existing bungalow and for re-development of the site by way of a pair of two storey semi-detached houses designed to look like chalet-style bungalows with the first floor level accommodation contained within the roof space.

1.5 The new dwellings will be set back from the public footway by 6m and each will have a front garden area and to the side a single off-street car parking space. Secure and covered cycle storage facilities are proposed in the back gardens of the properties.

1.6 The semi-detached houses will have pitched roofs with Sussex barn ends and there will be four pitched roof dormers to the front roof slope. On the rear roof slope each property will have 2 rooflights. The entrances to each dwelling will be on the side elevation.

1.7 The proposed dwellings will have an eaves height of 2.5m and a ridge height of 7.1m which is 520mm taller than the existing bungalow, as shown on the submitted drawing no. 1403/17 Sheet 04 of 05. This is also 610mm taller than 11 Victoria Avenue and 1.09m higher than the ridge of 7 Victoria Avenue, although the eaves height of the proposed development will be lower than that of both adjoining properties.

1.8 Each house will be 6m wide and 12m from front to back, and set 1.6m from the boundary of the site. On the ground floor each dwelling will comprise lounge/dining room and kitchen at the rear, en-suite bedroom and ground floor W.C. at the front. On the first floor within the roof space, each dwelling will have two bedrooms and a bathroom, the latter having a side window in the half-gable ends of the new building.

1.9 External materials and finishes include light grey/off-white render walls over a low plinth of blue brick; Marley modern roof tiles in smooth grey; and dark grey/anthracite uPVC windows.

## 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**

**LW/17/0361** - Demolition of detached bungalow and erection of two three bedroom semi-detached chalet bungalows -

**E/58/0198** - Planning and Building Regulations application for bungalow. Building Regs Approved. Completed. - **Approved**

**E/57/0427** - Planning and Building Regulations Applications for proposed bungalow and garage on plots 015 & 016, Block 094. Building Regs Approved. - **Approved**

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

**ESCC Archaeologist – No objection**

Although this application is situated on the edge of an Archaeological Notification Area, based on the information supplied it is not believed that any significant below ground archaeological remains are likely to be affected by these proposals.

**Environmental Health – No objection**

Subject to conditions relating to unsuspected contamination; hours of construction; dust suppression; and an Informative relating to waste management.

**District Services – No objection**

Waste services has no issues with the application, as long as the refuse is able to be placed at the front of the property on the kerbside for collection.

**Peacehaven Town Council – Objection**

Refusal Recommended due to concerns raised by neighbouring property and the impact on its foundations if this development goes ahead, the resident of this property has received correspondence to this effect. The neighbouring property is of historical interest being an original Peacehaven bungalow.

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

5.1 Representations have been received from 7, 11, 14 and 16 Victoria Avenue; and 103 The Promenade, objecting to the application for the following reasons:-

Building close to site boundaries  
Over-development  
Loss of amenity  
Overbearing building/structure  
Noise and disturbance  
Overlooking, loss of privacy  
Overshadowing

Parking issues  
Parking on verges will be harmful to visual amenity  
Traffic generation  
Traffic on A259  
Access for emergency vehicles  
Effect on wildlife  
Loss of trees  
Damage to foundations of adjoining properties  
Impact on drains

## **6. PLANNING CONSIDERATIONS**

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

6.2 The comments of the Town Council in relation to the impact of the proposed development on the foundations of neighbouring properties are acknowledged. However, this potential impact is not a sustainable reason to withhold planning permission. The application proposes works within the red edge of the location plan submitted, and the development, if approved, will have to adhere to the Building Regulations in order to be constructed in an appropriate manner. Provided that works are carried out by competent persons, in accordance with the Building Regulations, there is no reason to consider that the proposed works will lead to damage to neighbouring homes.

### PRINCIPLE -

6.3 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area a short distance from the A259 South Coast Road. The proposal is to replace an existing dwelling with two new dwellings and in principle this is acceptable and compliant with Spatial Policy 2 of the Joint Core Strategy because the site constitutes an unidentified infill development within the existing Planning Boundary.

6.4 The plot is wider than many others in the nearby vicinity and can accommodate more than a single dwelling unit.

6.5 The demolition of the existing bungalow is considered acceptable in principle and the building is not of Local Interest or a special historic significance. Having been built in the late 1950s, the existing bungalow is not likely to have been one of the earliest dwellings built in Peacehaven.

### DESIGN -

6.6 The height of the proposed dwellings will not be significantly different to the overall heights of the pitched roofs to the bungalows within the locality, and the ground floor eaves height will be lower than those of the adjoining properties.

6.7 The scale, form and design of the development is considered to be acceptable and the new dwellings will have a traditional style featuring a tall pitched roof and half-hip half-gable ends.

6.8 It is not considered that the visual impact of the proposals will be unacceptable or harmful to the street scene.

### AMENITY -

6.9 The application site is a wide plot within a built-up residential area. In terms of noise and disturbance, the intensification of the use of the land and the amount of domestic activities and comings and goings associated with the net increase of one single household is not likely to have a significantly adverse impact on the living conditions of neighbouring residents.

6.10 The neighbour objection citing loss of privacy is acknowledged. The entrances to the proposed dwellings will be on the side elevations, which is not uncommon for properties in Peacehaven, and these entrances will be used for the most part by residents coming in and out as opposed to spending considerable amounts of time. The ground floor W.C. and first floor bathroom windows will be obscure glazed and non-opening (up to 1.7m) in order to prevent overlooking. The only other window on the side elevation will be a kitchen window. These small windows are unlikely to cause overlooking and loss of privacy if there is a fence or wall along the boundary with the neighbouring properties. The plans submitted indicate that there will be fence or wall along the site boundaries, and a condition is recommended in order to agree the precise details, including appearance and height.

6.11 Further comments include disruption and noise during construction. The period of construction is temporary and the impact of the works during construction can be controlled by imposing a condition requiring details of a Construction Environment Management Plan. This will include the locations for the parking of contractors' plant and vehicles, the locations of storage of materials, methods for dust suppression during demolition, site security fencing, and lighting among others.

#### ACCESSIBILITY AND SUSTAINABLE TRANSPORT -

6.12 The application site is a short walk from the A259 South Coast Road through Peacehaven and along this road there are many shops and facilities including a Post Office, convenience stores and food outlets. There are also frequent bus serves along the A259 to Brighton and Eastbourne, with quick journeys to Newhaven where there is also a mainline railway station. This is considered acceptable and the application site is in a satisfactory sustainable location whereby future residents and visitors would not need to be solely reliant on private car use for their travel needs.

6.13 The application site is adjacent to the public footway along Victoria Avenue, which has safe pedestrian links up to the A259 South Coast Road and to nearby streets.

6.14 The planning application proposes 1 off-street car parking space per dwelling, and normally a minimum of 2 car parking spaces would be required. Neighbouring residents have raised concerns in respect of the development contributing to additional car parking on the surrounding streets.

6.15 However, the amount of extra vehicles parking in the street is not likely to be sufficient to be material and the proposals incorporate mitigation measures including secure cycle storage in the back garden, and benefits from being in a reasonably sustainable location with easy access to public transport. As such it is considered that a refusal of planning permission based on the shortfall of one car parking space for each of the 2 units will not be sustainable or justified in this instance.

## 7. RECOMMENDATION

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

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

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

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

2. The overall maximum height of the main roof to the semi-detached dwellings hereby permitted shall not exceed 610mm above the main ridge height of 11 Victoria Avenue, or 1.09m above the main ridge height of 7 Victoria Avenue, in accordance with approved drawing no. 1403/17 sheet 04 of 05, unless otherwise agreed in writing by the local planning authority.

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

3. Notwithstanding drawing no. 1403/17 sheet 03 of 05, no development shall take place until the details of all boundary treatments, to include the heights and materials, have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be implemented in full prior to the first residential occupation of either of the two new dwellings hereby permitted and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

6. No development, including demolition of the existing bungalow, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic

(deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

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

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

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

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors) B, D 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.

9. Prior to the first residential occupation of either of the two new dwellings hereby permitted the cycle parking facilities shown on the approved drawings (sheltered cycle parking spaces within the back garden of each property for a minimum of 2 cycle per facility) shall be provided on site. The cycle parking facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

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

10. Prior to the first residential occupation of either of the two new dwellings hereby permitted the car parking facilities shall be provided in accordance with the approved drawings and retained as such thereafter only for the parking of vehicles associated with the residents and visitors to the approved development.

Reason: In the interests of providing adequate parking provision 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.

11. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 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.

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

13. In accordance with approved drawing no. 1403/17 sheet 01 of 05 issue C, the lower sill of the rooflights on the rear roof slopes of the development hereby permitted shall not be less than 1.6m in height above internal finished floor level, unless otherwise agreed in writing by the local planning authority.

