

Planning Applications Committee 8 January 2020



Working in Partnership



Time and venue:

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

Membership:

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

Quorum: 5

Published: Wednesday, 18 December 2019

Agenda

1 Minutes (Pages 5 - 10)

To confirm and sign the minutes of the previous meeting held on 20 November 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).

Planning applications outside the South Downs National Park

- 6 LW/19/0493 - Nursery, 29 Glynn Road, Peacehaven, East Sussex, BN10 8AT**
(Pages 11 - 20)
- 7 LW/19/0665 - Seahaven Maritime Academy, East Quay, Newhaven Port, Newhaven, BN9 0BN** (Pages 21 - 24)

Planning applications within the South Downs National Park

- 8 SDNP/19/04830/FUL - Reed Court, 38 Boughey Place, Lewes, East Sussex**
(Pages 25 - 30)

Non-planning application related items

9 Written questions from councillors

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

10 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 29 January 2020 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

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 20 November 2019 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Tom Jones (Minute No 69 to 83 and Minute No 85), Christoph von Kurthy, Sylvia Lord (Minute No 69 to 77 and Minute No 79 to 85), Sean MacLeod, Imogen Makepeace, Laurence O'Connor (Minute No 69 to 77 and Minute No 79 to 85) and Nicola Papanicolaou

Officers in attendance:

Jennifer Baxter (Specialist Advisor, Planning Enforcement)

Andrew Hill (Senior Specialist Advisor, Planning)

Jennifer Norman (Committee Officer, Democratic Services)

Leigh Palmer (Interim Head of Planning) (Minute No 69 to 76)

Natalie Sharp (Senior Planning Policy Officer) (Minute No 69 to 76)

Joanne Stone (Solicitor, Planning)

Tondra Thom (Planning Policy Lead) (Minute No 69 to 76)

Daniel Wynn (Specialist Advisor, Arboriculture)

69 Minutes

The minutes of the meeting held on 30 October 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

70 Apologies for absence/Declaration of substitute members

There were none.

71 Declarations of interest

Councillor Lord declared a personal and prejudicial interest in agenda item 9 (planning application LW/19/0364) as she was a proprietor of a care home in Seaford.

Councillor O'Connor declared a personal and prejudicial interest in agenda item 9 (planning application LW/19/0364) as a close family member was a proprietor of a care home in Seaford.

Councillor Jones declared a personal and prejudicial interest in agenda item 15 (Tree Preservation Order (No.3) 2019 – 18 Common Lane, Ditchling) as he lived in close proximity to the subject of the Tree Preservation Order.

72 Urgent items

After consultation with the Council's Solicitor, the Chair read aloud the following statement to all those who were present at the meeting:

"The letter from the Government Office was received after the publication of the agenda for this meeting and by reason of special circumstance, I consider it appropriate for this update to be reported to Committee as an urgent item. This will enable the planning permission to be issued once the section 106 agreement has been completed. To do otherwise may have resulted in the planning permission being delayed until after the January committee meeting (as the December planning committee meeting may not be going ahead due the forthcoming general election). In agreeing to bring this item to Committee, I took into account that this was an updating report, rather than a report that requiring a decision to be made by the Committee."

Resolved:

That agenda item 4a (Newlands update) be considered by the Committee as a matter of urgency.

73 Newlands update

Resolved:

That the report which detailed the current position in relation to the applications for the redevelopment of the Newland School Site in Seaford, be noted.

74 Petitions

There were none.

75 Written questions from councillors

There were none.

76 LW/18/0351 - Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP

Councillor Cathy Wickens spoke on behalf of Newick Parish Council. Baroness Cumberlege, Mr A R Turk and Mrs Mel Goddard spoke against the proposal. Damien Sullivan (Agent) and Patrick Clarke spoke for the proposal. Councillor Roy Burman spoke in his capacity as a Lewes District Ward Councillor.

Resolved:

That planning application LW/18/0351 for demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure be refused for the following reasons:

- a) Contrary to Newick Neighbourhood Plan H04 and LDLP policies CT1 and DM1 development outside allocated site; and
- b) Closing the gap between the allocated site and existing housing to the east resulting in demonstrable harm to the countryside.

77 LW/18/0880 - Lower Lodge Farm, Laughton Road, Ringmer, East Sussex

Prior to the consideration of this item, the Committee adjourned for a short comfort break.

Councillor Richard Turner spoke on behalf of Ringmer Parish Council. Chris Wojtulewski (Agent) spoke for the proposal. Councillor Johnny Denis spoke in his capacity as a Lewes District Ward Councillor.

Resolved:

That outline planning application LW/18/0880 for development of land at Lower Lodge Farm to create a village care centre and 16 x affordable housing units, including a new access from The Broyle / B2192 be approved, subject to the completion of a S106 agreement and the conditions set out in the report. The Committee also added the following informative:

1. The applicant is advised to consider and investigate dual footpath/cycle way provision, and to investigate pedestrian linkages from the development south onto the Laughton Road as well as north onto The Broyle.

78 LW/19/0364 - Homefield Place, Homefield Road, Seaford, East Sussex, BN25 3DG

Anna Gillings (Agent) spoke for the proposal.

Resolved:

That planning application LW/19/0364 for demolition of existing building and erection of a 55-bedroom care home (within Use Class C2), with associated works including access, parking, and landscaping be approved, subject to the conditions set out in the report and supplementary report.

