

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, 31 January 2018** 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.

19/01/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Committee Membership**
To note the appointment of Councillor Liz Boorman as a member of the Planning Applications Committee for the remainder of the current municipal year.
- 2 Minutes**
To approve the Minutes of the meeting held on 10 January 2018 (copy previously circulated).
- 3 Apologies for Absence/Declaration of Substitute Members**
- 4 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.
- 5 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.

6 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

7 LW/17/0955 - 11 Badgers Field, Peacehaven, East Sussex, BN10 8LQ (page 5)

8 LW/16/0037 - Land On The South Side Of Sutton Drove, Seaford, East Sussex (page 10)

9 LW/17/0459 - River Lawn, Barcombe Mills, Hayes Lane, Barcombe, East Sussex (page 21)

Non-Planning Application Related Items

10 Enforcement Monitoring from 1 July 2017 to 30 September 2017 (Part A) (page 31)

To receive the report of the Director of Regeneration and Planning (attached herewith).

11 Enforcement Monitoring from 1 July 2017 to 30 September 2017 (Part B) (page 34)

To receive the report of the Director of Regeneration and Planning (attached herewith).

12 Enforcement Monitoring from 1 October 2017 to 31 December 2017 (Part A) (page 36)

To receive the report of the Director of Regeneration and Planning (attached herewith).

13 Enforcement Monitoring from 1 October 2017 to 31 December 2017 (Part B) (page 39)

To receive the report of the Director of Regeneration and Planning (attached herewith).

14 Outcome of Appeal Decisions from 9 December 2017 to 2 January 2018 (page 42)

To receive the report of the Director of Service Delivery (attached herewith).

15 Written Questions from Councillors

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

16 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 21 February 2018 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

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

NOTES

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

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

Planning Applications OUTSIDE the South Downs National Park

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

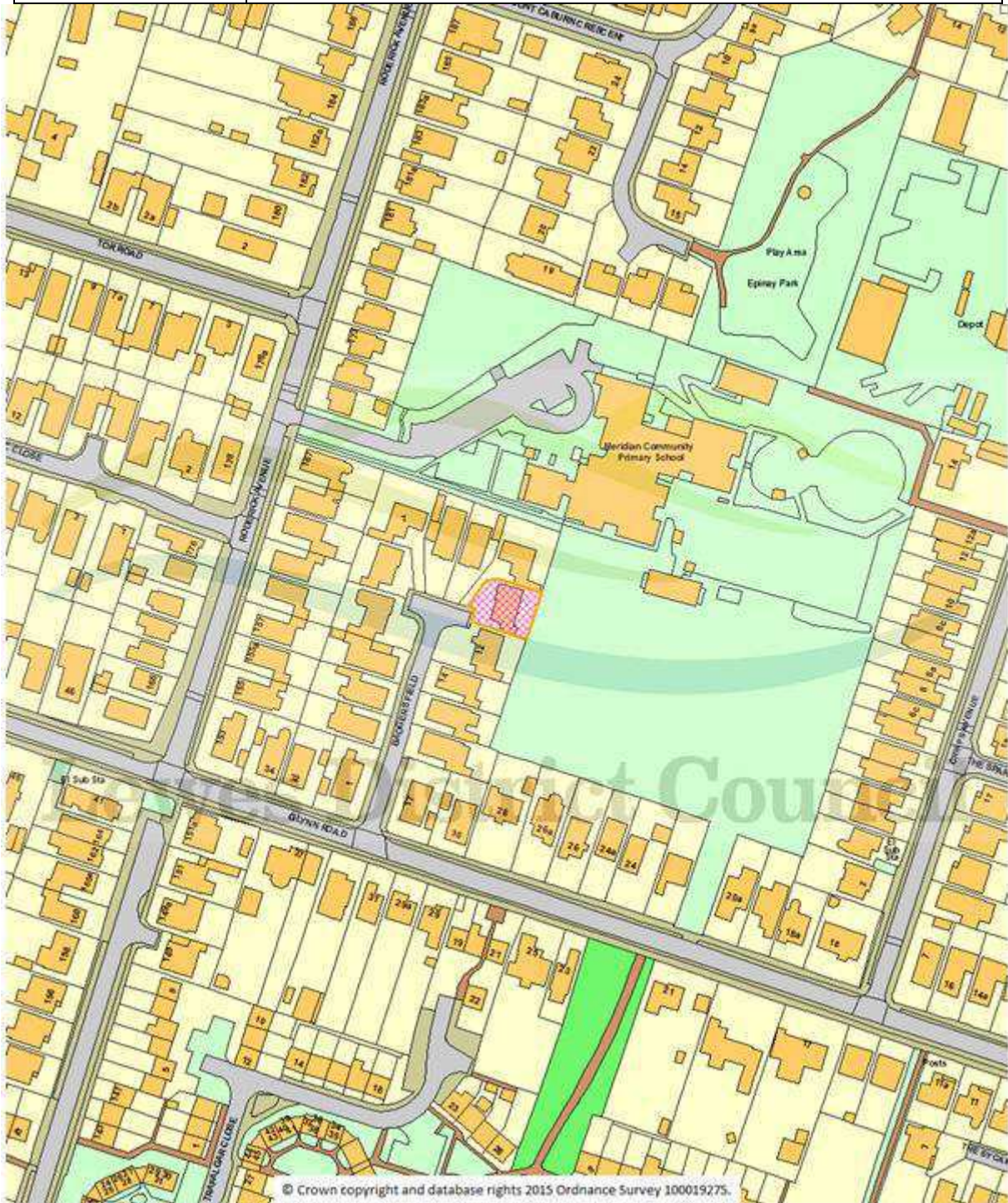
Planning Applications WITHIN the South Downs National Park

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

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

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

APPLICATION NUMBER:	LW/17/0955	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mr I Buchanan	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning Application for demolition of existing garage and construction of an attached annexe		
SITE ADDRESS:	11 Badgers Field Peacehaven East Sussex BN10 8LQ		
GRID REF:	TQ4102		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is a circa 1980s three bedroom bungalow with adjacent garage to the side set in a moderate plot located at the end of a cul-de-sac Badgers Field. It is located within the planning boundary in Peacehaven but is not subject to any Site Specific Policies.

1.2 It is proposed to demolish the existing adjacent garage to the side and to erect a self-contained annex accommodation along the same line on the southern boundary as the existing garage. The new structure would comprise a bedroom, separate WC and lounge with open plan kitchen. External parking would be provided in the form of two car parking spaces at the front of the property as shown on the block plan, serving both the main house and annex.

1.3 In comparison to the existing garage, the annex would be 3.5 metres deeper to the rear leaving 0.3 metre gap between the rear boundary lane, and set 3.7 metres towards the front, effectively being in line with the principle elevation wall.

1.4 The existing gable-end facing south and this facing west would be cladded in weather boarding. A small bonnet roof would be constructed to the front of the annex roof with tiles to match existing house. Also, the front elevation of the annex would have a rendered panel around the window to match the rest of the main house. The remaining garden area would serve both the main house and the annex. Access to the annex would be provided at the rear of the property through a side passage way leading to the garden.

2. RELEVANT POLICIES

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

LDLP: – RES13 – All extensions

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

None

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Peacehaven Town Council – Refusal Recommended due to:-

- Concerns/objections raised by neighbours, in particular with regards to foundations encroaching on neighbouring property
- Overdevelopment
- Back garden development
- Development out of character with surrounding properties
- Parking issues - the property is located at the end of a cul-de-sac adjacent to the turning space for vehicles which may cause highway safety issues
- Unneighbourly

4.2 ESCC Archaeologist – No comment.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Eight representations from nearby residents objecting on grounds of:

- Out of character
- Overbearing Building/Structure
- Over-development
- Noise and Disturbance
- Inadequate Access
- Highway Hazards
- Parking issues increased pressure and competition for parking space
- Drainage

In addition, other non-material planning considerations were raised such as property devaluation, multiple occupancy, inappropriate social mix, boundary dispute, fire regulations, future use of the dwelling and disruption while construction underway.

6. PLANNING CONSIDERATIONS

6.1 This application is effectively to create a new self-contained unit set within the planning boundary. The proposed annex would, in a small way, help meet the housing requirements of the district. Also, the site is located within the built-up boundary of the district therefore provision of a new unit is acceptable in principle subject to other factors relating to visual impact, impact on the neighbours or highway matters.

