

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, 21 February 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.

12/02/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 31 January 2018 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

- 6 LW/16/0037 - Land On The South Side Of Sutton Drove, Seaford, East Sussex (page 5)**
- 7 LW/17/1013 - 17 Hill Rise, Seaford, East Sussex, BN25 2UA (page 24)**
- 8 LW/17/1010 - 101 Dorothy Avenue, North Peacehaven, East Sussex, BN10 8DP (page 28)**
- 9 LW/17/0972 - 5A Chailey Crescent, Saltdean, East Sussex, BN2 8DP (page 32)**

Planning Applications WITHIN the South Downs National Park

- 10 SDNP/17/06183-HOUS - 4 Fairhaven, Plumpton, BN7 3AH (page 38)**
- 11 SDNP/17/05923/FUL - 8 Beacon Road, Ditchling, BN6 8UL (page 47)**
- 12 SDNP/17/03064/FUL - 40-42 Friars Walk, Lewes, BN7 2XW (page 62)**

Non-Planning Application Related Items

- 13 Outcome of Appeal Decisions from 1st December 2017 to 8 February 2018 (page 71)**
To receive the report of the Director of Service Delivery (attached herewith).
- 14 Written Questions from Councillors**
To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 15 Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 14 March 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

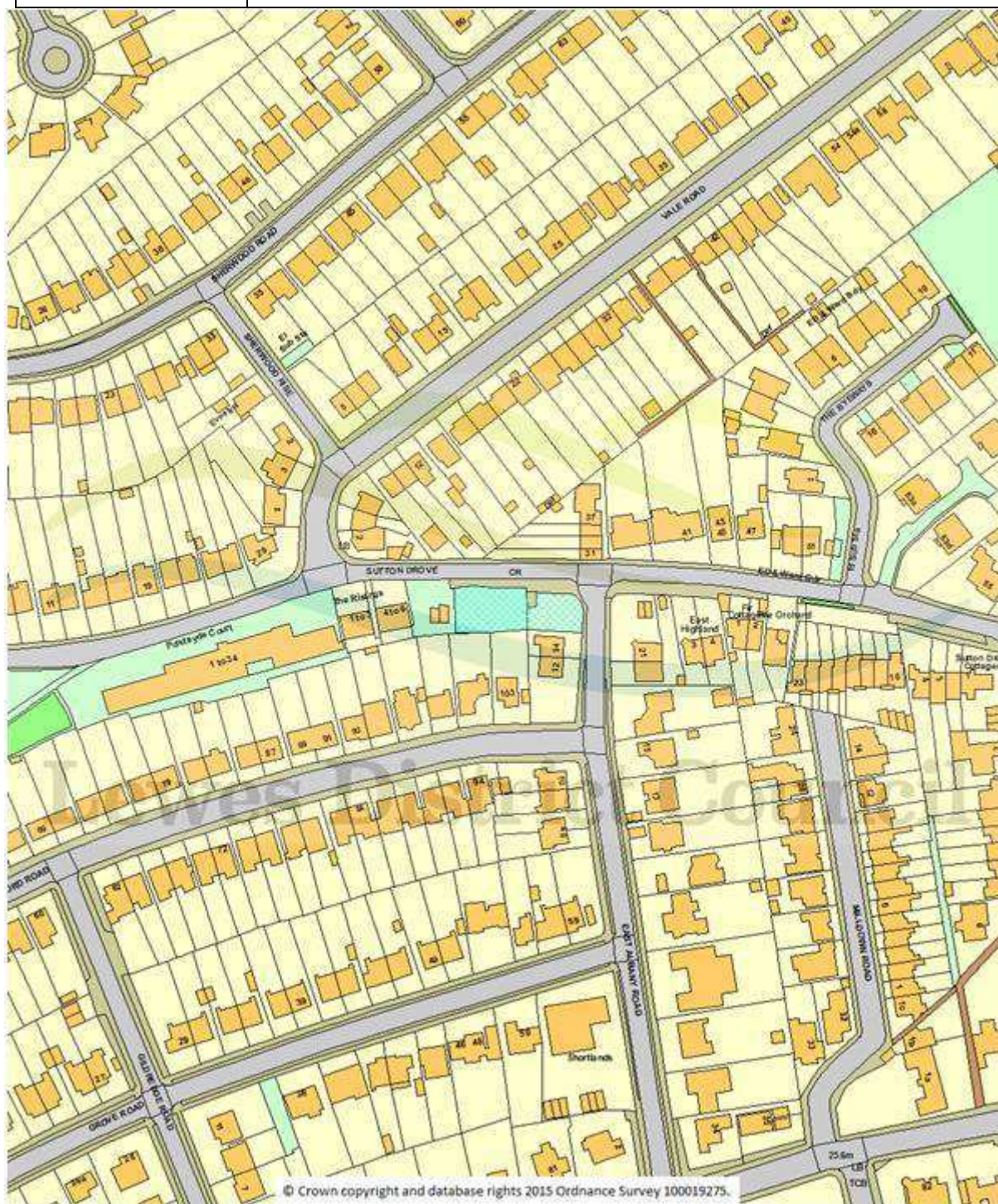
The two statutory purposes of the South Downs National Park designations are:

- 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.

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APPLICATION NUMBER:	LW/16/0037	ITEM NUMBER:	6
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. INTRODUCTION

1.1 This application is being brought back to the Planning Applications Committee meeting because it was deferred at the last meeting for further information relating to the affordable housing provision and the limited sizes of the proposed flats.

1.2 Further information has therefore been sought regarding:

- Clarification on why the position has changed, from a starting point of 40% being affordable (the policy compliant position), and
- The key factors which led to the conclusion that c£86K was considered to be an acceptable amount for the commuted sum.
- Also, having regard to the national space standards and the Technical Housing Standards – nationally described space standard (published on 27 March 2015 and amended 19 May 2016) from Ministry of Housing, Communities & Local Government.

1.3 The earlier Committee report is attached as Appendix A.

2. PLANNING CONSIDERATIONS

2.1 The issues for further consideration as highlighted above are set out in the same order below:

Affordable Housing

2.2 The original Committee report outlines that the policy compliant position, which is that the scheme proposes the development of twelve units thereby triggering the need for 40% affordable housing, equating to five of the units being affordable under Core Policy 1 (Affordable Housing) of the JCS. However, a viability appraisal carried out by Oakley Commercial Ltd has concluded that this is not viable and cannot be provided. Nor can 25% affordable housing be provided.

2.3 Following the last Committee meeting the District Valuer has been re-consulted and provided the following response;

“With regard to the forty percent we assessed a policy compliant scheme in the first instance but this site is simply not viable at 40%, I then assessed a scheme at 25% and it was still not viable. Therefore, I concluded that the only viable scheme would be 2 affordable housing units although, as discussed in my addendum report, providing onsite affordable housing on this scale may not be attractive to registered providers but that is outside of our scope to confirm.”

Commuted Sum

2.4 Policy CP1 of the JCS states that, *“The strong presumption is that affordable housing will be located on the development site. In exceptional circumstances, the local planning authority may, at its discretion, consider accepting in lieu an off site contribution”*

2.5 Post planning Committee on 31 January, the DV also confirmed that a figure of £86,000 would be appropriate to offset the provision of there being no on-site affordable housing. The DV was then asked for further clarification on how this figure was arrived at and why more couldn't be sought on the application site for this proposed development.

2.6 The DV responded as follows:

“With regard to the council’s wish to potentially negotiate a higher commuted sum from the developer our role in the process is to provide an independent assessment of the viability of the scheme..... I am confident that the sum of circa £86,000 is a fair reflection of the viability of the scheme.

With regard to how the figure is calculated, in essence the commuted sum represents the increase in profit the developer could expect from not building the affordable housing which is then returned to the council as cash.

We are looking at a low value development and the potential return to the developer as profit is only around £359,625 for a full market scheme so £86k is a significant amount.

Another way of looking at it is normally by providing affordable housing the developer will sell the affordable units at a loss to a registered provider. The social gain of an affordable housing unit is therefore not the full cost of a unit but is actually the amount of loss the developer is absorbing into the rest of the development.

In this case the development can only support 2 social housing units (circa 17% affordable housing) and the amount of loss they would have created for the developer is £86,000. Therefore that is the sum I would suggest should be the commuted sum.

In looking at the viability we have agreed that the benchmark land value for the site is £225,000 as it currently exists. The position is that if you take the total income of the new scheme and deduct all of the costs and the developers profit there should be enough money left to pay at least £225,000 for the land (the residual land value) otherwise the land is unviable. It would not be logical for the developer to take the risk of developing a site unless it would be worth more following its development.

In the full market value scenario there is £311,011 left to pay for the land after all the deductions and profit. Therefore it could support the loss of £86,000 worth of value through affordable housing once the benchmark is paid. Therefore the Payment in Lieu of these two units in terms of affordable housing is £86,000 not the full price a registered provider would pay for them.”

It should be noted that the applicant has agreed in writing to pay the £86,000 commuted sum as requested by the Council. The applicant requested that Members note that this figure “has been agreed by both the DV and Oakley Commercial – the only two experts who can realistically advise on this matter.”

Limited sizes of the proposed flats

2.7 Para 7.13 supporting policy CP1 of the JCS states that, “Any proposal that has an artificially low density as a possible measure to avoid the required thresholds for affordable housing will be scrutinised and may be refused planning permission where they fail to make efficient use of land and provide appropriate levels of affordable housing.”

2.8 It could be argued that the applicant could have reduced the number of units by 2 to avoid the provision of affordable housing and in turn increased the size of units.

However, the applicant is making the most efficient use of this site and seeks to provide for:

- *“the first time buyer market and therefore the unit sizes will be smaller to achieve this. Whilst there are two bedroom units identified, the fact that the development will not benefit from any private amenity space for residents means that it is not aimed at families and in reality it is likely that the second bedroom shown may be more used as a study/guest room by the occupants.*
- *The target market means that the entire development will be more affordable than most developments in Seaford and this should be taken into account (and indeed welcomed) when the Committee reconsiders the issue of the off-site commuted sum for affordable housing provision.”*

2.9 Notwithstanding this, policy advice has been sought on the weight that can be attributed to the Technical Housing Standards – Nationally Described Space Standard 2015 (Department for Communities and Local Government). This is in the light of earlier comments made by Members that the units proposed are limited in terms of their floorspace.

2.10 The agent contests that, “it is not District Council planning policy to apply the national space standards”. This may be the case but one of the core planning principles in the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for the future occupants of land and buildings.

2.11 Overall, however, while the proposed flats are of modest size, it is considered that to refuse planning permission for this reason would be unjustified and difficult to defend on appeal because the Technical Housing Standards (nationally described space standard (published on 27 March 2015 and amended 19 May 2016 from Ministry of Housing, Communities & Local Government) carry limited weight and there is no district wide policy in the adopted development plan to support this stance.

Conclusion

2.12 Therefore, as originally considered, the proposal is acceptable and is recommended for conditional approval, subject to a S106 Agreement to secure an off site contribution in lieu of affordable housing, for £86,000, 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.

3. 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 Policy ST3 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 Policy ST3 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

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).

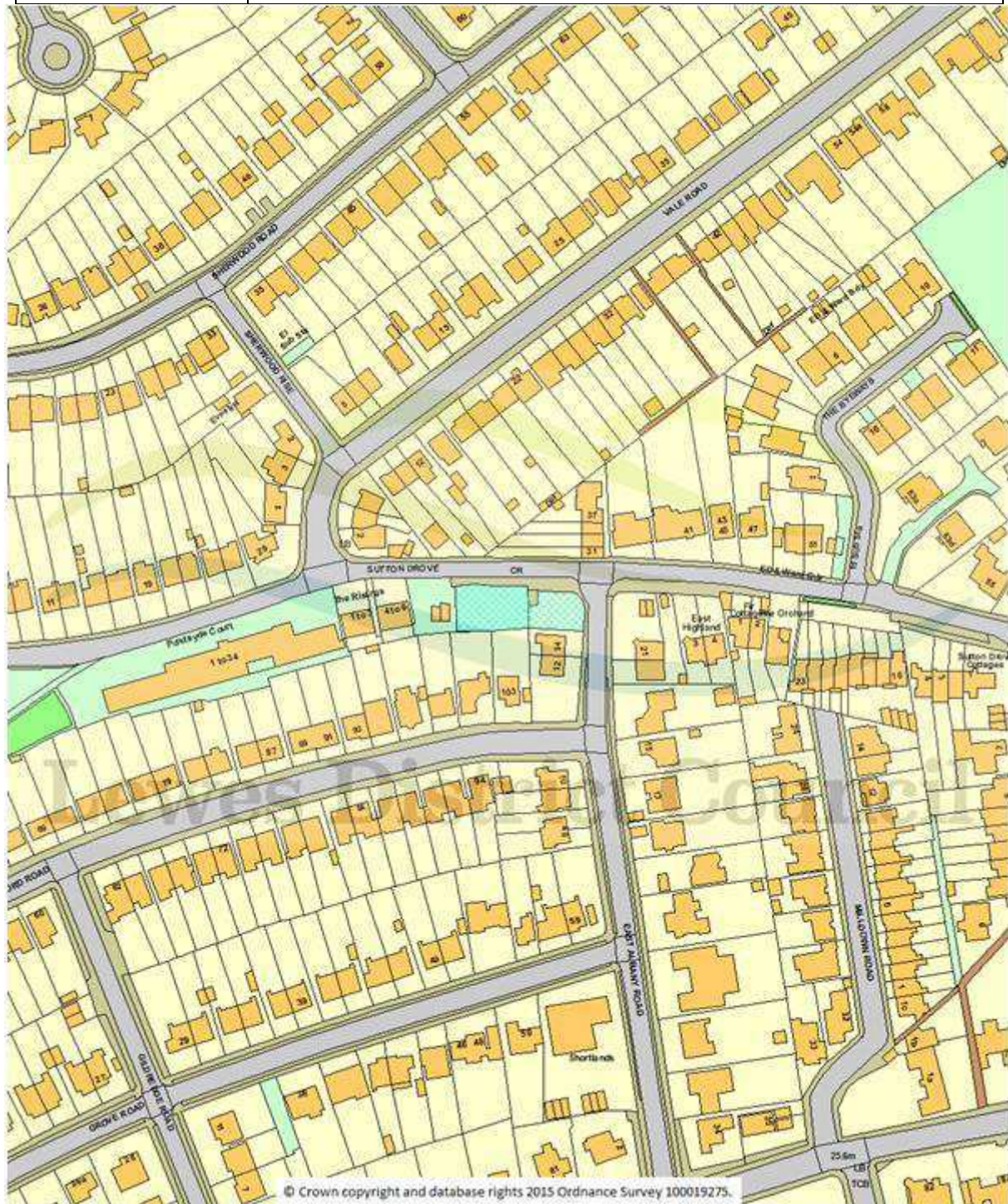
7. In accordance with the East Sussex County Council's adopted parking guidelines this development proposal should be provided with 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

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

Appendix One

APPLICATION NUMBER:	LW/16/0037	ITEM NUMBER:	
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 Drove Seaford East Sussex		
GRID REF:	TQ4895		



4. 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.

5. 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

6. 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 Drove).
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**

7. REPRESENTATIONS FROM STANDARD CONSULTTEES

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.

8. 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.

9. 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.

10. 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/17/1013	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mrs J Fisher	PARISH / WARD:	Seaford / Seaford West
PROPOSAL:	Planning Application for Rear two storey extension, single storey rear extension, new roof over an enlarged first floor area, installation of bay windows		
SITE ADDRESS:	17 Hill Rise Seaford East Sussex BN25 2UA		
GRID REF:	TQ 47 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached chalet-bungalow, located at the crest of the hill in Hill Rise, and backing onto open downland (the South Downs National Park). The dwelling is flanked by a two-storey house (at no. 15, on the lower side) and a bungalow (at no.19, on the upper side).

1.2 The proposal is to transform the chalet-bungalow into a two-storey house, through significant extension and re-modelling. The house would be four-bed, and would feature two projecting bays on the front elevation, incorporating balconies at first floor level. To the rear there would be a two-storey projection next to the boundary with no. 19. A recessed balcony would be formed at first floor level at the back of this projection. Next to the two-storey projection, there would be a single-storey projection.

1.3 The house would have a shallow hipped roof in grey composite slate. The ground floor would be white painted render, and the upper floor would be in blue/grey cladding.

1.4 On-site parking is available in the front garden.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/06/1312 - Erection of a two storey side extension to include extended front and rear dormers - **Approved**

LW/08/0744 - Section 73A Retrospective planning application for an extension of the conservatory at rear - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTÉES

Seaford Town Council – RESOLVED to OBJECT to the application on the grounds that the excessive height of the proposed extension would detract from the existing character of the area taking into account the proximity of the South Downs National Park.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 The occupier of no. 15 objects on grounds of overlooking and loss of privacy from a first floor side window in the bedroom within the two-storey projection (the window faces no. 15) and the first floor recessed balcony on the same projection. Also, the height of the house would be 1.3m higher than existing, which the writer feels would be overbearing and may detract from the aesthetics of the road.

6. PLANNING CONSIDERATIONS

6.1 The main issues are the effect of the proposal on the character and appearance of the locality and the effect on the living conditions of adjacent occupiers.

Effect on the character and appearance of the locality

6.2 Hill Rise runs off the A259 near the Buckle By-Pass, climbing up towards the Grand Avenue turn-off, before descending down into the Valley Dip area. Hill Rise is fronted by a mix of single dwellings, but generally comprises two-storey houses on the climb from the A259 and bungalows at the top of the hill and down into Valley Dip. The application property is at the crest of the hill, and is a chalet-bungalow which forms something of a transition, in terms of height, between the last of the two-storey houses running up from the A259 and the first of the bungalows on this side of Hill Rise.

6.2 The existing property is modest and unassuming within the 'street scene', but is unremarkable in its appearance. The proposed house would have a greater presence, particularly as it is at the crest of the hill in Hill Rise.

6.3 The house would be full two-storey. The plans show that the height would be 1.327m above the height of the existing dwelling, but the roof would be hipped, meaning that the ridge (the highest part) would be only 3.3m long. The house would have a greater upper floor bulk than the existing first floor (which is within the roof space), as the upper floor would occupy the width of the plot (save for side margins); the upper floor of the existing dwelling is about 3m off the boundary with no. 19.

6.4 It is considered that the variety of house designs in the road leads to the conclusion that the proposed house would be acceptable in the 'street scene'.

Effect on neighbouring living conditions

6.5 The bungalow at no. 19 is separated from the application plot by its double garage and is at a slightly higher level than no. 17. The effect of the extension on the living conditions of no. 19 would essentially be limited to the open area behind the garage.

6.6 An initially proposed window in the side wall of the rear projection was subject to objection from the neighbour at no. 15. At the time of writing it is anticipated that this window will be changed to a 'high level' window to address this objection. An update will be given at the meeting as to whether an amended plan has been submitted confirming this change. Otherwise, it is considered that the extension would not affect the living conditions of no. 15.

6.7 Overall, the proposal is considered to be acceptable. No conditions are considered to be necessary (materials, for example, are specified in the application).

7. RECOMMENDATION

That planning permission be granted.

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>

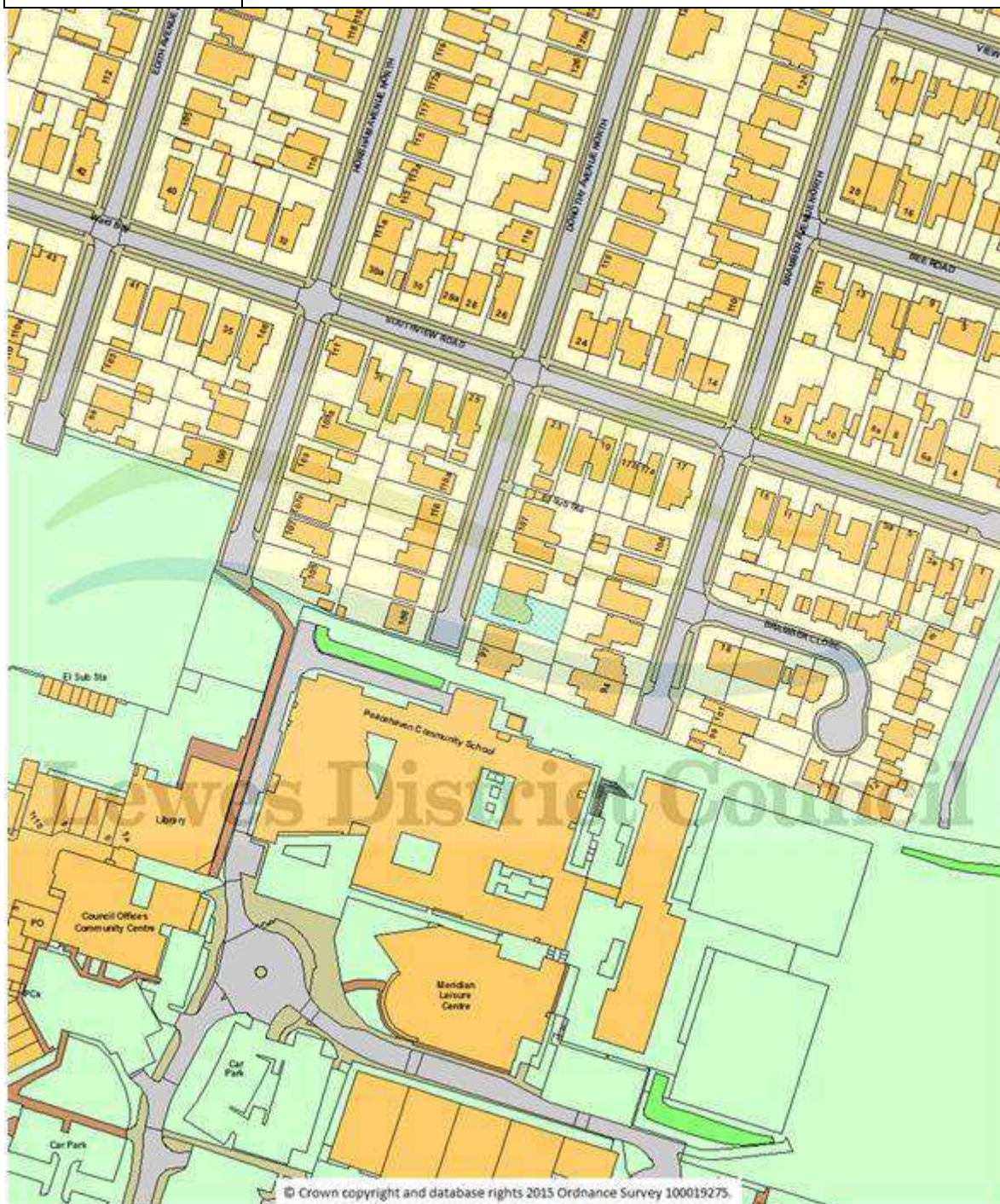
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	4 December 2017	01
Proposed Floor Plan(s)	4 December 2017	02
Existing Floor Plan(s)	4 December 2017	03
Proposed Floor Plan(s)	4 December 2017	04
Existing Elevation(s)	4 December 2017	05
Proposed Elevation(s)	8 February 2018	06A
Existing Roof Plan	4 December 2017	07
Proposed Roof Plan	4 December 2017	07
Proposed Block Plan	4 December 2017	BLOCK PLAN
Location Plan	4 December 2017	LOCATION PLAN

APPLICATION NUMBER:	LW/17/1010	ITEM NUMBER:	8
APPLICANTS NAME(S):	Miss S Vernon	PARISH / WARD:	Peacehaven / Peacehaven West
PROPOSAL:	Planning Application for Conversion of garage to provide new ground floor wheelchair facilities		
SITE ADDRESS:	101 Dorothy Avenue North Peacehaven East Sussex BN10 8DP		
GRID REF:	TQ 41 01		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a 'link' detached two-storey house fronting onto Dorothy Avenue, just north of the Peacehaven Community School ('link' detached means detached but linked to the adjacent house by a side garage).

1.2 The proposal is to convert the garage to a bedroom and bathroom facility for a wheelchair user, with a window replacing the existing garage door at the front. As part of the works the roof of the garage would be raised by about 0.3m, which it is understood is to provide space for an internal hoist within the bathroom. A letter from Adult Social Care dated June 2017 has been submitted with the application (on a confidential basis) highlighting that the applicant's father requires wheelchair access throughout his home

1.3 The application has been called in for determination by the Committee by Councillor Harrison-Hicks.

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

LW/17/0403 - Conversion of garage to provide new ground floor wheelchair facilities (to include a bedroom and bathroom as well as a new ramp access to the front door) - **Refused**

APPEAL/18/0002 - Conversion of garage to provide new ground floor wheelchair facilities (to include a bedroom and bathroom as well as a new ramp access to the front door) - **Appeal In Progress**

4. REPRESENTATIONS FROM STANDARD CONSULTTEES

Peacehaven Town Council – No Objection – Councillors noted that there are no adverse consequences as a result of this development and questioned why it could not be actioned under permitted development.

Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played.

Sympathetic materials to be used. Require a Waste Minimisation Plan. Vehicles belonging to construction staff should not block access for other residents and should not to be parked on grass verges or at junctions. Any damage to the grass verges during construction must be repaired by the developer. All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid 'rush hour' on the A259 and ease congestion

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 The neighbour (at no. 103) objects, on grounds that the raising of the garage roof would make the frontage of the properties uneven. This affects the appearance of the

property from the road and rear garden and would look out of character. There are no precedents for the work on other 'linked detached' properties in the area.

5.2 The neighbour has suggested that the shared roof be raised so the two garage roofs are even, and that no objection would be raised to this, but there are no plans to do so.

6. PLANNING CONSIDERATIONS

6.1 The previous application, LW/17/0403, was for an identical proposal. The application was refused (by officers under delegated powers) on 12 September 2017 for the following reason:

"It is considered the proposal will have a detrimental impact on the character and appearance of the property and street scene, contrary to Policies ST3 (Design, Form and Setting of Development) and RES13 (Residential extensions) of the Lewes District Local Plan".

6.2 The substance of the refusal, as is clear from the officer's report on LW/17/0403, was that the raising of the garage roof would make the property appear unbalanced in relation to no. 103, to the detriment of this pair of properties and the wider street scene. An appeal has been lodged against that refusal (the appeal has not yet been decided).

6.3 In parallel to the appeal against the refusal of LW/17/0403, the property owner has submitted this application (LW/17/1010) for, essentially, the same proposal again, in order that the Council may re-consider its previous decision and this time grant permission.

6.4 In the interests of consistency, and having regard to the expectations of the neighbour (who objected to LW/17/0403 and has objected to this application), the application should be refused.

6.5 The personal circumstances of the applicant, who aims to accommodate her father in the living rooms created by the garage conversion, are noted. However, personal circumstances rarely outweigh sound planning objections to a proposal, and in this case it is considered that LW/17/0403 was refused for a sound planning reason.

6.6 The argument against the proposal is that, in carrying out the work, the rooflines between the houses would be unbalanced as a result of the increase in ceiling height within the converted garage. This would be detrimental to 'street scene'.

6.7 This application, like LW/17/0403, is similarly recommended for refusal.

7. RECOMMENDATION

That planning permission be refused.

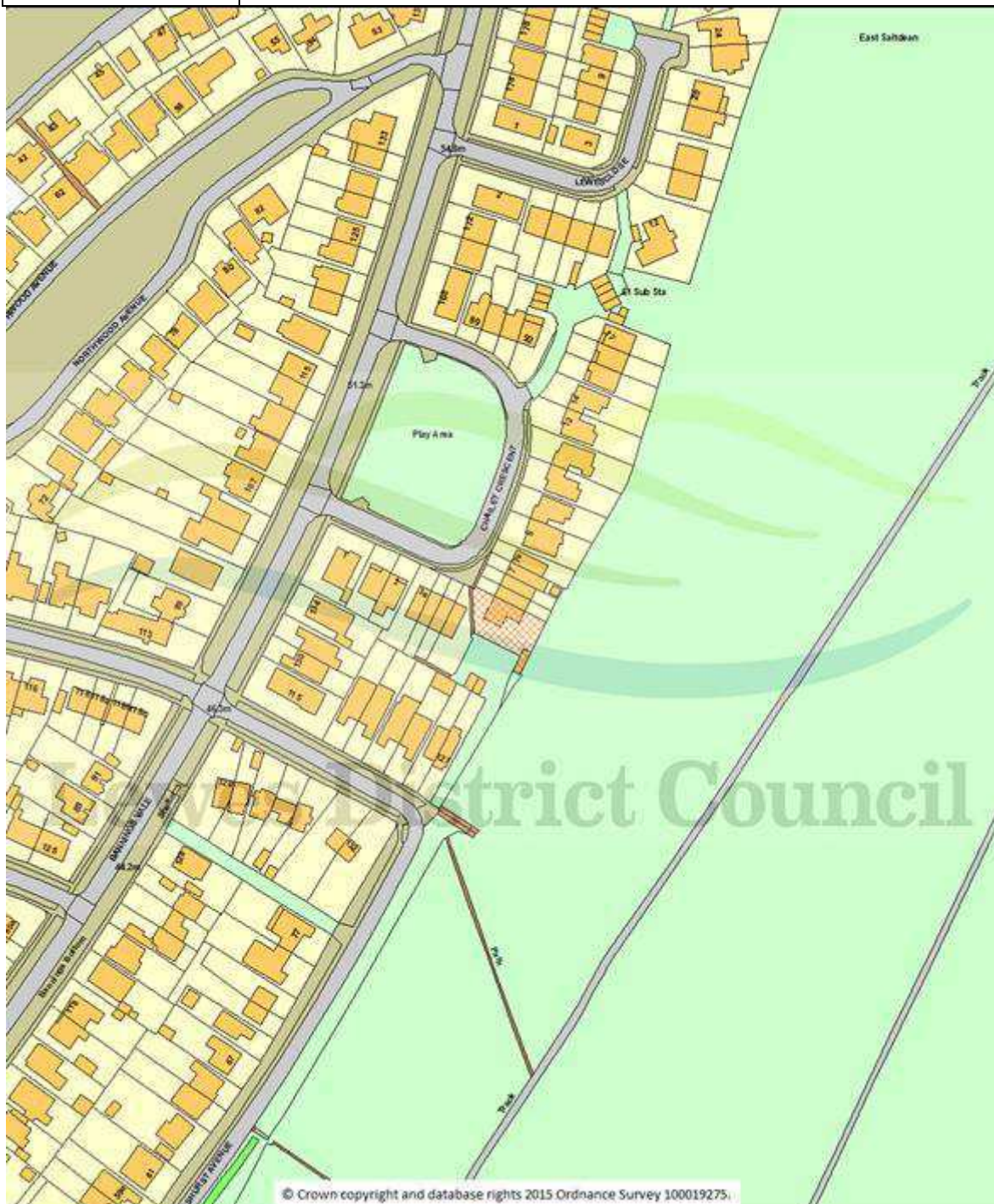
Reason(s) for Refusal:

1. It is considered the proposal will have a detrimental impact on the character and appearance of the property and streetscene, contrary to Policies ST3 (Design, Form and Setting of Development) and RES13 (Residential extensions) 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>
Location Plan	12 January 2018	01
Proposed Block Plan	5 December 2017	02
Existing Elevation(s)	5 December 2017	03
Existing Floor Plan(s)	5 December 2017	03
Proposed Elevation(s)	5 December 2017	04
Proposed Floor Plan(s)	5 December 2017	04
Design & Access Statement	5 December 2017	DESIGN & ACCESS STMNT

APPLICATION NUMBER:	LW/17/0972	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr C Baker	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning Application for Demolish existing two storey side extension and replace with a 3 bedroom dwelling		
SITE ADDRESS:	5A Chailey Crescent Saltdean East Sussex BN2 8DP		
GRID REF:	TQ 39 02		



1. SITE DESCRIPTION / PROPOSAL

1.1. The application site consists of one of five circa 1970s terraced dwellings and forms the end house set in a spacious corner plot with a large garden to the side of the main house. The existing dwelling is high fronted and adjoins two low fronted properties. There is a footpath running diagonally from the road at the front of the site to a garage area to the side. The site is located within the planning boundary for Saltdean and adjoins the South Downs National Park boundary to the rear.

