

Report to	Planning Committee
Date	21 February 2018
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/17/05923/FUL
Applicant	Mr & Mrs Buckland
Application	Demolition of existing dwelling, construction of a new 4-bedroom, two storey dwelling with separate garage
Address	8 Beacon Road Ditchling BN6 8UL

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

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

Executive Summary

I Site Description

I.1 8 Beacon Road is a single storey bungalow located on a backland plot on the eastern side of Beacon Road, Ditchling. The dwelling sits towards the northern boundary of an irregularly shaped plot, with access gained from the southern boundary via a private driveway shared with six other dwellings.

I.2 10 Beacon Road is one of these six dwellings and abuts the southern boundary of the application site.

I.3 To the west the application site abuts the rear boundary of properties fronting Beacon Road. These are a mixture of detached and semi-detached two storey dwellings, of mixed but fairly traditional design.

I.4 To the north, the application site abuts 22 South Street, a detached two storey dwelling, also set to the rear of dwellings fronting South Street to the west.

I.5 To the east the application site abuts 26 Lewes Road, a single storey bungalow constructed in the 1980s.

I.6 The application site falls within the planning boundary of Ditchling as defined by the Lewes District Local Plan. It lies close to, but outside of the designated Conservation Area, but wholly within the South Downs National Park.

2 Proposal

- 2.1 Planning permission is being sought for the demolition of the existing dwelling and the erection of a new 4 bedroom, two-storey dwelling with detached garage.
- 2.2 It is proposed that the replacement dwelling would sit on a very similar footprint to the existing dwelling, set towards the northern boundary of the site, with the main garden area serving the dwelling set on its southern side.
- 2.3 The footprint of the dwelling would measure some 13.5 metres by 8.8 metres, with an additional small single storey projection off the northern elevation measuring 5 metres by 3.6 metres. A contemporary design is proposed with a shallow pitched split slate roof, rendered elevations, with a central recessed slate clad feature and large expanses of glazing.
- 2.4 The existing dwelling is a two bedroom property with an internal floor area of some 105sqm. The proposed dwelling would be a four bedroom property with an internal floor area of some 230sqm.
- 2.5 Towards the front of the site, behind the existing garage it is proposed to erect a new garage, measuring 6 metres by 5.6 metres, with a mono pitched roof. The existing driveway would be extended further into the site to serve the proposed garage. The existing garage would be retained as a garden/bicycle store.

3 Relevant Planning History

E/57/0090 - Outline Application to erect a dwellinghouse at rear of " Little Joinsture." - Approved

E/58/0358 - Planning and Building Regulations Application for Approval of Reserved Matters following E/57/0090 for proposed bungalow - Approved

4 Consultations

Parish Council Consultee

Ditchling Parish Council considered this application at their meeting on Monday, 8th January, 2018 and voted to Object to it. The application has design issues, the drawing is inaccurate, there are issues regarding overlooking neighbours, concerns over lighting/ glare and Dark Skies matters, and it is not in keeping with the draft Neighbourhood Plan.

LE - Environmental Health

I have no objections to the proposal but would recommend the following advisory conditions be attached to any approval.

1. A scheme to control the emission of dust from the demolition works should be submitted to the Local Authority and the approved scheme should be fully implemented throughout the duration of the works, with all equipment maintained in accordance with manufacturer's instructions.
2. Hours of demolition & construction work shall be restricted to 08:00 to 18:00 hours. Monday to Friday and 08:00 to 13:00 hours on Saturdays. No working at any time on Sundays or Bank Holidays.
3. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.
4. There should be no bonfires on site.

LE - Environmental Health

If LPA is minded to grant a planning permission, then considering the demolition activities and site surrounds following conditions are recommended:

Condition 1 : Asbestos

Building to be demolished may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in accordance with the current guidance and practice. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised 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 120 and 121].

Condition:2 Land contamination

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any 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 120 and 121].

5 Representations

5.1 In response to the ORIGINAL submissions:

1 letter of support

Ditchling Society:

"The Ditchling Society wish to register two areas of concern about this application for the replacement of a bungalow with a substantial family house of modern design within the Settlement Area of Ditchling.

The first is a matter of privacy. There is considerable concern from many neighbours that their properties will be adversely affected by the scale and position of the proposed building with the large areas of glass and imposing design. We feel that insufficient consideration has been taken of its impact on the surrounding properties and their subsequent loss of privacy.

Secondly, the expanse of glass, particularly on the southern aspect, has the potential to cause considerable artificial light pollution in contravention of the SDNPA's Dark Skies Policy SD9. The supporting text to this policy specifies: "The spill of lights from large open glass windows and sky lights often present a greater source of light pollution than externally mounted lights. Consequently, it is important to control the lighting coming from these types of developments. The design of buildings should reduce the impact of light spill from internal lighting or suitable mitigation measures should be put in place."

We therefore object to the application and ask that the Planning Committee carefully consider the suitability of the proposed building in this location."

14 letters of objection:

- Development is described as a four bedroom dwelling but the plans show five bedrooms
- The plans are incorrect, relationship with surrounding dwelling shown incorrectly

- Will represent a visual intrusion by virtue of its height and proximity
- First floor windows will overlook us
- Large expanse of glazing will result in light glare and light spill
- Applicants have failed to discuss these proposals with any of their neighbours
- Back-land position demands a bespoke approach to the design
- Should permission be granted permitted development rights should be removed
- Design and size of the proposed dwelling is completely out of place
- Design and materials are not sympathetic
- Builders and their vehicles will cause significant disturbance
- Scale of dwelling in conflict with Neighbourhood Plan
- Will overshadow our garden
- Conflicts with the SDNPA's Dark Night Skies Policy.
- Increase in footprint and hard surfaces increase flood risk
- Will affect our clear sky views
- Overbearing, invasive and incongruous
- Query build ability of dwelling on this plot

5.2 In response to the AMENDED plans:

I letter of objection:

- The revised plans make no material revisions to the north elevation

6 Planning Policy Context

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

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Pre-Submission September 2017

Other plans considered:

- Ditchling, Westmeston & Streat Neighbourhood Plan

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

- NPPF06 - Delivering a wide choice of high quality homes
- NPPF07 - Requiring good design

Ditchling, Streat and Westmeston Neighbourhood Plan

Ditchling, Streat and Westmeston Parish Councils are preparing a joint Neighbourhood Development Plan for Ditchling, Streat & Westmeston. The plan was published for consultation in accordance with Part 5 of the Neighbourhood Planning (General) Regulations 2012 and the consultation ran between 5th July to 28th August 2017. An independent examiner was subsequently appointed by the SDNPA whose purpose was to assess the submitted plan to determine whether it meets certain legal requirements, known as 'basic conditions'. The Examiner Final Report was issued in January 2018 and his conclusion was that the plan (subject to some minor amendments) should proceed to referendum.

On this basis the emerging policies of this plan can be afforded moderate weight in the determination of this application. The following policies are considered relevant:

- CONS2

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

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

- CPI 1 - Built and Historic Environment and Design

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

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

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

- General Policy 1

The following policies of the **South Downs National Park Local Plan - Pre-Submission September 2017** are relevant to this application:

- Strategic Policy SD5 - Design

- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD30 - Replacement Dwellings

Partnership Management Plan

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

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

- General Policy I

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

8 Planning Assessment

PRINCIPLE

8.1 As noted above it has been suggested that the replacement of the existing two bedroom bungalow with a large 4/5 bedroom dwelling would not be in line with the objectives of the emerging Ditchling, Streat and Westmeston Neighbourhood Plan (NP). Policy HSG1 of the emerging NP currently states:

"Proposals will be supported that provide:

- *small one/two bedroom houses and flats for rent/shared ownership or purchase; and/or affordable two/three bed family houses for rent/shared ownership; and/or*
- *housing units for an ageing population in close proximity to village services and suitable for adapted living.*

A proposal that does not meet the criteria set out above will not be considered acceptable. This applies to new build including windfall development, to plot sub-division, and to the conversion of agricultural units.

This is in accordance with relevant studies and evidence of local housing needs."

8.2 Arguably the erection of 4/5 bedroom dwelling does not meet the listed criteria of this policy and therefore the proposal could be said to be in conflict with the NP. However, the current status of the NP has to be taken into consideration. As noted above in recommending that the NP proceeds to referendum the Examiner has suggested a number of amendments to the plan. One of which is the deletion of the above policy (HSG1) and its replacement with the following text:

"Housing proposals will be supported that provide:

- (1) 1, 2 or 3 bedroom houses or flats;
- (2) housing units for an ageing population in close proximity to village services and suitable for adapted living.

Affordable housing will be delivered in accordance with the development plan".

8.3 The examiner has also suggested the addition of another policy that basically accepts the principle of development within the settlement boundary. With the Examiner suggesting changes to the wording of the current policies, conflict with those policies can only be afforded limited weight. If the Examiner's suggested amendments are accepted, there would be no in principle objection to the replacement of a smaller dwelling with a larger dwelling within the settlement boundary. This also accords with current development plan policies. Therefore whilst the objector's comments are noted, to refuse the application simply on the basis of the loss of an existing small dwelling would be extremely difficult to sustain.

DESIGN AND MASSING

8.4 The majority of the objections in relation to this proposal have raised concerns in respect of the design and massing of the proposed dwelling.

8.5 It is clear by virtue of the fact that the existing single storey bungalow is proposed to be replaced with a two storey property that the massing on the site will increase. However this is a good sized plot (0.16ha) and it is not considered that the erection of a two storey dwelling will result in the plot appearing over developed, cramped or out of keeping, especially bearing in mind the number of existing two storey dwellings that already surround the plot.

8.6 Policy ST3 of the Lewes District Local Plan and Core Policy 11 of the Joint Core Strategy state that development should respect the scale, site coverage, and character of the local area and neighbouring buildings. Emerging Policy CONS2 of the NP states that:

"Modern design of high quality and the use of contemporary materials, will also be supported where this complements and enhances the character and context of adjoining development and surrounding areas."

8.7 When considering design the NPPF states:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to promote or reinforce local distinctiveness."

8.8 As explained above the dwelling is contemporary in style, with rendered elevations and a low pitched split slate roof. The split roof helps to keep the overall height of the dwelling low and comparable to the height of many of the surrounding two storey dwellings. Whilst the majority of the surrounding properties are more traditional in their style, there is no uniformity in style and the dwellings also range in age, giving the area a fairly eclectic feel which is common throughout the village. The introduction of a more contemporarily designed dwelling is not therefore considered out of keeping or harmful to the overall character of the area.

8.9 Whilst glimpses of the proposed dwelling will be available through gaps between the houses, the back land position of the plot, means that the new dwelling won't be 'read' as part of the street scene, and would be seen more as a stand alone development. With a mixture of materials used on the surrounding dwellings, it is not considered that the rendered elevations proposed will appear particularly out of keeping.

8.10 Overall it is not considered that the design of the dwelling is particularly objectionable, and that it will simply add to the existing collection of dwelling types and styles that contribute to the character of the village.

NEIGHBOUR AMENITY

8.11 Many of the objections received in relation to this proposal also relate to the impact of the proposed dwelling on neighbour amenity, particularly in relation to overlooking as a result of the introduction of the first floor. These concerns are appreciated, especially as the surrounding properties have benefited from the presence of a low level bungalow until this point. However, in a built up location such as this, one must expect a certain degree of overlooking between properties, especially as the large majority of existing surrounding dwellings are already two storey in height and will therefore already overlook each other and the application site to a degree. What must be considered is whether the introduction of an additional two storey property in this location will result in a significant loss of privacy to the surrounding occupiers. In this respect it is noted that the back land position of the plot makes this a difficult issue to resolve in terms of the layout of the proposed dwelling, as it is surrounded on all sides by existing dwellings.

8.12 Notwithstanding this, the generous size of the plot and intervening distances between properties certainly helps minimise harm. For example, the neighbouring dwelling to the west, 26 Lewes Road, is a single storey bungalow, whose rear aspect faces the application site. The occupiers of this property have objected on the basis that the proposed dwelling would introduce two first floor windows overlooking their property, which they consider will result in a loss of privacy to their swimming pool and bedrooms. The mutual boundary with no. 26 Lewes Road is a minimum of 21 metres from the side elevation of the proposed dwelling. This means that there would be an intervening distance between the two dwellings in excess of 60 metres. Whilst therefore it is accepted that the design of the proposed dwelling will introduce two first floor windows facing this neighbouring property (one serving a bathroom and one a secondary window serving the master bedroom) in a built up location such as this it is considered that it would be difficult to substantiate significant harm/loss of privacy bearing in mind the significant intervening distance between the properties.

8.13 Similarly, to the south, the closest neighbouring property is 10 Beacon Road. The mutual boundary with this property would be some 15.5 metres from the proposed dwelling, placing no. 10 some 21 metres from the proposed dwelling at the very closest. In the south facing elevation of the proposed dwelling three large glazed first floor windows are proposed. Two of these serve bedrooms (one being the master bedroom) and the third is to serve a galleried area (therefore there will be no first floor directly behind this window, it being recessed to create an atrium over the lounge). No. 10 has a number of windows in its facing north elevation, however the majority of these are ground floor windows that serve a study/office, a WC, a utility room and the kitchen/breakfast room has a small projecting conservatory style element which is glazed on its northern side. The two first floor windows serve a stairwell and a bathroom. The main garden area serving this neighbouring dwelling and its main aspect is to the south. On this a basis, whilst it is accepted that the proposed dwelling will introduce some overlooking onto this neighbouring dwelling it is not considered, again bearing in mind intervening distances that it could be argued that substantial harm will be caused to the living conditions of the adjacent occupiers. Generally back to back distances in the region of 20-22 metres are considered to be acceptable and whilst this is acknowledged to be a 'rule of thumb' with the majority of windows affected by this development being non-habitable rooms the relationship between these two properties is considered to be acceptable.

8.14 To the west of the application site, the closest neighbouring dwellings are 2a and 2b Beacon Road. These are a pair of semi-detached dwellings that front Beacon Road, and whose rear gardens abut the application site. The proposed dwelling would be set some 8.5 metres from the western boundary at the very closest. The intervening distance between the existing and proposed dwelling would be some 24.5 metres. Whilst this is a side to rear relationship, where intervening distances can often be reduced substantially, it is noted that two first floor windows are proposed in the flank elevation of the proposed dwelling. One is a high level window over the galleried area above the lounge and therefore will not introduce any significant overlooking onto the rear gardens of the dwellings to the west. The other window is to serve a small study area. The applicants have confirmed through the submission of amended plans that they are content for this window to be obscure glazed. It is not considered that a refusal based on overlooking to these properties would be sustainable either.

8.15 Concerns regarding the impact of the increased bulk on the outlook from these properties have also been raised. Whilst it is clear that the proposed building will be visible from the rear of these properties, it is not considered to be so close to them to appear significantly overbearing.

8.16 To the north of the application site is 22 South Street. This is a two storey dwelling set towards its northern boundary meaning that its main outlook and amenity space is to the south of the dwelling towards the application site. The proposed dwelling would be located some 3 metres from the mutual boundary at the very closest, however this measurement is taken from the single storey projection. The closest two storey element would be some 5.5 metres from the mutual boundary, giving an intervening distance between the existing and proposed dwelling of some 27 metres at the very closest (to the first floor).

8.18 Four first floor windows are proposed in the north elevation of the proposed dwelling, two are shown to be obscure glazed (serving a bathroom and a dressing room), the two others serve bedrooms. At 27 metres the intervening distance between the two dwellings is considered sufficient to prevent significant loss of privacy to the neighbouring dwelling itself. However this is the closest relationship between an existing garden and new overlooking first floor windows.

8.19 Along the northern boundary of the application site, vegetation is at its strongest (there is other more sporadic vegetation around most of the boundaries of the application site). Whilst this is only deciduous, it does provide a reasonably good filter between the sites which will help break down the visual massing of the proposed dwelling when viewed from the neighbouring property. It will also help mitigate direct views into the garden area. On this basis it is considered that it would be difficult to substantiate significant loss of privacy and harm to the living conditions of the neighbouring occupiers.

DARK NIGHT SKIES/LIGHT POLLUTION

8.20 A number of the objections raised in relation to this application make reference to conflict with the South Downs Local Plan Dark Nights Skies Policy. The South Downs Local Plan is an emerging plan that will eventually, on adoption, replace the Lewes District Local Plan and Joint Core Strategy for the purposes of determining planning applications in the national park. Whilst its emerging policies are a material consideration in the determination of current planning applications, they cannot be afforded full weight at this stage owing to the relatively early stage in the preparation of the plan.

8.21 Policy SD8 of the plan seeks to ensure development proposals in the Dark Sky Core conserve and enhance its integrity and the intrinsic quality of dark night skies. The application site does not however fall within the Dark Sky Core and therefore this part of the policy is not relevant to the consideration of this application.

8.22 Part 2 of the policy seems to focus more specifically on the installation of lighting and seeks to ensure that all development proposals demonstrate that all opportunities to reduce light pollution have been taken, and must ensure that the measured and observed sky quality in the surrounding area is not affected. The installation of external lighting at the application site, could be controlled by a suitably worded planning condition.

8.23 The supporting text of the policy does mention light spill from windows and this is the main focus of the objections, specifically in relation to the southern (front) elevation where large floor to ceiling feature windows are proposed. In response to these objections the applicants have provided amended plans which have reduced the extent of glazing in this elevation by nearly 20%. They have also provided a lighting note that explains close fitting blinds and/or curtains will be fitted to the windows to seek to limit light spill from the dwelling. Whilst these provisions are noted it would be entirely unreasonable and unenforceable to condition the use of curtains/blinds, albeit it is highly likely that during hours of darkness curtains/blinds will be drawn.

