

Planning Applications Committee 29 August 2018



Working in Partnership



Time and venue:

5.00 pm 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: Friday, 17 August 2018

Agenda

1 Minutes (Pages 1 - 4)

To confirm and sign the minutes of the previous meeting held on 8 August 2018 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Petitions

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

Planning applications outside the South Downs National Park

- 6 LW/17/0593 - Asylum Wood, Greenhill Way, Haywards Heath, West Sussex**
(Pages 5 - 26)

Planning applications within the South Downs National Park

- 7 SDNP/18/00908/FUL - Saxonbury, Juggs Road, Lewes, BN7 3PN**
(Pages 27 - 36)

Non-planning application related items

- 8 Outcome of appeal decisions from 24 June to 6 August 2018** (Pages 37 - 42)

Report of Director of Service Delivery

- 9 Written questions from councillors**

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

- 10 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 19 September 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

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Working in Partnership



Planning Applications Committee

Minutes of meeting held in Council Chamber - County Hall, St Anne's Crescent, Lewes on 8 August 2018 at 5.00 pm

Present:

Councillor Jim Sheppard (Chair)

Councillors Liz Boorman, Stephen Catlin, Graham Amy, Peter Gardiner, Richard Turner, Linda Wallraven, Johnny Denis and Jackie Harrison-Hicks

Officers in attendance:

Andrew Hill (Specialist, Planning), Helen Monaghan (Lawyer, Planning), Jennifer Norman (Committee Officer) and Joanne Stone (Lawyer, Planning)

56 Minutes

The minutes of the meeting held on 18 July 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

57 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Sharon Davy, Vic Ient, Tom Jones and Tony Rowell. Councillor Harrison-Hicks declared that she was acting as substitute for Councillor Davy for the duration of the meeting and Councillor Denis declared that he was acting as substitute for Councillor Rowell for the duration of the meeting.

58 Declarations of interest

Councillor Turner declared a non-prejudicial interest in agenda item 7 (planning application LW/18/0347) as he was a member of Ringmer Parish Council.

Councillor Amy declared a non-prejudicial interest in agenda item 8 (planning application LW/18/0268) as he was a member of Newhaven Town Council.

Councillor Denis declared a non-prejudicial interest in agenda item 7 (planning application LW/18/0347) as he was a member of Ringmer Parish Council.

Councillor Wallraven declared a non-prejudicial interest in agenda item 6 (planning application LW/18/0359) as she was a member of Seaford Town Council's Planning Committee.

59 Petitions

There were none.

60 LW/18/0359 - Former Abundant Grace House, 133 Firle Road, Seaford, East Sussex

Resolved:

That planning application LW/18/0359 for provision of additional car parking area be approved, subject to the conditions set out in the report and supplementary report, and subject to the application providing an additional 19 parking spaces on-site to make a total of 48 spaces, amended from the original 13 on-site parking spaces listed in the report.

(Note: Cllr Wallraven declared a non-prejudicial interest in this item as she was a member of Seaford Town Council's Planning Committee. She therefore took part in the consideration, discussion and voting thereon.)

61 LW/18/0347 - Chapelfield House, Harveys Lane, Ringmer, East Sussex, BN8 5AG

Councillor Richard Booth spoke on behalf of Ringmer Parish Council. Kelly White spoke on behalf of the proposal.

Resolved:

That planning application LW/18/0347 for 2 story extension, dormer windows and enclosure of side courtyard to existing dwelling be approved, subject to the conditions set out in the report.

(Note: Cllr Turner declared a non-prejudicial interest in this item as he was a member of Ringmer Parish Council. He therefore took part in the consideration, discussion and voting thereon.)

(Note: Cllr Denis declared a non-prejudicial interest in this item as he was a member of Ringmer Parish Council. He therefore took part in the consideration, discussion and voting thereon.)

62 LW/18/0268 - Pleasant House, Palmerston Road, Newhaven, East Sussex, BN9 0NS

Resolved:

That planning application LW/18/0268 for variation of condition 2 relating to planning approval LW/16/0634 to provide for an additional occupant within the residential home be approved, subject to the conditions set out in the report.

(Note: Cllr Amy declared a non-prejudicial interest in this item as he was a member of Newhaven Town Council. He therefore took part in the consideration, discussion and voting thereon.)

63 Written questions from councillors

There were none.

64 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 29 August 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, commencing at 5:00pm, be noted.

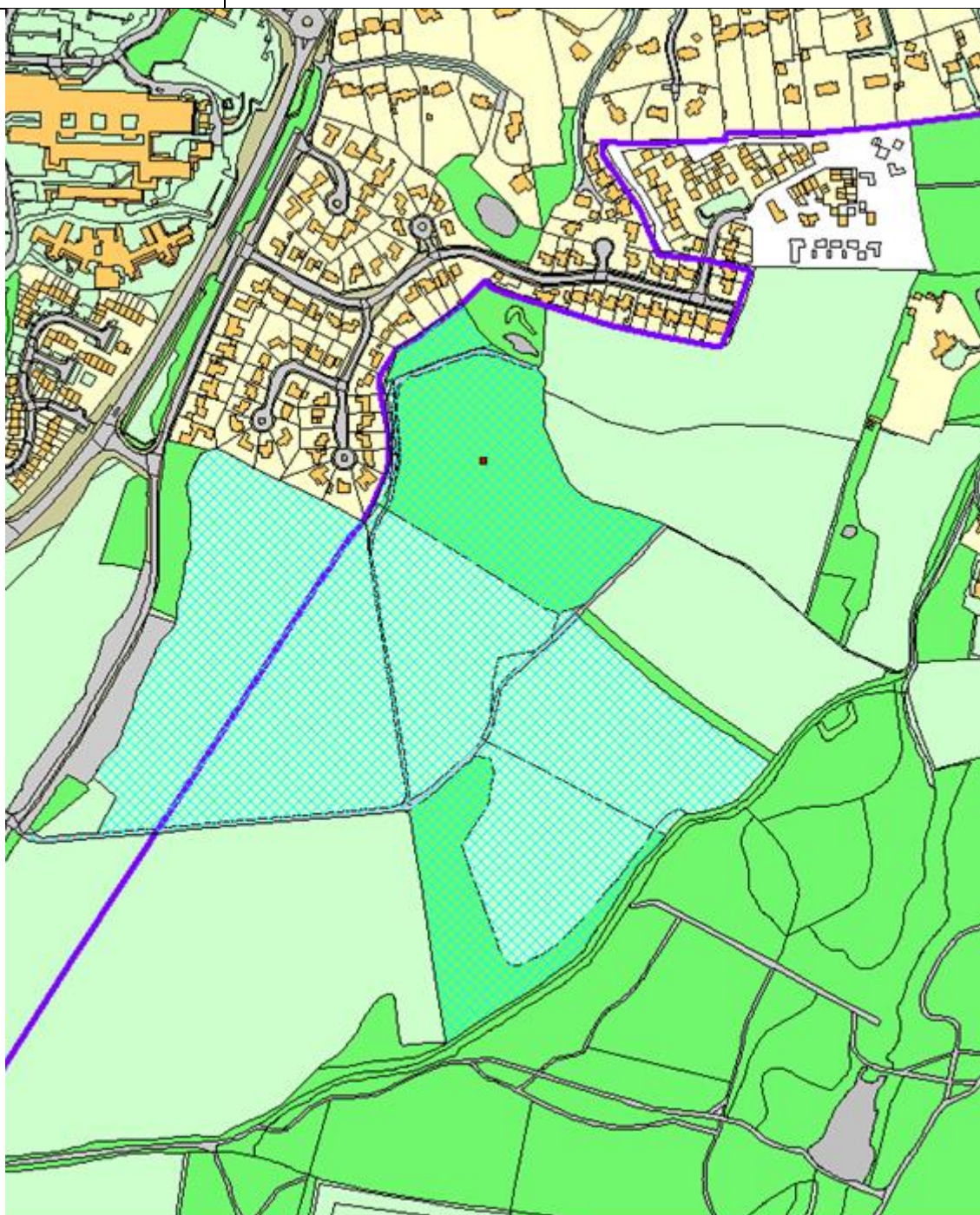
The meeting ended at 5.40 pm.

Councillor Jim Sheppard (Chair)

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Agenda Item 6

APPLICATION NUMBER:	LW/17/0593		
APPLICANTS NAME(S):	Mid Sussex District Council & Cross Stone Securities Ltd	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Outline Planning Application for Development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping		
SITE ADDRESS:	Asylum Wood Greenhill Way Haywards Heath West Sussex		
GRID REF:	TQ 34 22		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located in the North West corner of the district, within the parish of Wivelsfield but adjacent to the existing town of Haywards Heath. An outline application has been submitted to Mid Sussex District Council (MSDC) for a development consisting of up to 375 new homes, a two form entry primary school with early years provision, a new burial ground, allotments, country park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping. The proposed development and site straddles the district boundary and therefore an identical application has been submitted to both authorities. The housing development is located wholly within the MSDC area. The part of the development that is located within the Lewes District Council area is the eastern area of open space, the allotments, part of the burial ground, and part of the primary school site.

1.2 The whole site (both MSDC and LDC) covers an area of approximately 33 hectares of which 12.2 ha of open space and woodland, 0.83 ha of allotments, 0.25ha (approx. one fifth) of the burial ground, and approximately 0.7ha of the primary school site are located within Lewes District. This is indicated on the submitted illustrative Masterplan.

1.3 The development as a whole would be accessed via the Haywards Heath south eastern relief road and a newly created access into the residential development off Hurstwood Lane. The illustrative plan indicates that vehicle access for the school, burial ground and allotments would be from a new access off Hurstwood Lane at its northern end and close to the link from the relief road, with a central car park serving all the uses.

1.4 The area of land which is within the LDC area consists of ancient woodland, and three fields used as pasture land. The fields are subdivided and fragmented by fences interspersed with scattered trees. The ancient woodland lies to the north, immediately to the east of Greenhill Park. The site is surrounded by pasture land to the south, ancient woodland to the south and east, and residential development of Birch Way and Greenhill Park to the north (abutting the proposed playing field associated with the new school). The western boundary is formed by a belt of mature trees, also ancient woodland, and which would serve to screen much of the new housing development from views from the east.

1.5 The whole application is in outline form with only means of access determinable at this stage.

1.6 The substantive application for 375 new homes and access is due to be considered by Mid Sussex District Council at the beginning of July. Their decision will be reported to the Planning Committee in the supplemental report.

2. RELEVANT POLICIES

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

LDLP: – RES20 – Provision of Educational Facilities

LDLP: – RE01 – Provision of Sport, Recreation and Play

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP8 – Green Infrastructure

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – WNPP6 – Green Infrastructure & Biodiversity

LDLP: – WNPP8 – Allotments

3. PLANNING HISTORY

None.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Wivelsfield Parish Council – Objection in current form.

4.2 Whilst it does not seek to comment upon the housing element of the application (recognising that this is a preferred site within the Haywards Heath Neighbourhood Plan), it has significant reservations about the school, burial ground, allotments, parking and access.

4.3 The developer appears to have taken no account of the concerns and objections raised at the pre-application exhibition or at its meeting with the Parish Council, in respect of the location of the burial ground in relation to the school and the allotments. No-one wants their children to be constantly exposed to activities at a burial ground, or to have an allotment situated below it, knowing that water will be running off the burial ground onto their fruit and veg. The relative siting of these facilities is considered not only poor, but likely to cause upset, distress and logistical problems.

4.4 Parking also remains a significant concern. Whilst it may be desirable for people to walk their children to school, the reality is that many working parents have no choice but to take their children to school in the car before going on to work. It is not always practical for parents to simply drop and go (many - particularly younger children - need to be settled, parents may need to go into the school office etc) and parking for school events also needs to be considered. It is not considered adequate - or appropriate - to have shared parking facilities with the allotments and burial ground and the Parish Council feels that, to serve the demands of a two-form entry school, parking provision needs to be significantly enhanced.

4.5 The location of the school is also of concern. It is understood that the original intention was for the school to be situated entirely on land within Mid-Sussex. At the pre-application exhibition stage plans showed it encroaching a little on to land within Lewes District/Wivelsfield Parish, but in the plans now submitted the school appears to further straddle the boundary.

4.6 When Haywards Heath Town Council approached Wivelsfield Parish Council during the development of the Wivelsfield Neighbourhood Plan, it was to request that the area of land adjacent to Asylum wood (falling within Wivelsfield Parish) be earmarked as a green space, for inclusion as a part of a country park. No mention was made of having a school and burial ground on it.

4.7 The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.

4.8 As discussed with the developer during a pre-exhibition discussion last year, the Parish Council has grave reservations about the proposal to shut off the centre section of

Hurstwood Lane. At present, if an accident occurs on the adjacent bypass, residents living at the top of Hurstwood Lane (in the area around Greenhill Way) have the ability to access their homes by driving up Hurstwood Lane and vice-versa. Plans to massively increase the amount of housing in the vicinity, whilst simultaneously limiting access, seems a recipe for disaster.

4.9 At our meeting with the planners, it was suggested - in response to this concern - that a route through the middle of the new housing might be able to be retained as emergency access in the event of a problem on either approach road (owing to the number of documents associated with the application online, we have been unable to verify whether this was carried forward to the plans). However, residents need to know that there are alternative routes available, simply for when traffic is heavy or a delivery van is causing chaos, not just when there is a recognised 'emergency' or road closure.

4.10 Overall, the Parish Council feels that the developer has failed to address a number of serious and legitimate concerns regarding the school, burial ground, allotments and access which should be dealt with prior to approval being considered.

4.11 British Telecom – No comment.

4.12 Environmental Health – I am aware that a Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016) prepared by Waterman has been submitted with the planning application. The report recommended further intrusive investigation at the site.

4.13 If planning permission is granted, recommends standard conditions.

4.14 Sussex Police – No objection to the principle of the development.

4.15 Southern Water Plc – Recommends conditions.

4.16 Tree & Landscape Officer Comments – No objection but requests detailed management plan for the open space and woodland by condition.

4.17 Natural England – No comment.

4.18 ESCC SUDS – No objection in principle subject to the imposition of conditions.

4.19 We are disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals. The submitted Flood Risk Assessment does not provide details of the proposed surface water drainage strategy apart from stating that surface water runoff will be discharged at the mean annual runoff rate (Qbar) while providing attenuation for the 1 in 100 (plus 40% for climate change). The indicative surface water drainage plan indicates that underground tanks will be used to store surface water runoff from the majority of the site.

4.20 The surface water drainage strategy should clearly state the discharge rates from the proposed development and also provide supporting hydraulic calculations to confirm that the discharge rates and storage volumes proposed are sufficient and will not result in increased surface water flood risk. The hydraulic calculations should show that the area on which the discharge rates are based is the developable area, and not the overall site area. This is because the majority of the site within Lewes District will remain as existing,

whereas it is only where development is proposed that the rate and volume of surface water run-off will change.

4.21 The surface water drainage strategy should clarify at this stage whether underground tanks or ponds will be used for storing surface water runoff. This is because the two have very different implications for land take on the site, and the storage structures will form part of the infrastructure that should also inform the layout at reserved matters. In addition if the underground tanks are supposed to discharge to shallow ditches, they might not be able to achieve the required levels to discharge by gravity. We would expect a drainage strategy that supports an outline application to clearly show the outfalls and demonstrate that the required levels will be achieved for a gravity connection.

4.22 It would be preferable if the storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future, We appreciate that the majority of the proposed development is located within the Mid-Sussex District part of the site, therefore it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council. However, the site discharges its surface water runoff into East Sussex. Therefore we need to be assured that the development will not result in increased flood risk downstream.

4.23 Since the majority of the development is within Mid Sussex District, identical comments to those above have been submitted directly to Mid Sussex District Council.

4.24 NHS Mid-Sussex/Horsham – Horsham & Mid Sussex Clinical Commissioning Group were aware of this Outline Planning application which will potentially create up to 849 new residents/patients in a rapidly expanding area where Haywards Heath has seen significant growth of domestic houses/flats particularly on its outskirts.

4.25 This is putting a number of challenges onto the NHS locally and especially on GP practices and community NHS services where pressures are being felt and that building redesign is becoming a current necessity to ensure new residents can be accommodated without diluting the services to existing patients.

4.26 In this respect we understand from Mid Sussex District Council that the majority of this proposed development is in West Sussex and have today sought a Section 106 application for a developer contribution for NHS capital infrastructure improvements.(MSDC are still using the Sec 106 process rather than CIL)

4.27 ESCC Highways – Comments to MSDCon the substantive application:

4.28 The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

4.29 As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network. The Transport Assessment addresses the impact of the development on the surrounding highway network within West Sussex. However, as flagged up by West Sussex highways it does not reflect entirely the committed development or potential commitments nearby in both West and East Sussex. LW/16/0057 Land West Of Rookhurst House Colwell Lane North Wivelsfield for 113 houses (2 phases) is not included, nor is North Common Road Wivelsfield [LW/13/0720] for 75 houses, and

combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6 (Green Road) in Wivelsfield. Therefore the cumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known and should be identified in terms of the impact and severity.

4.30 With regard to modelling of the development and future growth predictions, it has been identified in the response from West Sussex that this should include a revised scope to be agreed, so that all relevant development is included and have a realistic growth forecast year.

4.31 The development proposed for the Lewes District administrative area of the site is part of the primary school, part of the burial ground, informal open space and allotments. The catchment for these land uses will likely be from Haywards Heath. The road layout to serve these is likely to fall between both West and East Sussex and being layout related, is a reserved matter. The site layout would need to be in accordance with Manual for Streets and would be subject to a section 38 agreement if offered for adoption.

4.32 Parking for the area within the Lewes district area should accord with the parking standards of West Sussex to safeguard any overspill of parked vehicles from the school, burial ground, allotments and open space onto the West Sussex network. Parking provision could be provided within a community car parking area that can be shared between the school, burial ground, open space and allotments. This would be efficient use of space as the busy periods for each use would not necessarily conflict, provided there are a sufficient number of spaces for the long term requirements (staff). It is unclear at this stage if the school drop off area/parking is within Lewes or Mid Sussex district or if the administrative boundary is likely to be revised

4.33 There is the presence of a by-way (no.25) bounding the south-east boundary of the site, land within Lewes District. It is not entirely clear if this within the site boundary, but the PROW team at ESCC should be consulted, particularly if there are connections being proposed internally within the site. It would appear that 3 positions are shown on the illustrative masterplan.

4.34 The vehicular access is within the county of West Sussex and should be considered by the appropriate authority in terms of safety, capacity and accessibility to other modes of travel for serving development within Lewes District or connecting with roads to be adopted as part of the East Sussex Network.

4.35 District Services – Concerns raised around the facilitation of collection of refuse and have requested an update of progress.

4.36 West Sussex County Council – The main issue is that of capacity on the Haywards Heath relief road but specifically at the Lewes Road Roundabout. At the outset, I would highlight that Stage 6 (Lewes Road to Wivelsfield Road) has been opened to traffic for a number of years (since 2013 I understand) and the relief road as a whole opened in July 2015. The road was therefore available for use for nearly a year ahead of the traffic surveys being completed for the Hurst Farm development. The surveys were undertaken in accordance with current best practice.

4.37 The traffic modelling is also completed for a future year whereby the proposed development is anticipated to be fully occupied. The future year scenario includes all other nearby permitted residential developments, including those at Greenhill Way, Rookery Farm, The Beeches, as well as those in Lindfield and at Penland Farm. A background traffic growth rate has also been applied. This accounts for the general increase in car

ownership as forecast by the National Traffic Model. The traffic flows (including those derived from surveys of the existing network) used in the modelling are taken as being robust. Trip generation from the development itself has been derived using the same data accepted for DM/16/0402.

4.38 Looking at the photos submitted, traffic is queuing heading eastbound on the B2272 into Haywards Heath. The issue is therefore not being created by the proposed traffic signals, the Lewes Road Roundabout or for that matter the development. The issue appears to be resulting more from the weight of traffic using the B2272 into Haywards Heath. This in turn is resulting in queuing traffic and junctions becoming blocked. This supports the modelling work within the assessment that indicates the Lewes Road Roundabout is forecast to operate within capacity in the assessment years. The County Council remain satisfied that the modelling of the proposed traffic signals would also work within theoretical capacity. It's accepted that this is a limitation of the modelling in that this views the junctions as standalone elements that cannot account for queuing back from other junctions. However these still demonstrate that the capacity issue is not resulting from the roundabout itself.

4.39 Whilst the existing traffic situation is noted, under the National Planning Policy Framework, the development can only be required to ensure that the residual cumulative impacts of the development are not severe. The development cannot be required to resolve existing short fallings in the highway network. The County Council accept that the development will result in additional traffic at peak times and these will add to queues and delays. Comparing the with and without Hurst Farm scenarios, it's considered that the development would not result in a severe capacity impact.

4.40 With respects to the departures from design standard, the standards in question are not enshrined in law. As such the non-compliance is not unlawful. It is an accepted principle that in some instances it is not possible or even desirable (for reasons of cost or environmental impact for example) to fully comply with the design standards within the Design Manual for Roads and Bridges. The applicant has applied in the appropriate way to the County Council to review the non-compliance of design standards for two elements of the development. The County Council is in discussion with the applicant in progressing these departures. The Stage One Road Safety Audit is also based upon the design as submitted with the planning application that includes the departures. This has not raised any safety issues with the design as a consequence of the non-compliance of standards.

4.41 The County Council has identified it's suggested approach to determine the level of contributions in its most recent consultation response. The contribution is to be used towards those measures within the Haywards Heath Town Centre transport study. The nature of some of the works within this is to make the route through the town centre less attractive and to encourage the use of the relief road.

4.42 Further comments

4.43 With regards to the objections regarding the modelling, WSCC Highways have been asked to comment. They have responded that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area.

4.44 The appropriate test is that within paragraph 32 of the NPPF, this being the development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be held

accountable or required to resolve existing traffic issues. Whilst there is no definition of severe within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Five neighbour letters have been received raising concerns on the following issues - Failure to declare MSDC's ownership and role in the development, impact on the listed building, impact on the rural character, noise and disruption, impact on amenity, collusion between councils, access from Fox Hill especially increased congestion and hazards, inadequacy of traffic modelling leading to unsafe and unsustainable access for the school.

5.2 (Full details of all presentations are available to view on the file).

6. PLANNING CONSIDERATIONS

6.1 For cross boundary applications the NPPG states that 'if an application site is on land that falls within the boundary of more than one local planning authority then identical applications must be submitted to each local planning authority identifying on the plans which part of the site is relevant to each'. However, whilst being mindful of the entire application, the only elements that the Planning Committee are making a decision on are the allotments, part of the burial ground, part of the school, and the informal open space - those elements which are located within the LDC administrative area and are in outline form with the principle of developing the site for these purposes being sought.

Policy

6.2 The recently published and amended NPPF at paragraphs 2 to 14 sets out the core principles which include the aim of Achieving sustainable development, that planning should be genuinely plan led, and applications determined in accordance with the development plan(s) unless material considerations indicate otherwise.

6.3 In terms of that part of the site which is within the LDC area, this is covered by the Lewes District Local Plan and the Core Strategy. It is considered that Core Policy 8, which relates to Green Infrastructure, seeking to create a connected network of multifunctional green infrastructure by protecting and enhancing the quantity, quality and accessibility of open spaces, Core Policy 10 seeking to protect the natural environment and landscape character, and Core Policy 11 which seeks to secure high quality design in all places to assist in creating sustainable places.

6.4 The local plan policies which are relevant include ST3 (design of development), RES20 (provision of educational facilities), RE1 Provision of Sport Recreation and Play, and CT1 which seeks to locate development within planning boundaries and to avoid development in the countryside which does not need to be there.

6.5 The Wivelsfield Neighbourhood Plan (WNP) has a number of specific policies which are relevant. Policy 6 relates to Green Infrastructure and encourages the enhancement of the natural environment and the provision of additional habitat resources.

Policy 8 supports the establishment of new allotments provided satisfactory road access and car parking can be provided.

6.6 It should also be noted that the Haywards Heath Neighbourhood Plan (HHNP) is also part of the plan for the area. It includes specific policies for allotments and a new burial ground (Policies E3 and E4) on land east of Hurstwood Lane. Policy H1 allocates the larger site for up to 350 new homes, the provision of a new school, together with open space, a burial ground and allotments. The plan also lists a number of other more specific requirements which should be set out in the Masterplan and delivery statement. In summary the proposals are in broad compliance with the HHNP policy.

Need

6.7 An assessment of developments with planning permission and those planned as part of the development plan process indicate that by 2021 that there would be a shortfall of 608 primary school places. As part of a wider strategy to provide sufficient school places in the right locations to cater for the increased demand, it was proposed to identify a site for a new primary school on the southern edge of Haywards Heath and that the Hurst Farm site was a key proposal in the delivery of such a facility. The school would accommodate up to 420 pupils and a 50 place early years facility. It would have 22 dedicated staff parking spaces. In 2016, following a consultation exercise carried out in 2015, West Sussex County Council (WSCC) identified a clear need for a two form entry school with early years provision, and Hurst Farm was named as the preferred site for a new school, with expansion plans for other schools in the vicinity. This site was chosen due to it being available and deliverable.

6.8 In terms of the allotments, there is a lengthy waiting list for available plots. This proposal would provide 0.8ha of new allotment space, which in a countryside location would be an acceptable land use.

6.9 The existing burial ground in Western Road has limited capacity and therefore a further ground is required. Policy H1 and L3 of the HHNP sets out the need for such extra capacity, and the submitted Masterplan makes provision for a 1.25ha site of which approximately 0.25ha is within Lewes District.

6.10 The informal open space to the east of the site will require little intervention or alteration. However it will formalise the use of the land, which residents already utilise, helping to provide additional public open space as set out in Policy H1 of the HHNP and Policy 7 of the WNP.

Impact on the countryside

6.11 The site is situated outside of a defined settlement boundary. The only 'development' that is proposed within LDC area is part of the car park and part of the school. Both elements would be contrary to Policy CT1 of the LDLP in that they are located outside of a defined settlement boundary. These elements are however included in the larger site which is set out in the HHNP for the whole mixed development scheme.

6.12 As the scheme is in outline form there are no detailed plans of the proposed school. However it is indicated on the Illustrative Masterplan to be located approximately 100m to the south of the rear garden boundary to Greenhill Park and Birch Way. The indicative plan shows a linear building aligned on an east-west axis. Between the building and the residential properties is the school playing field. The car park to serve the school, burial ground and allotments is shown located to the south of the school.

6.13 In terms of wider impact there are no ROW crossing the site. The nearest is a byway, which is located approximately 500m to the south, is partially screened by existing vegetation. The site is also largely screened from the west by an existing belt of trees and vegetation. Whilst the outlook south from existing dwellings will be altered it is not considered that the location of the school or the car park would detrimentally impact on the wider character of the surrounding countryside. Thought would have to be given to the form of the building, especially glazing on the south elevation. To lessen the visual impact, details plans of landscaping to break up the mass of the building and the visual impact of cars being parked for long periods would need to be submitted.

6.14 The allotments will not have a significant visual impact in itself. However the structures that often appear on such areas, sheds for the storage of equipment and shelter, can proliferate. However, due to the location of the site, and the clear open space to the east which will act as a significant buffer, it is not considered that this would have a detrimental visual impact on the countryside. Any visual impact could be significantly lessened with a good landscaping scheme and boundary hedges around the periphery of the site.

6.15 The burial ground will be noticeable. However, a suitable landscaping scheme would lessen any visual impact and help the facility to integrate into its surroundings.

6.16 It is acknowledged that, as with any change, there will be some impact from the proposed development on the wider countryside. However when taking into account all material considerations including policy, need, form and location, it is considered that the location, close to the edge of settlement is broadly acceptable, and that with suitable landscaping and planting the wider impact of the buildings and uses would not significantly harm the wider and surrounding character.

6.17 In terms of the long term management of the wider public open space, the applicant has indicated that the land will be provided to the Town Council (Haywards Heath) who as the owners will be responsible for the delivery and maintenance. The car park will also be signed over to the Town Council as it will be a shared car park for the burial ground, allotments, open space and school. They will also be responsible for its maintenance and management.

Ecology/Woodland

6.18 With regards to the elements that are located within the Lewes District it is considered that there is little direct impact on existing trees or woodland. The greater concern is with regard to the future of these areas once they become more accessible to the public as a result of designating them as part of the open space. Therefore it is considered that a detailed management plan is required, clearly setting out the management regime for the area, including who would be responsible and liable for the work, and a schedule and frequency for the long term management in perpetuity.

6.19 In terms of the wider site within the LDC area, this land and the woodland is already used for informal recreation by local residents and therefore it is not considered that formalising this use would significantly impact on existing flora and fauna.

6.20 The new school, as a built form and change to the character of the land could impact on the foraging range of badgers and other creatures. However as the built form and that of the car park represents a small portion of the overall site it is not considered that there would be a negative impact on the flora or fauna across this part of the site. Landscaping, that would be the subject of a condition, together with mitigation measures have the potential to enhance the wider ecology of the site.

6.21 The applicants have stated that the management measures for the newly created and retained woodland within the application site will be included within a Biodiversity Management Plan. It is suggested that with such measures in place the future management of ancient woodland within the site can be properly controlled. Any subsequent reserved matters application for the detail of the layout within the site would need to take account of the ancient woodland so that the requirements of any Biodiversity Management Plan can be met.

Traffic and Parking

6.22 The NPPF and associated policies indicate that planning permission should only be refused where impacts are severe or unacceptable, for example in terms of safety, amenity or volumes of traffic. The development as a whole is likely to generate significant increase in the volume of traffic using the surrounding road network. However this is largely going to be attributed to the housing part of the development, which is being considered by MSDC and WSCC. The Highways officers from ESCC have commented on this aspect of the application directly to MSDC.

6.23 The traffic generation associated with the school is likely to be relatively low although it will peak at both morning and afternoon at dropping off and collecting times. The allotments are more likely to generate vehicle movements outside of peak times, and the burial ground is envisaged to accommodate at least two burials per week. Therefore it is not considered that traffic generation or road capacity is likely to be a fundamental issue, although it is likely to add to that generated by the housing development.

6.24 The greater issue is likely to be broad safety issues. This is an issue that has been raised by local residents as part of the consultation and prior to the submission of the application. As a result a number of improvements have been proposed, which are outside the scope of this part of the application, but which include extension to the 30mph limit (possibly down to 20mph) on Hurstwood Lane, controlled crossing points south of the school access, new footway along the southern end of Hurstwood Lane, new signal junction at Old Farm Close/A272.

6.25 In terms of pure functionality it is important that the proposed car park is sufficient for all the vehicles that may wish to use it. The Masterplan suggests parking provision would be provided in a single car park, which would be used as a community car park, shared between the school, burial ground, open space and allotments. This would be an efficient use of space, and as mentioned previously, conflict between users would largely be avoided as the busy periods for each use would not necessarily coincide. However it is essential that the car park provides a sufficient number of spaces to meet all the requirements, and is also laid out and landscaped to minimise its visual impact on the surroundings.

6.26 With regards to the objections regarding the modelling, WSCC Highways have been asked to comment. They have responded that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area.

6.27 The appropriate test is that within paragraph 32 of the NPPF, this being that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be held accountable or required to resolve existing traffic issues. Whilst there is no definition of

severe within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF.

Wider Amenity

6.28 The part of the development that is within the LDC area is likely to have the greater impact on residents in Greenhill Park and Birch Way. These dwellings back onto the northern boundary of the site and specifically onto the school playing field and school beyond. Whilst this will certainly alter the outlook from the dwellings, there is no right to a view in planning terms, and the outlook from the rear gardens or rear windows will still exist albeit altered. With the school building being located over 100m to the south of the rear boundaries of the residential dwellings there will not be any resulting overlooking or overshadowing.

6.29 It is accepted that at times there will be noise generated by children at the school. However this is likely to be restricted to certain times of a week day, and not likely to be at times when general levels of background noise are at their lowest.

6.30 Vehicle movements to and from the site will take place via the new access onto Hurstwood Lane. This is indicated to be at least 40m to the south of the nearest rear gardens in Birch Way. At such a distance and with landscaping it is not considered that this would be detrimental to residential amenity.

Drainage

6.31 The applicant has submitted a Flood Risk Assessment with the application which details the proposed drainage strategy. The strategy is to replicate the existing natural drainage arrangement as closely as possible despite the general increase in impermeable surfacing, using a variety of ponds, swales, permeable paving and underground storage tanks.

6.32 ESCC, as the drainage authority, have commented that they were disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals.

6.33 They have stated that it would be preferable if the water storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future.

6.34 Appreciating that the majority of the proposed development is located within the Mid-Sussex District part of the site, and that it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council, as the site discharges its surface water runoff into East Sussex they need to be assured that the development will not result in increased flood risk downstream. The views of the ESCC SuDS team have been submitted directly to Mid Sussex District Council.

6.35 In view of these comments it is recommended that appropriate conditions can be imposed to require further details of the precise drainage arrangements.

General

6.36 The comments from the Parish Council have been noted and partially covered in the report. However the applicant's agent has responded on specific points raised as follows:

Burial Ground and School Siting

6.37 At the outset, we note Wivelsfield Parish Council's comments about the siting of the burial ground in relation to the proposed school.

6.38 With regard the siting, the Parish Council states 'no-one wants their children to be constantly exposed to activities at a burial ground' and objects to the proximity of the school to the burial ground. It is important for the LPA to note that HHTC have confirmed that they only anticipated around 2 burials per week and as such, there will not be 'constant' activity at the burial ground. Moreover, the LPA should also note that the burial ground is separated from the proposed school site by a large car park, the school is anticipated to be single storey (thus reducing scope for overlooking) and the playing fields are anticipated to be on the far side of the school, away from the municipal burial ground. As such, it is unlikely that there will be anything more than limited overlooking between the two sites. In any case, this is an outline application and will be subject to further details in regards the siting of buildings and planting proposals. Accordingly, the planning department has the opportunity to reduce scope for overlooking between the uses, should the LPA consider this necessary. However, given the limited likely usage of the burial ground, we consider that the existing separation between the sites is entirely sufficient, without further screening: The children will not be 'constantly exposed' to burial ground activities - even if overlooking were theoretically possible.

6.39 As a point of principle, however, the suggestion that it is harmful or undesirable for educational establishments and a burial ground to be in close proximity should be questioned. This is a view that finds itself somewhat at odds with history and the present day reality of life in many villages and towns throughout the country. It is very common for a village school to be sited adjacent to a village church, the grounds of which usually contain a village burial ground. This has been the historic pattern of village life for centuries and it continues today. Indeed, the building in which Wivefield Parish Council itself meets is a building which hosts a pre-school, immediately opposite a church and large burial ground. The preschool and burial ground in Wivelsfield are actually closer than the proposed burial ground and school site at Hurst Farm. Locally this pattern is also noted in Cuckfield and other villages around Haywards Heath. We consider that this passing objection to the proximity of the proposed school adjacent to the burial ground, as a point of principle, has no planning merit.

Burial Ground and Allotments Siting

6.40 Concern is also raised about the location of the burial ground and the allotments, on the basis that there could be some take up of run off from the burial ground by fruit and vegetables being grown on neighbouring land. This is an issue we considered fully in the ES. Whilst it is noted that there is potential for an environmental impact, after effective mitigation, the ES concludes that this is a 'negligible impact'. Leaching and contamination from the burial ground will be prevented by investigation of the potential and suitable mitigation measures at detailed design stage. A detailed ground investigation will form the basis for this, but is not considered necessary prior to the grant of outline consent.

Paragraph 7.8.8 of the ES expands this point regarding the burial ground's potential for causing contamination:

6.41 'The ground investigation would include an assessment of the potential effects of the proposed burial ground on ground contamination, groundwater, the nearby proposed school buildings, residences and allotment land, and site users. If necessary, mitigation measures would be implemented to prevent potential contamination and ground gas from this land use impacting these nearby receptors. This would include assessing the potential for leaching from burials, groundwater flow assessment to understand the likely migration of contamination and assessment of the potential for ground gas migration. The objective of the investigation would be to satisfy EA guidance and demonstrate no impact to ground or groundwater would occur or, at worst, the impact would not amount to pollution as defined in the Groundwater Directive. Therefore, on completion of the development the residual effects to all identified receptors would be negligible.'

6.42 This is a matter which should be effectively managed via an appropriate planning condition on the outline consent.

Shared Parking Area

6.43 Regarding the appropriateness of sharing the parking with the burial grounds, allotments, country park and school, alternatives were considered to keep the parking for each element separate. However this could not be achieved adequately without reducing the length of the proposed 'Green Way' and providing a second southern access to the land east of Hurstwood Lane (opposite the existing access to Hurstwood Grange). These options were explained in the dedicated public exhibition panel in detail (attached). These options were also explained in detail at our pre-planning meeting of 19 July 2016, with members of the Wivelsfield Parish Council. In the interests of (1) highways safety, (2) reducing impact on the ancient woodland and (3) the provision of a 'Green way' of adequate length, the access and parking arrangement to the east of Hurstwood Lane was settled upon as currently proposed, as the idea of two access points was strongly resisted by HHTC, MSDC and the Highways Department. The existing proposals are a matter for the Highways Department to comment as to whether they remain satisfied that the parking area will be sufficient to serve the school, burial ground, country park and allotments. All indications at pre-planning stage pointed to the acceptability of the access and parking proposals on the eastern side of Hurstwood Lane.

6.44 In terms of potential for conflict between the users of the car park, we consider that this is a management issue. Haywards Heath Town Council will be managing the Car Park and no objections to the sharing of the car park area were raised. Indeed, there is a benefit, in that it can ease maintenance burdens and costs, compared with maintaining a number of small car parks. Management solutions of the community uses can assist in ensuring that periods of demand for the car park are spread throughout the day. For example, HHTC could ensure that burials are not occurring at drop off or pick up times for this school. This will assist in reducing the potential for a surge in demand within the car park area at those times. With careful management of the car park and community uses, the car park resource can be used effectively by all users, thus making efficient use of available land for parking.

Community Uses 'straddling' the district administrative boundary

6.45 The Planning Statement and the Statement of Community Engagement sets out that the proposal for the school to 'straddle' the administrative boundary was a matter of specific consultation at the public exhibition and the meeting with Wivelsfield Parish Council on 19 July 2016. The reasons for this were set out clearly and an entire panel at

the exhibition was devoted to this point. Reasons given for the need to straddle the boundary include:

- There is an 'easement' for a water main which cannot be built upon (east of Hurstwood Lane but west of the proposed school buildings).
- There is a need to provide level playing fields for the school.
- There was a desire to keep school buildings at a distance from the residential properties of Greenhill Way.
- There is a set need to provide a usable site of around 2ha for the school.
- Shared parking was needed in an accessible location for the school, allotments, burial ground and country park.
- To make efficient use of the residential land, all of the community uses were to be located east of Hurstwood Lane, meaning that some of the uses would need to 'straddle the administrative boundary'.

6.46 At pre-application stage, the views of both LPAs and both Parish Councils were sought, and no pre-application objections on this point were raised. However, we note now that WPC make an objection based on concerns about a future application for alternative uses, once the school has been accepted:

6.47 'The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.'

6.48 It is long standing principle in planning law that an application is to be considered on its merits alone, and it is not acceptable to resist an application on the basis of a future application which may, or may not, come forward. This point is, therefore, not a valid objection.

Emergency access via the 'bus link' between the southern and northern residential development sites

6.49 It was noted that the Parish Council requested whether the 'bus only link' between the northern and southern parcels of the housing land could be opened up in an emergency. This was discussed during the pre-application meeting of 19 July 2016 and it was noted that there would be nothing to prevent this as an option to the emergency services, when an emergency diversion is needed. It is proposed that a rising bollard is used in this location, and as such, this could be lowered during a period of necessary diversion, as seen fit by the police, when a diversion is needed. This matter could be explored further during detailed design stage.

6.50 However, it is unlikely to be an option for non-emergency unusual 'heavy traffic' or 'delivery van chaos' scenarios suggested by the Parish Council, since the emergency services or Highways Department would need to operate such a diversion. In consultation with the County Highways department, it was agreed that the site should not become a regular rat-run-route, and the closure of Hurstwood Lane to through traffic is aimed at preventing such day-to-day rat running. In any case, the supporting highways statement sets out other measures that are proposed to ensure that existing traffic junctions operate effectively, preventing the need for such a short cut in non-emergency situations.

6.51 The closure of Hurstwood Lane to through traffic and its conversion to a 'Green Lane' is part of the adopted Haywards Heath Neighbourhood Plan, which now forms part of the development plan. Accordingly, the proposals to close Hurstwood Lane already have planning policy support.

Conclusion

6.52 This is a large development which lies within two administrative areas. The majority of the built development is situated within MSDC with only a small element located within the LDC area. It is considered that whilst the proposals would alter the character of the site and its surroundings, it is not considered that it would result in any demonstrable harm or impact would justify refusal. Mitigation measures together with a well-designed landscaping scheme will lessen that impact on the wider countryside and help the development integrate into its setting. It is therefore considered that with appropriate conditions the development can be approved.

6.53 The application for the substantive scheme was considered by MSDC on the 9 August where it was resolved to approve subject to a S106 agreement. Therefore it is recommended that the LDC committee resolve to grant planning permission but do not release the decision until MSDC have completed the S106 agreement and released the substantive decision.

7. RECOMMENDATION

That the committee resolve to grant outline permission, subject to conditions, and subject to the completion of the S106 agreement and issuing of the decision by MSDC.

The application is subject to the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To meet the provisions of paragraph (1) of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Illustrative Application Masterplan 02-353-214.

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. No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) a timetable for its implementation;
- b) the layout, levels, landscaping and fencing, as necessary, of the scheme;

c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of amenity of the wider area and to ensure satisfactory method of drainage is provided on site 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. Development shall not begin until details of foul and surface water sewerage disposal arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be implemented prior to the occupation of the development.

Reason: To secure a satisfactory standard of 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.

6. A maintenance and management plan for the pond and its outfalls should be submitted to the Planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system including piped drains and the appropriate authority should be satisfied with the submitted details. Evidence that responsible arrangements will remain in place throughout the lifetime of the development should be provided to the local planning authority.

Reason: To secure a satisfactory standard of 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.

7. Before the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, all materials for all windows and doors, and all surfacing 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

9. All soft landscape works shall be carried out in accordance with the approved details and in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations. The works shall be carried out prior to the use of any part of the development or in accordance with a programme submitted to and approved in writing with the Local Planning Authority.

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

10. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

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

11. No development shall take place 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. The boundary treatment shall be completed before the development is brought into use. Development shall be carried out in accordance with the approved details.

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

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space and woodland shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved, and shall be carried out as approved.

Reason: In the interests of the long term amenity of the wider area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No external lighting shall be installed on the school building or on any part of the site hereby approved for parking, allotments, burial ground, the roadway or the open space unless those details have first been submitted to and approved on writing by the Local Planning Authority.

Reason - To protect residential amenity and the character of the wider countryside 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. The development hereby approved shall not be carried out until a Preliminary Ecological Appraisal has been carried out and the development shall not be brought into use until the recommendations including ecological enhancements and mitigation measures identified have been approved in writing by the Local Planning Authority and have been carried out in accordance with the approved details.

Reason: To comply with wildlife legislation and to safeguard and enhance the ecological value and quality of the site 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.

15. The development hereby approved shall not be carried out until the details of measures to prevent contamination of the allotments from the burial ground have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved measures have been carried out in accordance.

Reason: To prevent contamination of the allotment land 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.

16. No works associated with the implementation of this permission shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. 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, and used on all vehicles leaving the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of local highway conditions and safety 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.

18. 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 site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment (a) 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.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) 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 any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

19. 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 any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

20. 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 any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

INFORMATIVE(S)

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	30 June 2017	CONTAMINATION RISK PARTS 1-7
Location Plan	12 July 2017	02-353-200/D
Location Plan	30 June 2017	02-3530222/A
Other Plan(s)	30 June 2017	02-353-214
Flood Risk Assessment	30 June 2017	APPENDIX 1 -4
Additional Documents	30 June 2017	COMMUNITY STMNT PARTS 1-4
Additional Documents	30 June 2017	DRAFT HEAD OF TERMS
Additional Documents	30 June 2017	EIA
Additional Documents	30 June 2017	ENV STATEMENT VOL 2

Additional Documents	30 June 2017	ENV STATEMENT VOL 3 PARTS 2 -28
Other Plan(s)	30 June 2017	P05/A
Design & Access Statement	30 June 2017	PARTS 1-12
Planning Statement/Brief	30 June 2017	PARTS 1 - 3
Flood Risk Assessment	30 June 2017	
Illustration	30 June 2017	PERSPECTIVE VIEWS AA
Illustration	30 June 2017	PERSPECTIVE VIEWS BB
Illustration	30 June 2017	PERSPECTIVE VIEWS CC
Additional Documents	30 June 2017	RESIDENTIAL TRAVEL PLAN
Additional Documents	30 June 2017	SCHOOL TRAVEL PLAN PARTS 1 & 2
Additional Documents	30 June 2017	TRANSPORT ASSESSMENT PARTS 1- 5
Other Plan(s)	29 March 2018	02-353-215 B LAND USE PARAMETER
Other Plan(s)	29 March 2018	02-353-218 B VEHICULAR ACCESS PA
Other Plan(s)	29 March 2018	02-353-221 B PHASING PLAN PARAME
Other Plan(s)	29 March 2018	02-353-216 D BUILDING HEIGHTS PA
Proposed Layout Plan	29 March 2018	6372-01 B
Proposed Layout Plan	29 March 2018	6372-02 B
Proposed Layout Plan	29 March 2018	6372-03 D
Proposed Layout Plan	29 March 2018	6372-04 C
Proposed Layout Plan	29 March 2018	6372-SK11-D
Proposed Layout Plan	29 March 2018	6372-SK12-C
Proposed Layout Plan	29 March 2018	6372-SK13-B
Planning Statement/Brief	29 March 2018	ENVIRONMENTAL ADD 1 - 14

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Report to	Planning Applications Committee
Date	29 August 2018
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/18/00908/FUL
Applicant	Lewes District Council
Application	Three storey rear extension to existing external courtyard to provide additional bathrooms, communal internal stair and hallway, internal and external alterations to convert existing six 1 bed flats in original house to six 2 bed flats, replacement of all existing windows in original house with double glazed windows, external works including new railings.
Address	Saxonbury Juggs Road Lewes BN7 3PN

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

Executive Summary

The application is recommended for approval. It proposes the erection of a rear three storey extension in the void between two existing wings, facing onto Juggs Road. It is considered that the extension is well designed and respects the character and appearance of the existing building. It does not increase the number of units within the property but improves the layout and circulation spaces internally. The scale and form of the building will remain as existing and conserve the character of the area and the National Park.

1 Site Description

1.1 Saxonbury House is set within a 0.24ha site on the southern side of Juggs Road. A late Victorian dwelling, it is located adjacent to but outside of the defined settlement boundary. The site is within an archaeological notification area and the dwelling itself is surrounded by a Scheduled Ancient Monument (SAM), an Anglo- Saxon burial ground.

1.2 The house itself is an imposing late Victorian property three bays wide with its original main façade facing south onto the Kingston Road. The house was altered and extended in the early 1990's with two prominent wings added to the north elevation. A car parking area has also been created to the east of the house, within the Scheduled Ancient Monument (SAM).

2 Proposal

2.1 This application is seeking approval for the construction of a three storey rear infill extension on the north elevation, together with new railings and alterations to the building including new fenestration in places. A new ramp and stairs to provide access from the car park

are included within a separate application which has been submitted for improvement works and expansion of the car park together with bin and cycle store. As this part of the site lies within the SAM an application for Scheduled Ancient Monument Consent is required. Therefore, this application does not include any provision for car parking, cycle or bin storage.

2.1 This application is being presented to the Planning Applications Committee as the applicant is Lewes District Council.

3 Relevant Planning History

3.1 There is no recent planning history relevant to the consideration of the proposal.

4 Consultations

4.1 Lewes Town Council

4.2 Whilst members welcome the increase of housing availability they regret the loss of the original stained glass windows and would encourage the use of secondary units in any improvement. The Committee considers that social housing should be the priority, and Members OBJECT to the application as it stands and ask Cllr Catlin to call this application in for scrutiny by Committee.

4.3 ESCC - County Archaeologist - No objection subject to conditions.

4.4 LE - Environmental Health - Comments awaited.

4.5 Ancient Monuments Society - Comments awaited.

4.6 Historic England

4.7 You should advise the applicant that any works within, or additions to, the scheduled monument would require a prior application for Scheduled Monument Consent, in addition to planning permission. An SMC application should be supported by detailed construction designs which confirm a 'no-dig' installation method for any new railings, walls, steps or ramps within the scheduled monument.

4.8 We do not object to the principle of the development on heritage grounds. However we recommend that you defer determining this planning application until an application for Scheduled Monument Consent has been submitted for determination. This would avoid conflicting conditions being attached to the Consent and planning permission, and avoid potential confusion at a later date.

4.9 You should consult your own archaeological advisors at East Sussex County Council with regard to the development's impact on non-designated remains and how this harm may best be avoided, minimised or mitigated.

4.10 The applicant or their agent may apply for Scheduled Monument Consent to Historic England; we encourage requesting pre-application advice in advance of a formal application.

4.11 (Full comments on-line)

5 Representations

5.1 One objection received - further extension would unbalance the property, there should be no increase in traffic along Juggs Road, does parking meet ESCC guidelines, no passing spaces, inadequate width of access, will spaces be allocated - concern over lack of provision for new residents.

5.2 Friends of Lewes welcome the proposal to renovate and extend this long-empty building to provide residential accommodation. It hopes Lewes District Council will be making appropriate provision elsewhere for providing accommodation for the people they used to place there.

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):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

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 Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development

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

- CPI1 - Built and Historic Environment and Design

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

- General Policy 9

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

- Strategic Policy SD5 - Design
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

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 9

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 SD5 - Design
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

8 Planning Assessment

8.1 The existing building is a rather imposing property constructed from red brick with tile hanging at the upper levels, with stone windows on the twin front projecting gables, with a strong roof line and dominant chimney. The building was extended on the 1990's with two matching wings to the rear elevation fronting onto Juggs Road. The use of brick and decorative tile hanging was continued on these wings. The gap between the wings accommodates a metal fire escape with a covered link bridge at second floor level.

8.2 The proposal is to remove this staircase and to infill the void between the two wings with a three storey extension. It will match the strong gable wings, with timber tracery in the roof gable, and tiles and brick below. Its ridge will be slightly higher than that of the two existing wings, but this will add to the interest at roof level. All other materials and detailing will match that of the existing building. The extension will only accommodate half the depth of the recess and be set back behind the north elevations of the two wings. The proposed rooflights, of which there will be 7 new, will sit comfortably within the roofspace and will not detract from the buildings appearance.

8.3 In terms of the extensions overall design and appearance, it is considered to respect the character and appearance of the main building and will enhance the overall appearance when viewed from Juggs Road.

8.4 A number of other alterations will be made to the building which will impact on its external appearance. On the east elevation, a new first floor window will be added and a ground floor casement window altered to French doors, together with the insertion of a further pair of French doors. On the west elevation two pairs of French doors will be installed and two existing windows altered. On the south (main) elevation the main entrance doors will be widened and the arch maintained. These alterations are required to improve the internal layout of the building in terms of accessibility and natural light.

8.5 On the south and east elevations low metal railings will be installed as a safety measures where the ground drops away to the surrounding garden/amenity area.

8.6 The proposed works will not alter the number of units within the building which will remain at 12.

8.7 The comments from the Town Council have been noted. However, as planning permission is not required for the alterations to the glazing within the windows this is not something that can be controlled. Where possible, any stained glass windows that are removed will be used elsewhere in the building. With regards to the point concerning social housing, as the use of the building is not changing, there is no control over whether the property is used for social or general needs housing.

8.8 Historic England has confirmed that they have no objection in principle. Whilst originally recommending deferring any decision until SMC was issued they have agreed that with the amended site plan the works currently proposed under this application can take place without the need for SMC as the site is outside of the defined monument.

8.9 Overall the works are considered acceptable and will bring about an enhancement to the appearance and way that the building is able to function. It is not considered that the proposed works would detrimentally impact on the wider surroundings, public amenity or the wider public realm. Neither would it have a negative impact on the purposes of the SDNP.

9 Conclusion

That planning permission is 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. 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

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

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

4. Before any works hereby permitted are begun, details of the foundations, piling configurations, drainage and services, to include a detailed design and method statement, shall be submitted to and approved in writing by the Local Planning Authority, such details to show, where necessary, the preservation of surviving archaeological remains which are to remain in situ

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

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

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

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Mr Andrew Hill (Lewes DC)
Tel: 01273 471600
email: Andrew.Hill@lewes-eastbourne.gov.uk

Appendices

Appendix 1 - Site Location Map

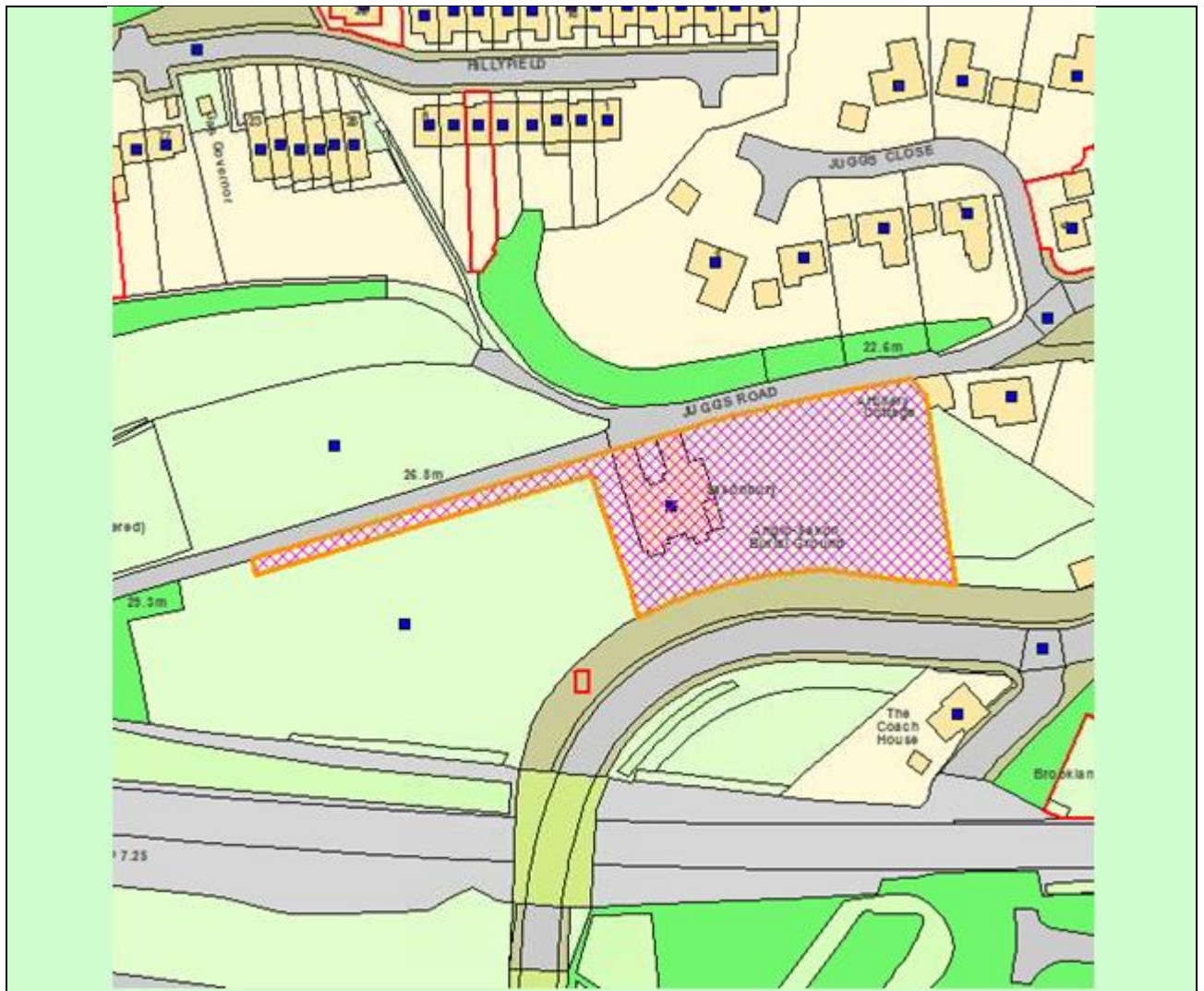
Appendix 2 – Plans Referred to in Consideration of this Application

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 - NOISE IMPACT ASSESSMENT			15.02.2018	Approved
Application Documents - HERITAGE STATEMENT			23.03.2018	Approved
Plans - LOCATION PLAN - HOUSE	0016-LOC-H-Rec C		31.07.2018	Approved
Plans - EXISTING GROUND FLOOR PLAN	01C		23.03.2018	Approved
Plans - EXISTING FIRST FLOOR PLAN	02C		23.03.2018	Approved
Plans - EXISTING SECOND FLOOR PLAN	03C		23.03.2018	Approved
Plans - EXISTING NORTH ELEVATION	04C		23.03.2018	Approved
Plans - EXISTING SOUTH ELEVATION	05C		23.03.2018	Approved
Plans - EXISTING EAST ELEVATION	06C		23.03.2018	Approved
Plans -	07C		23.03.2018	Approved
Plans - EXISTING WEST ELEVATION	08C		23.03.2018	Approved
Plans - EXISTING NORTH COURTYARD ELEVATION	09C		23.03.2018	Approved
Plans - EXISTING SOUTH COURTYARD ELEVATION	10C		23.03.2018	Approved
Plans - PROPOSED GRD FLOOR PLAN	11C		23.03.2018	Approved
Plans - PROPOSED FIRST FLOOR PLAN	12C		23.03.2018	Approved
Plans - PROPOSED SECOND FLOOR PLAN	13C		23.03.2018	Approved
Plans - PROPOSED ROOF PLAN	14C		23.03.2018	Approved
Plans - PROPOSED SOUTH ELEVATION	15C		23.03.2018	Approved
Plans - PROPOSED EAST ELEVATION	16C		23.03.2018	Approved
Plans - PROPOSED NORTH ELEVATION	17C		23.03.2018	Approved
Plans - PROPOSED WEST ELEVATION	18C		23.03.2018	Approved
Plans - PROPOSED NORTH CTYD ELEVATION	19C		23.03.2018	Approved
Plans - PROPOSED SOUTH CTYD ELEVATION	20C		23.03.2018	Approved

Plans - BLOCK PLAN - HOUSE	21C		31.07.2018	Approved
Plans - REFUSE STORE	22B		23.03.2018	Approved
Plans - CYCLE STORE	23B		23.03.2018	Approved
Plans - LOCATION PLAN-CAR PARK	LOC-P B		23.03.2018	Approved
Plans - BLOCK PLAN - PARKING	24A		23.03.2018	Approved

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

Agenda Item 8

Report Title: Outcome of appeal decisions from 24 June to 6 August 2018

Report To: Planning Applications Committee **Date:** 29 August 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

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

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

<p><i>18 St John's Terrace, Lewes, BN7 2DL</i></p> <p>Description:</p> <p><i>Section 73A retrospective application for replacement of basement timber framed bay windows with double-glazed upvc windows</i></p>	<p>Application No: SDNP/17/06152/HOUS</p> <p>Delegated refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 3 August 2018</p>
<p><i>23 Newlands Park Way, Newick, BN8 4PG</i></p> <p>Description:</p> <p><i>First floor balcony to front elevation</i></p>	<p>Application No: LW/17/0951</p> <p>Delegated refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 6 August 2018</p>

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

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Appeal Decision

Site visit made on 17 July 2018

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 3 August 2018

Appeal Ref: APP/P1425/D/18/3200442

18 St John's Terrace, Lewes, East Sussex, BN7 2DL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Cooper against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/17/06152/HOUS, dated 27 November 2017, was refused by notice dated 12 February 2018.
 - The development proposed is for the replacement of basement bay window.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The appeal property is located in the Lewes Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. I consider therefore that there is one main issue in this appeal which is the effect the proposal would have on the property and the street scene and thus whether it would preserve or enhance the character or appearance of the Lewes Conservation Area.

Reasons

3. The appeal property, 18 St John's Terrace, is a mid-terrace two-storey town house over basement. Neither the house nor terrace is listed but are located in the Lewes Conservation Area.
4. The appellant has replaced the three sliding sash windows in the masonry bay window at basement level facing the street with double glazed uPVC vertical sliding sashes.
5. Although the new windows are located in the basement light-well and below the general street scene, they are nevertheless still visible from the public domain. From my observations on site, with the exception of one property in the terrace all the other houses have retained traditional painted timber sliding sash windows.
6. As I saw the new windows appear different to the retained timber windows in a number of respects: the frames are marginally larger and of a profile to accept double glazing; the frames have a more shiny and reflective finish when

compared to painted timber; and modern window furniture has been fitted. Further, because the windows are formed of standard components their section and detail, in terms of mouldings, would be unlikely to have replicated those of the existing windows now removed.

7. For all these reasons, although small in themselves, the uPVC windows as installed detract significantly from the architectural integrity of the host building, the terrace of which it is part and, thereby, the appearance of the Lewes Conservation Area.
8. The National Planning Policy Framework (July 2018) (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
9. The replacement of the basement windows would provide some limited economic benefit. However, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict the works would have with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and saved Policies ST3 and H5 of the Lewes District Local Plan (2003) and Policy CP11 of the Lewes District Joint Core Strategy Part 1 (May 2016) as they relate to the quality of development, the preservation of the setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas.

Other matters

10. The appellant has drawn to my attention his concerns relating to a lack of communication with the Council during its consideration of the original application for planning permission. This is however not relevant to my consideration of the planning merits of this appeal.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 17 July 2018

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 August 2018

Appeal Ref: APP/P1425/D/18/3202073

23 Newlands Park Way, Newick, West Sussex, BN8 4PG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Suter against the decision of Lewes District Council.
 - The application Ref LW/17/0951, dated 7 November 2017, was refused by notice dated 12 February 2018.
 - The development proposed is a first floor balcony to front elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor balcony to front elevation at 23 Newlands Park Way, Newick, West Sussex, BN8 4PG in accordance with the terms of the application, Ref LW/17/0951, dated 7 November 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 934/01, 02A and 03.
 - 3) The balcony hereby permitted shall not be brought into use until the front and side screens have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the development hereby permitted has commenced and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of the occupiers of 68 Oldaker Road in terms of a potential loss of privacy.

Reasons

3. The property the subject of this appeal, 23 Newlands Park Way, is a detached two-storey dwelling set in a large mature garden plot. It is located within a substantive residential development. The appeal property faces and takes access from Newlands Park Way. However, the rear gardens of the dwellings numbered 68 and 66 on the north side of Oldaker Road back on to the southern side boundary of the appeal property. I observed that there is an existing window serving bedroom 1 that currently looks towards the rear of 68 and 66 Oldaker Road.

4. The appellants propose to construct a new porch 2.2 metres x 3.0 metres with a balcony over. Access to the balcony would be via a new door off the landing at first floor level. The porch and balcony would be built in the return of the 'L' shaped plan of the house such that the long side of the balcony would face directly towards the boundary of the appeal site with 68 Oldaker Road.
5. In my judgement, the balcony may provide an attractive opportunity for people to linger on it. However, it would only be large enough to accommodate one or two people at a time and, given the relative size of the balcony compared to the garden plot, it would not, in my opinion, necessarily be the most attractive option for people to congregate for lengthy periods.
6. It is proposed that the balcony would be fitted with opaque glass to a height of 1.1 metres. Accordingly, if installed as proposed, anyone sitting on the balcony would not be overlooking the neighbouring property and would not be visible from the street. This is a matter that could be conditioned if I were minded to allow the appeal.
7. Although the appellants suggest a greater separation distance, according to the Council the distance from the proposed balcony to the boundary to the rear of 68 Oldaker Road is some 14.0 metres or thereabouts and about 25 metres to the rear façade of the neighbouring dwelling. I consider that given this overall separation distance there would not be a significant risk of overlooking leading to a loss of privacy in any case.
8. I appreciate that the tree screen to the boundary would only be seasonal and the existing hedge could at any time be removed. However, given the size of the balcony, its distance from the boundary, the presence of the existing bedroom side window and the introduction of opaque glazing to the screening, I am not persuaded that its construction would result in such an unacceptable loss of privacy, by reason of overlooking, to the occupiers of 68 Oldaker Road. I believe, therefore, that additional boundary screening, as suggested by the appellants, would not be necessary to the common boundary. The proposal would accord with the provisions of saved Policy ST3 (c) of the Lewes District Local Plan (adopted March 2003) as it seeks to protect residential living conditions.

Conditions

9. The conditions follow from those suggested by the Council. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.
10. Further, I will require the glazed screens to the balcony to be obscure glazed to protect the living conditions of neighbouring occupiers.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR