

Planning Applications Committee 18 July 2018



Working in Partnership



Time and venue:

5.00pm in the Council Chamber - County Hall, St Anne's Crescent, Lewes

Membership:

Councillor Sharon Davy (Chair); Councillor Jim Sheppard (Deputy-Chair); Liz Boorman, Stephen Catlin, Graham Amy, Peter Gardiner, Vic Ient, Tom Jones, Tony Rowell, Richard Turner and Linda Wallraven

Quorum: 5

Published: Monday, 9 July 2018

Agenda

1 Minutes

To confirm and sign the minutes of the previous meeting held on 27 June 2018 (*to follow*).

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/18/0318 - Chailey School, Mill Lane, Chailey, East Sussex, BN8 4PU**
(Pages 1 - 10)
- 7 LW/18/0200 - The Royal Oak, Ditchling Road, Ditchling Common, Ditchling, East Sussex, RH15 0SJ** (Pages 11 - 22)
- 8 LW/18/0338 - 25 Glynn Road, Peacehaven, East Sussex, BN10 8AT**
(Pages 23 - 30)
- 9 LW/18/0331 - Land North of Chapters, Bishops Lane, Ringmer, East Sussex**
(Pages 31 - 56)

Planning applications within the South Downs National Park

- 10 SDNP/18/02353/FUL - Kingston, The Street, Kingston, Lewes, East Sussex, BN7 3PB** (Pages 57 - 72)
- 11 SDNP/18/01297/FUL - Land at Wootton Farm, Novington Lane, East Chiltington, Lewes, East Sussex, BN7 3AU** (Pages 73 - 88)
- 12 SDNP/18/02565/LIS - 10 Waterloo Place, Lewes, BN7 2PP** (Pages 89 - 96)

Non-planning application related items

13 Written questions from councillors

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

14 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 August 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

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; and
- 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.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: 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.

Public participation: There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

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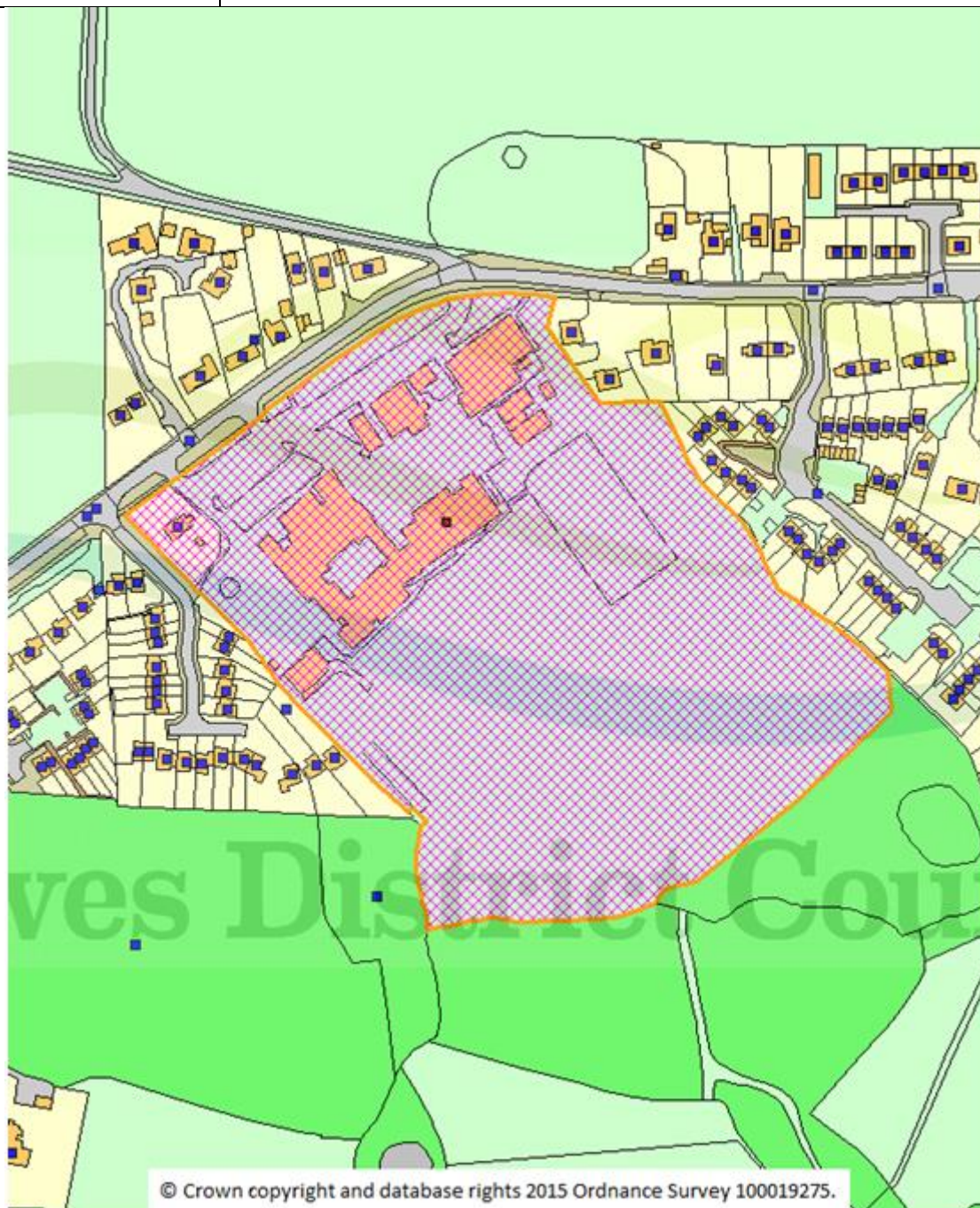


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Agenda Item 6

APPLICATION NUMBER:	LW/18/0318		
APPLICANTS NAME(S):	Bowmer & Kirkland	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Demolition of the existing EFAA, EFAF and EFAG buildings and development of a new part two and part three storey school building, Multi Use Games Area (MUGA), with associated parking, landscaping and external works as a temporary access point for construction purposes		
SITE ADDRESS:	Chailey School Mill Lane Chailey East Sussex BN8 4PU		
GRID REF:	TQ 38 17		



1. SITE DESCRIPTION / PROPOSAL

1.1 Chailey School is located on the southern side of Mill Lane in South Chailey. The site covers an area of approximately 5.1 hectares and is occupied by seven school buildings on a third of the site at the north western end, whilst the remaining two thirds, located at the south eastern part, is occupied by the playing field and a hard surfaced games area.

1.2 The site is bounded by residential development - Mill Brooks and Maplehurst along the north eastern boundary and the Martletts along the south western boundary. The site is not in a designated area.

1.3 The site is relatively level, although tiered with the school buildings located at the higher level and the playing field at the lower level approximately 2-3.5m lower.

1.4 The existing school buildings, built mainly in the 1950's with other buildings built and extended at various dates from 1975 with the entrance built around 2000, are largely two storey brick buildings with clay tiled pitch roofs, with a number of flat roofed, both temporary and permanent newer buildings, located towards the front of the site along the access road.

1.5 The school teaches 11 -16 year olds, with a current school pupil number at 732. This would rise to 810 should permission be approved.

1.6 In summary the proposal is to demolish the main school buildings (EFAA/EFAF/EFAG) as these are deemed 'unfit for purpose due to possible presence of asbestos, poor condition of WC's , fractured brickwork and decaying external timber, all of which would have been prohibitively costly for the schools maintenance budget'. A new replacement school building, varying from two to three storeys with a flat roof will be built further to the north east and closer to the residential development at Maplehurst and located behind the flat roofed retained buildings to the front of the site.

1.7 The school currently has a gross external area of 8026sq.m. As a result of the development this will reduce to 7187sq.m, offering a more efficient use of land and with more being returned to open space.

1.8 Access and egress from the site will remain unchanged. A new temporary access is proposed at the north eastern edge of the site adjacent to Maplehurst to provide access for all construction traffic with a temporary works compound being located behind the residential properties in Mill Brooks.

2. RELEVANT POLICIES

LDLP: – CP7 – Infrastructure

LDLP: – CP11 – Built and Historic Environment & Design

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

3. PLANNING HISTORY

None.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Chailey Parish Council – Support.

4.2 Councillors share the concerns of residents in Maplehurst that the proposed new main building is, under the current plans, to be located much further towards the eastern boundary of the site than is the existing main building EFAA. Councillors understand the need for the school to be able to continue to operate which the redevelopment is under way and that this is one reason why the location for the new main building has been chosen. However, if built as proposed, the new main building will be very close to the eastern boundary of the site and therefore very near the dwellings in Maplehurst. Councillors consider that the positioning of the new main building should be reconsidered and that, if at all possible, it should be moved westwards.

4.3 Regardless of where the new main building is located, its mass will be substantial. The design and access statement suggests that the design has been influenced by the educational brief received from the school. It also suggests that consideration was given to "the site's village context". Councillors consider that the significant use of Dark Grey Render does little to allow the new building to blend into the "village context". They consider that further thought be given to the use of more appropriate colours to enable the new building to sit better in its surroundings. The use of more sympathetic colours could help, in small part, to alleviate the concerns about the positioning of the new main building.

4.4 Councillors noted the Construction Environmental Management Plan. Mill Lane is already a relatively narrow and at times a very busy road. There is the potential for three major construction projects to be underway at the same time, the others being Greenacres (if permission consent is granted) and Gradwell End. If either two or three projects are under way at the same time, it will be essential for the relevant construction management plans to be co-ordinated. On the school site itself, Councillors are keen that everything is done to minimise the nuisances that will inevitably be caused to the residents of Maplehurst by virtue of the position of the site access road. Councillors consider that it is important the the site access road, which is said to be temporary, is just that and that it is removed as soon as its purpose is achieved.

4.5 ESCC Highways – Objection.

4.6 The site is located on the southern side of the C323 within the village of South Chailey. The site lies within a 30mph local speed limit of 30mph whereby the visibility splays should be 2.4 metres x 90 metres in both directions in accordance with standards set out in Design Manual for Roads & Bridges.

4.7 Whilst I appreciate this access is for a temporary period only it is assumed that it will be in situ for up to one year whilst construction takes place. Therefore whilst temporary advanced signage would be used visibility for vehicular egress here should still be to recommended standards. The required visibility does not seem to be provided here. The applicant has not carried out any speed survey to demonstrate that the 85th percentile speeds are low enough to warrant reduced driver sightlines at the access.

4.8 The proposed construction access arrangements include the permanent closure of an existing pedestrian access and therefore the application should be accompanied by a satisfactory Road Safety Audit at least to stage 1 which would address these issues.

4.9 From a highway perspective, I would not support the use of the proposed construction access point as shown without sufficient arrangements for pedestrians/pupils walking from/to the east due to the standard visibility in both directions and conflict of vehicles with pedestrians during construction. This could be dealt with by an additional

pedestrian access being provided between the proposed construction and bus access points together with controlling the use of the construction access during school times.

4.10 This proposal would result in a reduction in internal floor area. Although the school is currently under capacity the capacity of the school is 810 pupils and this number will not change with this proposal. Therefore there will be no increase in the number of pupils with this proposed development. It is therefore assumed that the increase in staff numbers [5] mentioned in paragraph is a result of the number of pupils being at full capacity.

4.11 It is noted that four additional disabled parking bays are to be provided with this development which is welcomed and the overall parking is in accordance with ESCC's car parking guidelines [October 2017].

4.12 The application attracts a recommendation for refusal for the following reasons:

- a. The proposal does not make provision for adequate visibility at the junction of the access with the public highway and would be detrimental to highway safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- b. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of vehicle and pedestrian access, visibility splays, parking, road construction, road gradients, surface water drainage, and on site turning facilities and would not therefore give rise to increased hazards to highway users.

4.13 Conditions are proposed should permission be forthcoming.

4.14 Sport England – No objection, recommends standard condition.

4.15 Natural England – No objection

4.16 ESCC SUDS – No objection in principal subject to conditions as it is considered that it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Ten neighbour letter received raising objections on the following grounds: Overlooking to residential properties, detrimental impact on residential amenity and privacy, overshadowing, building out of scale with adjacent residential properties, should be built on existing footprint, impact from the temporary access road, impact on bats, detrimental impact on residential gardens, overshadowing from new planting, building could easily be moved 15m further to the east, loss of light, building needs redesigning, architecture is brutal, out of character with local vernacular, building too dark (materials), design too industrial in appearance, plenty of land where the building could be located without impacting on neighbours, poor choice of materials, access road and compound too close to dwellings.

5.2 One letter received from planning consultant on behalf of local residents objecting on the following grounds: impact on sunlight and daylight, overshadowing, poor palette of materials, lack of vernacular form, use of non-native planting is poor, no cost justification, lack of understanding of the site, no consideration of the setting, poor design, fails to address archaeological interests, no bat emergence surveys, impact on amenity, poor design - full copy of the statement can be viewed on-line.

6. PLANNING CONSIDERATIONS

6.1 Background

6.2 Due to the generally poor state of the school estate nationally the previous Building Schools for the Future (BSF) programme was cancelled and a review undertaken to assess school procurement nationally but to reduce costs.

6.3 The James Review into School Procurement (2011) suggested that school building costs could be reduced by more than 30 percent by reducing floor areas and utilising cheaper specifications. The recommendation of that review formed the basis of the new government's Priority School Building Programme (PSBP) which was launched in 2012. Under the PSBP schools are procured by the government's Education and Skills Funding Agency (ESFA) and the school, as the end user, consulted through the Design User Group.

6.4 The ESFA have commissioned the partial rebuilding of Chailey School under the second phase of the Priority School Building Programme (PSBP2).

6.5 The programme as a whole is realising significant savings (40 percent) through efficiency of the process, as well as space reduction from non-core space, and specification reduction for most elements of the building such as structure, walls windows and internal systems (which are predetermined by these requirements).

6.6 Policy

6.7 The main school buildings are located within the defined settlement boundary, with the playing fields set outside of that boundary. The proposed new school building sits within that boundary.

6.8 Core Policy 7 (CP7) within the Core Strategy supports the improved accessibility of key community services and facilities, and seeks to provide new and upgrade infrastructure that is required to create and support sustainable communities.

6.9 Core Policy 11 seeks to enhance the high quality and character of our towns, villages and rural environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular.

6.10 ST3 from the Lewes District Local Plan (LDLP) seeks amongst other things to ensure development respects the amenity of neighbours and the wider area.

6.11 The principle of rebuilding the school, providing upgraded facilities which meet the requirements of current teaching methods and practises, as well as enhancing the environment for all its users, is welcomed and complies with the objectives and principles of adopted policy CP7. The other listed policies are considered later in the report.

6.12 Traffic

6.13 As the proposed development will leave the existing school access and egress arrangements unchanged, and with only a small increase in the number of car parking spaces, the development itself will not have an impact on traffic or general road safety once complete.

6.14 However, the development is proposing a temporary access along the north eastern boundary to provide a separate access for all construction and workers traffic, which will minimise any potential direct conflict with children or vehicles dropping them off. A comprehensive CEMP (submitted with the application) specifically restricts deliveries or access to the site between the school drop-off/pick up times.

6.15 Whilst not ideal, being located adjacent to residential dwellings, it has to be noted that the access will be temporary and only used during the construction period. Conditions can restrict time that the access is used as well as ensuring that the access is closed and land reinstated once the project is complete. The submitted scheme does show this area to be landscaped with new tree planting. Therefore, any impact on residential amenity specifically from the construction period will be relatively short term.

6.16 The Highway Authority has been asked to comment on the application due to concerns over the location of the temporary access. They have responded that a Transport Statement and Travel Plan have been submitted with the application. However, insufficient information has been submitted [including a Road Safety Audit] in order to fully assess the application especially the temporary access. (Full comments from the highway Authority are included in the report for information.) Whilst it may be that the access could be made acceptable with further information and the Safety Audit, there are insufficient arrangements for pedestrians/pupils walking from/to the east due to the standard visibility in both directions and conflict of vehicles with pedestrians during construction.

6.17 Design

6.18 The majority of the new building will be two storey in height, except for the central and eastern wings, which utilise the level change and therefore has a third storey (lower level). The building will be located on the eastern part of the site and located behind the four retained buildings at the front of the site which includes the existing sports building.

6.19 The building will be flat roofed, which serves to minimise both the scale and overall mass of the building. It also allows deeper rooms to be created especially where natural light is not so important, thus further reducing the overall mass of the structure.

6.20 The new building will be set upon a solid brick plinth, utilising a local Chailey stock brick, whilst the upper floors will be finished in a textured render with coloured panels set alongside the glazing to add interest whilst further reducing the perceived mass. The render will be acrylic or silicone based which helps to resist staining or fading. The windows will be metal framed, with larger expanses of glazing used to light the larger spaces behind.

6.21 The layout of the site and the slight embellishment of the main entrance to the building will clearly direct access from the access road and the west of the site. Being no higher than the retained buildings at the front of the site, the new building will be less prominent than the current building when viewed from Mill Lane.

6.22 The design is not outstanding, but it is functional. The building is well articulated, and with its variety in glazing and use of coloured panels adds interest to the facades. The flat roof will allow the building to not appear unduly prominent within its wider surroundings. The use of a local brick will help the building to sit within its surroundings, albeit with a rendered upper floor (the final appearance of which can be conditioned).

6.23 Amenity

6.24 In terms of residential amenity the development itself would have a direct impact on a limited number of residential properties - the three dwelling in Maplehurst. The eastern wing of the development will sit to the south west and west of number 1 and 2 Maplehurst. It will be located approximately 14.3m away from their western boundary and 16m from the actual closest dwelling. The new school building will sit between 1 and 1.1m higher than the ridges of numbers 1 and 2 Maplehurst.

6.25 The eastern façade of the school building will have a length of 40m, and a height of 12.37m at its southern end and 8.77m above finished ground level at its northern end, being part two and part three storey due to the change in land levels. This façade (east) will be heavily glazed, providing direct daylight to classrooms and a stairwell.

6.26 Numbers 1 and 2 Maplehurst are orientated with their facades facing to the south west, and are punctuated with French doors and Juliette balconies, providing light to bedrooms and living rooms. Both gardens wrap around the south and west of the dwellings and accommodate a number of distinct amenity areas which are clearly used for sitting out. The houses currently have a relatively open aspect and despite the levels difference on the school site, do not currently experience overlooking, or overbearing structures.

6.27 The applicants have submitted a Sunlight and Daylight Analysis. The findings of that report are accepted in relation to skylight and sunlight affecting windows of the affected dwelling (in accordance with BRE guidelines). In relation to overshadowing the report identifies that there will be some overshadowing but 'concludes that the effects of the proposed development on sunlight and daylight availability are negligible for all adjacent properties...', for example before 10.00 and after 15.00 for small areas of the gardens in June, and in the afternoons during December. Whilst the impact may be 'negligible' and may not result in continuous overshadowing, it would have an impact at times when the gardens may be used, and would affect the way that residents use that amenity space at certain time of the day and year, and would therefore impact on residential amenity.

6.28 The eastern wing of the new building is heavily glazed on the elevation facing onto the dwellings. Therefore, between school hours, and at only 14m away, anyone using the gardens will feel overlooked from these windows, especially as there is no building in this location at the present time. Whilst it is accepted that the school land is raised and that children may pass or use this land, such activity is quite different and less obtrusive than having a two and three storey building in close proximity to the boundary.

6.29 The applicant has stated that native and non-native species will be planted to increase biodiversity and that a number of extra heavy standard trees (oak, hornbeam and field maple) will be planted to the eastern and southern elevation of the new building to reduce impact. Whilst planting to enhance the wider ecology of the site is welcomed, unless it is a dense screen, which is not supported by residents as this too will impact on the quality of their amenity space, then it will do little to lessen the overbearing impact of the proposed building itself.

6.30 It is therefore considered that the proposed development would have a detrimental impact on the amenities currently experienced by the occupiers of the adjacent dwellings.

6.31 Conclusion

6.32 In developing this project there are a number of restrictions which have had a significant impact on design and layout of the proposed scheme, and which have prevented the proposed building being located further to the west which would have

alleviated most of the amenity issues raised above. Firstly, the drive from central government to upgrade schools but to keep costs down. Secondly, the ability of the school to remain operational whilst the building works are carried out. Whilst these are real issues in the development and implementation of the project, they are not factors that have a bearing on the planning merits of the case.

6.33 Whilst not objecting to the principle of redeveloping the school, it is considered that due to the location of the building in close proximity to the residential properties in Maplehurst, its height and amount of glazing on the side elevation, the development would have a detrimental impact on the amenity of those occupiers through its overbearing nature, overshadowing, and loss of privacy.

6.34 The lack of information has also led the Highway Authority to object to the current proposal, specifically with regards to the temporary access.

7. RECOMMENDATION

7.1 That planning permission is refused for the reason below.

Reason(s) for Refusal:

1. It is considered that the proposed development, due to its location, height and form, would have an unacceptable and detrimental impact on the amenities of the existing neighbouring residential occupiers in number 1 and 2 Maplehurst through its overbearing nature, and resulting overshadowing and loss of privacy, contrary to Policy ST3(C) of the Lewes District Local Plan and CP11 (viii) of the Joint Core Strategy

2. The proposal does not make provision for adequate visibility at the junction of the access with the public highway and would be detrimental to highway safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.

3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of vehicle and pedestrian access, visibility splays, parking, road construction, road gradients, surface water drainage, and on site turning facilities and would not therefore give rise to increased hazards to highway users, and would therefore be contrary to paragraph 32 of the NPPF.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Flood Risk Assessment	17 April 2018	
Transport Assessment	17 April 2018	
Travel Plan	17 April 2018	
Other Plan(s)	7 June 2018	00-DR-L-0002
Proposed Layout Plan	17 April 2018	00-DR-L-0003
Proposed Section(s)	17 April 2018	00-DR-L-0004
Other Plan(s)	17 April 2018	00-DR-L-0005

Other Plan(s)	17 April 2018	00-DR-L-0007
Proposed Section(s)	17 April 2018	00-DR-L-0008
Other Plan(s)	17 April 2018	00-DR-L-0009
Proposed Layout Plan	17 April 2018	0001
Tree Statement/Survey	17 April 2018	ARBORICULTURAL SURVEY
Additional Documents	17 April 2018	ASBESTOS REPORT
Additional Documents	17 April 2018	CEMP-S2-P1
Location Plan	17 April 2018	DR-A-0001-S2-P03
Existing Layout Plan	17 April 2018	DR-A-0002-S2-P02
Proposed Layout Plan	17 April 2018	DR-A-0102-S2-P02
Existing Section(s)	17 April 2018	DR-A-0201-S2-P03
Proposed Section(s)	17 April 2018	DR-A-0301-S2-P03
Other Plan(s)	17 April 2018	DR-A-0401-S2-P02
Other Plan(s)	17 April 2018	DR-A-0401-S2-P02
Proposed Floor Plan(s)	17 April 2018	DR-A-1001-S2-P03
Proposed Floor Plan(s)	17 April 2018	DR-A-1002-S2-P03
Proposed Floor Plan(s)	17 April 2018	DR-A-1003-S2-P03
Proposed Roof Plan	17 April 2018	DR-A-1004-S2-P03
Proposed Elevation(s)	17 April 2018	DR-A-3001-S2-P02
Proposed Elevation(s)	17 April 2018	DR-A-3002-S2-P02
Proposed Elevation(s)	17 April 2018	DR-A-3003-S2-P02
Proposed Elevation(s)	17 April 2018	DR-A-3201-S2-P02
Proposed Elevation(s)	17 April 2018	DR-A-3202-S2-P02
Proposed Elevation(s)	17 April 2018	DR-A-4001-S2-P02
Other Plan(s)	17 April 2018	DR-E-6311-P01_EXT LIGHT
Proposed Layout Plan	17 April 2018	DRAINAGE S2 P01
Proposed Layout Plan	17 April 2018	DRAINAGE S2 P02

Additional Documents	17 April 2018	DRAINAGE STATEMENT 1
Additional Documents	17 April 2018	DRAINAGE STATEMENT 2
Additional Documents	17 April 2018	DRAINAGE STATEMENT 3
Additional Documents	17 April 2018	ECO APPRAISAL APPENDICES
Additional Documents	17 April 2018	ECOLOGICAL APPRAISAL
Additional Documents	17 April 2018	ENERGY STATEMENT
Additional Documents	17 April 2018	EXISTING SURFACE WATER
Additional Documents	17 April 2018	GEO-ENVIRONMENTAL REPORT
Additional Documents	17 April 2018	MATERIALS BOARD
Noise Detail	17 April 2018	NOISE ASSESSMENT
Design & Access Statement	17 April 2018	PART 1
Design & Access Statement	17 April 2018	PART 2
Other Plan(s)	17 April 2018	PRPSD SURFACE WATER CATCHMENT
Additional Documents	17 April 2018	SAMPLES BOARD
Additional Documents	17 April 2018	SUN/DAYLIGHT ANALYSIS
Additional Documents	17 April 2018	SUSTAINABILITY STATEMENT
Additional Documents	17 April 2018	UTILITY SERVICES

Agenda Item 7

APPLICATION NUMBER:	LW/18/0200		
APPLICANTS NAME(S):	Gold Property Development Limited	PARISH / WARD:	Ditchling / Ditchling & Westmeston
PROPOSAL:	Planning Application for Extension and conversion of existing garage building to create a 2-bedroom bungalow with associated access and landscaping		
SITE ADDRESS:	The Royal Oak Ditchling Road Ditchling Common Ditchling East Sussex RH15 0SJ		
GRID REF:	TQ 33 19		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site lies on the eastern side of the B2112, Ditchling Road some 500m to the south of the village of Wivelsfield Green. The site used to form part of the Royal Oak pub. The application is not within a Conservation Area and it is not within the South Downs National Park.

1.2 The site of the former Royal Oak pub building itself, on the western side of the B2112, along with the former car park on the eastern side of the road, is being redeveloped by way of seven dwellings (ref. LW/15/0827). Two of these dwellings lie within the northern portion of the former car park on the eastern side of the road. In front of these properties are parking and turning areas.

1.3 Subsequent proposals for one and two additional dwellings (LW/17/0788 and LW/17/0789 respectively) have been refused planning permission and are currently the subject of a live appeal.

1.4 This application relates to a small outbuilding in the south-eastern corner of the former pub car park. Should either of the above appeals succeed, the current proposals cannot be implemented, and similarly, should the current proposals be implemented, neither of the appeal schemes could be constructed.

PROPOSAL

1.5 The application seeks planning permission to extend an existing outbuilding within the southern part of the former pub car park side, which aligns closely with the apex of a relatively sharp bend in the B2112. The extended outbuilding will form a detached single-storey dwelling with two bedrooms.

1.6 The outbuilding is set back from the edge of the highway by approximately 8.5m and it has an L-shape footprint just less than 11m in length and 3.6m in width. The building is proposed to be extended by an addition alongside the eastern boundary of the site and by increasing the depth of the existing building. The new building will still have an L-shape footprint but will be double the existing footprint, which will be increased from 42 square metres to 84 square metres.

1.7 The building will be positioned close to both the eastern and southern boundaries of the site, which adjoin the open countryside.

1.8 The proposed floor plan comprises two bedrooms within the portion closest to the road, a bathroom/W.C. and a combined kitchen and living room within the longer extended portion of the development.

1.9 The property will have pitched and hipped roofs, three rooflights on the southern roof slope and five rooflights on the eastern roof slope.

1.10 The development will not have a consistent eaves height and will have a basic and simple design using artificial blue-black slate style roof tiles and Chailey Rustic facing brickwork by Ibstock.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

LW/15/0459 - Erection of 12 dwellings to include 2, 3 and 4 bedroom housing with associated landscaping and road layout following demolition and removal of existing Royal Oak Public House and change of use to C3(a) dwellinghouses - **Withdrawn**

LW/15/0827 - Erection of 5 x four bedroom and 2 x three bedroom dwellings with associated landscaping and road layout following demolition and removal of existing Royal Oak Public House - **Approved**

LW/17/0788 - Erection of three dwellings with associated access and landscaping - **Refused**

LW/17/0789 - Full application for 4 dwellings with associated access and landscaping - **Refused**

APPEAL/17/0030 - Erection of three dwellings with associated access and landscaping - **Appeal In Progress**

APPEAL/17/0031 - Full application for 4 dwellings with associated access and landscaping - **Appeal Lodged**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Wivelsfield Parish Council – Objection

4.2 Wivelsfield Parish Council objects to the application. A previous application (LW/17/0788) to create three dwellings on this site, was turned down, and the Parish Council does not believe that this application is sufficiently different to warrant permission now being approved. Rather the Parish Council believes that its original objections to the former application are still valid in relation to these new plans.

4.3 ESCC Highways – No objection, subject to conditions.

4.4 In response to amended plan No. 1682-03 revision 02 received direct from the agent on 21st June 2018.

4.5 The amended plans have addressed the highway concerns namely:-

4.6 Provided 3 car parking spaces [2 for the new bungalow and 1 for visitors to serve the whole of the red and blue site areas].

4.7 The proposed post and rail fence now shown to be positioned clear of the public highway.

4.8 Therefore subject to the access being carried out under previous planning permissions LW/15/0827 & LW/17/1009 and implemented prior to occupation of this proposed development I recommend highway conditions be included in any grant of consent:

1. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development

2. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

3. No part of the development shall be occupied until the access onto the B2112 [Ditchling Road] has been implemented in accordance with the previous planning permission LW/15/0827 & LW/17/1009.

Reason: In the interests of highway safety.

4.9 Environmental Health – No contaminated land objections, subject to conditions relating to unsuspected contamination and asbestos.

4.10 Forestry Commission – No objection, with standard advice given.

4.11 Environmental Health – No objection, subject to conditions relating to hours of construction, management of waste materials and there being no bonfires on site.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from Helks Barn, Jacobs Post; The Coach House; Bankside Farm; Lockstrood Farm; The Limes; Little Limes, objecting to the application for the following reasons:-

- Not in keeping with neighbourhood.
- Building in countryside.
- Out of character.
- Loss of open space.
- Over development of small site.
- Conservation of the local area.
- Conservation significance.
- Contextual significance.
- Within Conservation Area.
- Historical significance.
- Highway safety.
- Second highest rated crash site in East Sussex.
- First rated serious injury site in East Sussex.

- Highway hazards.
- Inadequate access.
- Parking issues.
- Traffic generation.
- Infringement on privacy.
- Loss of light.
- Overbearing building/structure.
- Overload/lack of current infrastructure.
- Effect on wildlife.
- Increase water in cellar.
- Drainage.
- Flooding.
- Not sustainable.

5.2 Ditchling Parish Council raises no comment to the proposed development.

6. PLANNING CONSIDERATIONS

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

Principle of development-

6.2 This site is outside of a defined Planning Boundary and forms part of the site to a rural public house in the countryside. However, residential development of the site overall has previously been established by application LW/15/0827, a proposal for seven residential units. This development is at an advanced stage of implementation and has altered the character of the immediate locality, which previously comprised landscaping, car park and public house.

6.3 These changes have been sanctioned by national Government policy contained in the National Planning Policy Framework, including the definition of previously developed land.

6.4 In view of the fact that seven houses have already been approved, and are indeed at an advanced stage of completion, it would be unreasonable and inconsistent to now object in principle to residential development, and it is noted that half of the footprint of the proposed dwelling would be formed by an existing building thereby being compliant with paragraph 55 of the NPPF.

6.5 Policy HSG 1: "Set out and apply acceptance criteria to housing applications" of the Neighbourhood Plan for Ditchling, Streat and Westmeston, adopted in May 2018, is relevant to the application and states that:-

1. Housing proposals will be supported that provide:
 - a. one-, two- or three-bedroom houses or flats;
 - b. housing units for an ageing population in close proximity to village services and suitable for adapted living.
2. Affordable housing will be delivered in accordance with the development plan.

6.6 The proposal in this instance is to provide a two bedroom property, which is compliant with policy HSG1.

6.7 For the above reasons, and notwithstanding the objections received, the proposed development is held to be acceptable in principle.

Design and visual impact-

6.8 The proposed dwelling will be single storey, having a diminutive scale set against the boundaries of the site. The form and style is simple and traditional and the property will be set back from the road view from which will be filtered by landscaping and planting.

6.9 The design and appearance of the property is not particularly innovative or contemporary, but will serve to blend the development into its surrounding without appearing unduly dominant or incongruous.

Residential amenity-

6.10 There are no neighbouring properties that are in such close proximity to the site as to be affected by its single storey scale, in terms of overlooking or an overbearing impact. The nearest residential property is, in fact, closer to the previously approved housing within the north part of the former car park land, and just over 20m from the corner of the additional dwelling currently proposed. This amount of separation, taking into account also that the proposed dwelling is single storey, is sufficient to preclude loss of privacy and overlooking.

6.11 The current proposals, for an additional small scale two bedroom single storey property are not considered likely to have a significant adverse impact on neighbour amenity.

Accessibility and Highway Safety-

6.12 The many objections received from nearby residents and from Wivelsfield Parish Council are acknowledged and noted. Also, the consultation comments from East Sussex County Council as highway authority for the area are also noted.

6.13 The proposed dwelling will use a previously approved vehicular access onto the B2112 (ref. LW/17/1009 and LW/15/0827) and the current application does not propose an additional vehicular access directly onto this road. The previously approved access has been held to be acceptable in previous applications in terms of highway safety. The current planning application will result only in increased use of this access from journeys associated with the new dwelling, but the number of additional traffic movements from this individual dwelling is not likely to have a material impact on highway safety, over and above the previously approved housing development.

6.14 The position of the proposed dwelling will also be further back from the road than the siting of the new dwellings shown on the plans submitted with applications LW/17/0788 and LW/17/0789, which are currently being considered at Appeal. The property in the southern part of the site was much closer to the edge of the highway.

6.15 The current proposals provide scope for landscaping between the property and the highway, which can also help to slow down vehicles using the B2112, which is subject to a 40mph speed limit in this location.

7. RECOMMENDATION

7.1 In view of the above approval is recommended.

The application is subject to the following conditions:

1. No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate that the capacity of the surface water drainage system will not be compromised by ground water and if necessary supported by an appropriate geotechnical or hydrogeological assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to Policy 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the Policies within the National Planning Policy Framework 2012.

2. No construction shall commence on site unless and until a maintenance and management plan for the drainage system has been submitted to and agreed in writing by the local planning authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to Policy 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the Policies within the National Planning Policy Framework 2012.

3. No development shall commence on site until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. No dwelling shall be occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: To ensure that sewage disposal can be provided from the site without detriment to the existing sewage system, having regard to guidance within the National Planning Policy Framework 2012.

4. No demolition, site clearance or building operations shall commence until a scheme to ensure the implementation of arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- o Supervision by a qualified arboriculturist instructed by the applicant and approved by the Local Planning Authority
- o Identification of individual responsibilities and key personnel
- o Personnel induction and training in awareness of arboricultural matters
- o Timing and methods of site visits
- o Record keeping, including updates
- o Procedures for dealing with variations and incidents
- o Delegation of responsibilities and powers

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

Reason: To protect the existing trees on and adjacent the site and in the interests of local amenity having regard to retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy.

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

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

6. 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 occupation of any part of the development 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 retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, details indicating the positions, design, materials and type of boundary treatment to be erected within the site, including separation between neighbouring dwellings and on the edge boundaries of the site, the design and composition of which should respect this edge of settlement location. The boundary treatment shall be completed before the dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2012.

8. The development hereby approved shall be implemented in accordance with the details of the external facing and roofing materials submitted, including all surfacing materials.