8.24 Nevertheless, with the application site falling within a built up area, additional light spill from the dwelling is likely to have a limited impact and it would be difficult to resist the proposal on this basis without an adopted policy on which to base a reason for refusal.

ACCESS

8.25 Objections have been received in relation to the access arrangements to the site, in terms of disturbance during construction as a result of the use of the shared access, and the actual "build-ability" of the scheme bearing in mind the narrow nature of the access.

8.26 Whilst there will undoubtedly be some disturbance to neighbouring properties during the construction phase, on the basis that this will be a temporary disruption only, to refuse the application for this reason would be unreasonable. Likewise, buildability is not a material planning consideration. It will be for the applicants to ensure that they have appropriate access arrangements and any damage caused to third party property as a result of any building operations would be a private matter for the parties involved to resolve amongst themselves.

OTHER MATTERS

8.27 Comments have been made in respect of the accuracy of the plans submitted. The application has been submitted with a detailed topographical survey, which officers consider to represent a more accurate picture of the site than the larger scale ordnance survey plans which are often based on outdated/inaccurate information. Notwithstanding this the applicants were asked to double check their plans and they have confirmed that they are content that they are an accurate representation of the existing and proposed situation. Officers have no reason to doubt the accuracy of the submitted plans.

9 Conclusion

9.1 This is difficult site, due to the fact that the site is surrounded by existing residential development, all of which is arranged in different manners and orientations. However, the application site is generous in size and can easily accommodate a two storey structure. Furthermore the intervening distances between the existing and proposed dwellings are all well within acceptable tolerances bearing in mind the built up nature of the area. The contemporary design approach is not considered to appear particularly out of keeping. The surrounding development is already widely varying in terms of style, age and materials and it is considered that the proposal will simply add to the eclectic character that defines Ditchling Village. For all of the above reasons the application is considered to be acceptable and in accordance with relevant Development Plan Policies and can therefore be supported.

10 Reason for Recommendation and Conditions

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

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

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

2. Approved Plans

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

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

3. 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 ST3 of the Lewes District Local Plan.

4. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling or in accordance with a programme to be agreed in writing with the Local planning Authority.

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

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

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

6. 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 Classes A - E 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 Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. The following windows as shown on drawing no. X01 Rev L shall be glazed in obscure glass only and maintained as such in perpetuity:

- 1) First floor study space window in the west elevation.
- 2) First floor bathroom and dressing room window in the north elevation.
- 3) First floor bathroom window in the east elevation.

Reason: To help safeguard the privacy of nearby occupiers, having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars;

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To protect the existing trees on the site and in the interest of local amenity 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.

9. No lighting or other means of external illumination shall be installed on the dwelling hereby approved or erected on site without the prior written approval of the Local Planning Authority.

Reason: To prevent light pollution, in accordance with Policy ST3 of the Lewes District Local Plan.

10. The building to be demolished may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in accordance with the current guidance and practice. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [(n accordance with National Planning Policy Framework, sections 120 and 121).

11. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any 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 120 and 121).

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

Tim Slaney
Director of Planning
South Downs National Park Authority

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

SDNPA Consultees

Background Documents

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - EXISTING PLANS	EX01		18.12.2017	Approved
Plans - Location Plan	1:1250		20.11.2017	Approved
Plans -	Topographical Survey		20.11.2017	Approved
Plans - Proposed Ground Floor Plan	02D		20.11.2017	Superseded
Plans - Proposed First Floor Plan	03C		20.11.2017	Superseded
Plans - Proposed Elevations	04		20.11.2017	Superseded
Plans - Tree Protection Plan	AS-TPP-24-8-17.1 REV1		20.11.2017	Approved
Plans - Proposed Garage Floor Plans and Elevations	G01 A		20.11.2017	Approved
Plans - Proposed Site Plan	SP01 D		20.11.2017	Approved
Application Documents -	Arboricultural Report		20.11.2017	Approved
Application Documents -	Design And Access Statement		20.11.2017	Approved
Plans - Proposed floor plans and elevations	X01 L		30.01.2018	Approved
Plans -	3D IMAGE		30.01.2018	Approved
Plans - EXISTING BLOCK PLAN	EX02		18.12.2017	Approved
Plans - PROPOSED BLOCK PLAN	SP01		18.12.2017	Approved

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