

# Planning Applications Committee

30 October 2019



Working in Partnership



## Time and venue:

5.00pm in Sutton Hall, Downs Leisure Centre, Sutton Road, Seaford, East Sussex, BN25 4QW

## 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: Monday, 21 October 2019*

# Agenda

## 1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 9 October 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/19/0258 (Application A) and LW/19/0475 (Application B) - Newlands School, Eastbourne Road, Seaford, East Sussex, BN25 4NP (Pages 9 - 50)**

## **Non-planning application related items**

## **8 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 20 November 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 Committee and Civic Services Manager in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

## Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01273 471600

**Website:** <http://www.lewes-eastbourne.gov.uk/>



**modern.gov app available**

View upcoming public committee documents on your [iPad](#) or [Android Device](#) with the free modern.gov app.



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 9 October 2019 at 5.00pm**

### **Present:**

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Lynda Duhigg, Tom Jones, Christoph von Kurthy, Imogen Makepeace, Laurence O'Connor, Nicola Papanicolaou, Jim Lord (Substitute) and Emily O'Brien (Substitute)

### **Officers in attendance:**

Jennifer Norman (Committee Officer, Democratic Services)

Joanne Stone (Solicitor, Planning)

Christopher Wright (Specialist Advisor, Planning)

### **55 Minutes**

The minutes of the meeting held on 18 September 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **56 Apologies for absence/Declaration of substitute members**

Apologies for absence had been received from Councillors Graham Amy, Sean MacLeod and Sylvia Lord. Councillor Emily O'Brien declared she was acting as substitute for Councillor MacLeod for the duration of the meeting, and Councillor Jim Lord declared he was acting as substitute for Councillor Sylvia Lord for the duration of the meeting.

### **57 Declarations of interest**

There were none.

### **58 Petitions**

There were none.

### **59 Written questions from councillors**

A written question had been received from Councillor Johnny Denis in his capacity as a Lewes District Ward Councillor. The question and response was read aloud by the Chair to all those who were present during the meeting:

Written question received from Councillor Denis:

*Resident and Parish Council concerns were recently made known to me about a particular planning application LW/19/0602, a variation of an earlier consent LW/16/0703.*

*This application is contentious in that neighbours and the Parish Council have opposed it and have asked for it to be called in. I have attempted to call it in but on querying officers about this application I was told that it was de minimus (trivial); or that it did not constitute a significant enough change (minor change), or be considered a new application, and that, therefore, it could not be looked at by this committee.*

*I would like to know if this committee is content with the current scheme of delegation or whether the thresholds for consideration by committee are appropriate to balanced decision-making and whether extending what can be considered might better allow voice for community concerns.*

Response read aloud by the Chair:

“Lewes District Council’s scheme of delegation governs which applications can be dealt with under delegated powers. An objection from a Town or Parish Council, or a District Councillors request to have the application determined by committee is not an automatic trigger to committee.

Part 9 of constitution sets out that an officer with an appropriate sub-delegation can approve an application provided:

- no member of the Council has requested the application to be determined by the Committee within fourteen days of the weekly list relating to the application, providing that such request is based on valid planning reasons and that the Chair of the Committee agrees to take the matter at the meeting;

I am advised that officers are content with the current position for the following reasons:-

- It allows for appropriate cases to be determined by officers provided they comply with planning policy.
- It also prevents the committee being put in a position where although they may sympathise with objectors, there are no planning grounds to go against the officer recommendation.
- Equally, it ensures that objectors are not given false hope that an officer’s recommendation to approve will be overturned by committee in cases where there are no valid planning reasons to do so.
- To some extent maintains the committee agenda to manageable size.

- The current scheme also allows for oversight by allowing the chair of the committee to review the decision not to place the matter before the committee for determination.
- It helps ensure that appropriate development proposals that accord with our development plan are approved without delay as required by the NPPF.

Given the above assessment and commentary I am advised that the existing scheme of delegation and its application are appropriate and there are no changes recommended."

A supplementary question from Councillor Denis was received by the Committee requesting that a comprehensive guidance document in relation to acceptable reasons for refusal, approval and the calling-in of planning applications be assembled by Officers for residents of Lewes District.

The Chair responded that Councillor Denis' suggestion was an excellent idea and requested that Officers assemble a comprehensive guidance document and in relation to acceptable reasons for refusal, approval and the calling-in of planning applications, and distribute the guidance to Lewes District Councillors and all town and parish clerks within the District. Officers agreed.

**60 LW/19/0517 - Land adjacent to The Rough and Vernons Road, Newick, East Sussex**

John West (Applicant) spoke for the proposal. Ben Caulkett (Neighbour), David Marchant (Neighbour) and Sarah Cox (on behalf of her mother, who lives adjacent to the proposed development) spoke against the proposal. Councillor Roy Burman spoke in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/19/0517 for approval of REM - approval of reserved matters - LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 be refused for the following reasons:

1. The proposed development would, by reason of the scale, bulk and footprint, constitute over development of the site to the detriment of visual amenity and the character of the locality, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
2. The proposed development would, by reason of the design and external appearance, have a detrimental impact on visual amenity and the wider street scene, contrary to the aims and objectives of saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.

3. The proposed development would, by reason of the scale and siting, give rise to overlooking, loss of privacy and loss of light, to the detriment of the residential amenity of neighbouring residents, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.

## **61 Date of next meeting**

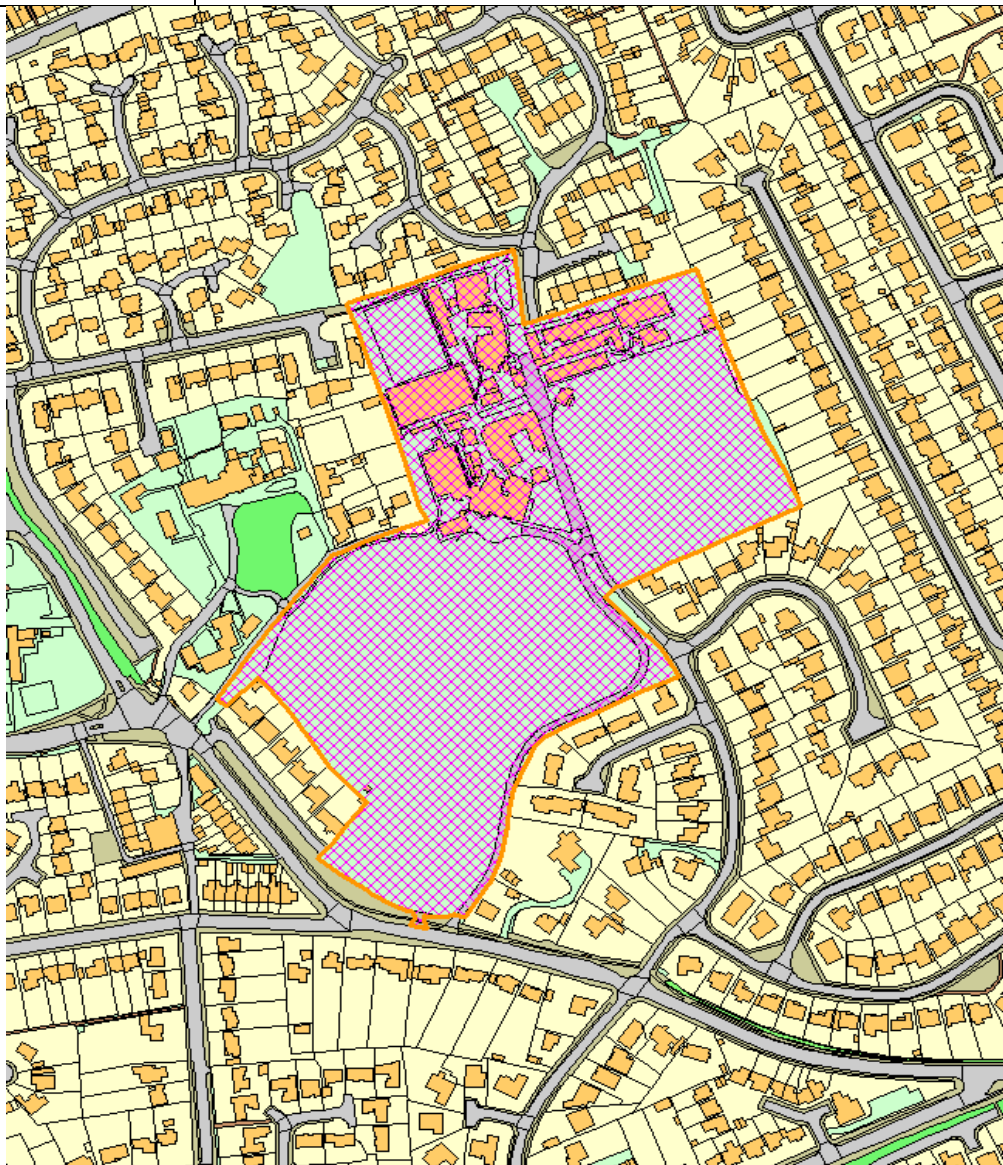
### Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 30 October 2019, commencing at 5:00pm at a location yet to be confirmed in Seaford, East Sussex, be noted.

The meeting ended at 6.15pm.

Councillor Sharon Davy (Chair)

<b>APPLICATION NUMBER:</b>	LW/19/0258 and LW/19/0475		
<b>APPLICANTS NAME(S):</b>	Bellway Homes Ltd	<b>PARISH / WARD:</b>	Seaford / Seaford East
<b>PROPOSAL:</b>	<p>Application A: LW/19/0258: Approval of Reserved Matters Application for Proposed reserved matters approval for matters of layout, scale, appearance and landscaping of a residential development of 162 homes, pursuant to application LW/16/0800</p> <p><b>And</b></p> <p>Application B: LW/19/0475: Demolition of the existing school building and construction of two buildings to provide 21 residential units including provision of public open space and associated landscaping (to run concurrently with reserved matters application LW/19/0258 for the provision of 162 residential units)</p>		
<b>SITE ADDRESS:</b>	Newlands School Eastbourne Road Seaford East Sussex BN25 4NP		
<b>GRID REF:</b>			



## SUMMARY

This report considers two separate but inextricably linked applications (referred to as in the report as application A and application B) for the development of the site of the former Newlands School. Both applications follow from Outline Planning Permission LW/16/0800, granted on 5<sup>th</sup> June 2018 following completion of a s106 agreement, for 183 new homes with up to 40% affordable housing and a full size, publicly available sports pitch, changing rooms and parking. The application included the conversion of the existing former school building to flats, included in the overall total of 183.

Application A, LW/19/0258, seeks approval for Reserved Matters pursuant to LW/16/0800, as well as approval of 4 pre-commencement conditions from the Outline Planning Permission, to provide 162 flats and houses.

Application B, LW/19/0475, seeks Full Planning Permission for the demolition of the existing school building and redevelopment as two separate blocks to provide 21 flats, together with public open space including children's play area (LEAP).

Also under consideration are a Deed of Variation of the s106 Agreement attached to the original Outline Planning Permission and Heads of Terms for a s106 to secure the affordable housing and other benefits arising from both applications.

Members' views are also sought on the option submitted by the applicants in October 2019 to amend application A to include a 'junior' size sports pitch within the public open space.

## 1. SITE DESCRIPTION / PROPOSAL

### *1.1 Site description*

1.2 The site comprises the former Newlands School which is located on the northern side of the A259, Eastbourne Road, east of Seaford town centre. The site is within the planning boundary for the purposes of planning policy and in a predominantly residential area. The previous use of the site was a long established independent school – Newlands – which closed in 2014.

1.3 The site area is 6.35ha and slopes gently from north to south west. The main school building is located in the northern part of the site and overlooks a large open area which was previously used for sports pitches. Behind the main school is a complex of ancillary buildings, many of which are in a poor state of repair. In the north east corner of the site is a roughly rectangular open area which was also used as sports pitches.

1.4 There are various groups of trees and hedges on the site, mainly on the boundaries, but with significant groups of trees amongst the existing complex of buildings.

1.5 The site is bounded on all sides by residential development of varying types and ages – a mix of mainly traditionally designed detached houses in large and medium plots and a small number of terraces with smaller gardens. Brick finish and tiled roofs are the predominant materials, with feature panels of timber cladding or render in some cases.

### *1.6 Proposal*

1.7 This report covers two linked planning applications (A and B) covering the entire site. Both follow the Outline Planning Permission granted at the site on 5<sup>th</sup> June 2018 (LW/16/0800) for 183 homes with up to 40% affordable housing.

## 1.8 Background

1.9 In April 2019, an application for approval of Reserved Matters (RM) pursuant to LW/16/0800 and approval of 4 pre-commencement conditions was submitted to the council. As per the Outline Permission, this application was for 183 homes in a mix of flats and houses, as well as the sports pitch, changing rooms and parking spaces to serve the pitch. The affordable housing offer was 8% and a Viability Statement submitted with the application set out the justification for this reduced offer. In brief, the main constraints to delivery of a more policy compliant quantum of affordable units were the cost of the infrastructure, abnormal site conditions requiring non-standard foundation design and the cost of converting the retained school building.

1.10 Seaford Town Council considered the application at their meeting on 25<sup>th</sup> April 2019 where it was reported that negotiations were on-going with the applicant and LDC around the quantum of affordable housing. Discussions were also taking place with the Town Council and LDC as to whether the full size pitch, changing facilities and parking could be satisfactorily delivered on the site. The challenges to this were seen as the question of whether a full size pitch would be compatible with having a residential development in such close proximity, the sloping conditions of the site and whether the provision would allow of local teams to develop satisfactorily.

1.11 The outcome of these discussions was the submission in July 2019 of an amended RM application for the site, excluding the main school building and the space in front (application A); and a new full planning application for the demolition of all of the school buildings, re-development as two new blocks of flats and a revised proposal for a public open space with a LEAP but no sports pitch, changing rooms or associated parking, together with a commuted sum of £350 000, arising from the savings of not providing the sports facility (application B).

1.12 A Special Meeting of Seaford Town Council to discuss the proposals was held on 8<sup>th</sup> August, attended by around 100 members of the public, the applicants and LDC officers. The meeting resolved to support the applications on the basis of: the provision of a new park with children's play space; a financial contribution towards the provision of a new 3-4 pitch football academy on land elsewhere in the town to be secured by the Town Council; 25% affordable housing units (46 no.), to be split 50:50 rented and shared ownership; Seaford residents to be given priority in the allocation of the affordable housing; and provision of electric vehicle charging points.

1.13 To date, a suitable site for the playing pitches has not been identified.

1.14 The proposed demolition of the former school building and replacement with two new blocks has improved the overall viability of the scheme. A revised Viability Report indicates that the scheme can now deliver an affordable quotient of 20%, which the applicant has offered to increase to 25%, all within the site area of the RM application (application A).

1.15 Due to on-going concerns raised by Sport England and Planning Policy Team, the applicants have recently (8<sup>th</sup> October) submitted an option for the public open space that shows a smaller (junior) pitch, the position of which can be rotated from time to time to minimise long-term damage to the grass. This option has been put out to local consultation, including the Town Council and the responses will be reported to the committee in an addendum report.

### *1.16 Application A - LW/19/0258 – Reserved Matters application for 162 houses and flats*

1.17 This application seeks approval of Reserved Matters pursuant to the Outline Planning Permission - layout, scale, landscaping and appearance. Access was agreed at the outline planning application stage. Also under consideration in this application are four pre-commencement conditions:

- Condition 10: Evidence of infiltration (to be included with surface water drainage strategy).
- Condition 20: Details of parking areas.
- Condition 21: Details of vehicle turning space.

1.18 Originally, the application sought approval for condition 3 – Materials – of the Outline Planning Permission. At the time of writing this report, the applicants reported that they were unable to provide sufficient information to clear this condition. Therefore it will be decided at a later date under a new application for approval of details.

1.19 Application A proposes 162 homes, in a mix of houses and flats, a mix of two-storey, two and a half-storey and three-storey development, broken down as:

- 15 x one bed flats
- 27 x two bed flats
- 5 x two-bed houses
- 71 x three bed houses
- 44 x four-bed houses

1.20 Of the above, the following 46 units comprise the 25% affordable element:

- 11 x one bed flats (8 rented, 3 intermediate/shared ownership)
- 30 x two bed flats (15 rented, 15 intermediate/shared ownership)
- 5 x three bed houses (intermediate/shared ownership)

1.21 The scheme offers nine different house types, all of which are of a traditional pitched roof design, using bricks and roof tiles, with some versions of the types having hanging tiles to gable features. Most house types are 2 storey – one type has rooms in the roof with front facing dormers. All have rear gardens and dedicated parking, either on-plot, in garages or in a near-by parking court. All houses have rear gardens.

1.22 Blocks A-D are all three storeys in height and are also of broadly traditional design.

1.23 Most of the flats have access to either a small outdoor space at ground floor or balconies on upper floors.

*1.24 Application B – LW/19/0475- Full planning application for 21 flats*

1.25 This application seeks Full Planning Permission for the demolition of the former school building as well as all of the redundant ancillary buildings and construction of two x three storey flat blocks (E and F) with a total of 21 flats:

- Block E – 7 x 2 bed flats
- Block F – 14 x 2 bed flats

1.26 The two buildings will be in a similar position to the former school building, located adjacent to one another and facing towards the south. Both blocks are three storeys, also utilising the roof space for one flat in Block E and two flats in Block F. The two blocks have a more contemporary appearance, with strong gables with feature panels of horizontal and vertical boarding.

1.27 The open space to the front of the flat blocks was initially shown laid out as public open space, including a Locally Equipped Area of Play (LEAP), with two attenuation ponds at the southern end to assist with site drainage. As noted above, an alternative option has been submitted showing a 'junior' size pitch on the site.

1.28 The entire development site would be served by a spine road off a new mini roundabout on Eastbourne Road in accordance with the details approved under the outline planning permission.

## **1 RELEVANT POLICIES**

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

**LDLP: – ST02 – General Infrastructure**

**LDLP: – ST01 – Infrastructure provision**

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

**LDLP: – ST11 – Landscaping of Development**

**LDLP: – ST14 – Water Supply**

**LDLP: – ST30 – Protection of Air and Land Quality**

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

**LDLP: – RES01 – District Housing Land Strategy**

**LDLP: – RES09 – Affordable Housing**

**LDLP: – RES19 – Provision of Outdoor Playing Space**

**LDLP: – T01 – Travel Demand Management**

**LDLP: – H02 – Listed Buildings**

**LDJCS: – CP1 – Affordable Housing**

**LDJCS – CP2 – Housing Type, Mix and Density**

**LDJCS: – CP8 – Green Infrastructure**

**LDJCS: – CP7 – Infrastructure**

**LDJCS: – CP9 – Air Quality**

**LDJCS: – CP11 – Built and Historic Environment & Design**

**LDJCS: – CP12 – Flood Risk, Coastal Erosion and Drainage**

**LDJCS: – CP13 – Sustainable Travel**

**LDJCS: – CP14 – Renewable and Low Carbon Energy**

**LDLP2: – DM1 – Planning Boundary**

**LDLP2: - DM15 – Provision for Outdoor Playing Space**

**LDLP2: - DM16 – Children’s Play Space in New Housing Development**

**LDLP2: – DM25 – Design**

**LDLP2- DM26 – Refuse and Recycling**

**LDLP2: - DM27 – Landscape Design**

## **2 PLANNING HISTORY**

2.1 There are numerous entries in the Planning Register relating to the site. Only the following are of relevance to the current proposals:

**2.2 LW/07/0724** - Change of use & conversion of existing school buildings including demolition of north east building to be replaced with new building in total to form 54 self-contained flats with provision for 54 car parking spaces - **Withdrawn**

**2.3 LW/16/0800** - Revision of previous proposal for outline planning application for the redevelopment of the former Newlands School site for up to 183 residential dwellings, including up to 40% affordable housing, access details, residential conversion of the main Newlands building and demolition of the remaining buildings, proposal also includes provision of a sports pitch and ancillary changing rooms, public open space, a children's play area, associated parking and landscaping - **Approved**

**2.4 LW/18/0982/CD** - Proposed discharge of condition 15 relating to Planning Application ref. LW/16/0800 by submission of a Written Scheme of Archaeological Investigation - **Approved**

## **3 REPRESENTATIONS FROM STANDARD CONSULTEES**

3.1 LW/19/0258 - Reserved Matters Application (Application A) – original and amended

**3.2 Sport England:- Object- does not accord with NPPF para 97 nor their guidance/practice**

3.3 An extended summary of their response is reported below

*3.4 General comment :- Sport England would expect that any sporting facility is built to Sport England/National Governing Body specification following the appropriate guidance. This includes ensuring that the pitch is an appropriate size according to guidance (this would not appear to be the case) and in particular ensuring that adjacent changing facilities are accessible (it is also unclear whether this is the case).*

*3.5 Comments on amended application:*

*3.6 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.*

*3.7 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy,*

*3.8 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.*

### *3.9 The Proposal and Impact on Playing Field*

*3.10 Outline planning permission has been previously been granted for the development of the wider site for housing, retaining a proportion of the former school playing field for the provision of one football pitch. Sport England are disappointed that the outline application was approved contrary to our advice and in our view did not secure equitable mitigation for the loss of playing field, in accordance with para 97 of the NPPF and Sport England's Playing field policy. Our comments at the time were that 'it is not considered that this replacement pitch meets exception E4, which states that playing field lost must be replaced, equivalent or better in terms of **quantity, quality and accessibility**. Aerial photographs show that the previous land accommodated at least three adult football pitches, plus a cricket pitch. There is clearly not a similar quantity of replacement playing pitch being proposed to be replaced here. Nor does it meet any other exceptions. I note there is currently no up to date playing pitch strategy for the area suggesting a surplus – Sport England would certainly not accept a document from 2004 – and the previous comments from the NGBs (please see Sport England's previous objection dated 31/10/2016 for these) would appear to strongly suggest otherwise in any case. There is no robust evidence available that this level of provision addresses local need.*

*3.11 Sport England has since commented on the submitted reserved matters application, expressing concern that the proposed football pitch did not appear to meet the FA's recommended pitch dimension for an adult pitch, and seeking clarification regarding the design of the associated changing rooms to ensure these are accessible. Our expectation was that the scheme would be amended to improve the dimensions of the pitch, rather than to remove the pitch from the proposed development.*

*3.12 The amended outline and reserved matters applications now propose to replace the on-site provision of a playing pitch with public open space. The applicant states that following discussions with the District Council and Seaford Town Council it is now intended to make an off-site contribution towards the creation of pitches elsewhere in the area. Sport England have not been party to these discussions.*

*3.13 The planning statement seeks to justify this approach by stating that:*

- a sports pitch in this location would be incompatible with surrounding residential use*
- the area in which the pitch was to be provided is not level sloping steeply to the south*
- there is limited public open space in the area*
- the proposed open space will provides benefits to a wider range of residents*
- Seaford Town Council are seeking to provide additional sports pitches on another site in the town, so would prefer a financial contribution to be made towards this provision.*

*3.14 No details of the proposed off-site contribution have been provided.*

### *3.15 Assessment against Sport England Policy/NPPF*

*3.16 The Council have recently commissioned the preparation of a new Playing Pitch Strategy to be undertaken in accordance with Sport England Guidance. This will assess the demand and supply of pitches for football, cricket, rugby union, rugby league and hockey, along with tennis, bowls and stoolball.*

3.17 At this time, the Council therefore does not have a robust up to date assessment of playing pitches as advocated by para 96 of the NPPF. In the absence of an up to date PPS demonstrating that there is a surplus of provision in the area, I do not consider that Exception E1 of Sport England's Playing Field Policy (and bullet 1 of para 97 of the NPPF) can be demonstrated to be met.

3.18 The loss of playing field therefore needs to be demonstrated to meet Exception E4, which the provision of replacement playing field is at least equivalent or better in quantity and quality in a suitable location.

3.19 Sport England is concerned that there is currently a lack of information to demonstrate how the current proposal might accord with Exception E4, and therefore wishes to raise its **objection** to this application.

3.20 There is concern that in due course the PPS may identify shortfalls of provision for pitches in this area. At the time of the previous outline application, it was explained by the Football Foundation on behalf of the FA that the site had been used by two football clubs, and that the closure of the site has directly resulted in other pitches being overplayed and the lack of facilities is preventing the growth of participation in the town. These views were echoed by the ECB who commented that displaced demand from the Newlands site had resulted in a disruptive effect on Seaford cricket Club who play at Salts Recreation Ground and are at capacity, resulting in deterioration in the quality of the pitch.

3.21 The Football Foundation have responded to the current application on behalf of the FA to advise that this position has not substantially changed; and so if the PPS demonstrates that there is still a need for playing pitches, retaining a pitch within the proposed development could make a positive contribution to the supply of playing pitches to meet local needs. They also comment that there are two nearby sites that have been identified in the current Local Football Facility Plan: Walmer Road, identified for grass pitch improvement and refurbishment of the changing facilities; The Salts Recreation Ground, identified for grass pitch and refurbishment of the changing facilities.

3.22 The ECB comment that they are aware that Seaford Cricket Club would like to extend and refurbish their current cricket pavilion to improve the toilet facilities, provide changing facilities for women and girls (this is consistent with the recently launched ECB strategy of Inspiring Generations) and to provide a toilet facility for the disabled and would benefit from investment.

3.23 Sport England disputes the assertion made by the applicant that a sports pitch would be an incompatible use with surrounding houses. Playing pitches are not commonly recognised as a bad neighbour use. In respect of the levels across the site, there have been playing pitches on the site historically and there is no evidence presented to demonstrate that it would not be possible to provide a playing pitch to achieve an acceptable gradient within relevant guidelines. Therefore, from Sport England's perspective the case for converting the previously proposed playing pitch to public open space has not been sufficiently demonstrated to be within the interests of sport.

3.24 Furthermore, the case for providing replacement playing field off-site cannot be fully assessed in the absence of further information. It is not considered sufficient to be providing a commitment to make a financial contribution towards an unspecified project, particularly where there is a lack of information to demonstrate this would be equitable in quantity, quality and accessibility to the playing field that is being lost.

3.25 It may be that the applicant wishes to provide further information to better make the case for why off-site mitigation should be seen as the preferable solution? If so, the following points should be addressed:

- Details of the location of the proposed off-site mitigation should be provided to demonstrate that the replacement site provides security of tenure for providing the replacement pitches for community use
- Demonstrating the quantity of replacement playing field provision would be equitable to what is proposed to be lost. A plan should be provided to show what is proposed - is this provision of new pitches, changing rooms, car parking etc?
- Demonstrating how this will provide equitable quality of provision. Where this involves creating replacement playing field, an agronomy assessment will be required to assess any constraints to providing the playing pitches, a scheme of works for provision of the pitches (to accord with Sport England's Natural Turf for Sport Guidance and relevant guidance from NGB's) together with an agreed specification for changing rooms and car parking. Where planning permission is required for the proposed works, to demonstrate that this has been secured or set out a timetable for obtaining consent and to consider the risk of consent not being secured.
- Demonstrating that the proposed mitigation site is accessible to proposed users and within reasonable proximity to the site that's to be lost and the associated catchment it serves
- A clear commitment to delivery including a timetable for implementation which should require the replacement playing field provision to have been implemented and be available for community use prior the loss of playing field, or otherwise to an alternative agreed timetable that ensures mitigation is put in place and is available for community use at the earliest practicable opportunity where it is demonstrated that there are acceptable reasons why this cannot be provided prior to the loss.
- Proposals to demonstrate how the replacement playing field would be managed and maintained, with a suitable contribution towards the cost of maintaining the replacement pitches and associated ancillary changing rooms and car parking.
- Secured community use of the proposed replacement pitches in accordance with Sport England's guidance.
- The proposed should be fully costed to demonstrate that the proposal can be fully implemented by the contribution that is proposed by the applicant

3.26 The above details would need to be suitably secured through a section 106 agreement to ensure the off-site mitigation is put in place in accordance with the agreed details prior to undertaking the proposed development (or in accordance with an agreed phasing timetable).

### 3.27 Conclusion

3.28 In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

### **3.29 County Archaeology: - No objection**

3.30 Archaeological mitigation in relation to this development is already secured under Conditions 15 and 16 of Outline permission LW/16/0800. For this reason I have no further recommendations to make in this instance.

### **3.31 Natural England: - No objection**

3.32 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

3.33 Comments on amended application:

3.34 The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

3.35 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **3.36 Sussex Police Secured by Design: - Conditional support**

3.37 An extended summary of their response is reported below

*3.38 The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Lewes district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.*

*3.39 The development consists of 143 houses and 40 flats in 4 Blocks, Block A=8, Block B=6, Block C=8 & Block D=16 dwellings. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways. Parking in the main has been provided with in-curtilage, garage overlooked parking, a number of on street parking bays and communal parking courts, these arrangements should leave the street layout free and unobstructed. I did note plot 1 has no designated parking allocated to it. Where communal parking occurs it is important that they must be within view of an active room within the property.*

*3.40 An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.*

*3.41 I note there is community parking of 28 spaces for what appears to be the sports facilities. Parking management measures will need to be considered in order to remove any opportunity for rogue parking or illegal parking. Legible signage is recommended to clearly identify authorised users and the consequences of misuse. It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence.*

*3.42 As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway as in this development, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.*

*Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.*

*3.43 I question the need for a pedestrian access path adjacent to plot 175 which does not appear to lead anywhere. This will provide legitimate access to this area and may result in loitering and anti-social behaviour occurring.*

*3.44 Comments on amended application:*

*3.45 I have no major concerns with the proposals.*

*3.46 The above development's 162 dwelling design and layout has created outward facing dwellings with back to back gardens. This provides good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways.*

*3.47 Parking in the main has been provided with on-curtilage, garage, car barn, overlooked, on street parking bays and a small communal parking court, these arrangements should leave the street layout free and unobstructed. Where communal parking occurs it is important that they must be within view of an active room within the properties. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. There will a need for an access control system and door entry requirements for each of the communal blocks. I refer the applicant to the SBD website where further specific information on these topics can be found.*

*3.48 There are clear and adequate demarcation measures included in the design and layout that successfully define the boundary between public and private space. Dwelling frontages are open with good fields of natural surveillance from them. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway as in this development, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, is the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.*

*3.49 I still question the need for a pedestrian access path adjacent to plot 175, which does not appear to lead anywhere. Should this be a proposed external link or stay path leading nowhere, its existence brings excessive unnecessary permeability to the development, providing legitimate access for a would-be offender. It has the potential to create loitering and with it anti-social behaviour. I recommend the area is amalgamated into plot 175's boundary to remove this threat.*

*3.50 There is good natural surveillance over the public open space (POS) from the surrounding dwellings, but it will be important to ensure that any ground planting on the POS is no higher than 1 metre with tree canopies no lower than 2 metres so as to ensure the natural surveillance across the area remains.*

### **3.51 Southern Water:- No objections**

3.52 Thank you for your letter of 01/04/2019. Southern Water has no objections to the above reserved matters application. Please note: Decommissioned foul sewer within the site. If the sewer should be found during construction works, the applicant should contact Southern Water Services before any further works commence on site. Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers". Further investigation indicated that Southern Water can provide foul sewage disposal to service 150 dwellings. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

3.53 Further to our letter sent on 10th May 2019 Southern Water can accommodate the proposed development flow as there are existing flows which are equivalent to 150 units and the increment of 0.3l/s would not have detriment to the existing foul sewer. Under no circumstances additional flows can be connected to the foul system.

3.54 Comments on amended application:

3.55 Any works within highway/ access road will require to protect public apparatus and the protection details need to be submitted to, and approved by Southern Water under NRSWA enquiry. The comments in our response dated on 16/05/2019 remain unchanged and valid for the amended details.

### **3.56 SuDs Team:- Support**

*3.57 An extended summary of their response is reported below*

*3.58 Following our previous response to this application, dated 24 April 2019, the applicant submitted additional information on 13 May 2019. This has addressed our concerns regarding additional infiltration testing in accordance with the BRE365 at depths and locations commensurate with the proposed infiltration basins, groundwater monitoring which include winter months, and additional details showing the invert levels and cover levels of the proposed drainage system together with detailed hydraulic calculations.*

*3.59 The Environment Agency should be consulted regarding the potential for contamination arising from the proposed infiltration basins.*

*3.60 If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:*

1. *The principles of the surface water drainage strategy outlined in WALLER GRAY CONSULTING's Drainage Strategy Addendum should be carried forward to detailed design and implementation. Evidence of this, in the form hydraulic calculations for all rainfall events including those with 1 in 100 +40% CC annual probability of occurrence, should be submitted with the detailed drainage drawings before any construction commences on site. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.*

2. *The detail design of the proposed infiltration basins and how they are connected should be provided as part of the detailed design. This should include cross sections and invert levels.*
3. *The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.*
4. *A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:*
  - a) *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.*
  - b) *Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.*
5. *The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.*
6. *Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.*

*3.61 Comments on amended application:*

*3.62 We have reviewed the amended site layout submitted by the applicant on 16 July 2019. We believe the proposed amendments to the development layout will not have a significant impact on the proposed drainage strategy (as included in Waller Gray Consulting's Drainage Strategy Addendum), and therefore the conditions set out in our response letter of 20 May 2019 are still applicable.*

### **3.63 Conservation Officer**

3.64 A site visit was undertaken to assess the impact of the proposed development on the setting of the Grade II listed building located to the North-West of the site. The area surrounding the listed building has already been heavily developed. At the time of the visit, only glimpsed views of the development site were visible through the vegetation screening. Therefore, the proposed development is not considered to have a significant negative impact on the setting of the listed building.

### **3.65 Tree and Landscape Officer:- Conditional Support**

*A summary of their response is reported below*

*3.66 The main element to consider in this case is how the open space to the south west quarter of the site is to be used.*

*3.67 It appears that the options are as follows:*

- 1) retain as open space with tree and shrub planting in conjunction with a biodiversity enhancement scheme.*
- 2) provision of a 'junior' football pitch (either on a north east/south west (2a), or north west /south east axis(2b) with provision for tree and shrub planting and biodiversity enhancements pushed to the western boundary.*

3.68 **Option 1** would be the most desirable in terms of providing sufficient space to create a visual arboricultural feature which in turn will visually soften the new harsh urban landscape, but just as importantly also provide space for a biodiversity enhancement scheme. This would meet s40 of the Natural Environment & Rural Communities Act 2006:

- “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those function, to the purpose of conserving biodiversity “

Likewise, National Planning Policy Framework

*“the planning system should contribute to and enhance the natural and local environment but..minimising impacts on biodiversity and providing net gains in biodiversity where possible....”*

**Option 2** will alter the setting and appearance of the site as a whole and is likely to further diminish an already impoverished habitat. Notwithstanding this, it is noted that there is no provision for adequate parking. It is understood that the Junior league does not necessarily require the provision of toilets and/or changing facilities and this being the case a simple grassed field with a backdrop of strategic tree and shrub planting may not have the same detrimental visual impact as say, larger football pitches for older players in the next league.

### **Junior Pitch Option on rotation**

**Option2a** - north east/south west - This orientation sits easier within the open space area but would likely visually dominate the site. It is suggested that it would make the rest of the open space appear to be subordinate to the function of the football pitch.

**Option 2b** - north west /south east axis - The pitch is set more to the southern end. This would provide greater opportunity for soft landscaping and biodiversity enhancements for the northern quarter of the open space area. This would be the preferred option in this case.

3,69 Please note that trees subject to a Tree Preservation Order rank as a ‘material consideration’ when determining the above planning application The tree report outlines which trees are to be removed and where trees are to be retained measures for their protection during demolition and construction operations. The applicants should provide a scheme for monitoring of tree protections measures with their tree expert. With regards the existing trees the applicant’s tree expert concludes that ‘..the arboricultural impact of the scheme is of low magnitude’.

### **3.70 Waste Services**

3.71 Waste services would only have comment regarding the access for waste collection vehicles and the provision of space for the presentation of refuse bins, whether communal bins have been considered for flats or multiple resident properties.

### **3.72 Housing Development Manager:- Qualified Support**

3.77 Having reviewed the latest housing proposal for affordable housing for Newlands I can confirm that based upon the following details:

- The affordable housing units will be 25% (46 units) of the total dwellings (up to 183 units)

- The affordable housing will be split 50% (23 units) affordable rent and 50% intermediate (23 units)
- The rented units will include:
  - 8 x 1-bed flats
  - 15 x 2-bed flats
  -
- The Intermediate units will include:
  - 3 x 1-bed flats
  - 15 x 2-bed flats
  - 5 x 3-bed houses

3.78 Although this falls well below the standard policy position for affordable housing, having reviewed the viability assessment, the Housing Authority accepts a scheme on the above basis.

### **3.79 ESCC Highways – Conditional support**

A summary of their response is reported below

3.80 This HT401 is issued in response to the original submitted documents and additional information/amended plans [Nos: 0704 revision PL9 proposed site plan] received from Lewes District Council on 23<sup>rd</sup> September 2019 and follows extensive discussions with the agents. It should be noted that the amended plan PL9 now shows the red site area to include the LW/19/0475 application site.

3.81 This application is for up to 167 dwellings which forms part of a larger site which has been given OUTLINE approval under LW/16/0800 for up to 183 residential units. Therefore the principle of the development and ACCESS has already been agreed. There is another current full application for the further 16 residential units [flats] under LW/19/0475 which should be considered concurrently with this application due to highway implications. Off-site highway works and contributions were secured at that Outline stage through the s106 Agreement. In accordance with the s106 Agreement the applicant will progress the off-site highway works through a s278 agreement with ESCC. This reserved matters application is to include Layout, Scale, Landscaping and Appearance. The access arrangements were accepted at Outline stage. Following discussions with the applicant the Highway Authority's concerns have been addressed within the amended plans. **Thus I do not object to the proposal.**

### **Further background**

3.82 Parking – Complies with the policy position. In accordance with ESCC's parking calculator there is a requirement for 361 spaces across the two applications, 29 for the 21 flats [LW/19/0475] and 322 for the 162 dwellings under this current application LW/19/0258. The amended plans now indicate a total of 376 spaces, which includes 48 garages. As only a third of these garage spaces [16] can be taken into account a total of 344 spaces would be provided. With the provision of an additional space for the flats development [LW/19/0475] 29 spaces now shown a total of 361 parking spaces would be provided across the whole of the red and blue site area and therefore compliant with the ESCC standards. Whilst I am still concerned at the amount of tandem parking being provided given that the Outline application was granted before the ESCC guidelines on tandem parking became Policy the parking in this instance as shown on the amended plan No. 0704 revision PL9 is acceptable.

3.83 Site Layout -The main route through the site has a carriageway width of 5.5 metres narrowing to 4.8 metres on the secondary roads with localised widening to accommodate

larger vehicles on the bends. This is considered to be appropriate for a development of this type and size and tracking drawings have been provided to indicate that the current largest refuse vehicle are able to turn within the site.

3.84 - A 2 metres footway is provided generally on both sides of the main route through the site including alongside the parallel visitor parking spaces adjacent to the public open space. Uncontrolled crossing points will also be provided [dropped kerbs/tactile paving/block paving] to enable pedestrians to cross the internal roads together with raised table areas within the carriageway to help keep vehicle speeds low. The secondary routes are indicated generally as shared surfaces and without continuous footways and/or with narrow footways.

3.84.1 As a result the main spine road [north to south route] and the north western “loop” only should be put forward for adoption together with the footway connections through into Blue Haze Avenue and Sandore Road. It should be noted that the secondary roads particularly on the north eastern part of the site will remain private. Despite this I would wish to see the secondary roads constructed at or close to an adoptable standard. It is recommended that ESCC be contacted as soon as possible to discuss and agree the construction specifications.

3.84.2 Public Open Space It is noted that sports pitch/es were shown illustratively on plans at OUTLINE stage are not included within this application.

3.84.3 It is acknowledged that junior sports pitch/es are to be considered as part of this planning application then I would wish to see a separate car park [circa 20 spaces] provided for this facility as previously agreed and required at OUTLINE stage. I would recommend a condition is included in any grant of consent requiring further details of this use together with on-site parking facilities to be provided.

3.84.4 Cycle parking The Design and Access Statement mentions that a covered and secure area will be provided for cycle storage for the flats. However, it is not clear where this building is and how many cycles would be catered for as these details do not appear to be shown on the plans. However, this can be dealt with through a condition with details to be submitted and agreed.

### 3.84.5 Conditions

1. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

2. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until cycle parking areas have been provided in accordance with details which shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

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

4. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

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

5. Prior to commencement of development the main access route onto the A259 serving this site and footway connections shall be in place and constructed as per the Outline Planning permission LW/16/0800.

Reason: In the interests of highway safety.

6. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- 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,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

### **3.85 Southern Water**

3.86 Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

3.87 A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

3.88 The planning application form 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 of 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.

3.89 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **3.90 Planning Policy: – updated - Object**

3.91 *An extended summary of their response is reported below*

3.92 Policy Background:- *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 2019 National Planning Policy Framework (NPPF).*

3.93 *The emerging Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) is a material consideration and substantial weight can be given to policies BA01, BA02, BA03, CH01, DM1-23 and DM25-37. The Inspector's Final Report is expected in early November. The Council will then seek to adopt LPP2, at which point it will have full weight. The Seaford Neighbourhood Plan (SNP) is currently at examination; Regulation 17 stage. Some weight can therefore be afforded to the SNP.*

3.94 Planning History:- *The approved outline planning application secured the provision of one 11 x 11 football pitch (with associated changing facilities and car park), which could also function as two junior football pitches. This provision is fundamental to the acceptability of the outline proposal in mitigating the loss of indoor and outdoor sports and recreational facilities and to avoid additional pressure on other sports pitches within the town. This is in the context of Seaford town having a shortfall of almost 24 hectares of outdoor sport facilities (2014 Lewes District Outdoor Playing Space Study).*

*The proposal was considered contrary to:*

- Core Policy 7 (Infrastructure);
- Core Policy 8 (Green Infrastructure);
- Emerging LPP2 Policies DM15 (Provision for Outdoor Playing Space); and
- Paragraphs 7 and 74 of the NPPF.

### 3.95 Current proposals

3.96 *As submitted, LW/19/0475 proposes public open space, including play space in the form of a Local Equipped Area of Play (LEAP), where a sports pitch was previously approved. To help mitigate the loss of the onsite pitch a financial contribution (£350,000) towards the provision of sports pitches elsewhere in the local area would be secured (option A). The basis of the financial contribution has not been calculated by the Council; rather the figure proposed reflects the costs to the developer equivalent to providing the facilities on-site.*

3.97 As such it is not clear whether this contribution would be sufficient to re-provide equivalent provision elsewhere when the additional potential costs of land purchase and planning permission may be required. Further detail in relation to the S106/CIL contributions is provided in the relevant section below.

3.98 Subsequently, the Applicant has suggested an alternative option (option B) for the area of open space; a smaller 9 x 9 sports pitch on the southern part of the site. No changing facilities or car park appear to be provided with this scaled back option. The remainder of the area would be open space, including play space. The play space will be repositioned so as not to conflict with the use of the sports pitch.

3.99 The options put forward result in the partial or complete loss of the onsite sports provision, previously secured by the outline approval. This is, in principle, contrary to Core Policy 7 (CP7).

3.100 Option A is not considered to be in accordance with CP7 (2ii) as there is no evidence that a suitable alternative site to provide the sports pitches is available in the same locality. Therefore, there is the risk that the sports provision will remain unmet, exacerbating the town's shortfall in outdoor sports facilities. Seaford Town is tightly bounded by the South Downs National Park within which opportunities to re-provide a full size sports pitch would be determined by the National Park Authority in accordance with the South Downs Local Plan and would not be within the control of the Lewes District Council to determine. Opportunities within the town are also limited due to the need to protect existing open spaces and the pressure on land from competing, higher value, uses. It has therefore not yet been demonstrated that Option A is realistic in satisfying CP7.

3.101 In addition, assuming that changing facilities and car parking is not provided under option B, it is unclear where the financial savings, up to the £350,000 offered under option A, might be directed.

### 3.102 Community Infrastructure Levy/ S106

#### 3.103 Securing financial contribution

3.104 Once planning permission is granted for a reserved matters or full planning application the scheme would become CIL-liable and a charge would be calculated upon receipt of a 'liable party'. In certain cases additional infrastructure contributions would be secured where site-specific mitigation is required to make the development acceptable in planning terms. Such obligations are secured by way of a S106 legal agreement and must be compliant with CIL Regulation 122:

3.105 A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

3.106 It is a statutory requirement that these three tests are met for any planning obligation that is taken into account by the decision-maker. The proposal suggests a financial contribution of £350,000 be taken in lieu of providing the on-site provision set out in the Outline Planning Permission. This must meet the above tests and, ordinarily, the amount sought would be calculated by the Council and linked directly to a specific, identified project and the known costs of delivering the project.

*3.107 Planning Policy therefore would raise concern as to the lack of direct identified project and the true costs of providing alternative provision within the locality.*

*3.108 The S106 Legal Agreement that accompanies the outline planning permission also makes provision for a Community Use Agreement and Open Space Strategy to be submitted prior to submission of Reserved Matters. The Community Use Agreement aims to ensure that the use of the on-site sports pitch would be limited seasonally and at certain times of the day to ensure balance and compatibility of use within the overall development.*

*3.109 It is not clear whether the Community Use Agreement submitted is to be relied upon for the on-site option of a junior pitch or whether a new Community Use Agreement is being prepared. This will need to be clarified and reviewed by the Council prior to planning permission being granted.*

### 3.110 Affordable Housing

*3.111 Core Policy 1 (Affordable Housing) requires 40% affordable housing contributions from development of 10 or more dwellings. Exceptions may be made where robust financial evidence is submitted demonstrating that the requirements cannot be viably delivered. CP1 requires an open book approach, which may be subject to independent assessment – this does not appear to be the case here.*

*3.112 The Applicant has stated that, following a viability assessment, the development, as proposed under option A, can only viably deliver 25% affordable. Without open book or independent assessment this cannot be clarified. It is unclear what provision of affordable housing can be delivered under option B. Without the required viability evidence for option B the proposal is considered contrary to CP1.*

### 3.113 Seaford Neighbourhood Plan

*3.114 The Seaford Neighbourhood Plan (SNP) is currently at examination (Regulation 17). In mid August the Examiner sought clarification from the District and Town Councils on a number of matters, including specific policies.*

*3.115 At the time of determining the outline application little weight could be given to the SNP. However, at this stage it is considered that where there are no outstanding objections to policies, some weight can be applied.*

*3.116 Policy SEA7: Recreational Facilities of the SNP does not allow development on existing open space, sports and recreation buildings, unless certain policy criteria are met. The criteria includes that any loss from development is replaced by equivalent or better in terms of quantity and quality in a suitable location. The Examiner has not raised any queries at this stage with regards to Policy SEA7; it is therefore considered that some weight can be given to it.*

*3.117 Whilst the loss of sport facilities was, in principle, established at the outline application stage, this was on the understanding that an alternative sports pitch would be provided on site; thereby satisfying Policy SEA7(b). Neither Options A or B would meet this element of Policy SEA7, based on the application submissions regarding alternative provision.*

### 3.118 Summary

*3.112 In light of the above, the development proposal, as a whole, is considered contrary to CP1, CP7, and DM15 and CIL Regulation 122 therefore from a planning policy perspective an objection is raised to these planning applications.*

## **4 REPRESENTATIONS FROM LOCAL RESIDENTS**

### **4.1 LW/19/0258 Reserved Matters Application (Application A) – original and amended**

A total of 326 local residents were consulted on the application. 27 letters of representation were received and the objections are summarised as follows:

- Loss of trees
- Provision of 8% affordable housing is not acceptable
- Impact on infrastructure
- Loss of open space
- Not sustainable
- Over-development
- Traffic on A259
- Overlooking and loss of privacy
- Green barrier buffer zone of 5m should be provided with existing properties
- Noise and disturbance associated with increased traffic
- Smell / fumes associated with increased traffic
- Highway safety issues from the access
- Loss of natural light and sunlight to existing properties
- Mature trees should not be removed
- Clarification on whether Manor Road North will become a normal access
- Access should be away from the A259 – single access will increase traffic on A259
- Effect on wildlife
- Change the character of the Sutton Corner area
- Questions whether there is sufficient employment in the area for such an influx of people
- Merging two doctors surgeries onto Downs Leisure Centre will place greater pressure on traffic congestion, parking and green space
- Parking area adjacent to boundaries presents a loss of security with possible nuisance, damage and vandalism

4.2 Since re-notification of the amended scheme 12 letters of representation have been received including 10 letters of objection. Their concerns have been summarised as follows:

- Lack of Infrastructure
- Effect on wildlife
- Loss of Open Space / playing fields
- Loss of Trees
- Noise and Disturbance
- Out of Character
- Over-development
- Overbearing Building/Structure
- Overlooking and Loss of Privacy
- Smell/Fumes and Air quality
- Traffic Generation and traffic on A259
- Overshadowing and loss of natural light
- Inadequate information on replacement of football provision
- Insufficient information on pedestrian access from north and west

- Detailed measures for pedestrian crossings of the A259 and bus stops are needed
- Details of how public space will be maintained is required
- Details of contribution to Seaford, rather than the District's housing needs are required
- Removing sports pitch is against all Sport England and local people agreed to
- The demolition of the school building is against the Council's remit
- Barrier should be provided to Stoke Close properties to avoid overlooking
- 40% affordable housing should be provided

4.3 One respondent has withdrawn their original objection as the revised proposals will remove trees on the northern boundary the occupiers to plant their own smaller trees and improve screening.

4.4 One respondent supports the development of the site for housing; however they do not support demolition of the existing building and is seeking assurances that the football academy will be kept elsewhere.

#### 4.5 Full Planning Application – Application B

4.6 A total of 326 local residents were consulted on the application. A total of 8 letters of representation have been received including letters of objection from 6 households. The key issues raised are summarised as follows:

- The Affordable Housing should be affordable on the living wage, should be 25-40% of the development and include 2-3 bedroom units;
- Not enough consideration has been had in regard to on-site power generation, water storage and re-use of water facilities;
- Profits must be demonstrably kept at an economically viable level;
- Loss of trees and the impacts upon wildlife;
- Overlooking and loss of privacy to No. 45 Farm Close;
- Traffic generation and impacts upon A259;
- Lack of infrastructure being provided;
- Effect on town centre viability;
- Loss of sports facility; and
- Drainage impacts.

#### 4.7 Amendment to Application B – October 2019

At the time of writing, 1 response has been received:

- Supports option 1, does not support option 2
- Does not want to see the school building demolished, would like to see it listed.

4.8 Any further responses to the amendment to Application A on the options for the public open space will be in the addendum report.

## 5 PLANNING CONSIDERATIONS

### 5.1 Principle of Development

5.2 The principle of residential development of up to 183 homes at the site, which falls within the planning boundary, has been established by the outline planning permission LW/16/0800. This planning permission remains extant.

5.3 The proposed development, as set out in combined applications A and B, will deliver 183 new homes on the site, provided in a range of houses and flats. This quantum of development and the layout accords with the outline planning permission. Thus, the principle of development on this site is acceptable.

5.4 The proposal now includes the demolition and replacement of the former school building. This would be replaced with two buildings, one of which would sit in a comparable position on the site and has been designed to reflect the former building's scale and massing.

5.5 The former school building is not listed and as set out in the committee report for the outline application, that whilst it is a non-designated heritage asset, its heritage significance is not high. A Heritage Report has been submitted with the detailed application addressing the impact of the loss of the building from a heritage perspective. This concludes that the former school building *"has some notable historical and aesthetic qualities but has been diminished by change over time....It is an unremarkable building in aesthetic terms and its key significance lies in its legacy as a symbol of the independent educational tradition of this part of Sussex."*

5.6 The report concludes that although the heritage value of the building will be impacted upon, the building is of low significance, and of very limited local value. It states that *"The loss of the building is therefore, in the planning balance, considered to be acceptable with the substantial planning benefits of the proposal weighing in favour of loss of a building of relatively low significance. In this regard the proposal affords with paragraph 197 of the NPPF"*.

5.7 Whilst the building was proposed to be retained in the Outline Planning Permission and in the original Reserved Matters proposals (application A), the full application (application B) now proposes its demolition as this will allow for a significant increase in affordable housing provision due to cost savings noted above. In addition, there are a number of economic and environmental benefits of the scheme, such as the development of more energy efficient buildings, which in part justify the demolition of the former school building.

Taking account the changes that have reduced the significance of the building as a non-designated heritage asset over time, there is no objection in principle to the demolition and replacement of the building.

#### *5.8 Design and Layout*

5.9 With the exception of the school demolition, the layout of the development broadly corresponds with the Concept Framework approved as part of the Outline Planning Permission and is therefore considered to be acceptable. The development is accessed off a single spine road from Eastbourne Road, with a secondary access from Manor Road North (existing) being utilised as an emergency access. As agreed in the Outline Planning Permission, a further pedestrian access is provided to the north of the site from Blue Haze Avenue. This arrangement provides a good level of permeability to the site and assists in the integration of the scheme into its surroundings. The footpath access, also available via the emergency route from Manor Road North, provides greater opportunities for the wider community to walk to the proposed open space, as well as potential alternative routes for walking throughout the area.

5.10 The development comprises parcels and small culs-de-sac of new homes provided along the east of the spine road and in the northern section of the site. Open space is provided to the west of the spine road. The entrance to the site will also be soft landscaped and provide the SuDS basins which provide a buffer to the development from the road, and creates space between the new homes and existing residential properties adjacent to the site.

5.11 The development towards the front of the site, adjacent to the area of public open space and Eastbourne Road is lower density, set in larger plots and is formed of two storey detached

and semi-detached dwellings. Flat block A is located in this area, providing a visual break in the street scene and visual interest through its scale, height and gable projections when travelling along the spine road.

5.12 Towards the rear of the site, development is formed of higher density parcels, also comprising detached and semi-detached homes. Flat blocks B, C are on the eastern side of the road. Block D sits alongside Blocks E and F which will replace the school building, incorporating matching materials but a range of elevational differences and design features, such as window detailing, inclusion of dormers and gable projection placement.

5.13 All dwellings generally face onto their respective roads and are set back with front gardens and on plot parking.

5.14 In terms of scale and massing drawing all house types are two storeys in height, and the flat blocks three stories. This arrangement is considered to provide an acceptable scale and layout for the development, reflecting the scale and presence of the former school building and the associated structures within the grounds. The development, in respect of its scale, massing, layout and appearance is acceptable for this locality, meeting the requirements of CP11. The proposed range of materials is acceptable, reflecting the surrounding established residential development, further ensuring that the proposal responds sympathetically to its local context in accordance with CP 11.

5.15 Overall, it is considered that the layout, scale and massing of the proposed development broadly follows the framework approved at Outline stage.

#### *5.16 Parking and transport*

5.17 In total there are 401 parking spaces provided across the site. 364 for residents and are provided either on-plot, in garages or in nearby parking courts. There are 37 visitor spaces, located alongside the open space and dotted throughout the development. Each dwelling, including the flats, has sufficient space for the provision of secure, covered cycle spaces, details of which are to be secured by condition 22 of the Outline Planning Permission prior to occupation. A similar condition will be attached to application B to secure cycle parking for blocks E and F.

5.18 In response to the junior playing field option for the open space, ESCC Highways has raised concerns about the lack of dedicated parking to serve the facility. A condition requiring details of an on-site car park to accommodate 20 spaces has been requested if this option is adopted. The only area where this car park could be accommodated is within the open space. This would severely compromise the amount of layout of the open space that would be available. If a car park is not provided, pressure for visitor parking would arise.

#### *5.19 Effect on Character and Appearance of the Area and Locally Listed Building*

5.20 CP11 relates to the built and historic environment and in particular requires that development respects, and where appropriate positively contributes to the built and natural heritage. The site is adjacent to Sutton Place, a Grade II Listed Building. In the Outline Planning Permission, the area of land within the western part of the site, adjacent to Sutton Place, was retained as open space and playing pitches. This was supported by the Conservation and Design Officer.

5.21 Within the current proposals, this area of land adjacent to Sutton Place remains undeveloped, serving as public open space and a LEAP. This arrangement results in the site maintaining an open character that appropriately responds to the Outline Planning Permission and protects the character of the area. It would also preserve the setting of Sutton Place in the

same manner that was found acceptable in the outline planning permission. The proposal would therefore continue to comply with Core Policy 11 whereby the setting of Sutton Place will be respected.

#### *5.22 Impact on living conditions of surrounding and future residents*

5.23 CP 11 (viii) requires that developments provide a satisfactory environment for existing and future occupants including, in relation to housing development, adequate provision for daylight, sunlight, privacy, private outdoor space and/or communal amenity areas.

5.24 It is considered that the proposed development broadly conforms with these requirements. The layout of development provides space between dwellings both within the site and adjacent to the site boundaries, to ensure that no unacceptable impacts arise to residential amenity through loss of light, overlooking and overshadowing. Acceptable back to back distances are also achieved, including with neighbouring properties, which protect against undue loss of privacy.

5.25 As noted above, all of the houses have private gardens to the rear. In the main, the garden lengths vary from 10-12m. A small number of plots have gardens of less than 10m in length. While not ideal, it is considered that the new public open space on the site will go some way to compensate for this shortfall of amenity space for both these dwellings and those flats that do not have balconies or terraces.

5.26 The impact of plots on the periphery of the site and the surrounding existing properties with which they share a boundary is discussed below:

#### *5.27 Farm Close*

5.28 Plots 56-59 will back onto numbers 25 to 49 (odds) Farm Close. These properties are predominantly bungalows set in generous plots with rear gardens often in excess of 30m in length. There is also a significant belt of mature trees and shrubs along most of this boundary which is to be retained. As such it is considered that impact on these residents in Farm Close will be negligible.

#### *5.29 Stoke Manor Close*

5.30 Plots 51- 55 will back onto numbers 2, 3 and 4 Stoke Manor Close and plot 56 will be sideways on to number 5. Numbers 2 and 3 are two storey houses with gardens lengths of 17 and 13m respectively. The back to back distances with plots 51-54 would be between 22 and 27m, which is considered to be sufficient in this suburban environment to safeguard mutual privacy and overshadowing. Numbers 4 and 5 are bungalows. Number 4 has a garden of varied and limited depth, between 5 and 11m. Due to the staggered nature of the footprint of number 4, the back to back distance with plots 54 and 55 varies between 15 and 22m. In this situation it is considered that levels of mutual privacy and overshadowing would be satisfactory. The house type on plot 56 has no first floor windows in the flank elevation, thus there will be no mutual overlooking with number 5. Any overshadowing will be minimal and limited to the very end of the garden of number 5.

#### *5.31 Stoke Close*

5.32 Plots 18-21 will back on to numbers 5, 6 and 7 Stoke Close. Plots 9 and 10 have flank walls facing the boundary with numbers 3 and 4. Numbers 6 and 7 are two storey houses with rear windows facing across the school grounds, both with relatively wide but shallow rear gardens of just under 9m. The proposed gardens to plots 20 and 21 are around 12m. The back to back distance between the proposed and existing houses would be 20m. This is generally considered to be an acceptable back-to-back distance in suburban situations. The house types proposed for

plots 9 and 10 do not have windows in the flank walls. Number 5 is a bungalow and does not appear to have windows in the flank wall facing proposed plot 18. In any event, the distance between the rear of the house on plot 18 and number 5 is 26m.

#### *5.33 Manor Road*

5.34 Plots 21 and 22 back on to 21 Manor Road and plots 48-50 onto number 20. Number 21 is a two storey house with a single storey extension to the side (facing plot 22), which is just 2m from the boundary. There are no windows in the extension facing plot 22. There are windows in the first floor of 21, facing across the school grounds. Again, the garden to 21 is wide but shallow, around 8m at it deepest point. Plots 21 and 22 and have garden lengths of 11-12m and a back to back distance of 20m to rear of 21.

#### *5.35 Sandore Road*

5.36 Numbers 18 and 20 Sandore Road are both two storey houses and are close to the site boundary near plots 168, 169 and 175. Number 20 has its garden to the side, number 18 to the side and rear. The house type on plot 175 does not have any windows in the flank elevation facing number 20. The distance between the flank wall of 18 and front walls of the proposed houses on plots 168 and 169 is 25m.

#### *5.37 Blue Haze Avenue*

5.38 Numbers 77-87 (odds) Blue Haze Avenue would share a boundary with plots 70-79. All of the affected Blue Haze Avenue properties are bungalows with rooms in the roof. Numbers 79-87 have very small rear gardens – the smallest - number 85 – appears to be no more than 3 deep. The gardens to plots 74-79 would be between 10 and 12m in length. Plots 71-73 back onto a parking court. Plot 70 is a first floor link flat between plots 69 and 71, with bedroom, kitchen and living room windows facing number 77, which is a corner plot with a side and rear garden. The distance between the rear of plot 70 and the flank wall of 77 is 27m, which is considered to be sufficient to safeguard mutual overlooking. Of all the conditions around the periphery of the site, the relationship with the 5 properties in Blue Haze Avenue is the least desirable. However, the existing buildings on the site are much closer to the boundary and have numerous windows facing towards Blue Haze Avenue. The new houses will be set further back, which will be an improvement. Overshadowing is unlikely to be an issue as the proposed new houses are to the south of the properties in Blue Haze Avenue.

#### *5.39 Dulwich Close*

5.40 Plots 175-178 would share a boundary with numbers 2, 3 and 4 Dulwich Close. These properties are all bungalows with gardens ranging between 11 and 13m deep. The gardens to plots 175-178 range from 11 to 13m. Back to back distances would be in between 20 and 25m. Overshadowing is unlikely to be an issue as the proposed new houses are to the south of the properties in Dulwich Close.

#### *5.41 Bromley Road*

5.42 Plots 179-183 share a boundary with 1 Bromley Road. This is a two storey property with its main aspect east-west. The gardens to plots 179-183 would be around 11m deep. Although the back walls of these properties would be no more than 13m, there would be no mutual overlooking as there appear to be no main aspect windows in the flank wall of 1 Bromley Road. Overshadowing is unlikely to be an issue as the proposed new houses are to the south of number 1.

5.43 It is considered that in the vast majority of cases, the relationship between the proposed houses on the periphery of the site and the immediately adjacent existing houses is acceptable with regard to safeguarding mutual privacy and overshadowing.

5.44 During the process of the application, concerns were raised with the applicant regarding the parking court in the north eastern corner of the site and potential impacts of this on residential amenity of neighbouring occupiers. The revised proposal has amended this parking area, bringing the parking spaces further away from the northern boundary of the site to increase distances between existing dwellings and the parking spaces. The number of parking spaces in this location has also been reduced. This revised arrangement would reduce the impact of noise and disturbance on neighbouring occupiers and is supported.

5.45 In terms of the future occupiers of the development, each house is provided with private rear gardens. In addition, the site provides a considerable area of public open space that can be utilised by all future occupiers of the site alongside the existing local community. This will provide an acceptable level of public and private amenity space for the development. A schedule of amenity facilities accompanies the application demonstrating that all properties have separate access to bin and cycle storage (either private or communal). The provision will ensure good living conditions for future occupiers. All of the units meet the Nationally Described Space Standard.

#### *5.46 Affordable Housing*

5.47 The Outline Planning Permission requires delivery of up to 40% affordable housing on the site. This accords with Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) which states that *"A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units."*

5.48 The original reserved matters application proposed 8% affordable housing and a viability report was submitted to support this. Through extensive discussions with officers and the Town Council, the applicant has increased the level of affordable housing provided at the site from 8 to 20%, as the demolition of the former school building, rather than the conversion, has improved the viability of the scheme. The current applications are accompanied by a revised viability report that demonstrates a substantial increase to 20% affordable housing now being viable. However, 25% - equating to 46 units - is now proposed is to be provided within the area forming part of the reserved matters application only. This will comprise a 50/50 split of affordable rented and shared ownership (intermediate) homes. This split and tenure/size mix is considered to be broadly acceptable.

#### *5.49 Recreational Space Provision and Effect on Sports Provision/Recreation Facilities*

5.50 The proposal set out in the Full Application (application B), in which the open space in front of the former main school building is laid out as a public park with no formal sports field, is in conflict with national and local policies which seek to safeguard outdoor recreational space.

5.51 The resolution of this aspect is key to the successful delivery of the scheme. It requires careful consideration of the policies relating to open space and sports facilities, set out below:

5.52 Paragraphs 96-98 of section 8 of the NPPF – Promoting Healthy and Safe Communities - set out the importance of public open space and sports facilities as a contributor to the health and well-being of communities. Such space should not be 'built on' unless it is surplus or is to be replaced elsewhere by equal or better provision, in a suitable location.

5.53 Policy RE2 resists the loss of sports and recreational facilities, unless it can be demonstrated that they can be *"best retained and enhanced through the redevelopment of a*

*small part of the site, or alternative provision of at least equivalent community benefit is made available.”*

5.54 Policy RES19 secures outdoor sports and/or children's play space from new residential development.

5.55 Policy CP7 resists the loss of community facilities unless “*ii) an alternative facility of equivalent or better quality to meet community needs is available or will be provided in an accessible location within the same locality; or iii) a significant enhancement to the nature and quality of an existing facility will result from the redevelopment of part of the site or premises for alternative uses.*”

5.56 Policy CP8 resists “*development that would undermine the functional integrity of the green infrastructure network or would result in the loss of existing green spaces, unless either mitigation measures are incorporated within the development or alternative and suitable provision is made elsewhere in the locality.*”

5.57 Policy DM15 secures the provision of outdoor playing space, including playing pitches. In areas where there is a deficiency of outdoor playing space “*the impact of the increase in population from new residential development will be mitigated either by on-site provision or by the use of the Community Infrastructure Levy to secure the provision of new, or the enhancement of existing, outdoor playing space and facilities.*”

5.58 Policy DM16 requires the provision of children's outdoor play space on residential developments of 20 dwellings or more.

5.59 Sport England is a Statutory Consultee in respect of planning proposals that result in the loss or diminution of playing fields. If the council is minded to grant planning permission contrary to Sport England's objection, then the case will need be referred to Secretary of State for consideration. The SoS may in such circumstances, decide to call in the application for determination.

5.60 In summary the thrust of national and local policies is to retain or replace existing facilities or to provide new where new development increases the pressure on existing facilities.

5.61 As noted above, the former school playing fields were used by the local community until the school closed. The facility has not been open for wider use for 5 years. However, the fact remains that the development of the site for residential use would result in the loss of this facility, regardless of whether the pitches were available to the wider public before the school closed. These pitches were available to the wider community groups until the school closed. It is understood that these groups now use alternative facilities elsewhere in Seaford, however this has led to lessened provision within the town and overplaying of existing pitches causing more games to be cancelled and preventing the growth of sports participation in the town.

5.62 The Outline Planning Permission included a full size pitch. Sport England objected to the overall loss of pitches as only one pitch was proposed to be retained on-site, whereas previously there had been four football pitches and 2 cricket squares and the application was referred to the SoS. The SoS subsequently referred the decision back to the Council to determine.

5.63 The RM application as originally submitted included a full size pitch based on the Outline Planning Permission. Sport England's response was to express 'regret' at the outcome of the outline planning permission being approved despite their objection but to not comment further.

5.64 However, Sport England object to both the revised RM and Full Planning applications due to the failure of the scheme to provide an on-site sports pitch and in the lack of detail around

satisfactory off-site provision at this stage. Sport England's comments on the option to provide a smaller pitch are not available at the time of writing and will be noted if received in the addendum report.

5.65 Notwithstanding what was agreed at Outline stage and brought through into the original RM application regarding the provision of a full size pitch, the options now before Members are:

- Option 1 – Full open space with LEAP and £350,000 contribution to off-site sports provision in Seaford;

or

- Option 2 – Open space with LEAP and 'junior' size sports pitch and reduced financial contribution to maintain the pitch and improve off-site facilities in Seaford.

5.66 At this stage, neither of the options would fully address the objection raised by Sport England, nor would they be fully compatible with the national and local policies noted above. However, taking a wider view, option 1 would not be incompatible with the broader principle of promoting healthy lifestyles for the new and wider communities. The applicant has, for example, suggested that a 'Trim-Trail' could be incorporated in the detailed design of the new open space. Additionally, this option includes the opportunity for off-site provision.

5.67 If option 1 is agreed, a robust mechanism must be included in the s106 that is capable of delivering off-site provision within a reasonable time frame.

5.68 Option 2 would go some way to addressing the need for pitch provision of under 12s, notwithstanding the lack of changing facilities and the potential for additional parking demand.

5.69 Crucially, either option would secure publicly available open space with children's play facilities, which would accord with policies RES19 and DM16.

5.70 Finally, due consideration should be given to the wishes and views of the Town Council, which are firmly in favour of the option 1.

5.71 Regardless of the option that Members choose to adopt over the use of the public open space, the application will again be referred to the SoS due to the quantum of the loss of sports pitches.

#### *5.72 Trees, Landscape and Wildlife*

5.73 CP10 seeks to conserve and enhance the natural environment and landscape of the district. This includes ensuring that new development will not harm nature conservation interests, and maintaining, and where possible, enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation in both rural and urban areas.

5.74 There are a number of trees within and on the boundaries of the site, including a group TPO. The applications have been submitted with a Tree Report which identifies those trees which are in poor condition and should be removed. A tree removal and demolition plan is also provided and this shows that the majority of trees in the northern most part of the site will be removed. Those adjoining the boundary of properties fronting Stoke Manor Close, and also on the boundary with Eastbourne Road, will also be removed.

5.75 There are some differences between the proposals and the illustrative plans which formed part of the outline planning permission, however, full landscape details were not included as part of the outline planning application. The current proposals have been informed by a full tree

survey as detailed in the Tree Report, and are acceptable in light of the findings of that survey. In addition, there are limited retained trees in the gardens of dwellings reducing longer term pressure for their removal without replacement.

5.76 The proposed site layouts for the combined applications, demonstrate a high level of new tree planting will be provided throughout the site, and in particular towards the front of the site on and adjacent to the public open space. This would enhance the appearance of the site from the surrounding area and provide potential new wildlife corridors and network connections in this area. Conditions are recommended with regards to tree protection and replacement.

5.77 The Full Application (application B) includes a bat survey which confirms that there are bat roosts present on the site in building B1 and as a result, a mitigation strategy is proposed that would be secured through a Natural England Licence. This would include controls on timing of construction, provision of bat boxes, safeguards during construction (such as internal inspections by a named ecologist) and use of bat sensitive lighting.

5.78 The report also concludes that the proposals would not result in any other additional ecological impact and that opportunities exist to provide a number of net gains for biodiversity on the site, which is in line with national and local policy aspirations.

5.79 The recommendations of the Bat Survey are relevant to ensure that the requirements of CP10 are met and therefore these measures are recommended to be secured through condition.

#### *5.80 Drainage/SUDS*

5.81 CP12 sets out requirements in relation to flood risk, coastal erosion and drainage. In terms of drainage the policy requires provision of SUDS on new development and the management of surface water run-off, ensuring there is no increase in surface water run-off from new developments.

5.82 The proposed development incorporates SUDS in accordance with CP12. The layout illustrates that two SUDS basins will be provided at the front of the site in a similar location to those shown on the illustrative concept plan forming part of the outline planning permission.

5.83 As outlined in the Drainage Strategy Addendum (also submitted by the applicant to address condition 10 of the outline planning permission), these will be connected via a pipe to allow water to pass between the two in extreme storm events. The basins cater for 1 in 100 year + 40% climate change storm event, for storm durations from 15 minutes to 10800 minutes. These basins have a storage capacity of 1760m<sup>3</sup>, banks of 1 in 3 and design depth of 2m below ground level. For shared un-adopted roads in the development, porous paving will be used with flow control devices to limit flow rates to the downstream basins. A singular gravity surface water system will then connect to the infiltration basins.

5.84 ESCC SUDS Team is satisfied with the proposed measures, subject to detailed design being in conformity with the submitted Drainage Strategy.

#### *5.85 Sustainability*

5.86 A sustainability statement was included in the Planning Statement for the Full Application (application B). Whilst renewable technology has not been incorporated into the proposals, the applicant seeks to exceed the minimum Building Regulations requirements for carbon emissions reduction where possible through the use of sustainable design and construction techniques. This includes using high quality and durable materials, insulation, energy efficient lighting and boilers, and the use of double glazing. During the construction process, the vast majority of waste will be recycled or reused and diverted from landfill at all opportunities.

5.87 Policy CP14 also requires all new dwellings to achieve a maximum of 110 litres water consumption per person. The proposed development will achieve this through use of dual flush WCs and tap flow reduction devices.

5.88 Electric car charging points will also be provided for 121 dwellings (66%) across the site. Full coverage would not be practical as the flats and some of the houses do not have dedicated parking on-plot parking spaces.

5.89 Although the Statement relates to one part of the site only, the entire site should be subject to sustainability measures, so it is considered expedient to add conditions to both approvals to ensure that they are delivered.

5.90 It is considered that the development will broadly meet the aspirations of policies CP13 and CP14.

#### *5.91 S106 Obligations*

5.92 The provision of affordable housing, and the two applications, will need to be linked and secured through a S106 agreement attached to the full planning permission and a Deed of Variation to the S106 Agreement for the outline permission and this has been included in the recommendation. This will include details of phasing of development between the detailed and reserved matters applications and delivery of 25% affordable housing with a 50/50 split on tenure.

5.93 The Legal Agreement will also need to address a number of other the changes between the two applications and the outline planning permission relating to:

- Amendments to proposals for the playing pitches and open space including management of the open space by Lewes District Council or Seaford Town Council.
- A financial contribution of £350,000 for off-site provision of sports pitches if option 1 is agreed by members
- A residual contribution to be agreed for off-site provision if option 2 is agreed by members
- Clarity over the requirement for an Open Space Maintenance Contribution.

#### *5.94 Conclusion*

5.95 Overall, the development of the site for 183 new dwellings on this site is acceptable in principle and the applications under consideration broadly comply with the Outline Planning Permission ref. LW/16/0800. The increased offer of 25% affordable housing, equating to 46 units is welcomed. The loss of an on-site playing field equivalent to that approved under the Outline Planning Permission and the lack of a suitable alternative is a concern. However, there are two options available to mitigate this loss.

#### *5.96 LW/19/0258 – Application A*

5.97 It is considered that the submission in respect of the RM and conditions 10, 20 and 21 is satisfactory. It is recommended that these matters are approved, subject to a s106 Deed of Variation to secure affordable housing and to tie the two applications together.

#### *5.98 LW/19/0475 – Application B*

5.99 The proposal to demolish the former school building and replacement with two new blocks of flats is considered to be acceptable. The provision of public open space with a LEAP and off-site provision of a sports facility, with the option to include a 'junior' sports pitch on the site will go

some way to mitigate the loss of the playing pitches on the former school site. It is recommended that the application is approved, subject to conditions and s106 Agreement (potential deed of variation) to secure either the financial contribution to off-site sports facilities or to provide the 'junior' pitch on site, together with reduced financial contribution to maintain the pitch and improve off-site facilities in Seaford and to tie the two applications together.

## 7 RECOMMENDATION

**There are six recommendations listed in the box below and to guide Members officers have listed the sequence in these cases will be as follows**

- a) **Resolution to Approve/Grant Application A**
- b) **Resolution to Grant Application B specifying preferred option (see recommendation No2 below)**
- c) **Given the potential reduction in formal recreation space then LDC would refer Application A & Application B to the Government Office and also advertise the applications as the development would not be in full compliance with the development plan.**
- d) **Report the decision of the Government Office to Planning Committee**
- e) **Report to planning committee the required changes to the S016 to ensure sufficient contributions and controls remain in place**
- f) **Subject to the a-d being concluded satisfactorily then the Head of Planning will issue the appropriate decision notices.**

RECOMMENDATION No	RECOMMENDATION
1. In respect of LW/19/0258 (application A):	Subject to s106 agreement.  APPROVE Reserved Matters – for the Layout, Scale, Landscaping and Appearance and conditions 10, 20 and 21, pursuant to Outline Planning Permission LW/16/0800
2. In respect of LW/19/0475 (application B)	GRANT Full Planning permission subject to conditions and s106 agreement, to include  EITHER  Option 1 – Full open space with LEAP and £350,000 contribution to offsite sports provision in Seaford;  OR  Option 2 – Open space with LEAP and 'junior' size sports pitch and reduced financial contribution to maintain the pitch and improve off-site facilities in Seaford.
3. Government Office Referral	The Head of Planning be delegated to refer the application (s) to the relevant Government Office to establish whether the Government Office wish to call in the application for their determination.  The Response from the Government Office be reported to Planning Committee
4. Advertise	Delegate to the Head of Planning to advertise the application (s) in accordance with article 15(3) of the Development Management Procedure Order

5. Changes to the S106 agreement	<p>Delegate to the Assistant Director – Legal and Democratic Services to negotiate and make modifications to the original S106 connected to LW/16/0800 to reflect the changes to the overall proposal as agreed in the above applications.</p> <p>Report all changes to the S106 to committee for ratification</p>
6. Issue the Decision Notice	Delegate to the Head of Planning to issue the appropriate decision notices once 1-5 have been completed.

**LW/19/0258 (application A) is subject to the following conditions:**

1. 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	29 March 2019	WG1048/296 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/295 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/294 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/293 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/292 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/291 Swept Path analysis
Other Plan(s)	29 March 2019	WG1048/290 Swept Path analysis
Tree Statement/Survey	29 March 2019	Aboricultural Impact Report
Proposed Elevation(s)	29 March 2019	CH-3B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	CH-3B-2S-P1
Proposed Elevation(s)	29 March 2019	TH-3B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	TH-3B-2S-P1
Proposed Elevation(s)	29 March 2019	TU-3B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	TU-3B-2S-P1

Proposed Elevation(s)	29 March 2019	PO-2B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	PO-2B-2S-P1
Proposed Elevation(s)	29 March 2019	PH-4B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	PH-4B-2S-P1
Proposed Elevation(s)	29 March 2019	BO-4B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	BO-4B-2S-P1
Proposed Elevation(s)	29 March 2019	SC-4B-2S-CT-E
Proposed Floor Plan(s)	29 March 2019	SC-4B-2S-P2
Proposed Floor Plan(s)	29 March 2019	SC-4B-2S-P1
Other Plan(s)	29 March 2019	0764 (Highways Layout)
Proposed Elevation(s)	29 March 2019	0745 (HT Saddler)
Proposed Floor Plan(s)	29 March 2019	0744 (HT Saddler)
Proposed Elevation(s)	29 March 2019	0720 (Existing Building)
Proposed Floor Plan(s)	29 March 2019	0719 (Existing Building)
Proposed Elevation(s)	29 March 2019	0717 (Street Elevations)
Proposed Elevation(s)	29 March 2019	0716 (Garages / Car Barns)
Proposed Floor Plan(s)	29 March 2019	0716 (Garages / Car Barns)
Existing Section(s)	29 March 2019	0708
Existing Elevation(s)	29 March 2019	0709
Existing Floor Plan(s)	29 March 2019	0708
Existing Floor Plan(s)	29 March 2019	0707
Existing Block Plan	29 March 2019	0702
Location Plan	29 March 2019	0701
Proposed Elevation(s)	2 July 2019	0716 PL4
Proposed Floor Plan(s)	2 July 2019	0716 PL4
Additional Documents	2 July 2019	Schedule of Amenity Facilities
Other Plan(s)	2 July 2019	2840-LA-03 rev B residential parcels
Other Plan(s)	2 July 2019	0705 PL7 Proposed Master Plan

Other Plan(s)	15 October 2019	0760 Proposed Housing Mix
Other Plan(s)	15 October 2019	0761 Affordable Housing Strategy
Other Plan(s)	15 October 2019	0762 Proposed Scale and Massing
Other Plan(s)	15 October 2019	0764 Proposed Highways Layout
Other Plan(s)	15 October 2019	0765 Proposed Parking Strategy
Proposed Elevation(s)	15 October 2019	0710 Block A
Proposed Floor Plan(s)	15 October 2019	0710 Block A
Proposed Elevation(s)	15 October 2019	0711 Block B
Proposed Floor Plan(s)	15 October 2019	0711 Block B
Proposed Elevation(s)	15 October 2019	0712 Block C
Proposed Floor Plan(s)	15 October 2019	0712 Block C
Proposed Floor Plan(s)	15 October 2019	713 Block D
Proposed Floor Plan(s)	15 October 2019	714 Block D
Tree Statement/Survey	15 October 2019	Addendum Oct 19
Tree Statement/Survey	15 October 2019	Covering letter Oct 19

**LW/19/0475 (application B) is subject to the following conditions:**

1. No development shall take place above ground floor slab levels until details and samples of all external materials including the fenestration, hard surfaces, roof materials, details of balustrades to balconies and external finishes to the walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

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

2. No development shall take place above ground floor slab levels 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 prior to the first occupation or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. Any works or deliveries in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to ST3 of the Lewes District Local Plan and CP13 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. The Arboricultural Report detailing tree protection measures including method statements (Appendix 1 of the Arboricultural Report SJA air 18233-01) and associated tree protection plans including tree protection fencing (Appendix 5), submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: In order to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: In order to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; hard and soft landscaping details of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

2) further ecological input into the scheme design to secure biodiversity. Such gains are to be designed so as to meet the requirements are appropriate and sympathetic to the assessed ecological merit of the site and surrounds. This condition may only be fully discharged subject to satisfactory written evidence of compliance by a qualified ecologist.

3) location, type and materials to be used for hard landscaping including specifications where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- d) Sustainable urban drainage integration
- e) use within tree Root Protection Areas (RPAs);

4) A schedule detailing sizes and numbers/densities of all proposed trees/plants;

5) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

6) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy ST11 of the Lewes District Local Plan, policy CP8 of the Joint Core Strategy and having regard to the National Planning Policy Framework.

8. The principles of the surface water drainage strategy outlined in Waller Gray Consulting's Drainage Strategy Addendum should be carried forward to detailed design and implementation. Evidence of this, in the form hydraulic calculations for all rainfall events including those with 1 in 100 +40% CC annual probability of occurrence, should be submitted with the detailed drainage drawings before any construction commences on site. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

9. The detail design of the proposed infiltration basins and how they are connected should be provided as part of the detailed design. This should include cross sections and invert levels.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

10. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

11. No development should commence on site prior to approval of the detailed design of the downstream strategic drainage network connecting the site to the infiltration basins.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

12. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

a) 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.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. No development above ground level shall take place until an external lighting strategy, to include full details of lighting, including street lighting, security lighting and lighting to individual buildings, has been submitted to and approved by the local planning authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of the dwellings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amendment or replacement thereof, prior to the commencement of any building or engineering operations for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- a) The temporary arrangements for access and turning for construction traffic;
- b) The size of vehicles (contractors and deliveries);
- c) The routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- d) The temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- e) A contractors' parking and Travel Plan;
- f) Facilities for the loading and unloading of plant and materials;
- g) The location(s) for storage of plant and materials used during construction;
- h) The location(s) of any site huts/cabins/offices;
- i) Details of temporary lighting during construction;

- j) Details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- k) Hours of construction and hours of deliveries;
- l) Details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- m) Details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- n) Details of off-site monitoring of the CEMO; and
- o) Assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

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

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

16. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

Reason: In the interests of amenity and highway safety and to ensure adequate car-parking provision for the development.

18. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

19. 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 residential of the new dwellings as they are each completed, and 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.

20. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies ST3 and CP11 of the Lewes District Local Plan.

## **INFORMATIVE(S)**

1. With regard to works to trees, the following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work - Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Tree Statement/Survey	5 July 2019	0703
Survey Plan	5 July 2019	0702
Location Plan	5 July 2019	0701
Proposed Layout Plan	5 July 2019	0705 Without pitch
Other Plan(s)	5 July 2019	0762 - Proposed Scale and Massing

Other Plan(s)	5 July 2019	0760 - Proposed Housing Mix
Other Plan(s)	5 July 2019	0765 - Proposed Parking Strategy
Additional Documents	5 July 2019	Bat Survey
Additional Documents	5 July 2019	Historical Maps/Images
Justification / Heritage Statement	5 July 2019	
Tree Statement/Survey	5 July 2019	Arboricultural Implications Report
Additional Documents	5 July 2019	Drainage Strategy Addendum
Proposed Elevation(s)	15 October 2019	0770 Rev B
Proposed Floor Plan(s)	15 October 2019	0770 Rev B
Proposed Elevation(s)	15 October 2019	0772 Rev B
Proposed Floor Plan(s)	15 October 2019	0771 Rev B
Tree Statement/Survey	15 October 2019	Addendum Oct 19
Tree Statement/Survey	15 October 2019	Covering letter oct 19

This page is intentionally left blank