

Planning Applications Committee 18 September 2019



Working in Partnership



Time and venue:

5.00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

Membership:

Councillor Sharon Davy (Chair); Councillor Steve Saunders (Deputy-Chair); Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Imogen Makepeace, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Friday, 6 September 2019

Agenda

1 Minutes (Pages 5 - 6)

To confirm and sign the minutes of the previous meeting held on 28 August 2019 (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).

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

7 LW/19/0398 - 16 - 28 Cripps Avenue, Peacehaven, East Sussex, BN10 8AL
(Pages 7 - 30)

8 LW/19/0436 - Twin Oaks, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT (Pages 31 - 38)

Non-planning application related items

9 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 October 2019 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 the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, on 28 August 2019 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Lynda Duhigg, Tom Jones, Jim Lord, Sylvia Lord, Imogen Makepeace and Laurence O'Connor

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)

Jennifer Norman (Committee Officer, Democratic Services)

Joanne Stone (Solicitor, Planning)

38 Minutes

The minutes of the meeting held on 7 August 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

39 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Sean MacLeod and Nicola Papanicolaou. Councillor Jim Lord declared he was acting as substitute for Councillor Papanicolaou for the duration of the meeting.

40 Declarations of interest

There were none.

41 Petitions

There were none.

42 Written questions from councillors

There were none.

43 LW/19/0354 - 85 Western Road, Newick, East Sussex, BN8 4NX

Trevor J Gorard (Neighbour) and Ruth Long (Applicant) spoke for the proposal. Mr Gorard read a statement in support of the proposal on behalf of Anthony Cox (Neighbour) who was unable to attend the meeting.

Resolved:

That planning application LW/19/0354 for demolition of an existing bungalow and garage and construction of a pair of semi-detached 2 storey dwellings be approved, subject to the conditions set out in the report and the completion of the S106 Unilateral Undertaking to off-set the impact of the proposals on the Ashdown Forest Special Protection Area.

44 Date of next meetingResolved:

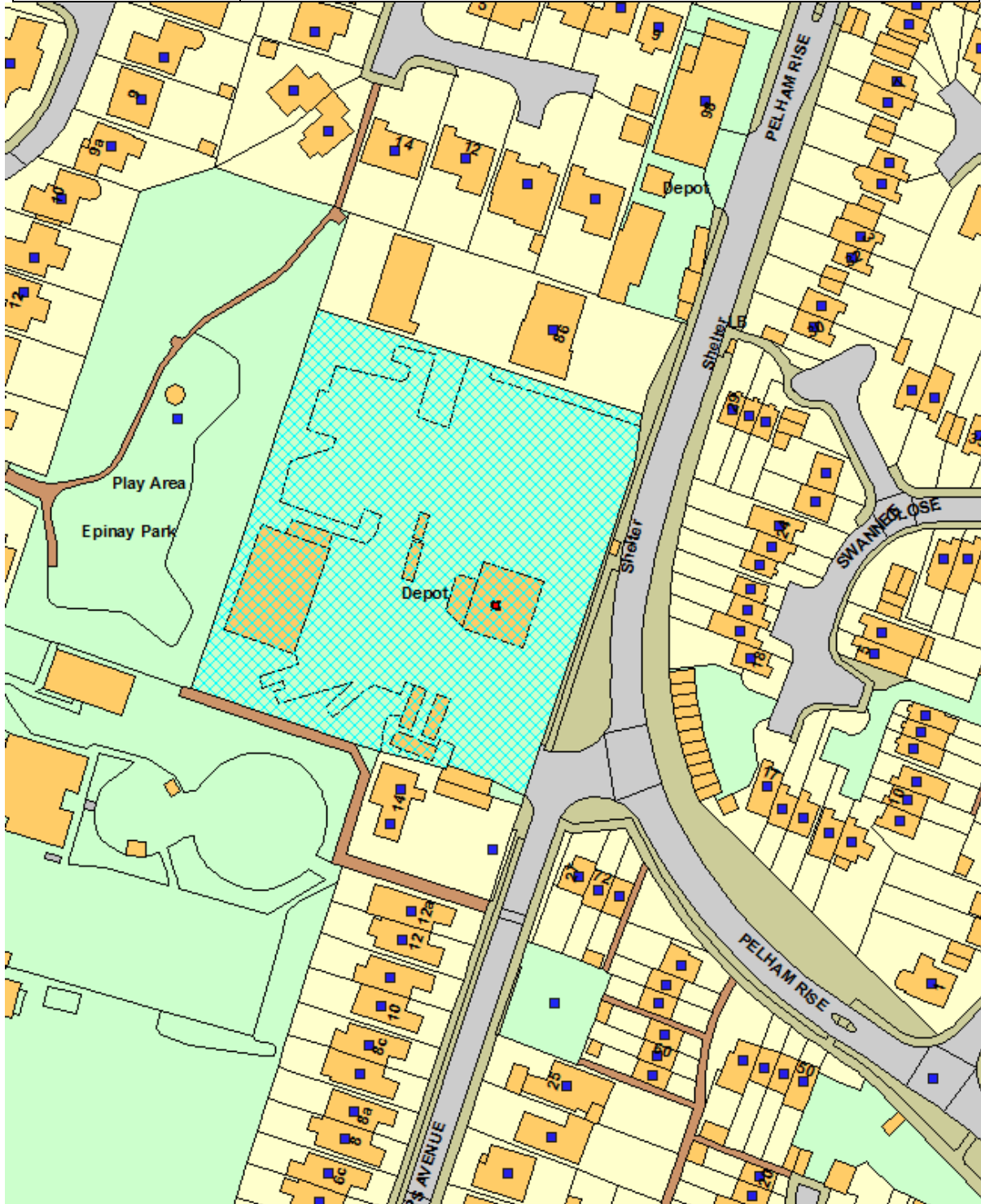
That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 18 September 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

The meeting ended at 5.38pm.

Councillor Sharon Davy (Chair)

Agenda Item 7

APPLICATION NUMBER:	LW/19/0398		
APPLICANTS NAME(S):	Mr James Formolli	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning application for erection of 31 residential dwellings, consisting of a mix of one, two and three bedroom units.		
SITE ADDRESS:	16 - 28 Cripps Avenue Peacehaven East Sussex BN10 8AL		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

Site Description:

1.1 The site has been in use as a plant hire depot, with ancillary workshop space (sui generis use), since permission was granted under LW/81/1249. The majority of the site is surfaced in tarmac or concrete, with the only soft landscaping being restricted to the fringes of the site. There is a relatively consistent mature tree line on the western site boundary.

1.2 There are a number of metal framed workshop/storage buildings distributed around the site as well as temporary structures in the form of cabins and shipping containers. There is also a small amount of plant and machinery.

1.3 The site is predominantly flat although there is a gentle rise from the south to the north, in line with the road that flanks the site, and also from the east of the site to towards the west.

1.4 The site is situated within the settlement boundary and is located in a predominantly residential area. It is not identified within the most recent SHELAA and, as such, would be regarded as a windfall site. It falls within in archaeological notification area.

1.5 The site is located close to the junction between Cripps Avenue and Pelham Rise and includes a wide dropped kerb access to the south of the junction.

1.6 Surrounding development consists of a mix of two-storey on Pelham Rise and cul-de-sacs that branch off from it. Dwellings on Cripps Avenue are detached bungalows with shallow pitched roof. A new bungalow is currently under construction on the adjoining plot to the south of the site. Pelham Rise and Cripps Avenue are bordered by grass verging with occasional street trees.

1.7 Part of the southern site boundary flanks the play area at Meridian Community Primary School whilst the northern boundary adjoins Epinau Park where there is play equipment and open amenity space available.

1.8 The only other non-residential uses within the immediate vicinity are a scaffolders yard to the north and a shop equipment supplier which occupies a modestly sized warehouse building.

Proposed Development:

1.9 The proposal involves the demolition of all existing buildings on the site and erection of 22 x two-storey dwellinghouses and 1 x three-storey block of flats containing 9 x individual residential units. The buildings would be arranged around a cul-de-sac that would connect with Pelham Rise at the existing site access point.

1.10 The dwelling mix would be as follows, Gross Internal Area (GIA) of each unit is shown as well as the minimum GIA requirements as defined in the DCLG's Technical housing standards - nationally described space standard (2015):-

Unit Type	No. Provided	GIA	GIA Required
Two-Storey Two Bed Terrace	13 (including 3 affordable units)	86 m ²	70 m ² (3 person) 79 m ² (4 person)
Two-Storey Three Bed Terrace	9	111 m ²	84 m ² (4 person) 93 m ² (5 person) 102 m ² (6 person)
One Bed Flat	3 (all affordable units)	50 m ²	39 m ² (1 person) 50 m ² (2 person)
Two Bed Flat	6 (all affordable units)	70 m ²	61 m ² (3 person) 70 m ² (4 person)

1.11 Each category of dwellinghouse would be uniform in terms of scale, footprint and appearance although the rising nature of the site from south to north would result in a stepped appearance to the roofline of terraces in response to the change in land level. Each dwelling would be two-storey in height with a split height gable ended roof. A mixture of brickwork and timber cladding would be used for external finishes.

1.12 The three-storey block of flats comprises three individual gable/half gable elements which are clustered around a flat roofed nucleus.

1.13 The dwellings on the eastern side of the site, flanking Pelham Rise would be orientated towards the site interior, with their rear garden areas flanking the pavement/grass verge. The eastern boundary of these rear gardens would be marked by a combined wall fence of approximately 2 metres in height.

1.14 The proposed development would incorporate a total of 61 x car parking spaces. The majority of dwellings would have a single space directly to the front of the property. Remaining car parking spaces would be predominantly focussed in the area to the north of the proposed block of flats, and would include a disabled bay located adjacent to the main entrance to the flats. A covered cycle store would also be provided adjacent to the flats along with a covered bin store contained within the same building.

1.15 Each dwelling would have access to private outdoor amenity space to the rear and a small soft landscaped area would also be included to the front of the property. An area around the flats would be soft landscaped and available as communal amenity space.

2. RELEVANT POLICIES

NPPF: - 2. Achieving sustainable development

NPPF: - 4. Decision making

NPPF: - 5. Delivering a sufficient supply of homes

NPPF: - 6. Building a strong, competitive economy

NPPF: - 8. Promoting healthy and safe communities

NPPF: - 9. Promoting sustainable transport

NPPF: - 11. Making efficient use of land

NPPF: - 12. Achieving well-designed places

NPPF: - 14. Meeting the challenge of climate change, flooding and coastal change

NPPF: - 15. Conserving and enhancing the natural environment

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

LDLP: – ST05 – Access for People with Limited Mobility

LDLP: – ST11 – Landscaping of Development

LDLP: – ST30 – Protection of Air and Land Quality

LDLP: – RES01 – District Housing Land Strategy

LDLP: – RES09 – Affordable Housing

LDLP: – E01 – Planning for Employment

LDLP: – T14 – Vehicle Parking

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP11 – Built and Historic Environment & Design

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

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LPP2: - DM16 – Children’s play space

3. PLANNING HISTORY

LW/79/1028 - Outline application for residential development - Approved Conditionally 19th July 1979.

LW/79/2112 - Outline application for residential development; on plots 113-117 - Approved Conditionally by ESCC 7th February 1980.

LW/80/2042 - Use as a Plant Hire Depot with ancillary workshops - Approved Conditionally 30th June 1981

LW/81/1249 - Use as a Plant Hire Depot with ancillary workshops - Approved Conditionally 11th August 1981

LW/83/1976 - Garaging for plant and vehicles - Approved Conditionally 20th August 1984

LW/94/0266 - Removal of existing workshops and wooden office and replace with three portacabins (35ft x 10ft approx) - Temporary Approval granted 13th May 1994 and renewed periodically until permanent permission granted under LW/12/0711 on 18th September 2012.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – neither support or object but offer the following comments -

The access to the site is in the wrong place; it has been placed where Pelham Ave / Cripps Ave join; this is where most of the school parking takes place.

East Sussex County Council has already agreed to put double yellow lines at this point, due to the known issues.

The pictures provided with the application must have been taken at a quiet time of day, not at peak school times or weekends, as this area is usually packed with vehicles.

The surrounding area is already very dangerous with speeding vehicles and poor visibility due to car parking.

The bus information/transport information provided with the application is incorrect and there are no cycle lanes shown; it is not a safe area for cyclists.

Officer Comment: ESCC Highways have not identified any concerns relating to highway safety provided recommended conditions are adhered to.

Planning Policy – This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained ‘saved’ policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF) and the NPPF itself. In addition, the emerging Local Plan Part 2: Site Allocations

and Development Management Policies (LPP2) is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

The proposal is for the development of 31 dwellings on existing employment land. From a planning policy perspective, the key issue to be considered when determining the above planning application is the loss of an employment site; Core Policy 4 (Encouraging Economic Development and Regeneration).

The site is located in the north of Peacehaven; a predominately residential area, within the planning boundary (retained 'saved' policy CT1, to be replaced by LPP2 Policy DM1). Development is therefore generally considered acceptable in principle, subject to its conformity with other development plan policies.

The proposal would result in the loss of approximately 0.6ha of employment land; currently accommodating open storage (plant hire), with ancillary buildings used for offices, workshops and staff and customer facilities. The buildings are largely portacabin in style, with a couple of larger, corrugated shed-type buildings.

Whilst it is acknowledged that the existing buildings may not be attractive to alternative businesses, evidence, in line with CP4 (2), should be provided to demonstrate to the Council that the site is unviable for employment.

Policy DM16 of the emerging Lewes District Local Plan Part 2 requires residential developments of 20 dwellings or more to provide on-site children's play space.

Summary

The proposal would result in the loss of employment land, with insufficient evidence submitted to justify this loss. It is therefore considered contrary to CP4 and an objection has been raised in planning policy terms.

Officer Response: The policy comments acknowledge that the site is within a predominantly residential area and is suitable for residential development. The surrounding area is not particularly well suited for continued employment use as it may be impinged upon by complaints relating to noise or movements of heavy goods vehicles. Any use of the site, other than as a plant hire operation, would require planning permission and, given the residential location, there is a strong possibility that this would not be granted. It is noted that the business currently occupying the site is relocating due to the site no longer being suitable for their needs. A full evaluation of the loss of employment use is provided within the main body of this report.

Although there is no provision of on-site children's playing areas within the development, all properties, including the flats, are well served by a mix of private and communal amenity space. Furthermore, the site is directly adjacent to Epinay Park, on the western site boundary. This park includes play equipment and additional recreation space. A condition will be attached requiring the applicant to explore methods of forming a direct access to Epinay Park from the site in order to improve access to play facilities.

District Services – If housing, enough space for the dustcart to access and fro the refuse to be presented at the kerbside. If blocks, then suitable access for the collection vehicles to collect from communal bin store areas.

Southern Water Plc – Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a

formal application for a connection to the public sewer to be made by the applicant or developer.

The planning application makes reference to drainage using Sustainable Urban Drainage Systems (SUDs). Under current legislation and guidance SUDs rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDs scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities for each party for the implementation of the SUDs scheme;
Specify a timetable for implementation;
Provide a management and maintenance plan for the lifetime of the development. This should include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies of oil/petrol interceptor.

ESCC Highways -

Trips - This is a brownfield site with an existing use which generates vehicular traffic. However, no information is given on the trip generation for this current use to offset the trips that will be generated from the proposed development. Given that this is not an allocated site the trip generation is an important issue with regards to traffic both on the A259 as well as the surrounding roads. I would therefore appreciate it if you could provide further information regarding the existing trip generation.

Parking – I note that the parking calculator submitted within the Transport does not reflect the latest split of housing proposed. Generally for a 3 or 4 bedroom dwelling the highway authority would expect 2 on plot spaces to be provided. Also using the East Sussex in Figures data properties in Peacehaven [overall] have 1.2 cars per household. Given the location of this site I would accept 1 allocated space per 2 bedroom house and flat but recommend 2 allocated spaces per 3 bedroom house. This would entail 40 allocated spaces [which should preferably be on plot for the houses] together with 18 unallocated spaces for residents and visitors. Thus the proposed total number of 61 spaces would be acceptable being 3 more than the 58 recommended number.

However, I have concerns over the layout of the parking currently proposed which is not in accordance with ESCC's parking guidelines. In particular the parking area serving 27 spaces to the rear of the two bedroom properties would not be used due to the fact that it is not overlooked. Owners would instead park on the road outside their own property for both convenience and security purposes. Are the on plot parking spaces for the houses classed as car ports? If so they need to be in accordance with ESCC's parking dimensions as some of these spaces appear short of the requirements. Thus the site layout needs to be revisited to take account of the required parking.

Adjacent site to south - it is noted that the adjacent site to the south has planning permission for redevelopment to form a pair of semi-detached dwellings under

LW/18/0210. It was noted that this development has commenced on site. That permission includes closing off the existing access onto Cripps Avenue which currently forms a “paired access” with your clients site access and creating another access slightly further to the south in the centre of that site. Your submitted plans should also show the approved access to the adjacent southern site – if that access is implemented prior to this development commencing on site then dropped kerbs and/or tactile paving is likely to be required at this point at your client’s expense.

Internal Roads - Are in the internal roads to be offered for adoption? In any event they would need to be designed to accord with a 20mph speed limit. If they are to be adopted then the 20mph speed limit would need to extend into the site and I assume there will be street lights too.

Cycle Parking - for the flats has been included and is acceptable as shown. Although cycle parking for the houses has not been shown this could be dealt with by condition.

Vehicle Tracking - Although vehicle tracking has been provided for the swept path of a refuse vehicle this is not acceptable and amended plans should be provided showing swept path for the largest refuse vehicle being 11.997 metres in length with turning movements at the access point onto Cripps Avenue as well as turning on site.

Refuse Collection - Areas for refuse on refuse collection days need to be provided.

Improvements to the local bus stops [DDA compliant kerbing etc] including uncontrolled crossing points will be required and secured through a s106 agreement.

Although information on bus services are given within the Transport Report table 3.1 is misleading as it refers to the 123 service having a service frequency of every 120 minutes. However, this service only passes the site once a day. The 92 service goes as far as Seaford once in the morning to enable school children to reach Seaford Head school and return. The other services 14/14B/14c provide roughly a service every 20 minutes pass the site between Brighton/Peacehaven/Newhaven during the daytime and an hourly service through the night.

Officer Response – The applicant has submitted a Supplementary Technical Note in response to the comments above. This includes a revised site layout plan – 0559.PL-002 Revision B.

The applicant has provided clarification on the level of vehicular movements the existing use could generate, maintaining this would be approximately 40 per day, many of which would involve HGV’s.

The car parking layout is considered to be acceptable, subject to clarification over the dimensions of some parking spaces. This can be secured through the use of a planning condition requiring a more detailed parking layout plan which would then be submitted to ESCC Highways for assessment.

The communal parking area is overlooked by first and second floor living room windows within the proposed block of flats. It is noted that Sussex Police regard living room windows as providing appropriate levels of surveillance and that they have not objected to the scheme.

The applicant has confirmed that they do not wish to offer the streets for adoption. They have also stated that the length of the internal streets, no more than 60metres, will preclude the possibility that vehicles could gather excessive speed as they use the site.

Cycle parking will be provided within the sheds shown on the layout plan.

Suitable revisions to the site access are shown on the updated layout plan. This includes the provision of tactile paving.

Swept path analysis has been provided that confirms that the largest refuse vehicles could service the development effectively. These details have been assessed by ESCC Highways who have raised no objections.

Clarification on the frequency of bus services within the immediate area has been provided.

ESCC SUDS – We note that the applicant has submitted a drainage strategy, which includes a CCTV survey, and is proposing to manage surface water runoff from the application site through to the use of geocellular soakaways and permeable paving with total infiltration. However, and despite the fact that the CCTV survey showed existing soakaways which indicate that infiltration is most likely to be feasible at the application site, the applicant has not carried out the requested infiltration testing in accordance with the BRE365 and has assumed an infiltration rate.

Bearing in mind that this is an application for full planning permission and the site layout will be fixed, changes to the drainage strategy should be addressed before permission is given to avoid unnecessarily restricting potential drainage design solutions. Therefore, at this stage we request infiltration testing in accordance with the BRE365. Based on the infiltration rate determined with the soakage testing, we further request that detailed hydraulic calculations are provided. The hydraulic calculations should take into account the connectivity of the drainage system to assure us that surface water runoff can be discharged at the approved rates without increasing flood risk on or offsite. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.

Infiltration testing should be carried out at the same depth and location of the proposed infiltration features, which should be located 5m away from any foundations, buildings or structures. This should be demonstrated within the drainage layout since it will have an impact in the proposed drainage system.

The submitted Drainage Strategy also indicates that every proposed dwelling will have a soakaway in the back garden. We do not consider this acceptable as the locations and number of soakaways can make them inaccessible for maintenance and likely to be forgotten over time; thus potentially increasing future flood risk. To address this applicant should consider more centralised and accessible infiltration features.

Bearing in mind that this is an application for full planning permission and the layout will be fixed, we request that the above issues are addressed at this stage, and not through planning conditions, to assure us that the quantum of development and layout sought is deliverable, whilst ensuring that flood risk will not be increased on or offsite.

If you or the applicant/agent wishes to discuss any of the points raised in this letter, please contact the case officer on SUDS@eastsussex.gov.uk

Officer Response: It is considered that the matters identified can be resolved through the use of a robust planning condition. It is noted that Southern Water have not objected to the drainage scheme, provided a programme for maintenance and management is put into place. Full comments relating to drainage can be found in the main body of this report.

Sussex Police – I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Natural England – No comments. Refer to standing advice.

ESCC Archaeologist – The current application has been submitted with a detailed archaeological desk - based assessment. This document confirms that the site lies within an Archaeological Notification Area encompassing the location of a possible Bronze Age round barrow (burial mound) and that ground works associated with the proposed development "will result in the disturbance of the archaeological horizon".

The archaeological desk - based assessment concludes that there is a theoretical potential for buried Bronze Age, Iron Age and Romano-British remains to be present on the site, but only a low potential for the survival of medieval and post - medieval archaeology. Just as significantly, the desk - based assessment also states that "taking into consideration 20th century construction activity across the majority of the site, buried remains are likely to be fragmentary". I concur with these conclusions.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfill any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Letters of objection have been received from 4 individual addresses. The points raised within these letters are summarised below:-

- Flatted accommodation out of keeping with area and will overlook neighbouring dwellings;
- Increased pressure on infrastructure
- Increased traffic on A259
- Bus service to Newhaven is not as frequent as stated in Transport Report
- Does not reflect the character of the area

- Dwelling design is ugly;
- Will result in large amount of extra cars next to primary school;
- Put further pressure on Pelham Rise and nearby junctions, already affected by nearby Barretts development;

Officer Response: It is considered that the flats are of modest height and represent an appropriate and sympathetic means to achieve more efficient use of land and provide smaller units for which there is an identified need within the district. Other matters raised are addressed in the main body of this report.

6. PLANNING CONSIDERATIONS

Principle:

6.1 Para. 118 of the Revised National Planning Policy Framework (NPPF) states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.

6.2 Para. 68 of the Revised NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.

6.3 The site is not identified for residential use within the current development plan nor is it included in the most recent Strategic Housing and Employment Land Availability Assessment (SHELAA). It is therefore regarded as a windfall site. Para. 68 c) of the Revised NPPF states that Local Planning Authorities should 'support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.'

6.4 The Revised NPPF instructs a presumption in favour of sustainable development, this being a form of development that generates gains aligned with the three overarching objectives of economic matters, social matters and environmental matters.

6.5 It is therefore considered that the principle of developing this windfall, brownfield site which is located within the existing settlement boundary is acceptable, subject to compliance with relevant local and national planning policies, against which the development will be assessed in the main body of this report.

Loss of Employment Use:

6.6 Saved Policy E1 of the Lewes District Local Plan and Policy CP4 of the Lewes Core Strategy (part 1) seek to prevent the loss of employment land as a result of change of use unless exceptional circumstances are demonstrated. The exceptional circumstances are defined in policy CP4 as follows:-

- i) A demonstrated lack of tenant/occupier interest.
- ii) A demonstrated lack of developer interest.
- iii) Serious adverse environmental impacts from existing operations.
- iv) Where the site is otherwise unlikely to perform an employment role in the future.
- v) Where the loss of some space would facilitate further/improved employment floorspace provision.

6.7 The current approved use of the site is for plant hire operations and therefore deemed as sui generis as per the Town and Country Planning (Use Classes) Order, 1987 (as amended). As a result, it does not benefit from any permitted change of use rights. The current operators intend to vacate the site in order to relocate to premises more suited to their requirements. Due to the sui generis nature of the site, any employment use, other than another plant hire operation, would need to obtain planning permission in order to be carried out. It should also be noted that a plant hire business does not provide significant levels of employment in terms of number of jobs per square metre and, as such, the occupation of a large site for this purpose within a residential area does not represent an optimal use of this land.

6.8 The site falls within an established residential area and, as such, the site is not in an environment that is conducive to the operation of the current use or any other B1/B2/B8 employment use as the proximity to housing places severe limitations on the amount of noise that can be generated, the hours of operation of the business and the suitability of roads for frequent use by heavy goods vehicles.

6.9 An Employment Use Financial & Market Viability Assessment Report has been submitted by the applicant. This explores the potential for redevelopment for industrial and/or office use. It also notes that the existing buildings occupying the site are unlikely to be a suitable standard for ongoing use of the site. It identifies issues with viability, parking provision, access and compatibility with the surrounding residential environment as factors that render the site unsuitable for continued employment use.

6.10 It is therefore considered that the change of use of the site for residential purposes is acceptable as the site is unlikely to perform an employment role in the future due to the constraints of the surrounding environment.

Density:

6.11 The provision of 31 dwellings on the site, which has an overall area of 0.68 hectares equates to a density of approximately 45.5 dwellings per hectare, falling slightly below the 47 - 57 dwellings per hectare density recommended for development within towns, as set out in policy CP2 of the Lewes Core Strategy. This policy goes on to state that lower density development may be justified by the specific character and context of the site, and is in fact consistent with the density of surrounding development.

6.12 Whilst the NPPF encourages development of sites to achieve the maximum density possible (para. 123), the proposed development is considered to represent an optimal use of the site given the amount of parking required due to the edge of town location and the need to limit height of the dwellinghouses and flats in order to be sympathetic with the surrounding built environment (resulting in buildings with a larger footprint). The site also includes a number of 3 bedroom family homes that require a higher amount of amenity space, thereby reducing the amount of the site that could reasonably be built upon.

Affordable Housing:

6.14 Policy CP1 of the Lewes Core Strategy requires all development involving a net increase of 10 or more dwellings to incorporate affordable housing. The proposed development would secure 40% of units for provision of affordable housing, in accordance with the requirements of the Lewes District Affordable Housing SPD (2018). This equates to a total 12.4 units, with 12 units provided on site and a commuted sum equivalent to .4 of a unit paid, in accordance with para. 5.2 of the SPD. The affordable housing provided will be as follows:-

- 3 x two bed dwellinghouses;
- 6 x two bed flats;
- 3 x one bed flats;

Overall, 75% of affordable units would be two bed and 25 % would be one bed. The suggested dwelling mix in the SPD is as follows:-

- 1 bedroom: 50 per cent;
- 2 bedrooms: 30 per cent;
- 3 bedrooms: 15 per cent; and
- 4+ bedrooms: 5 per cent

6.14 However, the relatively modest size of the development means that it would not be viable to include 3 and 4 bed dwellings as affordable units. In any case, the above dwelling mix is a guideline and para. 3.10 confirms that appropriate dwelling mix will be determined on a site by site basis. In this instance, the proposed development would provide smaller units which are proven to be in greatest demand based on the latest evidence of housing need.

6.15 The affordable housing would be provided as 75% affordable rented and 25% intermediate (shared ownership), as per the guidelines set in policy CP1.

It is therefore considered that the proposal provides an appropriate contribution towards affordable housing, which will be secured by way of a Section 106 Agreement, should the application be approved.

Residential Amenity:

6.16 There is residential development to the immediate north and south of the site, and within close proximity to the east of the site. The majority of the proposed development would be made up of two-storey dwellings which are consistent with the height of neighbouring residential dwellings facing onto Pelham Rise. Sufficient distance would be maintained between the proposed dwellings and neighbouring properties, including the new bungalow dwelling to the south to prevent any unacceptable sense of overbearing towards neighbouring properties. The modest height of the proposed buildings would further mitigate against them appearing oppressive or overly dominant. For similar reasons, it is not considered that the proposed development would bring about undue levels of overshadowing towards neighbouring residential properties.

6.17 No habitable room windows within the proposed dwellings would look directly towards windows on neighbouring residential properties. Angled views towards windows would be partially interrupted by the form of other buildings within the development, the staggered nature of dwelling frontages and boundary screening. Any views over neighbouring property would be towards parts of rear garden space, which is a common form of overlooking within residential areas. It is not considered that any gardens would be the subject of complete overlooking due to distances maintained between the development and neighbouring properties and there are no neighbouring properties that would have primary habitable room windows within 21 metres of windows serving the proposed development (within a splay 45 degrees either side of the centre line). It is considered that this degree of separation is sufficient to prevent intrusive or invasive views being offered.

6.18 Whilst it is not considered that views offered from habitable room windows would be invasive, these windows would allow for a suitable level of site surveillance, particularly of

the parking area, to ensure that there are no secluded or isolated parts of the development that may be susceptible to anti-social or criminal behaviour.

6.19 The residential density of the site would be consistent with surrounding development and, as such, it is unlikely to give rise to activities of an intensity that would be disruptive or cause unacceptable disturbance towards neighbouring residents.

6.20 Parking areas and the most frequently used sections of the road would be set away from site boundaries as would the car parking areas, helping to reduce the potential for unacceptable noise, light or air pollution.

6.21 The existing use as a plant hire yard, with ancillary workshops, is considered to be less compatible with the surrounding residential environment and more likely to be the cause of disturbance and disruption than the proposed residential use. The development of the site also provides opportunities for planning gain in the form of sympathetic landscaping, including boundary screening as well as a sustained presence and surveillance on the site that would help to discourage anti-social behaviour. In these regards, it is considered that the proposed development would result in a general improvement in the quality of amenities enjoyed by neighbouring residents.

Visual Amenity/Design:

6.22 The proposed development would adopt a fairly uniform design in terms of building design and scale. Dwellings would be arranged in small terraces of two-storey buildings, which is consistent with nearby development such as that on Swanee Close, a development that has a similar relationship towards Pelham Rise as the proposed scheme would.

6.23 Whilst flatted development is not prevalent within the immediate surrounding area, the proposed block of flats are considered to be compatible with the surrounding environment due to their form and due to its modest three-storey height and its positioning set back from Pelham Rise and surrounding dwellings, on a free-standing site surrounded by a good degree of open space. The use of pitched roofing on the block of flats would strengthen visual integration with nearby pitched roof dwellings and also be consistent with the design of dwellings within the development. It is therefore considered that the flatted element of the scheme has been designed in a way that would prevent it from appearing incongruous within the surrounding environment which is predominantly made up of dwelling houses.

6.24 Whilst utilising gable roofing that is similar to surrounding properties, the proposed development introduces a more contemporary design that would help provide the proposed development with its own distinct character, ensuring that the overall streetscape does not appear monotonous. The use of stepped ridge lines for the roofing and staggered frontages to buildings helps to articulate the buildings and break up the mass of the structures. The use of a mixed palette of external materials would also assist in providing a suitable degree of articulation to the development.

6.25 The proposed dwellings would not face directly onto Pelham Rise but would be arranged around a cul-de-sac, as is the case with neighbouring development such as that at Swanee Close and Linthouse Close. This layout is considered to be suitable as it would enable the existing grass verging to be maintained to the front of the site and this would be bolstered by the landscaping within rear gardens of the proposed development, thereby helping to preserve the open nature of the street scene.

Highways & Parking:

6.26 The proposed development would be served by a total of 61 x car parking spaces which would be distributed throughout the site. The majority of dwellings would have a single car parking space directly to the front of the property. Other spaces provided in the form of parking bays and a car parking area adjacent to the proposed flats. This quantum of parking is considered to be comfortably sufficient to serve the proposed development and, as such, it is not considered that the scheme would result in parking overspill on to the surrounding highway network.

6.27 The existing site access from Cripps Avenue would be improved and utilised for the proposed development as the single vehicular access. It is considered that junction provides adequate visibility to allow for safe use and it is noted that vehicles travelling on Pelham Rise and Cripps Avenue would be unlikely to be travelling at excessive speed in this location due to the proximity to the junction between these two roads.

6.28 The layout of the development is considered to be suitable in terms of highway and pedestrian safety. The road would be relatively narrow, controlling vehicle speed, but would also allow for good levels of visibility of the road itself as well as footpaths and parking areas. Footpath access would be provided for the main entrance to the flats as well as for individual dwellings, ensuring pedestrians can move safely around the site without coming into conflict with vehicles.

6.29 There are bus stops adjacent to the site on both sides of Pelham Rise. These bus stops are regularly served by buses into Brighton, Newhaven and into other parts of Peacehaven. The site is also within close proximity with National Cycle Network Route 2 which links Peacehaven to other coastal towns on the south coast, including Brighton and Eastbourne. It is therefore considered future occupants of the development would enjoy a good level of access to sustainable travel methods. A condition will be attached to any approval to ensure that secure and covered cycle storage facilities are provided for all residential units as a means to encourage the use of this sustainable form of transport.

Landscaping and Ecology:

6.30 The majority of the existing site is hard surfaced, other than patches that have become overgrown and colonised by vegetation, including a growth of Japanese Knotweed towards the southern site boundary. There is an established hedgerow and tree line on the western site boundary. This hedgerow would be retained to provide sympathetic screening to the site, as well as ecological value, and can be enhanced as part of the site landscaping scheme.

6.31 The proposed development would allow for a comprehensive hard and soft landscaping scheme that would improve the permeability of the site, assisting with surface water management, and would also assist the visual integration of the development with the surrounding area, which is semi-verdant in character on account of the presence of grass verges, street trees and landscaped front garden areas. It is also noted that the flat roof elements of the proposed block of flats would be green roofs. Any submitted scheme would also need to include hard and soft landscaping measures to provide defensible space to the ground floor of the flats, particularly as the area around them would be in use as communal amenity space.

6.32 The ecological report accompanying the application does not identify the site as providing habitat for protected species. The existing buildings occupying the site, all of which are to be removed, were assessed for suitability for bat roosting. The larger metal workshops were observed to be well sealed and unlikely to support roosting. Gaps and

crevices were observed in the older metal framed building towards the front of the site, as well as on some of the temporary cabins, but no bat roosts were detected and the report states that these buildings would be unlikely to support roosting bats due to the materials in which they are constructed and their exposure to fluctuations in temperature.

6.33 The ecological report recommends a number of enhancements that would improve the ecological value of the site. These include hedgerow enhancement where necessary, the removal of invasive species (Japanese Knotweed and Winter Heliotrope) and the provision of gaps below any fencing in order to allow for hedgehogs and other small mammals to forage and move freely around the area. It is also recommended that bat and bird boxes are provided in appropriate locations. A condition will be used to ensure that the development is carried out in accordance with the methodology set out in the ecological report and includes all of the recommended enhancement measures.

Drainage:

6.34 The site is located in Flood Zone 1 and, therefore, it not subject to increased risk of flooding from tidal or fluvial sources.

6.35 The site is currently largely impermeable due to building coverage and the amount of hard surfacing in place. The proposed works would increase the amount of buildings on site but would also allow for the introduction of permeable surfacing in the form of soft landscaping as well as permeable hard surfaces.

6.36 A drainage strategy has been provided which sets out a number of Sustainable Urban Drainage measures that would be incorporated into the development, consisting of the following elements:-

- Infiltration. This has been based on assumed levels of infiltration as well as the results of a CCTV survey of existing soakaways, which suggests infiltration is most likely to be feasible for the site;
- Permeable paving;
- Green roofing (on flats);
- Rainwater Harvesting;
- Below ground attenuation tanks to temporarily store excess surface water in order to ensure site run-off is controlled.

6.37 Whilst the Lead Local Flood Authority (LLFA) have raised concerns that the intention to use infiltration techniques is based on modelled data rather than physical infiltration testing on site, it is considered that a suitable condition can ensure infiltration testing is carried out prior to the installation of any drainage infrastructure and adaptations can be made to the strategy if necessary. This condition can also be used to secure amendments to the drainage strategy in relation to the accessibility of soakaways, in response to concerns raised by the LLFA.

Contamination:

6.38 The site has a history of commercial use, and includes an arrangement of oil and diesel storage tanks (above ground). A Phase 1 Geoenvironmental Investigation report has been submitted as part of the application. This report identifies a high level of likelihood for soil contamination associated with the former use of the site. The report recommends ground investigation works are undertaken prior to development of the site in order to ascertain contamination levels and set out management and mitigation measures for the control of any contaminants encountered during construction works so

as to prevent groundwater, nearby surface water features, neighbouring properties and future occupants from being subjected to pollution as a result of the release of these contaminants. A condition will be used to secure these investigative works prior to the commencement of any demolition or construction works.

Archaeology:

6.39 The site falls within an Archaeological Notification Area. ESCC Archaeology have not objected to the development provided archaeological works are carried out in accordance with a Written Scheme of Investigation. This would include preserving any archaeological works in-situ or, where this is not possible, making a through records of them in advance of their loss.

6.40 The programme of works required will be secured through the use of a planning condition.

Sustainability:

6.41 It is stated that the development will be carried out using energy efficient materials. It is also noted that there is the potential for ecological gain in the form of the enhancement measures set out in the ecological report accompanying the application. Furthermore, it is stated that rain water harvesting facilities would be provided in the form of a storage tank that would collect all runoff from roofs. This storage tank would then distribute the water to 'header tanks' within each building which, in turn, would supply suitable domestic applications within each household. The use of mains water within this storage tank would be for back up purposes only, in the event of low levels of rainfall.

6.42 Notwithstanding the above, it is considered that additional sustainability measures including, but not limited to, solar panels and electric vehicle charging facilities should be provided as an integral part of the development. In order to secure the maximum level of sustainability measures feasible, a condition will be attached requiring full details of sustainability measures to be incorporated into the scheme as well as a management and maintenance programme to ensure their ongoing use and effectivity.

6.43 The provision of electric vehicle charging points should accord with the Lewes District Council Electric Vehicle Charging Points Technical Guidance Note (2018) which requires one charging point for every dwelling served by a driveway and/or garage. This would not be applied to the flats as the threshold for electric vehicle charging provision set out in the guidance is only for developments of 11 or more flats.

7. RECOMMENDATION

7.1 It is considered that the proposal represents an appropriate development of a windfall site that would be compatible with the surrounding environment, provide a suitable standard of living and an important contribution towards affordable housing (40% Affordable Housing -12.4 units, with 12 units to be provided on site and a commuted sum equivalent to 0.4 of a unit).

7.2 It is therefore recommended that the application is approved, subject to the conditions below and subject to a S106 Agreement to secure the affordable housing and necessary highway works including but not limited to bus stop improvements include the provision of raised kerbs, new flags/timetables and a shelter where space allows.

7.3 Should the applicant fail to complete or make reasonable efforts to complete the legal agreement within 3 months of the Planning Committee meeting, the Committee authorise the application to be refused under delegated powers.

Conditions -

1. Details of a suitable drainage strategy shall be submitted to, and approved, by the Local Planning Authority prior to the installation of any drainage infrastructure.

Surface water runoff rates shall be limited to a minimum of existing rates for all rainfall events including those with an annual probability of occurrence of 1 in 100 (plus climate change). Evidence of this (in the form hydraulic calculations taking into account connectivity of features) shall be submitted with the detailed drainage drawings. Evidence that Southern Water are in agreement with the principle of the connection and proposed discharge rates shall be submitted at detailed design stage.

A management and maintenance plan for the entire drainage system clearly stating who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the plan will remain in place throughout the lifetime of the development.

The development shall therefore be carried out in accordance with the approved details, which shall thereafter be adhered to throughout the lifetime of the development.

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and policy CP12 of the Lewes Core Strategy.

2. Prior to occupation of the development evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and policy CP12 of the Lewes Core Strategy.

3. 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 Phase 2 Contaminated land assessment report containing details of intrusive investigation undertaken on the site to determine the presence or absence of contamination and to enable a quantitative assessment of any associated environmental risks.

b) Site intrusive investigation results and detailed risk assessment 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 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.

Prior to the first occupation of any part of the development:

d) Verification Report. 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. The Report 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.

e) Long-term monitoring: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

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

Reason: In order to ensure that future occupants, surrounding land and watercourses are not put at risk of contamination and that any contaminants found on site are responsibly dealt with, in accordance with section 15 of the revised NPPF and saved policy ST30 of the Lewes District Local Plan.

4. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (workers travel plan with details of the anticipated number, frequency and types of vehicles used during construction, the method of access and egress and routing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development. Details should also include the temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interest of environmental and residential amenities and highway safety in accordance with section 15 of the revised NPPF and saved policies ST3 and ST30 of the Lewes District Local Plan.

5. Buildings constructed or refurbished before 2000 may contain asbestos. Accordingly a Demolition asbestos survey shall be undertaken by a competent person in accordance with the guidance given in HSG264 Asbestos: The survey guide. A copy of the report

shall be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: In order to ensure that hazardous materials are properly disposed of in accordance with section 15 of the revised NPPF.

6. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework and policy ST3 of the Lewes District Local Plan and CP13 of the Joint Core Strategy.

7. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework and policy ST3 of the Lewes District Local Plan and CP13 of the Joint Core Strategy.

8. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with detailed parking layout plans which are to be submitted to and approved by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development and in accordance with the National Planning Policy Framework and policy ST3 of the Lewes District Local Plan and CP13 of the Joint Core Strategy.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with the National Planning Policy Framework and policies ST3 of the Lewes Local Plan and CP13 of the Joint Core Strategy.

10. Before any external finishes are applied, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with those approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy CP11 of the Joint Core Strategy and 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 the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development, the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) shall be completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation.

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

12. Prior to first occupation of the development hereby permitted, details of sustainability measures to reduce the energy and water consumption of the development, as well as provision of electric vehicle charging points in accordance with the requirements of the Lewes District Council Electric Vehicle Charging Points Technical Guidance Note (2018) shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to first occupation and thereafter be retained as such.

Reason: In order to ensure all feasible sustainability measures are incorporated into the development in accordance with

13. The development shall include all mitigation and enhancement measures set out in Section 6.4 of the Preliminary Ecological Appraisal Report (ref: UE0304_PelhamRise_PEA_2_190417) and maintained in place thereafter.

Reason: In order to prevent damage to existing ecological assets and to enhance biodiversity in accordance sections 2 and 14 of the revised NPPF and policy CP14 of the Lewes District Core Strategy

14. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. Details of defensible space for all ground floor flats.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policy CP1 of the Lewes District Core Strategy and saved policies ST3 and ST11 of the Lewes District Local Plan

15. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: In order to control future development on the site that may result in the loss of important amenity space or lead to unacceptable overlooking of neighbouring properties in accordance with saved policy ST3 of the Lewes District Local Plan

16. Prior to the first occupation of any of the dwellings within the development hereby approved, details of how accessibility to Epina Park directly from the development by residents will be improved and enhanced shall be investigated and details submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with those approved details, which shall remain in place thereafter.

Reason: In order to ensure future occupants have access to public amenity and play areas in accordance with Chapter 8 of the Revised National Planning Policy Framework (2019) and Policies DM15 and DM16 of the emerging Lewes District Local Plan - Part 2.

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

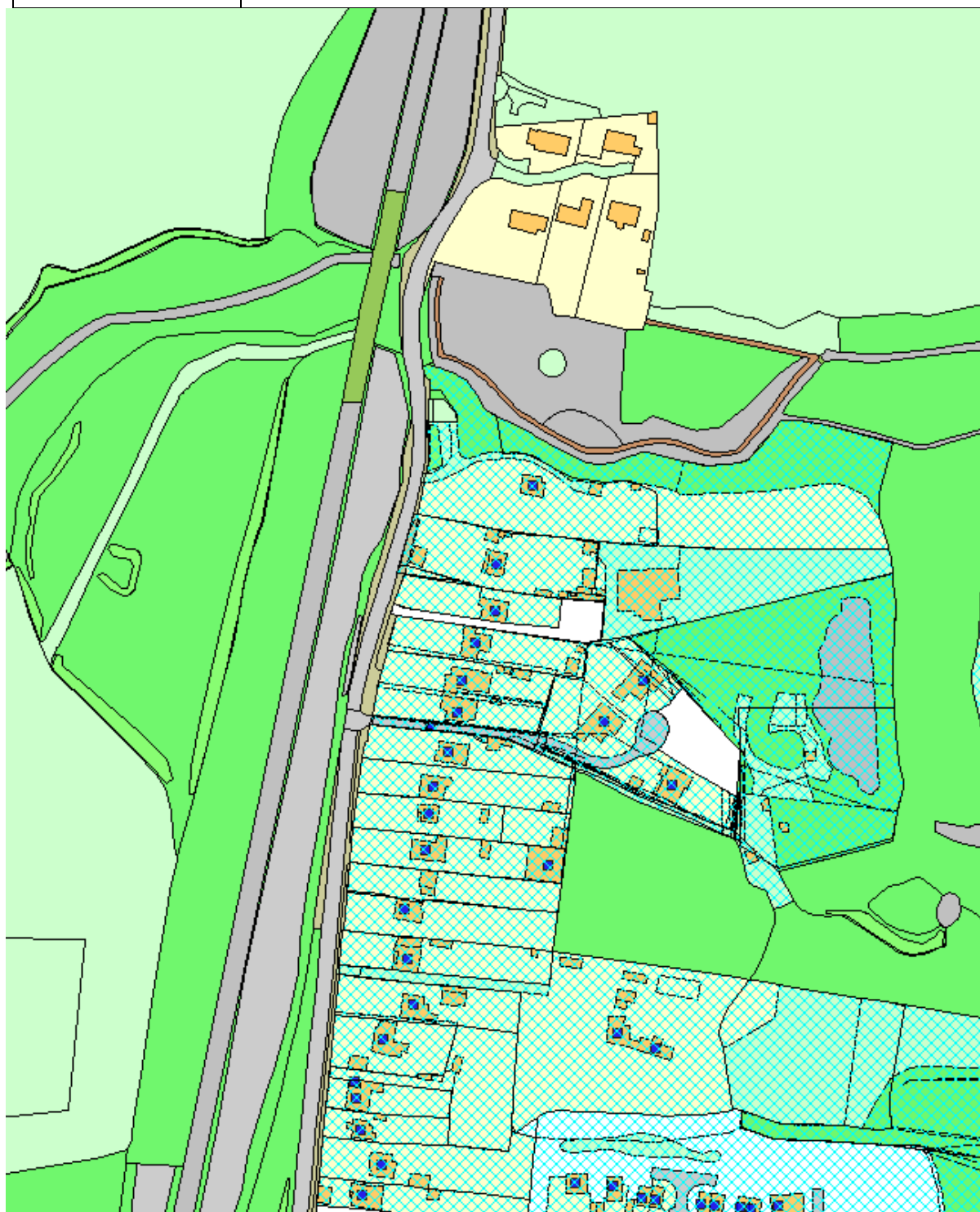
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	3 June 2019	Transport Report
Additional Documents	3 June 2019	Residential dwelling units - supplementary information
Additional Documents	3 June 2019	Geo-Environmental report
Additional Documents	3 June 2019	Preliminary Ecological Appraisal
Justification / Heritage Statement	3 June 2019	Heritage Desk Based Assessment
Planning Statement/Brief	3 June 2019	
Design & Access Statement	3 June 2019	
Proposed Elevation(s)	3 June 2019	0558.PL.011
Proposed Elevation(s)	3 June 2019	0558.PL.010
Proposed Elevation(s)	3 June 2019	0558.PL.009
Proposed Elevation(s)	3 June 2019	0558.PL.008
Proposed Floor Plan(s)	3 June 2019	0559.PL.007
Proposed Floor Plan(s)	3 June 2019	0559.PL.006

Proposed Roof Plan	3 June 2019	0559.PL.005
Proposed Roof Plan	3 June 2019	0559.PL.004
Proposed Floor Plan(s)	3 June 2019	0559.PL.003
Proposed Floor Plan(s)	3 June 2019	0559.PL.002
Proposed Block Plan	3 June 2019	0559.PL.001
Location Plan	3 June 2019	0559.PL.001

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Agenda Item 8

APPLICATION NUMBER:	LW/19/0436		
APPLICANTS NAME(S):	Mr & Mrs Cave	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Planning application for demolition of existing redundant outbuildings / storage and erection of ancillary accommodation to existing dwelling.		
SITE ADDRESS:	Twin Oaks Valebridge Road Burgess Hill West Sussex RH15 0RT		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is located on the eastern side of Valebridge Road and comprises part of the rear garden of Twin Oaks. The applicant's ownership, shown within the blue line on the site plan, extends alongside and beyond the rear of application site, where there is a large, disused former agricultural building which appears to be used for storage of cars and other items belonging to the applicant's family. There is a driveway along the southern boundary of the site that leads to this building and the remainder of the site beyond.

1.2 The application site itself is roughly rectangular in shape, measuring approximately 30m deep by 32m at its widest point. It currently comprises a large concrete slab on which there are the partially demolished remains of a piggery and a garage.

1.3 This section of Valebridge Road is developed along the eastern side only and marks the boundary between Lewes District and Mid Sussex District Councils. The plots are large, of more or less uniform width and depth, with mainly detached properties in a mix of bungalows and two storey houses, brick/render finish to the walls and pitched tiled roofs.

1.4 Twin Oaks is a bungalow dating from the early 1960s, with a small extension to the rear. The property has large garden areas to both the front and rear and is well screened along the front boundary with a mature hedge. The wider site had been used in the 1960s for agricultural haulage, although this use appears to have ceased following an unsuccessful appeal against refusal of a certificate of Established Use.

1.5 The applicant's partner and son run a business fitting domestic heating oil tanks. Part of the site to the rear is used to park two vehicles associated with this business and for the occasional storage of tanks en-route to the customer.

1.6 The site is within the Wivelsfield Neighbourhood Plan boundary but falls outside of the planning boundary as defined the Lewes District Local Plan.

PROPOSAL

1.7 It is proposed to demolish the remains of the piggery and the garage to accommodate a new two-bedroom bungalow, which would be sited almost entirely within the footprint of the demolished buildings.

1.8 The bungalow would be 'L' shaped, measuring 14.8m and 10.79m. The entrance door to the new bungalow would be on the east-facing elevation. Internally, there would be a large open plan living/kitchen/dining space with folding doors opening onto the garden, utility room, W.C, two double bedrooms and a bath/shower room. The bungalow would be mainly clad in mid-grey coloured 'Cedral' boarding, with red-multi stock bricks to the north and west facing walls. The roof would be finished with plain tiles. The roof would be pitched with gables to the north, south and west elevations and four rooflights in the east facing roof slope.

1.9 The overall floorspace exceeds the Government's Nationally Described Space Standard.

1.10 The new bungalow would be accessed via the existing driveway. Two parking spaces are indicated along the east facing wall. No space for the storage of cycles, refuse and recycling are shown but these can be secured by condition.

1.11 The applicants' have stated that the purpose of the new bungalow is to provide accommodation for their family only, and that the rear garden would be shared between the two properties.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

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

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LPP2:- DM1 – Planning Boundary

LPP2:- DM30 – Backland development

3. PLANNING HISTORY

LW/19/0436 - Demolition of existing redundant outbuildings / storage and erection of ancillary accommodation to existing dwelling -

EU/76/0007 - Agricultural and Transport Contractor. - **Refused**

LW/76/1636 - Planning and Building Regulations Applications for extension. Building Regs Approved. Completed. - **Approved**

LW/77/1224 - Retention of use of smallholding and agricultural and transport contracting. - **Refused**

APPEAL/76/0007 - Development Appeal - **Dismissed**

APPEAL/77/1224 - Development Appeal - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – At its meeting of 1 July 2019, Wivelsfield Parish Council resolved to support the above application, but with a condition that the ancillary accommodation be tied to the existing dwelling in perpetuity, so that it may not be sold off as a separate dwelling.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are - principle of development in this location, design, amenity, accessibility and sustainability.

Principle

6.2 The site is located outside of the planning boundary and as such the proposal is contrary to CT01 and DM1.

6.3 Despite being outside of the planning boundary, residential development along Valebridge Road has been established for over 60 years. Crucially, intensive residential development has taken place along Valebridge Road in the last 5 years, notably: LW/14/0350, Sunnybrae and Medway Gardens - 29 dwellings; LW/16/1040, The Rosery - 55 dwellings. Both schemes were approved as exceptions to CT1 in order to help meet LDC's housing need.

6.4 The proposed bungalow would be built almost entirely on brownfield land and within the complex of structures of what was once an agricultural enterprise. As such, it would be very difficult to demonstrate harm to the open character of the countryside, which is one of the core purposes of policy CT01.

6.5 Policy CP2 seeks to maximise the use of previously developed land, to deliver homes to meet the needs of the district that that maintain the local vernacular. It is considered that the proposal would not conflict with this policy.

6.6 Furthermore, the proposal would not conflict with the overarching policies set out in paragraphs 77-79 of the NPPF, which state that planning decisions should be responsive to local circumstances and to retain the vitality of rural communities, but that isolated homes in the countryside should be resisted.

6.6 The application states that the proposed new bungalow is intended for use by members of the applicant's family only. The submitted plans indicate a shared garden with no physical separation between the two plots. It should also be noted that the proposed car parking also requires access over land owned by twin Oaks. Therefore it is considered reasonable to impose a condition to require the new dwelling to be ancillary. This would not prevent such a condition being removed in the future should circumstances change and the garden and parking arrangement be altered.

Design

6.7 The design of the proposed new bungalow is traditional of the type but using a more contemporary facing material. Nonetheless it would complement the existing property on the site. In this respect, the proposal meets the requirements of policy CP11.

Amenity

6.8 Due to the location of the proposed new bungalow, there would be no loss of amenity to neighbouring properties by way of loss of daylight, sunlight or overlooking. The distance between the furthest wall of the new bungalow and the 'donor' property is just over 26m. As noted above, it is proposed that the garden will be shared, with no physical barrier to demarcate the red line boundary of the new property. Notwithstanding, the distance is sufficient to maintain a degree of separation for the occupants of both properties. It should also be noted that the lounge to the 'donor' property faces the front garden.

6.9 Also as noted above, the new bungalow is spacious, exceeding the Nationally Described Space Standard and will provide a high standard of accommodation for future occupants.

Parking, Transport and Accessibility

6.10 Two parking spaces are indicated on the submitted plans, sited against the rear wall of the proposed new bungalow. Access to these spaces would require encroachment onto land outside of the red line, although that land is within the applicant's control. The area is served by Wivelsfield train station, which is approximately 1.5km to the south-west of the site and a bus service along the Valebridge Road. The aims of policy CP13 are broadly satisfied.

Sustainability

6.11 It is anticipated that the new bungalow would be constructed to meet 'fabric first' standards to maximise energy efficiency. There is also the opportunity to introduce renewable energy sources such as the inclusion of photovoltaics on the south facing roof slope and electric car charging point, to comply with policy CP14. These can be secured by condition.

Conclusion

6.12 On balance it is considered that the application for a new dwelling on this site would not cause harm to the open character of countryside despite being contrary to Policy CT1. The proposal does not conflict with NPPF rural policies in that it is not an isolated location and has reasonable access to public transport and local facilities. The proposed new bungalow would provide a good standard of accommodation, is well designed in keeping with the area and would not have an adverse impact on the residential amenity of the occupants of adjoining properties, including the 'donor' property.

7. RECOMMENDATION

7.1 That planning permission is granted.

The application is subject to the following conditions:

1. All trees, shrubs and hedges within the site, to be retained, shall be protected by 1m high fences for the duration of the building works at a distance equivalent to the outer most limit of the branches or half the height of the tree or whichever is the greatest or such other distance as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within the fenced area and no changes in ground level or excavations may be made within the exclusion zone of the tree, shrub or hedge without the prior consent in writing of the Local Planning Authority, in accordance with BS.5837 - Trees in Relation to Construction.

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 2019.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

3. The development hereby permitted shall not be occupied until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

4. Details of the siting and design of the external electric car charging points to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

6. The development hereby permitted shall not be occupied until details of the storage of refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the storage of refuse having regard to Policy ST3 of the Lewes District Local Plan.

7. No building shall be occupied until vehicle parking spaces as shown on the approved plan 1835/PO3 have been laid out and these spaces shall be made permanently available for that use.

Reason: In the interests of and for the safety of persons and vehicles using premises and/or adjoining road 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 2019.

8. The bungalow/dwelling hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Twin Oaks.

Reason: To prevent the creation of an additional dwelling having regard to the shared facilities including garden and access to the parking spaces, having regard to Policy CT1 and DM1 of the of the Lewes District Local Plan and LLP2 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	19 June 2019	1835 / P04
Proposed Block Plan	19 June 2019	1835 / P04
Proposed Roof Plan	19 June 2019	1835 / P04
Design & Access Statement	19 June 2019	Design and access statement
Photographs	19 June 2019	1835 / P03
Existing Floor Plan(s)	19 June 2019	1835 / P03
Proposed Floor Plan(s)	19 June 2019	1835 / P03
Proposed Elevation(s)	19 June 2019	1835 / P03

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