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

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

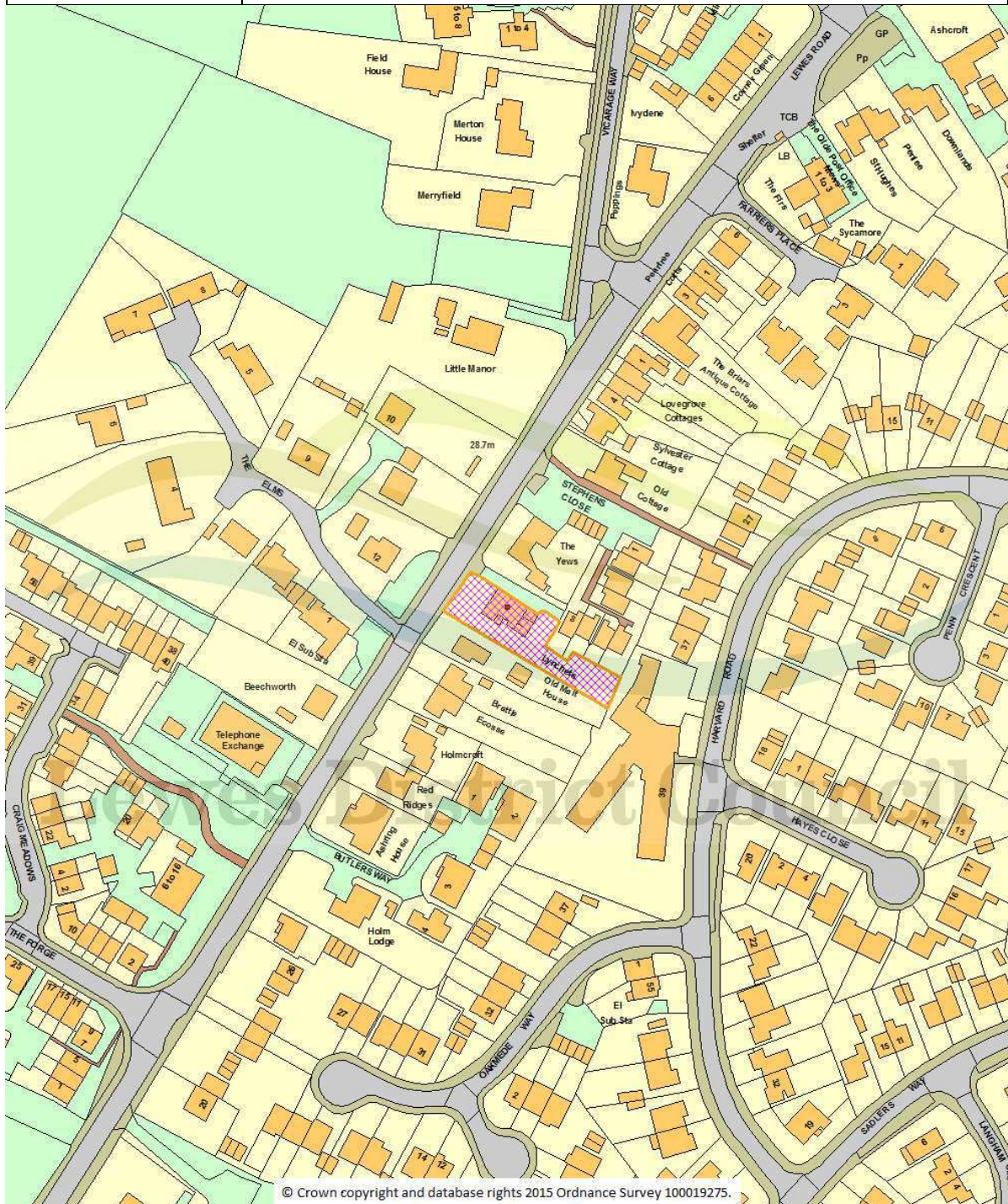
3. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>.

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Elevation(s)	14 August 2017	17 C 1 OF 5
Proposed Floor Plan(s)	14 August 2017	17 C 2 OF 5
Design & Access Statement	26 April 2017	
Location Plan	26 April 2017	1:1250
Proposed Block Plan	26 April 2017	1:500
Proposed Layout Plan	26 April 2017	17 3 OF 5
Proposed Elevation(s)	26 April 2017	17 4 OF 5
Existing Elevation(s)	26 April 2017	17 5 OF 5

<b>APPLICATION NUMBER:</b>	LW/17/0367	<b>ITEM NUMBER:</b>	<b>10</b>
<b>APPLICANTS NAME(S):</b>	Mr J Whitlock & Mr M O'Rourke	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning Application for Demolition of attached garages/study and erection of detached 3 bay car port/garage, demolition of conservatory and erection of single storey side/rear extension and internal alterations		
<b>SITE ADDRESS:</b>	Lynchets Lewes Road Ringmer East Sussex BN8 5ET		
<b>GRID REF:</b>	TQ 44 12		





## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application property is a two storey detached residential property, located on the east side of Lewes Road, Ringmer.

1.2 This area of Ringmer lies within the Ringmer Conservation Area and following consultation with the County Archaeologist it is understood that the building dates back to at least 1840, when it appears to have been an agricultural building associated with the adjacent house called The Yews. The application site sits to the south of The Yews which is a Grade II listed building. It is worth noting that The Yews and the application site share a drive which leads onto Lewes Road (B2192).

1.3 The application seeks permission for a single storey side extension and the erection of a detached car port/garage.

### **Side extension**

1.4 The proposed works would allow for the demolition of an existing conservatory and the erection of a single storey contemporarily designed extension which will have a flat roof and pre-patinated copper clad elevations. Alterations are also proposed to the south flank upper floor, with a low-pitched roof element becoming a flat roof and new windows.

### **Detached car port/garage**

1.5 The proposed detached car port/garage would sit to the rear of the property and comprise of two open fronted bays and one closed bay. The structure will have a tiled hipped roof with a rear catslide and the elevations would be timber weather-boarding.

1.6 This application is being put before members due to the application being 'called in' by Councillor Gardiner.

## 2. RELEVANT POLICIES

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

**LDLP: – RES13 – All extensions**

**LDLP: – H05 – Conservation Areas**

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

**LDLP: – RNP91 – Policy 9.1-Design, Massing and Height**

**LDLP: – RNP93 – Policy 9.3-Materials**

## 3. PLANNING HISTORY

**LW/02/1823 - Lean to conservatory to replace existing greenhouse. - Permitted Development**

**LW/83/0892 - Increase height of wall and fence. - Approved**

**LW/79/2084 - Erection of detached house and double garage. - Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Design & Conservation Officer** – The cumulative impact of aspects of the appearance of the single storey extension raises concerns. Issues that need to be more carefully considered are the extension lacking a sufficient set back from the front elevation of the dwelling, the overly large window on the front elevation the size of which relates poorly to the existing fenestration and the overly long and unbroken south-west side elevation resulting in a shipping container like character. The result is the proposed extension has an overly prominent and awkward appearance that would appear incongruous within the street scene.

A number of relatively minor amendments can be made to the proposal to address these concerns. The proposed extension needs to have a more subservient appearance, this can be achieved through a meaningful set back from the front elevation. The concern over the character of the extension can be addressed through the introduction of long, narrow, vertical windows, one or two on the north-west front elevation to replace the proposed large window and one or two on the south-west side elevation to break up the massing. Care would need to be taken with any windows on the south-west side elevation to avoid any overlooking into the windows of Old Malt House. To give more interest to the elevational details it is suggested the use of a vertical standing seam be reconsidered and alternatives, such as a horizontal standing seam, be explored.

The other aspects of the proposal do not raise concerns and are acceptable in heritage terms. As proposed the single storey side extension is unacceptable. The suggested amendments would address these concerns and allow a recommendation of approval.

**ESCC Archaeologist** – The proposed development is within an Archaeological Notification Area defining the historic core of the medieval and post-medieval village of Ringmer. Lynchets is an historic building dating back to at least 1840, when it appears to have been an agricultural building associated with the adjacent house called The Yews. Historic maps record other buildings once existed within this site.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).

**Ringmer Parish Council** – Ringmer Parish Council has no objections to the car port. However, Ringmer Parish Council would like to recommend that the surface for the proposed car port is of permeable materials. Although the Parish Council has no objections in principle to the house side extension, it requests that the Architects Design Panel be consulted about the design as it is within the Conservation Area and the Application should then go to the Planning Applications Committee.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS



None.

## 6. PLANNING CONSIDERATIONS

### POLICY ISSUES

6.1 Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise

6.2 On the basis that the application site falls within the planning boundary of Ringmer as defined by the Lewes District Local Plan there is no objection to the principle of the proposal. The main issues for consideration therefore are:

- 1) Design/visual impact on the street scene and conservation area
- 2) Impact on neighbour amenity
- 3) Access and parking arrangements

### DESIGN/VISUAL IMPACT ON THE STREET SCENE AND CONSERVATION AREA

#### **Lewes District Local Plan (LDLP) and Joint Core Strategy (JCS) Policies:**

6.3 Policies ST3 of the LDLP and CP11 of the JCS are fairly general design policies and state development should, amongst other things, respect the overall character, rhythm and layout of neighbouring buildings and the local area more generally.

6.4 Policy RES13 of the LDLP relates to domestic extensions and requires all extensions and alterations to respect the character of adjacent properties and the street scene. Furthermore the policy seeks to ensure that all extensions are subsidiary to the existing building.

6.5 Policy RES18 of the LDLP relates to garages and outbuildings and states that the scale and siting should not detract from or dominate the existing dwelling, other dwellings, the street scene or the character of the surrounding countryside.

6.6 In addition to the above mentioned policies, as mentioned above the site is located within the Lewes Conservation Area; therefore in determining any application Policy H5 of the LDLP should be taken into consideration; which amongst other things requires development to conserve or enhance the special architectural or historic character or appearance of the area and re-instate historic elements wherever possible and respect the design of the existing buildings of the area.