(Councillor Lord declared a personal and prejudicial interest in this item as she was the proprietor of a care home in Seaford. She therefore left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon.)

(Councillor O'Connor declared a personal and prejudicial interest in this item as a close family member was a proprietor of a care home in Seaford. He therefore left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon.)

79 LW/19/0597 - Land North of Chapters, Bishops Lane, Ringmer, East Sussex

Councillor Richard Turner spoke on behalf of Ringmer Parish Council. Si Morse-Brown spoke against the proposal. John Dale (Agent) spoke for the proposal.

Resolved:

That planning application LW/19/0597 for the erection of a FIRS mast (Fibre Integrated Receiver System) within the approved residential development site be approved, subject to the conditions set out in the report, supplementary report and the following additional condition:

1. Before the development hereby approved is commenced on site, details and a sample swatch of the colour treatment of the mast (which should be a dark green non-reflective colour) shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

80 Enforcement monitoring from 1 July 2019 to 30 September 2019 (Part A)

Resolved:

That the report which provided an overview of planning enforcement matters throughout Lewes District during the period 1 July 2019 to 30 September 2019, be noted.

81 Enforcement monitoring from 1 July 2019 to 30 September 2019 (Part B)

Resolved:

That the report which detailed planning enforcement cases throughout Lewes District which have had notices authorised and/or served within the quarter of 1 July 2019 to 30 September 2019, be noted.

82 Summary of appeal decisions received from 1 July 2019 to 30 September 2019

Resolved:

That the appeal decisions received from 1 July 2019 to 30 September 2019, be noted.

83 Tree Preservation Order (No.2) 2019 - Caxton Court, Park Street, Falmer

Alan Hughes and Jason Pimlett spoke against the proposal.

Resolved:

That Tree Preservation Order (No.2) 2019 for Caxton Court, Park Street, Falmer, be confirmed without modification.

84 Tree Preservation Order (No.3) 2019 - 18 Common Lane, DitchlingResolved:

That Tree Preservation Order (No.3) 2019 for 18 Common Lane, Ditchling, be approved without modification.

(Councillor Jones declared a personal and prejudicial interest in this item as he lived in close proximity to the subject of the Tree Preservation Order. He therefore left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon.)

85 Date of next meetingResolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 11 December 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

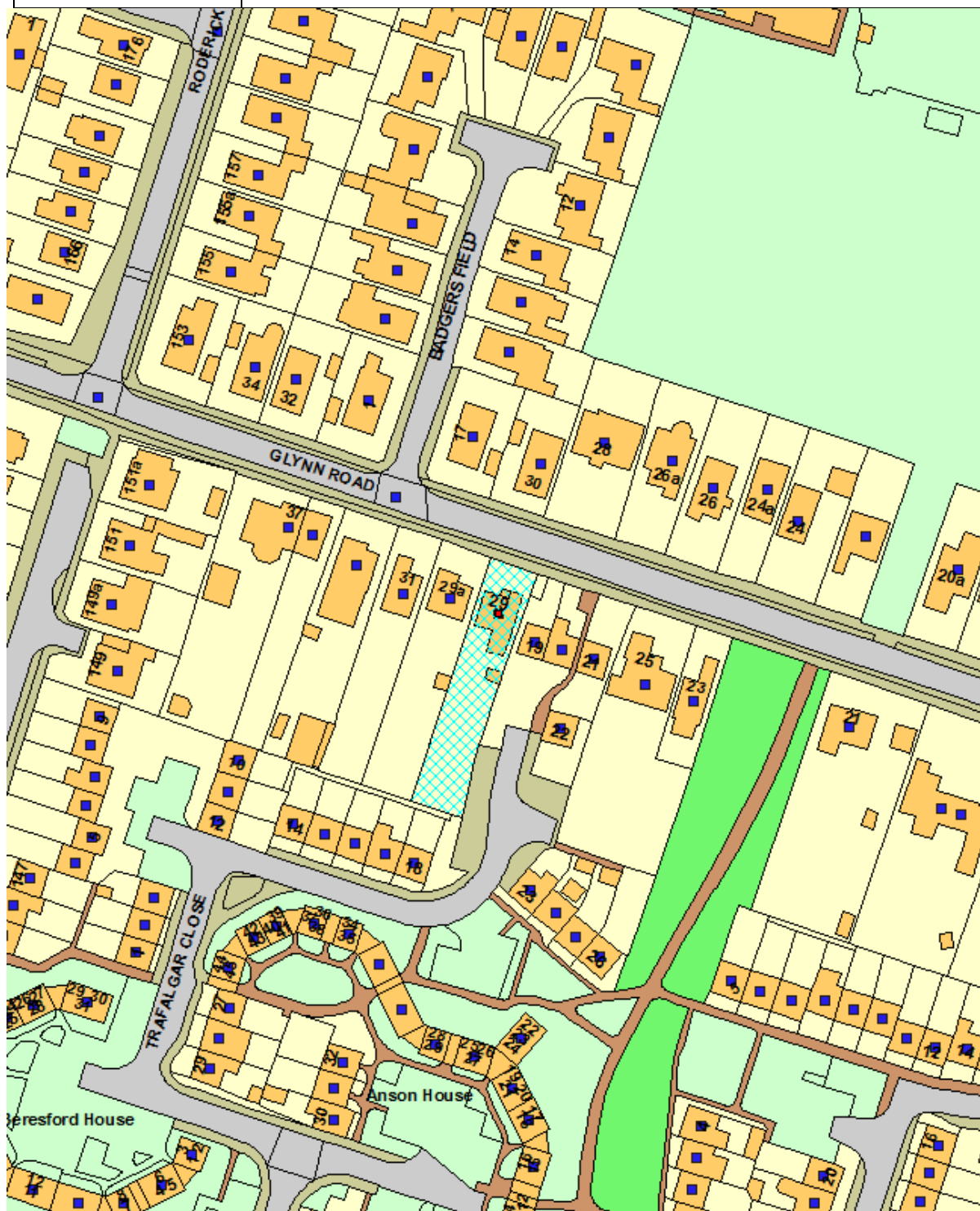
The meeting ended at 8.10pm.

Councillor Sharon Davy (Chair)

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Agenda Item 6

APPLICATION NUMBER:	LW/19/0493		
APPLICANTS NAME(S):	Wild Monkeys Childcare Ltd	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning application for change of use to full nursery use, extension of opening hours and commercial use of property at evenings and weekends		
SITE ADDRESS:	Nursery, 29 Glynn Road, Peacehaven, East Sussex, BN10 8AT		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

Site Description:

1.1 The site is occupied by a detached two-storey building that is currently used as a day nursery at ground floor level (following approval of this use under application LW/14/0067. The first floor of the building has remained in residential use as a flat for the nursery owner. The original building has been extended to the rear, at single-storey level and the integral garage which originally formed part of the dwelling has been converted into a playroom. To the rear of the site is a relatively long rear garden. An enclosed area has been formed at the far end of the garden and children's play equipment has been installed.

1.2 The site is located on a residential road that is characterised by a mix of detached and semi-detached dwellings. The majority of dwellings on the road have access to hard surfaced off street parking and/or garages. The site backs on to Trafalgar Close where there is a mix of dwellings and flatted development. Meridian Primary School is nearby to the north, approximately 250 metres walking/driving distance from the site.

1.3 The site is not the subject of any specific planning constraints or policy considerations.

Proposed Development:

1.4 The proposal involves expanding the existing nursery operation by way of utilising the first floor of the building, allowing for an increase in capacity from the current level of 20 children to 40 children. As a result, the proposed residential unit currently occupying the first floor would be removed.

1.5 The proposed expansion would not involve any extensions to the existing building. On-site car parking for 3 vehicles would be provided on the existing hard surfaced area to the front of the building.

1.6 Permission is also being sought to increase the operating hours of the nursery use from the current hours of 08:00 - 18:30 on weekdays (with the exception of bank holidays) to 07:30 - 18:30 on weekdays (excepting bank holidays). Any use outside of these hours would be restricted to maintenance and staff training.

2. RELEVANT POLICIES

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

LDLP: – RE10 – Community Infrastructure

LDLP: – T14 – Vehicle Parking

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/06/0994 - Erection of a single storey rear extension, conversion of garage to habitable room and enclosure of porch including roof alterations - Approved Conditionally 25th September 2006

LW/08/0637 - Erection of a single-storey rear extension (amendment to planning permission LW/06/0994) - Approved Conditionally 24th July 2008

LW/14/0067 - Change of use from residential to mixed use for residential and childcare purposes - Approved Conditionally 15th May 2014

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Peacehaven Town Council recommends refusal – due to increase in traffic congestion, lack of car parking facilities, effect on local character, exacerbate existing parking problems, parking and highway safety.

Environmental Health – No comments received.

Early Years Development Childcare Partnership – No comments received.

ESCC Highways – the proposed development is considered largely acceptable on highway grounds, but further detail is required regarding the proposed parking proposals. A parking survey should be undertaken to determine the impact the proposed development would have on the local highway network.

Development Proposal

The site is currently part residential property, and part D1 nursery use. The applicant is proposing to convert the site to wholly nursery use, increasing the capacity of the nursery from 20 children to 40. The applicant also intends to extend the working hours to 07.30 - 18.30, as well as using the site for staff training and building / maintenance over the weekend. The extension of working hours and use of the building over the weekend is not considered to have a significant impact on the local highway network.

Vehicle and Pedestrian Access

The existing vehicular access off Glynn Road is proposed to be retained. Pedestrian access to the site is through the forecourt parking area.

Trip Generation

No trip generation information has been submitted as part of this application. Having undertaken a TRICS assessment using the 80% drive mode share shown in the Travel Plan, a nursery of 40 could be expected to generate approximately 106 daily vehicular trips, with approximately 22 trips in the AM peak and 19 trips in the PM peak. The existing site, comprising of mixed residential and nursery use for 20 children could be expected to generate 57 daily vehicular trips. The level of increase of approximately 49 daily vehicular trips is not considered to result in a severe impact on the local highway network and would not warrant a refusal in this instance.

Car and Cycle Parking

The County Council's parking guidance requires 1 space per 2 full-time equivalent members of staff plus 1 space per 4 children for parents' delivery/collection. The submitted document states that there would be 10 equivalent full-time employees and up to 40 children at any one time. Therefore, the development would require 15 parking spaces.

The applicant is proposing to retain the 3 off-street parking spaces. There does not appear to be scope to provide additional parking on-site. It is required that a parking survey is undertaken to determine the capacity in the local highway network, in order to accurately estimate the impact any overspill parking from the proposed development would have.

In terms of cycle parking provision, the Highway Authority requires 1 space to be provided per 10 full-time employees. The applicant is proposing cycle storage facilities by segmenting one of the accesses to the rear gardens. The Highway Authority requires all cycle storage to facilities to be safe, secure and covered. As such, the proposed cycle store is acceptable in principle, though further details should be secured by condition.

Accessibility

The submitted Travel Plan suggests that the 93% of parents live within 3 miles of the nursery, and there is potential for trips to be undertaken by foot or cycle. The Highway Authority is satisfied that there is sufficient footway provision to and from the site. The nearest bus stop is approximately 300m east of the site, and has regular services to Saltdean, Brighton and Hove. As such, the site is considered to be in an accessible location.

That being said, the applicant's Travel Plan suggests that the majority of staff and parents drive to and from the site. This is partly explained due to subsequent trips to work. The applicant's travel plan measures seek to encourage travel by sustainable means, which is encouraged, and should be secured by condition.

Conclusion

Whilst the proposed development is considered largely acceptable on highway grounds, further detail is required regarding the proposed parking proposals. A parking survey should be undertaken to determine the impact the proposed development would have on the local highway network.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

14 Letters of Objection together with a petition with 47 signatories (from 33 addresses) also received. Comments received are summarised below.

- This is a residential area, a commercial unit should be used;
- There are other nurseries nearby that have spare capacity;
- Insufficient parking and existing customers are inconsiderate;
- Extended opening hours will cause more disruption;
- Area is unsafe for children;
- Will become a commercial use in a residential area
- There is already a lot of traffic and the Meridian school recently withdrew their application to expand;
- Highways raised concerns against previous application (LW/14/0067);
- Use at weekends would cause more disruption;
- Loss of a family home;
- Will alter the character of the residential street;
- The on-site parking is very rarely utilised;
- Cars park on grass verge and block driveways;
- Parking data is deceptive as taken when weather was good and near to the end of term time;
- Proposed bike parking area is immediately adjacent to our house;
- Will set a precedent for commercial use on the street;
- Site not suitable for a forest school;
- As a night worker, the use is causing lack of sleep;
- By Council's own admission there are not enough houses in the area;
- 40 children in the garden would be very noisy compared to an average family;

- Building not large enough for 40 children;
- Not supported by Town Council;

OFFICER RESPONSE:

The majority of these comments are addressed within the main body of this report. However, it is important to clarify that ESCC Highways raised no objection against the original application LW/14/0067 that established the use on the site.

59 Letters of support received. Comments made are summarised below.

- My son goes to nursery here and loves it;
- Will be a great asset to the community
- Children will have much more space;
- Use is needed by local parents;
- Helps to support working parents;
- The nearby school causes more noise and disruption;
- The garden is not used before 9am and not all children are outside at the same time;
- New houses will mean more demand;
- Would create new jobs for locals;
- I am able to walk my children to the nursery - reducing carbon footprint;
- Education is important for the future;
- Increased hours will support parents who work longer hours;
- This is already an established nursery;
- Town Council meeting took place without applicant being informed;
- The setting of the nursery is better than sterile premises;
- Other nurseries in the local area have less parking and are located on more dangerous roads;
- Never had an issue with driving or parking on this road;
- The area has green space and very low traffic levels;
- A residential area is exactly where schools and nurseries are needed - who would want their children spending the day in a warehouse or industrial unit?
- All residents on Glynn Road have substantial driveways meaning they don't have to park on the road;
- Objectors haven't objected to other nurseries in residential areas just in their own area;

6. PLANNING CONSIDERATIONS

Principle:

6.1 The proposed development would enhance an existing community facility. Para. 92 a) of the Revised National Planning Policy Framework (NPPF) states that 'planning policies and decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments.' Para. 92 d) goes on to state that decisions should also 'ensure that facilities and services are able to develop and modernise, and are retained for the benefit of the community.'

6.2 Saved policy RE10 of the Lewes District Local Plan (part one) maintains that planning permission will be granted for development within class D1 (such as day nurseries) providing the locations are accessible by a variety of modes of transport.

6.3 It is considered that the proposed scheme represents an enhancement of an established facility that is embedded within an expanding local community and is in a sustainable location with links to public transport nearby and also within close proximity of Meridian primary School. The site also provides a large outdoor amenity space, an asset that would be unlikely to be available should an alternative building outside of a residential area be considered.

6.4 Although the proposed expansion of the nursery would result in the loss of a residential unit (the first floor flat), the conversion of the building would not require any significant alterations and it could easily be brought back into residential use should the nursery use cease to operate. A condition will be attached to any approval to ensure that the property would revert to C3 use should the nursery use cease.

6.5 It is therefore considered that the principle of the development is acceptable, subject to the satisfaction of other relevant planning policies relating to environmental, residential and visual impact as well as highway matters.

Residential Amenity:

6.6 The proposed building is already in use as a day nursery, with a capacity for 20 children at any one time. The site is within a residential area and, as such, there are residential properties surrounding the site. The existing building would not need to be extended in order to supply the increased amount of floor space required to accommodate 40 children as this will be provided by converting the existing first floor residential unit to nursery use.

6.7 29 Glynn Road is a detached building, thereby reducing potential impact of noise generated within the building from permeating into neighbouring properties. Whilst the number of children within the building would be increased, it is considered that the self-contained nature of the site and the relatively large size of the existing building and the overall plot would enable for the increase to be absorbed without generating an intensity of activity and disturbance that would be unacceptably disruptive towards neighbouring residents.

6.8 All other buildings on Glynn Road are in residential use and, therefore, it is not considered that the use of a single building as a nursery would lead to a cumulative impact that would overwhelm the residential character of the area. It is also noted that the presence of the Meridian Primary School nearby demonstrates the ability for community uses to be absorbed into the wider residential area effectively.

6.9 There is a large rear garden area, allowing sufficient space for play and also to focus activities on areas that are furthest away from neighbouring properties. It is considered that the garden could continue to be used to provide an important outdoor amenity facility if it is responsibly managed in terms of limiting duration of use on any given day and the amount of children that can be in the garden at any one time. It is noted that the previous permission allowed for up to 20 children to use the garden at any given time and that this was endorsed by Environmental Health Officers. It is considered a similar restriction could remain in place an expanded use, with outdoor play time being staggered. It is also important to note that the amount of internal space provided (approximately 97 sqm not including toilets, cloakrooms, thoroughfares and staff facilities) exceeds the requirement of 2.3 sqm of internal floor space required per child aged 3-5 years old (rising to 2.5 sqm per two year old child), as stipulated in the Department for Education document 'Statutory framework for the early years foundation stage (2017)'

6.10 The proposed increase in the operating hours of the nursery is considered to be minimal, amounting to opening half an hour earlier every day, with closing time remaining as existing. It is not considered that the proposed opening time is unreasonably early and it is noted that this provides the opportunity for more staggered arrivals to the nursery, reducing the likelihood of a build-up of traffic at any one time and partially mitigating the impact of the increase in vehicular movements associated with the increase in capacity of the nursery.

6.11 Access to the building would be via the existing front door, which is positioned towards the centre of the site and away from neighbouring windows and openings, thereby minimising impact upon neighbouring residential properties when in use.

Visual Amenity/Design:

6.12 The proposed development would not alter the appearance of the existing building. A separate application (LW/19/0494) has been submitted for the installation of new signage to the front of the site. The current application does not rely on the provision of this signage and this application will be determined separately and on its own merits.

6.13 Some minor alterations would be made to the landscaping of the rear garden but none of these works would require planning permission in their own right.

Highways:

6.14 Para. 109 of the Revised National Planning Policy Framework (NPPF) states that:- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

6.15 ESCC Highways Officers have estimated that the proposal would result in an increase of approximately 49 daily vehicular trips. They do not consider that this increase in vehicular movements would be of a degree that would bring about any significant impact upon the local highway network.

6.16 The applicant has stated that the nursery would employ 10 full time equivalent posts, ESCC guidance on parking at development states that 1 car parking space should be provided per each 2 full time equivalent posts. An additional parking space should also be required per 4 children for use for dropping off and collection. Based on these figure, the proposed scheme would generate a demand for 15 car parking spaces. The proposal would include provision of 3 on-site car parking spaces. No further parking would be provided within the site nor is there any realistic opportunity to provide additional parking within the site. As such, there is a shortfall of on-site car parking. As such, the additional capacity would need to be provided by on-street car parking.

6.17 The applicant has submitted a photographic survey of parking on the street, consisting of images taken at various times during the day between the hours of 07:53 and 17:35. The photographs, which show the stretch of road immediately adjacent to the site, show that there are a number of usable on-street car parking spaces available within close proximity of the site. It is also noted that the majority of neighbouring properties have access to driveway and/or garage car parking and, as such, the demand for on-street car parking by neighbouring residents is considered to be relatively low. Furthermore, by opening earlier in the day, arrivals to the nursery would be able to be more staggered than at present.

6.18 The Highways Officer recognises that the site is within 350 - 400 metres walking distance of a number of frequently served bus stops on Pelham Rise and Roderick

Avenue. The application includes a Travel Plan that suggests 93% of parents live within 3 miles of the site. The Travel Plan, the adoption of which would be secured by condition, includes detail of how walking will be promoted, facilities will be provided for the storage of cycles and pushchairs and route maps for bus services will be distributed to staff and customers. Opportunities to incentivise the use of public transport will also be explored.

6.19 It is therefore considered that there is sufficient capacity within the surrounding highway network to accommodate the level of parking demand associated with the development and to allow for additional vehicular trips without resulting in undue disruption to the flow of traffic.

7. RECOMMENDATION

7.1 It is considered that the proposed use represents the provision of a community facility within a sustainable location that would serve a growing local population. Subject to the adherence to management plans relating to noise and travel, it is considered that the expanded nursery use could operate without an unacceptable detrimental impact upon the amenities of neighbouring residents or upon highway functionality.

7.2 It is therefore recommended that the application is approved.

The application is subject to the following conditions:

1. The premises shall only be open as a childminding business during the following hours:-
 - Monday - Friday 07:30 - 18:30 (not including bank holidays).

Any use of the building outside of these hours shall be for staff training or maintenance purposes only.

Reason: In the interests of protecting the amenities of neighbouring properties in accordance with policy ST3 of the Lewes District Local Plan.

2. There shall be a maximum of 20 children using the garden at any time. The garden shall not be used for any more than 3 hours in any one day with at least 2 hours between 1 hour outdoor play sessions.

Reason: In the interests of protecting the amenities of neighbouring properties in accordance with policy ST3 of the Lewes District Local Plan.

3. The mitigation and management measures set out in the Travel Plan, which forms part of the approved documents, shall be adhered to at all times throughout the lifetime of the use.

Reason: In order to minimise impact upon the through flow of traffic and parking capacity, in accordance with saved policy TR14 of the Lewes District Local Plan (part one) and para. 109 of the Revised National Planning Policy Framework.

4. The site shall not be used for any purpose (including any other use falling within use class D1) other than as a day nursery.

Reason: In order to ensure the use of the site is compatible with the surrounding residential area in accordance with saved policy ST3 of the Lewes District Local Plan (part one).

5. Should the use of the site as a day nursery permanently cease to operate, the approved use of the site and the building shall revert to that of a single residential dwelling (use class C3).

Reason: In order to provide flexibility to allow the building to return to housing stock in accordance with section 5 of the Revised National Planning Policy Framework - Delivering a sufficient supply of homes.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	10 July 2019	Internal
Proposed Block Plan	10 July 2019	External
Other Plan(s)	10 July 2019	Garden plan
Other Plan(s)	10 July 2019	Fire and Evacuation
Other Plan(s)	10 July 2019	Proposed external sign
Other Plan(s)	10 July 2019	Existing external plans 2
Other Plan(s)	10 July 2019	Existing external plans 1

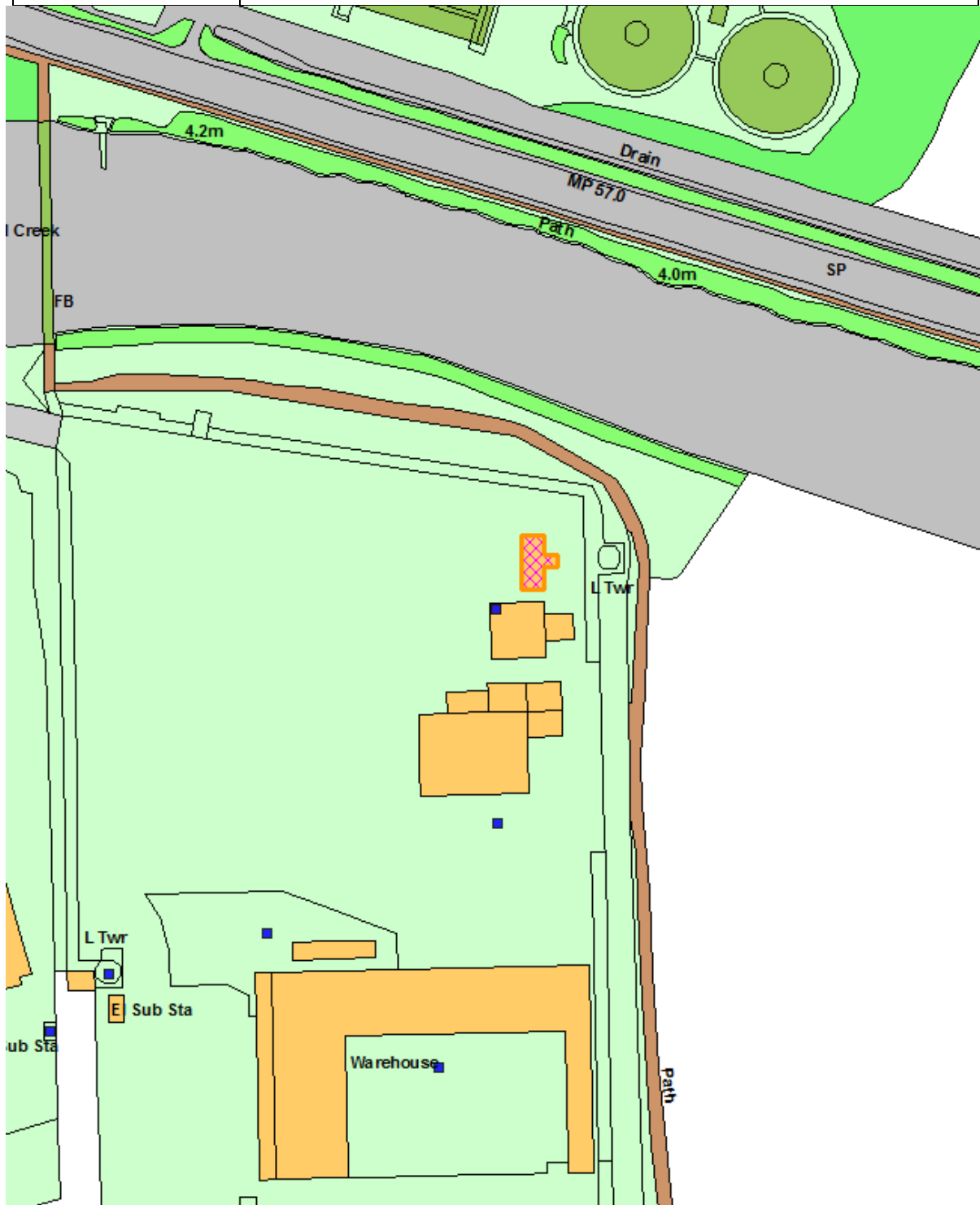
Application Details

	Existing	Proposed	Gain/Loss
Parking - Cars -			
Unit	2	3	
Parking - Bicycles -			
Unit	0	4	
Employment - Full Time -			
Jobs	2	4	
Employment - Part Time -			
Jobs	16	17	

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Agenda Item 7

APPLICATION NUMBER:	LW/19/0665		
APPLICANTS NAME(S):	Seahaven Maritime Academy Ltd	PARISH / WARD:	Newhaven / Newhaven South
PROPOSAL:	Planning application for Section 73a retrospective application to retain a three sided framework to afford weather protection to the training area		
SITE ADDRESS:	Seahaven Maritime Academy, East Quay, Newhaven Port, Newhaven, BN9 0BN		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located within Newhaven Port, east of the Ouse and overlooking Mill Creek. It comprises a complex of warehouse buildings set in a large open area that is used for car parking and general storage. The site is occupied by the companies Seahaven Maritime Academy and Belay Rope Access, which provide accredited specialist training for professional mariners and those working at heights using ropes, especially in extreme weather conditions. Workers from the Rampion Wind Farm are trained here for example.

1.2 The subject of this retrospective application comprises a three sided structure with a shallow, overhanging monopitch roof that wraps around a climbing frame that is the core practical training resource for Belay Rope Access. The structure is required to ensure that the training can be carried out in a safe environment.

1.3 The structure is 12m wide and 7m deep and 12m high. The monopitch roof pitches from the rear (closed) side to the front (open) side, with a 5m cantilever. It is a steel frame construction, covered with lightweight profiled cladding with opaque 'window' insets on all three sides and within the roof. It is understood that the structure was installed in February 2019.

1.4 Due to the flat nature of the landscape, the structure can be seen from long views across Tidemills from Mill Drove and from the A259.

2. RELEVANT POLICIES

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

LDLP:- CP11 – Built and historic environment and high quality design

LDLP:- DM25 - Design

3. PLANNING HISTORY

3.1 The application was submitted following an enforcement complaint lodged in July 2019.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – The committee noted that this was a retrospective application and could not support it given that the plans did not accurately represent the physical structure, the physical colour, the finish is not conducive to the area, and the materials make an undue impact due to their reflection.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

12 Objections have been received, using a pro-forma template, raising the following issues:

- Materials used are reflective and make the structure highly visible;
- Out of character with the area, too high and un-neighbourly;
- Application documents are misleading;
- The activities described are nothing to do with maritime use;
- Structure should not have been put up without planning permission and should be refused;
- Will add to the industrialisation of the land and set a precedent, with negative impact on wildlife of Tidemills

1 expression of support setting out the benefits of the training services offered by the applicant, benefits to the town's economy and employment opportunities. The Academy is a centre of excellence and students come from all over the UK and further afield, used for training Rampion workers, Newhaven is a maritime town, applicant does a lot of work in the community.

6. PLANNING CONSIDERATIONS

6.1 The main planning consideration is the impact of the structure on the visual environment, in particular in long views from the east across Tidemills.

6.2 There is no doubt that the structure is visible in these views; however, the issue is whether or not its presence is so harmful as to warrant refusal of the application and subsequent enforcement action to secure its removal.

6.3 In the first instance, consideration must be given to the fact that the site is located in Newhaven Port, which is by its nature, a highly industrialised landscape. Set in this context, it is considered that the structure is not an incongruous feature.

6.4 As can be seen from the photographs taken from Tidemills and the A259, the structure does not breach the skyline as the land rises up to the west across the port. However, what gives the structure its prominence in the long views appears to be the light shining through the high level opaque panels in the rear wall, even on a dark winter's afternoon (when some of the photos were taken). The applicant has agreed to have these panels painted over to match the solid parts of the structure so that it will better blend in with the backdrop and minimise any visual harm. A condition has been recommended to secure this within 28 days of the decision.

6.5 It should also be noted that this facility provides a vital service to the maritime and associated industries, which is vital to Newhaven's economy. Its height and form is very much dictated by the nature of its use and the specialist training facilities that it provides. Taking this into consideration, together with the applicant's willingness to paint over the panels, on balance, it is recommended that the application should be approved.

6.6 The objectors' comments are noted. However, no compelling case has been made that would lead to a recommendation of refusal.

7. RECOMMENDATION

7.1 It is recommended that retrospective planning permission is GRANTED.

The application is subject to the following conditions:

1. Within 28 days of the date of this decision, the top two opaque panels in the rear (west) elevation shall be painted over in a colour to match the cladding of the structure.

Reason:

In the interest of visual amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. Should the structure hereby approved become redundant, or no longer necessary for its training purpose, or remain unused as a training facility for 1 year or more, it shall be removed from the site and the land restored to its former condition.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	16 September 2019	1:1250
Existing Block Plan	16 September 2019	1:500
Proposed Elevation(s)	16 September 2019	Lanes Construction Ltd
Technical Report	16 September 2019	19972

Report to **Planning Applications Committee**
Date **8 January 2020**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/19/04830/FUL**
Applicant **Mr Adeola Oke**
Application **Replacement of existing single-glazed timber framed windows with double-glazed, PVCu units**

Address **Reed Court
38 Boughey Place
Lewes
East Sussex**

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

1 Executive Summary

1.1 The application relates to replacement windows to a block of flats in Lewes.

2 Proposal

2.1 This application seeks consent to replace the existing single glazed timber framed windows with double glazed UPVC windows.

3 Relevant Planning History

3.1 None relevant.

4 Consultations

4.1 Parish Council Consultee: No comment.

5 Representations

5.1 None received.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- Lewes Neighbourhood Plan

6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below:

6.3 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 **Planning Policy**

7.1 Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

7.2 National Planning Policy Framework (NPPF)

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

The Development Plan policies listed below are considered to accord fully with the objectives of the NPPF, full regard to which has been given during the consideration of this application.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Strategic Policy SD5 – Design
- Development Management Policy SD14 - Climate Change Mitigation and Adaptation of Historic Buildings
- Core Policy SD2 - Ecosystems Services

7.3 Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications following adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

8 **Planning Assessment**

8.1 This application requires a Committee decision as the application has been submitted by Lewes District and Eastbourne Borough Councils.

8.2 It is proposed to replace the single glazed timber framed windows with double glazed UPVC frames. The windows have been designed to match the appearance and opening style of the existing windows. The majority of the other properties in Court Road have had replacement UPVC windows.

- 8.3 The proposed windows will be more energy efficient than the existing windows to mitigate climate change, and will also require significantly less maintenance, therefore for these reasons it would accord with SD02 (Ecosystems Services) & SD14 (Climate Change Mitigation) policy of the South Downs Local Plan.
- 8.4 No objections have been received from neighbours, and the Lewes Town Council had no comments in regards to the application.
- 8.5 It is considered the proposals will not have a negative impact on the character of the property and the surrounding area, in accordance with Policies SD2 (Ecosystem Services), SD5 (Design) and SD14 (Climate Change Mitigation) of the South Downs Local Plan.
- 8.6 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

- 9.1 It is recommended that planning permission be granted.

10 Reason for Recommendation and Conditions

- 10.1 It is recommended that the application be approved for the reasons and subject to the conditions set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

10.2 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

10.3 3. Colour of windows

The proposed windows will be in matching brown colour to the existing windows, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the special character, architectural interest and integrity of the building is preserved having regard for Policy SD5 (Design) of the South Downs National Park Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

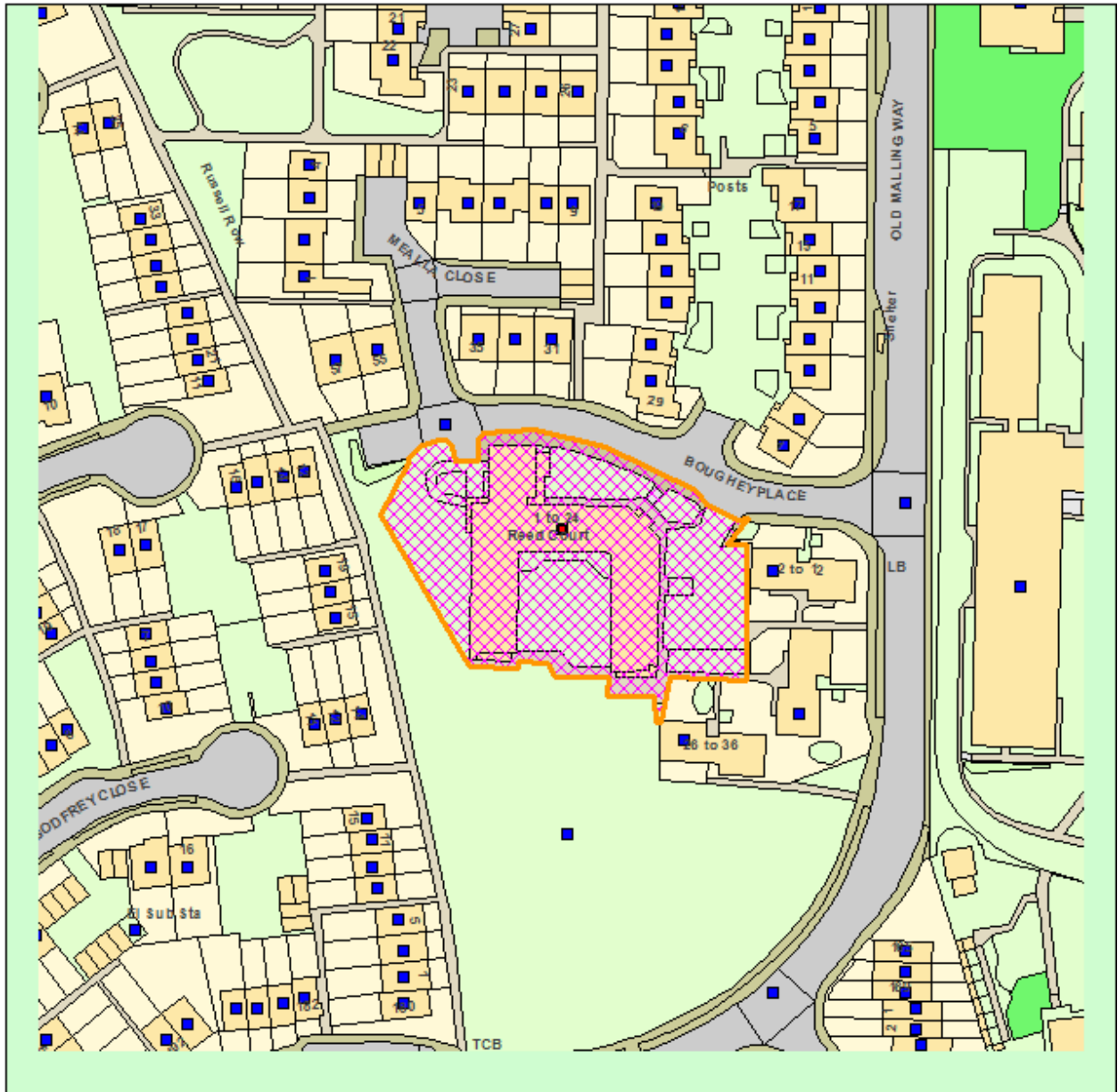
13. Equality Act 2010

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

14. Proactive Working

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

Site Location Map



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