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

9. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, 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.

10. Prior to the commencement of any development (including demolition) 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 and hours of operation which should avoid the peak traffic times and details of contractors parking during demolition and construction.

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

11. During any form of earthworks and/or excavations that 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.

12. The development shall not be occupied until the turning spaces for vehicles have been provided and constructed in accordance with the details submitted and the turning spaces shall thereafter be retained for that use and shall not be used for any other purpose.

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

13. The development shall not be occupied until the parking areas have been provided in accordance with the details submitted and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles by residents of, and visitors to, the new dwelling.

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

14. The development shall not be occupied until the secure and covered cycle parking facility has been provided in accordance with the details which have been submitted, including the siting and the facility shall thereafter be retained for that use and shall not be used other than for the parking of cycles by residents of, and visitors to, the new dwelling.

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

15. The new dwelling shall not be occupied until the access onto the B2112 [Ditchling Road] has been implemented in accordance with the details approved as part of applications LW/15/0827 and LW/17/1009.

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

16. Construction work and associated deliveries 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 retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2012.

17. Shrub clearance on the site should be only be undertaken outside the main bird nesting season (March to August inclusive).

Reason: To ensure the favourable conservation of this protected species and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: To preserve the rural setting of the locality and prevent light pollution, in accordance with retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy.

19. No development shall commence unless and until details of ecological mitigation measures and enhancements have been submitted to and approved in writing by the Local Planning Authority, and all works should take place in accordance with the approved details.

Reason: To ensure the favourable conservation of protected species and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

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

21. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

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

3. The applicant is reminded of the Control of Asbestos Regulations 2012 when carrying out the works, including demolition of the existing building.

4. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	2 March 2018	
Location Plan	2 March 2018	01
Proposed Block Plan	2 March 2018	02
Proposed Layout Plan	2 March 2018	03
Proposed Floor Plan(s)	2 March 2018	04
Proposed Elevation(s)	2 March 2018	05
Existing Floor Plan(s)	2 March 2018	06
Existing Elevation(s)	2 March 2018	06
Other Plan(s)	2 March 2018	3533/300
Other Plan(s)	2 March 2018	5126/105
Additional Documents	2 March 2018	ECOLOGY UPDATE
Additional Documents	2 March 2018	EOLOGY REPORT
Design & Access Statement	2 March 2018	PDAS
Landscaping	2 March 2018	RCO150-02
Landscaping	2 March 2018	RCO150-03
Landscaping	2 March 2018	TREE LAYOUT PLAN

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Agenda Item 8

APPLICATION NUMBER:	LW/18/0338		
APPLICANTS NAME(S):	Sensor Property Management Ltd	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning Application for Proposed erection of pair of semi-detached dwellings		
SITE ADDRESS:	25 Glynn Road Peacehaven East Sussex BN10 8AT		
GRID REF:	TQ 41 02		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached two-storey dwelling on the southern side of Glynn Road, within the defined Planning Boundary of Peacehaven. The property has a long back garden which is bounded on one side by 22 Trafalgar Close and on the other by a tree-lined space and path. The back garden to the property wraps around the end of the back garden to 23 Glynn Road in an L-shape and at the bottom end is bounded by 23-26 Trafalgar Close, a row of terraced houses, between which there is an alleyway.

1.2 The proposed development site will be formed by sub-dividing the back garden of the existing house to form a plot measuring just under 24m deep and 19m wide and having an area of some 437 square metres. The existing house will retain a back garden of some 14m.

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

PROPOSAL

1.4 The application seeks planning permission for the development of the plot by way of a pair of semi-detached two to three bed houses, the third bedroom being an optional study. The properties will have pitched roofs with gable fronts, and the eaves line will be below full two storey height. The southern part of the second dwelling will be single storey. Each property will be staggered, the second dwelling being set back from the façade of the first dwelling.

1.5 In terms of footprint the properties will cover 110 square metres, the two storey elements being 90 square metres.

1.6 The homes will be finished in facing brickwork and will have flat roof porch canopies to the front elevation.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

LW/08/1257 - Demolition of no. 25 & erection of one detached house with integral garage and three no. terraced houses - **Refused**

LW/13/0215 - Erection of a detached dwelling - **Approved**

LW/16/0296 - Erection of a detached dwelling - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – Objection

4.2 Access and egress route via Trafalgar Close not acceptable. Refuse as back garden development, out of keeping with street scene, detrimental to character in the street, loss of privacy as possibly overlooking the neighbours property, too close to neighbouring property, loss of light, absence of large enough parking facilities, no turning circle, possibility of not enough space to open doors of vehicles in parking area, no provision for wheelchair (DDA) access from car park, exacerbate traffic and parking problems in local area, parking and highway safety.

4.3 Environmental Health – No objection, subject to conditions relating to hours of construction, management of waste and there being no bonfires.

4.4 Environmental Health – No objection, subject to a condition relating to unsuspected contamination.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from Flat 4 Channel View - 213 South Coast Road; 250 South Coast Road; 72 Collingwood Close; 169 Arundel Road; 32 Trafalgar Close; 97 Keymer Avenue; and 10 Hairpin Croft, in support of the application for the following reasons:

- Site better suited to two smaller houses as opposed to one larger house.
- More in keeping with local area.
- Will enhance the area.
- A lovely pair of traditional houses.
- Decent homes for young families.
- Will put the site to good use.
- Housing crisis.
- Preferable to building new homes in the countryside.
- Much needed family homes without putting a strain on the infrastructure of the area.

6. PLANNING CONSIDERATIONS

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

Principle of development-

6.2 Within the defined Planning Boundaries opportunities do arise for residential development by infilling, redevelopment or conversion of buildings.

6.3 Provided such arrangements respect the need to safeguard the character of the town or village and the amenities of the local residents, they can make a contribution to the

share of the District's housing requirements and an allowance for such "unidentified sites" is made in the calculation of Housing Land Supply in the District.

6.4 The application site is located within the Planning Boundary of Peacehaven where there is a presumption in favour of sustainable development. The proposed development would create a net increase of two extra family homes on the application site, which will help to meet the housing need identified in the Lewes District. In principle therefore, the proposal is acceptable. Furthermore, the principle of residential development of the site was previously established when applications LW/16/0296 and LW/13/0215 were approved.

Design and visual impact-

6.5 The current proposals are for two dwellings, whereas the previously approved applications were for a single detached dwelling. However, the previous proposals had a fairly large footprint for a single house and the current proposals are less than twice the previous footprint because each house will be smaller.

6.7 In terms of design, the dwellings will have a traditional form and will incorporate contemporary features such as the flat porch canopies. The pitched roof style and the staggered building line is considered acceptable and helps to reduce the visual impact of the massing and scale of the scheme, aided further by the low eaves height which will not be full two storey, unlike the previously approved schemes.

6.8 The design, form and detailing of the current proposals is considered to be more attractive visually than the previously approved applications for a single dwelling.

6.9 Notwithstanding the comments from local residents and Peacehaven Town Council, the proposed development is considered to be sympathetic with the character of existing housing in the vicinity of the application site and the development would not be detrimental to visual amenity and would, it is considered, enhance the existing street scene.

Residential amenity-

6.10 The new dwellings will be in a similar position within the application site as the previously approved detached dwelling, set back from the street and the site boundaries, in a position that will retain adequate separation between neighbouring properties, thereby mitigating any overshadowing or overbearing impact. The southern part of the second property will in fact be single storey, further mitigating the impact of the proposals on neighbouring residents of 23-26 Trafalgar Close.

6.11 There are no first floor level windows to the flank elevations of the proposed houses and as such the privacy of residents in the existing house, 25 Glynn Road, and nos. 23-26 Trafalgar Close will be safeguarded. A single rooflight is proposed on the northerly roof slope of each dwelling and these will light the staircases and will be at sufficient height above the staircases to prevent overlooking.

6.12 The relationship of the new dwellings with the neighbouring houses is acceptable and notwithstanding the comments received from third parties, lead to a significant adverse impact on neighbour amenity.

Accessibility and sustainable transport-

6.13 The application relates to a plot within the back garden of an existing dwelling within a residential area inside the Planning Boundary of Peacehaven.

6.14 The new dwelling will be with 1km of the Meridian Centre, a shopping precinct with retail and other services available to local residents. There are also three bus stops within walking distance of the new dwelling - two of which are in Pelham Rise some 300m or 400m from the application site. A third bus stop is located nearby in Roderick Avenue. These are served by regular and frequent bus services along the south coast to Brighton & Hove. The application site is therefore in a relatively sustainable location in terms of transport and future residents need not have to rely solely on the use of a private car.

6.15 In addition there is a pedestrian pathway connecting Trafalgar Close with Glynn Road.

6.16 The application proposes two off-street car parking spaces accessed via an existing turning head. These will be clear of the existing highway and will meet the standards set out by East Sussex County Council as the local highway authority. A condition is also recommended to ensure that provision is made for electric vehicle charging points.

7. RECOMMENDATION

In view of the above, it is recommended that planning permission is granted.

The application is subject to the following conditions:

1. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.

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

2. The development hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority. Hard surfaces should be constructed either from porous/permeable materials to allow for natural drainage of surface run-off, or direct run-off water to suitable soak-away within the site.

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

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

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

4. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted and retained as such thereafter.

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

5. No development shall take place until full details of the existing and proposed ground levels within the site, together with the eaves and ridge height of the approved development, and details of the ground levels, eaves and ridge heights of the existing buildings on land adjoining the site, to include 22 and 23 Trafalgar Close, by means of spot heights and cross-sections to OS Datum, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved level details.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: In the interests of the residential amenities of the neighbours having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Neither of the two dwellings hereby approved shall be occupied until the parking areas have been provided in accordance with the approved plans. The parking areas shall be retained thereafter and used only for the purposes of parking vehicles associated with the residents of, and visitors to, the development.

Reason: In order to ensure adequate provision is made for the parking of private motor vehicles within the site to prevent overspill parking on the nearby residential streets and to meet the requirements of policy CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

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

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the dwellings, the area and neighbour amenity, having regard to policies ST3 and RES13 of the Lewes District Local Plan, Core Policy

11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2012.

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

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

11. Neither of the two dwellings hereby approved shall be occupied until each has been provided with two secure and covered cycle parking areas in accordance with details, including elevations, materials and siting, which shall be submitted to the local planning authority for approval. The facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles by residents of, and visitors to, the new dwellings.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

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.

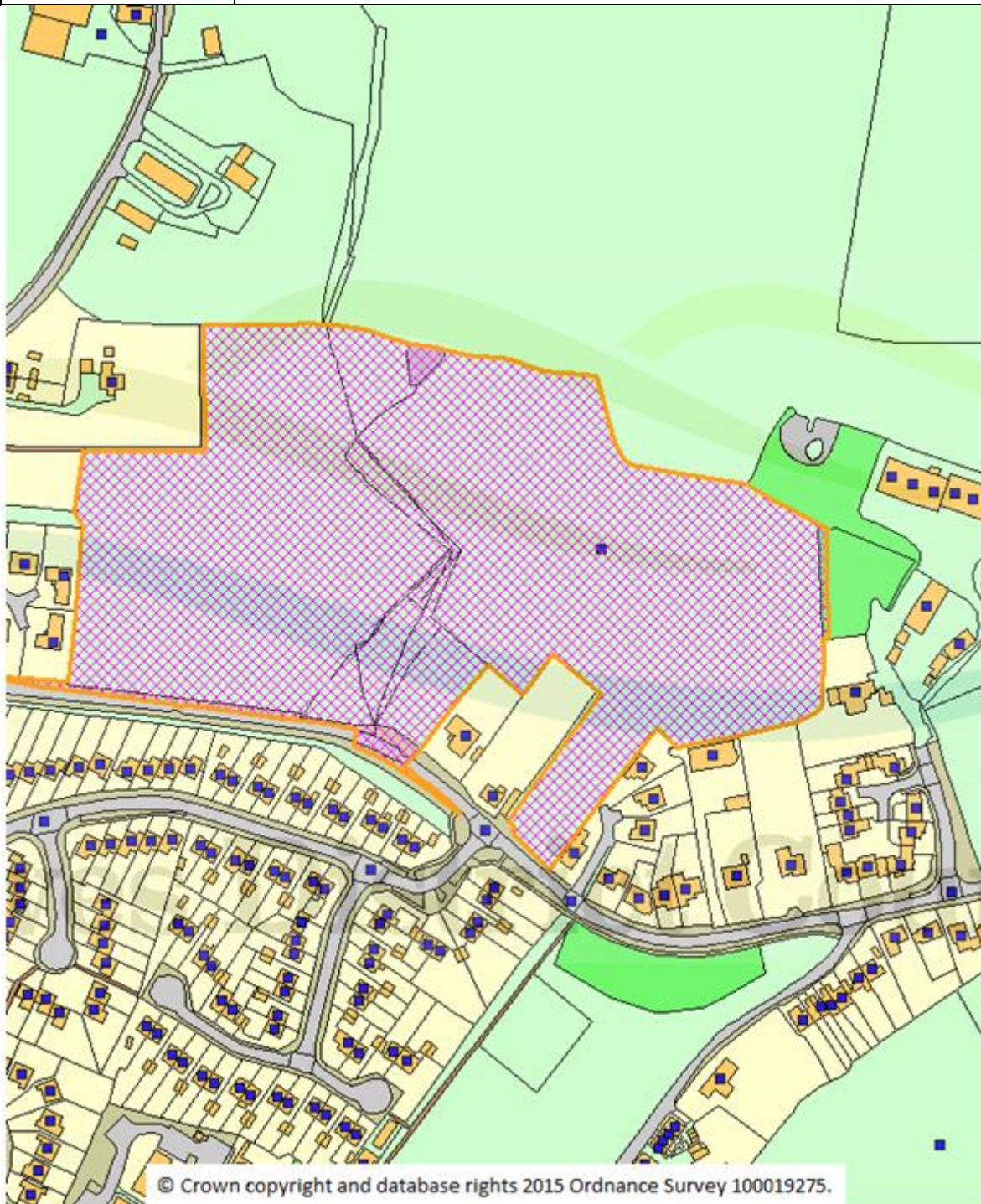
3. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	27 April 2018	
Location Plan	27 April 2018	P101
Proposed Block Plan	27 April 2018	P101
Existing Floor Plan(s)	27 April 2018	P102
Proposed Floor Plan(s)	27 April 2018	P103A
Proposed Elevation(s)	4 July 2018	P104
Proposed Elevation(s)	27 April 2018	P105
Proposed Elevation(s)	27 April 2018	P106
Proposed Elevation(s)	27 April 2018	P107
Other Plan(s)	27 April 2018	P108

Agenda Item 9

APPLICATION NUMBER:	LW/18/0331		
APPLICANTS NAME(S):	Bovis Homes South East Limited	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Approval of Reserved Matters Application for Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale (resubmission of application LW/17/0045)		
SITE ADDRESS:	Land North Of Chapters Bishops Lane Ringmer East Sussex		
GRID REF:	TQ 44 12		



ADDENDUM

1.1 Following Members' resolution to grant planning permission subject to amendments to conditions and provision of an off-site LEAP contribution as opposed to on-site LEAP provision at the previous Planning Applications Committee of 27 June 2018. This addendum should be read in conjunction with the main report below, and the Supplemental Report dated 27 June 2018.

1.2 The LEAP costs will be borne out by the developer if the LEAP is provided on-site, and the applicant's CIL liability will be discounted by the value of the on-site LEAP accordingly.

1.3 In both scenarios Ringmer Parish Council will receive 25% of the CIL monies, but the CIL liability to the District Council will not be reduced if the LEAP is not provided within the site.

1.4 It will be unlawful for the District Council to request an additional payment in lieu of the on-site LEAP as it is covered by this "non-discounted" CIL contribution. It would also represent a payment for a type of infrastructure identified on the District Council's Regulation 123 List which is not permitted under the CIL regulations.

1.5 In view of the above there are two options which Members are now requested to consider:-

- 1) The LEAP remains on-site and the developer takes measures to improve safety, e.g. safety grilles over the SuDS ponds to prevent people falling in, or at least going under the water.
- 2) The LEAP is deleted from the scheme as per the Committee resolution of 27 June 2018, and the CIL contribution without a discount to the value of the on-site LEAP provision is made to Lewes District Council.

1.6 It is recommended that Members resolve to approve the application in accordance with the resolution of 27 June 2018 and agree to one of the above two options in respect of LEAP provision.

Appendix One

1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is located on the north side of Bishop's Lane, which is a relatively quiet rural lane, without pavements or street lighting, on the edge of Ringmer. The site is approximately 4.4ha in size and is made up of two fields known as Bishops Field (on the west) and Potters Field (on the east). The fields are divided by a dog-leg hedge, which also contains trees including two protected oaks (TPO No. 3 of 2013) as well as a public footpath through the site (public footpath no. 22).

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

1.3 There is residential development to the south and west with residential and commercial development to the east. Much of the residential development is relatively

modern, comprising both large dwellings in spacious plots and the higher density 'Delves' estate on the southern side of Bishop's Lane, opposite the application site.

1.4 In January 2016 following the refusal of application LW/14/0127 and a Public Inquiry, the Secretary of State granted outline planning permission for the development of this site with up to 110 houses to include affordable housing, access and public open space. The only matters that the Secretary of State determined were the principle of development and the means of access. All other matters were reserved for future consideration and this application now seeks approved of those matters.

1.5 Spatial Policy 6 of the adopted Join Core Strategy - Land north of Bishops Lane, Ringmer - allocated the site for residential development of approximately 110 dwellings. Development will be permitted subject to compliance with the Core Delivery Policies of this plan as well as more site specific criteria.

1.6 One half of the application site, Bishop's Field, is allocated for 50 new dwellings by the Ringmer Neighbourhood Plan (RES6), adopted in 2016. The garden to Chapters is allocated to 4 dwellings (RES7), east of Chapters 6 dwellings (RES30) and Potters Field is allocated for 30 dwellings (RES31).