1.2. This application seeks planning approval for demolition of an existing 3.5 metres wide two storey side extension to the south-west side elevation that is of the same height as the original house. Planning permission for the existing side extension was granted in the late 1980s under planning approval ref. LW/87/1428. The extension would be replaced with a 0.7 metre wider two storey side extension of the same height as the existing dwelling. When comparing to the existing extension, it would be set 6 metres further to the rear although not beyond the existing rear elevation wall.

1.3. The proposed works would also include an adjoined 4 metres high single storey pitched roof 4.4 metres wide and 6.8 metres deep structure. It would be in line with the rear elevation wall but will be set 5.5 metres back from the principle elevation wall. The existing plot would be divided into two separate residential gardens and a new two and an half storey structure would create a 3-bedroom self-contained house, whereas a remaining host building would form a 2-bedroom accommodation. The proposals include a shared cycle store that would be provided through conversion of an existing garage on site.

2. RELEVANT POLICIES

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

LDLP: – RES13 – All extensions

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – ST04 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/87/1428 - Planning and Building Regulations Applications for two storey side extension. Building Regs. Approved. Completed. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Object to the application on the following grounds:

- Overdevelopment of the site
- Out of character with the surrounding area
- Back garden development
- Unneighbourly and overlooking neighbouring property
- Access problems - nothing mentioned in the design and access statement
- Parking issues - not enough spaces

ESCC Archaeologist – No objection

Environmental Health – No objection, subject to conditions

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Nine representations from nearby residents objecting on grounds of:

- Out of keeping and character with the surrounding area
- Overdevelopment
- Back garden development
- Unneighbourly and overlooking neighbouring property
- Loss of privacy
- Noise and disturbance
- Access problems - nothing mentioned in the design and access statement
- Parking issues - not enough spaces
- Traffic generation
- Highway hazard
- Not sustainable development
- Effect on wildlife
- Insufficient information

5.2 In addition to that, other non-material planning considerations were raised such as:

- Structurally unsound building
- Legal matters
- Nuisance during construction works
- Conflict with tenants
- Health issues of the local residents
- Daytime sleep disturbance

6. PLANNING CONSIDERATIONS

6.1. Pre-application advice was sought from the local authority prior to submitting a full planning application. The case officer summarised in his reply ref. PREAPP/17/0192 that an 'L' shape dwelling set to the rear is 'a better approach as it retains the spacing to the front thereby maintaining the separation between the terraces'. In addition to that, the applicant was told that if 'this section is single storey this will also help to reduce the bulk and mass on site'.

6.2. The application site is located within the build-up boundary of Saltdean. 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.

6.3. The existing terrace façade is built of a mixture of face brickwork and vertical timber cladding, with a mix of pitched and flat roofs. The replacement two storey addition would be set within an almost identical footprint as the existing front/side extension to no. 5A that is to be demolished. Also, it would match the size, detailing and materials of the lower fronted properties in the existing terrace with the high roof to the rear, continuing the alternating pattern of development. Therefore, the main consideration is the effect of an additional single storey side addition upon the street scene.

6.4. Core Policy 2 states that account 'needs to be given to the existing character and housing mix of the vicinity', whereas saved Policy ST03 says 'development should respect...rhythm and layout of neighbouring buildings and the local area more generally'. As already agreed during the pre-application advice process, a single storey 'L' shape section would retain the spacing to the front and will not be seen as a bulky addition to the main house. It is therefore considered that a subservient addition in form a single storey pitched roof extension would maintain the space between the terraces which backs on to the SDNP. As already stated, the addition of a single dwelling adjacent to the host building would be cohesive in relation to surrounding development, would retain the spacing between properties and maintain an acceptable outlook for the occupants.

6.5. The proposed facades will be face brickwork to match the existing terrace. The host dwelling would still benefit from an open garden space of a comparable footprint as is serving other neighbouring terraced houses. Moreover, a new dwelling would benefit from sufficient garden amenity. Consequently, it is considered that the proposed design and layout would complement that of the host house and wider area. However, to avoid potential overdevelopment of the site in the future, some of the Permitted Development rights would be restricted through a planning condition.

6.6. Impact upon neighbouring amenities has been assessed. Those amenities that can be potentially affected by the proposed works are No. 5 Chailey Crescent with no elevation windows set approximately 7 metres way westwards, as well as rear gardens of Nos. 123, 125 and 127 Bevendean Avenue located approximately 30 metres away southwards, separated from the site by an existing community parking area.

6.7. The two storey addition immediately adjacent to the host dwelling would retain views across the frontage of the terrace located to the north-west and would be consistent with the layout of surrounding development. No upper floor side facing windows would be proposed and the single storey addition set to the rear would not cause overlooking issues to the level that could warrant planning refusal. It is considered that the scale and separation distances of the proposed works would not result in loss of light at neighbouring amenities.

6.8. The neighbours' concerns about the impact of construction on the health of some of the local residents are noted and there is sympathy with these concerns, but these concerns do not constitute planning grounds for refusal, as construction impact is of limited duration. In the circumstances, however, it is recommended that a Construction Management Plan should be prepared if permission is granted, to help control the impact of dust, noise, access to the site, etc.

6.9. The applicant amended this initial proposal showing retention of an existing garage that is not in line with the current adopted space standards that require a minimum of 3 metres by 6 metres internal space. The applicant also removed his statement indicating that parking spaces would be provided in the garage/parking area adjacent to the plot. The existing 5-bedroom property would be divided into 2no. units consisting of 2-bedroom and 3-bedroom houses. Therefore, the overall number of bedrooms within the application site would not increase. As a result of that, parking demand would not differ from the existing one.

6.10. Two cycle stores would be provided serving each unit. This will be set within the existing garage structure. In addition to that, although there is no on-site parking provision, it is noted that also other adjoined terraced houses, as well as immediate properties set westwards lack of on-site parking provision. There is an existing community parking adjacent to the site that during officer's site visits seemed to be underused.

6.11. The local area benefits from no restricted on-road parking spaces. Access for construction vehicles shall be specified within a Construction Management Plan that would be conditioned as already highlighted in this report. Consequently, the impact upon the local highway and parking provision would not warrant planning refusal.

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 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. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved by the local planning authority, which shall set out the means of controlling construction impact in the locality, in terms of excavation, dust emission, noise and other impacts. The approved CMP shall be implemented for the duration of the building works.

Reason: To help limit the effect of construction works in the locality, having regard to Policy ST3 of the Lewes District Local Plan.

3. No upper floor windows or openings of any kind shall be inserted in the southern elevation of the development hereby approved.

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.

4. 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 ST03 of the Lewes District Local Plan.

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.

INFORMATIVE(S)

1. There should be no bonfires on site.

2. Please note that all waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 February 2018	REVISED
Proposed Floor Plan(s)	7 February 2018	PL02
Proposed Floor Plan(s)	17 November 2017	PL03
Proposed Section(s)	17 November 2017	PL05
Existing Floor Plan(s)	17 November 2017	S02
Existing Elevation(s)	17 November 2017	S04
Proposed Elevation(s)	8 February 2018	PL04
Location Plan	17 November 2017	LP01
Proposed Block Plan	17 November 2017	LP01
Proposed Floor Plan(s)	17 November 2017	S02
Proposed Elevation(s)	17 November 2017	S04
Proposed Roof Plan	17 November 2017	PL03
Proposed Elevation(s)	17 November 2017	PL05
Proposed Layout Plan	17 November 2017	PL01
Existing Layout Plan	17 November 2017	S01
Existing Floor Plan(s)	17 November 2017	S03
Existing Roof Plan	17 November 2017	S03

Report to	Planning Committee
Date	21 February 2018
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/17/06183/HOUS
Applicant	Mr P Seagrave
Application	Rear and side ground floor extensions, creation of front porch and insertion front & rear dormer.
Address	4 Fairhaven Plumpton BN7 3AH

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

Executive Summary

I Site Description

1.1 4 Fairhaven is one of 6 dwellings approved in 1988 on a former industrial site approximately 2km to the south of Plumpton Green. It is a two storey detached dwelling located on the western edge of the small cul-de-sac of residential development. To the front of the dwelling is a detached double garage.

1.2 The application site falls outside of any planning boundary as defined by the Lewes District Local Plan and within the South Downs National Park.

2 Proposal

2.1 Planning permission is sought for rear and side ground floor extensions, creation of a front porch and insertion of front and rear dormer.

2.2 The proposed porch at the front would involve a small infill of the existing recessed entrance, with the introduction of a small open canopy 0.8 metres deep by 2.25 metres in width.

2.3 To the side, the existing porch is to be removed and replaced with a larger lobby, measuring 3 metre in width by 4.8 metres in depth. This would have a hipped roof with a maximum ridge of 5.4 metres.

2.4 To the rear it is proposed to extend off the back of the existing kitchen. This addition would measure some 4 metres in depth by 5.8 metres in width, extending beyond the existing rear elevation of the dwelling by approximately 2 metres. This addition would have a flat roof with a maximum height of some 3 metres.

2.5 The existing pitched roof dormer window in the rear elevation would be replaced with a larger mono-pitched dormer window some 3.6 metres in width. A matching dormer is proposed in the front elevation.

3 Relevant Planning History

LW/88/0311 - Outline application for erection of six detached houses with garages - Approved

LW/91/0182 - Approval of reserved matters (LW/88/0311) for the erection of six detached dwellings and ancillary works - Approved

4 Consultations

Parish Council Consultee

The Committee agreed that a site visit would be necessary and the decision on this proposal was therefore postponed

Parish Council Consultee

The Committee did not support this proposal.

It was felt that the proposed design was not in keeping with and sympathetic to the design of the rest of the property and the other houses in that development. In particular, we noted that the front and rear dormers are not hipped.

We would also like to ask that SDNPA ensure that potential increased light pollution from the velux windows is within acceptable levels as specified in its dark skies for the national park.

5 Representations

Three letters of objection:

- Flat roofed dormers proposed are not in keeping with the existing dwelling or other dwellings in the cul-de-sac which all have pitched roof dormers.
- The materials for the proposed dormers must match the existing dwelling.
- Side extension looks too large
- Will result in a loss of light and views.
- The front window of the side extension is also not in keeping.
- Contravenes Strategic Policy SD8: Dark Night Skies, of the South Downs Local Plan and paragraph 125 of the NPPF with respect to the introduction of rooflights.

6 Planning Policy Context

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

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

- Plumpton Neighbourhood Plan

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

- NPPF07 - Requiring good design

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
- RS13 - All Extensions
- RS14 - Extensions In The Countryside

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:

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.

Plumpton Neighbourhood Plan

Plumpton Parish Council is currently preparing a Neighbourhood Plan for the Parish of Plumpton.

The plan was published for consultation under Regulation 16 of the Neighbourhood Planning General Regulations 2012 (as amended) and the Localism Act 2011 and the consultation ran between 5th October 2017 to 22nd November 2017. An Independent Examiner has been appointed to carry out the Examination of the Plumpton Neighbourhood Plan. The Examiner will assess whether the Neighbourhood Plan meets certain legal requirements known as 'basic conditions' and will consider comments/representations made on the Plumpton Neighbourhood Plan.

On this basis the emerging policies of this plan only be afforded limited weight and are not relied upon in the consideration of this application, however the following policies are considered relevant:

- Policy 2
- Policy 3

8 Planning Assessment

8.1 Policy RES13 of the Lewes District Local Plan allows in principle the extension of existing dwellings, whilst seeking to ensure that all extensions and alterations complement and integrate with the existing dwelling in respect of materials and design. It also requires proposals to respect the scale, height, site coverage, bulk, massing and character of adjacent properties in the street scene and requires that extensions be subsidiary to the existing building. Policy ST3 of the Local Plan is a general design policy and states that development should respect the amenity of adjoining properties. The requirements of these policies are also complemented by the requirements of Core Policy 11 of the Joint Core Strategy.

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8.2 Also of particular relevance to the consideration of this application is Policy RES14 of the Local Plan. This states:

"Policy RES14 will apply to applications for extensions to existing dwellings outside Planning Boundaries.

In the case of extensions in excess of 30% of the original floorspace (where planning permission was granted as at September 1988) the Council will need to be satisfied that there is no major change to the character of the building or its impact on the landscape.

Extensions in excess of 50% of the original floorspace will not normally be granted."

8.3 The proposed additions would increase the floor area of the existing dwelling by approximately 26%, therefore within the tolerances of policy RES14.

8.4 The main issues to consider therefore are whether the additions are in keeping with the character of the existing dwelling and wider street scene, and whether there are would be any harm to neighbour amenity.

8.5 As noted above objections to these proposals have been received, concerned that the style of the proposed dormer windows are out of keeping with the other dwellings in the cul-de-sac. Whilst it is true that the other dwelling exhibit pitched roof dormers, with the exception of numbers 4 and 5, the style of the other dwellings in the cul-de-sac varies. The cul-de-sac arrangement and spacious distances between the dwellings also means that each dwelling is viewed separately rather than as a combined street therefore variation in design between the dwellings is not a significant issue and will simply bring further interest and variety to the development, individualising each dwelling. The proposed dormer windows, whilst being larger than the existing window in the rear elevation will not dominate the roof slopes and are considered to complement the existing character of the dwelling. With the property being tucked into the rear of the cul-de-sac, wider visual impact from these proposals is limited. For these reasons it is considered that a refusal based on the design of the dormer windows would be difficult to sustain.

8.6 With regard to the impact on neighbour amenity as a result of the size of the side extension and its impact on light and views, the main issue is in relation to the impact with no. 5 Fairhaven. This property lies to the east of the application site at a slightly higher level. It is also set at an angle to no. 4 meaning that direct lines of visions from the rear of the dwelling are to the north west. Whilst it is quite probable that oblique views across the application site to the views beyond are currently possible from no. 5, planning law dictates that there is no right to a view and it would therefore be unreasonable to refuse this application on this basis. Furthermore with a minimum intervening distance of some 17 metres, it is not considered that the single storey side extension will cause significant loss of light to this neighbouring property, especially bearing in mind the intervening presence of a large detached double garage, boundary hedging and the fully hipped nature of the roof.

8.7 Objections have also been received from the occupiers of no. 1 Fairhaven and Oak Cottage. These properties lie even further away from the application site and therefore it is considered that it would be difficult to sustain a reason for refusal due to harm to their amenities.

8.8 With regard to the concerns that have been raised in respect of breach of the South Downs Local Plan Dark Night Skies policy, as explained above as an emerging document whilst a material consideration the emerging policies can only be afforded limited weight at this stage.

9 Conclusion

9.1 In conclusion it is considered that the proposed additions to this dwelling are appropriate and will complement and integrate with the existing dwelling in terms of materials and design and will not detract from the wider character of the locality. No significant harm is likely to be caused to neighbour amenity and for these reasons the application is considered to comply with Policies ST3, RES13 and RES14 of the Lewes District Local Plan and Policy CPI 1 of the Joint Core Strategy.

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

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

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

South Downs National Park Authority

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

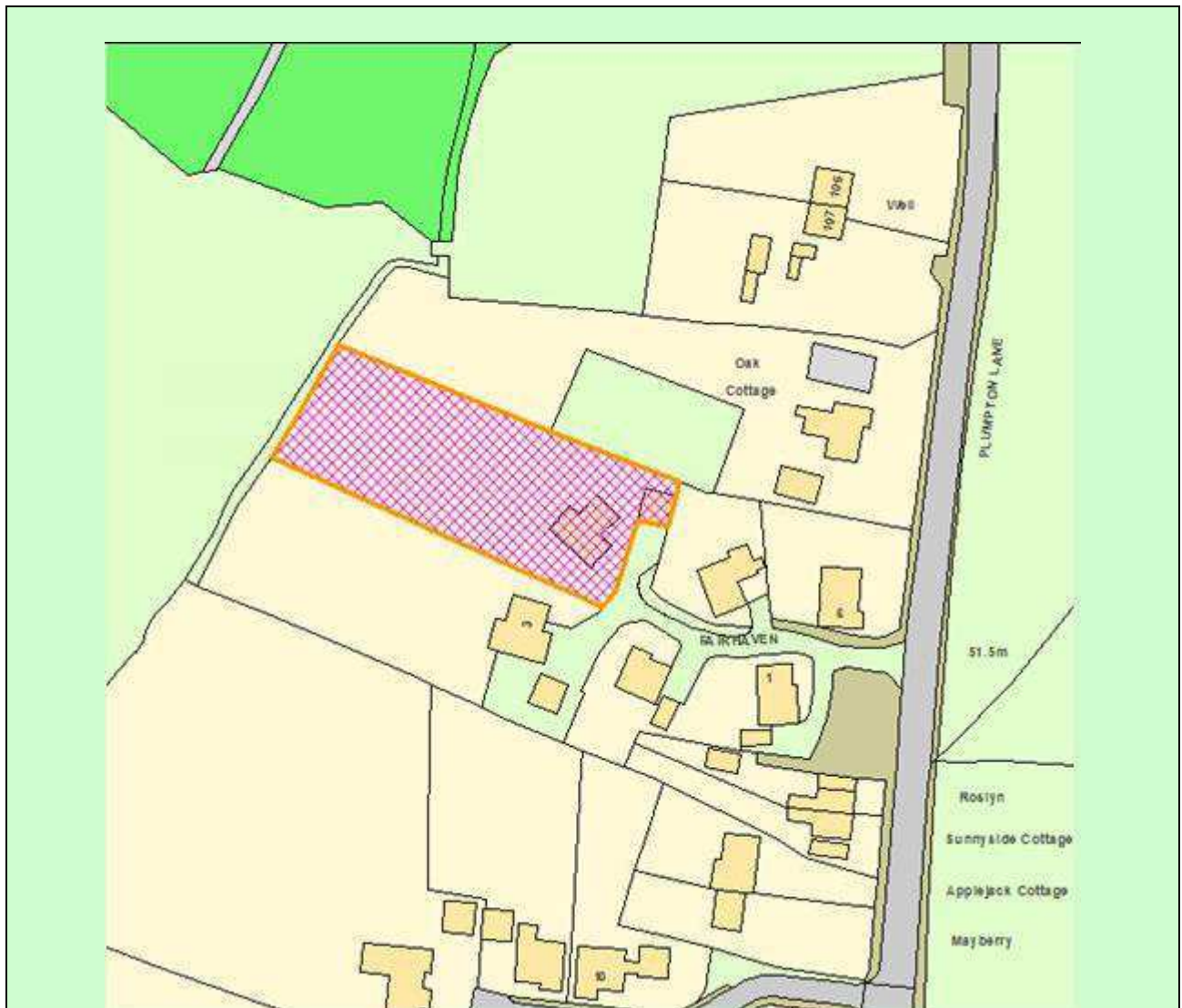
Appendices Appendix 1 - Site Location Map
 Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location plan	I70706/S0		01.12.2017	Approved
Plans -	I70706/P0		01.12.2017	Approved
Plans - Existing site, roof, floor, elevation and section plans	PLAN S1 to S9		01.12.2017	Approved
Plans - Proposed site, roof, floor, elevation and section plans	PLAN P1 to P8		01.12.2017	Approved
Application Documents - PARKING PROVISION	PARKING PROVISION		01.12.2017	Approved
Application Documents - CIL ADDITIONAL INFORMATION REQUIREMENT FORM	CIL		01.12.2017	Approved

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

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.

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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.

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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:

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- 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

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
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.

Report to **Planning Committee**
Date **21 February 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/03064/FUL**
Applicant **Mr J Richardson**
Application **Proposed alterations to the glazing of the building**
Address **40-42
Friars Walk
Lewes
BN7 2XW**

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

Executive Summary

1 Site Description

1.1 40-42 Friars Walk is three storey office building located on the northern side of Friars Walk close to the junction with Court Road in the town centre of Lewes. The building was constructed in the 1970s and was previously occupied by Sussex Ambulance Services.

1.2 The site falls within the planning boundary of Lewes, is within a designated Conservation Area and also falls within the South Downs National Park.

2 Proposal

2.1 Prior approval has recently been granted for the conversion of the building into 24 residential units under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As part of the proposed conversion permission is now being sought for alterations to the glazing of the building.