6.2 There is no local plan policy solely relating to annex extensions or self-contained accommodation. Consequently, there is no requirement within the adopted policy to restrict the way of access or internal facilities regarding 'Granny Annexes'. Therefore, this development is assessed under the saved policies ST03 and RES13 that expect permissions to comply with criteria for the design, form and setting of development. In addition to that, paragraph 50 of the National Planning Policy Framework states that in achieving sustainable development, local planning authorities should deliver sustainable, inclusive and mixed communities.

6.3 Although the proposed annex would have an increased ridge height to the front and side elevation, 1.5 metre and 0.6 metre respectively, when comparing to the existing garage, the overall appearance of a new addition would be seen as subservient to the main house. The highest point of the roof serving the annex would be dropped by 1.7 metre from the main ridge height. The front elevation would be flush with the principle elevation; however, this will not cause a 'terracing effect' as the main house would be set back by 2.3 metre from the principle elevation wall of No. 12 and is to be separated from the neighbour's side elevation wall by approximately 1 metre.

6.4 Also, as highlighted within the Design and Access Statement, the rear extension would be of similar scale and massing as was noted at No. 10 Badgers Field set immediately north from the site. Therefore, the structure as proposed is not considered to form an alienated feature within the locality. Nevertheless, to avoid potential overdevelopment of the site in the future, Permitted Development rights would be restricted by planning condition.

6.5 The annex would have a floor area of approximately 39 sqm, which is above the recommended minimum floor space for a one-bed dwelling of 37 sqm, set out in the DCLG 'Technical housing standards' (2015). Then, the proposed bedroom's gross internal space

would of 10.2sq.m which is also above the minimum recommendation of 7.5 sqm for a single occupancy bedroom.

6.6 The proposal would result in reduced rear garden amenity space by 12.2 sqm. Nevertheless, there is no minimum open garden amenity space requirement set with the local plan, and the remaining amenity space would be of comparable size to other residential gardens that can be found within close proximity to the site. It is therefore considered that the proposed development would not result in overdevelopment of the site, and would provide adequate open space around the building.

6.7 The structure although expanding the existing bungalow to the front and rear is not considered to have an overbearing effect on immediate neighbouring amenities. The immediate neighbour at No. 11 Badgers Filed is set southwards and therefore no loss of light would occur due to the positioning of the annex. The relation of the proposed annex to the neighbour set southwards would be similar to that of a rear extension at No. 10 affecting the application site. In addition, the loss of privacy due to harmful overlooking of adjoined neighbouring amenities is not considered in this case, as no side facing windows are to be introduced. A planning condition would be introduced restricting side facing windows along the southern elevation of the annex.

6.8 A vast majority of residents mentioned inadequate parking provision on site due to the additional one bedroom annex accommodation. The existing three bedroom house benefits from a garage space and parking at the front of the garage capable of accommodating one vehicle. As stated with the East Sussex Highway Authority's guidance for minor planning application comprising five dwellings or less, 'garages should only count as 1/3rd space each due to their limited use. This means for every three garages to be provided, they should only count as one parking space towards the overall parking requirement'. Additionally, the existing garage has internal dimensions of 2.4 metres by 5.3 metres whereas the Highway requirement for single garages is of the minimum internal dimensions of 6.0 metres by 3.0 metres. As a result, the current garage space does not comply with current requirements and should not be counted as existing parking space.

6.9 Nevertheless, as highlighted within the submitted Design and Access Statement, loss of garage space would be compensated by additional parking space set vertically to the existing space along the driveway. The vertical space would measure 3 metres by 6.5 metres, and will be set on the driveway 2.7 metres by 5 metres. The County's parking requirement for three to four bedroom dwellings is two spaces. The addition of annex accommodation would result in four bedrooms in total. Moreover, the minimum dimensions of a usable car parking space are 2.5 metres wide by 5 meters long with additional 0.5 metre added to either or both dimensions where space is adjacent to a wall or fence. Consequently, the proposed development would comply with the existing parking requirements.

7. RECOMMENDATION

In the circumstances, it is recommended that planning permission be granted.

The application is subject to the following conditions:

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies ST03 and RES13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. No windows or openings of any kind shall be inserted in the southern elevation of the development hereby approved, other than those expressly permitted by this consent.

Reason: To protect the privacy and residential amenity of neighbours having regard to policies ST03 and RES13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved Block Plan dated 9 November 2017. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide suitable car-parking space for the development

4. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Badgers Field BN10 8IQ;.

Reason: To prevent the creation of an additional dwelling having regard to policy ST03 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. 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 and Part 2 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 ST03 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

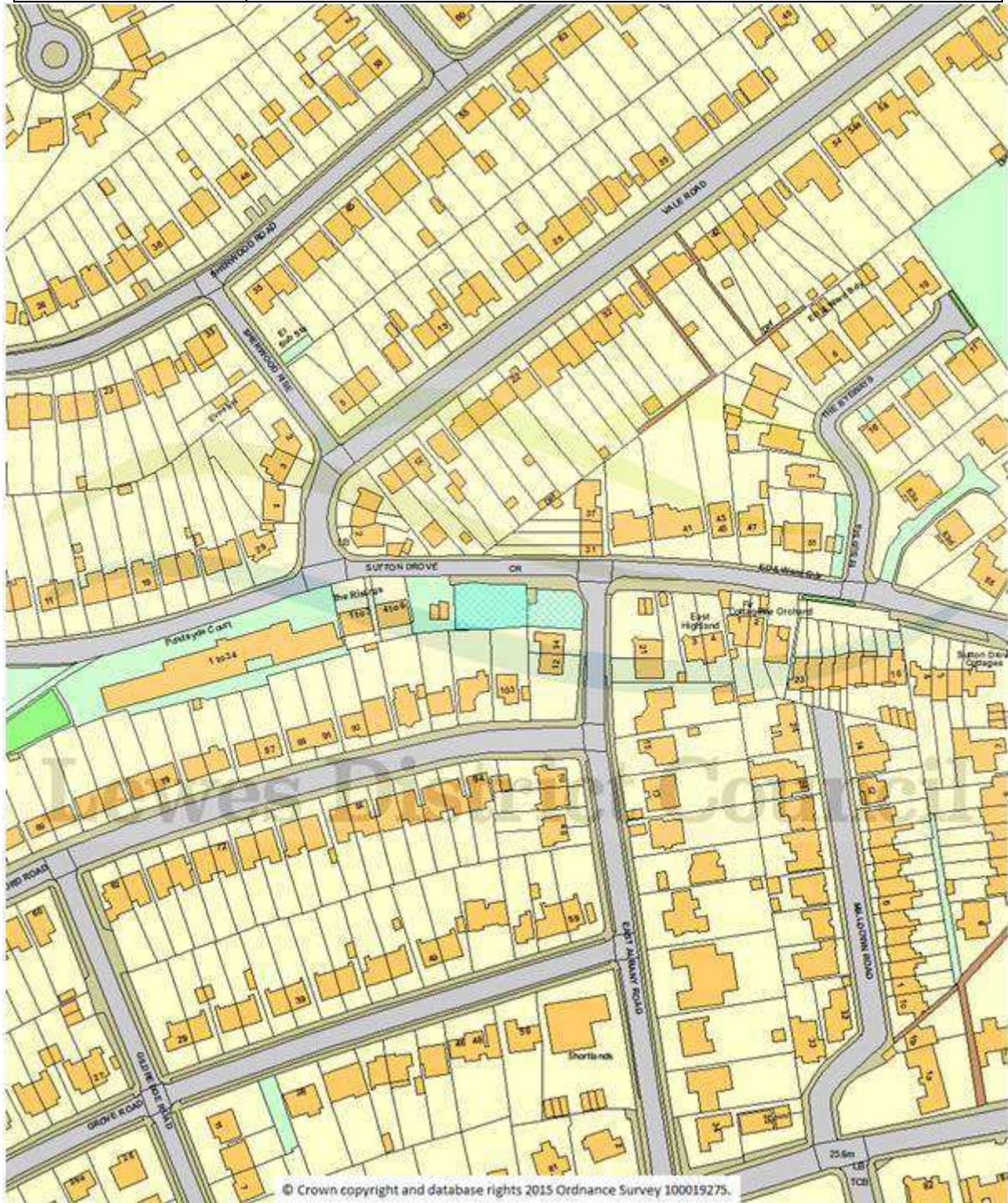
6. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to policy ST03 of the Lewes District Local Plan.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Block Plan	9 November 2017	1:200
Location Plan	9 November 2017	1:1250
Existing Elevation(s)	9 November 2017	1117
Proposed Elevation(s)	9 November 2017	1117
Proposed Section(s)	9 November 2017	1117
Proposed Floor Plan(s)	9 November 2017	1117

APPLICATION NUMBER:	LW/16/0037	ITEM NUMBER:	8
APPLICANTS NAME(S):	Coastside Homes Ltd	PARISH / WARD:	Seaford / Seaford Central
PROPOSAL:	Planning Application for erection of 12 x 2 bedroom flats with associated landscaping and parking		
SITE ADDRESS:	Land On The South Side Of Sutton Drive Seaford East Sussex		
GRID REF:	TQ4895		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located on the corner of East Albany Road and Sutton Drove in Seaford. The levels rise steeply in a west to easterly direction and in a southerly direction from the north.

