

# Planning Applications Committee

2 September  
2020



Working in Partnership



Time: 10.00am

**PLEASE NOTE: This will be a 'virtual meeting', held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.**

**Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.**

**Instructions for members of the Committee and Officers to join the meeting have been circulated separately.**

## Membership:

**Councillor Sharon Davy (Chair); Councillor Steve Saunders (Vice-Chair); Councillors Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor and Nicola Papanicolaou**

**Quorum: 5**

*Published: Friday, 21 August 2020*

# Agenda

- 1 **Introductions**
- 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 **Minutes** (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 12 August 2020 (attached herewith).

## **5 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 posted on the Council's website prior to the start of the meeting to update the main reports with any late information.

## **6 Petitions**

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

## **7 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 within the South Downs National Park**

**8 SDNP/20/00675/FUL - The Lewes New School, Talbot Terrace, Lewes, BN7 2DS (Pages 9 - 28)**

**9 SDNP/20/00676/LIS - The Lewes New School, Talbot Terrace, Lewes, BN7 2DS (Pages 29 - 40)**

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

## **10 Date of next meeting**

To note that the next meeting of the Planning Applications Committee which is scheduled to commence at 4:00pm on Wednesday, 23 September 2020, will take place in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

## 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:** 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.

**Public participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the committee by an Officer.

## 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 meeting while the matter is being considered (unless he/she has obtained a dispensation).

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

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

**Other participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## 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)

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Working in Partnership



## Planning Applications Committee

**Minutes of the remote meeting held (via Microsoft Teams) on 12 August 2020 at 4:00pm**

### **Present:**

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Vice-Chair), Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor and Nicola Papanicolaou

### **Officers in attendance:**

Andrew Hill (Senior Specialist Advisor, Planning)  
Jennifer Norman (Committee Officer, Democratic Services)  
Leigh Palmer (Interim Head of Planning)  
Joanne Stone (Solicitor, Planning)

### **12 Introductions**

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

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

An apology for absence had been received from Councillor Graham Amy, as he was unable to participate in the meeting due to technical issues.

### **14 Declarations of interest**

Councillor Tom Jones declared a non-prejudicial interest in agenda item 11 (planning application SDNP/20/01311/FUL) as he was the Lewes District Ward Councillor.

### **15 Minutes**

The minutes of the meeting held on 22 July 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **16 Petitions**

There were none.

### **17 Written questions from councillors**

There were none.

**18 LW/20/0298 - Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP**

A written representation from Councillor Cathy Wickens was read aloud by the Committee Officer on behalf of Newick Parish Council. Written representations against the proposal were read aloud by the Committee Officer on behalf of Tony Turk (Newick Village Society), Baroness Julia Cumberlege and Mrs Mel Goddard (neighbour). Written representations for the proposal were read aloud by the Committee Officer on behalf of John Wood (applicant), Phillip Wood (applicant) and Olivia Forsyth (agent). A written representation was read aloud by the Committee Officer on behalf of Lewes District Ward Councillor Roy Burman.

**Resolved:**

That planning application LW/20/0298 for demolition of Oakside and the erection of 69 residential homes, with associated access, parking, landscaping and infrastructure works be refused for the following reasons:

1. The development, as a result of its location outside of the defined settlement boundary and the allocated site within the Newick Neighbourhood Plan, would result in an unacceptable encroachment into the countryside and closure of the gap between the site and the nearest dwellings to the east (The Gables and Newlands), and detrimentally impact on the open character of the countryside, contrary to Policy H04 of the Newick Neighbourhood Plan and policy DM1 of the Lewes District Local Plan.

**19 LW/19/0237 - Site adjoining 4 Strawlands, Plumpton Green, East Sussex****Resolved:**

That outline planning application LW/19/0237 for erection of 4no two bedroom bungalows, 4no two bedroom flats and 2no one bedroom flats for persons aged 55 or over, be deferred to a future meeting of the Planning Applications Committee.

**20 SDNP/19/04516/FUL - 1 New Cottages, The Street, Bishopstone Village, BN25 2UH**

A written representation for the proposal was read aloud by the Committee Officer on behalf of Imogen and Roger Taylor (neighbours).

**Resolved:**

That planning application SDNP/19/04516/FUL for alterations and conversion of an existing barn to a holiday let be approved, subject to the conditions set out in the report, and condition 5 to include indigenous planting and an informative advising not to park on the highway.

**21 SDNP/20/01311/FUL - Garden to the south of Longcroft House, 46  
Beacon Road, Ditchling, Hassocks, East Sussex, BN6 8UZ**

Written representations for the proposal were read aloud by the Committee Officer on behalf of Stewart Legg (applicant), Peter Young (agent) and David Tetley (scheme architect).

**Resolved:**

That revised planning application SDNP/20/01311/FUL for erection of a detached dwelling and garage, with new access and associated landscaping be refused for the following reasons:

1. The development, as a result of its location outside of the settlement boundary, would lead to the inappropriate and inefficient use of land, failing to meet the criteria associated with and therefore contrary to Policy SD25 of the South Downs National Park Local Plan, and in terms of the Ditchling Street and Westmeston Neighbourhood Plan (DSWNP) it extends development beyond the adopted planning boundary, failing to meet the exceptions of Policy DS1 of the DSWNP and it therefore contrary to Policy DS1 of the DSWNP.

**22 Date of next meeting****Resolved:**

That the next meeting of the Planning Applications Committee which is scheduled to be held on Wednesday, 2 September 2020, in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 6.32pm.

Councillor Sharon Davy (Chair)

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Report to: **Planning Applications Committee**  
Date: **2 September 2020**  
By: **Director of Planning**  
Local Authority: **Lewes District Council**  
Application Number: **SDNP/20/00675/FUL**  
Applicant: **Mr A Holloway**  
Application: **Construction of 3 no. new dwellings with associated landscaping and parking within the curtilage of a Listed Building and including alterations to the Listed Building and demolition of outbuildings.**

Address: **The Lewes New School  
Talbot Terrace  
Lewes  
BN7 2DS**

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

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**

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## **Executive Summary**

Consideration has been given to the merits of the proposal and account taken of neighbour comments, third party representations and statutory consultees, together with policies contained in the adopted Local Plan and the Neighbourhood Plan. The proposed development is considered to be acceptable and approval is recommended, subject to conditions.

### **1 Site Description**

1.1 The application site is occupied by a school situated on a corner plot at the junction between Talbot Terrace and Pelham Terrace. The site lies within a Conservation Area and two of the school buildings are Grade II Listed. The site, currently known as Lewes New School, was historically known as Pells County Primary School and dates back to 1896.

### **2 Proposal**

2.1 The application seeks planning permission for the construction of three dwelling houses on land within the curtilage of the existing school building, which is listed. Alterations are to be made to the listed building as well as demolition of outbuildings, new landscaping and parking.

2.2 Vehicular access to the new dwellings is proposed to come off Pelham Terrace with refuse storage and cycle parking on the left and two areas of landscaping, allowing the driveway to sweep past the corner of the main school building at which point there are to be five car parking spaces. Following demolition of an extension attached to the rear of the school building, the doorway opening is to be blocked up.

2.3 The new dwellings would be 11m behind the main school building and would form a terrace row of three properties. Gaps are proposed on both ends of the terrace between the remaining grounds of the school and the properties in St. John's Hill, the rear elevations of which would be just over 9m from the end of the proposed terrace. The back gardens of the new houses would measure approximately 10m.

2.4 The terrace of dwellings would have gables front and rear, and three ridgelines going front to back, with a connecting element towards the rear of the roof slopes, in the valleys.

2.5 Houses 1 and 2 are proposed to be two storey, but with a higher eaves level enabling a third story of accommodation within the pitched roof space. House number 3 is to be two storey, the first floor largely contained within the pitched roof space, thereby having slightly lower eaves than would normally be expected. House 3 would, however, have a greater depth than houses 1 and 2.

2.6 Each house would comprise living room and kitchen dining room on the ground floor, house 3 having an additional study at the front. Two bedrooms and a bathroom are proposed at first floor level. Houses 1 and 2 would have a third bedroom together with dressing room and en-suite at second floor level.

2.7 Houses 1 and 2 would have a floor area of approximately 175 square metres whilst house 3 would have a floor area of some 111 square metres complying with National Space Standards.

2.8 Houses 1 and 2 are to be constructed of light buff brick whilst house 3 is to be finished in grey brick. All would feature pre-weathered timber cladding on the rear elevations at first floor level, and each is to have a plain clay tile roof. Fenestration is proposed to be light grey aluminium.

2.9 The existing brick boundary walls are proposed to be retained on the east and south boundaries whilst the west boundary would have a new brick planter and a timber boundary fence.

2.10 An application for listed building consent for the development has been submitted in tandem (ref. SDNP/20/00676/LIS, also on this agenda).

### **3 Relevant Planning History**

SDNP/13/01648/FUL - Extension of boundary mesh fencing. Approved 25 June 2013.

SDNP/13/01657/LIS - Extension of boundary wire mesh fencing. Approved 25 June 2013.

LW/11/0832/NP - Not Proceeded With.

LW/11/0120/NP - Not Proceeded With.

LW/07/0680 - Conversion of redundant wc block into school offices replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 6 August 2007.

LW/07/0675 - Conversion of redundant w.c. block into school offices, replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 7 August 2007.

LW/07/0583 - Retention of a temporary office. Approved 23 July 2007.

LW/05/2409 - Renewal of temporary planning permission LW/04/2263 for the retention of a temporary office. Approved 6 February 2006.

LW/04/2263 - Renewal of temporary planning permission LW/01/1588 for the retention of a temporary office. Approved 17 December 2004.

LW/01/1686 - Not Proceeded With.

LW/01/1589 - Part Retrospective Listed Building application for flood damage repairs plus addition of new temporary office on site of previous destroyed Temporary office. Approved 16 October 2001.

LW/01/1588 - Addition of new temporary office on site of previous destroyed temporary office. Temporary Permission Expires 31/10/2004. Approved 10 October 2001.

LW/01/0016 - Section 73A Retrospective application for the retention of two temporary classrooms and one temporary office installed due to flood damage to school. Temporary Permission Expires 31/08/2001. Approved 14 February 2001.

LW/00/2175 - Not Proceeded With.

N/68/6694 - Proposed prefabricated timber classroom unit. LDC No Objections.

N/68/6843 - Proposed demountable staffroom. LDC No Objections.

N/63/5389 - Improvements to sanitation & provision of staff room. LDC No Objections  
22/07/1963.

#### **4 Consultations**

##### **Parish Council Consultee**

Members agreed with concerns expressed by neighbours regarding the paucity and late delivery of information to neighbours. The detail provided suggests a development that is far too high, would adversely impact on the Conservation Area and therefore is inconsistent with Conservation Area policy and the Neighbourhood Plan Policy HC3A. They shared concerns re loss of parking in an already problematic area and compromise to future use of the residual site for public purposes. Members acknowledged statements made in the application regarding attempts made to find continuation for alternative use, however they **STRONGLY OBJECTED** to this application.

##### **LE - Environmental Health**

No objection, subject to conditions:

1. Construction Environmental Management Plan
2. Hours of operation during demolition, site clearance, preparation and construction

And advisory comments:

1. Dust management advisory note.
2. Waste Management.
3. SuDS advisory note.

##### **LE - Design and Conservation Officer**

No Objection

[17 April]

I'm happy to accept the letters have demonstrated the use of the buildings is still viable following the construction of the three homes.

[27 March]

The application seeks consent for the construction of three dwellings within the curtilage of Lewes New School, a Grade II listed building within the Lewes Conservation Area. The school comprises two main buildings that are protected by the listing and two outbuildings which are not curtilage listed but do fall within the curtilage. The proposal includes the demolition of the non-original outbuildings and an extension to the listed building. Lewes New School is currently not in use and the application does not include the listed buildings within the proposal.

The design of the three new houses is thought to have been carefully considered. The materials, built form and massing make reference to the surrounding Conservation Area and adjacent listed building while not appearing pastiche. The only amendment requested to the design of the houses is for a darker colour brick to be used instead of the buff brick. The principle of different colour bricks is thought to enhance the scheme and create some visual variation between the three dwellings. The darker brick in grey is considered to reflect the material and colour palette characteristic of the Conservation Area. However, the buff brick is not thought to be as prevalent throughout the town. It is suggested a grey brick lighter than the dark grey brick should be used.

The new houses are not thought to be highly impactful to views within the Conservation Area. They are set back within a built-up, largely residential block. Where visible they are thought to not appear incongruous within the residential setting but still be readable as contemporary houses.

The outbuildings and extension proposed to be demolished are not considered to be of interest or add to the significance of the listed building. Their removal is considered to have a neutral to minor positive impact to the listed building and its setting.

New dwellings at this location and their design in this application are considered to be acceptable. However, the application does not consider potential future uses of the listed buildings. Paragraph 192 of the NPPF states that in determining applications, the desirability of sustaining and enhancing the significance of heritages and putting them to viable uses consistent with their conservation should be taken into account. Until a viable use is found for the listed buildings it cannot be judged if the division of the plot for the construction of three dwellings could impact that viable use. While that use is unknown the construction of three dwellings has the potential to harm that future use and long term conservation of the listed buildings. A plan for the whole site should be created, which may incorporate the construction of three dwellings within the plot, and must foremost include the optimal viable use for the listed buildings. Until a holistic approach to the site is formed the current application for the construction of three new dwellings cannot be supported.

## **5 Representations**

The applicant responded to the initial objection from the Design and Conservation Specialist on 15 April 2020, stating:

*I have attached two letters giving some more information on the current and future use of the former school buildings.*

*The first is an update on the various activities that have been taking place at the site since the school closed two years ago. As you will see it has been popular with a number of different users within the D I use class, and demonstrates that the buildings are not at risk from the ceasing of the specific school use. None of these users rely on the part of the playground that is proposed for redevelopment, and so even if the sale of the remainder of the buildings does not proceed, they have a sustainable future along these lines.*

*The second is a letter from the potential purchaser of the remainder of the school buildings. They are a well-known Lewes-based spiritual and community organisation, and currently occupy a Listed building on Station Street. They have actively been looking for larger premises in Lewes for several years. As the letter states, they are happy with the sub-division of the site in terms of future usage (in fact it will help to make their purchase more viable), and see no problems with the proposed adjoining residential use.*

*I trust that this information is helpful in easing concerns that the sub-division of the site, and redevelopment of part of it for residential use, may have the potential to make the remaining buildings unviable and therefore harm them in conservation terms.*

**Friends of Lewes** - neither in support nor objecting to the application, stating:

Friends of Lewes do not object to the principle of developing this site. However, it comments that the number and height of the houses proposed risk over development of the site. It considers that development should be limited to two houses no more than two storeys high.

**Cllr J. Norman** objects to the application, writing as follows:

I am writing to lodge my objections to the proposed development of Lewes New School. My concerns are as follows:

Firstly, creating a new entrance to allow access to Pelham Terrace would reduce the amount of parking spaces allocated to residents and visitors alike who already have difficulty in parking. With the loss of further spaces it creates a big problem especially in the summer when the Pells Pool opens. The junction at St Johns Hill, Brook Street and Pelham Terrace is a very busy thoroughfare both during the day and night. Having an entrance where visibility would be restricted is hazardous as the turning space into Pelham Terrace would be quite tight. This is a real safety issue particularly when so many children use this area.

Secondly, the issue of security comes up. The residents of St Johns Hill are constantly plagued by anti-social behaviour. We have already put in a gate to stop people walking round the back of the houses from Pelham Terrace. Having an open driveway encourages people, especially at night, to access the school grounds which, in turn, allows them to get round the back of the houses. This new development would do nothing to help reduce petty crime in this area.

Thirdly, you state in the planning application that the new development is in keeping with the area. That is not so as the materials proposed are not in keeping with the listed buildings already there, and certainly does not enhance the surrounding area.

Lastly, having dedicated parking spaces would potentially increase the noise and air pollution at the back of our houses which we residents feel is unacceptable.

### **Neighbour Representations –**

Representations have been received from Croeso and Tan Eglwys- Toronto Terrace; and 2, 3, 4, 7, 8, 11, 12 St. John's Hill, objecting to the application for the following reasons:

Contrary to Lewes Neighbourhood Plan  
Piecemeal development  
Contrary to Conservation Area policy  
Pells School (listed) is central to the character of the local area and its future is of prime importance  
The development may limit the future uses of the building  
The playground is part of the setting of the listed building and its loss would be detrimental  
Adverse impact on views from Pells Pond  
Not in keeping with local neighbourhood  
Discordant and inharmonious  
Height and scale  
Overpowers existing houses  
Inadequate Heritage Statement  
Increased risk to pedestrians in Pelham Terrace  
Loss of on-street car parking spaces (possibly 3 to 5)  
Potential security breaches and vandalism  
Opportunities for crime and anti-social behaviour  
Flood risk is not adequately addressed  
Lack of consultation  
Negative impact on enjoyment of property  
Noise and pollution  
Loss of sunlight and daylight  
May facilitate more houses behind St. John's Hill

## **6 Planning Policy Context**

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

- Lewes Neighbourhood Plan

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

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## **7 Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), 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.

### National Planning Policy Framework (NPPF)

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

- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD14 - Climate Change Mitigation and Adaptation of Historic Buildings

- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems

In addition due regard has also been had to policies contained within the Lewes Neighbourhood Plan.

#### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

## **8 Planning Assessment**

### Principle of Development

8.1 Strategic policy SD25 "Development Strategy" states that the principle of development in Lewes is supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land.

8.2 In this case the proposed houses would help to meet the chronic shortage of housing in a small way, within the built-up area boundary, and on a site that has been previously developed. One key issue however, is whether the sub-division of the site and the separation of the land, which included the school playground, could prejudice the continued viable use of the main school building, the longevity and maintenance of which requires a continued viable use in order to protect and safeguard the listed building.

8.3 This was an initial concern of the Design and Conservation Specialist. However, the applicant submitted additional information which demonstrates the current use of the listed building is not dependent on the grounds around it, and also that there is a prospective end use of the building notwithstanding that the proposed development may be approved. This end user, as detailed in their submission, indicates that the sub-division of the site would not prejudice the viability of its business. The listed building can therefore continue to be used, maintained and safeguarded as a heritage asset.

8.4 In principle therefore, the proposed development is considered to be acceptable.

#### Design and Appearance

8.5 Policy SD4 of the South Downs Local Plan states at paragraph 1 that:

Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape; and
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.

8.6 The parts of Policy SD5 relevant to this planning application state that:

1. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principle should be adopted as appropriate:

- a. Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context....
- c. Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement patterns....
- f. Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing....
- i. Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users....
- k. Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

8.7 Development Management Policy SD13: Listed Buildings states that:

1. Development proposals which affect a listed building or its setting will only be permitted and listed building consent granted where:

- a) They preserve and enhance the significance of the listed building and its setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided; or
- b) Harm to the significance of the listed building or its setting is considered to be outweighed by public benefits by the Authority, when appropriate mitigation measures will be expected, including archaeological investigation (including a written report) or recording.

2. Development proposals will be refused planning permission and/or listed building consent where they cause substantial harm to a listed building or its setting.



#### 8.8 Policy SD15: Conservation Areas, states that:

1. Development proposals within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area. Sufficient information to support an informed assessment should be provided on the following matters:

- a) The relevant conservation area appraisal and management plan;
- b) Overall settlement layout and relationship to established landscape setting;
- c) Historic pattern of thoroughfares, roads, paths and open spaces, where these provide evidence of the historic evolution of the settlement, and the historic street scene;
- d) Distinctive character zones within the settlement;
- e) Mix of building types and uses, if significant to the historic evolution of the settlement;
- f) Use of locally distinctive building materials, styles or techniques;
- g) Historic elevation features including fenestration, or shop fronts, where applicable;
- h) Significant trees, landscape features, boundary treatments, open space, and focal points; and
- i) Existing views and vistas through the settlement, views of the skyline and views into and out of the conservation area.

2. Within a conservation area, development proposals which involve the total or substantial demolition of buildings or structures will only be permitted where it is sufficiently demonstrated that:

- a) The current buildings or structures make no positive contribution to the special architectural or historic interest, character or appearance of the conservation area; and
- b) The replacement would make an equal or greater contribution to the character and appearance of the conservation area.

#### 8.9 Policy HC3 A "Heritage Protection of Landscape and Townscape" of the Lewes Town Neighbourhood Plan states that:

1) Development proposals that obscure or result in the loss of the positive characteristics of significant views of and within the town as shown in Appendix 5 will not be supported.

When considering planning applications that could affect one or more of these views, priority will be given to sustaining:

- The visual significance of Lewes Castle
- The visibility of the open countryside setting from within the built-up area
- The historic character and form of streetscape within the Conservation Areas
- The roofscape of the Conservation Areas from within the town and in the countryside setting.

#### 8.10 Policy HC3 B "Planning Application Requirements and Heritage Issues" states that:

1) Proposals for development will be supported where they demonstrate that the choice of design and use has sought to avoid or minimise harm to the significance of heritage assets.

#### 8.11 Policy PL2 "Architecture & Design" states that:

1) All new developments should be built to a high standard of design, having regard to the design principles set out in the Design Guidance Principles Inset Box (pages 106 — 107) and improve and enhance the built environment of the neighbourhood area.

- 2) Support will be given for proposals that balance environmental considerations with a respect for traditional scale and materials, in the Lewes Conservation Area.
- 5) Proposals that demonstrate an imaginative sense of context and place, respecting and not overpowering the surrounding buildings, landscape and townscape will be supported.

8.12 The council's Design and Conservation Specialist raises no objections to the proposals stating that the demolition and removal of the additions to the listed building would not have a harmful impact on its significance and would have a neutral to minor positive impact. It is acknowledged that several objections have been received as to the visual impact of the proposed development. However, no objections are raised by the Design and Conservation Specialist to the design and layout of the proposed dwellings, except in respect to the proposed materials, which can be altered and managed by imposing an appropriate planning condition. This is in relation to the use of buff coloured brick where a lighter grey brick would be more appropriate and in keeping with the character of the locality, whilst creating visual interest and be more sympathetic to the proposed darker grey coloured brick.

8.13 The proposed dwellings would be set back within the site and largely enclosed by existing housing bordering the site, which directly fronts the streets. Views into the site would expose the new dwellings, but they are not considered to be overly incongruous or out of character, and although reading as contemporary dwellings in terms of design, their limited prominence in the street scene together with the proposed scale and form of the dwellings means they would integrate with the existing townscape without leading to a significant adverse impact on visual amenity.

8.14 Taking into account the comments from neighbouring residents, consultation comments from the Design and Conservation Specialist, and after careful consideration of Local and Neighbourhood Plan policy, the proposed development is considered to be acceptable in terms of design and its visual impact on the local surroundings.

#### Parking and Access

8.15 Policy SD19 "Transport and Accessibility" of the South Downs Local Plan requires that development proposals are located and designed to minimise the need to travel and promote the use of sustainable modes of transport.

8.16 Secure and covered cycle storage for up to six bikes (2 per dwelling) is proposed in a convenient and accessible location in front of the proposed houses and alongside the access drive. The cycle storage facility would be partly screened by planting proposed at the access between the site and Pelham Terrace.

8.17 An electric vehicle charging point should be provided for each dwelling and this most likely would need to be in the form of sympathetic, freestanding bollard type charging points. The details of these can be secured by imposing an appropriate planning condition.

8.18 The highway authority has not submitted consultation comments, but this is normal for a scheme of this scale (3 dwellings) on a backland site. The proposals include 5 off-street car parking spaces, which is in excess of one per dwelling, and the vehicular access appears to be of a satisfactory width. In this location the amount of off-street car parking is considered to be acceptable and the scheme does also provide for alternatives such as cycling. The site is in a sustainable location within walking distance of many essential services.

8.19 Several residents have raised concerns with respect to security of a rear passage which runs behind properties in St. John's Hill. This passage appears to be private and has a gate in the wall where it meets Pelham Terrace. No direct access to this back passage is proposed from the new development and it should remain as secure as it is at present. Nonetheless the impact on security from three new dwellings is not considered to be of a sufficient scale to refuse planning permission for the development.

8.20 Furthermore, the plans submitted indicate that there would be landscaping behind the bin/recycling storage facility next to the site entrance and adjacent to the private alleyway, which should mitigate any adverse impact of having the stores in this position on the neighbouring residents.

### Ecosystems Services and Flood Risk

8.21 Policy SD2 of the South Downs Local Plan states that:

1. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:

- a) Sustainably manage land and water environments;
- b) Protect and provide more, better and joined up natural habitats;
- c) Conserve water resources and improve water quality;
- d) Manage and mitigate the risk of flooding;
- e) Improve the National Park's resilience to, and mitigation of, climate change;
- f) Increase the ability to store carbon through new planting or other means;
- g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;
- h) Support the sustainable production and use of food, forestry and raw materials;
- i) Reduce levels of pollution;
- j) Improve opportunities for peoples' health and wellbeing; and
- k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.

2. Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

8.22 Policy SD9 "Biodiversity and Geodiversity" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals:

- a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- b) Identify and incorporate opportunities for net gains in biodiversity;
- c) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks;
- d) Protect and support recovery of rare, notable and priority species;

- e) Seek to eradicate or control any invasive non-native species present on site;
- f) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of GI and Biodiversity Action Plan targets and enhance Biodiversity Opportunity Areas (BOA); and
- g) Comply with the mitigation hierarchy as set out in national policy.

8.23 Policy LE2 "Biodiversity" of the Lewes Town Neighbourhood Plan requires development to provide a net gain in biodiversity, habitats and species on the site, over and above the existing biodiversity situation. Support will be given to development proposals that can demonstrate a net gain in biodiversity.

8.24 In respect of policy SD9 the proposals to add soft landscaping at the access, in front of and to the rear of the proposed dwellings, including Sedum roofs, are noted and welcomed, not only for reasons of biodiversity enhancement but also to enhance the visual impact of the development. At present the site is predominantly, though not exclusively, hard surfaced. The proposed landscaping and garden areas - the details of which should be reserved by condition - would meet the requirements of policy LE2 in terms of providing a net gain in biodiversity.

8.25 In terms of policy SD2, the applicant has submitted information which is contained in the Design and Access Statement. Whilst not under the heading of an Ecosystems Services Statement, details provided include that renewable energy has been considered and, aside from the potential for solar panels on the western roof slope of the middle house (which would be the most hidden from view) there is limited scope due to the potential impact on the setting of the listed building. Low embodied carbon materials are proposed and the energy efficiency of the building would exceed the requirements of Building Regulations (a condition may be imposed in order to ensure this is at least 19% improvement as per policy SD48). The proposed scheme also includes various mitigation measures for minimising impact on air quality, such as:

- o Increase in site greenery (new planting, introduction of lawned garden areas)
- o Improving air quality by absorbing carbon dioxide and pollutants.
- o Encouraging use of sustainable means of transport (town centre location and provision of cycle storage)
- o Provision of electric vehicle charging points (encourages use of electric vehicles and thereby reduces pollution due to car use)
- o Best practice methods would be adopted during construction to reduce levels of dust and other pollutants.

8.26 In order to secure these measures and ensure that they are delivered in compliance with Ecosystems Services requirements an appropriately worded condition is considered necessary and reasonable.

8.27 In terms of flood risk it is noted that the site lies within Flood Zone 2 and partly within Flood Zone 3. The site is not far from the River Ouse, and associate waterways including Papermill Cut and The Pells, which are generally linked by various drains and sluices.

8.28 The applicant has submitted a Flood Risk Assessment which states that fluvial flood risk is moderate to high but various mitigation measures are proposed, including:

- o Setting the finished floor levels of the proposed dwellings to 6.02m above ordnance datum (AOD)
- o Providing compensatory storage volume on site that would otherwise be lost due to building on the site

- o Designing a Flood Warning and Evacuation Plan
- o Incorporating flood resilient construction methods as part of the design, up to a level of 6.64m AOD
- o Profiling external levels away from the development and towards the nearest drainage point

8.29 The proposed development is considered unlikely to increase flood risk elsewhere through the loss of floodplain storage, impedance of flood flows or increase in surface water run-off.

8.30 Notwithstanding these findings it is considered that a condition should be imposed in order to view and agree the detailed design proposals for surface water run-off and flood resilience, which would be assessed in conjunction with the Lead Local Flood Authority at the county council.

#### Amenity and Dark Night Skies

8.31 Policy SD8 "Dark Night Skies" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core as shown on the Policies Map.

8.32 The proposed development does not incorporate an external lighting programme and the design of the dwellings does not include rooflights or lanterns that may lead to upward light glare. Furthermore a restrictive condition could prevent future residents from installing rooflights without first having to apply for planning permission.

8.33 These factors, together with the location of the site adjacent to existing housing in a built up area, means that any new light emitted from the windows of the new dwellings at night is not likely to have a material impact on existing light pollution levels in this location.

## **9 Conclusion**

9.1 Approval of the application is recommended, subject to conditions.

## **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

### **2. Approved Plans**

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

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

3. Notwithstanding the approved ecosystems services and sustainability measures set out in the Design and Access Statement submitted, the precise details of the location and number of items such as bird and bat boxes, composting and/or water butts, shall be submitted to the local planning authority by way of plans and written statements, for approval, and shall be put in place prior to the first residential occupation of the new dwelling hereby permitted.

**Reason:** In order to ensure that the development mitigates for the increased resources used in its construction and operation; to mitigate local contributors towards climate change; and to enhance the biodiversity of the site, in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

4. Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include species and heights of all tree/shrub planting, appropriate planting between the bin/recycling store and the boundary wall to the adjoining private passage, as well as boundary details such as fencing (e.g. height, siting and materials). The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with policies SD4 and SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

5. Prior to the first residential occupation of the new dwellings hereby permitted, electric vehicle charging points shall be provided and made ready for use by the new residents.

**Reason:** In order to reduce pollution and consumption of resources and mitigate local contributors to climate change in accordance with policy SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

6. Notwithstanding the buff facing brick, the external materials and finishes to be used in the development hereby permitted shall strictly accord with those indicated on the plans hereby approved.

**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with policies SD5, SD13 and SD15 of the South Downs Local Plan, policies PL2 and HC3B of the Lewes Town Neighbourhood Plan and having regard to the National Planning Policy Framework.

7. Notwithstanding the details submitted, the use of buff facing brick is not hereby approved and no development shall take place above ground floor slab level until details and a sample of an alternative facing brick (for example a grey brick) have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and successful integration of the development into the local townscape character in accordance with policies SD5, SD13 and SD15 of the South Downs Local Plan, policies PL2 and HC3B of the Lewes Town Neighbourhood Plan and having regard to the National Planning Policy Framework.

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

Reason: In the interests of the residential amenities of the neighbours having regard to policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring residents and highway users during construction and in accordance with policies SD5 and SD7 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes B or C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to maintain control over new roof openings that may otherwise contribute to light pollution and potentially compromise the dark night sky reserve designation of the National Park in accordance with policy SD8 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A or E of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to monitor and control future development that may affect the setting and visual amenity of the development and the character of the local area, as well as the amenity of neighbouring residents, having regard to policies SD4 and SD5 of the South Downs Local Plan, policies PL2 and HC3B of the Lewes Town Neighbourhood Plan and having regard to the National Planning Policy Framework.

12. No development shall commence until the vehicular access serving the development has been constructed in accordance with the plans submitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

13. The development shall not be occupied until the parking areas for both motor vehicles and cycles, have been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles associated with residents of the development and their visitors.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

15. No development shall take place until full details of existing and proposed surface water run-off rates together with the technical details and calculations associated with the proposed porous surface drainage and attenuation design and capacity, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the appropriate management of surface water by way of a sustainable urban drainage systems and reduce flood risk both on-site and off-site, having regard to policies SD5 and SD49 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

## **11. Crime and Disorder Implications**

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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



#### **14. Proactive Working**

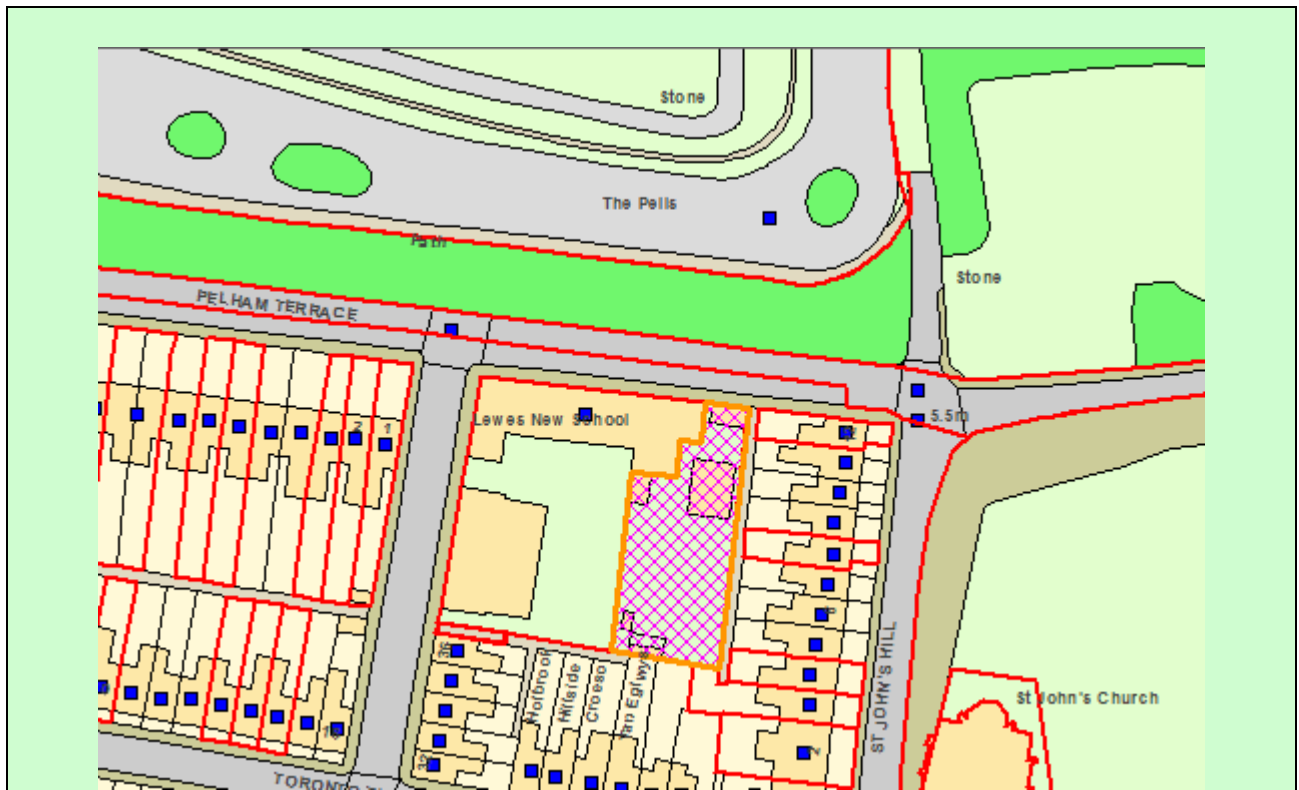
- 14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

#### **15. Appendices**

- 15.1 Appendix 1 – Site Location Map

## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed Site Layout and Block Plan	I004-BL-01 PI		13.02.2020	Submitted
Plans - Existing Site Plan Topographical Survey	I004-EX-01 PI		13.02.2020	Submitted
Plans - Existing School Buildings: Ground Floor Plan	I004-EX-02 PI		13.02.2020	Submitted
Plans - Existing Elevations: North Building	I004-EX-03 PI		13.02.2020	Submitted
Plans - Existing Elevations: Classroom Block	I004-EX-04 PI		13.02.2020	Submitted
Plans - Proposed Ground Floor Plan	I004-GA-01 PI		13.02.2020	Submitted
Plans - Proposed First Floor Plan	I004-GA-02 PI		13.02.2020	Submitted
Plans - Proposed Second Floor Plan	I004-GA-03 PI		13.02.2020	Submitted
Plans - Proposed Roof Plan	I004-GA-03 PI		13.02.2020	Submitted
Plans - Proposed Site Elevations	I004-GE-01 PI		13.02.2020	Submitted
Plans - Proposed North and West Elevations	I004-GE-02 PI		13.02.2020	Submitted
Plans - Proposed South and East Elevations	I004-GE-03 PI		13.02.2020	Submitted
Plans - Proposed Site Sections	I004-GS-01 PI		13.02.2020	Submitted
Plans - Proposed Listed Building Alterations (North Building)	I004-LB-01 PI		13.02.2020	Submitted
Plans - Location Plan	I004-LOC-01 PI		13.02.2020	Submitted
Application Documents -	Flood Risk Assessment		13.02.2020	Submitted
Application Documents -	Heritage Statement		13.02.2020	Submitted
Application Documents -	Planning, Design and Access Statement		13.02.2020	Submitted
Application Documents -	Residential/Dwe lling Units - Supplementary Information Template		13.02.2020	Submitted

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

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Report to **Planning Applications Committee**  
Date **2 September 2020**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/20/00676/LIS**  
Applicant **Mr Andrew Holloway**  
Application **Construction of 3 no. new dwellings with associated landscaping and parking within the curtilage of a Listed Building and including alterations to the Listed Building and demolition of outbuildings.**

Address **The Lewes New School  
Talbot Terrace  
Lewes  
BN7 2DS**

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

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## **Executive Summary**

The proposed development is not considered to be harmful to the setting of the listed building or its special architectural features and historic fabric. Accordingly approval is recommended.

### **1 Site Description**

1.1 The application site is occupied by a school situated on a corner plot at the junction between Talbot Terrace and Pelham Terrace. The site lies within a Conservation Area and two of the school buildings are Grade II Listed. The site, currently known as Lewes New School, was historically known as Pells County Primary School and dates back to 1896.

### **2 Proposal**

2.1 The application seeks listed building consent for the construction of three dwellinghouses on land within the curtilage of the existing school building, which is listed. Alterations are to be made to the listed building as well as demolition of outbuildings, new landscaping and parking.

2.2 Vehicular access to the new dwellings is proposed to come off Pelham Terrace with refuse storage and cycle parking on the left and two areas of landscaping, allowing the driveway to sweep past the corner of the main school building at which point there are to be five car parking spaces. Following demolition of an extension attached to the rear of the school building, the doorway opening is to be blocked up.

2.3 The new dwellings would be 11m behind the main school building and would form a terrace row of three properties. Gaps are proposed on both ends of the terrace between the remaining grounds of the school and the properties in St. John's Hill, the rear elevations of which would be just over 9m from the end of the proposed terrace. The back gardens of the new houses would measure approximately 10m.

2.4 The terrace would have gables front and rear, and three ridgelines going front to back, with a connecting element towards the rear of the roof slopes, in the valleys.

2.5 Houses 1 and 2 are proposed to be two storey, but with a higher eaves level enabling a third story of accommodation within the pitched roof space. House number 3 is to be two storey, the first floor largely contained within the pitched roof space, thereby having slightly lower eaves than would normally be expected. House 3 would, however, have a larger front to back dimension than houses 1 and 2.

2.6 Each house would comprise living room and kitchen dining room on the ground floor, house 3 having an additional study at the front. Two bedrooms and a bathroom are proposed at first floor level. Houses 1 and 2 would have a third bedroom together with dressing room and en-suite at second floor level.

2.7 Houses 1 and 2 would have a floor area of approximately 175 square metres whilst house 3 would have a floor area of some 111 square metres.

2.8 Houses 1 and 2 are to be constructed of light buff brick whilst house 3 is to be finished in grey brick. All would feature pre-weathered timber cladding on the rear elevations at first floor level, and each is to have a plain clay tile roof. Fenestration is proposed to be light grey aluminium.

2.9 The existing brick boundary walls are proposed to be retained on the east and south boundaries whilst the west boundary would have a new brick planter and a timber boundary fence.

An application for planning permission for the development has been submitted in tandem (ref. SDNP/20/00675/FUL, also on this agenda).

### **3 Relevant Planning History**

SDNP/13/01648/FUL - Extension of boundary mesh fencing. Approved 25 June 2013.

SDNP/13/01657/LIS - Extension of boundary wire mesh fencing. Approved 25 June 2013.

LW/11/0832/NP - Not Proceeded With.

LW/11/0120/NP - Not Proceeded With.

LW/07/0680 - Conversion of redundant wc block into school offices replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 6 August 2007.

LW/07/0675 - Conversion of redundant w.c. block into school offices, replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 7 August 2007.

LW/07/0583 - Retention of a temporary office. Approved 23 July 2007.

LW/05/2409 - Renewal of temporary planning permission LW/04/2263 for the retention of a temporary office. Approved 6 February 2006.

LW/04/2263 - Renewal of temporary planning permission LW/01/1588 for the retention of a temporary office. Approved 17 December 2004.

LW/01/1686 - Not Proceeded With.

LW/01/1589 - Part Retrospective Listed Building application for flood damage repairs plus addition of new temporary office on site of previous destroyed Temporary office. Approved 16 October 2001.

LW/01/1588 - Addition of new temporary office on site of previous destroyed temporary office. Temporary Permission Expires 31/10/2004. Approved 10 October 2001.

LW/01/0016 - Section 73A Retrospective application for the retention of two temporary classrooms and one temporary office installed due to flood damage to school. Temporary Permission Expires 31/08/2001. Approved 14 February 2001.

LW/00/2175 - Not Proceeded With.

N/68/6694 - Proposed prefabricated timber classroom unit. LDC No Objections.

N/68/6843 - Proposed demountable staffroom. LDC No Objections.

N/63/5389 - Improvements to sanitation & provision of staff room. LDC No Objections  
22/07/1963.

## 4 Consultations

### Parish Council Consultee

Members agreed with concerns expressed by neighbours regarding the paucity and late delivery of information to neighbours. The detail provided suggests a development that is far too high, would adversely impact on the Conservation Area and therefore is inconsistent with Conservation Area policy and the Neighbourhood Plan Policy HC3A. They shared concerns re loss of parking in an already problematic area and compromise to future use of the residual site for public purposes. Members acknowledged statements made in the application regarding attempts made to find continuation for alternative use, however they **STRONGLY OBJECTED** to this application.

### LE - Design and Conservation Officer

No Objection

[6 August]

A recess should be left to show there was a door there and the materials being used to fill the door in. I'm assuming it will be exposed brick so it should match the rest of the brick in the building.

[17 April]

I'm happy to accept the letters have demonstrated the use of the buildings is still viable following the construction of the three homes.

[27 March]

The application seeks consent for the construction of three dwellings within the curtilage of Lewes New School, a Grade II listed building within the Lewes Conservation Area. The school comprises two main buildings that are protected by the listing and two outbuildings which are not curtilage listed but do fall within the curtilage. The proposal includes the demolition of the non-original outbuildings and an extension to the listed building. Lewes New School is currently not in use and the application does not include the listed buildings within the proposal.

The design of the three new houses is thought to have been carefully considered. The materials, built form and massing make reference to the surrounding Conservation Area and adjacent listed building while not appearing pastiche. The only amendment requested to the design of the houses is for a darker colour brick to be used instead of the buff brick. The principle of different colour bricks is thought to enhance the scheme and create some visual variation between the three dwellings. The darker brick in grey is considered to reflect the material and colour palette characteristic of the Conservation Area. However, the buff brick is not thought to be as prevalent throughout the town. It is suggested a grey brick lighter than the dark grey brick should be used.

The new houses are not thought to be highly impactful to views within the Conservation Area. They are set back within a built-up, largely residential block. Where visible they are thought to not appear incongruous within the residential setting but still be readable as contemporary houses.

The outbuildings and extension proposed to be demolished are not considered to be of interest or add to the significance of the listed building. Their removal is considered to have a neutral to minor positive impact to the listed building and its setting.

New dwellings at this location and their design in this application are considered to be acceptable. However, the application does not consider potential future uses of the listed buildings. Paragraph 192 of the NPPF states that in determining applications, the desirability of sustaining and enhancing the significance of heritages and putting them to viable uses consistent with their

conservation should be taken into account. Until a viable use is found for the listed buildings it cannot be judged if the division of the plot for the construction of three dwellings could impact that viable use. While that use is unknown the construction of three dwellings has the potential to harm that future use and long term conservation of the listed buildings. A plan for the whole site should be created, which may incorporate the construction of three dwellings within the plot, and must foremost include the optimal viable use for the listed buildings. Until a holistic approach to the site is formed the current application for the construction of three new dwellings cannot be supported.

## **5 Representations**

The applicant responded to the initial objection from the Design and Conservation Specialist on 15 April 2020, stating:

*I have attached two letters giving some more information on the current and future use of the former school buildings.*

*The first is an update on the various activities that have been taking place at the site since the school closed two years ago. As you will see it has been popular with a number of different users within the D I use class, and demonstrates that the buildings are not at risk from the ceasing of the specific school use. None of these users rely on the part of the playground that is proposed for redevelopment, and so even if the sale of the remainder of the buildings does not proceed, they have a sustainable future along these lines.*

*The second is a letter from the potential purchaser of the remainder of the school buildings. They are a well-known Lewes-based spiritual and community organisation, and currently occupy a Listed building on Station Street. They have actively been looking for larger premises in Lewes for several years. As the letter states, they are happy with the sub-division of the site in terms of future usage (in fact it will help to make their purchase more viable), and see no problems with the proposed adjoining residential use.*

*I trust that this information is helpful in easing concerns that the sub-division of the site, and redevelopment of part of it for residential use, may have the potential to make the remaining buildings unviable and therefore harm them in conservation terms.*

### **Lewes Conservation Area Advisory Group - Objection**

Major concern over use of existing listed buildings, which will be redundant. The proposal ignores these and only covers the outbuildings to be demolished. Proposed entrance appears unsafe. Proposed new dwellings will also be higher than the existing buildings. Under this proposal the viability of listed buildings would be compromised. Therefore Group believes that this PA must be opposed in principle and for any proposal to be acceptable, it should include recommendations for use of the Listed Buildings. In addition Group sees this proposal as overdevelopment. One member reminded the Group that this site flooded in 2000.

**Friends of Lewes** - neither in support nor objecting to the application, stating:

Friends of Lewes do not object to the principle of developing this site. However, it comments that the number and height of the houses proposed risk over development of the site. It considers that development should be limited to two houses no more than two storeys high.

**Cllr J. Norman** objects to the application, writing as follows:

I am writing to lodge my objections to the proposed development of Lewes New School. My concerns are as follows:

Firstly, creating a new entrance to allow access to Pelham Terrace would reduce the amount of parking spaces allocated to residents and visitors alike who already have difficulty in parking. With the loss of further spaces it creates a big problem especially in the summer when the Pells Pool opens. The junction at St Johns Hill, Brook Street and Pelham Terrace is a very busy



thoroughfare both during the day and night. Having an entrance where visibility would be restricted is hazardous as the turning space into Pelham Terrace would be quite tight. This is a real safety issue particularly when so many children use this area.

Secondly, the issue of security comes up. The residents of St Johns Hill are constantly plagued by anti-social behaviour. We have already put in a gate to stop people walking round the back of the houses from Pelham Terrace. Having an open driveway encourages people, especially at night, to access the school grounds which, in turn, allows them to get round the back of the houses. This new development would do nothing to help reduce petty crime in this area.

Thirdly, you state in the planning application that the new development is in keeping with the area. That is not so as the materials proposed are not in keeping with the listed buildings already there, and certainly does not enhance the surrounding area.

Lastly, having dedicated parking spaces would potentially increase the noise and air pollution at the back of our houses which we residents feel is unacceptable.

Representations have been received from Croeso, Tan Eglwys and 24 Toronto Terrace; 9 Pelham Terrace; 3, 4, 5, 7, 8, 11, and 12 St John's Hill; raising objections to the application which are summarised below:

The character of the setting of the listed building will be changed

Contrary to Lewes Neighbourhood Plan

Piecemeal development

Contrary to Conservation Area policy

Pells School (listed) is central to the character of the local area and its future is of prime importance

The development may limit the future uses of the building

The playground is part of the setting of the listed building and its loss would be detrimental

Adverse impact on views from Pells Pond

Not in keeping with local neighbourhood

Discordant and inharmonious

Height and scale

Overpowers existing houses

Inadequate Heritage Statement

Increased risk to pedestrians in Pelham Terrace

Loss of on-street car parking spaces (possibly 3 to 5)

Potential security breaches and vandalism

Opportunities for crime and anti-social behaviour

Flood risk is not adequately addressed

Lack of consultation

Negative impact on enjoyment of property

Noise and pollution

Loss of sunlight and daylight

May facilitate more houses behind St. John's Hill

## 6 Planning Policy Context

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

- Lewes Neighbourhood Plan

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

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## **7 Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), 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.

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

### National Planning Policy Framework (NPPF)

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

- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

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

- Core Policy SD1 - Sustainable Development
- Development Management Policy SD13 - Listed Buildings

### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

## 8 Planning Assessment

### Principle of Development

8.1 Strategic policy SD25 "Development Strategy" states that the principle of development in Lewes is supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land.

8.2 A key issue is whether the sub-division of the site and the separation of the land, which includes the school playground, could prejudice the continued viable use of the listed main school building, the longevity and maintenance of which requires a continued viable use in order to protect and safeguard the listed building.

8.3 This was an initial concern of the Design and Conservation Specialist. However, the applicant submitted additional information which demonstrates the current use of the listed building is not dependent on the grounds around it, and also that there is a prospective end use of the building notwithstanding that the proposed development may be approved. This end user, as detailed in their submission, indicates that the sub-division of the site would not prejudice the viability of its business. The listed building can therefore continue to be used, maintained and safeguarded as a heritage asset. Therefore in principle, the proposed development is considered to be acceptable.

### Design and Appearance

8.4 Development Management Policy SD13: Listed Buildings states that:

1. Development proposals which affect a listed building or its setting will only be permitted and listed building consent granted where:
  - a) They preserve and enhance the significance of the listed building and its setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided; or
  - b) Harm to the significance of the listed building or its setting is considered to be outweighed by public benefits by the Authority, when appropriate mitigation measures will be expected, including archaeological investigation (including a written report) or recording.
2. Development proposals will be refused planning permission and/or listed building consent where they cause substantial harm to a listed building or its setting.

8.5 Policy HC3 B "Planning Application Requirements and Heritage Issues" states that:

- 1) Proposals for development will be supported where they demonstrate that the choice of design and use has sought to avoid or minimise harm to the significance of heritage assets.

8.6 The council's Design and Conservation Specialist raises no objections to the proposals stating that the demolition and removal of the additions to the listed building would not have a harmful impact on its significance and would have a neutral to minor positive impact.

8.7 This is subject to conditions in respect of a door to be blocked up on the rear elevation of the main school building, the materials of which should be agreed. The architrave around the

door opening and/or a recess within the door space, should be preserved in order to retain the legibility of this door opening in future.

8.8 It is acknowledged that several objections have been received as to the visual impact of the proposed development and the potential impact on the setting of the listed building.

8.9 The proposed dwellings would be set back within the site and largely enclosed by existing housing bordering the site, which directly fronts the streets. Views into the site would expose the new dwellings, but they are not considered to be overly incongruous or out of character, and would be sufficiently separated from the listed buildings, both of which would continue to benefit from space at the rear.

8.10 Taking into account the comments from neighbouring residents, consultation comments from the Design and Conservation Specialist, and after careful consideration of Local Plan policy, the proposed development is considered to be acceptable in terms of the impact on the setting of the listed building and the safeguarding of its special architectural qualities and historic fabric.

## **9 Conclusion**

9.1 Having taken into account the comments of third parties and consultees, and assessing the proposals against the adopted Local Plan, it is concluded that the proposed development would not have an unacceptably harmful impact on the setting of the listed building or its special architectural features and historic fabric. It is therefore recommended that listed building consent 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. 3 year time expiry listed building**

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

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

### **2. Approved Plans**

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

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

3. The doorway that is to be exposed by the removal of the addition to the main listed school building shall be in-filled with facing brick to match existing, and the outline of the doorway shall be set within a reveal.

**Reason:** In the interests of safeguarding the character of the listed building and preserving and ensuring the future legibility of this historic opening in accordance with policy SD13 of the South Downs Local Plan, policy HC3B of the Lewes Town Neighbourhood Plan, and having regard to the National Planning Policy Framework.

**11. Crime and Disorder Implications**

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

**12. Human Rights Implications**

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

**13. Equality Act 2010**

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

**14. Proactive Working**

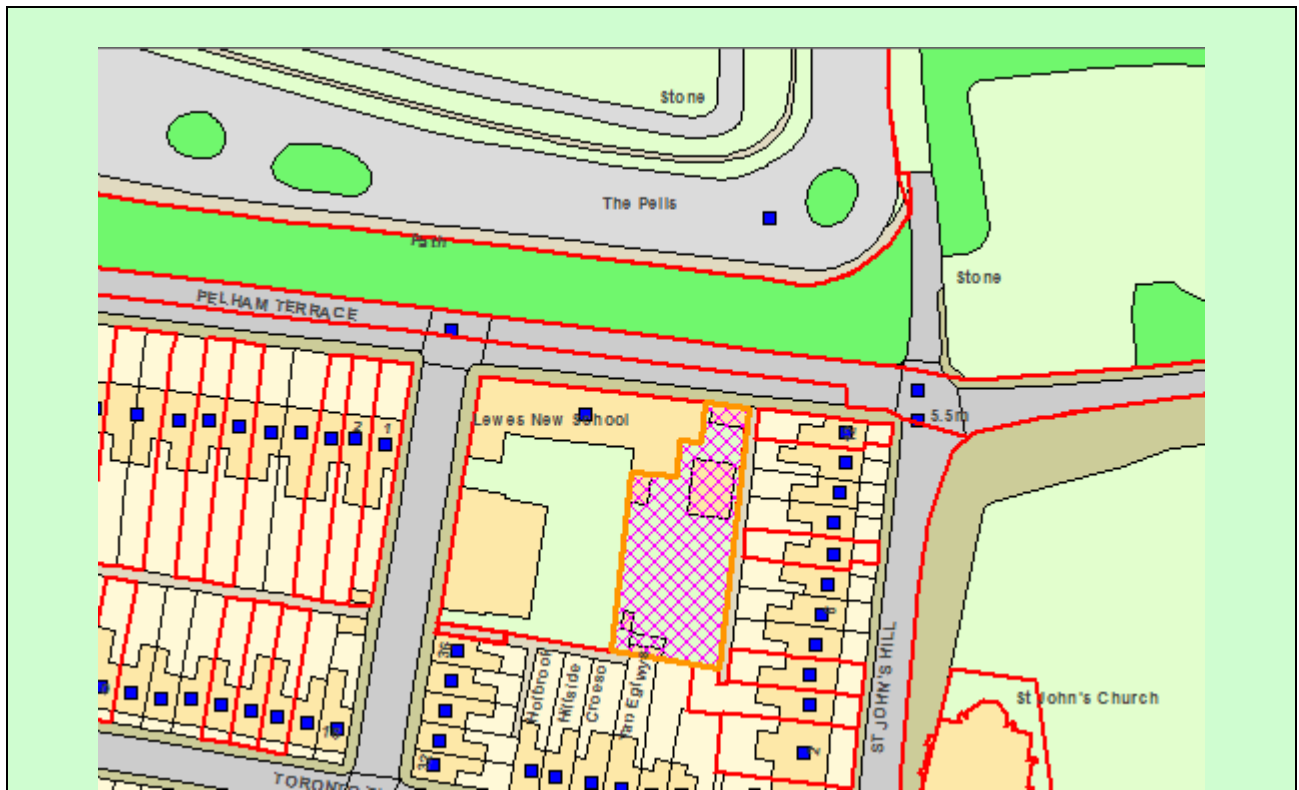
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

**15. Appendices**

15.1 Appendix 1 – Site Location Map

## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed Site Layout/Block Plan	I004-BL-01 PI		13.02.2020	Approved
Plans - Existing Site Plan Topographical Survey	I004-EX-01 PI		13.02.2020	Approved
Plans - Existing School Buildings: Ground Floor Plan	I004-EX-02 PI		13.02.2020	Approved
Plans - Existing Elevation: North Building	I004-EX-03 PI		13.02.2020	Approved
Plans - Existing Elevations: Classroom Block	I004-EX-04 PI		13.02.2020	Approved
Plans - Proposed Ground Floor Plan	I004-GA-01 PI		13.02.2020	Approved
Plans - Proposed First Floor Plan	I004-GA-02 PI		13.02.2020	Approved
Plans - Proposed Second Floor Plan	I004-GA-03 PI		13.02.2020	Approved
Plans - Proposed Roof Plan	I004-GA-03 PI		13.02.2020	Approved
Plans - Proposed Site Elevations	I004-GE-01 PI		13.02.2020	Approved
Plans - Proposed North and West Elevations	I004-GE-02 PI		13.02.2020	Approved
Plans - Proposed South and East Elevations	I004-GE-03 PI		13.02.2020	Approved
Plans - Proposed Site Sections	I004-GS-01 PI		13.02.2020	Approved
Plans - Proposed Listed Building Alterations	I004-LB-01 PI		13.02.2020	Approved
Plans - Location Plan	I004-LOC-01 PI		13.02.2020	Approved
Application Documents -	Flood Risk Assessment		13.02.2020	Approved
Application Documents -	Heritage Statement		13.02.2020	Approved
Application Documents -	Residential/Dwelling Information Template		13.02.2020	Approved
Application Documents -	Planning, Design and Access Statement		13.02.2020	Approved

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

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