#### **Ringmer Neighbourhood Plan (RNP)**

6.7 One of the main objectives of the RNP is that Ringmer maintains its 'village feel'. Ringmer is a large parish with two main settlements, Ringmer village and the Broyleside, the surrounding countryside is highly valued and extensively used by residents, and includes a significant rural population.

6.8 Although there are no specific policies relating to residential extensions, the following policies are considered to be a material consideration when determining this application.

6.9 Policy 9.1, which relates to design, massing and height of buildings and states: *"New development should be of high quality and be designed to fit in with its surroundings. To achieve this, applicants should give careful consideration to the height, massing and scale of a proposal. Houses of more than two storeys are generally inappropriate in a village setting. A degree of design variety within a development is essential but it must take into account the design and detailing of adjacent buildings and the spatial, visual and historical*

*context in which it resides. This is particularly important in Character Areas 1, 2, 4 & 6, and especially within the Conservation Area or near heritage buildings. Exceptional modern design is not precluded. Development applications in Ringmer village should demonstrate how they enhance the visual integration of the village and its open spaces with the enveloping SDNP."*

6.10 The application site is located within the Ringmer Conservation Area and sits to the south of a Grade II Listed building.

6.11 Policy 9.3 relates to materials and states: *"The preferred external materials for houses are subdued red brick and tile, with roof pitches close to 45 degrees. White render or clapboard and flint walling are also acceptable but should not predominate. Dark grey slates on shallower roof pitches are also acceptable. Materials for other building types should be appropriate for their use and location"*

6.12 Ringmer Parish Council raises no objection to the proposed development, but has recommended that the hard surface area for the proposed car port is of permeable materials. The applicant has taken these comments into consideration and the proposed material for the parking area has been revised. It is now proposed to use permeable block paving instead of resin bonded gravel.

6.13 The Parish Council have also raised no objections in principle to the proposed extension; however it was requested that the Architects Advisory Panel (AAP) be consulted about the design as the site is within the Conservation Area. These comments from the parish council are noted; however at the time of this request there was no meeting scheduled because there were no other applications that warranted comments from the AAP and to call a special meeting for what is essentially a householder development would be unjustified. The case officer considered the option of waiting until such time that other applications might be considered by the AAP, however this would essentially delay the determination of this application indefinitely, which is also considered unjustified. Notwithstanding this, the comments of the Councils Design and Conservation Officer are considered sufficient with regard to the proposals impact on the conservation area.

#### **Impact on the Conservation Area**

6.14 Policy H5 of the Lewes District Local Plan states that the design of new buildings in Conservation Areas needs very careful consideration. Through the skilful design of new buildings to respect their setting, old and new buildings can be woven into the fabric of the living and working community. The most interesting streets in the urban and rural Conservation Areas include a variety of building styles, materials and forms of construction, built in many different historical periods. However, through the scale, height, massing, alignment, materials and landscaping the buildings harmonise into a pleasing group. New buildings, therefore, do not need to copy their neighbours in detail, providing they follow these architectural principles.

6.15 The comments received from the Councils Design and Conservation Officer confirms that the principle of the development (namely the single storey side extension) is considered acceptable; however the cumulative impact of aspects of the appearance of the extension raised concerns. More specifically it is considered that the extension lacks a sufficient set back from the front elevation of the dwelling, concerns were raised regarding the overly large window on the front elevation (which relates poorly to the existing fenestration) and it is considered that the overly long and unbroken south-west side elevation results in a shipping container like character. As a result the proposed extension has an overly prominent and awkward appearance that would appear incongruous within the street scene.

6.16 A number of relatively minor amendments have been recommended, which could address the above mentioned concerns. These amendments included: a meaningful set back from the front elevation, alterations to the fenestration and alterations to the cladding to lessen the appearance of a 'shipping container'

6.17 Following negotiations the applicant submitted amended plans which include the following:

- 1 - The extension has been set back from the existing front elevation by approximately 1.5m
- 2 - The copper standing seam cladding has a horizontal arrangement (the final detailing of the cladding could be dealt with by a pre-commencement condition if the development is approved)
- 3 - The fenestration has been amended to include one vertical slot window on the front of the proposed extension, a corner window and another slot window on the side elevation of the proposed extension

### **Design, Scale, Layout and Visual Impact**

6.18 Core Policy 11 of the JCS seeks to ensure that all new development respects and where appropriate positively contributes to the character and distinctiveness of the district's unique built and natural heritage. Development is also expected to respond sympathetically to the site and its local context and to be well-integrated in terms of access and functionality with the surrounding area. These objectives are also reflected in Policy ST3 of the existing Local Plan.

6.19 The dwellings along this stretch of Lewes Road have a mixed character, with a number of properties benefiting from modest single storey additions; therefore the introduction of a modest single storey side extension is considered acceptable in principle.

6.20 Policy RES13 of the LDLP requires extensions to be subservient to the main dwellinghouse. Although the proposal is for a single storey extension, therefore will not be as dominant as a two storey extension, the original submission lacked a sufficient set back from the front elevation of the original dwelling, this together with the overly long and unbroken south-west elevation would have appeared incongruous within the street scene.

6.21 Following the submission of amended plans and discussions with the Councils Design and Conservation Officer it is considered that the proposed amendments address the original concerns raised and that the amended scheme can be supported subject to some conditions relating to materials.

### NEIGHBOUR AMENITY

6.22 The proposed extension will be set in from the side boundary by at least 1m to the rear of the extension and at least 1.8m to the front of the extension. The nearest neighbour to the south of the application site is Old Malt House.

6.23 Although the revised scheme would allow for a slot window to be located on the side elevation of the extension and therefore face towards the neighbouring property (Old Malt House), this window is narrow and will be set in from the shared boundary by at least 1.5m. Notwithstanding this the neighbouring dwelling is set in from the boundary by at least 5m, therefore the proposed window is considered to have an acceptable separation distance to avoid any direct overlooking.

6.24 The proposed extension is single storey and will not overshadow the neighbouring property nor will it appear dominant or overbearing.

### ACCESS AND PARKING

6.25 Access to the site is off the Lewes Road (B2192) which is the principal road serving Ringmer village and the Broyleside, this road runs from the A26 at Earwig Corner through Ringmer village and the Broyleside north-eastwards towards Heathfield and the Weald.

6.26 The proposed development does not seek to alter the existing access arrangements; however permission is sought to alter the existing parking arrangements.

6.27 The application seeks consent to erect a detached timber framed car port/garage to the rear of the site. The proposed garage is not visible from the public realm, therefore will have no impact on the existing street scene or the wider conservation area.

6.28 The detached garage will be situated close to the rear fence; however the addition of a catslide roof reduces the structures prominence when viewed from 8 Stephens Close. For this reason the proposed car port/garage is not considered to have an adverse impact on the amenities of the occupiers of 8 Stephens Close.

### CONCLUSION

6.29 The proposed works have been well designed ensuring that the new extension does not appear dominant or out of keeping with the existing street scene. The works are not considered to have a detrimental impact on the visual and residential amenities of the surrounding area.

## **7. RECOMMENDATION**

Planning permission is granted

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

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

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

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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

### **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.

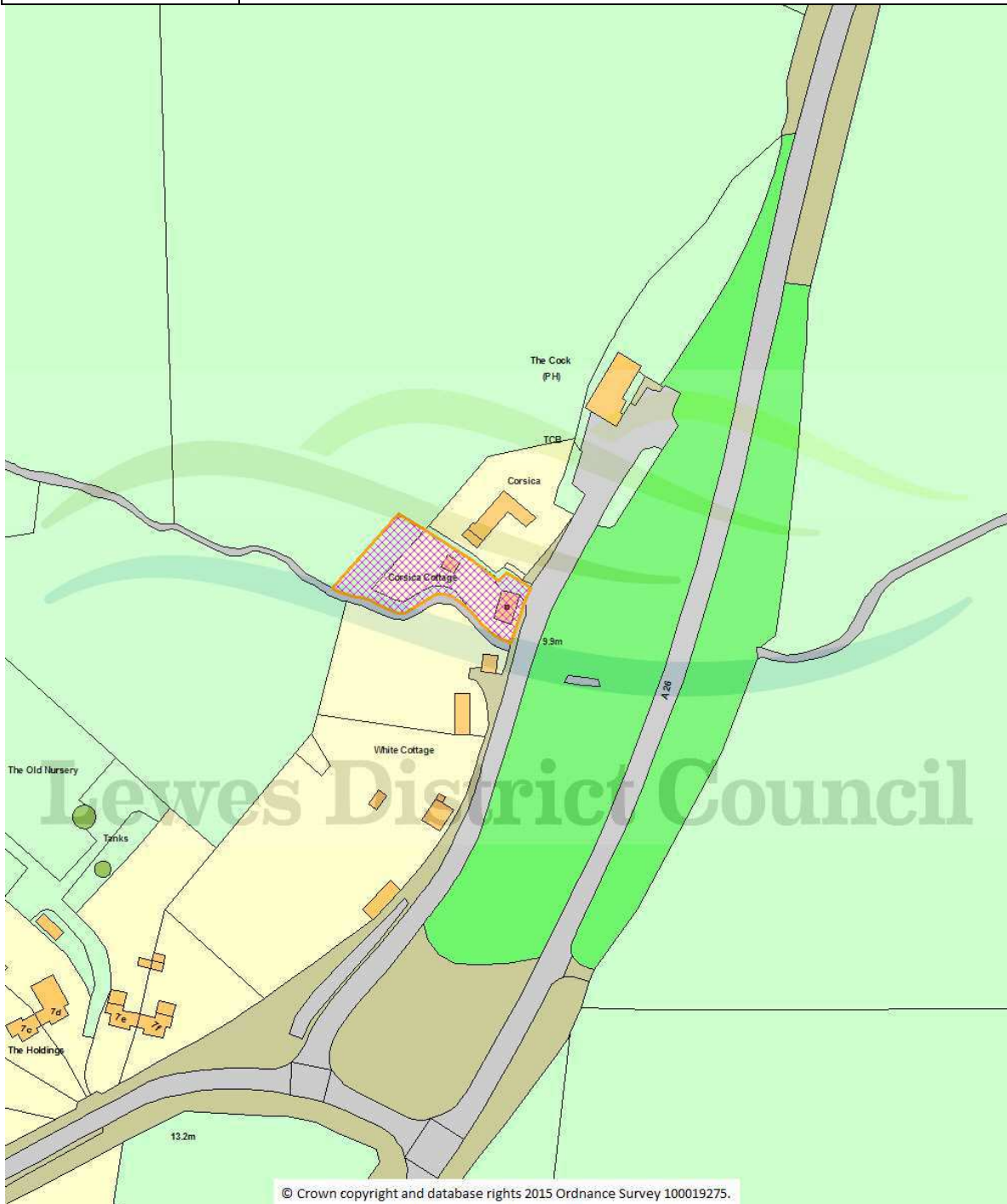
2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.aspx>

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	23 August 2017	10 REV:B
Proposed Layout Plan	23 August 2017	09 REV:A
Proposed Elevation(s)	21 August 2017	13 REV:A
Proposed Floor Plan(s)	21 August 2017	11 REV:A
Proposed Block Plan	21 August 2017	02 REV:A
Proposed Roof Plan	21 August 2017	12 REV:A
Proposed Elevation(s)	21 August 2017	14 REV:A
Location Plan	2 May 2017	01
Existing Layout Plan	2 May 2017	03
Existing Floor Plan(s)	2 May 2017	04
Existing Floor Plan(s)	2 May 2017	05
Existing Roof Plan	2 May 2017	06
Existing Elevation(s)	2 May 2017	07
Existing Elevation(s)	2 May 2017	08
Proposed Elevation(s)	2 May 2017	15
Proposed Floor Plan(s)	2 May 2017	15
Proposed Roof Plan	2 May 2017	15
Additional Documents	2 May 2017	MATERIAL SPECIFICATIONS
Additional Documents	2 May 2017	MATERIAL SPECIFICATIONS
Additional Documents	6 July 2017	HERITAGE SIGNIFICANCE



<b>APPLICATION NUMBER:</b>	LW/17/0601	<b>ITEM NUMBER:</b>	<b>11</b>
<b>APPLICANTS NAME(S):</b>	Mr & Mrs Pilfold	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning Application for Section 73A retrospective application for change of use from agricultural to residential land		
<b>SITE ADDRESS:</b>	Corsica Cottage Old Uckfield Road Ringmer East Sussex BN8 5RX		
<b>GRID REF:</b>	TQ 43 13		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 Corsica Cottage is a detached dwelling situated on Old Uckfield Road to the north-west of the A26. It enjoys a rural location, with footpath 2b running along the north-eastern boundary behind a 2m close board fence, open fields to the north-west, and the Norlington Stream to the south-western boundary. Planning permission has recently been granted for the erection of a detached, timber annexe in the rear garden (LW/17/0006).

1.2 This planning application seeks retrospective consent for the continued use of an area of land to the rear as an extension to the existing garden. It falls to be determined by the Planning Committee as the applicant is related to a Lewes District Council employee.

## 2. RELEVANT POLICIES

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

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

## 3. PLANNING HISTORY

**LW/17/0006** - Erection of a detached annexe - **Approved**

**LW/00/1309** - Section 73A Retrospective application for continued change of use from agricultural to garden - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Ringmer Parish Council** – No objections.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

## 6. PLANNING CONSIDERATIONS

6.1 The land in question measures some 10m deep by 33m wide at the end of the existing garden, and forms a narrow band to the south of the plot. It has been fenced off from the field to the rear by simple post and rail fencing, and the post and rail fence between the existing garden and the additional land still remains. There is no evidence of domestic paraphernalia on the site, but a bed for flower/vegetable growing has been dug out.

6.2 As part of a previous application submission the applicant had submitted a receipt for the purchase of the land dated 1st July 2011 and an invoice for the erection of post and rail fencing dated 26th December 2011. Although the fencing receipt is not accompanied by information directly relating to the separation of the land in question from the field, aerial photographs dated 2012, and contained within Lewes District Council's mapping system, clearly show the fencing works had been carried out and this area of land has been subsumed within the curtilage of Corsica Cottage.

6.3 It is clear that this parcel of land has been separated from the adjoining field for several years, and during this time no complaints or issues have been raised. In fact, this change of use was only revealed during the site visit for a planning application for a detached timber annexe (LW/17/0006 - Approved 19th May 2017). The Parish Council have raised no objections to the proposal.

6.4 Although encroaching on the large area of agricultural land to the rear, the modest dimensions of the site, simple timber post and rail fence and the lack of domestication means there is no demonstrable harm to the character of the landscape. The future use of the land can be controlled by way of a restrictive condition to remove permitted development rights relating to the erection of sheds and other outbuildings (Class E, Part 1 of the General Permitted Development Order 2015), and this is recommended. As a result, the proposal is considered to be in accordance with Policy ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan.

**7. RECOMMENDATION**

That planning permission be granted.

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

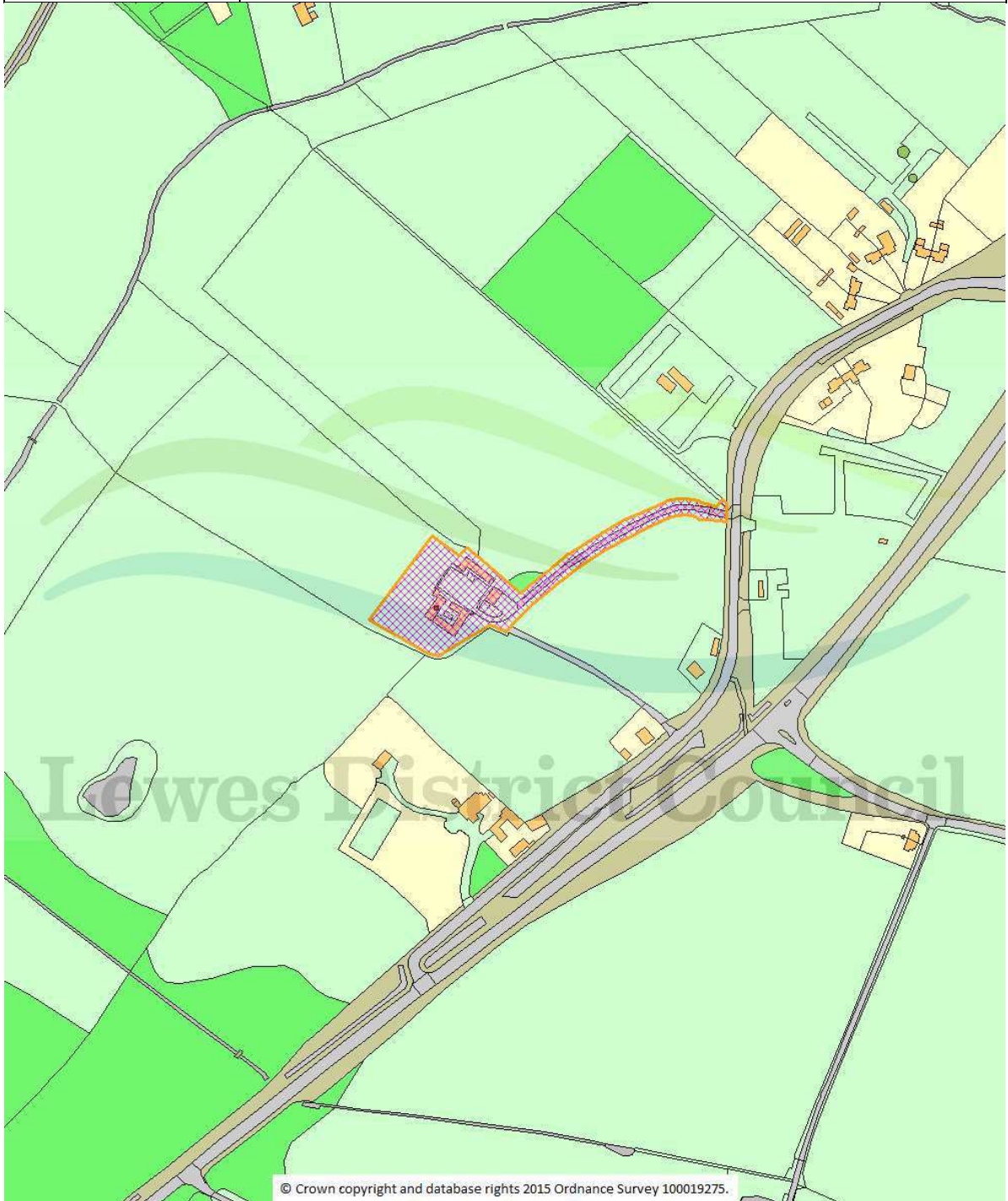
1. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 Classes E and F of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policies ST3 and CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	7 July 2017	LAND FEE DOC
Additional Documents	7 July 2017	WORK FEE DOC
Design & Access Statement	7 July 2017	
Location Plan	7 July 2017	PL3
Proposed Block Plan	7 July 2017	PL3

<b>APPLICATION NUMBER:</b>	LW/17/0598	<b>ITEM NUMBER:</b>	<b>12</b>
<b>APPLICANTS NAME(S):</b>	Scott	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning Application for Provision of six parking spaces		
<b>SITE ADDRESS:</b>	Meadow Business Centre Old Uckfield Road Ringmer East Sussex		
<b>GRID REF:</b>	TQ 43 13		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is on the western side of the old Uckfield Road just off the A26. The site is accessed by a private gated drive which only serves the application site. The site consists of former single storey agricultural buildings which have been converted into business units.