1.2 The application plot is a rectangular site with its length orientated in an east west direction. There are houses adjoining the site to the south (rear) in Stafford Road, and East Albany Road, and flatted development (The Risings, Sutton Drove) to the west. The site area totals 0.07 ha.

1.3 This is a full application proposing the construction of twelve x two bedroom flats. Earlier permissions under LW/06/0842 and LW/09/1082 for six x two bedroom flats and associated parking have lapsed.

1.4 The proposed development under the current application seeks permission for a three storey building (as a single block) with shallow pitched roof. Twelve parking spaces would be provided along the frontage of the site to be accessed off Sutton Drove. Due to the limited depth of the site, some amenity space and planting will be provided at either end of the development and at the front within the centre of the plot.

1.5 The development would be finished in facing brickwork and render below a tiled pitched roof.

1.6 This application is being presented to Members at the Planning Applications Committee because the scheme has been appraised on two separate occasions by the District Valuer (DV) who has concluded that the development of 40% affordable housing is not viable on this site. The more recent viability assessment (October 2017), which is an addendum to the DV's draft assessment (May 2017) was made following the agent disputing their differences of the sales rates of the units and construction costs. On behalf of the applicant, the agent did not agree that the scheme could viably accommodate 25% affordable housing or three units.

1.7 As such, this application proposing twelve x two bedroom flats, is being recommended for approval without any affordable housing provision and is therefore contrary to planning policy CP1 of the Joint Core Strategy.

2. RELEVANT POLICIES

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

LDLP: – CP1 – Affordable Housing

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP2 – Housing Type, Mix and Density

3. PLANNING HISTORY

LW/06/0842 - Erection of six x two bedroom flats & associated parking (resubmission of LW/05/0510) - **Approved**

LW/09/1082 - Renewal of planning permission LW/06/0842 for the erection of six x two bedroom flats and associated parking - **Approved**

LW/05/0510 - Erection of six self-contained flats in single block and associated parking (resubmission of LW/04/0466) - **Refused**

LW/04/0466 - Erection of six self-contained flats in single block and associated parking - **Refused**

LW/95/0559 - Erection of six self contained two bedroom flats with parking provision on site - **Approved**

LW/94/0165 - Renewal of LW/88/1641 for the erection of six self-contained two bedroom flats with parking provision. - **Refused**

LW/11/0240 - Erection of 3 x two bedroomed self contained flats - **Refused**

LW/11/0648 - Erection of three storey building with 3 self contained two bedroom flats, 4 car parking bays, 3 covered and secure cycle stores and 3 solid waste storage units - **Approved**

LW/15/0859 - Erection of 2 x three bedroom semi-detached houses together with parking and footpath - **Approved**

LW/16/0037 - Erection of 12 x 2 bedroom flats with associated landscaping and parking -

LW/16/0893/CD - Discharge of condition 2 relating to planning approval LW/15/0859 -

LW/16/0981/CD - Discharge of condition 3 relating to planning approval LW/15/0859 - **Approved**

LW/17/0309 - Erection of three 2 bedroom flats with parking - **Approved**

LW/17/0638/CD - Discharge of conditions 1-10 relating to planning approval LW/17/0309 - **Split**

S/71/0407 - Planning and Building Regulations application for three lock-up garages rear garden of 99 Stafford Road (frontage of Sutton Drive).
Building Regs Approved. - **Approved**

LW/90/0036 - Outline application for the erection of a block of three one-bedroom flats - **Approved**

LW/03/0320 - Approval of reserved matters LW/00/0090L for the erection of a block of three self-contained two bedroom flats - **Approved**

LW/00/0090 - Outline application for the erection of a block of three one bedroom flats with associated car parking - **Approved**

APPEAL/05/0510 - Erection of six self-contained flats in single block and associated parking (resubmission of LW/04/0466). - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – No objection.

4.2 British Telecom – No comment.

4.3 Environmental Health – Recommends conditions in relation to contamination. Recent aerial imagery indicates the proposed development is being constructed on the site of a former domestic garage structure. As such there is potential that fuel/lubricants or other materials stored in the garage may have leaked and impacted the site.

4.4 ESCC Highways – After revisions to the application the Highway Authority withdrew their original objection and now recommends conditions and a S278 to be secured in a S106 Agreement for the provision of a 2m footway access.

4.5 Natural England – The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

4.6 ESCC SUDS – Requests that appropriate investigations be carried out to show that infiltration would be feasible at this location without increasing flood risk.

A condition is recommended for the applicant to submit a surface water drainage strategy.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Two letters of objection have been received from the occupants of 14 East Albany Road. Their concerns have been summarised as follows:

- The development site encroaches onto land (and a historic right of way) within the ownership of the occupants of 14 East Albany Road.
- Insufficient information. Details for construction of a retaining wall along the boundary shared with 14 East Albany Road have not been given.
- Lack of parking on site will increase the need for on street parking in surrounding roads which will create congestion and restrict the free flow of traffic prejudicial to highway safety.
- Increased surface water run off could result in the flooding of surrounding gardens.
- Noise and disturbance.
- Overdevelopment due to height, building mass and site coverage.
- Overbearing structure due to height, scale and proximity which will be oppressive in the outlook from adjoining property.
- The design is out of character with the style of existing development within the vicinity.

6. PLANNING CONSIDERATIONS

6.1 The main issues for consideration are impact on the character and appearance of the area, impact on the amenities for the occupants of adjoining properties, parking, access and affordable housing.

Principle

6.2 As mentioned above planning history exists on this site (LW/06/0842 and LW/09/1082) which establishes the principle of residential development. The scheme has also been subject to consultation with the Planning Authority and it was advised that any development proposal should seek to produce a comprehensive development by working with adjoining landowners. For the purposes of planning policy the site is located within a built up residential area within the planning boundary as defined in the Local Plan. It is also situated within a sustainable location within walking distance of the town centre and is accessible to public transport.

Character and appearance

6.3 There are three storey purpose built flatted developments existing to the western side of the application site. The design of the proposed scheme is very similar to that which exists at 1-34 Pondsye Court which also has a shallow pitched roof and spans the full width of a rectangular plot fronting onto Sutton Drove. This building has also been designed as a single block with its principal elevation facing onto Sutton Drove. It would be finished in facing brickwork and render below the pitched roofs.

6.4 The building would be set back from the road frontage behind a landscaped area which facilitates parking. This is considered to be in keeping with existing development within the immediate vicinity. In this respect the proposed development would not detract or materially harm the street scene and general character and appearance of the locality.

Neighbouring properties

6.5 There are no windows proposed above ground level in the west or southern (rear) elevations of the building that adjoin boundaries with other residential properties. As such, it is considered that there would be no material harm caused by reason of loss of privacy and overlooking for the occupants of these properties to the south and western borders.

6.6 The application site is lower than the land of the dwellings adjoining the site to the south. The scale and ridge height has also been kept down due to the articulated building form and shape of the staggered footprint. The elevation drawings show that the proposed ridge height would only just come above the highest point of the proposed boundary fence, which would border the site to the south. The proposed building would not therefore appear oppressive in the outlook from properties adjoining the site to the south. As such, there would be no material harm by reason of overshadowing and loss of daylight/sunlight.

Highways

6.7 The Highway Authority at East Sussex County Council has recommended planning conditions if planning permission is to be granted. The Highway Authority has also stated that the applicant enters into a S278 legal agreement with ESCC prior to commencement of the development which would need to be secured through a S106 Agreement. This is to secure the provision of a two metre wide footway across the site frontage to connect to the existing footway in East Albany Road. This footway would also connect to the existing footway to the west to ensure pedestrian links are provided for this development.

6.8 The provision of twelve parking spaces between the building and Sutton Drove are considered to be acceptable. However, the Highway Authority has commented that the spaces would be within the limits of the highway which may result in some obstruction. The applicant would therefore need to apply for a Stopping up Order under the Town and Country Planning Act 1990.

Affordable Housing

6.9 Core Policy 1 (Affordable Housing) of the JCS indicates that 40% affordable housing will be sought for developments of ten or more dwelling units. However, the policy also indicates that "In exceptional circumstances, the local planning authority may, at its discretion, consider accepting in lieu an off-site contribution on another suitable services site provided by the developer in the first instance or a financial contribution of broadly equivalent value....." Core Policy 1 therefore applies to the proposed development.

6.10 The scheme proposes the development of twelve units which triggers the need for 40% affordable housing, equating to five of the units being affordable.

6.11 The applicant has contested the viability in terms of developing the site if 40% affordable housing (AH) is to be provided. A development viability report prepared by Oakley Property Consultants (February 2017), was submitted on a confidential basis, given that it contains commercially sensitive financial information, and includes appendices with cost information, appraisals and market research summaries which have been assessed on behalf of the Council by the District Valuer (DV).

6.12 The economic viability of the development is tested by including all the costs of development (including an appropriate existing value for the land), and all the income generated from the development, in a financial appraisal. The outcome of the appraisal shows either a development surplus (a viable contribution) or deficit (not viable).

6.13 The DV has reviewed the applicant's assessment and is broadly in agreement with it and the benchmark value of the land. The viability appraisal has assessed the viability in terms of whether the site is developed with 40% AH compared to if it is developed on an all private basis. It concludes that 40% AH cannot be viably supported, but there would be a residual site value which is above the benchmark land value, if it were developed on an all private basis. As such, the DV also carried out an assessment to ascertain whether there would be a residual site value if the site were developed with 25% affordable housing with three of the twelve units being affordable. It was found that there was a residual site value above the BLV meaning that the site could viably provide 25% affordable housing and still return a reasonable profit to the applicant.

6.14 However, the Oakley Properties (on behalf of the applicants) have contested this, disputing two issues which are development timescale and construction costs. Oakleys have made the following comments;

"Development Timescale - There are few new developments in Seaford to draw comparison with, which is agreed between the parties. Essentially, Seaford serves the very mature market and the market for first time buyers, to which this scheme is directed, is very limited. This is the main reason Seaford has seen little development, because of developers having more limited confidence in the locality, when compared to towns closer to Brighton & Hove where there is a more established market. We have considerable experience of selling new homes schemes into the market. At present, since Brexit and the retreat from the market of investors because of Stamp Duty, the off plan market is non-existent. As such, we disagree that it is appropriate to assume all of these flats can be sold in 6 months and we consider our approach of 9 months is much more realistic. Indeed, since reporting the market has further stalled and in hindsight 12 months would have been more appropriate. This scheme faces north and is in a fairly off pitch location, selling the units will be a challenge. Therefore, I consider the sales period should be switched back to 9 months.

"Construction Costs - It is recognised that the BCIS (Building Cost Information Service) is not an accurate method of assessing build costs. Financial viability in planning RICS Professional Guidance, England (1st edition (GN 94/2012)) is regarded as being the most appropriate guidance in viability in planning and specifically includes advice regarding the use of build costs at paragraph 4.2.2:

"4.2.2 It is common practice for the practitioner to rely upon and form opinions in respect of various components of a viability assessment; for example, it may be appropriate that build cost information is prepared by a quantity surveyor (QS).

This may be essential for nonstandard developments and complex schemes where to adopt build costs quoted by the BCIS may lack the level of detail and robustness required. In general, a QS input will be necessary in many instances, to ensure that the cost element of the appraisal is viewed as fully independent.

"However, I consider that adjusting the above issues back to where they should be will reduce the land value below the Benchmark Land Value of £225k, as Gareth's 25% assessment showed a value of £248,535 and will show 25% affordable is unviable. (Gareth Palmer is the District Valuer at the Valuation Office).

"The problem will be that if the scheme can only say support 1 or 2 units no provider will require them, there is already very limited RSL demand for Seaford. The flats are geared to the first time buyer market and by virtue of this and their off pitch location, will be affordable. As such, consideration should be given to accepting that this scheme cannot support affordable housing obligations."

6.15 The DV has revisited the viability assessment and produced an addendum to their draft assessment which concludes that the nine month sales period is accepted as is the amended build costs of £140 psf for which there is a narrow margin anyway between the agent and DV. The DV states that, "the Residual Land Value is £182,760 against the Benchmark Land Value of £225,000 making 25% affordable housing unviable.

6.16 The DV has not commented on the demand from registered providers as it is outside of their remit. However, the DV is of the opinion that if there is limited demand, it may be that a commuted sum is more appropriate in this location.

6.17 Therefore, while this site does not comply with policy CP1 of the JCS it is providing twelve small units as starter homes for the Seaford area and any recommendation could be made for approval subject to an offsite commuted sum being paid which would contribute towards affordable housing elsewhere. It should be noted that the developer could reduce the scheme by only two units and then the need for affordable housing would not be triggered by CP1 anyway.

Conclusion

6.18 Therefore the proposal is considered to be acceptable and is recommended for conditional approval, subject to a S106 Agreement to secure the provision of a commuted sum to be agreed and a Section 278 Agreement in line with the requirements of the Highway Authority to provide a 2m footway to the east linking to east Albany Road.

7. RECOMMENDATION

That permission be GRANTED subject to the satisfactory completion of a Section 106 to secure the provision of a commuted sum towards off-site affordable housing.

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

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to **** of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until full details of 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.

Reason; To enhance the general appearance of the development having regard to policies ST3 and CP11 (Joint Core Strategy) of the Lewes District Local Plan 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. The works shall be carried out prior to the first occupation or in accordance with the programme approved in writing with the Local Planning Authority.

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

5. Prior to commencement of the works details of a surface water drainage strategy should be provided and approved by the Planning Authority in liaison with East Sussex County Council and thereafter retained in perpetuity. The details should include;

1. Infiltration testing in accordance with the BRE 365 should be undertaken to show infiltration is suitable for the site. This should be supported by groundwater monitoring to get a better understanding of groundwater levels for the site.

2. A description of how the potential impacts of local flood risk sources on the proposed surface water drainage system have been considered and mitigated where necessary. This should include surface water, groundwater, sewer and ordinary watercourse flood risk.

3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.

4. A demonstration, using the relevant hydraulic calculations, of how the proposed drainage is expected to function during a critical storm for a number of rainfall events with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios. The site appears to be predominantly greenfield, therefore greenfield runoff rates should be used to manage runoff from the proposed development.

5. Runoff volume from the site should be limited to the existing runoff volume. If this is not feasible, excess volume during a 1 in 100 six hour storm should be discharged at a rate of 2 l/s/ha.

6. How surface water runoff exceeding the capacity of the proposed drainage system will be managed safely.

7. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development.

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

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

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

Reason: In the interests of amenity of the locality in accordance with policies ST3 and CP11 of the Lewes District Local Plan and the Joint Core Strategy and the advice contained within the National Planning Policy Framework.

8. Prior to the commencement of construction work, a wheel cleaning facility shall be installed at the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris on its wheels.

Reason: In the interests of the amenity of the locality and highway safety policies ST3 and CP11 of the Lewes District Local Plan and the Joint Core Strategy and the advice contained within the National Planning Policy Framework.

9. Construction work and deliveries to the site shall be restricted to the hours of 08:00 to 18:00 Monday to Fridays and 08:30 to 13:00 on Saturdays and works/deliveries shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the 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.

10. The new access/forecourt shall be in the position shown on the submitted amended ground floor/site plan received on 21st June 2016 and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

11. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed forecourt/access and surface water drainage shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

12. Prior to any demolition/site clearance works commencing on site a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles, hours of operation and parking of contractors vehicles.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

13. During any form of [earthworks and/or excavations] that is/are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

14. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

15. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

16. The access/forecourt shall not be used until the areas shown hatched green on the submitted/attached plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

17. This planning decision relates solely to the following plan(s):

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. Due to the minor nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex Highways on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.

4. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with at least 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

5. This Authority's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council.

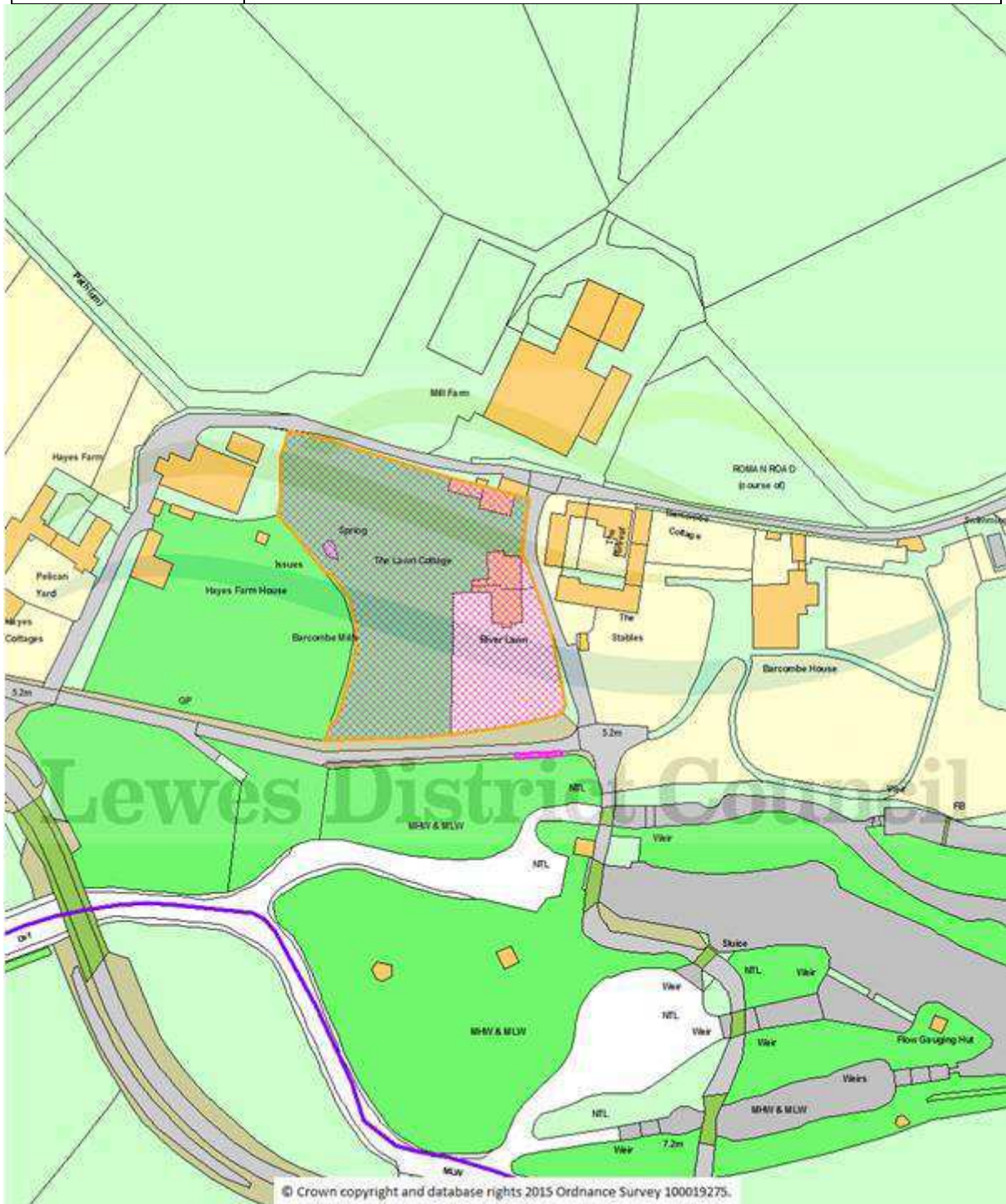
6. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the County Council's Network Coordination team (0345 60 80 193).

7. In accordance with the East Sussex County Council's adopted parking guidelines this development proposal should be provided with 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

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)	20 May 2016	GROUND AND SITE PLAN
Proposed Floor Plan(s)	21 June 2016	GROUND AND SITE PLAN
Location Plan	20 January 2016	1:1250
Proposed Block Plan	20 January 2016	1:500
Design & Access Statement	20 January 2016	JANUARY 2016
Proposed Elevation(s)	29 January 2016	PROPOSED ELEVATIONS
Proposed Section(s)	21 June 2016	GROUND FLOOR/SITE PLAN
Proposed Floor Plan(s)	29 January 2016	PROPOSED FIRST _SECOND FLOOR PLA

APPLICATION NUMBER:	LW/17/0459	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr S Rigby	PARISH / WARD:	Barcombe / Barcombe & Hamsey
PROPOSAL:	Planning Application for construction of retaining wall and bunding, raising the ground.		
SITE ADDRESS:	River Lawn Barcombe Mills Hayes Lane Barcombe East Sussex BN8 5BT		
GRID REF:	TQ4314		



1. SITE DESCRIPTION / PROPOSAL

1.1 River Lawn and Lawn Cottage are a pair of semi-detached properties located within a small enclave of residential dwellings at Barcombe Mills, Barcombe.

1.2 Planning permission was originally sought for the erection of a retaining wall and bunding around River Lawn, along with ground raising across both properties and the removal of a section of earth bank to the south of River Lawn. The application has subsequently been amended to remove the proposal to remove the section of earth bank and to generally reduce the extent of bunding and land raising across the two sites. Works to construct the wall have already commenced and consideration of this aspect of the application is therefore retrospective.

1.3 The whole of this area of Barcombe Mills falls within Flood Zone 3b which comprises land where water has to flow or be stored in times of flood. Records show that the application site has fully flooded on 13 occasions in the last 17 years with numerous more frequent events recorded by the applicants. The purpose of the proposed works is to reduce and manage flood risk to both River Lawn and Lawn Cottage.

1.4 The retaining wall around River Lawn has been constructed around the southern side of the property's patio returning along either side of the dwelling. The wall would be some 1.43 metres tall at its highest point, when measured from the patio. When measured from the garden side, this wall is some 2 metres in height.

1.5 Around the two dwellings it is also proposed to increase ground levels. The ground levels around Lawn Cottage currently sit slightly higher than River Lawn. As originally submitted it was proposed to maintain a gentle slope across the two sites. The existing ground levels were proposed to be increased by a maximum of 1.68 metres stepping across the two sites from north to south in a series of terraces to a minimum raise of 0.3 metres.

1.6 Following discussions with officers and the Environment Agency the extent of proposed land raising has been reduced. What is now proposed is a much smaller bund wrapping around the wall on the garden side and just extending slightly to the north into Lawn Cottage. This bund would have a maximum height of 1.7 metres, meaning that when viewed from the garden of River Lawn the wall will only appear above it to a height of 0.3 metres. The top of the bund would extend for approximately 3 metres before then sloping down to the garden (giving an overall depth of approximately 6 metres). The southern section of the garden is to be raised slightly to the height of the access road, an increase of approximately 300mm.

2. RELEVANT POLICIES

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

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

3. PLANNING HISTORY

LW/08/0802 - Change of use from residential dwelling to residential/commercial use - **Refused**

LW/10/0964 - Erection of a single storey extension on western elevation and installation of rooms in roof - **Approved**

LW/16/0719 - Erection of single storey side/rear extension - **Approved**

LW/17/0278/CD - Discharge of condition 2 in relation to application LW/16/0719 - **Split**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – ORIGINAL COMMENTS:

Barcombe Parish Council is positive towards this application as it is low profile and provides a low-key solution to an ongoing problem for the householders.

4.2 Main Town Or Parish Council – COMMENTS ON AMENDED PROPOSALS:

The Parish Council is neutral as feels unable to comment on such a specialist issue but they will represent the neighbours and present concerns.

4.3 Environmental Health – I have no objection in principle to the ground raising at the site. However I recommend the following condition in order to prevent the site from being determined 'Contaminated Land' in the future.

1. All imported materials for ground raising operation must be inert; WAC tested and must be free from contamination.
2. A verification report must be submitted to the LPA for approval at the end of the operation. The verification report must include details of the source; type and quantity of inert materials deposited at the site. The test certificate must be included in the verification report.

4.4 Environment Agency – ORIGINAL COMMENTS:

In the absence of an adequate Flood Risk Assessment (FRA), we object to the proposed development, as submitted.

Reasons

The site is located within fluvial Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 100 year) of flooding from rivers, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

Paragraph 100 of the National Planning Policy Framework (NPPF) states that development in areas of flood risk must be demonstrated to be safe without increasing flood risk elsewhere.

The FRA submitted with this application does not comply with the requirements set out in the PPG (ref. 7-030-20140306). In particular, the submitted FRA fails to establish whether the development will increase flood risk elsewhere. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Alterations to surface levels within the floodplain, such as ground raising, erecting structures or the removal of embankments, pose a risk of increasing flood risk elsewhere. The submitted FRA assesses several options at the site, and these demonstrate the

potential for ground raising at the site to increase the risk of flooding elsewhere. However, none of the scenarios assessed appear to be identical to what is being proposed in the submitted plans. The application must be supported by an FRA that assesses the risks from the development as proposed, including the proposed alterations to the bund.

Overcoming our objection The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application.

Final comments We ask to be re-consulted with the results of any revised FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation.

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

4.6 ESCC Highways – No objection subject to the imposition of conditions.

This application seeks approval for the construction of a retaining wall and bunding, raising the ground and removal of a section of bank. Hayes Lane fronting the site does not form part of the public highway and as such the site alterations will not impact directly; however, with the level of imported materials required it is considered that the construction phase will have the greatest impact due to number of construction vehicles required. As construction periods are not necessarily a reason to object, this requires careful management so that any traffic impact is minimised. I have recommended a construction traffic management plan is included as a condition so that this element of the development can be advised, controlled and made aware to those affected. I also recommend, for purposes relating to minimising damage to Hayes Lane that an ESCC accompanied photographic survey be carried out pre and post construction and a remedial works agreement to ensure damage caused by extraordinary traffic is mitigated best as possible. It is noted that some information has been submitted with reference to the transportation of waste, however this is not sufficient, further details are required including routing of all vehicles to and from the A26 (avoiding peak) and a swept path analysis provided for the size of vehicles used at the junction of Barcombe Mills Road/Hayes Lane to ensure that the existing network can accommodate.

Conditions

I recommend that any consent shall include the following attached conditions

1. No development shall take place, including any ground works or works of demolition, until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and size/type of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,

- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

2. 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.

4.7 East Sussex Waste And Minerals – I can confirm that, as Waste Planning Authority, we do not have any comments to make on the proposal.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Nine letters of objection in relation to the original submissions received raising the following concerns:

- This is an area where inches make all the difference between homes being flooded and roads becoming impassable.
- Raising of level and the erection of a solid wall will cause the volume of flood water to remain and be directed at other dwellings in the locality.
- Submitted reports are biased towards the applicant.
- This is a highly sensitive area.
- Applicant has not right to lower the river bund.
- Removal of trees will encourage soil erosion and result in loss of wildlife habitat.
- The consequences of the bund removal area insufficiently understood.
- If approved it should be conditional on the replacement of existing trees and hedges to the property's curtilages.

5.2 Two letters of objection in relation to the revised proposals making the following comments:

- Wall and bund will simply deflect flood water to the land and properties to the west and east.
- Authorities are not here at times of flood and therefore have no direct experience of how the flood waters behave.
- Increasing ground levels will increase risk of flooding to my property.
- Wall is unsightly and detrimental to the appearance of the dwelling.
- Applicant has continued to build without planning permission.
- Will hold the council responsible for putting our lives at risk.

6. PLANNING CONSIDERATIONS

Flood Risk

6.1 Clearly one of the main considerations in the assessment of this application is the impact of the proposed works on flood risk elsewhere and to this effect the applicants

submitted with their original application a detailed flood risk assessment. This was updated during the consideration of the application following initial comments from the Environment Agency and again following the revisions to the proposals.

6.2 The purpose of a Flood Risk Assessment is to establish existing flood risk, along with any possible impacts on flood risk elsewhere as a result of the development. All of the documents are available to view on file however in brief they confirm:

- The site is at risk of flooding from the River Ouse and its tributary channels located adjacent to the site.
- Tidal flood risk to the site is low, but there is a chance that fluvial flood risk could be exacerbated due to high tides limiting the rate of forward flow.
- Surface water flood risk at the site is high.
- Groundwater flood risk at the site is high.
- Risk of foul water flooding is high (linked to the risk of fluvial flooding at the site).
- Hydraulic modelling of the proposed works shows that the risk of flooding to River Lawn would be reduced, and that flood depths across the rest of the site would be reduced by between approximately 10 and 100mm.
- Increase to maximum flood depths outside of the site would be *de minimus*.

6.3 The revised proposals and updated FRA have been considered again by the Environment Agency (EA) who has now confirmed that they have no objections to the application proposals (members will be updated with their full and detailed comments at the Committee Meeting).

6.4 Owing to the understandable concerns of the neighbouring occupiers (some of whom have been within 1cm of flooding during past flood events) these proposals have been looked at extremely closely. Clearly with the site falling within Flood Zone 3b - functional flood plain, the EA's stance is that they need to be satisfied that there will be either minimal or no impact to the wider flood zone. Any proposal in this zone has to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage
- not impede water flows; and
- not increase flood risk elsewhere.

6.5 Whilst these matters are always difficult to assess, due to potential inaccuracies in modelling processes brought about by the variations between all flood events and inadequacies in available data, the EA has concluded that the applicant has demonstrated to his best ability that these works are acceptable. It is considered reasonable for the applicant to seek to protect this property and without the support of the EA it would be extremely difficult to sustain a reason for refusal based on flood risk when all the information submitted suggests that knock on flooding impact will be negligible.

Visual Impact

6.6 As well as considering the flood risk implications of these proposals it is also important to consider the visual impact of the works.

6.7 Whilst it is accepted that the retaining wall is a substantial structure, it is considered that it will have little impact on the wider locality. The site is well enclosed by mature trees and hedgerows and where views into the site are available, the wall will be viewed against the backdrop of the larger dwelling softened by the grassed bank which effectively reduces its overall visible height to some 300mm.

6.8 Grading of the bank will help to soften its appearance and whilst it is likely to initially appear stark and unattractive, on completion of the works the land will be seeded and returned to grass. Likewise the slight raising of the lower garden, will have minimal visual impact and once landscaped it will simply return to the existing lawn appearance. A condition securing a detailed landscaping scheme to secure these works will ensure that in time the proposals assimilate into the existing garden setting without significant impact on the wider locality.

Neighbour amenity

6.9 In terms of any impact on neighbour amenity it is not considered that the proposed works will result in long term harm to any of the neighbouring properties. Whilst the importation of the soils to raise the land may cause some inconvenience to local residents during the works, this is a temporary disruption only that can be mitigated to a degree through a construction management plan. Temporary disruptions as a result of development works are rarely sufficient reason to resist a development proposal.

6.10 In terms of possible overlooking and/or loss of privacy as a result of the increased ground level, the intervening distances between properties and boundary screening is considered sufficient to prevent this being a cause for concern. For these reasons the impact on neighbouring living conditions as a result of these works is considered acceptable.

Access and Highways

6.11 As with the temporary disruption to neighbour amenity during construction works there will obviously be some impact of these works on the local highway networks whilst the soil is being imported. Again as a temporary impact that can be mitigated to a degree, this is not considered a sustainable reason to resist the proposals, especially in the absence of any objection from the highways authority.

Other matters

6.12 During discussions with neighbouring occupiers additional concerns in relation to access to foul water sewage pipes and the impact on neighbouring property values have been raised.

6.13 Whilst access to the shared foul water sewage pipes is not a material planning consideration, the applicant has confirmed that his intention is to ensure that access to the pipes via existing manholes is maintained. Effectively a collar will be built up around the existing manhole covers through the bund to ensure that the access is achievable.

6.14 With regard to comments in respect of impact on the value of properties, this is not a material planning consideration and cannot be taken into account in the determination of this application.

Conclusion

6.15 This is a difficult case, where local concerns and apprehensions in relation to potential increase to flood risk are understood, however equally the applicants desire to defend his property from frequent flood events is also appreciated. The amendments to the proposals are however considered to have achieved an appropriate compromise, ensuring some effective defensive measures for the applicant, with minimal impact on the visual amenities of the locality or neighbour amenity and with no increase to flood risk

elsewhere. To this end the application is considered to comply with Policy ST3 of the Lewes District Local Plan and Policies CP11 and CP12 of the Joint Core Strategy and can therefore be supported.

7. RECOMMENDATION

7.1 Recommend that, subject to the conditions outlined below, permission be approved.

The application is subject to the following conditions:

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

- o the anticipated number, frequency and size/type of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

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

2. No importation of soil shall take place 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.

3. 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 in accordance with a timetable of works to be agreed in writing with the Local Planning Authority.

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

4. All imported materials for the ground raising operations hereby approved must be inert; WAC tested and must be free from contamination.

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

5. A verification report must be submitted to the Local Planning Authority for approval at the end of the operation. The verification report must include details of the source; type and quantity

of inert materials deposited at the site. The test certificate must be included in the verification report.

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

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 applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- o Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- o Tree pit and staking/underground guying details
- o A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- o Hard surfacing materials - layout, colour, size, texture, coursing, levels
- o Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- o Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

3. 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	26 June 2017	1.2 LOCATION PLAN
Planning Statement/Brief	22 May 2017	
Existing Block Plan	22 May 2017	1.1 BLOCK PLAN
Additional Documents	22 May 2017	APPENDIX 2 BACKGROUND
Additional Documents	22 May 2017	APPENDIX 3 FLOODING
Additional Documents	22 May 2017	APPENDIX 5 CONSULTATIONS
Additional Documents	22 May 2017	APPENDIX 6 CONSIDERATIONS

Additional Documents	22 May 2017	APPENDIX 7 FLOOD RISK
Additional Documents	22 May 2017	APPENDIX 8 FLOOD WALL
Additional Documents	22 May 2017	APPENDIX 9 FRA
Additional Documents	22 May 2017	APPENDIX 10 ASSESSMENT OF FLOOD
Additional Documents	22 May 2017	APPENDIX 11 REPORT
Proposed Layout Plan	1 December 2017	14619 C001 -OVERLAY OF CHANGES
Proposed Layout Plan	1 December 2017	14619 C001 - MODIFIED SCENARIO
Proposed Section(s)	1 December 2017	SECTION DRAWING - WEST ELEVATION
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING NORTH ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - SOUTH ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - WEST ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - SCHEMATIC
Proposed Section(s)	1 December 2017	CROSS SECTION TO NORTH
Proposed Section(s)	1 December 2017	PROPOSED CROS SECTION FROM NORTH
Proposed Section(s)	1 December 217	MID SECTION
Flood Risk Assessment	29 November 2017	UPDATED FRA
Additional Documents	29 November 2017	CONSTRUCTION MANAGEMENT PLAN

Agenda Item No: 10
Committee: Planning Applications Committee
Date: 31 January 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part A)

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

1 Complaints Received

1.1 A total of 62 complaints (21 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	39	(18 NP cases)
Other complaints – Untidy sites, adverts etc.	2	(2 NP cases)
During this period the total number of cases disposed of was:- (16 of which were National Park (NP))	52	(16 NP cases)
No breach found	13	(10 NP cases)
Compliance achieved	9	(1 NP cases)
No action to be taken	12	(5 NP cases)

2 Enforcement Action Authorised

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

3 Enforcement Notices Served etc.

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

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

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 13 sites:-

			Submitted following enforcement officer investigation
1	Workshop, 18 Valley Road, Peacehaven – LW/17/0567 – Section 73A Retrospective application for the siting of a touring caravan for seasonal occupation (April – October)		✓
2	Corsica Cottage, Old Uckfield Road, Ringmer – LW/17/0601 – Section 73A Retrospective application for change of use from agricultural to residential land		
3	1B Blatchington Road, Seaford – LW/17/0684 – Section 73A Retrospective application for change of use of part of site from D1 (non-residential institutions) to A5 (hot food takeaway) use		
4	4 Newick Close, Seaford – LW/17/0683 – Section 73A Retrospective application for variation to the parking and garden layout as approved under LW/15/0931		
5	Reedens, Jackies Lane, Newick – LW/17/0623 – Section 73A Retrospective application for the retention of concrete access path		✓
6	Oakwood Farm, North Common Road, Wivelsfield – LW/17/0591 – Section 73A Retrospective application for a change of use from storage barn to dairy shop and tea room and installation of kitchen and toilet facilities		✓
7	99A Roderick Avenue, Peacehaven – LW/17/0664 – Section 73A Retrospective application for the erection of a shed		✓
8	St Helena Farm, St Helena Lane, Plumpton – LW/17/0594 – Section 73A Retrospective application for change of use from B1 to B8 (storage)		✓
9	Unit 9 St Helena Farm, St Helena Lane, Plumpton – LW/17/0596 – Section 73A Retrospective application for change of use from B1 to B2 for use as a commercial kitchen		✓
10	12 Woodgate Meadow, Plumpton – LW/17/0809 – Section 73A Retrospective application for the erection of a fence		✓
11	2 The Meadows, Lewes – SDNP/17/02521/FUL – Section 73A Retrospective application for the retention of a wooden framed timber clad shed		✓

- 12 Flat 7 The Old Brewery Thomas Street, Lewes – SDNP/17/03768/FUL & SDNP/17/03769/LIS – Retention of 2x condensers and 1x ASHP units ✓
- 13 Farthings Ashcombe Lane, Kingston – SDNP/17/04554/HOUS – Section 73A Retrospective application for the removal of existing garage and workshop and rebuilding including small extension to dwelling

5 Contact Officer

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

Nazeya Hussain,
Director of Regeneration and Planning
16/11/2017

Agenda Item No: 11
Committee: Planning Applications Committee
Date: 31 January 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part B)

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

Address/Breach	Current Position	SDNP area
<p>EAST CHILTINGTON</p> <p>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served in respect of the unauthorised siting and use of the mobile home. • Appeal lodged against the enforcement notice 	<p style="text-align: center;">✓</p>
<p>NEWHAVEN</p> <p>Land at Hawthorn Rise, Newhaven – EN/17/0103</p> <p><u>Breach</u></p> <p>Unauthorised siting of mobile home on the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice is drawn up and ready awaiting signing by legal services, notice requires the removal of the mobile home from the land 	

Address/Breach	Current Position	SDNP area
<p>SEAFORD</p> <p>2 East Dean Rise, Seaford – EN/15/0094</p> <p><u>Breach</u></p> <p>Untidy front, side and rear garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Section 215 Notice served to clear the front, side and rear garden • Notice has not been complied with so direct action to clear the land is being discussed with legal services 	
<p>WIVELSFIELD</p> <p>More House Farm, Wivelsfield – EN/14/0214</p> <p><u>Breach</u></p> <p>Unauthorised summer house</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served for the cessation of the summerhouse and the removal of the summerhouse from the land. • Appeal lodged against the enforcement notice 	

Contact Officer

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

Nazeya Hussain
 Director of Regeneration and Planning
 16/11/2017

Agenda Item No: 12
Committee: Planning Applications Committee
Date: 31 January 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 October 2017 – 31 December 2017. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A total of 51 complaints (23 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	25	(19 NP cases)
Other complaints – Untidy sites, adverts etc.	3	(4 NP cases)

During this period the total number of cases disposed of was:- (24 of which were National Park (NP))	63	(24 NP cases)
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No breach found	14	(9 NP cases)
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Compliance achieved	13	(7 NP cases)
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No action to be taken	12	(8 NP cases)
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2 Enforcement Action Authorised

2.1 Section 215 Notices	0	(0 NP cases)
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2.2 Breach of Condition Notices	0	(0 NP cases)
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2.3 Enforcement Notices	3	(2 NP cases)
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2.4 Prosecution Proceedings	0	(0 NP cases)
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2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
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2.6 Planning Contravention Notices	0	(0 NP cases)
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3 Enforcement Notices Served etc.

3.1 Section 215 Notices	0	(0 NP case)
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3.2 Breach of Condition Notice	0	(0 NP case)
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3.3 Enforcement Notices	0	(0 NP case)
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3.4	Prosecution Proceedings	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	0	(0 NP cases)

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 11 sites:-

		Submitted following enforcement officer investigation
1	12 Roderick Avenue, Peacehaven – LW/17/0856 – Section 73A Retrospective application for the conversion of roof void, including side dormers, re-roofing and part rear cladding and creation of rear balcony (amendment to planning approval LW/16/0865)	✓
2	The Granary, Burtenshaw Farm, Spithurst Road, Barcombe – LW/17/0259 – Certificate of Lawful Use (Existing) – Split dwelling into two dwellings	
3	North End Barn, North End Lane, Hamsey – LW/17/0899 – Section 73A Retrospective application for the erection of a single storey 3 bay garage and log store	✓
4	Conyboro Lodge South, Hamsey Road, Barcombe – LW/17/0908 – Section 73A Retrospective application for a new window in the north elevation	✓
5	69 The Fairway, Newhaven – LW/17/0835 – Section 73A Retrospective application for cladding to rear dormer	
6	56 Park Drive Close, Denton – LW/17/0944 – Section 73A Retrospective application for cladding to property	✓
7	20 Keymer Avenue, Peacehaven – LW/17/0949 – Section 73A Retrospective application for rear dormer	✓
8	416 South Coast Road, Telscombe Cliffs – LW/17/1005 – Section 73A Retrospective application for the construction of two palisade walls to front and rear elevations	✓
12	62 Southover High Street, Lewes – SDNP/17/04936/HOUS – Section 73A Retrospective application for a trellis to rear garden boundary wall	✓
13	62 Southover High Street, Lewes – SDNP/17/04937/LIS – Retention of a trellis to rear garden boundary wall	✓
14	The Bull, 2 High Street, Ditchling – SDNP/17/05381/FUL & SDNP/17/05382/LIS – Section 73A Retrospective application for amendment to extension at rear, changes to proposed elevations and minor changes to floor plan	

5 Contact Officer

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

Nazeya Hussain,
Director of Regeneration and Planning
15/01/2018

Agenda Item No: 13
Committee: Planning Applications Committee
Date: 31 January 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 October 2017 – 31 December 2017

Address/Breach	Current Position	SDNP area
<p>EAST CHILTINGTON</p> <p>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served in respect of the unauthorised siting and use of the mobile home. • Appeal lodged against the enforcement notice 	<p>✓</p>
<p>ITFORD</p> <p>YHA, Itford Farm, Itford – SDNP/16/00406/OPDEV</p> <p><u>Breach</u></p> <p>Unauthorised shower and WC cabin unit</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 19.12.2017 following refusal of retrospective planning permission 	<p>✓</p>

Address/Breach	Current Position	SDNP area
<p>KINGSTON</p> <p>Kingston Farm, The Street, Kingston – SDNP/17/00753/COU</p> <p><u>Breach</u></p> <p>Siting and use of unauthorised pizza van</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice pending service for the cessation of the use and removal of the unauthorised pizza van 	<p>✓</p>
<p>NEWHAVEN</p> <p>Land at Hawthorn Rise, Newhaven – EN/17/0103</p> <p><u>Breach</u></p> <p>Unauthorised siting of mobile home on the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice is drawn up and ready awaiting signing by legal services, notice requires the removal of the mobile home from the land • Enforcement notice served on 20.11.2017 to seek the removal of the mobile home 	
<p>SEAFORD</p> <p>2 East Dean Rise, Seaford – EN/15/0094</p> <p><u>Breach</u></p> <p>Untidy front, side and rear garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Section 215 Notice served to clear the front, side and rear garden • Notice has not been complied with so direct action to clear the land is being discussed with legal services • Letter to owner advising that the Council is now considering direct action to seek clearance of the front, side and rear garden 	

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

Contact Officer

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

Nazeya Hussain
 Director of Regeneration and Planning
 15/01/2018

Agenda Item No: 14

Report Title: Outcome of Appeal Decisions from 9 December 2017 to 2 January 2018

Report To: Planning Applications Committee **Date:** 31 January 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

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

<p>Garden Cottage, King Henrys Road, Lewes, BN7 1BU</p> <p>Description:</p> <p><i>Enclosure of existing courtyard to create an orangery</i></p>	<p>Application No: SDNP/17/01739/HOUS</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 15 December 2017</p>
<p>31 Cantercrow Hill, Denton, Newhaven, BN9 0RP</p> <p>Description:</p> <p><i>Extension of roof and conversion to form first floor accommodation to include granny annex and alteration of garage frontage</i></p>	<p>Application No: LW/17/0484</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 2 January 2018</p>

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



Appeal Decision

Site visit made on 29 November 2017

by Mr Kim Bennett DipTP MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/Y9507/D/17/3181643

Garden Cottage, King Henry's Road, Lewes BN7 1BU

- 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 Mrs S Ong against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/01739/HOUS, dated 31 March 2017, was refused by notice dated 23 May 2017.
 - The development proposed is the enclosure of existing courtyard to create an orangery.
-

Decision

1. The appeal is allowed and planning permission is granted for the enclosure of existing courtyard to create an orangery at Garden Cottage, King Henry's Road, Lewes BN7 1BU in accordance with the terms of the application, Ref SDNP/17/01739/HOUS, dated 31 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing no. 517/005/01/A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Conservation Area.

Reasons

3. Garden Cottage comprises an attractively designed detached dwelling located on the west side of King Henry's Road. It is set back from the road and at a higher level. The immediate character of the area is wholly residential but with a variety of architectural designs. The site forms part of the much larger Lewes Conservation Area.
4. The Authority is concerned that the asymmetrical glazed roof of the proposed orangery would appear awkward and relate poorly to the existing dwelling. However, because the wall in front of it would be rebuilt with matching brickwork to the main house, the area of roof visible from outside of the site would be less than 1.5 metres in height. It would also be viewed against the backdrop of a much larger gable ended extension to the rear, and would not

compete visually with the more dominant architectural features of the property such as the main half hipped roof, the roof of the garage or the front dormers. Although I acknowledge the asymmetrical roof would appear different from other architectural features, the proposed use of black powder coated aluminium would help to integrate it with the black window frames of the existing dwelling. Through a combination of the above factors, it would be a recessive and subservient feature and would cause no harm to the character of the existing property as a result.

5. Additionally, because the property is well set back from the road and partially screened by evergreen trees and front boundary evergreen hedging, there would at best be glimpsed views only of the area of roof, and then at a distance of approximately 15 metres from the public footpath.
6. Because of its location within the Conservation Area, I have given special attention to the statutory duty to preserve or enhance the character or appearance of that area. In that respect, I note that the property was not identified as a building of Townscape merit in the Conservation Area appraisal. I also noted that whilst the flint walls along the road make a significant contribution to the character of the area, the buildings in the immediate area are quite varied in design. Adjoining to the south for example are two much larger and imposing detached properties, whilst to the north is a contemporary largely flat roofed property. On the opposite side of the road there are a variety of designs and roof forms and with buildings of different scale. Given these circumstances, and having regard to the minor nature of the works themselves, coupled with the fact that the orangery would be hardly visible from the street scene, I find that the character and appearance of this part of the Conservation Area would be preserved.
7. Having regard to the above, the proposal would comply with Saved Policies ST3, H5 and RES13 of the Lewes District Local Plan 2003 in that it would complement the existing building in terms of materials and design, would not result in detriment to the character of the area and would also conserve the historic character and appearance of the Conservation Area.
8. A condition requiring the development to be carried out in accordance with the approved plan, is required in the interests of certainty.
9. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR



Appeal Decision

Site visit made on 18th December 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 02nd January 2018

Appeal Ref: APP/P1425/D/17/3185465

31 Cantercrow Hill, Denton, Newhaven, BN9 0RP.

- 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 & Mrs Brito against the decision of Lewes District Council.
 - The application Ref: LW/17/0484, dated 5 June 2017, was refused by notice dated 23 August 2017.
 - The development proposed is extension of roof and conversion to form first floor accommodation to include "granny flat". Reordering of garage frontage.
-

Decision

1. The appeal is allowed and planning permission is granted for extension of roof and conversion to form first floor accommodation to include "granny flat". Reordering of garage frontage, at 31 Cantercrow Hill, Denton, Newhaven, BN9 0RP, in accordance with the terms of the application Ref: LW/17/0484, dated 5 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: P/1760/101: Location Plan; Drawing No: P1760/102: Block Plan; Drawing No: P/1760/103: General Arrangement as Existing; Drawing No: P/1760/104: General Arrangement as Proposed.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the character and appearance of the area.

Reasons

3. The appeal site comprises a detached bungalow situated on a corner plot at the junction of Cantercrow Hill with St Leonard's Road. The proposal would see the roof pitch increased in order to accommodate rooms in the roof space as well as the addition of two dormers to one side and elevational changes.
 4. I take the Council's point that this particular row of bungalows have shallow roof pitches and the proposal would be markedly steeper and impart a bulkier
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roof to the property. However, the dormers would be well placed in the side elevation and not appear overly large relative to the roof slope. In particular, this estate is characterized by an eclectic mix of house types and is marked by abrupt changes in roofscape caused partly by the steep levels, but also by the juxtaposition of different (and in some cases radically different) house types of differing heights and forms. Moreover, there are dwellings with diverse roof forms across the opposite side of the road, further down Cantercrow Hill and on St Leonard's Close and Road around the corner. In this context, the proposal would not appear out of place.

5. I thus conclude on the main issue that the proposal would integrate satisfactorily with the prevailing character and appearance of the area. It follows that I find no conflict with Policy ST3 of the Lewes District Local Plan (2003) as retained in the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 (2016) and Policy CP11 of the same plan, which seek to ensure that development is designed to a high standard, respects the character, rhythm and layout of neighbouring buildings and the sense of place of the local area more generally.
6. The Council do not suggest any conditions other than the standard time limit for commencement of development and a condition confining the approval to specified plans, which is necessary for certainty.

ALISON ROLAND

INSPECTOR