3 Relevant Planning History

LW/77/0896 - New offices approx. 2000 sq.m. gross (Approved by County Council) -
Approved - 22 August 1977

LW/03/0101 - Removal of condition No 2 attached to planning permission LW/77/896 restricting the premises to a firm predominantly serving Adur, Brighton, Hove and Lewes Districts -
Approved - 6 March 2003

SDNP/16/04343/PA30 - Change of use of the existing building from its current B1 (a) office use to C3 residential. The change will provide 18 units (1 Studio and 17 x 1 beds apartments) - Approved - 27 October 2016

SDNP/17/02306/PA30 - Change of use of the existing building from its current B1(a) office use to C3 residential to provide 24 units (13 x studio flats and 8 x 1 bed flats and 3 x 2 bed flats) - Approved - 30th June 2017

SDNP/17/03797/PA30 - Change of use from B1(a) office to 24 self-contained flats (Use Class C3) - Approved - 28th September 2017

SDNP/17/05731/FUL - New main entrance to the building - Approved - 22nd January 2018

SDNP/18/00055/FUL - Change of use to the basement floor from ancillary office (B1a) to leisure uses (D1/D2) - Pending determination

4 Consultations

LE - Design and Conservation Officer

ORIGINAL COMMENTS:

Concern is raised over the proposed windows and their detailing. As proposed the works are unacceptable and need significant revision. It is therefore advised the application be refused or withdrawn for further negotiation.

Concern is raised over the proposed opening mechanism. Specifically the opening mechanism, i.e. the top and outward opening casement windows, is awkward and uncharacteristic of the immediate context. Concern is also raised over the bulky profile of the opening mechanisms and how they are not flush with the fixed sections of the windows. Generally, more careful attention will need to be paid to the opening mechanisms. It is advised alternatives, such as an inward opening bottom casement for top sections of some of the windows (most relevantly the ground floor and first floor windows), be explored. The use of sash windows in the dormers (with a central mullion) and the first floor link section may be appropriate.

Concern is raised over the use of glazing bars. The glazing bars are shown fixed between, i.e. inside, the double glazing. This approach is not characteristic of the Lewes Conservation Area and is a cheap detail so inappropriate it would cause harm. Concern is raised this type of glazing bar would do little to break up the large windows as the glass would consist of one whole pane when viewed from the street. Glazing bars in the Lewes Conservation Area run through the windows. They should not sit on the inside of double glazing or be applied to the exterior panes.

However, the use of glazing bars for the windows is questioned. While it is acknowledged their use is an attempt to reflect the windows in the immediate context, the proposal fails to take account of the robust character of the building itself. In applying this detail to 40 - 42 Friars Walk the result is weak, overly fussy and relates poorly to the buildings appearance. It is recognised the existing fenestration is not attractive and needs to be broken up to reflect the domestic use of the building but the blanket use of glazing bars on all the windows does not achieve this in a satisfying way. It is advised the restrained use of larger fixed mullions and transoms to break up the glazing be explored, particularly for the ground floor windows and the dormer windows. It is considered that the elegant appearance glazing bars give to windows is not appropriate for this building.

Given the significant concerns over the proposed works it is recommended the application be refused or withdrawn for further negotiation.

LE - Design and Conservation Officer

AMENDED PLANS: This consultation relates to a major development site in a prominent town centre location which looks to re-commission an unlovely former public building for residential use. The aspiration is to create a set of distinctive contemporary apartments, which reference and draw upon a tradition of transatlantic loft style living. The protected heritage setting within

which the building sits is highly eclectic in nature, evidencing architectural range and quality, and with a significant number of contemporary buildings in the immediate vicinity.

The application was first considered by my predecessor prior to his departure, at which point he identified a number of concerns around the proposed fenestration, mainly to do with the presence of glazing bars and their potentially adverse effect in this protected setting. I share these concerns about fussy, over-elocuted and inappropriate designs for the building, and have worked closely with staff at Aros over the last 8 weeks in an attempt to address the various points raised. This has given rise to numerous conversations and multiple adaptations in an attempt to address initial deficits.

Helpfully, the use of glazing bars, the issue that generated most adverse comment, has been fully addressed with any mullions or transoms now running through the glazing. This change invites applause and generates a significant positive visual effect.

Effort has also been invested in ensuring that window openings at lower levels address identified concerns, and that all windows are most appropriately proportioned. At upper level, this has been delivered using a three mullion approach, recognising the visually awkward effect of using a single central mullion.

At ground floor level, it is felt that a two mullion approach is most aesthetically appropriate, avoiding the twin perils of fussiness-the likely outcome of using three mullions- and the visual awkwardness arising from use of just a single mullion.

The decision to use a dark grey colouring for all fenestration positively contributes to the overall visual appeal, generating a sleek, high-end and muted effect well suited to residential use of this kind.

My feeling is that the combined effect of all of the modifications identified moves the design to a place of greater comfort, while also recognising that the limitations characteristic of the host building create significant challenges. Certainly, the amended proposals enhance the situation as found.

On the basis of the above, I do not wish to raise an objection.

Parish Council Consultee

AMENDED PLANS: Members felt the design was not in keeping with a building of this era and presents a "fussy" facade and an architectural "clash".

Parish Council Consultee

ORIGINAL COMMENTS: Members considered the design too 'fussy' i.e. excessive glazing bars, and considered it unattractive and inappropriate to the architectural period of the building.

5 Representations

Friends of Lewes - ORIGINAL COMMENTS: Friends of Lewes have no objection to the proposed use of aluminium metal windows in this development. However, the Society objects to the fussy design which has too many glazing bars which are inappropriate and not fitting for this modern building. The glazing proposed does not respond sympathetically or contribute positively to the site and its local context, contrary to Core Policy 11 of the LDC/SDNPA Joint Core Strategy 2016. AMENDED PLANS: The Friends of Lewes consider the amended elevations to be an improvement on the original submission. It accepts the design of the first floor windows and supports the way that the ground floor windows have been sub-divided with the opening lights being nearly the same size as those on the first floor. However, it objects to the second floor windows which need to be simplified. It considers them to be too 'fussy' and questions whether 'sash windows' are appropriate. The Society suggests that they should be 'bottom hung casements' to match the windows on the other floors.

LCAAG - Applicants Heritage Statement suggests that the changes to the glazing will more accurately reflect the Friars Walk vernacular. Group believes this comment to be little short of fatuous. The changes would be extremely fussy applied to a relatively modern building. Unnecessary and out of character. Totally misconceived was one comment, which was unanimously agreed.

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:

- Lewes Neighbourhood Plan

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

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

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

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

- CPII - 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 I

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 SD12 - Historic Environment
- Development Management Policy SD15 - Conservation Areas

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.

8.1 As originally submitted the proposals sought to change the existing windows to double glazed windows, with the panes subdivided through the use of internal glazing bars. As noted above concerns were raised by the Council's Design and Conservation Officer. Whilst it was acknowledged that the existing fenestration of the building needs to be broken up to reflect the domestic use of the building, the use of top and outward opening casement windows was considered awkward and uncharacteristic of the immediate context, as was the use of internal glazing bars.

8.2 Following discussions with officers, amended plans have subsequently been submitted, which revise the detailing of the proposed windows. The openable windows at ground and first floor are now bottom hung, inward opening units, located at the higher section of the windows to ensure privacy for the residents. Sash windows are now proposed in the dormer windows, with a three mullion approach to prevent the dormers appearing too squat and also to reflect the proposed subdivision of the windows at ground floor. All glazing bars have been removed, and where a mullion or transom is proposed, these cut through the glazing, dividing the panes.

8.3 The revised details have been considered by the Council's Conservation Specialist. He has noted the changes that have been made to address the initial concerns raised by the Design and Conservation Officer and considers the scheme now presented to be acceptable. The alterations to the windows now proposed are considered an enhancement to the existing situation, appropriate to the style of the building and reflective of the eclectic character of the surrounding conservation area.

8.4 Whilst the comments from the third parties seeking the details to be simplified further are noted, it is considered that what has been proposed is an appropriate compromise, which will achieve an enhancement to the character and appearance of the existing building and consequently to the character of the wider conservation area. This enhancement is considered to fall in line with the statutory requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990, which states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Policies ST3 and H5 of the Lewes District Local Plan and Core Policy 11 of the Joint Core Strategy together state that development should respect the scale, site coverage, and character of the local area and neighbouring buildings, with permission granted within conservation areas for developments which conserve or enhance the character or appearance of the area.

8.6 As noted by the Conservation Specialist the protected heritage setting within which the building sits is highly eclectic in nature, evidencing architectural range and quality, and with a significant number of contemporary buildings in the immediate vicinity. The removal of the existing large and uncharacteristic windows and their replacement with windows of a more domestic nature is considered to meet the objectives of these policies and will represent and enhancement to the wider locality that should be supported.

9 Conclusion

9.1 For the reasons outlined above it is considered that the proposal comply with policies ST3 and H5 of the Lewes District Local Plan and Core Policy 11 of the Joint Core Strategy 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.