PROPOSAL

1.7 The residential development of the site, together with the access, has previously been established by outline application LW/14/0127, which although refused permission by the local planning authority, was allowed at appeal by the Secretary of State.

1.8 The current application seeks approval of the reserved matters, which include appearance, landscaping, layout and scale.

1.9 The proposals constitute a revised scheme following the refusal of application LW/17/0045, which also sought approval for these reserved matters.

1.10 The proposed layout has been guided by the pattern of surface water flooding and drainage which characterises the location and the presence of an established hedgerow, ditch and public footway which wends its way through the site from north to south.

PLANNING HISTORY

1.11 LW/17/0045 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale. Refused 21 September 2017 for the reasons given below, and currently subject of a live planning appeal:-

1. The proposed layout would result in an unacceptable impact on neighbouring occupiers resulting in a loss of privacy and general loss of amenity through over- looking, overbearing and overshadowing, contrary to Policy ST3 of the Lewes District Local Plan.

2. It is considered that the design and appearance of the proposed housing units, through their uniformity and lack of varied vernacular detailing, fails to respect and positively contribute to the character of the wider village, contrary to Policy CP11 of the Lewes District Local Plan Core Strategy, Paragraph 64 of the NPPF, and Policy 9.1 of the Ringmer Neighbourhood Plan.

3. The developer has failed to show that they have worked positively with the local community and those likely to be affected by the development (residents and parish council) in the development of the scheme and the design of the units, or taken account of those view in order to influence the design of the scheme, contrary to paragraph 66 of the NPPF.
4. The development fails to make adequate parking provision, especially for the smaller units (1 bed), and is therefore contrary to Policy ST3 of the Lewes District Local Plan and Policy 8.3 of the Ringmer Neighbourhood Plan.
5. The scheme as submitted fails to make adequate provision for the retention and enhancement of the central hedgerow as required by condition 1 of the Inspectors decision, contrary to Policy ST3 of the Lewes District Local and CP10 of the Lewes District Local Plan Core Strategy.
6. The proposed mix and size of the proposed residential units fails to meet the needs of the local community contrary to Policy CP2 of the Lewes District Core Strategy, Policy 9.7 of the Ringmer Neighbourhood Plan, and Paragraph 50 of the NPPF.

2. RELEVANT POLICIES

- LDLP: – RNP41 – Policy 4.1-Planning Boundary**
- LDLP: – RNP410 – Policy 4.10-Biodiversity**
- LDLP: – RNP62 – Policy 6.2-Affordable Units**
- LDLP: – RNP63 – Policy 6.3-Respect the Village Scale**
- LDLP: – RNP81 – Policy 8.1-Traffic Generaion**
- LDLP: – RNP82 – Policy 8.2-Road Safety/Congestion**
- LDLP: – RNP83 – Policy 8.3-Off-Road Parking**
- LDLP: – RNP85 – Policy 8.5-Safe Pedestrian Route**
- LDLP: – RNP811 – Policy 8.11-mains drainage & sewerage**
- LDLP: – RNP91 – Policy 9.1-Design, Massing and Height**
- LDLP: – RNP92 – Policy 9.2-Housing Densities**
- LDLP: – RNP93 – Policy 9.3-Materials**
- LDLP: – RNP94 – Policy 9.4-Housing Space Standards**
- LDLP: – RNP95 – Policy 9.5-Footpaths and Twittens**
- LDLP: – RNP96 – Policy 9.6-Hard and Soft Landscaping**
- LDLP: – RNP97 – Policy 9.7-Types of Residential Dev**

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – SP2 – Distribution of Housing

LDLP: – SP5 – Land North of Bishops Lane

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

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

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

3. PLANNING HISTORY

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

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

LW/17/0045 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Refused**

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

APPEAL/18/0006 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Appeal In Progress**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Ringmer Parish Council – Objection on the following grounds:

- Street lighting.
- Light pollution.
- Loss of hedge.
- Replacement hedge.

Positive outcomes since the first application was submitted:

1. Ringmer Parish Council considers there to be an improvement of the design of housing and the feel of the site.
2. The proportion of housing seems to be acceptable

However, Ringmer Parish Council would like to see the 44 affordable houses proposed which are shared as the same model to be considered. The 1 bed roomed apartments are not family orientated. It would be more acceptable to the Parish Council if the ratio of shared equity were to increase of these apartments.

Considerations for reserved matters and or conditions for imposing:

- The drainage be given due consideration.
- The LEAP be reconsidered. The Parish Council agree that it would be more prudent to provide a contribution to the play area on the Village Green.

4.2 Tree & Landscape Officer Comments – No objection. Full details will be reported at Planning Applications Committee.

4.3 Natural England – No comment

4.4 ESCC Rights Of Way – More details requested.

4.5 ESCC Highways – No objection to the proposal in principle subject to amended plans being submitted to include:

- Slight alterations to the unallocated parking spaces
- Improvements to the emergency access layout to be in accordance with the details agreed with the s278.
- Swept path analysis provided for emergency vehicles using the Emergency Access point.
- Street lighting plan to be withdrawn and details to be submitted through condition

The full response is available to view on the application file on the website.

4.6 ESCC SUDS – No objection.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 North Ringmer Residents' Group raises objections to the proposed development. The full comment can be read on the application file and is summarised below:

- NRRG is generally pleased that this new application for reserved matters approval addresses a number of the failings of the previous scheme.
- Poor access to A26.
- SuDS not yet agreed.
- Removal of hedgerow.
- Unsatisfactory community engagement.
- Unacceptable affordable housing split of 50/50.
- Street lighting.
- The location of the significant medieval kiln archaeological remains has not been shown.

- The electricity substation has been relocated from the west end of the site 8 metres from the boundary with 4 Norlington Court to the east end 4 metres from the boundary with Pippins.
- Repetitive use of standard designs .
- The drawings do not show the extent of access roads and footpaths to be adopted
- Market housing still includes 5 x 5-bed houses. These are specifically contrary to the policy of the Neighbourhood Plan and were not in the outline approval indicative layout.
- No Landscape Management Strategy or details of the Management Company.

5.2 Representations have been received from Kerridge; Orchard House; 5, 37 and 47 Christie Avenue; 4 Norlington Court; no address given x 2; and 24 Delves Way [Lewes], objecting to the application for the following reasons:-

- Building in Countryside.
- Out of Character.
- Layout is out of keeping.
- Over-development.
- Contextual Significance.
- Conservation Significance.
- Contrary to Policy.
- Not Sustainable.
- Effect on AONB.
- Loss of Open Space.
- Loss of Trees.
- Effect on Wildlife.
- Highway Hazards.
- Inadequate Access.
- Traffic Generation.
- Traffic on A259.
- Parking Issues.
- Loss of Light.
- Overbearing Building/Structure.
- Overlooking, Loss of Privacy.
- Overshadowing.
- Noise and Disturbance.
- Smell/Fumes.
- Support Application.
- Lack of Infrastructure such as schools and doctors' surgeries.
- Flooding.
- Drainage.
- Insufficient Information.
- Effect on Town Centre Viability.
- Comprehensive programme of community engagement.
- Ringmer does not need 1-bed flats.
- Affordable homes for local people.
- Insufficient ecological assessment.
- Inadequate boundary fencing.
- S106 contribution should be made to existing LEAP on the village green.

6. PLANNING CONSIDERATIONS

Introduction

6.1 Notwithstanding the comments received as part of the current application, it should be noted that when the previous application LW/17/0045 was determined, the principle of development, flood risk, drainage, ecology and impact on wildlife, traffic generation and lack of infrastructure such as schools and GP surgeries, were not cited as reasons for refusal.

6.2 It should be noted however, that the developer will make a substantial financial payment through the Community Infrastructure Levy, should the proposals be approved. The CIL monies paid by the developer can be used for community infrastructure projects, and 25% will be given to Ringmer Parish Council.

6.3 In principle, the proposed development of the site by way of 110 new dwellings has previously been established, together with the access to the site, at the time the Secretary of State allowed the appeal against the local authority's refusal of application LW/14/0127.

6.4 The proposal includes a 400m² Local Equipped Area of Play (LEAP) as required by the legal agreement associated with the outline. This is designed for younger children and will contain a variety of play equipment. The LEAP is within walking distance of all the properties on the site. The LEAP play area will be suitably contained through provision of fencing as well as providing ancillary landscaping, seating and a bin. The LEAP is located in the north-eastern corner of the site just north of a group of houses which provides appropriate surveillance of the play area.

6.5 In view of the above, the sole matters that can reasonably be considered as part of the current application are whether the revisions to the proposals have addressed each of the six reasons for the refusal of the previous application, LW/17/0045, in a satisfactory manner.

First reason for refusal

1. *The proposed layout would result in an unacceptable impact on neighbouring occupiers resulting in a loss of privacy and general loss of amenity through over- looking, overbearing and overshadowing, contrary to Policy ST3 of the Lewes District Local Plan.*

Kerridge

6.6 The revised layout now means the nearest properties to this neighbouring property will be smaller terraced and semi-detached homes either side-on or at an angle to the plot of Kerridge. These smaller homes have reduced massing and depth compared with the apartment buildings (type N and R) previously proposed near this neighbour.

6.7 In addition, the turning head to plots 36-39 has been moved away from Kerridge and the border planting/landscaping increased to 4-5m width, creating a more extensive buffer and providing a high level of physical separation between the proposed development and Kerridge.

6.8 The proposed development should not result in loss of privacy or an over-bearing impact on occupants of Kerridge.

1 and 5 Potters Field

6.9 The smaller semi-detached houses at plots 56-57 have been re-positioned to line up with the side elevation of 1 Potters Field to minimise the impact on the front garden and the view into the Potters Field cul-de-sac.

6.10 The gap between 1 Potters Field and plot 56 has been increased to 7m and a 2m to 2.5m high evergreen hedge along the common boundary will help to soften and minimise the appearance of the development as viewed from Potters Field. Similarly plot 53 is further from the side of 5 Potters Field and an evergreen hedge will be planted alongside the common boundary.

6.11 Being House Type S, plots 53-55 and 56-57 have hipped roofs, thereby reducing the impact of massing and bulk on residents in Potters Field.

Norlington Court

6.12 Previously, the electricity sub-station for the application site was proposed near to the boundary with 4 Norlington Court. The sub-station has now been relocated to the eastern side of the site to be near the pumping station.

6.13 There will be a significant area of landscape together with boundary planting and trees between properties in Norlington Court and the proposed new dwellings.

Orchard House

6.14 Orchard House is situated on land behind South Norlington House and is positioned close to the boundary of the application site. In order to address this, the applicant has engaged with the neighbouring resident and increased the landscape buffer between Orchard House and plots 60 and 68 from 8.5m to 10m. This landscaped area will not form communal amenity space. It will be enclosed by hedge planting and accessed solely for maintenance via a gate.

Second reason for refusal

2. *It is considered that the design and appearance of the proposed housing units, through their uniformity and lack of varied vernacular detailing, fails to respect and positively contribute to the character of the wider village, contrary to Policy CP11 of the Lewes District Local Plan Core Strategy, Paragraph 64 of the NPPF, and Policy 9.1 of the Ringmer Neighbourhood Plan.*

6.15 The layout has been revised and now comprises seven distinct areas of housing divided by residential/private shared surface access roads off the main spine road, these secondary roads not to be adopted. The properties are no longer so regimentally aligned and linear and the parcels of land have been re-shaped around the edges to create a more natural and organic layout that should be well-integrated with the character of housing in Ringmer village and more appropriate to the edge of settlement context of the application site. The existing hedgerows and trees within the site have been used to guide the proposed layout and will provide attractive features within the development, which also respect and link to the past.

6.16 Connectivity and pedestrian routes through the site have been improved and the more space has been given over to the existing hedgerow through the site, which will be retained. The pedestrian routes connect with Bishop's Lane allowing convenient journeys into the village centre and the existing public footpath will be retained and will facilitate access to the wider countryside to the north of the application site.

6.17 Policy 6.3 of the RNP states that all new proposals for development within or extending the village planning boundaries should respect the village scale. Only developments that respect the village scales appropriate to Ringmer village or the Broyleside will be permitted.

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

6.19 Policy 9.3 states that the preferred external materials for houses are subdued red brick and tile, with roof pitches close to 45 degrees. White render or clapboard and flint walling are also acceptable but should not predominate. Dark grey slates on shallower roof pitches are also acceptable. Materials for other building types should be appropriate for their use and location (see NPPF para.28 for rural employment buildings).

6.20 The application proposes 29 different designs, finishes and details based on 15 categories of building form and scale. These are described below and are considered to be varied approach to the development for 110 residential units, whilst maintaining a degree of cohesion in the character of the scheme as a whole. The proposals are considered compliant with policies 6.3, 9.1 and 9.3 of the RNP.

House Type A (two variations)

- Detached, two storey, pitched roof with gable ends.
- Painted render over brick plinth x 1.
- Facing brick x 1.
- Two ground floor bay windows.

House Type B (two variations)

- Detached, two storey, gable fronted.
- Shiplap cladding to first floor of gable front x 1.
- Tile hung gable front x 2.
- Ground floor bay window.
- Facing brick.

House Type C (two variations)

- Detached, two storey, pitched and hipped roof.
- Integral garage.
- Large and small gables to front elevation.
- Facing brick.
- Brick gables x 3.
- Tile hung gables x 2.

House Type D (two variations)

- Detached, two storey, pitched roof with gable ends.
- Porch roof.
- Two storey bay shiplap x 1.
- Two storey bay tile hanging x 8.

House Type E (three variations)

- Detached, two storey, pitched roof with gable ends.
- Centre porch.
- Brick detail over windows.
- Facing brick walls x 3.
- Render walls x 4.
- Casement windows x 3.

House Type F

- Detached, two storey, half hipped roofs.
- Porch overhang.
- Facing brick.

House Type G (two variations)

- Detached, two storey, pitched roof.
- Front gable.
- Facing brick x 7.
- Shiplap gable x 2.

House Type H

- Semi-detached.
- Tile hung gables x 6.

House Type J (two variations)

- Detached, two storey.
- Two shiplap bays with gable tops x 1.
- Two rendered bays with gable tops and detailed windows x 6.

House Type K (four variations)

- Semi-detached.
- Porch overhangs.
- Facing brick x 2.
- Shiplap first floors x 2.
- Tile hung first floor x 2.
- Porch variation x 2.

House Type L

- Terrace of three houses.

House Type M

- Semi-detached.
- Porch canopies.
- Detailed windows.

House Types N and R (two variations)

- Tile hanging to first floor x 6.
- Gable and half hip façade.
- Type R to being larger and containing six residential units.

House Type P

- Half dormer windows.
- Shiplap first floor.
- Carports on ground floor.

House Type S (three variations)

- End of terrace and semi-detached.
- Pitched and hipped roof.
- Pitched porch canopy.
- Half hipped gable fronts.

Third reason for refusal

3. *The developer has failed to show that they have worked positively with the local community and those likely to be affected by the development (residents and parish council) in the development of the scheme and the design of the units, or taken account of those view in order to influence the design of the scheme, contrary to paragraph 66 of the NPPF.*

6.21 In accordance with the local planning authority's statement of community involvement and national best practice guidance, the applicant has undertaken a programme of consultation to engage with local residents and elected representatives.

6.22 The steps taken include a leaflet drop and invitation to a public exhibition that was held in Ringmer Village Hall on Wednesday 7th March 2018. 606 households were invited and 125 people attended the exhibition. A total of 31 feedback forms were received and the feedback was taken into consideration by the applicant and used to inform revisions to the proposed development.

6.23 Full details of the public consultation and measures to involve the community are described in the Statement of Community Involvement submitted with the application.

6.24 The applicant has met with the occupiers of Orchard House, one of the neighbouring properties which is very close to the site boundary, and agreed to extending the proposed 8.5m buffer zone/amenity space to 10m. This buffer zone will have a gated access for maintenance only and will not be used as a amenity space. The buffer zone will provide sufficient separation between Orchard House and the proposed houses (Plots 60 and 68) in the interests of safeguarding residential amenity.

6.25 Correspondence on the application file indicates a relatively open dialogue between some neighbouring residents and the applicant.

6.26 The above demonstrates that the applicant has made efforts to engage and involve the community in the formulation of the proposals, gathering information as to what is important to local people and ways in which the scheme could be improved, such as altering the relationship with neighbouring homes in the interests of safeguarding amenity,

relocated the electricity substation and seeking to preserve and protect the hedgerow through the application site.

Fourth reason for refusal

4. *The development fails to make adequate parking provision, especially for the smaller units (1 bed), and is therefore contrary to Policy ST3 of the Lewes District Local Plan and Policy 8.3 of the Ringmer Neighbourhood Plan.*

6.27 Policy 8.3 of the Ringmer Neighbourhood Plan states that all new development in Ringmer must make adequate provision for off-road parking for the numbers and types of vehicles likely to be attracted by the development. Parking for new development in the countryside should be appropriately located or screened to minimise landscape impact. New residential development should include off-road parking provision at the following minimum ratios:

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

6.28 The highway authority raises no objection to the planning application and the amount and type of parking proposed is in accordance with the County Council's parking standards of October 2017 whilst at the same time preventing an over-abundance of hard surfacing within the site, that would be detrimental to the character and appearance of the development and meeting the objectives of encouraging residents to use other methods of transport to the private car where appropriate and practical.

6.29 The highway authority has requested some minor amendments to the location of unallocated parking spaces and the applicant has submitted a revised layout plan accordingly. Furthermore, additional details of the emergency access have been provided so that the proposed layout drawing accords with the S278 Agreement with the highway authority.

Fifth reason for refusal

5. *The scheme as submitted fails to make adequate provision for the retention and enhancement of the central hedgerow as required by condition 1 of the Inspectors decision, contrary to Policy ST3 of the Lewes District Local and CP10 of the Lewes District Local Plan Core Strategy.*

6.30 The layout has been revised to pull back the residential access roads and indeed the proposed houses, from the lower length of hedgerow and the adjacent ditch. Protections measures can be put in place during construction to ensure the hedgerow and ditch are not damaged.

6.31 The middle length of hedge is shown to be retained along with the two protected oak trees.

6.32 The top length of hedge will also be retained (behind Plots 91-94) with only a small section removed to allow vehicular access into the site via the spine road.

Sixth reason for refusal

6. *The proposed mix and size of the proposed residential units fails to meet the needs of the local community contrary to Policy CP2 of the Lewes District Core Strategy, Policy 9.7 of the Ringmer Neighbourhood Plan, and Paragraph 50 of the NPPF.*

6.33 The scheme includes 44 affordable housing units of which 36% will be 1-bed, 59% 2-bed and less than 5% 3-bed. Of the 66 market housing units proposed, 21% will be 2-bed, 33% 3-bed, 38% 4-bed and just over 7% 5-bed.

6.34 Paragraph 50 of the NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, markets trends and the needs of different groups in the community.

6.35 Core Policy 2 of the Council's adopted Joint Core Strategy states that development proposals must provide a range of dwelling types and sizes to meet the identified local need. This will generally include 1 and 2 bedrooms homes. The wording to "generally include" hints at some flexibility in that it may not necessary "exclude" other sizes of dwelling. In addition, policy CP2 states that account should also be given to the existing character and housing mix in the vicinity of the application site.

6.36 Policy 6.2 of the RNP states that the 240 housing units to be developed in Ringmer to 2030 should include at least 80 affordable units. Where new affordable housing is included within a market development the majority of the new units shall be 2-bed or 3-bed houses suitable for young families.

6.37 Policy 9.7 goes on to say that larger developments (20 units or more) should be mixed, but with a high proportion of 2-3 bed houses suitable for young families. They should include some 1-2 bed starter homes and smaller homes built to Lifetime Homes standards for the elderly and disabled. Proposals for sheltered housing, self-build schemes, flats or large houses will be considered on their merits.

6.38 Overall, 56 of the 110 new homes will be 1-bed and 2-bed, representing 51% of the whole development. This should be sufficient to meet the requirements of RNP policy 9.7.

6.39 Also, 64 of the 110 new homes will be 2-bed and 3-bed properties, representing 58% of the scheme as a whole. This is considered to meet the requirements of policy 6.2 of the RNP which requires the majority of new units to be 2-bed or 3-bed homes.

6.40 None of the affordable homes will have 4-bedrooms or 5-bedrooms. This element of the proposals, 30 units representing 27% of the scheme overall, is considered acceptable insofar as Core Policy 2 of the Joint Core Strategy includes the wording "account should also be given to the existing character and housing mix in the vicinity of the application site."

6.41 In terms of the distribution of the affordable units across the site, they are interspersed with market housing in three areas: to the east and west of the central landscaped area and near the eastern boundary of the application site. This arrangement is considered to acceptably integrate the proposed units within the overall development, ensuring it will be indistinguishable from the market housing.

Lighting

6.42 The applicant has submitted amended plans which remove all street lighting from the proposed development. Policy 4.11 of the RNP states that new development, especially new development in the countryside, should minimise additional light pollution, through careful design, location and inclusion of mitigation measures if necessary.

Space Standards

6.43 Using the Technical Housing Standards - Nationally Described Space Standard March 2015 the gross internal floor areas of each property are contained in the below table. For some of the smaller units of accommodation the properties will be just below the suggested standard but this is marginal and the proposed layouts indicate good circulation space and living areas.

Property Type	Bedrooms	Persons	Internal Floor Area	National Space Standard
A	5	10	185	128
B	5	9	163	128
C	4	7	145	115
D	4	6	124	106
K	2	4	79.2	79
L	2	4	79.2	79
M	3	4	93	84
N	2	4	79	79
R	1	2	50	50
S	2	4	79	79

(Table 1)

CP14 Energy Statement

6.44 The applicant has submitted a Sustainability and Energy Statement in line with the requirements of Core Policy 14 of the Joint Core Strategy. The properties will be constructed to a satisfactory level of energy efficiency and conservation.

6.45 In addition, the applicant is committed to providing charging point for electric vehicles, in order to reduce emissions and use of fossil fuels. In this regard a condition is recommended in order to secure the details.

Affordable Housing and S106 Obligations

6.46 It is noted from the applicant's submissions that they are now seeking to amend the tenure mix of the affordable housing to a 50:50 split. This will require an amendment to the original Section 106 agreement. Core Policy 1 of the JCS notes that:

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

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

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

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

6.51 The outline application also secured, by way of the Section 106 agreement a number of highway works that include:

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

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

Conclusion

6.53 The principle of the development at this site by way of 110 new homes has previously been established by the Secretary of State at appeal. In addition, matters including the access, surface water drainage and highway safety have each been considered and held to be acceptable.

6.54 Following the refusal at Planning Applications Committee of the previous application for approval of reserved matters (LW/17/0045) the current application incorporates revisions which are considered to represent a significant improvement and which address each of the six reasons for the refusal of the previous application.

6.55 In view of this it is considered that the proposed development is acceptable and accordingly approval is recommended subject to the necessary variation of the Section 106 Agreement.

7. RECOMMENDATION

In view of the above approval is recommended.

The application is subject to the following conditions:

1. The glazing in the first floor westerly facing window of plot 98 (House Type A) and the easterly facing first floor window of plot 60 (House Type S) shall be in obscured glass and the windows shall be non-opening unless the parts of the window(s) that can be opened are a

minimum of 1.7m in height above the internal finished floor level of the rooms served by those windows and shall be maintained as such thereafter.

Reason: To protect the privacy and residential amenity of neighbouring residents, having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

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

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

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

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

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

5. No development shall take place until a schedule of all external materials and finishes including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The details shall be in broad conformity with the submitted Design & Access Statement. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

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

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

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

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

8. Arboricultural Method Statement & Tree Protection Measures

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

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

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

d) No development shall take place, including site clearance or installation of temporary plant or structures associated with the construction of the development, until full details of the measures to be implemented in order to safeguard and protect the hedgerows to be retained have been submitted to and approved in the writing by the local planning authority.

Reason: To enhance the general appearance of the development and in the interests of preserving the amenity 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.

9. No development shall take place until full details of both hard and soft landscape works, including particular details of tree/hedge planting and boundary treatment to the south east corner of the site (to the north of Orchard House and Pippins) and routing of the informal footpath around the north edge of the site, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development and to protect residential 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.

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

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

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

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

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

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

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

13. The existing public right of way (footpath Ringmer 22) across the site shall not be altered or impeded unless and until legally stopped up or diverted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved in writing by the Local Planning Authority, throughout the course of construction and for the lifetime of the development thereafter.

Reason: In the interests of amenity and accessibility in accordance with Core Policies 10 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to the National Planning Policy Framework.

14. Works to construct the new houses hereby permitted shall not commence until the new estate road[s] have been completed to base course level, together with the surface water and foul sewers and main services, to the approval of the local planning authority.

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

15. The new estate road[s] shall be designed and constructed to a standard appropriate to subsequent adoption as [a] publicly maintained highway.

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

16. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

2. The Local Planning Authority has acted positively and proactively in determining this application by 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. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

4. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

5. East Sussex County Council as Highway Authority seeks to adopt estate roads deemed to be of public benefit. The residential roads within this site serve will form part of a waste collection route, therefore ESCC expects to adopt the spine road and associated footways and verge in accordance with the guidance in Manual for Streets and the ESCC Local Design Guide. The applicant should make early contact with Transport Development Control 01273 482254 to agree the highway design and progress a s38 Road Adoption agreement.

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

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

8. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related

works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	3 May 2018	DAS_REV A_LOW RES_PART 6
Proposed Elevation(s)	8 June 2018	CB_45_110_SUB_01
Landscaping	8 June 2018	01C
Landscaping	8 June 2018	02C
Landscaping	8 June 2018	03C
Landscaping	8 June 2018	04C
Landscaping	8 June 2018	05C
Technical Report	8 June 2018	07 LEAP DETAILS
Other Plan(s)	8 June 2018	REFUSE VEHICLE TRACKING
Other Plan(s)	8 June 2018	FIRE TENDER TRACKING
Other Plan(s)	8 June 2018	REMOVALS TRACKING
Other Plan(s)	8 June 2018	PRIVATE VEHICLE TRACKING
Planning Statement/Brief	16 May 2018	COMMUNITY INVOLVEMENT
Proposed Floor Plan(s)	12 April 2018	A P02
Proposed Elevation(s)	12 April 2018	A E01
Proposed Floor Plan(s)	12 April 2018	A P01
Proposed Elevation(s)	12 April 2018	A E02
Proposed Elevation(s)	12 April 2018	B E01
Proposed Elevation(s)	12 April 2018	B E02
Proposed Floor Plan(s)	12 April 2018	B P01

Proposed Elevation(s)	12 April 2018	C E01
Proposed Elevation(s)	12 April 2018	C E02
Proposed Floor Plan(s)	12 April 2018	C P01
Proposed Elevation(s)	12 April 2018	D E01
Proposed Elevation(s)	12 April 2018	D E02
Proposed Floor Plan(s)	12 April 2018	D P01
Proposed Elevation(s)	12 April 2018	E E01
Proposed Elevation(s)	12 April 2018	E E02
Proposed Elevation(s)	12 April 2018	E E03
Proposed Floor Plan(s)	12 April 2018	E P01
Proposed Elevation(s)	12 April 2018	F E01
Proposed Floor Plan(s)	12 April 2018	F P01
Proposed Elevation(s)	12 April 2018	G E01
Proposed Elevation(s)	12 April 2018	G E02
Proposed Floor Plan(s)	12 April 2018	G P01
Proposed Elevation(s)	12 April 2018	H E01
Proposed Floor Plan(s)	12 April 2018	H P01
Proposed Elevation(s)	12 April 2018	J E01
Proposed Elevation(s)	12 April 2018	J E02
Proposed Floor Plan(s)	12 April 2018	J P01
Proposed Elevation(s)	12 April 2018	K E01
Proposed Elevation(s)	12 April 2018	K E02
Proposed Elevation(s)	12 April 2018	K E03
Proposed Elevation(s)	12 April 2018	K E04
Proposed Floor Plan(s)	12 April 2018	K P01
Proposed Elevation(s)	12 April 2018	L E01
Proposed Floor Plan(s)	12 April 2018	L P01

Proposed Elevation(s)	12 April 2018	M E01
Proposed Floor Plan(s)	12 April 2018	M P01
Proposed Elevation(s)	12 April 2018	NR E01
Proposed Floor Plan(s)	12 April 2018	NR P01
Proposed Elevation(s)	12 April 2018	R E01
Proposed Floor Plan(s)	12 April 2018	R P01
Proposed Elevation(s)	12 April 2018	P E01
Proposed Floor Plan(s)	12 April 2018	P P01
Proposed Elevation(s)	12 April 2018	S E01
Proposed Elevation(s)	12 April 2018	S E02
Proposed Floor Plan(s)	12 April 2018	S P01
Proposed Elevation(s)	12 April 2018	S E03
Proposed Floor Plan(s)	12 April 2018	S P02
Proposed Elevation(s)	12 April 2018	S E04
Proposed Floor Plan(s)	12 April 2018	S P03
Proposed Elevation(s)	12 April 2018	S E05
Proposed Floor Plan(s)	12 April 2018	S P04
Proposed Elevation(s)	12 April 2018	S E06
Proposed Floor Plan(s)	12 April 2018	S P05
Proposed Elevation(s)	12 April 2018	GAR 01
Proposed Floor Plan(s)	12 April 2018	GAR 01
Proposed Elevation(s)	12 April 2018	GAR 02
Proposed Floor Plan(s)	12 April 2018	GAR 02
Proposed Elevation(s)	12 April 2018	GAR 03
Proposed Floor Plan(s)	12 April 2018	GAR 03
Proposed Elevation(s)	12 April 2018	GAR 04
Proposed Floor Plan(s)	12 April 2018	GAR 04
Proposed Elevation(s)	12 April 2018	GAR 05

Proposed Floor Plan(s)	12 April 2018	GAR 05
Additional Documents	12 April 2018	ENERGY _SUSTAINABILITY
Additional Documents	12 April 2018	PARKING CALCULATOR
Additional Documents	12 April 2018	DRAINAGE CALCULATOR
Additional Documents	12 April 2018	ECOLOGY SUMMARY
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 1
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART2
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 3
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 4
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 5
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 7
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 8
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -1
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -2
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -3
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -4
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -5
Illustration	12 April 2018	CB_45_110_BL_STREET SCEN
Illustration	12 April 2018	CB_45_110_CA_STREET SCEN
Illustration	12 April 2018	CB_45_110_GE_STREET SCEN
Illustration	12 April 2018	CB_45_110_VISUAL BOOKLET
Proposed Layout Plan	12 April 2018	CB_45_110_001
Proposed Layout Plan	12 April 2018	CB_45_110_012
Location Plan	12 April 2018	CB_45_110_000

Other Plan(s)	12 April 2018	CB_45_110_003
Other Plan(s)	12 April 2018	CB_45_110_005
Other Plan(s)	12 April 2018	014B VISIBILITY SPLAYS
Other Plan(s)	12 April 2018	CB_45_110_002
Other Plan(s)	12 April 2018	CB_45_110_004
Other Plan(s)	12 April 2018	CB_45_110_007
Other Plan(s)	12 April 2018	CB_45_110_008
Other Plan(s)	12 April 2018	CB_45_110_009
Other Plan(s)	12 April 2018	CB_45_110_010
Other Plan(s)	12 April 2018	CB_45_110_011
Other Plan(s)	12 April 2018	CB_45_110_006
Planning Statement/Brief	12 April 2018	
Tree Statement/Survey	12 April 2018	ARBORICULTURAL STATEMENT

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Report to **Planning Applications Committee**
Date **18 July 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/02353/FUL**
Applicant **Mr and Mrs T Rea**
Application **Locate mobile food van and static store to retail food and drink from a static position time limited 1st July 2018 to 30th October 2018 and thereafter from 1st April 2019 to 30th October in every year thereafter**
Address **Kingston Farm
The Street
Kingston
Lewes
East Sussex
BN7 3PB**

Recommendation: That the application be Refused for the reasons set out in paragraph 10 of this report.

Executive Summary

1 Site Description

1.1 The site is the farmyard of Kingston Farm, which is located about halfway along the south side of The Street. The site is within the heart of the village, and within the Kingston Conservation Area. The farmyard is entered into from The Street between an agricultural building on one side and two old garages on the other side.

1.2 The farmyard is bounded by a large Grade II listed flint barn which faces across the farmyard towards The Street, and an attached single storey former cattle shed, which is also listed, on the west side. On the east side is a flint wall, beyond which is part of the cattle shed on three sides, and a flint boundary wall on the east side, on which are two dwellings whose gardens back onto the site.

2 Proposal

2.1 The proposal is for a mobile food van (effectively a trailer typically seen at outdoor events) to be stationed in the farmyard, selling food and drink for consumption both within the farmyard (tables and chairs are within the yard for 'alfresco' dining) and on a take-away basis. The principle food for sale is pizza, which is baked on site within the van.

2.2 The proposed hours are:

Monday	10.30 to 17.00hrs
Tuesday	10.30 to 20.30hrs

Wednesday	10.30 to 20.30hrs
Thursday	10.30 to 20.30hrs
Friday	10.30 to 21.30hrs
Saturday	10.30 to 21.30hrs
Sunday	10.30 to 18.00hrs

2.3 The submitted site plan shows the food van would be positioned on the west side of the yard, next to the former cattle shed. A "mobile toilet facility" would be sited in front of the flint barn. Two visitor parking spaces are shown adjacent to the flint wall on the east side. Under cover seating is shown within the former cattle shed. A 'container', which has been used as a farm shop, is shown in the yard behind the old garages.

2.4 The food and drink use took place, without planning permission, between May and October 2017. Customers were able to sit outside at tables and dine 'alfresco', as well as buying pizza to take-away. The premises were advertised as 'BYOB' (bring your own bottle).

2.5 An application in 2017 for the use was withdrawn before being decided by the Council, after the planning officer indicated that the application was to be refused under delegated powers. An enforcement notice has subsequently been served against the use, which is subject to appeal. Further information on these matters is given later in the report.

2.6 This "revised" application, according to the Statement, has "addressed the principal problem and the pizza oven is now gas fired".

2.7 If the Committee, acting for the South Downs National Park Authority, decide to approve the application, the enforcement notice would be withdrawn. If the Committee refuse the application, the appeal against the enforcement notice would continue, and the question of whether the use would be acceptable would be settled by the Inspector deciding the enforcement appeal.

2.8 The application indicates the intention that the use commences on 1 July 2018. If this application is granted, commencement on 1 July 2018 would be authorised by the permission. If not, commencement would be unauthorised.

3 Relevant Planning History

3.1 **SDNP/17/01944/FUL:** Operation of two mobile food vans. This application was submitted in April 2017. At the time the use was operating in the yard which meant that, although the use was unlawful, it enabled planning and environmental health officers to monitor its impact in the locality. Issues were evident that the use was having an un-neighbourly effect, at first primarily from smoke from the van and then from noise and disturbance from evening use within the yard.

3.2 Towards the end of the monitoring period officers concluded that the use was not acceptable. The agent was therefore advised that officers were minded to refuse permission, and in response the application was withdrawn before a decision to refuse permission was issued.

3.3 An enforcement notice was subsequently served, as follows.

3.4 **SDNP/17/00753/COU:** Enforcement notice (EN) served 18 January 2018. The breach of planning control alleged in the EN was "the material change of use of land...from agricultural use to a mixed use for agricultural use and for the stationing of a mobile trailer unit and the use of the mobile trailer unit to cook and sell hot food from the land".

3.5 The reason for issuing the EN was:

3.6 *"The presence of the food trailer is uncharacteristic and unsympathetic to the character of the area, which in this location is within the Kingston Conservation Area and the South Downs National Park.*

The food trailer unit by its incongruous appearance also adversely affects the setting of nearby listed buildings.

3.7 *The use of the land for the operation of a hot food trailer unit in this location has impacts upon neighbouring amenity by causing noise and disturbance and cooking odours and smoke, adversely affecting the living conditions of local residents.*

3.8 *The unauthorised trailer unit is contrary to policies ST3 (a) and (c), H2 and H5 of the Lewes District Local Plan and the National Planning Policy Framework 2012."*

3.9 The steps required to comply with the EN were:

3.10 "(i) Permanently cease the use of the land for the stationing of a mobile food trailer unit and the use of the mobile trailer unit for cooking and selling hot food from the land

3.11 (ii) Permanently remove the food trailer unit from the land along with any debris resulting in its removal".

3.12 The time period for compliance was "one month from the date this notice takes effect": (ie by 16 March 2018).

3.13 An appeal was lodged against EN, which has yet to be determined by the Planning Inspectorate.

4 Consultations

Kingston Parish Council Consultee

4.1 Initial submission:

4.2 KPC initially commented that it had no objection to the provision of a food outlet and farm shop at Kingston Farm, provided that conditions were attached requiring that further efforts should be made to minimise disturbance to neighbours from cooking smells, including requiring the Applicant to (a) locate the pizza van to the far west side of the farm yard furthest away from the wall with the neighbours on the east and (b) take professional advice on increasing the height of the 'chimney' from the cooking oven to better disperse the fumes and on installing a best practice fume control system such as is in use at The Juggs public house. In order to minimise the disturbance from noise which neighbours experienced during earlier operation of the pizza facility, KPC requested that representatives of LDC Planning and Environmental Health Departments meet with the Kingston Farm neighbours and the applicant to agree the daily hours of operation for the pizza outlet and farm shop, and for the use of the customer seating facilities. In addition, to assist in noise reduction, KPC requested that the seating facilities should only be permitted to be sited on the far west side of the farm yard, furthest away from the wall with the neighbours on the east.

4.3 Revised submission:

4.4 Following our initial comments, the applicant submitted additional information, largely in response to our concerns, which clarify the layout of the pizza outlet and farm shop and suggested changes to the operating hours which KPC has reviewed.

4.5 KPC has consistently stated that whilst it has no objection in principle to the provision of a farm shop and food outlet, conditions should be attached to any approval with the objective of minimising the disturbance to neighbours to the east of the farmyard from cooking smells and noise and recognising the historic nature of the area. KPC also considers that it is important that all parties should be encouraged to work together to agree how these can best be achieved.

4.6 Considering the revised submission by the Applicant:

1. Whilst it proposes that the pizza outlet be located at the west side of the farm yard, it does not include any specific proposals to address our particular concerns regarding cooking smells and fumes. Rather the applicant agrees to 'investigate the possibility of extending the flue' and makes no mention of providing any fume control system as is normal for commercial cooking facilities.
2. Rather than agreeing to enter into discussions with LDC Planning and Environmental Health Departments and the Kingston Farm neighbours to seek to agree operating arrangements and hours to address the noise impact on neighbours, the applicant has proposed a reduction in operating hours which in fact would still be longer than those adopted during operations in 2017,
3. KPC also notes that the proposed area for car parking within the farmyard is adjacent to one of the neighbour's walls which in itself will be an additional source of noise nuisance for that neighbour.

4.7 In view of these considerations, KPC remains of the view that any approval of the application should be conditional upon the factors set out in our original submission. In addition, KPC considers that the car parking facility should be sited well away from the neighbour's wall to minimise noise impact and should be positioned in a manner which recognises the historic nature of the location as well as ensuring the safety of pedestrians within the farmyard.

4.8 LE - Design and Conservation Officer - Objection.

4.9 The application is recommended for refusal as the food van is considered to not be in keeping with the surrounding conservation area and to have a negative impact on the setting of the adjacent listed building.

4.9 LE - Environmental Health

4.10 I investigated a complaint about smoke emitting from the mobile unit in 2017 and found the impact of the solid fuel usage upon local residents to be unreasonable. The impacts ceased only when the mobile unit ceased operating in the autumn and I am not aware of any mitigations which improved the effect for the residents.

4.11 During my investigation, other un-neighbourly impacts were reported to me, but these fell outside of my available powers and were therefore not investigated.

4.12 I suggested in 2017 that the commercial activity at Kingston Farm, as I witnessed, does not comply with the criteria set out in ST3(c) of the Lewes District Local Plan: " development [...] should respect the amenities of adjoining properties in terms of noise, privacy, natural daylight, and visual amenities and smell". This was principally because of the use of solid fuel for cooking purposes. The other commercial activities (e.g. the farm shop, sales of drinks and ready-to-eat foods) appeared to be causing little or no disturbance to residents, although a complaint was received following an evening event held in the farmyard.

4.13 For this reason I would recommend that planning permission for the mobile unit is not granted unless a condition can be added prohibiting the use of solid fuel. If it is not possible to do this, I would recommend that the application is refused, due to the unreasonable impact upon local residents.

4.14 I would also recommend that the amenity of the properties overlooking the farmyard is protected by restricting the hours of operation to 19.00 hours from Monday to Saturday and to 18.00 hours on Sundays and Public Holidays.

5.1 Support

5.2 28 representations of support have been received (21 being from within Kingston village), with the following comments indicative of the reasons for support:

- A sensible diversification, handy for 'a lot of life's little necessities' and bread every morning. An asset to the village.
- Since the closure of the village shop there has been no retail outlet in Kingston, the provision of a pizza take-away and a modest amount of general produce is much appreciated.
- Amazing food in a lovely atmosphere, child friendly, bringing people together.
- Adds another meeting place for the local community as well as walkers.
- Adds to the village, great communal and community meeting point, the village is crying out for something like this.
- Enjoyed the shop facility last year, which was popular with residents and walkers, and must have saved numerous car journeys into town.
- Great spot to meet other families, enjoy pizza and/or pickup bits from the farm shop.
- The facility is a way for villages to congregate and walkers to grab refreshments. Regarding a neighbour who dislikes the smell and noise, the operation could be moved a little further away and it would be a shame if those few voices against the proposal to go unheard too.
- Brilliant contribution to village life last year. Wonderful to take the children up to the farm and see so many other members of the community enjoying it.
- Best oasis ever on a hot sunny day.
- Good for business in Kingston and brings more customers to The Juggs.
- No village shop, so an improvement to be able to access hot and cold food last summer. Real community feeling at the pizza van.
- Eating in the courtyard was a wonderful community experience, and the applicant is respectful of the community and made sure noise levels were low and didn't go on too late.
- Valuable place to meet. Contribution to village economy. Asset to the community.
- Last summer became the hub of Kingston.
- Provides focal point for the village and local facility.
- Amazing asset, provides essential items and after school pizza treat, friendly staff, great location.
- Well run, a special place to be on a summer evening, operators went to great lengths to avoid disturbance,
- Asset to the village, very popular, not aware of any negative impacts.
- Peaceful location to enjoy pizza and mix with other locals. Brings villagers together.
- Shop is a great asset.
- Asset to the village, brings community together.
- Came to visit, impressed by food, service, and peaceful atmosphere.
- Asset to the community.
- Asset to the community. Shop allows people to buy basic supplies, and pizza van brings community together.
- Local initiative which should be supported.

5.3 Objection

5.4 Representations from and on behalf of the two adjacent neighbouring occupiers have been received objecting to the application. The following issues are commonly raised, and are summarised as follows under various headings referred to in the representations:

5.5 (A) Previous history

5.6 The pizza van operated over the whole of summer 2017. Attempts to discuss the impact of the operation with the site owners and operator did not result in any adjustments to the operation to mitigate the impact of the use of the combination of high noise levels (including into

the late evening on weekends due to alfresco dining, encouraged by a 'bring your own bottle' policy, with smoke and fumes from the uncontrolled flue, led to objections being made. Objections to this application are therefore based on the actual experience of living close to the outdoor food operation. The first hand experience of living next to the site gives support to the enforcement notice by the Council.

5.7 (B) The current application

5.8 The applicants are incorrect to claim that opposition to the 2017 application was only on grounds of smell. The problems created for neighbours are much broader, and fall into groups of:

- noise
- smell and smoke
- adverse impact at the heart of the Kingston Conservation Area
- parking and traffic issues
- the Enforcement Notice specifically mentions the above points, together with the adverse affect on the setting of the nearby listed building.

5.9 It is risible to suggest that the adverse impacts of the pizza unit could, at a stroke, be avoided by switching from wood firing to gas. No attempt has been made to address the concerns on the enforcement notice and the application is deficient in terms of a heritage statement, noise and odour assessment and transport statement.

5.10 It would be inappropriate for the Council to consider the application on the relative number of objecting and supporting statements. The Kingston Farm Facebook site has a prominent post from March 2018 inviting positive comments to the Council and there has been active canvassing through WhatsApp. Despite this, the number of supportive comments to date represents a tiny fraction of Kingston residents. In contrast, there is widespread opposition from those living in the vicinity of the operation.

5.11 (C) Smoke, odours and noise

5.12 The use will have a substantial impact on a small number of immediate neighbours affected by smoke, odours and noise due to their close proximity. These problems will be exacerbated by the long opening hours sought. Last year house windows had to be kept shut due to smoke and high noise levels. The ground level of the site is lower than neighbouring properties, meaning the flue of the food trailer is at approximately head height in the neighbouring gardens. The impact prevented neighbours from using their gardens last year and meant that windows had to be closed, an unreasonable interference with the enjoyment of their homes. Even with windows closed, significant noise intrusion occurred well into the evening from the gathering of people at the site, and often the party atmosphere which prevailed.. The disturbance from noise, smoke and smell also prevented working from home.

5.13 On warm summer evenings there has been very considerable noise, as would be expected from an outside restaurant with alcohol being consumed. On occasions, there have been large group events. The current application seeks later opening times than last year (even though noise often continued beyond the stated opening times last year).

5.14 Noise is not only generated by customers but also by the catering unit itself, including the operation of the oven and coffee machine. Voices had to be raised to be heard above the general noise levels. Noise from diners continued long past the closure of the van, and the site was often busy with a party atmosphere.

5.15 The application makes no mention of fume control. A restaurant would typically be required to use a filtration and extraction system venting at eaves height (or higher) to allow the plume to spread before reaching the ground. The commitment by the applicant to 'investigate' a higher flue cannot be relied on to have a successful outcome and, anyway, a higher flue would not make the use acceptable.

5.16 The applicants failed to stick to previous undertakings that the oven would not be wood fired last year. An October review in Viva Lewes describes the 'wood-fire oven' and the Facebook page for the Kingston Farm Shop is still using a picture of the wood-fired oven. There would anyway be temptations to revert to a wood-fired oven, which maintains a high temperature and cooks pizza quicker than a gas fired system, which needs to be fired up for each use.

5.17 Last year the chemical toilet was also extremely smelly when being emptied.

5.18 (D) Conservation area and listed buildings

5.19 The pizza van and associated food storage container are highly incongruous and jeopardise the character of a cluster of Grade II listed buildings central to the conservation area. This concern is mentioned in the Enforcement Notice, but the application has made no acknowledgement of this.

5.20 The development has a negative impact on the conservation area. The proposal is contrary to the intentions of the Kingston Conservation Area Appraisal, which states that "...the survival of the Kingston Farm buildings, around a working farmyard, is important in maintaining the rural qualities of the village...the District Council should seek to keep the agricultural buildings in the Conservation Area in their original use, and should resist further planning application for change".

5.21 (E) Traffic generation

5.22 The use has generated pressure for parking in the congested Street. The application indicates that only two parking spaces are provided 'on-site' with six cycle spaces, which is considered to be inadequate and would put additional pressure on The Street to provide car parking. This would also negatively impact on the conservation area and be contrary to planning policy.

5.23 (F) Planning policy

5.24 The proposal is contrary to adopted LDLP policies, emerging South Downs National Park policies (which should be given significant weight) and policies in the NPPF to protect heritage assets and neighbouring amenity. The policies are set out in detail in the representation. The mobile van and static store are in the farm yard, which forms the curtilage of the listed barn, cattle shed and granary. The setting of these listed buildings is harmed, together with other listed buildings in the vicinity (the grade II* church and Hyde Manor and Hyde Cottage).

5.25 Four other local objections have been received, largely reflecting the objections from adjacent residents. Indicative comments are:

- Noise, including late at night and at weekends, from groups enjoying alfresco dining with BYOB alcohol in the relative silence of the night. This has kept neighbouring children awake and made it difficult to work in the nearby house. Windows have to be kept closed, and even then noise levels are significant.
- No efforts have been made to reduce noise levels, and in fact the application seeks permission to open for longer than before.
- Have heard the loud noise from the pizza operation, from the chatter of diners to the clatter from the van. While some are in favour of a 'hang-out' location in the village other than the pub, equally there is a need to be considerate to those living nearby.
- The operation will draw people from a wider area, causing more traffic in The Street, where there is little room for parking. Noise will destroy the tranquillity of the residents of The Street, and the proposed closing hours are late to allow an outdoor 'party' atmosphere on summer's evenings.
- The Street is a local treasure, with its historic buildings and access to the Downs, and the pizza van is not in keeping with this picture postcard area.

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)

Other plans considered:

- None

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:

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

- H2 - Listed Buildings

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:

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, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

8 Planning Assessment

8.1 (A) Use in 2017

8.2 The use operated, on an unauthorised basis, throughout the summer of 2017, ceasing for the season around 31 October 2017.

8.3 The use appeared to be popular with those who used the facility (as witnessed by the representations in support of this application) and this application demonstrates the applicants wish to continue each summer. On the other hand, the use is known to have caused significant noise and disturbance, and an impact from the effect of smoke from the cooking of pizzas in the site, which gave rise to regular objections from those living closest to the site (as witnessed by the representations objecting to the application).

8.4 The question is, is the use in an appropriate location in planning terms? The fact that an enforcement notice was served (by officers under delegated powers) in January 2018 requiring the use to cease, indicates that officers concluded that the proposal was unacceptable. The reasons for service of the notice (which is subject to appeal) are explained in the 'Planning History' section of this report and are self-explanatory.

8.5 The application does not appear to address the reasons for service of the enforcement notice, other than by moving the van further from the boundary with neighbouring properties and the agent indicating that the applicant "will investigate the possibility of extending the flue from the oven (although) this will, however, depend on the final location of the van" - this comment was made before the position of the van was settled. It is considered, as indicated below, that the proposed 'changes' do not alter the substance of the application.

8.6 (B) Differences to the 2017 use and since submission of the application

8.7 Some changes have been made to the proposed use compared to 2017, and since submission of this application in April 2018. The agent has described these changes as "concessions", in response to local objections.

8.8 The changes include reducing the hours of operation (which were longer into the evening when the application was first submitted), although objectors have pointed out that the seven day a week operation is still more extensive than occurred in summer 2017. The proposed hours of operation are set out above, which indicates that the use would be open to the public into mid-evening (20.30hrs and 21.30 hrs) Tuesday to Saturday and open all day Sunday.

8.9 The changes also include moving the position of the van to the side of the yard furthest away from the boundary with the residents. This, however, is not considered to be a move which would make any significant difference to the direction emissions would drift from the van, or on reducing the incidence of noise from the van and from dining and activity in the yard on the nearest properties.

8.10 The submitted plan also shows seating for customer inside the former cattle shed, but that is an open structure (with the opening facing across the yard towards the neighbouring properties) and would not contain noise from customers.

8.11 The Statement with the application indicates that pizzas would be cooked using a gas fired oven instead of wood-fired (as was the case last year). However, this change, if adopted, would not alter the character of the use.

8.12 Overall, it is not considered that the 'changes' alter the substance of the application. The changes would not have averted enforcement action being taken against the use.

8.13 (C) Noise and disturbance

8.14 When operating, the use created significant noise and disturbance, particularly in the evenings. Alfresco dining, and the preparation, cooking and serving of pizzas, generated a level of noise which, from the evidence of those living close to the site, clearly reduced the hours when peace and quiet could have reasonably been expected in a village environment. Sometimes a 'party' atmosphere was prevalent into the evening hours, arising from those gathering to eat at the site.

8.15 As the site is in a quiet village rather than a town, there is not a level of other ambient noise and activity in the vicinity which would subsume noise from the use. Consequently noise and disturbance is all the more evident. It is considered that residents have a reasonable expectation that new uses in the community do not disturb the quiet ambience which normally exists in a village.

8.16 The application proposes seven days a week opening throughout each summer, into the evening at various closing times. The use therefore has potential for noise and disturbance on a daily basis, which was apparently evident for sequences of days last summer.

8.17 In context, food and drink uses which already generate some noise, such as at The Juggs pub, The Street, which has outside tables, are long established and an accepted part of the village. The proposed use at Kingston Farm is new, and the nearest residents can reasonably expect a degree of protection from a new use which exhibits un-neighbourly characteristics.

8.18 The applicant's agent has commented that "noise and smells are an integral part of what could be an active agricultural use". However, it is considered that there is no reasonable comparison between noise and smells from an authorised agricultural noise and the food and drink use on the site. The noise and smells from an agricultural use would be part and parcel of the authorised use of the farm yard, and would not be unexpected in a rural village where there is a farm yard. Furthermore, agricultural noise (whether intermittently from, say, the movement of vehicles or from livestock) would tend to be of a very different character to the noise generated by an outdoor food and drink use operating each day and into most evenings.

8.19 Officers conclude that the proposed use is the source of an unacceptable level of noise and disturbance, which is highly audible from nearby houses and gardens and significantly intrusive. The proposed use is in an inappropriate location for that reason, and is unacceptable.

8.20 (D) Cooking smells

8.20 Last summer the cooking process on site resulted in smoke from the flue drifting to the neighbouring properties. This meant that neighbours were not inclined to use their gardens and felt they had to keep windows and doors closed. The Council's Environmental Health Officer visited the locality and witnessed the smoke. Discussions with the operator to take action to reduce the incidence of smoke (for example by using gas fired cooking instead of wood burning) were unsuccessful.

8.21 It is considered that the incidence of smoke and smell from cooking on the site is un-neighbourly to a significant extent. Positioning the van further from the boundary with neighbours would, it is considered, result in no material improvement in the situation given that the yard is generally restricted in size and largely enclosed.

8.22 The application is considered to be unacceptable because of the effect of cooking fumes and smells on neighbouring occupiers.

8.23 (E) Effect on conservation area and listed building

8.24 The site is in the heart of the historic conservation area, just off The Street. The Council has a duty to preserve or enhance the character or appearance of the conservation area, which largely comprises attractive flint buildings such as the listed barn and former cattle shed within the farm yard. The quality of the buildings is one measure of what makes Kingston such an attractive village to live in.

8.25 The food and drink van, together with the mobile toilet unit, are positioned out of sight in linear views along The Street, and therefore are not visually intrusive along the road. They can be glimpsed, however, from outside the site entrance and when the farm yard gate is open. The van and toilet are, of course, clearly seen within the yard itself and from over the boundary wall from nearby residential properties.

8.26 The van and toilet cannot in any way be considered to be in keeping with the historic character of the conservation area, or to conserve or enhance the area. They are wholly out of keeping with the character and appearance of this part of the conservation area. Looking across the farmyard, the van and toilet unit are in the forefront of views of the listed barn and former cattle shed, and therefore detract from the setting of those buildings.

8.27 The Council's Specialist (Conservation) has considered the application and objects to it on conservation grounds.

8.28 The application is considered to be unacceptable, with the inappropriate van and toilet building, in the heart of the conservation area and harming the setting of the listed buildings.

8.29 (F) Traffic generation/parking

8.30 Two on-site parking spaces are shown on the layout plan, within the yard area and adjacent to the boundary wall with the neighbouring properties. It is considered that these spaces would not be particularly attractive to use (the access off The Street may be partially obstructed and if the spaces are already occupied, a tight turning movement would be needed to exit the yard in forward gear). However, most customers would probably tend to arrive on foot from the village, and if not, on-road parking is available on The Street. Traffic generation was not a reason for service of the enforcement notice, and it is not considered to constitute a reason for refusal of the application.

8.30 (G) Farm shop

8.31 For clarification, the farm shop at the site is not part of the application. This operates from a container within the yard and sells normal farm produce. A shop like this is a typical feature within a farm, does not need planning permission and is not subject to the objections summarised in this report.

8.32 (H) Public representations

8.33 The applicant's agent has pointed out that around 30 letters of support have been received. However, as summarised in the 'Representations' section, those supporting the use highlight its benefits, in that the use is described as a great place to meet and enjoy an 'alfresco' meal, or to buy pizza to take-away and eat at home, unlike any other facility in the village. Clearly the use is popular amongst those who have used it, who understandably wish to see the use continue. There is no comparable facility in the village.

8.34 The near neighbouring residents, however, have highlighted in their representations, in some detail, how the use affected their living conditions over the summer of 2017. While being prepared to give the use the opportunity to succeed in a neighbourly manner, the significance of the impact in terms of noise and disturbance and cooking smells became evident throughout the summer months. In short, those living close to the site do not wish for a repeat of the events of last summer when the use operated.

8.35 In the planning officer's view, the objections are founded in material planning concerns, which are covered in this report. Officers served an enforcement notice in response to the significant impact the use had in the locality. While support for the use is noted and the benefits the use can offer, the use is simply in the wrong place and is unacceptable in this location.

8.36 The application is contrary to prevailing planning policy which aims to protect conservation areas and listed buildings, and the reasonable living conditions of residents, from inappropriate development.

9 Conclusion

9.1 The proposed use has local support from those who used the facility when it operated, without planning permission, over the summer of 2017. However, the use generated levels of noise, disturbance and cooking smoke and smells which significantly detracted from the day to day living conditions of those adjacent to the site, including in the evenings. In addition, the trailer van and toilet are incongruous features which are out of keeping with the historic character of this part of the conservation area and the setting of the listed buildings within the farm yard. It is considered that the application does not address the reasons for service of the enforcement notice against the use.

9.2 The application is therefore recommended for refusal.

10 Reason for Recommendation and Conditions

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

1. The application as been assessed and determined on the basis of the plans noted below.

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

2. The presence of the food trailer van and toilet unit is uncharacteristic and unsympathetic to the character of the area, which in this location is within the Kingston Conservation Area and the South Downs National Park. The food trailer van and toilet unit by its incongruous appearance also adversely affects the setting of nearby listed buildings. The trailer van and toilet unit is therefore contrary to policies ST3 (a) and H2 and H5 of the Lewes District Local Plan, CPII of the Joint Core Strategy and the National Planning Policy Framework 2012.

3. The use of the land for the operation of a hot food trailer unit in this location has impacts upon neighbouring amenity by causing noise and disturbance and cooking odours and fumes, adversely affecting the living conditions of local residents, including during evening hours.

The use is thereby contrary to policies ST3 (c) of the Lewes District Local Plan and 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Mr Steve Howe (Lewes DC)
Tel: 01273 471600
email: Steve.Howe@lewes-eastbourne.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
Application Documents -			11.06.2018	Approved
Plans -	1:500		12.06.2018	Approved
Plans - Location plan	1:1250		23.04.2018	Approved
Site Photographs -	Van photo		23.04.2018	Approved
Application Documents -	supporting statement		23.04.2018	Approved

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

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Report to **Planning Applications Committee**
Date **18 July 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/01297/FUL**
Applicant **Mr & Mrs L Vaisey**
Application **Proposed change of use and conversion of existing building to form holiday lets; surrender of storage yard (B8) use; and use of workshop as ancillary outbuilding**
Address **Land at Wootton Farm
Novington Lane
East Chiltington
Lewes
East Sussex
BN7 3AU**

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

The application is recommended for approval. It proposes a change of use from an existing redundant farm building to holiday let accommodation on a flexible basis, providing up to three self-contained units. This application has been submitted following an earlier application proposing replacement of the building which was refused at the Planning Application Committee. It was considered that re-use of the building would be a preferable option. The application will surrender the B8 use and will be renovated in sympathy with its rural surroundings. The scale and form of the building will remain as existing and conserve the scenic beauty and landscape character of the National Park. This is a visitor attraction which has policy support in principle and contributes to the aims of sustainable development.

I Site Description

1.1 Wootton Farm lies on the eastern side of Novington Lane. It is accessed via a long shared private driveway along which runs a public right of way - East Chiltington 45a and 45b. The building the subject of this application fronts this public right of way and lies within a small complex of former farm buildings. It is a fairly standard Atcost style barn with a corrugated roof and timber/corrugated walls.

1.2 To the west of the building, on the other side of a large concrete apron, is a large tithe barn, consent for which has been granted for residential conversion. Further to the west, the other side of this barn, is Wootton Farmhouse. To the rear (north) of the application site is another large barn that has consent for use as a livery. In between the livery and the application site is a much smaller building that has consent for use as a commercial kitchen. This building has recently been extended and adjoins a single workshop/store that also forms part of the

application site. Adjacent to this workshop is a small open yard currently being used as a scaffold store. To the east of the application site is another public right of way (East Chiltington 34b) that runs past the application site in a north/south direction.

1.3 To the south east of the application site on the other side of the access drive is a residential dwelling, The Grange, and further to the east, also accessed via the shared drive are two more dwellings, Whitehouse Farm and White House.

1.4 For the purposes of planning policy the site lies outside of the planning boundary and within South Downs National Park countryside.

2 Proposal

2.1 This application proposes the conversion of a redundant agricultural building to facilitate up to three holiday lets. The division of the accommodation allows for a 'flex of occupation', to provide for smaller parties such as couples, and, or larger sized families/groups.

2.2 The planning statement confirms that;

2.3 "The building would be subdivided approximately in half (running east-west). The ground floor of the southern part would be lowered by approximately 0.8m. It would comprise a kitchen, living room, lounge, cloakroom and downstairs WC. A stairway would provide access to a first floor area created within the roof space of the building which would comprise two double en suite bedrooms. These would each be served by a single window in the south facing gable elevation and two roof lights.

2.4 The northern part would comprise two en suite family bedrooms and two self-contained double bedrooms at ground floor. A stairway off the central corridor would provide access to a first floor area created within the roof space of the building which would comprise a lounge. This would be served by six roof lights (three on each roof slope). The north facing exterior wall of the first floor would be inset from the gable end elevation to form a covered balcony.

2.5 The holiday let units would be accessed from both the south and north, gable elevations.

2.6 Vehicular access to the site would be via the existing driveway and lead to a parking area for six cars on the site of the existing scaffold yard. The adjacent workshop building to the west would be used for purposes ancillary to the holiday let units, including storage of associated equipment, and a bike store.

2.7 The existing external facing materials would be removed, and replaced with vertical timber boarding (sweet chestnut) to the walls and slate on the roof. Doors and windows would be inserted into all elevations.

2.8 The block plan illustrates new planting to the eastern and part southern sides of the building with a new hedgerow to be planted around the perimeter of the application site as edges in red.

2.9 This application follows two earlier schemes both involving demolition of the agricultural building and replacement buildings. The latter of the two applications was refused by the Planning Applications Committee, overturning the officer recommendation for approval. The Councillors debate inferred that the conversion of the existing building would be more acceptable.

2.10 The application is accompanied by a Design and Access Statement; Planning Statement; Historic Environment Record Consultation Report; and a Landscape Visual Impact Appraisal.

3 Relevant Planning History

The following applications are directly related to the application site:

LW/98/1646 - Section 73A Retrospective application for the continued change of use from redundant farm buildings & yard to storage of garden contractors equipment & materials - Approved

LW/00/1886 - Change of use of former farm buildings to B1 and B8 use - Withdrawn

LW/01/1027 - Change of use of farm buildings at Wootton Farm to B1 and B8 use. Removal of conditions two & three of LW/98/1646 to allow B8 use in building one of Birchington Farm and open storage at Wootton Farm - Approved

LW/02/0789 - Amendment to condition 4 of planning consent LW/01/1027 to read 'The total number of vehicle movements associated with the caravan storage will be restricted to 18 movements associated with each caravan (caravans and associated car movements) per calendar year. A record of all vehicles movements including the date and time of movements, caravan owner and vehicle registration shall be maintained and made available for inspection by the Local Planning Authority on 24 hours notice' - Refused

SDNP/16/02212/FUL - Demolition of existing agricultural building and surrender of open storage yard (B8 Use) and erection of 4 holiday let units - Withdrawn

Whilst the following applications do not directly relate to the application site they do relate to the surrounding buildings and therefore are of interest in the determination of this application:

LW/03/2484 - Conversion of tithe barn to residential dwelling, and change of use to outbuildings to ancillary residential use - Approved

LW/04/2438 - Section 73A Retrospective application for continued use of buildings as equestrian stables - Approved

LW/05/2033 - Change of use from B1 (carpenters workshop) to B2 (preparation of food) - Approved

LW/06/1279 - Conversion of tithe barn to residential dwelling (amendment to planning permission LW/03/2484 to include a dining room extension) - Approved

LW/08/1284 - Change of use of redundant agricultural building and silage pit to livery and menage - Withdrawn

LW/09/0593 - Change of use of redundant agricultural building and silage pit to full equestrian livery and menage and improvements to access to Novington Lane - Approved

LW/10/0242 - Vary planning condition nine attached to LW/06/1279 to remove requirement for speed humps on access - Approved

LW/12/0178/NP - Section 73A Retrospective application for the temporary siting of mobile home (12 months) for residential use during construction work of the barn and by the manager of the livery - Approved

SDNP/13/00927/FUL - Section 73A Retrospective application for the temporary siting of mobile home (12 months) for residential use during construction work of the barn and by the manager of the livery (resubmission of planning approval LW/12/0178/NP) - Approved

SDNP/14/02034/FUL - Section 73A Retrospective application for the retention of a mobile home for use during construction work on barn conversion - Approved

SDNP/14/03576/FUL - Extension to existing commercial kitchen to provide toilet accommodation, dry food store and clients reception and demonstration area - Approved

SDNP/15/03923/FUL - Section 73A Retrospective application for the temporary siting of mobile home for residential use during construction work on barn and by the manager of the livery (resubmission of planning approval SDNP/14/02034/FUL) - Approved

SDNP/16/05184/FUL - Section 73A Retrospective application for siting of mobile home for residential use by the livery manager - Refused

SDNP/17/01757/FUL - Section 73a retrospective application for change of use of equestrian stables to commercial food preparation kitchen and associated dry food store – Approved

SDNP/17/02217/FUL – Construction of holiday lets following demolition of agricultural building and surrender of storage yard (B8 use) – Refused (Overturned Officer recommendation for approval at Planning Application Committee on 19.07.2017)

SDNP/17/03957/FUL - Part change of use and alterations to equestrian livery building to create a 1-bed dwelling unit for manager of livery (together with removal of mobile home) - Approved

SDNP/17/06486/FUL - Proposed change of use of commercial food preparation unit to one bedroom holiday let unit – Approved

Collectively, planning permissions have authorised the conversion of former farm buildings surrounding the application site. The tithe barn and ancillary buildings to the rear have been approved for residential conversion. The buildings immediately to the north and northeast of the application site have been approved for commercial use, and subsequent extension. The large former agricultural building beyond these has been approved for equestrian livery use, together with formation of a sand school in the former silage clamp.

Furthermore, and more recently, planning permission has been granted for the conversion of a former farm building, used as a commercial food preparation unit, to be converted into a one bedroom holiday let unit.

The application site has been the subject of four relevant planning applications. The first two approved the use of the yard for storage of garden and contractors' equipment and materials, (LW/98/1646); and subsequent removal of conditions (under application LW/01/1027), to permit open storage use. The third and fourth applications related to the proposed demolition of the existing building, and construction of a replacement, for holiday let use. The third was withdrawn prior to determination (SDNP/16/02212/FUL) whilst the fourth was refused contrary to Officer's recommendation (SDNP/17/02217/FUL).

4 Consultations

4.1 East Chiltonton Parish Council - East Chiltonton Parish Council OBJECTS to the application and considers it to conflict with criterion 3 (impact on living conditions) and 4 (impact on amenities of the area in relation to increased traffic and noise levels) of Local Plan policy ST3.

4.2 ECPC is not opposed to the development of holiday lets. We appreciate that these are both potentially important to the local economy and are needed within the SDNP. The Parish Council has not objected to several recent applications for conversion of buildings to holiday lets, including one at Wootton, adjacent to the current proposal.

4.3 We note that the applicants have made an attempt to address aspects of the concerns that were raised concerning the previous application, SDNP/17/02217/FUL, which was rejected by LDC PAC. In particular, the design is now much closer to that of the existing barn, which they propose to replace/rebuild.

4.4 However, on balance, we consider that the concerns raised with regard to this earlier application are still relevant, and therefore object to the application, which contravenes key elements of planning policy.

4.5 Policies SD 23 (Sustainable Tourism) and SD41 (The conversion of redundant agricultural or forestry buildings) are relevant. SD 41 states that it is a requirement that *'The original building is structurally sound, is not derelict and of an appropriate design and scale for conversion to the proposed new use, without the need for substantial reconstruction, significant extensions or ancillary buildings'*. No structural survey has been submitted to support the statement that the original building will be retained.

4.6 Reassurances that this is 'envisaged' are inadequate. Even if the core iron structure of the barn were to turn out to be structurally sound, the extent to which this would be a rebuild rather than a new build is at best debatable.

4.7 ESCC - Rights of Way Officer - Comments awaited.

4.8 Environmental Health - Views awaited. However, there was no objection to the earlier application (SDNP/17/02217/FUL) and planning conditions were recommended which have been added to this application should permission be granted.

4.8 ESCC - Highways - Comments awaited.

4.9 ESCC - County Archaeologist - Views awaited. However, it should be noted that under SDNP/17/02217/FUL, ESCC were of the view that, "although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance."

4.10 Given that the current application proposes re-use of an existing building (instead of a new build and replacement building) it is considered that there would be no material harm to any archaeological remains and if it was thought necessary, planning conditions could always be added to any planning permission.

5 Representations

5.1 40 letters of objection have been received from 33 households. Their concerns have been summarised as follows:

- The holiday lets are too large for short term accommodation
- exacerbate existing noise disturbance from wedding and other existing commercial uses on the estate
- increase in vehicular comings and goings
- light pollution
- lack of farm sustainability which will result in further agricultural buildings being needed
- creeping development
- not farm diversification
- this is a new build in the shape of the old barn.

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 Local Plan (2003)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018
- National Policy Guidance Page 77

- National Planning Policy Framework

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:

- NPPF03 - Supporting a prosperous rural economy
- NPPF07 - Requiring good design
- NPPF11 - Conserving and enhancing the natural 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 Local Plan (2003)** are relevant to this application:

- CT1 - Planning Boundary and Key Countryside
- ST3 - Design, Form and Setting of Development

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 1
- General Policy 3

- Farming Policy 13
- Visitor and Tourism Policy 43
- General Policy 50

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, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Local Plan (2003)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies

8 Planning Assessment

8.1 The issues for consideration are whether the re use of the rural building as holiday let accommodation, is acceptable in principle; impact on the scenic beauty and landscape character of the countryside within the South Downs National Park; access and parking; and the impact on living conditions for the occupiers or nearby properties.

8.2 Principle of development

8.3 The application site falls outside of any planning boundary as defined by the Lewes District Local Plan where generally policies are restrictive towards new development i.e. policy CT1 of the Local Plan. However, as this proposal seeks the provision of holiday let accommodation, there is some policy acceptance to the principle of such development in the form of Core Policy 5 of the recently adopted Joint Core Strategy. This policy provides "*support for the high quality provision of new, and the upgrading/enhancement of existing sustainable, visitor attractions; a wide range of accommodation types; encouraging emerging and innovative visitor facilities and accommodation offers; and giving flexibility to adjust to changing market trends.*"

8.4 The SDNP Local Plan Preferred Options document September 2015 is an emerging development plan of limited weight as a material consideration. Among its policies SD27 supports the rural economy and in particular SD20 supports sustainable tourism, subject to landscape, environmental and amenity impact considerations. However, it also refers to other matters more explicitly including: appropriateness of scale, tourism need, sustainable access and connection to the wider countryside pathways, the control of tourism uses and viability.

8.5 The site is considered to be fairly well connected to the local footpath and bridleway network and redevelopment of the site for tourism uses could therefore be seen to accord

with the second purposes of the National Park, especially the promotion of opportunities for understanding and enjoyment of the special qualities of the Park by the public.

8.6 On this basis it is considered that the principle of the redevelopment of this site for holiday lets would be acceptable in planning terms and the main issues that need further consideration are in relation to design and layout, highways, and neighbour amenity.

8.7 Design and Layout

8.8 Policy CP5 of the Joint Core Strategy states that, “opportunities for the sustainable development of the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local employment.” It goes on to say that there is support for the provision of new, and the upgrading of existing sustainable visitor attractions and a wide range of accommodation types to give flexibility to adjust to changing market trends.

8.9 The application building is an existing barn set within the context of other farm buildings of varying age and form. For this reason, its agricultural appearance and scale does not appear incongruous or out of keeping within its setting.

8.10 It is a fairly average Atcost style barn with a rectangular footprint measuring some 15.2 metres by 18.4 metres. It has a relatively shallow roof with a maximum ridge height of some 5.6 metres.

8.11 The proposed replacement building under the earlier application (SDNP/17/02217/FUL), which was also recommended for approval, had a lesser floor area but overall a larger footprint and would have been almost a metre higher along its main north-south ridge.

8.12 The proposed change of use would result in the application building being refurbished, its existing profile sheet roofing to be replaced with slate, and the timber sleeper lower walls and profile sheeting replaced with sweet chestnut vertical cladding. The proposed fenestration comprises powder coated aluminium casements and the building would be surrounded by new planting and a perimeter hedgerow to further soften its appearance in surrounding views.

8.13 The existing building has four roof lights on both its east and western elevations and the proposed change of use would add one more to the sloping plane of the roof either side of the ridge. To facilitate the proposed change of use, it is proposed to install a number of openings and glazing to the elevations which are currently solid walls. However, the appearance of these in wider views would be mitigated by the proposed planting surrounding the building.

8.14 A number of comments have been made in relation to this application, referring to the overall scale of the structure and its accommodation being unnecessarily large. The accommodation proposed is generous but it makes use of an otherwise existing redundant farm building on a site where there is other existing holiday let accommodation which is supported by policy CP5.

8.15 As set out above the proposed building would sit within an existing collection of buildings and it is considered reflective of the character of these existing buildings, both in terms of its scale and design. The renovation works and materials proposed would harmonise with its rural surroundings and would not appear dominant in relation to any of the existing structures, thereby sitting comfortably within this enclave of buildings.

8.16 As such, the superior design, and improvements to on-site landscaping are considered to be benefits of this proposal.

8.17 It should also be noted that the location of the application site does not lie within a zone identified by the South Downs Local Plan as having the darkest skies, which should be conserved. The proposed change of use is not in conflict with policy SD8 of the South Downs Local Plan.

8.18 For these reasons, it is considered that the scale, type and appearance would be appropriate to the locality and an improvement to the character and appearance of the site. In

terms of the wider impact, the building will be seen as part of the existing collections of buildings at the site and will not have a significant impact on the character and appearance of the wider landscape where views of the farm buildings are more restricted due to the topography and changing levels. On this basis the application is deemed to comply with the requirements of Policy ST3 of the Lewes District Local Plan and Policies CPI0 and CPI1 of the Joint Core Strategy. The proposed development is considered to conserve the landscape and scenic beauty in the National Park.

8.19 Highways

8.20 Under the earlier application SDNP/17/02217/FUL, the officer concluded that the proposed holiday accommodation was acceptable in highway terms. The Highway Authority at ESCC raised no objections to that application. The quantity of accommodation (but not the floor area) proposed under the earlier scheme and level of parking is about the same as that being proposed under the current application, namely, three self-contained units and six to seven parking spaces respectively.

8.21 A number of the objections in relation to this application are in relation to the poor access to the site. Vehicular access to the site is via a track from Novington Lane. The agent has confirmed that the scheme is likely to generate up to some twelve vehicle movements per day. This is off set by the reduction in traffic from the existing commercial yard and adjacent workshop/store

8.22 Objectors to this application suggest that additional traffic as a result of the holiday units will be unacceptable. Whilst these concerns are noted, it would be extremely difficult to defend a reason based on increased traffic movements when lawful commercial and agricultural uses would be extinguished as a result of the change of use. The lawful use of the barn for agricultural purposes, if it were to revert to such a use, could attract a significant number of vehicles movements, many more than would likely be associated with the proposed holiday lets.

8.23 Another concern noted by a number of the objectors to this proposal relates to the occasional use of Wootton Farm for weddings and other similar celebrations. This naturally attracts a high volume of traffic to the site and there is a concern that this in combination with the traffic associated with the holiday lets will lead to additional highway safety concerns.

8.24 However, overall, vehicle movements in relation to the holiday lets is not expected to be particularly high and is likely to be notably less than the existing lawful use of the site.

8.25 Owing to the level of concern in respect of highway safety raised by interested parties, the Highways Authority has been asked to comment on the application proposals. Their comments are awaited, but no objections were raised to the earlier application under SDNP/17/02217/FUL.

8.26 Whilst it is accepted that the proposed use would result in a high dependency on the private car, the site also has excellent access to public rights of ways, which is likely to be attractive to some holiday makers wishing to visit the National Park.

8.27 For these reasons it is considered that the proposed use of the site for holiday accommodation is acceptable in highway terms.

8.24 Neighbour Amenities

8.25 There are 33 households contributing to objections in relation to this application proposal.

8.26 The closest property is The Grange, which is a two storey detached dwelling located to the south east of the application site and south of the public right of way.

8.27 The Grange would be located more than 30 metres away from the application building. Whilst there are a number of openings proposed in both the front and side elevations, at this

distance and with the buildings off set from one another it is unlikely that any significant loss of privacy would be experienced.

8.28 With regard to noise disturbance (a matter raised by all of the objectors), again whilst these concerns are noted, it is considered that it would be difficult to substantiate this as a reason to refuse permission. Many of the objectors are concerned that occupation of the holiday lets by wedding party guests could result in continued "partying" after formal proceedings. Whilst it is likely that the accommodation would be rented by guests attending events held at the farm and it would not be possible to prevent such occupation, it is not a given that such occupation would result in significant noise and disturbance. Whereas the wedding events take place in temporary marquees in which it is difficult to contain noise, this will be a solid structure, and therefore even if celebrations were to continue after event curfews, any noise will be much better contained. With the applicants also on site to manage holiday makers/tenants it is unlikely that noise from the units will be an issue. No objections were previously raised by the Environmental Health Officer in relation to the planning proposal under SDNP/17/02217/FUL, who considered the proposals and was aware of the overall use of the site (including the temporary wedding events).

9 Conclusion

9.1 The proposal would re-use an existing building, which is considered to be sympathetically designed to suit this rural location. It is considered that the impact of the existing building in the wider landscape is likely to be largely unchanged, and therefore the proposal will conserve the scenic beauty of the wider landscape in accordance with the first purpose of the National Park.

9.2 Impact on the local highway network is deemed to be acceptable bearing in mind the relatively small scale of development proposed and the existing uses to be extinguished at the site. Similarly it is not considered that significant harm will be caused to the living conditions of neighbouring occupiers as a result of noise, disturbance or loss of privacy.

9.3 The proposal will introduce a small number of holiday homes to the National Park increasing choice and availability of accommodation, which in turn will help promote opportunities for the public understanding and enjoyment of the special qualities of their areas in accordance with the second purpose of the National Park.

9.4 Whilst the comments and concerns of the local residents are noted and have been taken into consideration, they are noted deemed to amount to sustainable reasons to refuse consent.

9.5 Overall the application proposals are considered to comply with the relevant criteria of Policies ST3 of the Local Plan, and Policies CP5, CP10 and CP11 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.

3. 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.

4. None of the holiday lets hereby approved shall be occupied unless and until vehicle parking and bicycle parking spaces have been laid out within the site in accordance with the approved Block Plan (17.08.08.006 dated 28th February 2018) and these spaces shall be made permanently available for that use.

Reason: To secure satisfactory standards of access for the proposed development having regard to Policy ST3 of the Lewes District Local Plan.

5. The holiday units hereby permitted shall be used for short term holiday accommodation only and for no other purpose (including any purposes in Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order.

Reason: Permission is only granted on the basis that the use is for holiday accommodation having regard to Policy CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. The owners or operators of the holiday units hereby approved shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times, to the Local Planning Authority.

Reason: To ensure that the premises are not used as a residential dwelling having regard to Policy CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A. A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site.

B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C. The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

8. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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

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

10. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times.

Reasons: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

11. 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 policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

12. No external lighting shall be erected at the site unless and until details have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be erected in accordance with the approved details.

Reason: In the interest of local biodiversity having regard to National Policy Guidance contained in the National Planning Policy Framework 2012.

13. 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 any of the holiday units hereby approved or in accordance with a programme to be approved in writing by the Local Planning Authority.

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

14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 47m to the North and 2.4m by 55 metres to the South have been provided at the site vehicular access onto Novington Lane in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

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

Tim Slaney
Director of Planning
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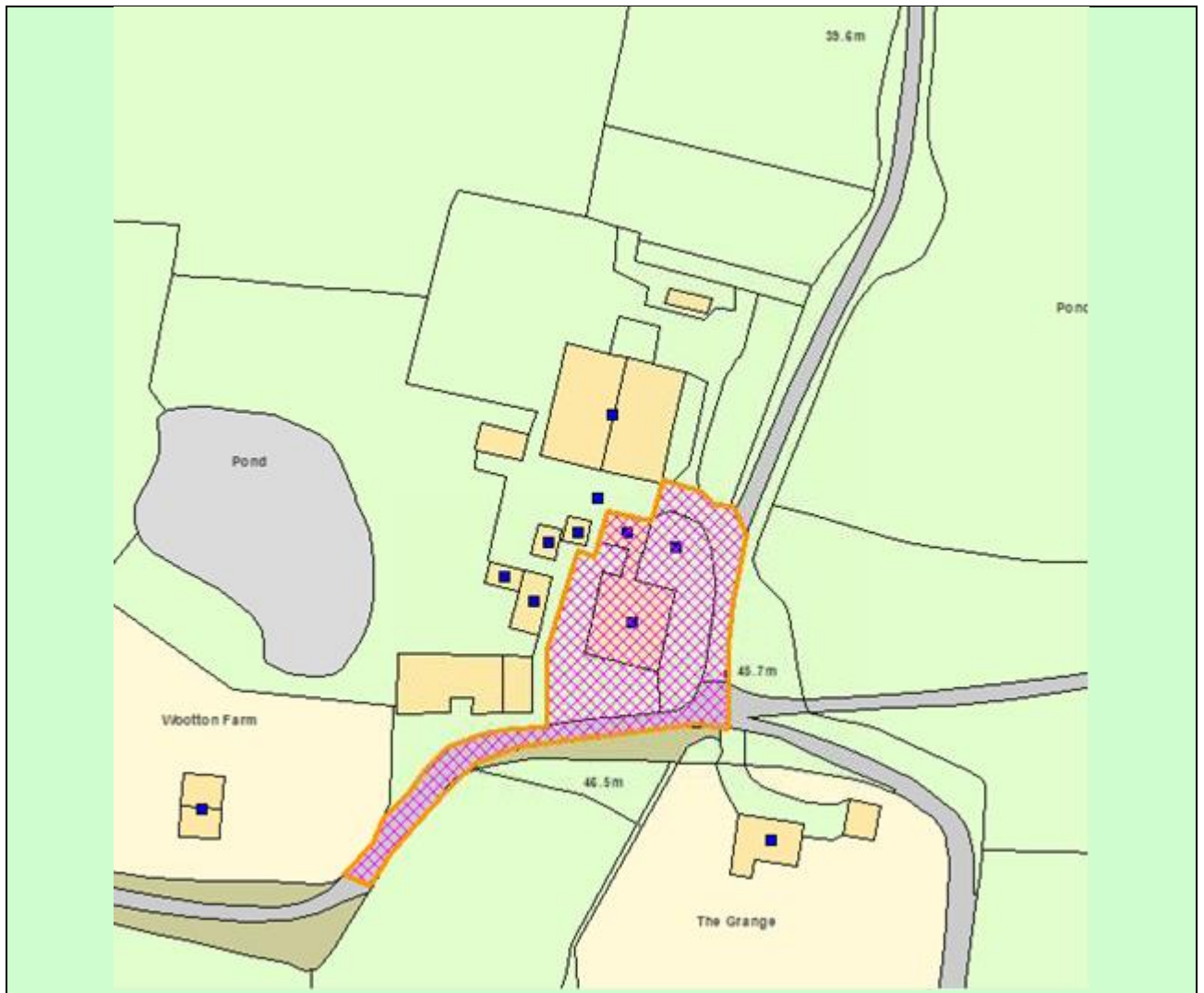
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application
Page 85

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 - HERITAGE SITE PLAN			07.03.2018	Approved
Plans - LOCATION PLAN	1:1250		07.03.2018	Approved
Plans - EXISTING FLOOR PLAN	15.12.02.020		07.03.2018	Approved
Plans - EXISTING ELEVATIONS	15.12.02.021		07.03.2018	Approved
Plans - PROPOSED BLOCK PLAN	17.08.08.006		07.03.2018	Approved
Plans - PROPOSED GROUND FLOOR PLAN	17.08.08.007		07.03.2018	Approved
Plans - PROPOSED FIRST FLOOR PLAN	17.08.08.008		07.03.2018	Approved
Plans - PROPOSED ELEVATIONS	17.08.08.009		07.03.2018	Approved
Plans - PROPOSED ELEVATIONS	17.08.08.010		07.03.2018	Approved
Plans - INDICATIVE SECTION	17.08.08.011		07.03.2018	Approved
Plans - INDICATIVE SECTION	17.08.08.012		07.03.2018	Approved
Application Documents - DESIGN & ACCESS STATEMENT			07.03.2018	Approved
Application Documents - LANDSCAPE & VISUAL IMPACT APPRAISAL			07.03.2018	Approved
Application Documents - PLANNING STATEMENT			07.03.2018	Approved
Application Documents - HISTORIC ENVIRONMENT RECORD CONSULTATION...			07.03.2018	Approved

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

Report to **Planning Applications Committee**
Date **18 July 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/02565/LIS**
Applicant **Mr N Thompson**
Application **Renewal of two first floor windows to the west elevation, and two bay windows to the ground and first floors south elevation**
Address **10 Waterloo Place
Lewes
BN7 2PP**

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 The application property is a three storey townhouse located in Waterloo Place. The property is grade II listed and within the Conservation Area.

2 Proposal

2.1 The proposal is for the renewal of two first floor windows to the west elevation, and two bay windows to the ground and first floors south elevation.

2.2 This application is being submitted to the Planning Application Committee for determination as the applicant is Lewes District Council.

3 Relevant Planning History

N/A.

4 Consultations

4.1 Lewes Town Council Consultee - Members welcome the improvement.

4.2 Design and Conservation Officer - This application seeks consent for works to replace degraded fenestration on two areas at this protected property, as part of a phased programme of repair and renovation. The proposals use slim line double-glazed timber windows and replicate existing designs following amendments to the original submissions requested by the conservation team and agreed by the applicant.

4.3 The application now finds favour and I do not wish to register an objection.

5 Representations

None received.

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)
- South Downs National Park Local Plan - Submission 2018

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

National Planning Policy Framework (NPPF)

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

NPPF - 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.

- CP11 - 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
- H2 - Listed Buildings
- H5 - Within / Affecting Conservation Area

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings

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:

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, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings

8 Planning Assessment

8.1 The application property is a three storey townhouse located in Waterloo Place. The property is grade II listed and within the Conservation Area. The proposal is for the renewal of two first floor windows to the west elevation, and two bay windows to the ground and first floor south elevation.

8.2 This application seeks consent for works to replace degraded fenestration on two areas at this protected property, as part of a phased programme of repair and renovation. The proposals use slim line double-glazed timber windows and replicate existing designs following amendments to the original submissions requested by the conservation team and agreed by the applicant.

8.3 The Design and Conservation Officer has been consulted and has no objections.

8.4 It is considered the proposals will have a positive impact on the character of the property and Conservation Area, in accordance with Policies ST3 (Design, Form and Setting of Development), H2 (Listed Building) and H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan and SD5 (Design) SD12 (Historic Environment) of the South Downs Local Plan (Pre-submission).

8.5 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the over-arching strategies that all other planning documents will need to be in conformity with. This proposal is considered to accord with Core Policy 11 Built and Historic Environment and Design.

8.6 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

9.1 It is recommended that planning permission be granted.

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. 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.

2. 3 year time expiry listed building

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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 - LOCATION & BLOCK PLANS	817 - 001		11.05.2018	Approved
Plans - EXISTING ELEVATIONS & WINDOW DETAILS	817 - 002		11.05.2018	Approved
Plans - ELEVATIONS & WINDOW DETAILS	817 - 003		11.05.2018	Approved
Plans - PLANS & ELEVATIONS	817 - 004		11.05.2018	Approved
Application Documents - DESIGN & ACCESS STATEMENT			11.05.2018	Approved
Application Documents - HERITAGE STATEMENT			11.05.2018	Approved
Application Documents - Amendment			25.06.2018	Approved

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

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