1.2 The proposal is to lay out 6 formal parking spaces on the northern side of the access road close to the business centre.

1.3 The application was called in for consideration by the Committee by Councillor Gardiner due to concern over potential impact on the countryside.

## 2. RELEVANT POLICIES

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

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

**LDLP: – RNP96 – Policy 9.6-Hard and Soft Landscaping**

## 3. PLANNING HISTORY

**LW/17/0365** - Provision of parking - **Withdrawn**

**LW/12/0847** - Installation of two windows in west elevation set within original blind openings - **Approved**

**LW/06/0562** - Conversion of Building B to one office unit - **Approved**

**LW/01/2011** - Change of use of existing traditional agricultural buildings to B1 use to include new access - **Approved**

**LW/01/0271** - Change of use of agricultural buildings to B1 Business Use to include alteration to access - **Refused**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Ringmer Parish Council** – Ringmer Parish Council's comments when considering the opposed prior under planning ref: LW/17/0365 Meadow Business Centre Old Uckfield Road Ringmer BN8 5RW remain unchanged as there appears to be no material difference. Ringmer Parish Council recommends refusal of this application and suggest that an alternative to the proposed is sought. Members consider that the provision of parking will impact on the rural landscape and create a line of cars which is not in keeping with the countryside feel. The proposed may cause detriment to the public footpaths to the north and south of the area. If the Officer is minded to approve this application the Council would like to request it be called into the Planning Applications Committee.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

No neighbour representations received.

## 6. PLANNING CONSIDERATIONS



6.1 Planning permission was granted in 2002 (LW/01/2011) for the change of use of the existing traditional agricultural buildings to B1 use to include a new access which linked the site to the Uckfield Road to the north east of the site. The original access to the farm buildings accessed the Uckfield Road adjacent to Lower Barn Cottage and was closed off. The permission resulted in the demolition of some of the buildings leaving 414sq.m of commercial floorspace. A total of 16 car parking spaces were provided, located within the main courtyard, 9 spaces originally proposed for the perimeter of the site were relocated within the courtyard. The current number of spaces provided on the site is 21.

6.2 The existing access road to the site is single track with a soft verge on either side which, being at the same level as the road, permits vehicles to pass safely. The business centre is well used with full occupancy by a number of different businesses, which has created a demand for more parking. The current proposal is seeking permission to create 6 formal parking spaces in the form of a layby on the northern side of the access road. The layby would be 40m long and have a width of 2.5m and would be situated on the grass verge on the northern side of the access road. It is proposed to landscape the southern side of the grass verge on the southern side of the track with additional hedge planting to break up the visual impact of the parked vehicles.

6.3 The nearest residential properties (Lower Barn Farmhouse, Lower Barn Cottage and Park Gate) are located approximately 130m to the south east along the old Uckfield Road. A public footpath (numbered 1) runs north west to south east and passes to the south of the site, whilst footpath 7a runs on a similar alignment 150m to the north east.

6.4 Whilst every effort has been made to contain the development within the confines of this small group of buildings, the success of the businesses has necessitated the need to provide more dedicated parking. This proposal has been reduced from 8 (submitted as an earlier application but withdrawn). It is located close to the built form of the business centre without spreading unduly into the countryside. The additional landscape hedge will help to break up the visibility of the parked vehicles.

6.5 It is not considered that the proposed parking area would have a detrimental impact on the character or amenity of the surrounding countryside and is therefore considered acceptable.

## **7. RECOMMENDATION**

7.1 That planning permission is granted.

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

1. No development shall take place until full details of the landscaping to the southern side of the access road as shown on the approved block plan (April 2017) have been submitted to and approved in writing by the Local Authority and the parking area shall not be brought into use until the landscaping works as approved have been implemented.

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

### **INFORMATIVE(S)**

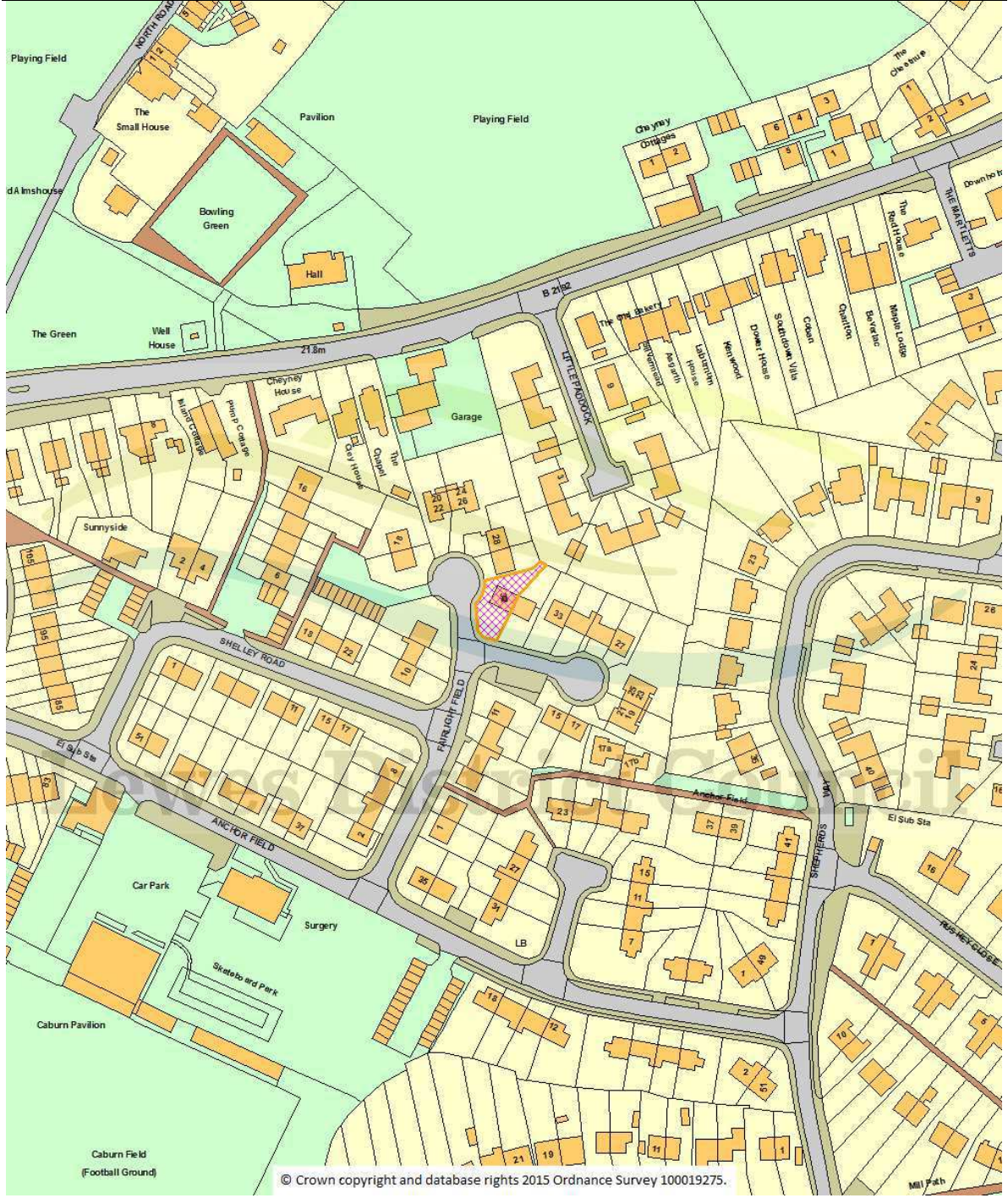
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to

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	6 July 2017	
Proposed Block Plan	6 July 2017	
Proposed Layout Plan	6 July 2017	
Location Plan	6 July 2017	

<b>APPLICATION NUMBER:</b>	LW/17/0542	<b>ITEM NUMBER:</b>	<b>13</b>
<b>APPLICANTS NAME(S):</b>	Mr & Mrs Mouland	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning Application for Proposed front porch and internal alterations		
<b>SITE ADDRESS:</b>	32 Fairlight Field Ringmer East Sussex BN8 5QP		
<b>GRID REF:</b>	TQ 44 12		



## **1. SITE DESCRIPTION / PROPOSAL**

1.1 The application property is a semi-detached dwelling located on the eastern side of Fairlight Field and on the northern arm of a short cul-du-sac which consist of semi-detached and terraced houses.

1.2 The proposal is to enlarge an existing entrance porch. The application has been submitted to the Committee for consideration as the applicant is a member of staff.

## **2. RELEVANT POLICIES**

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

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

**LDLP: – RES13** – All extensions

**LDLP: – RNP91** – Policy 9.1-Design, Massing and Height

## **3. PLANNING HISTORY**

None.

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

**Ringmer Parish Council** – to be reported.

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

No neighbour representations received.

## **6. PLANNING CONSIDERATIONS**

6.1 The existing porch measures 0.8 x 2.2m and 3.2m high, with a mono pitch roof which pitches back to the dwelling. The proposed porch would measure 2.9 x 2.7m and be 3.4m high with a pitch roof with a full hip to the south. With brick walls and a clay tiled roof, the materials as well as the design will match the existing dwelling as well as a similar porch which has been constructed on the adjacent dwelling at number 35.

6.2 The proposal is considered to respect the proportions of the main dwelling and would balance the appearance by matching the existing porch on the adjacent dwelling. There would be no detrimental impact on residential amenity or the wider street scene.

## **7. RECOMMENDATION**

7.1 That planning permission is granted.

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

1. The development hereby approved shall be finished in external materials to match those used in the existing building.

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



## INFORMATIVE(S)

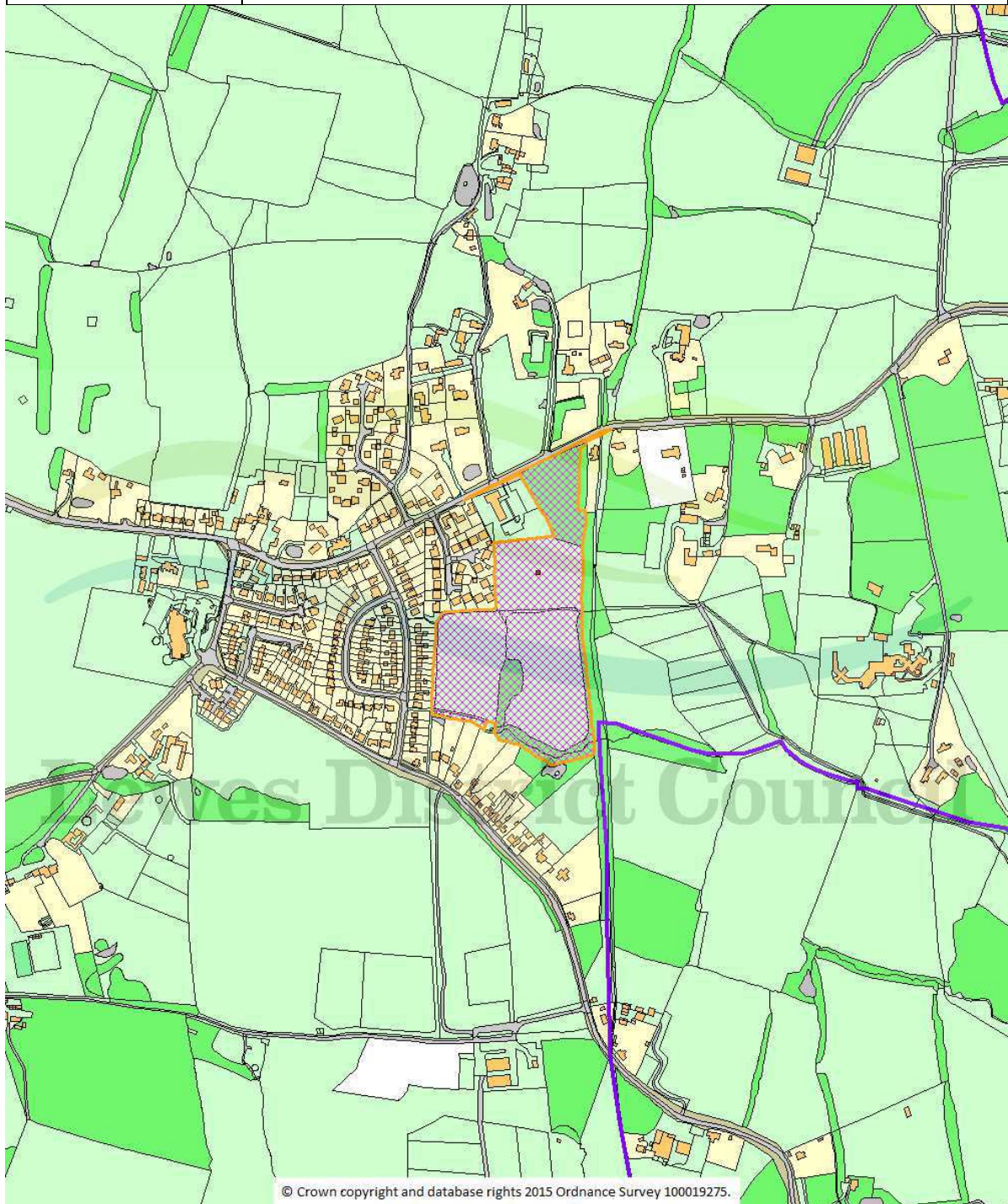
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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	23 June 2017	
Existing Floor Plan(s)	23 June 2017	PL1 A
Existing Elevation(s)	23 June 2017	PL1 A
Existing Layout Plan	23 June 2017	PL1 A
Existing Block Plan	23 June 2017	PL1 A
Location Plan	23 June 2017	PL1 A
Proposed Floor Plan(s)	23 June 2017	PL2 C
Proposed Elevation(s)	23 June 2017	PL2 C
Proposed Layout Plan	23 June 2017	PL2 C
Proposed Block Plan	23 June 2017	PL2 C
Location Plan	23 June 2017	PL2 C



<b>APPLICATION NUMBER:</b>	LW/17/0264	<b>ITEM NUMBER:</b>	<b>14</b>
<b>APPLICANTS NAME(S):</b>	Amicus Horizon	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Modification of Planning Obligation for Application to vary Section 106 planning obligation attached to planning approval LW/13/0720 (Erection of up to 75 two, three and four bedroom dwellings to include affordable housing, access and public open space)		
<b>SITE ADDRESS:</b>	Land Adjoining North Common Road Wivelsfield Green East Sussex		
<b>GRID REF:</b>	TQ 35 19		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 In 2013 an application (LW/13/0720) was submitted to the provision of up to 75 two, three and four bedroom dwellings to include affordable housing, access and public open space. Following refusal by the planning committee the decision an appeal was lodged which was upheld and permission granted on 17 November 2014. Development is nearing completion on site.

## 2. RELEVANT POLICIES

**LDLP: – CP1 – Affordable Housing**

## 3. PLANNING HISTORY

**LW/15/0752** - Erection of 75 dwellings: reserved matters relating to appearance, landscaping, layout and scale - **Approved**

**LW/14/0454** - Erection of 30 x two, three and four bedroom dwellings to include affordable housing, access and public open space. - **Refused**

**LW/13/0720** - Erection of up to 75 two, three and four bedroom dwellings to include affordable housing, access and public open space - **Refused**

**LW/03/1991** - Outline Application for a mixed use development to provide land for educational purposes (primary school), community facilities and residential development together with associated access. - **Refused**

**LW/91/0745** - Outline application for proposed housing development. - **Refused**

**LW/90/0625** - Outline application for housing development. - **Refused**

**LW/80/1794** - Outline Application for residential development. - **Refused**

**LW/80/1790** - Outline Application for residential development. (Address Continues) And Land Adjoining North Common Road And Site of The Old Cottage, Redwood and Twin Pines North Common Road. - **Refused**

**E/72/0288** - Outline Application for residential development. - **Refused**

**E/71/0633** - Outline Application for erection of houses and bungalows and laying of roads and services. - **Refused**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Wivelsfield Parish Council** – At its meeting of 8 May, Wivelsfield Parish Council resolved to object to this application as it feels that the content of the original Section 106 Agreement should be honoured.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

Not applicable.

## 6. PLANNING CONSIDERATIONS

6.1 An application seeking a Deed of Variation (DoV) to the original legal agreement has been submitted which is seeking to cover a number of alterations to the agreement which would allow greater flexibility to source development finance. Officers are satisfied that the negotiated DOV provides adequate controls to ensure that the on-site affordable housing is retained as affordable housing.

6.2 There are no proposed changes to the number or mix of affordable units already agreed with the Council's Housing Manager, and which are clearly set out within the S106 agreement.

6.3 The comments from the Parish Council have been noted. However there would be no changes to the number or mix of affordable units already agreed with the Council's Housing Manager, and which are clearly set out within the S106 agreement, and therefore the objectives of the S106 agreement as originally agreed will be honoured and remain.

## 7. RECOMMENDATION

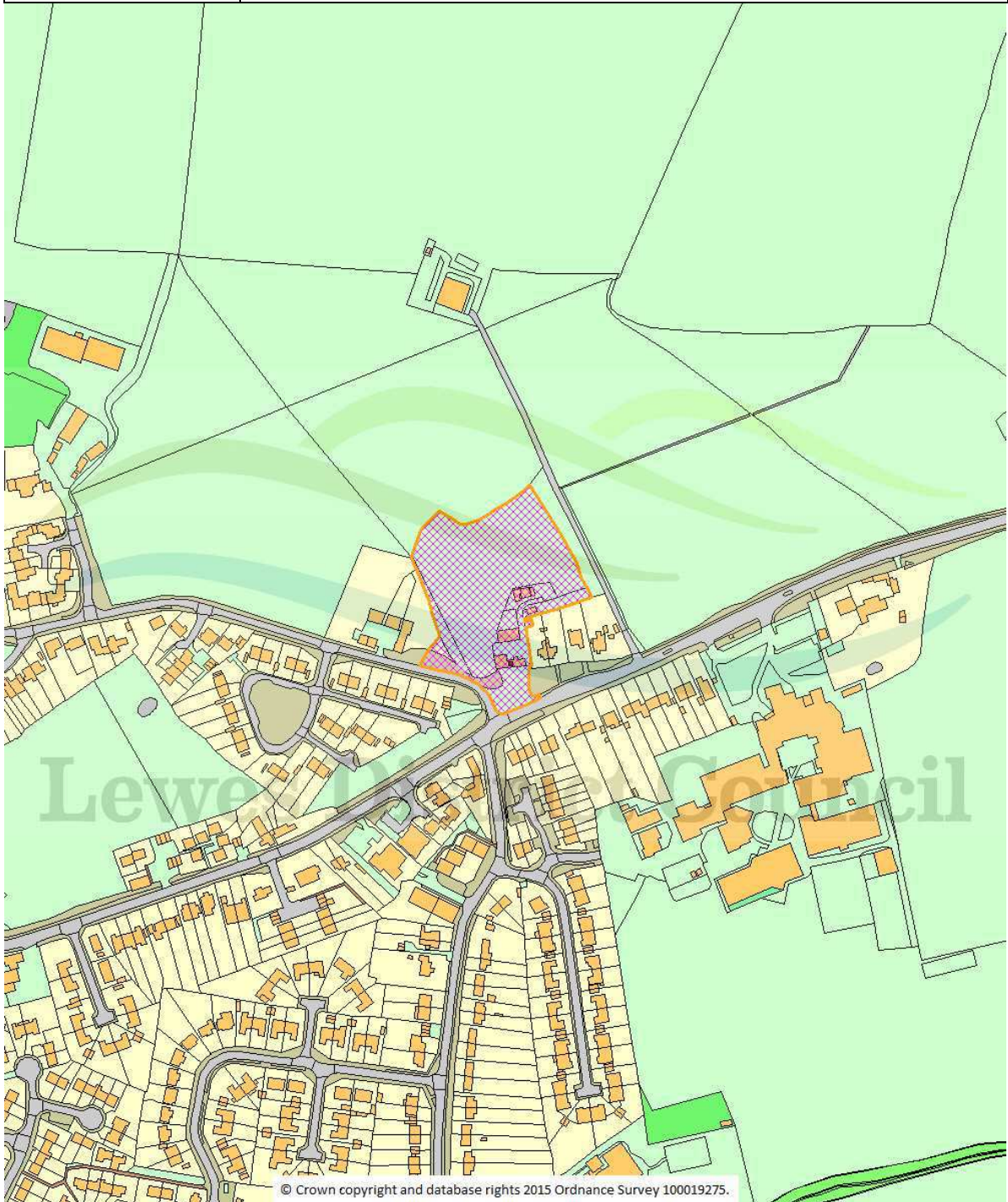
The application for the DoV is therefore recommended for approval.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	22 March 2017	AGREEMENT
Location Plan	22 March 2017	
Additional Documents	18 April 2017	DETAILS OF VARIATION
Additional Documents	18 April 2017	DRAFT DEED OF VARIATION



<b>APPLICATION NUMBER:</b>	LW/17/0262	<b>ITEM NUMBER:</b>	<b>15</b>
<b>APPLICANTS NAME(S):</b>	Amicus Horizon	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Modification of Planning Obligation for Application to vary the Section 106 agreement of outline planning application LW/15/0318		
<b>SITE ADDRESS:</b>	The Forge Lewes Road Ringmer East Sussex BN8 5NB		
<b>GRID REF:</b>	TQ 45 12		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 In 2015 an application (LW/15/0318) was submitted to the Local Planning Authority for the development of this site with 21 new dwellings comprising 8 affordable dwellings and 13 open-market dwellings, including 6 x 3-bed open market houses, 7 x 4-bed open market houses, 5 x 2-bed affordable houses and 3 x 1-bed affordable flats, plus associated garaging/parking, formation of new access road onto Bishops Lane, a single-storey front extension to The Forge pine shop, demolition of ancillary buildings associated with The Forge located to the rear and layout of the extensive forecourt area for parking, circulation and amenity.

1.2 The application was approved on 11th November 2015, subject to a Section 106 Agreement, and the reserved matters in relation to the application were subsequently approved under application LW/16/0177.

## 2. RELEVANT POLICIES

**LDLP: – CP1 – Affordable Housing**

**LDLP: – RNP62 – Policy 6.2-Affordable Units**

## 3. PLANNING HISTORY

**LW/16/0979** - Installation of sustainable drainage attenuation basin - **Approved**

**LW/16/0921** - Section 73A retrospective application for the retention of a non illuminated sign measuring 2440mm x 1220mm - **Approved**

**LW/15/0318** - Erection of a residential development of 21 new dwellings comprising 8 affordable dwellings and 13 open-market dwellings, including 6 x 3-bed open market houses, 7 x 4-bed open market houses, 5 x 2-bed affordable houses and 3 x 1-bed affordable flats, plus associated garaging/parking, formation of new access road onto Bishops Lane, a single-storey front extension to The Forge pine shop, demolition of ancillary buildings associated with The Forge located to the rear and layout of the extensive forecourt area for parking, circulation and amenity - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Ringmer Parish Council** – Ringmer Parish Council does not object to the variation of the Section 106 agreement on the proviso that the 8 affordable houses originally proposed are retained and delivered. Members would object to this if the affordable houses were to change.

Ringmer Parish Council would like to request that District Councillor Peter Gardiner calls this application in, so that Members of the Planning Applications Committee are made aware of the amendment so that it is guaranteed that the affordable houses will be delivered.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

## 6. PLANNING CONSIDERATIONS



6.1 An application seeking a Deed of Variation (DoV) to the original legal agreement has been submitted which is seeking to cover a number of alterations to the agreement which would allow greater flexibility to source development finance. Officers are satisfied that the negotiated DOV provides adequate controls to ensure that the on-site affordable housing is retained as affordable housing.

6.2 There are no proposed changes to the number or mix of affordable units already agreed with the Council's Housing Manager, and which are clearly set out within the S106 agreement. The objectives of the S106 agreement as originally agreed will therefore be honoured and remain.

## 7. RECOMMENDATION

7.1 The application for the DoV is therefore recommended for approval.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	22 March 2017	1:1250
Additional Documents	22 March 2017	LAND AGREEMENT
Additional Documents	18 April 2017	DETAILS OF VARIATION
Additional Documents	18 April 2017	DRAFT DEED OF VARIATION

**Agenda Item No:** 16 **Report No:** 122/17  
**Report Title:** Outcome of Appeal Decisions on 8<sup>th</sup> August 2017 and 18<sup>th</sup> August 2017  
**Report To:** Planning Applications Committee **Date:** 20<sup>th</sup> September 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](mailto:Steve.howe@lewes.gov.uk) and [Andrew.hill@lewes.gov.uk](mailto:Andrew.hill@lewes.gov.uk)  
**Tel No(s):** (01273) 471600

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

<p>Sharpsbridge Farm, Sharpsbridge Lane, Newick, TN22 3XG</p> <p><b>Description:</b></p> <p><i>Proposed change of use of Agricultural Building to three Dwellinghouses (Class C3)</i></p>	<p><b>Application No:</b> LW/16/0793</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p><b>Decision:</b> 18<sup>th</sup> August 2017</p>
<p>5 Barnfield Gardens, Ditchling, BN6 8UE</p> <p><b>Description:</b></p> <p><i>Section 73A Retrospective application for the replacement of garden shed</i></p>	<p><b>Application No:</b> SDNP/16/04862/FUL</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p><b>Decision:</b> 18<sup>th</sup> August 2017</p>

Robert Cottrill  
 Chief Executive of Lewes District Council and Eastbourne Borough Council



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# Appeal Decision

Site visit made on 25 July 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 18 August 2017

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**Appeal Ref: APP/P1425/W/17/3170756**

**Sharpsbridge Farm, Sharpsbridge Lane, Piltdown, Uckfield, East Sussex TN22 3XG**

- 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 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr & Mrs A Bone against the decision of Lewes District Council.
  - The application Ref LW/16/0793, dated 12 September 2016, was refused by notice dated 23 November 2016.
  - The development proposed is the change of use of an agricultural building to three dwellinghouses (Class C3).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The dispute concerns three of the requirements listed in paragraph Q.1 of the 2015 Order for permitted development rights under Class Q. In addition, prior approval has been refused for one matter in paragraph Q.2 (1) of the Order.
3. Consequently, the main issues in this case are:
  - whether the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, if vacant on that date when last in use, or if brought into use after that date for a period of at least ten years;
  - whether the total floor space of the existing building changing use exceeds 450 square metres;
  - whether the building operations necessary for the building to function as three dwellinghouses amount to a conversion or exceed those permitted;
  - and, if these requirements are met, whether prior approval should be given due to the contamination risks on the site<sup>1</sup>.

## Reasons

### *Agricultural use*

4. It is a fundamental requirement for permitted development under Class Q that the building concerned is an agricultural building that meets the detailed

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<sup>1</sup> The requirements in paragraphs Q.1 (a), Q.1 (b), Q.1 (i) and Q.2 (1) (c) of the 2015 Order respectively.

eligibility criteria under paragraph Q.1(a). In this case the building is a long chicken shed, one of three operated as part of an agricultural enterprise by Grampian Chicken until about 2004 after which the appellant bought the site. The appellant states that the building and surrounding land was then leased out to another person until the end of 2010 for use by sheep and the storage of hay/straw, after which the building was kept vacant until a new storage use commenced a year or so ago, well after 20th March 2013.

5. When the Council's officer visited the building during Autumn 2016 it was partly being used to store a number of cars (vintage/limousine/wedding types) and building materials (brick, tiles, paints, scaffolding, timber etc). Several photos submitted by the Council corroborate these storage uses. The site visit carried out for the appeal in July 2017 confirmed a similar position, namely that most of the building was empty but there was some non-agricultural storage of cars and building materials taking place.
6. Given this planning history it is not clear whether the use of the building between 2004 and 2010 was for agricultural purposes *as part of an established agricultural unit*. This would depend on the nature of the agricultural operation undertaken by the user of the building and the terms of the lease about which no details are provided. Whilst relevant, the Council have not investigated this issue and it does not form part of their case.
7. In any event, since at least Autumn 2016, the building has developed in part a non-agricultural storage use. Probably unwittingly, this has superseded the status of the building as at 20th March 2013 whether or not the building was fully vacant on that date and whether or not the previous agricultural use was as part of an established agricultural unit. Now that the building is clearly not solely in agricultural use the permitted development rights under Class Q do not apply. The position as at 20th March 2013 does not secure and preserve those rights regardless of the later use of the building.

#### *Floor space*

8. The chicken shed is large, about 1,210 sq m in size, which exceeds the limit of 450 sq m for the floor space of the existing building (or buildings) changing use under Class Q within a single agricultural unit. However, the proposal is to demolish much of the building to leave three identical smaller buildings for subsequent residential use. Each detached dwelling would have a floor area of 146 sq m, totalling 438 sq m in all, which would be within the 450 sq m limit.
9. The Council argue that the size of the existing building exceeds the 450 sq m limit and thus the Class Q rights do not apply. However, Article 2(1) of the 2015 Order makes clear when interpreting the order that the term 'building' includes 'any part of a building'. The proposal to demolish much of the building to bring it within the 450 sq m limit therefore satisfies this requirement for permitted development rights to apply under Class Q<sup>2</sup>.

#### *Building operations*

10. The existing chicken shed building is about 110 m long by 11 m wide and is system built with a series of timber frames at three metre intervals along the barn, each with twin upright posts internally. The external walls are of

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<sup>2</sup> In the precedent quoted by the Council, appeal ref. APP/L3245/W/15/3097735, the Inspector seems to have erred in this respect.

blockwork with timber cladding above and the roofs of corrugated asbestos sheeting supported by timber purlins which span between the timber frames.

11. The proposal is to demolish two intervening sections of the building to create three separate structures on the same alignment with gaps between. All the external walls of the building would also be demolished and new external walls constructed for the dwellings within the footprint of the building but unrelated to the framework of upright posts which would be retained. The new external walls would be of timber cladding and the existing pitched roofs replaced with aluminium insulated panels.
12. The application was accompanied by a letter from Dixon Hurst Structural Engineers dated 17th May 2016 which concluded that the building is "suitable for conversion for residential usage without major building or intrusive strengthening". However, the letter does not refer to the designs prepared by Atelier Six Architects which are dated July 2016 and involve the construction of new exterior walls. In the absence of detailed structural drawings and associated calculations relating to the actual design proposed it has not been clearly demonstrated that the retained timber frame would be structurally strong enough to support the external works<sup>3</sup>. Further structural roof timbers may be required and the new outside walls may involve new structural elements to support the external timber cladding which is proposed.
13. In any event, the building operations necessary for the building to function as three dwellings would be excessive. Nearly two thirds of the building would be demolished with external walls, windows and doors erected in new positions and a replacement roof. The building would be unrecognisable in its present form and the only elements which would be retained would be part of the concrete floor and timber frame. Notwithstanding that the installation and replacement of windows, doors, roofs and exterior walls are included in the description of permissible works under Class Q, the necessary works in this case would go well beyond what could reasonably be described as a conversion of the building. This is a prerequisite for the permitted development right to apply. The works would amount to three substantially rebuilt structures and this significantly exceeds the extent of works permissible under Class Q<sup>4</sup>.

#### *Contamination*

14. In view of the conclusions reached above this issue does not need to be addressed in this appeal decision.

#### **Conclusion**

15. The proposal would not meet requirements Q.1 (a) and Q.1 (i) of the 2015 Order for permitted development rights under Class Q. The appeal should therefore be dismissed.

*David Reed*

INSPECTOR

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<sup>3</sup> Planning Practice Guidance Paragraph 015 reference ID:13-105-20150305 makes clear that the permitted development right does not include the construction of new structural elements for the building.

<sup>4</sup> The Council referred to *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* 2016 EWHC 2853 (Admin) which had some similarities.





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## Appeal Decision

Site visit made on 14 August 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 18<sup>th</sup> August 2017

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### **Appeal Ref: APP/Y9507/W/17/3170839 5 Barnfield Gardens, Ditchling BN6 8UE**

- 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 Matthew Woods against the decision of South Downs National Park Authority.
  - The application Ref SDNP/16/04862/FUL, dated 25 September 2016, was refused by notice dated 20 December 2016.
  - The development proposed was originally described as a: "garden shed, made from wood, replaces a dilapidated shed in the same location. Design uses the same materials as the surrounding fences".
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### **Decision**

1. The appeal is allowed and planning permission is granted for the replacement of a garden shed at 5 Barnfield Gardens, Ditchling BN6 8UE, in accordance with the application Ref: SDNP/16/04862/FUL, dated 25 September 2016.

### **Procedural Matters**

2. The decision notice described the development as: "the replacement of a garden shed". It has already been erected and I have dealt with the appeal on the basis of this simplified description.

### **Main Issue**

3. The main issue is whether or not the shed preserves or enhances the character or appearance of the Ditchling Conservation Area.

### **Reasons**

4. The appeal property lies within Barnfield Gardens, a cul-de-sac to the east of East End Lane within the Ditchling Conservation Area. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.
5. The cul-de-sac comprises two-storey dwellings dating from the 1930s that encircle a small communal green. Both the properties and the green contribute positively to the Conservation Area. No 5 is half of a pair of rendered dwellings with mock-tudor timber details that were originally symmetrical. This symmetry has been lost as result of alterations, including recent additions to the front, side and rear of No 5.

6. A fence has been erected to separate the driveway and garage from the rear garden. This fence extends along the shared boundary with No 4. As it is less than 2m high and not adjacent to a highway it did not require planning permission.
7. The replacement shed has been erected hard up against this new fence making use of it to form two of its external walls. Only its western elevation can be seen from the street, where the upper part and its partly flat/partly sloping roof protrudes above the fence. Regardless of its non-traditional style it appears ancillary and subservient to the host property. It is set back from the road within a corner site and partially screened by vegetation within the front garden of No 4 as well as the new fence. It is also seen against the backdrop of the mature trees to the rear of the garden. This combination of factors ensures that the shed is not prominent within the street scene.
8. The building line on the south side of Barnfield Gardens is defined by the garages that project from the front elevations of Nos 5 and 6. These are constructed of brick with tiled roofs. No 6 has a shed in front of this building line, the dual-pitched roof of which can be seen above the boundary hedge. The shed at No 5 is larger and has a different roof form. However, in the context of the houses and gardens that surround the central green, it does not appear out of character, or result in a harmful breach of the building line.
9. No details of the previous shed on the site were provided, so it has not been possible to make meaningful comparisons with its replacement. There do not appear to be any specific policy requirements that would prevent it being attached to the boundary fence.
10. Taking all these factors into account I conclude that the shed is not harmful to the character or appearance of the area. The Ditchling Conservation Area is therefore preserved and there is no conflict with Policy CP11 of the Lewes District Local Plan Part 1: Joint Core Strategy<sup>1</sup> or saved Policies H5, RES18 or ST3 of the Lewes District Local Plan. These policies, amongst other things, require ancillary buildings not to dominate the street scene, especially in areas protected for their historic interest.

### **Other Matters**

11. The Parish Council and local residents also expressed concern about land ownership and covenants. As these are not planning matters, they cannot be addressed in the context of a S78 appeal but will need to be resolved by the affected parties.

### **Conclusions**

12. For the reasons given, I conclude that the appeal should be allowed. As the shed has already been erected no conditions are necessary.

*S Holden*

INSPECTOR

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<sup>1</sup> Prepared and adopted by Lewes District Council and the South Downs National Park Authority