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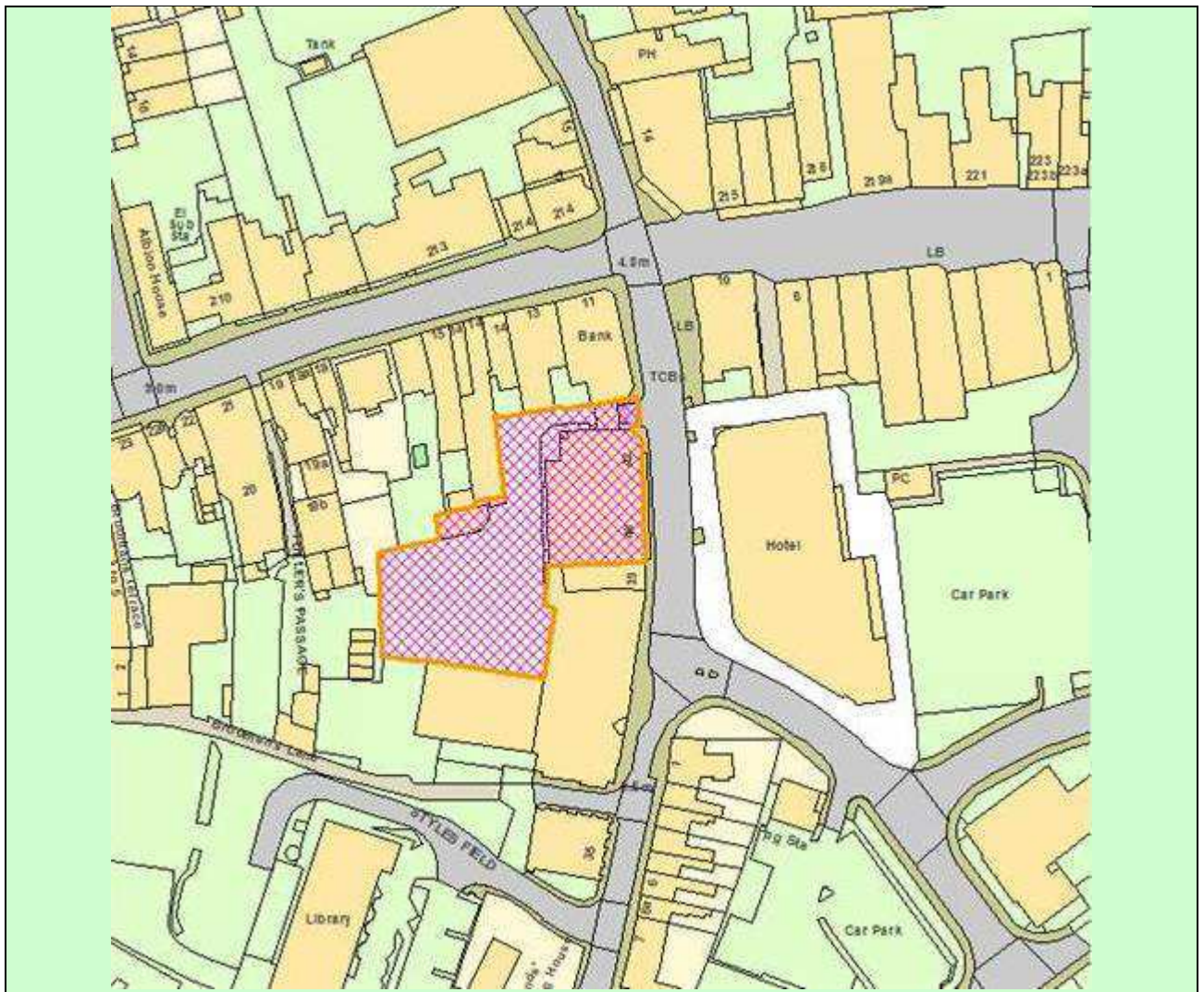
Appendices Appendix 1 - Site Location Map
 Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Window Details	(31) 001		14.07.2017	Approved
Plans - Proposed site	000 P		14.06.2017	Approved
Plans - existing grnd flr	100 P		14.06.2017	Approved
Plans - proposed grnd flr	100 P		14.06.2017	Approved
Plans - existing 1st flr	101 P		14.06.2017	Approved
Plans - proposed 1st flr	101 P		14.06.2017	Approved
Plans - existing 2nd flr	102 P		14.06.2017	Approved
Plans - proposed 2nd flr	102 P		14.06.2017	Approved
Plans - existing 3rd flr	103 P		14.06.2017	Approved
Plans - proposed 3rd flr	103 P		14.06.2017	Approved
Plans - existing ele aa	40 P		14.06.2017	Superseded
Plans - proposed sec aa	400 P		14.06.2017	Superseded
Plans - existing ele bb	401		14.06.2017	Superseded
Plans - proposed ele bb	401 P		14.06.2017	Superseded
Plans - existing ele cc	402		14.06.2017	Superseded
Plans - proposed ele/sec cc	402 P		14.06.2017	Superseded
Plans - Existing Elevation AA	5962 (00) 400 P		29.11.2017	Approved
Plans - Existing Elevation BB	5962 (00) 401 P		29.11.2017	Approved
Plans - Existing Elevation CC	5962 (00) 402 P		29.11.2017	Approved
Plans - Proposed East Elevation	5962 (20) 400 PI		29.11.2017	Superseded
Plans - Proposed North Elevation	5962 (20) 401 PI		29.11.2017	Approved
Plans - Proposed West Elevation	5962 (20) 402 PI		29.11.2017	Approved
Application Documents -	Supporting Statement		29.11.2017	Approved
Application Documents -	RAL 7021 Black Grey		29.11.2017	Approved
Plans - Window Types Sheet 1	5962(31)01 TI		19.10.2017	Superseded
Plans - Window Types Sheet 2	5962(31)02 TI		19.10.2017	Superseded
Plans - Typical Window Detail	5962(31)700 P		19.10.2017	Superseded
Further Information Received -	Glazing Brochure		21.09.2017	Superseded
Further Information Received -	Glazing Photographs		21.09.2017	Superseded
Further Information Received -	Window Frame Brochure		21.09.2017	Superseded
Further Information Received - Window Frame Detail	1/Window400-A		21.09.2017	Superseded
Plans - Friars Walk (east) Elevation	5962 (20) 400 P2		12.01.2018	Approved

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

Agenda Item No: 13

Report Title: Outcome of Appeal Decisions from 1st December 2017 to 8 February 2018

Report To: Planning Applications Committee **Date:** 21 February 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
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Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

Waitrose, Eastgate Street, Lewes BN7 2LP Description: <i>Proposed horticulture unit</i>	<i>Application No:</i> SDNP/17/00499/FUL Committee Refusal Written Representations Appeal is allowed <i>Decision:</i> 12 January 2018
Land at More House Farm, Ditchling Road, Wivelsfield, East Sussex Description: <i>Creation of a lake and lake house</i>	<i>Application No:</i> EN/14/0214 Enforcement Appeal Written Representations Appeal is dismissed <i>Decision:</i> 29 January 2018

<p>Foxhole Farm, Seaford Road, Newhaven, BN9 0EE</p> <p>Description:</p> <p><i>Retention and relocation of mobile home for holiday let</i></p>	<p><i>Application No: SDNP/17/03101/FUL</i></p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 8 February 2018</p>
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Robert Cottrill
Chief Executive of Lewes District Council and Eastbourne Borough Council

Appeal Decision

Site visit made on 12 January 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2018

Appeal Ref: APP/Y9507/W/17/3186182
Waitrose, Eastgate Street, Lewes BN7 2LP

- 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 Waitrose Ltd against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/00499/FUL, dated 30 January 2017 on the application documents, was refused by notice dated 19 May 2017.
 - The development is a horticulture unit.
-

Decision

1. The appeal is allowed and planning permission is granted for a horticulture unit at Waitrose, Eastgate Street, Lewes BN7 2LP in accordance with the terms of the application, Ref SDNP/17/00499/FUL, dated 30 January 2017 on the application documents.

Preliminary Matters and Main Issue

2. Consent was granted in 2014 for the installation of a horticultural unit at the site, consisting of various different structures. This consent was a temporary three year approval. The appellant then applied to extend this permission and sought a permanent consent in 2017.
3. The 2017 application was refused as the Authority considered that the unit, in conjunction with other existing nearby structures, caused harm to designated heritage assets, namely the Conservation Area and the setting of an adjacent Grade II listed building.
4. The main issue in this case therefore is the effect of the horticulture unit on the character and appearance of the Conservation Area, and on the setting of 6 Eastgate Street, a Grade II listed building.

Reasons

5. The appeal site, a Waitrose supermarket, lies within the Lewes Conservation Area (LCA). The LCA is a large one, centred on Lewes castle and covering much of the well preserved County town. As a large and fairly diverse area the LCA has various qualities, but much of the character of the area is derived from the setting of the town in a gap of the South Downs and on the River Ouse, the views that this topography affords, and the high quality street scape within the thriving town centre.

6. The 'horticulture unit' consists of a range of largely wood panelled structures. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
8. Policies ST3, H2 and H5 of the Local Plan¹ and Core Policy 11 of the Core Strategy² together state development should respect the scale, site coverage, and character of the local area and neighbouring buildings, with permission granted within conservation areas for developments which conserve or enhance the character or appearance of the area. A key strategic objective will be to conserve the high quality of the district's towns, ensuring all forms of new development are designed to a high standard, with consent not granted for any proposal which would adversely affect the setting of a listed building.
9. Eastgate Street is located on the northern fringes of the town centre. In the area of the site modern buildings, including Waitrose, but also the large bus station opposite and Baptist Church slightly further to the north have impinged upon the street scene, which is further detracted from by the busy one way street. An exception to this modern character is No 6 Eastgate Street, a Grade II listed three storey property currently in use as a restaurant. This attractive building is constructed in grey brick with red brick dressed surrounds to the rectangular sash windows on the 3rd floor and the round arched windows at ground and first floor. On the 1st floor there are 5 such coupled windows. A pedimented door at the ground floor is sited between the larger round arched windows. No 6 stands on its own, to the west of Waitrose, and this positioning contributes significantly to its setting, with the highly detailed façade of the building clearly visible in views from the town centre to the south.
10. Waitrose itself is a large red brick mainly flat roofed building. Although the property is of a substantial size, from Eastgate Street the building appears lower than No 6, and this, along with the screening provided by two large protected horse chestnut trees, helps to reduce the impact of the building on the street scene and the setting of No 6. The pavement in front of Waitrose is of a reasonable size with various pieces of street furniture and structures including the horticultural unit, as well as benches, bins, bus stops/signs and 2 large trolley bays.
11. The wooden nature and colour of the horticultural structures helps them to blend into the red brick of the shop unit behind, and their siting, primarily

¹ Lewes District Local Plan 2003

² Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, May 2016

underneath a horizontal canopy up against the shop façade also lessens their impact on the street scene, and is in keeping with their location outside a supermarket. Sufficient space is retained between the units to allow access to the supermarket car park behind No 6, and overall the unit preserves the character and appearance of the LCA and does not cause harm to the setting and therefore the significance of No 6.

12. Concerns are raised over the amount of clutter in the area. However, while I agree that some of the street furniture and structures do raise concerns, for the reasons above I do not consider that the scheme in this case adds to any harm caused by such existing clutter.
13. I therefore conclude that the horticulture unit preserves the character and appearance of the Conservation Area and does not have an adverse effect on the setting of 6 Eastgate Street, a Grade II listed building. The unit complies with policies ST3, H2, and H5 of the Local Plan and Core Policy 11 of the Core Strategy.

Conditions and Conclusion

14. Two conditions are suggested by the Council in the event of an approval. One such condition concerns compliance with plans. However, the unit is already in place so such a condition is not required.
15. A further condition suggests a limited time period for the units to be in place before their removal. However, planning practice guidance states that a condition limiting use to a temporary period only, where the development complies with the development plan, will rarely pass the test of necessity. Furthermore, it also states that while a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area, it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. I do not therefore consider that such a condition would be necessary or justified.
16. I have concluded that the unit preserves the character and appearance of the Conservation Area and does not have an adverse effect on the setting of the 6 Eastgate Street. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

Appeal Decision

Site visit made on 29 January 2018

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2018

Appeal Ref: APP/P1425/C/17/3172404

Land at More House Farm, Ditchling Road, Wivelsfield, East Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Charles Burgoyne against an enforcement notice issued by Lewes District Council.
- The enforcement notice was issued on 24 March 2017.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a summerhouse, the approximate position of which is shown in green on the plan attached to the Notice for identification purposes only.
- The requirements of the notice are (i) Demolish/removal from the land the summer house and all materials and debris resulting from its removal.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Background

1. The appeal site comprises low lying land adjacent to the Pellingford Brook, which crosses a large agricultural holding known as More House Farm. The summerhouse is mounted on a timber plinth which jetties over the bank of a lake and appears to have been erected in about 2014. Two applications for the retention of the lake and summerhouse in 2015 were refused. The lake was subsequently granted planning permission in 2016¹
2. The frame of the summerhouse is constructed of timber and this is clad in timber boarding. The pitched roof is covered with mineral 'slate effect' felt. The summerhouse is about 5.5m in width, 4m in depth and has a maximum height of 3.4m. Internally the building is arranged as a single room and is furnished with a number of chairs, a table and two small sofa(beds). There is a gas fired barbecue but no other services.
3. It is common ground between the parties that the lake provides a good wildlife habitat and I see no reason to disagree.

Main Issue

4. The main issue in this appeal is the effect of the summerhouse on the aims of the policies that seek to protect open countryside.

¹ Council reference LW/16/0597

Reasons

5. In support of his application, the appellant said that the purpose of the summerhouse was for the private domestic enjoyment and that this part of the farm was isolated and only readily accessible during the summer months. He also said that the pond and summerhouse are used for recreational purposes including fishing and swimming; particularly by his children.
6. However it is now suggested, at appeal stage, that the purpose of the summerhouse could be extended to provide a facility to a local primary school in conjunction with visits to the farm. In a letter from the head-teacher it is suggested, subject to a risk assessment, that it could be used as a base to leave belongings, packed lunches and to provide shelter.
7. The Council says that that main purpose of countryside policies is to protect the countryside from encroachment by inappropriate development. In particular it says that a domestic structure in a remote rural location is incongruous and unjustified.
8. I saw that the building appears to be little used, at least two of the windows were broken at the date of my visit and this does not suggest regular educational use at least during the winter months. It seems probable that it is during inclement winter weather that the availability of shelter may be more of a consideration however it does not appear to have been used regularly. Whilst a fence has been erected around the jettied platform there is little evidence of other alterations to facilitate use by school groups. It is suggested that the use would amount to about 12-15 visits per year but some of these would be in conjunction with visits to other parts of the farm holding. Indeed as I have noted above the access to the summerhouse outside the summer months is difficult. On the day of my visit in late January the higher path was very muddy and it was slippery underfoot. The lower access appeared to be boggy at best.
9. In these circumstances it seems to me that the summerhouse would not be essential to facilitate educational visits. In any event, it seems to me that any such visits to observe the ecology of the lake and its environs would not be dependent on the existence of the summerhouse. Consequently I give this claimed benefit little weight.
10. Thus the primary use of the building is for personal recreational use, effectively providing a feature that would normally be found within a domestic garden. On the day of my visit the building was visible from Slugwash Lane, which is to the east of the summerhouse. From this vantage point it appeared to be the only building in this undeveloped area of countryside.
11. I accept that the building is modest in size, however there seems no cogent justification for the siting of this domestic outbuilding in this isolated (the appellant's own description) part of the farm. The aim of saved Policy CT1 of the Lewes District Local Plan is to protect the countryside from encroachment by inappropriate development unless such development is compatible with the countryside. The list of such compatible developments does not include residential outbuildings or the provision of a building for community use.
12. Notwithstanding this, the appellant says that the development plan is out of date because there is no policy relating to leisure facilities. Thus he says

paragraph 28 of the National Planning Policy Framework (the Framework) is material. This he says supports rural tourism and leisure developments that benefit businesses in rural area. However, although the summerhouse may on occasions be used for shelter by a local school there is no cogent evidence that the use supports local tourism or business in the area. I thus find that this paragraph of the Framework has little material weight in the appeal before me.

13. I have also had regard to the Wivelsfield Neighbourhood Development Plan and the Lewes District Local Plan Part 1-Joint Core Strategy. However, although I acknowledge that both these plans are supportive of biodiversity, the evidence does not demonstrate that the summerhouse itself contributes to the protection and enhancement of habitats. Consequently, neither is directly relevant to the development before me.
14. I thus find that that the erection of the summerhouse in this isolated rural location undermines the aims of the policies that seek to protect open countryside. Moreover there is no material justification that outweighs the conflict with the development plan. In coming to this finding I have considered whether the harm could be overcome by conditions but alternative materials or finishes would not overcome the harmful effect of a domestic structure in this location.
15. Consequently the appeal on ground (a) fails.

Formal decision

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Sukie Tamplin

INSPECTOR



Appeal Decision

Site visit made on 12 January 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/Y9507/W/17/3186565

Foxhole Farm, Seaford Road, Newhaven BN9 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Lownds against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/03101/FUL, dated 16 June 2017, was refused by notice dated 25 September 2017.
 - The development proposed is the relocation and retention of mobile home for holiday let.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed mobile home on the character and appearance of the landscape and natural beauty of the National Park.

Reasons

3. Foxhole Farm lies to the east and south east of the settlement of Newhaven, and is well separated from the town by open fields. The Farm is accessed by a track off the fairly busy A259. There are a number of houses located at the lower ends of the track, which climbs fairly steeply towards the Farm. The Farm itself contains a range of agricultural buildings, mainly consisting of stables and a barn/stables sited in a line running approximately from north west to south east. Although of varying roof heights and sizes, the front and rear building lines of these buildings are roughly lined up. The south eastern most stable block has an old truck trailer and ship container sited between it and the farm access track.
4. The farm is criss crossed with public footpaths, with one such path leading up the access track from the A259, where it meets a path heading from the direction of Newhaven. This path forms a route heading roughly parallel to the cluster of barns and stables and visually forms the edge of the farm buildings. The only exception to this is a large log cabin style mobile home, which is sited in a field to the east of the path. This cabin is constructed in dark wood with lighter wood window frames and has a felted pitched roof. The proposal seeks to relocate this mobile home to the south east of the line of stables.

5. At present the home is used as temporary accommodation while a permanent dwelling on the site is being constructed. Evidence submitted by the appellant suggests that despite various issues the works required to complete the dwelling are not substantial. The proposal seeks to reuse the large mobile home as a holiday let. A previous application and appeal to retain the home as a holiday let where it is currently sited was refused and dismissed respectively.
6. Policies ST3 and CT1 of the Local Plan¹ state that development should respect the scale, height, massing, alignment, character, rhythm and layout of neighbouring buildings and materials should be of a quality, type, colour and design which is appropriate to the character of the area. Development should be contained within planning boundaries, aside from some exceptions such as, amongst others, certain tourism proposals.
7. Policy CP05 of the Joint Core Strategy² states that key strategic objectives are to take advantage of the richness and diversity of the districts natural assets to promote and achieve a sustainable tourism industry in and around the district and support the rural economy. Policy CP10 of the same plan states that development will be resisted if fails to conserve and appropriately enhance its rural landscape qualities and its natural and scenic beauty.
8. National Parks are landscape designations of national importance. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to such matters.
9. Policy SD23 is contained within the South Downs Local Plan, which is an emerging plan. The copy I have is stated to be a pre-submission consultation from September 2017. The Framework states that weight can be given to relevant policies in such plans according to the state of preparation of the emerging plan. Policy SD23 states that proposals for visitor accommodation will be permitted where it is demonstrated that they will, amongst other criteria, not detract from the character, appearance or amenity of the area, the design of new buildings are sensitive to the character of the area, positively contribute to the natural beauty of the National Park, are closely associated with other established tourism uses, and are part of farm diversification schemes.
10. The current siting of the mobile home is in a conspicuous position, in clear view from the wider landscape and adjoining public rights of way. The proposed relocation of the home would site the structure in a less conspicuous location, where it would not be visible from the more elevated elements of the public footpath to the north west and south east. Nevertheless, the proposed siting of the cabin would still be clearly visible from the footpath along the farm's access and from closer sections of the path that this track meets.
11. The appellant provides details of various cases where log cabins and other holiday accommodation has been allowed within the National Park. However, I only have limited details of these consents and note that log cabins may be appropriate depending on the characteristics of the immediate area and the design of the cabins themselves. However, in this case the design of the log cabin does not match the direct character of the area, which is characterised by

¹ Lewes District Local Plan, March 2003.

² Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, May 2016

red brick or pale render/painted brick houses and flint dressed walls, and would clash against the much paler wood panelling of the stables immediately behind. Furthermore, I consider that the siting of the cabin would appear incongruous, sited very close to the rear elevation of the stable block. The siting of a large log cabin, with various windows on both main elevations would appear awkward and inappropriate located cheek by jowl to the rear of this agricultural structure to users of the public footpath, and would not be sensitive to the character of the area.

12. The appellant considers that the proposal would provide a benefit in terms of removing existing unsightly paraphernalia. However, while not attractive, the existing lorry trailer and ship container appear to be temporarily located and are not uncommon structures to see in an agricultural setting. The siting and size of the cabin would conversely appear out of place within such a setting.
13. I sympathise with the appellant's situation with regards to the construction of the permanent dwelling, and appreciate the aim of the proposal in providing a much needed additional source of income to the farm. The proposal would generate economic and social benefits and the principle of the development would accord with local and national policy objectives to support tourism within the National Park, but the siting and design of the cabin would not respect the character of neighbouring buildings and its materials would not be appropriate to the character of the area, causing harm to the natural beauty of the area and failing to conserve and enhance the high quality and character of the rural environment. National Parks have two purposes, both conservation and encouraging recreation, and there is a need to achieve a balance between these purposes. Where there is a conflict between these purposes, greater weight should be attached to the conservation purpose.
14. I therefore conclude that the proposed mobile home would have an adverse effect on the character and appearance of the landscape and natural beauty of the National Park. The proposal would not constitute sustainable development overall and would be contrary to policies ST3 and CT1 of the Local Plan, CP05 and CP10 of the Joint Core Strategy, and to the Framework. Given the status of the emerging plan, I give limited weight to policy SD23 of this plan. Nevertheless, I consider that the proposal would also be contrary to this policy as it would detract from the appearance of the area, and its design would not be sensitive to the character of the area.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR