

Planning Applications Committee 14 October 2020



Working in Partnership



Time: 6.00pm*

***Please note that the meeting, which was originally scheduled to be held at 4.00pm, will now commence at 6.00pm.**

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: Tuesday, 6 October 2020

Agenda

1 Minutes (Pages 5 - 6)

To confirm and sign the minutes of the previous meeting held on 23 September 2020 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

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

4 Urgent items

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

5 Petitions

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

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

- 7 LW/20/0291 - 23 Clifton Road, Newhaven, East Sussex, BN9 0BA
(Pages 7 - 48)**

Planning applications within the South Downs National Park

- 8 SDNP/20/01664/FUL - Wallands Community Primary School, Gundreda Road, Lewes, BN7 1PU (Pages 49 - 58)**

Non-planning application related items

- 9 Summary of appeal decisions received from 1 April 2020 to 30 September 2020 (Pages 59 - 62)**

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, 4 November 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 the 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 the Committee.

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

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.

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Working in Partnership



Planning Applications Committee

Minutes of the remote meeting held (via Microsoft Teams) on 23 September 2020 at 4.00pm.

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Vice-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Milly Manley, Laurence O'Connor and Nicola Papanicolaou and Adrian Ross (Substitute)

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)

1. Introductions

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

2. Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Imogen Makepeace. Councillor Adrian Ross declared that he was acting as substitute for Councillor Makepeace for the duration of the meeting.

3. Declarations of interest

There were none.

4. Minutes

The minutes of the meeting held on 2 September 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

5. Petitions

There were none.

6. Written questions from councillors

There were none.

7. LW/19/0237 - Site adjoining 4 Strawlands, Plumpton Green, East Sussex

A written representation against the proposal was read aloud by the Committee Officer on behalf of Michael Wood (Neighbour). A written representation for the proposal was read aloud by the Committee Officer on behalf of Allen Rollings (Highways Engineer). A written representation was read aloud by the Committee Officer on behalf of Lewes District Ward Councillor Robert Banks.

Resolved:

1. 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 approved, subject to the conditions set out in the report, supplementary report, and subject to the amendment to condition 15 as detailed below:

Additional working for condition 15 as agreed by the Committee, second bullet point:

‘which should be though Wells Close only and not through Strawlands except as explicitly detailed within the CEMP for specific works;’

2. That the application is refused under delegated authority if the S106 agreement is not concluded in 6 months of any resolution to grant planning permission.

8. Date of next meeting**Resolved:**

That the next meeting of the Planning Applications Committee which is scheduled to commence at 4:00pm on Wednesday, 14 October 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 5.11 pm.

Councillor Sharon Davy (Chair)

Agenda Item 7

APPLICATION NUMBER:	LW/20/0291
APPLICANTS NAME(S):	K. Brooks c/o TC Group London Limited
PARISH / WARD:	Newhaven / Newhaven South
CASE OFFICER:	James Smith james.smith@lewes-eastbourne.gov.uk
PROPOSAL:	Planning Application for demolition of existing structures on site and the erection of a part three and four storey development containing 74 residential units and a ground floor art studio unit, with associated car parking and landscaping.
SITE ADDRESS:	23 Clifton Road, Newhaven, East Sussex, BN9 0BA
RECOMMENDATION:	<ol style="list-style-type: none">1. To approve subject a S106 Agreement with Lewes District Council to secure local employment and training measures for development of 10 or more residential units and to the conditions attached to this report.2. That the application is refused under delegated authority if the S.106 agreement is not concluded in 6 months of any resolution to grant planning permission.

IMPORTANT NOTE: This scheme is CIL liable.

Site Location:



1. SITE DESCRIPTION / PROPOSAL

1.1 Site Description:

The site is currently occupied by a detached bungalow and an interconnected group of predominantly single-storey buildings housing workshops and offices associated with the use of the site for car sales and repairs. The northern part of the site is used as a yard for the storage of vehicles, including buses which are hired out by a company operating from the site.

The surrounding area is characterised by a mix of residential and commercial uses. The mix is in the form of clusters of development rather than a sporadic distribution. The site is directly opposite a terrace of two-storey residential dwellings, with further residential development to the rear of them on Norton Terrace and Eastbridge Road. There is also a public house and social club nearby.

Clifton Road, which becomes Railway Road to the north and Beach Road to the south, provides a link between industrial estates on Beach Road and Newhaven Port (East Quay) to the south and a retail park area and, ultimately, the A259 to the north. Work is currently progressing well on a new port access road that will connect the port directly to the A259 and, therefore, remove port related traffic from Clifton Road/Beach Road/Railway Road. Works are expected to be completed later this year.

There is a ribbon of commercial development along the western side of Clifton Road, with residential development clustered around the eastern side. One of the nearby small commercial sites on the western side of Clifton Road, formerly occupied by Marco Trailers, is the subject of a planning permission for 10 new townhouses, approved under application LW/17/0192. Work has also recently commenced on the construction of 145 new dwellings at the former Parker Pen site to the north of the application site.

1.2 Proposed Development:

The proposed development is seeking full planning permission for the clearance of existing buildings from site and provision of a part three/four/five-storey block building which would accommodate a total of 74 new residential units. The mix of units would be as follows: 5 x 1 bed, 65 x 2 bed and 4 x 3 bed (flats and maisonettes). In addition, a 70 m² arts studio space would be provided at ground floor level, with direct access available from Clifton Road.

The development would be served by 51 on-site car parking bays that would be accessed via a dropped kerb crossover on Clifton Road. Six disabled bays would be included within this provision. The majority of the bays would be provided within an undercroft, below the cantilevered upper floors of the proposed building. A small number would be positioned to the front of the building where there would also be a modestly sized landscaped amenity area as well as a play area. An electricity substation would also be provided to the front of the site.

The proposed flats/maisonettes would be accommodated within a single building consisting of two blocks (one towards the northern end of the site, one towards the southern end) which would be linked by a central section which would include an opening to allow vehicles to access parking to the rear of the site. The parts of the blocks that form the building frontage, adjacent to Clifton Road, would be three-storeys in height with a mono-pitched roof that would slope away from the road. Behind the main frontage the roof form would become flat, allowing for the formation of a fourth storey before stepping up an additional storey towards the back of the site, which faces over the railway and ferry port. The central section which would link the blocks is stepped back from the road and the main building frontage and would be four-storeys in height.

A small communal amenity space would be provided to the front of the site. Ground floor units, all of which are maisonettes, would also be provided with courtyard type gardens and associated defensible space ie. private and secure space. All flats would be served by private balconies. Landscaping would be provided round site boundaries and within courtyard gardens.

A main railway line flanks the western boundary of the site and to the west of the railway line is the vehicle waiting area serving the passenger ferry service at Newhaven port. Further to the south is a quay used for processing scrap metal and then exporting by sea. There is public amenity space approximately 120 metres walking distance to the east of the site, at Eastside Park.

The site is identified in the emerging Newhaven Neighbourhood Plan as a site for residential development (Policy H3). The site is expected to yield a minimum of 28 residential units.

2 RELEVANT POLICIES

2.1 Revised National Planning Policy Framework 2019:

2: Achieving sustainable development

4: Decision making

5: Delivering a sufficient supply of homes

6: Building a strong, competitive economy

8: Promoting healthy and safe communities

11: Making effective use of land

12: Achieving well designed places

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

2.2 Lewes District Local Plan Part 1 – Joint Core Strategy:

CP1 – Affordable Housing

CP4 – Economic Development and Regeneration

- CP11 – Built and Historic Environment and Design
- CP12 – Flood Risk, Coastal Erosion and Drainage
- CP13 – Sustainable Travel
- CP14 – Renewable and Low Carbon Energy and Sustainable Use of Resources

2.3 Lewes District Local Plan Part 2:

- DM16 – Children’s Play Space in New Housing Development;
- DM20 – Pollution Management;
- DM21 – Land Contamination;
- DM23 – Noise;
- DM25 – Design;
- DM26 – Refuse and Recycling;

2.4 Newhaven Neighbourhood Plan:

- ES1 – The Regeneration of Eastside;
- ES2 - New development for Eastside and the Enterprise Zones;
- T1 - Congestion mitigation and sustainable movement;
- R1 – Recreation, Leisure and Local Green Spaces;
- D1 – Promoting Good Design;
- D2 – Design and Climate Change;
- H1 – A Spatial Strategy for Newhaven;
- H3 – Housing sites on Eastside

2.5 Supplementary Planning Documents:

- Lewes District Council Affordable Housing SPD;
- Lewes District Council Electric Vehicle Parking Technical Guidance;
- Lewes District Council Renewable Energy SPD;
- Planning Practice Guidance - Flood risk and coastal change.

3 PLANNING HISTORY

- LW/78/0323** - Extend existing access to petrol pumps - Approved - 25th April 1978
- LW/90/1552** - Change of use from residential (now vacant) to office use - Approved - 13th November 1990

LW/91/0307 - Section 32 retrospective application for use of land as commercial vehicle park, erection of boundary wall and formation of new vehicular access - Approved Conditionally (Temporary)- 11th June 1991

LW/91/1388 - Parking of private and commercial vehicles - Certificate of Lawful Existing Use granted on appeal - 18th October 1991

LW/93/1078 - Vehicle sales area/commercial/caravans/trailers/plant and open storage - Approved (Temporary) - 23rd September 1993

LW/95/1237 - Renewal of temporary permission LW/93/1078 for continued use for vehicle sales area cars/commercial/caravans/trailers/plant and open storage on a permanent basis - Approved Conditionally - 24th October 1995

LW/00/0906 - Outline application for demolition of buildings and erection of 24 dwellings - Approved Conditionally subject to Section 106 Agreement - 11th July 2000

LW/04/0403 - Approval of reserved matters (LW/00/0906) for the demolition of buildings and erection of 24 dwellings - Approved - 23rd April 2004

LW/06/0776 - Demolition of existing buildings and erection of twenty four dwellings - Refused (Flood Risk & Lack of Pollution Control) - 3rd August 2006 - Appeal Dismissed 13th April 2007

4 REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town or Parish Council:

The Committee objected to this application for the following reasons:

- That this development is far in excess of the de-minimis figure stated within the Newhaven Neighbourhood Plan.
- The development by virtue of its height would have a significant impact on the town.
- In its current format the development is over-bearing on the street-scene.
- It would create a loss of light and privacy to those residents on the east side of Clifton Road.

4.2 Environmental Health:

I am aware that a land contamination site investigation report has been submitted with the application, but further investigation is required as per the report. I am also aware of an air quality impact assessment report has been submitted with the application. Considering the site surrounds and sensitive uses of the site, I recommend approval subject to conditions (see conditions at the end of the report).

4.3 LDC Ecologist:

An ecology report has not been submitted, however, due to the site appearing to comprise of hardstanding and built structures only, this is deemed proportionate to the ecological risks and is accepted in this circumstance.

Notwithstanding this, the wider area is known to support good populations of protected species including great crested newt, reptiles, bats and birds, to name just a few, with the western site boundary linking directly to the vegetated rail corridor. This offers an easy-win opportunity to enhance the existing green corridor by way of adapting the current proposed development design to include native trees and native landscaping prioritised along this boundary, and / or green roofs and walls on the development linking up to the wider landscape including River Ouse to the west and Eastside Park and Ouse Estuary Nature Reserve to the west, this is in line with meeting planning policy i.e. achieving biodiversity net gains as part of the development,

4.4 Planning Policy Comments:

The application site is a site allocated for mixed use development in the Newhaven Neighbourhood Plan (NNP) under Policy H3 (site D1). If approved, the proposed scheme would result in an uplift of 46 dwellings on top of the minimum set by Policy H3 (28 dwellings). Notwithstanding this, the Newhaven Neighbourhood Plan (NNP) encourages development within the built-up area. Policy H1 states, "Planning applications within the development boundary will be supported as meeting the spatial strategy to focus development within the existing built-up area". The application site lies within the development boundary as indicated in the NNP. The application site has been subject to consultation as part of the NNP preparation process. Nevertheless, the infrastructure requirements of such an uplift should be considered by the case officer.

Furthermore, Policy H3 requires that ten criteria are met in order for development of the site to be acceptable. Criterion 2 requires that. "Employment uses (class B1/B2/B8) are to be retained and/or new space provided on all sites apart from Seahaven Caravans". The 'Planning and Regeneration Statement' submitted with the application states that the scheme includes, 70 sqm of B1(a)/B1(c) employment floor space and will be used as a 'Community Arts Space'. It is not clear how 'Community Arts Space' and B1(a)/B1(c) are reconciled as community spaces usually fall under D class uses under the Use Class Order. It is strongly advised, therefore, that clarification is sought on this point to prevent conflict with this policy. The nature of the Eastside area is employment land. Policy H3 is clear that employment provision must feature in development proposals on the allocated sites.

There are a number of policies which are relevant to the proposal and although there are no clear NNP policy conflicts identified (notwithstanding the point made

previously on clarification required on Policy H3, criterion 2), the case officer should be satisfied that the planning application does fulfil the policy requirements and request more information or negotiate changes to the scheme as required. The NNP requires detailed design, biodiversity, transport/connectivity details are considered and should shape the resultant development.

4.5 Network Rail - South East:

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail strongly recommends the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. Our ASPRO team will ensure the works can be carried out safely and not pose a risk to Network Rail's Infrastructure. The applicant may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website [Link to Network Rail](#).

As well as contacting Network Rail's ASPRO Team, the applicant will also be required to follow the attached Asset Protection informatives.

4.6 East Sussex County Council (ESCC) Highways:

This application seeks full consent for 74 flats and a B1a/c employment unit on a brownfield site that currently accommodates a car repair garage and coach hire establishment. The matters of highway interest are:

- Access onto Clifton Road
- Accessibility for all users
- Highway impact when offset with the current vehicle generation
- Parking and servicing for the site

Access:

The site is located in a 30mph speed restricted road. There are 2 existing vehicle access points at the site; one to the northern corner opposite 2 Clifton Road which serves the coach hire/bus storage business; and one further south opposite 24-30 Clifton Road serving the garage and dwelling (no23 Clifton Road). As part of this proposal, both these are to be closed and a singular new access is proposed positioned opposite 14 Clifton Road. No details are provided in terms of dimensions of the proposed access, swept path plans nor a RSA stage 1 with scheme promoter's response.

The proposed vehicular access should be wide enough for two vehicles pass one another and have provision for pedestrians to access the site. Visibility sightlines

should reflect the guidance in Manual for Streets where the speed limit is 30 mph and gradients should be 1: 25 for the first 10m where it meets the public highway. Radii should reflect the turning requirement of the largest vehicle that requires regular access (ie refuse truck 11.97m x 3m). To demonstrate this, swept path plans are also required.

Accessibility:

In location terms, the proposed development would have travel choices available other than the private car. Public transport provision by way of bus and rail services are within walking distance of 500m. Bus service 12 provides a reliable service every 20 minutes to Brighton and Eastbourne. Rail services are available from Newhaven Town station and generally requiring a change at Lewes to reach western and eastern coast destinations and London. Local supermarkets are within 1km and employment in industrial estates and the town retail areas are within 1km, and easily walked or cycled. Schools are generally on the west side of the river apart for 2 pre-school facilities that are located in Railway Road/Clifton. In general, shops and services required on a daily basis are conveniently located in the town and can be reached on foot or cycle using existing infrastructure.

There is a good cycle network available to reach key destinations or to connect with quieter residential streets that are suitable for cycling.

Highway impact:

Predicted vehicle trips for the proposed development of 74 units as expressed within the Transport Report is potentially overly robust setting out a trip rate of 4.6 per unit, around 36 trips in each peak period (08-0900hrs and 17-1800hrs). It is noted that the TRICS assessment used is considered to be overly robust as parameters indicated are shown as edge of town and edge of town centre. For this site, edge of town centre should be used given the range of facilities within a 2km walking distance.

The B1a/c unit is shown on plan and expressed in the transport report as a community art space (D1). Some clear information is required to understand what impact the proposed uses will have on the highway network.

My calculation is that in a location such as this it is expected that each unit would generate ~2.5 trips daily, amounting to around 178 trips between 0700 and 1900hrs and 20 trips during the peak periods.

The existing use is a single dwelling which would generate approximately 4.5 trips per day; the vehicle repairs use which is shown as ~60 trips and an industrial unit as ~4 trips. No trips are provided for the bus/coach hire and a broad estimate based on the business records should demonstrate a representative trips rate. The loss of these land uses would result in a reduction of large vehicle movements such as the bus/coach trips which is considered beneficial. The assessment of the

existing uses is incomplete, as the report refers to 4 land uses and only 3 are provided.

It is likely that the proposed development will represent an intensification of the site and as such there is a need to provide junction assessment for Railway Road/A259 Drove Road. This assessment should include baseline, baseline + commitments (A), baseline + commitments + development (B); and then A and B scenarios to 2028 using the most recent version of TEMPro (7.2).

Parking and servicing:

A total of 51 parking spaces are proposed, but it has not been demonstrated how this has been calculated or whether any of the spaces are allocated to any particular dwellings. Based on my calculation, if all are unallocated, 35 parking spaces are required based on the ESCC parking demand calculator.

The proposal includes 6 accessible spaces for blue badge holders. This would suggest that 45 spaces are available for unallocated use and the accessible spaces would be designated to blue badge holders. Furthermore 3 spaces are provided with EV charging points which suggests that these spaces cannot be long term if more than 3 site owned vehicles rely on charging points. However, provided that the car parking spaces for residential use are unallocated, this level of parking is accepted.

There is concern that no parking is provided for the non-residential use proposed which is expressed as B1a/c in the application description but shown as a community art studio on plan. Car parking provision will be required for this use or users will be forced to park on street which may impact on highway safety.

Cycle parking should be provided in accordance with the ESCC parking standards. 1 and 2 bed flats should have 0.5 spaces per unit if stored communally or 1 space per unit otherwise. 3 bed units should have 1 space. A total of 36 spaces are proposed which is insufficient for the residential use. 8 external spaces are shown for the community art use which is acceptable in quantity but should be covered and secure.

Delivery/Refuse collection services:

The paragraph in the transport report refers to an area available for a 7m x 1m vehicle to wait at the proposed access. This would cause obstruction when other vehicles wish to enter or exit the site. More concern is that there would be a longer duration of obstruction in the highway than presently, if a refuse truck is collecting at this site. It is advised that a loading area is provided so that a refuse truck is able to wait without causing obstruction and can be used for other delivery vehicles. This should not obstruct the access to the site.

A Travel Plan has been included and is welcomed. There is an expectation to secure incentives within this so that the first residents can be encouraged to use sustainable modes of transport from the outset. Cycle vouchers, bus/rail taster tickets and a residents travel information pack with local information about services, shops, facilities and include walking/cycling distances to encourage shorter journeys to be made on foot/cycle rather than a car. Bus or rail taster tickets will encourage journeys further afield by public transport instead of by car which has other costs. Car club is not currently available in Newhaven, and although one is proposed for the Marina site, this not a committed development. A travel plan auditing fee at £4500 will be required for this travel plan, which would usually be secured in a s106 agreement.

As submitted, this application cannot be fully supported in highway terms for matters outlined above which constitute 'access'. Should the developer wish to supplement the details for 'access' further consideration can be given to this proposal. I would wish to re-consulted on this basis.

Any updated comments following on-going consultation will be reported to the committee in the Supplemental Report.

4.7 Environment Agency:

Position - We are content that our previous objection can be removed (as per our letter dated 12 June 2020, our ref: HA/2020/122264/01), provided that the following conditions be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

4.8 Southern Water Plc:

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge

rates agreed with Southern Water as not introducing detriment to downstream network. Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS)

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of

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

4.9 Sussex Police:

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

The proposal is for a new build residential development set over 3, 4 or 5 floors and divided between 2 entry cores. At the ground floor the proposals incorporate a 70m² workshop space for use by local artists, 51no. off-street car parking spaces within the under-croft of the building and a landscaped communal courtyard with a dedicated child's playground.

I was pleased to see the boundary treatments described within the Design and Access Statement (DAS) submitted in support of this application. I recommend wherever railings or fencing is placed upon a low wall it is brought forward to the attack face to remove the possibility of the wall creating a climbing aide in which to scale the boundary treatment.

From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends developments containing more than 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the access control system operates is outlined within UL 293, however it must provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance door-set from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation);
- Live audio/visual communication between the occupant and the visitor; • Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure; • Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is

not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request;

- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR).

SBD recommends the use of colour monitors to enable the occupier of the dwelling or bedroom with the identification of visitors or to assist the occupier to accurately describe the colour of clothing to the police of the perpetrators of antisocial behaviour or those otherwise misusing the system. Specifiers are reminded that the installed electronic release hardware must form part of the certificated door-set range. In the event of a power failure door locks shall revert to a safe (unlocked) mode unless there is a fire evacuation policy locked, such as that operated within some care homes. Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments. Where there is a requirement for a door-set to be both fire and security rated, e.g. flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the applicant must source products that have dual certification for both Fire and Security.

Developments over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. Therefore in order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents as well as preventing unlawful free movement throughout the building, SBD seeks to do this by through the use of an access control system (compartmentalisation).

The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

1. Lift and stairwell access controlled separately.
2. Lift and stairwell access jointly controlled via an additional secure door-set.

I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore

mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is discouraged and not permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. Communal mail delivery facilities within building entrances serving multiple flats should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access-controlled entrance hall, or externally at the front of the building within view of those using the building;
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;
- Installed in accordance with the manufacturer's specification.

Lighting throughout the development will be an important consideration and where it is implemented in public areas and the under-croft parking area, it should conform to the recommendations within BS 5489-1:2013.

SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

All entrance doors, flat doors and any easily accessible windows are to conform to PAS 24:2016 or its equivalent. Further details of door-set specifications can be found within SBD Homes 2019 V2. I recommend that the communal arts space has doors and windows that conform to PAS 24:2016 or its equivalent and consideration should be given to the fitting of a monitored intruder alarm to protect the premises out of hours. Any hours of opening should not impact upon the immediate resident's amenity. Please see Commercial development 2015 document for door-set requirements.

Finally, given the presence of the under-croft and the parking within, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning

Manager. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.

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

4.10 ESCC SUDS

No objection subject to conditions:

- We will require more detail on the proposed surface water drainage strategy for a full planning application, given that the development layout will be fixed thereby reducing future opportunities to make space for attenuation systems within the layout. The surface water management proposals should detail the invert and cover levels of the proposed drainage system as well as the invert level of the outfall into the surface water sewer. This will assure us that the proposed drainage system can be drained via gravity.
- The surface water management proposals should be supported by detailed hydraulic calculations that take into account the connectivity of the drainage system. This should demonstrate the expected performance of the drainage system for several events ranging from those with a 100% (1 in 1) annual probability of occurrence to 1% (1 in 100) plus an allowance for climate change.
- The applicant should additionally provide information of how impacts of high groundwater will be managed in the design of the attenuation tank and permeable pavements to ensure storage capacity is not lost and structural integrity is maintained.

5 REPRESENTATIONS FROM LOCAL RESIDENTS

A total of 13 letters of objection have been received, the points raised are summarised below:

- Infrastructure unable to cope;
- Main access too busy;
- Cumulative impact with other nearby development;
- Poor access to services;
- Increased traffic;

- Inadequate parking;
- Overdevelopment;
- Dangerous access/Highway safety;
- Overbearing/Overshadowing;
- Not in keeping with surrounding terraces;
- Comparisons to other nearby social housing.

A single letter of support has been received, summarised as follows:

- Newhaven needs more flats.

6 PLANNING CONSIDERATIONS

6.1 Principle:

Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay.

Para. 118 of the Revised National Planning Policy Framework (NPPF) states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. In this instance, the site is considered to be poorly utilised, particularly given its size and location in a sustainable area with good access to public transport and nearby shops and services on the retail park to the north and within Newhaven Town Centre, which is approximately 700 metres walking distance from the site. It is also noted that redevelopment presents opportunities to remediate despoiled, degraded, derelict and/or contaminated land.

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

Notwithstanding the above, saved Policy E1 of the Lewes District Local Plan instructs the District Council to resist applications that would result in the loss of business or industrial land and premises. The site itself is currently in commercial use, although it is noted that the types of use, a mix of car sales/repairs and open storage, do not represent forms of commerce that are job/labour intensive. Furthermore, the current use is not considered to be entirely compatible with its residential surroundings, particularly the car repairs element. It is considered that this form of business could be relocated to premises within the surrounding area

where more modern facilities are available and there would be less conflict with residential use.

Crucially, this site, along with a number of other small commercial/industrial sites on Clifton Road/Beach Road/ Railway Road, has been allocated for residential development within the Newhaven Local Plan (Policy H3). The plan identifies the site is being suitable for a minimum provision of 28 residential units. There are a number of caveats attached, and compliance with all relevant points will be assessed within this report. These caveats include a requirement that either the existing commercial use is retained, which is not considered possible in this instance due to the constraints of the site and the nature of the existing uses, or new space for employment uses is incorporated into the development.

Para. 122 of the NPPF recognises the need to develop land at appropriate densities as a means to meet housing targets whilst reducing pressure to build on green field sites. Whilst the amount of units exceeds 28, it is important to note that this is defined as a minimum level in the Neighbourhood Plan. It is important to ensure brownfield land is used efficiently, particularly given the pressure on surrounding greenfield sites to be used to meet housing delivery targets. Provided it can be demonstrated that the site is capable of supporting 74 units in terms without resulting in negative impacts upon the surrounding environment or putting a strain upon infrastructure, the uplift in number of units is considered to be acceptable and to be encouraged as an optimal form of development.

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

6.2 Newhaven Neighbourhood Plan:

Policy H3 of the Newhaven Neighbourhood Plan identifies the site is being suitable for development, subject to a number of caveats. The full list of caveats is provided below along with details of how the proposed scheme responds to them and a direction to parts of the report that are of most relevance to them:

1. The need to avoid a negative impact on the operational uses of the Enterprise Zones.

Officer comments: See sections of the report relating to employment use, highways and pollution. It is not considered there would be any adverse impact upon the enterprise zones.

2. Employment uses (class B1/B2/B8) are to be retained and/or new space provided on all sites apart from Seahaven Caravans.

The design of Officer comments: See section on employment use which assesses the compatibility of the existing uses with a residential environment and the provision of new employment space within the development.

3. new residential units are to be orientated within each site in order that future residents are protected from excessive noise and pollution from existing neighbouring businesses.

Officer comments: See section on pollution/contamination which sets out measures to prevent residents being exposed to excessive noise levels.

4. Parking is to be provided within the site boundary in accordance with East Sussex County Council parking standards. Where reduced car parking is sought, developer contributions are required appropriate measures such as car club infrastructure, including parking bays, and/or other car club enabling measures, such as membership subsidy.

Officer comments: A suitable quantum on on-site parking is provided and a travel plan is to be put in place to encourage use of sustainable transport, including car sharing/car clubs. See the section of the report relating to highways.

5. The residential units positively contribute to the street scene using height and interest such as including elements of soft landscaping, integrated with the residential building/s.

Officer comments: See sections of the report relating to design and landscaping.

6. Any proposal should make provision for the storage of cycles and bins for use by occupiers of the residential units.

Officer comments: Secure and covered cycle and bin storage is provided.

7. Details setting out a landscaping scheme (to include hard and soft landscaping) should be submitted for each planning application.

Officer comments: General landscaping is shown on the site plan. Details of further ecological enhancements can be secured by planning condition.

8. Any site within existing Flood Zone 2 and 3 shall include a site Flood Risk assessment with each planning application and consider the Neighbourhood Plan sequential test.

Officer comments: An FRA has been provided and been approved by the Environment Agency.

9. New footpaths/pedestrian and cycle routes linking the site to existing footpaths or routes to the town centre and/or National park will be encouraged.

Officer comments: The constrained nature of the site does not present any realistic opportunity to create new footpaths or cycle routes. The Travel Plan will encourage cycling as a means of transport.

10. Where relevant, any application should include a land contamination report.

Officer comments: A land contamination report has been provided and the contents approved by the Environment Agency and the Council's Environmental Health Department.

6.3 Affordable Housing:

The proposal constitutes a major development and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This amounts to a provision of 29.6 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 29 units would need to be incorporated into the development with the remaining .6 unit required being secured as a pro-rata commuted sum. The guideline tenure split is 75% affordable rented and 25% intermediate (shared ownership).

The applicant has submitted a Financial Viability Assessment (FVA) which maintains that the scheme would not be viable if affordable housing was required to form any part of the development. The information submitted is being independently assessed by a Chartered Surveyor. Para. 4.4 of the Lewes District Council Affordable Housing SPD states that 'there is a firm expectation that affordable housing will be provided on the development site, where provision could reasonably be made under the terms of the policy without making the development non-viable. The policy is not intended to operate in a way that renders development non-viable and thereby should not reduce development coming forward'

Therefore, if the FVA confirms that the provision of affordable housing would render the development unviable, it would not be considered reasonable to refuse the application on the grounds of a failure to provide affordable housing. The FVA needs to show that the following hierarchy has been adhered to before arriving at any conclusion that provision of, or contribution towards, affordable housing would be unviable:

- i. The Council's onsite preferred mix;
- ii. An onsite alternative mix to be agreed upon by the Council and the relevant developer(s);
- iii. A level of affordable housing onsite which is less than the specified threshold;

iv. A commuted sum.

The FVA submitted with the application has been independently assessed by Bespoke Property Consultants, a company that specialises in such reviews. The review has been carried out in accordance with RICS Professional Statement "Financial Viability in Planning: Conduct and Reporting" (May 2019). The assessment concludes that the delivery of affordable housing either on site or as a commuted sum would render the development unviable. As such, it is not considered that it would be reasonable to refuse the application on the grounds of a failure to provide affordable housing.

Notwithstanding this, the applicant has stated to the Council that an agreement with a housing group has been reached who would take on the site and provide 100% social housing. The provision of social housing would result in the scheme being exempt from a Community Infrastructure Levy charge. The payment of CIL would render the scheme unviable and, as such, it is noted that the only viable way to bring the scheme forward is to provide social housing. However as the scheme is not specifically for this type of housing it cannot be secured by a S106 agreement.

It is considered that the results of this assessment demonstrate that the development of this site does involve viability issues, in part due to the constraints such as being within Flood Zone 3 and ground contamination, and this provides further justification for increasing the amount of units within the development in order to recover costs.

6.4 Employment Use:

The Newhaven Neighbourhood Plan supports the redevelopment of the site for residential purposes, with the caveat that either the existing employment use is retained or new employment facilities are provided.

The site is currently is use as for car sales and repairs and coach storage. The car sales and coach storage elements require a relatively large area of land but provide relatively low numbers of employment. Overall, the site is considered to be in B2/B8 use. Neither of these uses (or any other B2 or B8 use) fall within the new use class E (The Town and Country Planning (Use Classes)(Amendment) (England) Regulations 2020) as they are not considered to be compatible with residential environments. As such, it would be counter-intuitive to seek to retain these uses on site.

The applicant has incorporated a 70 m² studio into the scheme. It is marked as an art workshop but, as part of Use Class E, could also be used for any number of employment/community functions that are compatible with residential development. The studio has designated access from the street and is self-contained. A delivery bay is provided close to the unit and would support any deliveries/collections associated with the use.

Whilst the amount of employment space would be reduced from that currently available, it is considered that the provision of a modern, adaptable and flexible studio space would provide suitable mitigation and have the potential to support a variety of employment uses.

6.5 Design and Appearance:

The proposed building is arranged in a rotated H-shaped configuration with the Clifton Road frontage consisting of two projecting three-storey elements, with the roof slope pitching away from Clifton Road. The space between the two projecting end blocks would be used as a communal courtyard area, including a play area, which would provide additional amenity space and site landscaping. The roof above the top floor would be mono-pitched with a shallow pitch. The western part of the building, which would face towards the railway line, steps up to five-storeys in height. This element would have a flat roof and would occupy close to the full width of the site.

The general character of surrounding development is of terraces of two-storey dwellings with gable ended roofing, often containing small dormer elements. Buildings are generally positioned directly adjacent to the pavement. The proposed scheme would introduce a more contemporary design but this is considered acceptable given that the size of the development is sufficient to justify it possessing its own identity rather than needing to directly integrate towards existing buildings.

Nevertheless, it is considered that elements that compliment surrounding development are incorporated into the building, particularly along the frontage. The articulation of the parts of the building facing on to Clifton Road, together with the distribution of windows and the provision of individual front door access to the maisonettes, taken from Clifton Road, would create an appearance similar to that of a terrace of individual dwellings. The eaves and ridge height of the elements of the building facing onto Clifton Road would therefore not be significantly greater than those of the terraced dwellings on the opposite side of the road. There would be a minimal setback of the building from the road, which would be in-keeping with surrounding residential development and would amalgamate with existing building lines in an effective way.

The tallest parts of the building would be set back from the street frontage, helping to soften visual impact. The bulk of this element of the building would also be broken up through the use of a four-storey flat roof section providing a step down between the northern and southern blocks of the building.

The impression of a terrace of dwellings would be enhanced by the individual front access doors provided for each of the proposed front facing maisonettes. The provision of these doors as well as windows overlooking the street and the focal point of the landscaped courtyard and play area would ensure that the development

has an active frontage that engages with the surrounding street scene and contributes positively to its character.

The external materials used would comprise a mix of brick work. This would comprise two types of mixed red brick, a darker mix concentrated to the lower parts of the building and a lighter red/buff mix towards the upper parts. This finish which would provide contrast with the adjacent dwellings, which are rendered, but be in keeping with larger nearby buildings such as The Engineer public house and some of the nearby commercial buildings. A degree of contrast is welcome given a development of this size would be expected to have its own distinctive character.

It is considered brick work represents a suitably durable material that would tolerate exposure to the surrounding elements, particularly the sea air, without deteriorating significantly in appearance. Additional detailing in the form of soldier courses would be provided in the form of dark red brick. It is considered that the mix of finishes would help break up the mass of the building whilst ensuring visual consistency with other large buildings within the wider surrounding area.

The courtyard area to the front of the building would create an important place making feature and would soften the visual impact of the access road serving the car park. Low walls and railings are proposed to be positioned along the front boundary of the site. These would play an important role in providing defensible space and would also be consistent with nearby dwellings which also have low walls and railings to the front.

By containing the bulk of the car parking provision to the rear of the site, the proposed development would avoid introducing the clutter of a substantial number of parked vehicles into the wider street scene. The majority of the car parking spaces would be provided within an undercroft area, further reducing visual impact.

Further afield, the site is partially visible from Riverside North and Riverside South (footpath only) on the opposite side of the river. The building would be set back from the river and partially screened by the large warehouse buildings positioned around the port. The presence of these buildings also provide a sense of context and, whilst parts of the proposed building will be taller than them, it is not considered that the increased height would be of such significance that the building would appear obtrusive or disruptive when viewed from Riverside and that it would amalgamate well with established buildings along the eastern bank of the river. This is also considered to be the case when viewed from elevated areas around Newhaven Fort and Castle Hill Nature Reserve.

6.6 Impact on Neighbouring Residents:

The frontage of the proposed development would face directly towards the frontage of existing terraced dwellings on the opposite side of Clifton Road. The separation distance between the windows of the proposed flats and existing dwellings would

vary between approx. 10.5 metres to the south of the site and 12.5 metres to the north. Whilst this does represent close proximity, it is considered to be consistent with the nature and arrangement of surrounding development, where the existing pockets of residential development are quite densely arranged. For example, the separation distance between the fronts of properties on either side of Norton Terrace is approx. 10-11 metres. Furthermore, the frontage of the proposed building would be staggered and the central section, which is wider and taller than the projecting blocks, would be set back from the fronts of dwellings on Clifton Road by approx. 30 metres and it is considered that this design feature would break up the mass of the building and, along with other measures such as the use of a pitched roof that slopes away from the road and the positioning of the taller parts of the building to the rear of the site, would prevent the building from appearing unacceptably overbearing towards neighbouring residents.

Upper floor windows within the front elevations of the projecting blocks predominantly serve bedrooms and direct views from them would be toward bedroom windows at neighbouring properties. As such, the relationship would be between rooms that are unlikely to be in constant use throughout the day. There are some living room windows at second floor level but the views from these would generally be toward the roof slope of neighbouring dwellings and small dormer windows. The majority of front facing windows would be positioned in the core area of the building, set back some 30 metres from properties on Clifton Road. Rear windows would overlook the railway line and port, with the nearest residential dwellings in direct line of site being on Chapel Road, on the over side of the river, approx. 220 metres away. Overall it is considered that, whilst the proposed development would undoubtedly introduce a degree of overlooking towards neighbouring properties that is not currently experienced, or the feeling of being overlooked, it is not considered that it would be of a level that would allow for views of an unacceptably intrusive or invasive nature.

The application is accompanied by a comprehensive Daylight and Sunlight Assessment which evaluates the impact of the proposed development upon neighbouring dwellings in terms of overshadowing. The assessment has been performed using the methodology set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2nd edition)' as well British Standard BS8206-2:2008 'Lighting for Buildings - Part 2: Code of practice for daylighting' and the Applications Manual on Window Design of the Chartered Institution of Buildings Services Engineers (CIBSE). The scope of the assessment covers all front facing windows within dwellings at 2 - 30 Clifton Road inclusive. The report uses computer modelling to assess current levels of daylight available to existing windows and that which would be expected if the proposed development was carried out.

The assessment takes into account Average Daylight Factor (ADF) - (the ratio of the light level within a building compared to the light level outside), Vertical Sky

Component (VSC) - the amount of sky visible from the centre point of a given window, and Annual Probable Sunlight Hours (APSH)/Winter Probable Sunlight Hours (WPSH) - the percentage of sunlight that a window may expect over the course of the year/winter.

The report concludes that there will be no major impact on neighbouring properties in terms of overshadowing. The majority of windows would be subject to a negligible impact or minor impact as a result of the development. In the few areas where impact would be moderate, this would never apply to all windows within any given dwelling. Para. 6.6 of the report states the following:

'Overall, the proposed development at 23 Clifton Road complies with BRE Guidelines and will not cause impact to daylight and sunlight access for the surrounding buildings within its vicinity.'

It is therefore considered that a suitably robust assessment of potential overshadowing impact has been made and that it has demonstrated that there would be no unacceptable adverse impact upon neighbouring residents that would justify a refusal of permission.

6.7 Living conditions for future occupants:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

The Technical housing standards - nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The proposed units all meet or exceed minimum space standards in terms of GIA. Individual room sizes also meet or exceed the minimum room size requirements these being 7.5 m² for single bedrooms and 11.5 m² for double bedrooms.

All habitable rooms will be served by clear glazed windows. It is therefore considered that these rooms will have access to good levels of natural light and ventilation. A reasonable amount of unobstructed outlook would be available from the majority of windows. The internal layout is clear and uncluttered, with awkwardly shaped rooms and overly long corridors avoided. All floors of the building would be served by a lift and staircase, with one of each being provided in each core/block of the building. It is therefore considered that the development would be accessible and easily navigable and would also provide living space that is as adaptable and capable of accommodating necessary levels of furnishing based on household size.

Communal amenity space is provided to the front of the development although it is considered to be of limited overall value due to its size, it would play a role in softening the visual impact of the building and allowing for planting that would introduce an element of urban cooling to this part of the street. A play area is provided in accordance with policy DM16 of the Lewes District Local Plan Part 2. This area benefits from a good level of natural surveillance from surrounding dwellings and flats, reducing the potential for anti-social behaviour. Each property would also have access to a small balcony area or courtyard garden which would provide amenity space whilst not being of a size that may result in gatherings of large congregations of people, thereby reducing the risk of disturbance towards neighbouring residents.

Building entrances are in areas that are overlooked by the development as well as neighbouring properties and, whilst the bulk of the car parking is undercroft, the only access to the car park as well as the areas around the undercroft are all overlooked. As such, it is not considered that there would be any parts of the development that feel unduly isolated and secluded and that, as such, the development would be unlikely to attract anti-social or criminal behaviour. It is noted that Sussex Police are satisfied with the external security of the development. They have suggested control systems to be used for access to flats/maisonettes and communal areas. The provision of these details, and general compliance with Secured by Design standards, can be achieved through the use of a planning condition.

The site is located within an area where there are a number of established commercial and industrial operations within close proximity of the site. These operations provide a key source of employment and enterprise within Newhaven and it is essential they are able to continue operating under existing conditions. A noise assessment was submitted with the planning application. An existing baseline level of noise was established through the performance of a partially attended environmental noise survey conducted during both daytime and night-time periods between Thursday 5th December 2019 and Friday 6th December 2019 using monitoring equipment to the front and rear of the site. The main sources of noise identified were road and rail movements as well as activities and plant operation associated with the port. The noise assessment states that in order to fully control internal noise levels within a number of the proposed units, windows would need to be closed at times. As such, a suitable alternative ventilation method is required on occasions when levels of ambient noise require windows to be shut. The suggested method is to use acoustic trickle ventilation which allows for suitable levels of fresh air to enter and circulate the building. This would be coupled with the use of standard thermal double glazing on the western facade of the building and enhanced acoustic double glazing on the eastern facade. The noise assessment has been reviewed by the Council's Environmental Health Officers and no objections have been raised. It is therefore considered that effective noise

attenuation can be incorporated into the design without compromising the quality of the living space provided.

6.8 Highways & Parking:

Attention is drawn to the comments made by ESCC Highways in section 4 of this report. The applicant has produced suitable plans with regards to access and servicing arrangements. Discussions are ongoing in regard to traffic modelling, including at the junction with Drove Road (B2109).

It is noted that there is an over-provision of car parking and that it would be possible to allocate a portion of the car parking spaces for users of the art studio space.

6.9 Flood Risk and Drainage:

The site is located within Environment Agency Flood Zone 3. The proposed development would involve the change of use of the site from industrial/commercial, which is defined as a 'less vulnerable' use within Table 2 of the Government's Flood risk and coastal change PPG, to a residential use which is defined as 'more vulnerable.' Ordinarily, a sequential test would be required to be submitted for a development of the scale proposed on a site of this nature. However, both sequential and exception tests were carried out for the site in 2018 due to the site being allocated for development within the Newhaven Neighbourhood Plan. As such, there would be no requirement to submit a sequential test as per para. 033 of the Government's Flood risk and coastal change PPG.

A Flood Risk Assessment (FRA) was submitted with the application. This document sets out a number of mitigation and management measures that are to be incorporated into the scheme in order to manage flood risk. The measures to be provided are as follows:

- The proposed ground floor units are to be developed into maisonette two floor apartments, with the upper floor providing a safe refuge allowing all occupants to retreat to upper levels if needed. The level of the upper floor of the maisonette units will be 5.6 metres Above Ordnance Datum (AOD). This is 2.11m above the Higher Central and 1.12m above the Upper End 0.5% AEP plus climate change event (up to 2120). The FFL at ground floor would be approx. 2.75 metres with the first floor being at 5.6 metres as required by the FRA.
- Use of material used that have low permeability and/or is flood resilient material (e.g. lime plaster, appropriate (Vinyl/Tile) flooring) will reduce the potential impacts of flooding.
- Flood resistance will be incorporated into the design by constructing the proposed exterior wall to resist flood water up to a depth of 0.6m above local

ground level and fitting entrances with integrated flood doors. An offset flood wall will enclose some of the open space on site and will be constructed to provide a continuous defence to a height of 0.3m above local ground level. Pedestrian access points in the off-set flood defence wall will be fitted with demountable flood gates that can be deployed on notification of a potential overtopping or breach event. Services entering the building below 0.6m above local ground level should be sealed and ventilation such as air bricks located about the flood resistant level.

- Occupiers should sign up for the Environment Agency Flood Warning/Alert Service for the River Ouse at Newhaven, including Avis Way Industrial estate, Newhaven Marina, the A26, A259 and Denton Island. Following the receipt of a flood warning/alert it is recommended that the occupants are evacuated and access to the site is closed and only re-opened when it is safe to do so taking advice from the Environment Agency and the Local Authority. In the event that users cannot reach an evacuation area, it is suggested that safe refuge is sought in locations in the topographically elevated area of the site.
- A flood action plan including flood evacuation protocol should be developed for the site in order that occupiers can exit the site safely in the event of a flood or a safe refuge location should be indicated on higher floors of the building. Details of an evacuation route and safe assembly point in Flood Zone 1 have been provided as part of the FRA.
- The site is as in a location with a medium potential for groundwater flooding. The design of below ground services will consider maximum groundwater levels within the site to minimise risk of groundwater infiltration into the sewer network and/or pollution of groundwater. Non-return valves will be incorporated into the drainage design in order that groundwater is unable to propagate into the drainage network. Floors on the lower levels will be constructed to a high standard with reinforced concrete and with a continuous damp proof membrane.
- The proposed development will decrease the less permeable surfacing on-site but will change the site layout and therefore will disrupt the existing drainage network. An outline on-site drainage network has been developed for the site, to reduce any increase in surface water runoff.

The FRA has been assessed by officers at the Environment Agency and they have no objection to the development, subject to various conditions requiring adherence to the details of the FRA and the devising of a suitable surface water drainage scheme.

The Lead Local Flood Authority (ESCC) have requested more details before a full drainage scheme is approved. This would include invert and cover levels so that they can be satisfied that the surface water drainage can be operated by gravity.

Full details of the performance and capacity of the system would also be required as well as details of how groundwater levels would be managed in order to ensure the storage capacity and structural integrity of any attenuation system is maintained. These matters are covered by conditions.

6.10 Landscaping and Ecology:

The Council's Ecologist has noted that the site itself is of limited ecological value as it is hard surfaced in its entirety and is currently in frequent use. However, they have identified that the wider area is known to support good populations of protected species including great crested newt, reptiles, bats and birds, to name just a few, with the western site boundary linking directly to the vegetated rail corridor.

The ecologist has suggested that ecological gains can be made by utilising native trees and native landscaping, particularly along the western site boundary. There is also the potential for the formation of a green roof which, if suitable species of planting are used, could provide a further enhancement to biodiversity.

The opportunity to provide landscaping on site represents an improvement in its appearance. It would provide an element of sympathetic screening to the development, would provide a sense of space and balance to the development and would also contribute towards urban cooling. The provision of soft landscaping on site would also offer an improvement to its surface water drainage capacity given that it is currently hard-surfaced in its entirety.

6.11 Contamination/Pollution Control:

The site is located on Alluvial deposits which overlay the Newhaven Chalk bedrock, which is designated a Principal Aquifer. It does not lie within a Source Protection Zone, but the River Ouse lies approximately 100 metres to the west of the site.

The previous use of the site as an auto repair garage, coach hire facility and a vehicle storage yard presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

The applicant submitted a land contamination site investigation report which identifies potential sources on contaminants on the site as follows:

- Potential source of metals, hydrocarbons, asbestos and land-borne gases associated with dwellings that formerly occupied the northern portion of the site;
- Potential metals, hydrocarbons and volatile organic compounds associated with use of the existing and former commercial uses of the site for car body repairs, engine rebuilding and reconditioning, car dealers, garage services, road haulage services and antique repair and restoration;

- The site is underlain by alluvial deposits which can contain peat, a potential source of land-borne gas.
- Potential presence of contaminants generated by surrounding commerce and industry including hydrocarbons, coal tar, ammonia, phenols and metals.

The report makes a number of recommendations for investigative works to be carried out prior to the commencement of any development. These investigative works are considered acceptable by the Environment Agency and the Council's Environmental Health Department. The result of the investigative works would need to be shared with these parties before commencement of development and any suitable mitigation and management measures agreed in order to prevent risk of contaminants being released. The programme of investigative works is as follows:

- Near surface soil collection and subsequent laboratory analysis for hydrocarbons, metals, solvents (volatile organic compounds and semi-volatile organic compounds) and asbestos;
- A number of boreholes to inform on ground conditions and install gas monitoring boreholes. 6 No. return gas monitoring visits are recommended initially, with a view to increasing the number of visits should conditions dictate;
- Collection and subsequent laboratory analysis of groundwater stored in the alluvium. Samples should be analysed for metals, hydrocarbons, ammonia, phenols and solvents;
- A further site visit to fully inspect all internal and external areas; this to determine if the scope of intrusive investigation needs refinement/adjustment;
- Piling is recommended as a foundation solution and thus we would recommend 2 No. 30m boreholes to obtain the necessary parameters required for pile design.

Any remediation required as a result of contaminants being found would need to be carried out and a verification report provided prior to the occupation of any part of the development. A strategy to deal with the discovery of any unexpected contaminants during the course of construction would also need to be in place.

The centre of Newhaven has been identified as an Air Quality Management Area (AQMA) in response to concerns over air emissions particularly those generated by increased stop-start traffic within the centre of Newhaven. The applicant has submitted an Air Quality Assessment which is informed by the Newhaven Air Quality Action Plan. The report considers emissions (including dust) in the form of particles and nitrogen dioxide during the construction stage and the occupation of the building. It takes into account traffic and movement of vehicles and plant as well as the emissions from the building itself. Two scenarios are incorporated as

baselines, the existing conditions on and around the site and the predicted conditions in 2023.

The assessment includes various management and mitigation measures to be incorporated during construction. The report concludes that emissions from the building would not be at a level that would require management and modelled emissions from vehicles do not show an increase that would require mitigation measures. However, transport emissions are not considered to be air quality neutral and, as such, mitigation measures are required as follows:

- Provision of electric vehicle charging points;
- Provision of a travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking).

The conclusions of the Air Quality Assessment have been approved by the Council's Environmental Health department and they are satisfied with the mitigation measures put forward.

6.12 Sustainability and Circular Economy:

The application submission includes an Energy and Sustainable Energy Strategy & Water Saving Report.

Policy CP14 of the Lewes District Core Strategy encourages the incorporation of renewable energy and carbon saving measures within new development. In response, the development includes the provision of roof mounted solar panels which would generate 33.81 KWp (kilowatts generated at peak performance). Accompanying calculations confirm the use of these panels would allow for a carbon reduction of 13.3 tonnes of carbon dioxide per annum. In addition, the development would utilise low energy lighting and heating would be provided using low NOx (Nitrogen Oxide) boilers, providing further controls on emissions. The building would also be constructed in materials that are thermally efficient.

Para. 7.127 of the Core Strategy, which is part of the preamble for policy CP14, includes the following statement:

'The Environment Agency has identified the whole of the South East, including Lewes District, as an area of "serious water stress" and it is therefore imperative that water resources are managed efficiently within the region. . Accordingly, all new homes in the district will be required to achieve water consumption of no more than 110 litres per person per day.'

The need to ensure water consumption is limited to no more than 110 litres per day is enshrined in para. 4 of policy CP14.

The water saving report includes a calculation of water consumption per unit, based on the methodology set out within Building Regulations Approved Document G: sanitation, hot water safety and water efficiency. These calculations assume use of

dishwashers and washing machines every day and are therefore considered to represent higher than average use. The calculations confirm that water consumption per unit would be 109.7 litres per day, thereby meeting the required standards.

Further measures to reduce carbon and other emissions are also put forward, these being the provision of electric vehicle charging points (which are required by the LDC Electric Vehicle Charging Points - Technical Guidance Note in any case) and a Travel Plan which will be promoted and monitored and will encourage the use of sustainable modes of travel, including public transport, car sharing and car club facilities.

It is considered that the measures set out in the Energy and Sustainable Energy Strategy & Water Saving Report are reasonable for a development of this size and are compliant with the requirements of policy CP14.

It is considered that the development incorporates circular economy principles by way of adopting the sustainability enhancements listed, using bricks, which can be locally sourced, as the primary external material, developing a hard surfaced brownfield site which is in a sustainable location and using a Sussex based housebuilder, Thakeham Homes, for construction works. In addition, a Section 106 agreement will be used to secure an Employment and Training Plan to provide skills and development for local people. It is therefore considered that the development complies with the goals set out in Re-imagining Lewes District - Corporate Plan 2020 2024

6.13 Waste and Servicing:

Secure internal refuse stores would be provided at ground floor level in both blocks of the building. These stores would be positioned adjacent to the man stairs and lifts and would therefore be easy to access. They would also be positioned away from any of the residential units, thereby minimising the risk of disturbance as a result of activity or odour emissions.

A designated access would be provided for refuse and servicing vehicles so as to minimise potential conflict with residents' vehicles as they enter and leave the site. A delivery bay would be available at the front of the site. The refuse stores are positioned towards the front of the building and could be easily accessed by refuse crews.

In order to ensure best practice is adhered to, a condition will be attached requiring a delivery and servicing plan (including waste management, to be submitted to and approved by the Local Planning Authority.

6.14 Section 106 Legal Agreement

The applicant is required to enter into a S106 Agreement with Lewes District Council to secure local employment and training measures for development of 10 or more residential units. This agreement will support and benefit the local labour

market and economy, enable employment growth, raise skills and provide local people with skills and opportunities generated by new developments. The S106 Agreement will secure financial contribution, agree the employment and training measures, develop an Employment and Training Plan (ETP) and pay a monitoring fee.

7 RECOMMENDATION

It is considered that the proposed development of this site, which is identified within the Newhaven Neighbourhood Plan as being suitable for housing, can be achieved in a manner that is sympathetic towards the character and appearance of the surrounding area and upon residential and environmental amenities. Suitable mitigation and management measures would be put in place in response to site constraints including flood risk and ground contamination. The development would also contribute a 100% provision in social housing.

It is therefore recommended that the application is approved, subject to the conditions listed below, and subject to a S106 agreement to secure local employment and training measures linked to the development.

The application is subject to the following conditions:

1. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:
 - a) A site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

and other offsite receptors in accordance with Revised National Planning Policy Framework, para 170, 178 and 179 and policies DM20 and DM21 of the Lewes District Local Plan Part 2.

2. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed, in accordance with Revised National Planning Policy Framework, para 170, 178 and 179 and policies DM20 and DM21 of the Lewes District Local Plan Part 2.

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

Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed in accordance with Revised National Planning Policy Framework, para 170, 178 and 179 and policies DM20 and DM21 of the Lewes District Local Plan Part 2.

4. No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction Environment Management Plan shall provide for:
 - i. traffic management in the adjoining highways;
 - ii. site operatives' travel plan;
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;

- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding;
- vii. measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of amenity of the locality in accordance with policy CP11 of the Lewes District Core Strategy, policies DM20, DM21, DM23 and DM25 of the Lewes District Local Plan Part 2 and policy T1 of the Newhaven Neighbourhood Plan.

5. Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality in accordance with policy DM23 of the Lewes District Local Plan.

6. Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report shall be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Revised National Planning Policy Framework, para 170, 178 and 179.

7. The development shall be carried out in accordance with the air quality mitigation measures identified in Air Quality Assessment report submitted with the application (NRG Consulting report dated 3 April 2020). The approved scheme is to be completed prior to occupation of the development; and shall be maintained thereafter.

Reason: In order to protect air quality in accordance with Revised National Planning Policy Framework, para 170, 178 and 179 and policy DM20 of the Lewes District Local Plan Part 2.

8. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref CS098309_Clifton_Road_Newhaven_FRA_v5) and the following mitigation measures it details:
- Finished first floor levels shall be set no lower than 5.60 metres above Ordnance Datum (AOD);
 - Proposed ground floor units are to be arranged as two-floor maisonettes with internal stairwells as described in Paragraph 6.2.1, providing safe refuge and sleeping accommodation on an upper floor;
 - Flood resilience and resistance measures are to be incorporated as described in Paragraph 6.2.1.2; and
 - Owners/occupants are to sign up to the Environment Agency's Flood Warning Service, and a flood action evacuation plan is to be developed for the site (to be agreed by Local Authority Emergency Planners). Owners/occupants are also to be made aware of this plan and its contents (Paragraph 6.2.1.3).
 - These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
 - The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To maximise the safety of occupants of the building by providing safe refuge to those at risk on ground floors, and providing arrangements for evacuation in an extreme event. To maximise the building's safety and resilience to floodwater.

In accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

9. No development approved by this permission shall be commenced until full details of the proposed means of surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Details provided should include the following:
- Details of the invert and cover levels of the proposed drainage system as well as the invert level of the outfall into the surface water sewer;
 - Detailed hydraulic calculations that take into account the connectivity of the drainage system. This should demonstrate the expected performance of the drainage system for several events ranging from those with a 100% (1

in 1) annual probability of occurrence to 1% (1 in 100) plus an allowance for climate change;

- Details of how impacts of high groundwater will be managed in the design of the attenuation tank and permeable pavements to ensure storage capacity is not lost and structural integrity is maintained;
- An assessment of the risks to controlled waters;
- A timetable for implementation;
- A management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Any other details reasonably required and requested by the Lead Local Flooding Authority (LLFA) and/or the Environment Agency.

The approved drainage works shall be completed prior to the completion or first occupation of the approved development, whichever is the sooner.

Reason: the previous use of the proposed development site is described as an auto repair garage and vehicle storage area, and presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is upon a Principal Aquifer.

10. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure suitable drainage arrangements are in place in accordance with policy CP12 of the Lewes District Core Strategy.

11. Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development is located upon a Principal Aquifer.

12. Prior to the first occupation of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Sussex Police Designing Out Crime Officers. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of living conditions for future occupants and the amenities of the surrounding area in accordance with section 8 of the Revised National Planning Policy Framework, policy CP11 of the Lewes District Core Strategy and policy DM25 of the Lewes District Local Plan Part 2.

13. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of all hard surfacing;
 - b) Details of all boundary treatments;
 - c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
 - d) Ecological enhancements.

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

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policy CP1 of the Lewes District Core Strategy and policy DM25 of the Lewes District Local Plan Part Two.

14. The proposed development shall incorporate the renewable energy/carbon reduction measures set out in the accompanying Energy and Sustainable Energy Strategy & Water Saving Report, including the following:

- Installation of 33.81 kWp photovoltaic panels;
- Use of low energy lighting;
- Use of low NOx heating system;
- Provision of a minimum of one functioning electric vehicle charging point.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the Revised National Planning Policy Framework, policies CP13 and CP14 of the Lewes District Core Strategy, policy D2 of the Newhaven Neighbourhood Plan, the Lewes District Council Electric Vehicle Parking Technical Guidance and the Lewes District Council Renewable Energy SPD.

15. Notwithstanding the details contained within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the proposed art studio space shall be used only for that purpose and no other use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the space is used for a purpose that is compatible with the surrounding residential environment and the constraints of the site in accordance with section 12 of the revised NPPF, policy CP1 of the Lewes District Core Strategy and policy DM25 of the Lewes District Local Plan Part 2.

16. Before the first occupation of the development hereby permitted, a waste management, collection and servicing plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: in order to ensure best practice in followed in terms of refuse and recycling management and collection and in the interest of pedestrian safety in accordance with policy DM26 of the Lewes District Local Plan part 2 and para.110 of the Revised National Planning Policy Framework.

17. No development shall take place until detailed plans for the design and layout of the play/open space (including any play equipment, together with a plan for the management and maintenance of this area and all other public open space within the development including the landscaped buffer to the northern boundary have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any part of the residential development or in accordance with a programme agreed in writing by the local planning authority and the areas shall be managed and maintained thereafter in accordance with the approved plan and the management strategy.

Reason: To ensure the long-term benefit to residents of the development having regard to Policy DM16 of the Lewes District Local Plan and to comply

with National Policy Guidance contained in the National Planning Policy Framework 2019.

Informatives:

1. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.
2. The developer must ensure that their proposal, both during construction and after completion does not:
 - encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
3. The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should

be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

4. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
5. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
6. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
7. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
8. In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail

land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

9. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
10. The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains.
11. Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
12. Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.
13. The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

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

Plan Type	Date Received	Reference
Location Plan	12 May 2020	218060/PA/001 Site Location Plan
Proposed Block Plan	21 September 2020	218060/PA/110 Rev D Proposed Site Plan
Proposed Floor Plan(s)	21 September 2020	218060/PA/120 Rev D Proposed Ground Floor Plans
Proposed Floor Plan(s)	7 August 2020	218060/PA/121 Rev B - Proposed First Floor Plan
Proposed Floor Plan(s)	7 August 2020	218060/PA/122 Rev A - Proposed 2nd & Top Floor Plans
Proposed Elevation(s)	7 August 2020	218060/PA/130 Rev B - Proposed East Elevation & South Sectional Elevation
Proposed Elevation(s)	6 July 2020	218060/PA/131 Rev A - Proposed West Elevation & North Sectional Elevation
Proposed Floor Plan(s)	6 July 2020	218060/PA/132 Rev A - Proposed North & South Elevation

Report to: **Planning Applications Committee**
Date: **14 October 2020**
By: **Director of Planning**
Local Authority: **Lewes District Council**
Application Number: **SDNP/20/01664/FUL**
Applicant: **Mr Darren Guyett**
Application: **Installation of new main entrance gates (1 x vehicular and 2 x pedestrian) associated fencing and dropped kerbs.**
Address: **Wallands Community Primary School,
Gundreda Road,
Lewes,
BN7 1PU.**
Recommendation: **That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

Executive Summary

This planning application has been made on behalf of East Sussex County Council Children's Services for the provision of new main entrance gates and associated fencing to Wallands Community Primary School.

1. Site Description

1.1 The application site is a Community Primary School situated at the northern end of Gundreda Road, Lewes. It is in the South Downs National Park (SDNP) but is not a Listed Building, nor is it in a Conservation Area.

2. Proposal

2.1 The proposed works are to install new automated gates to the main entrance to control vehicular and pedestrian access and egress, with associated fencing and pavement works. The entrance is currently mostly ungated as the previous gates require replacing due to their deterioration (one brick pier no longer exists and half of the vehicle entrance gate is missing as a result). Due to the design of the "existing" gates (approx. 1 - 1.5m high and of a wooden strut construction) they do not provide any control of school traffic or offer any protection to school users. This proposal seeks to install more suitable gates and fencing to provide the level of security desired by the applicant in line with their measures to improve safeguarding at the school.

3. Relevant Planning History

LW/08/0772 (Application Approved) - Retention of existing temporary access from Nevill Road with permanent turf and topsoil covering on school site together with construction of tarmac apron. Work to include erection of gate and fence to match height of existing boundary fence: all to form fire access road.

4. Consultations

East Sussex County Council - Highways

No objection to this planning application.

Access

The existing driveway and layout is to be retained. The proposed vehicular gates and the western pedestrian gate will be automated. The eastern gate will be manually operated.

During the hours of 07:00 - 09:00 and 15:00 - 18:00 both pedestrian gates and the vehicular gate will remain open for free access to the school by pedestrians and vehicles. Outside of these hours the gates will remain closed, the western pedestrian gate and vehicular gate being operated by security fobs for staff and via an intercom for visitors.

A pedestrian dropped kerb has been provided in front of the main gates to enable pedestrians to conveniently cross the road to use the western pedestrian gate during times when the eastern pedestrian gate is locked.

East Sussex County Council - Early Years Development Childcare Partnership

None received.

Parish Council Consultee

Members considered views of neighbours and others and noted that this application for increased security gates at the entrance to the school is poorly considered for the majority of families who approach from the Northern and Eastern sides of the school.

Pedestrian access on the right will be removed, meaning that children and their families arriving from Landport via Hill Road or Gundreda Road will have to cross in front of queuing and turning traffic.

Members concur with neighbours predictions that there will be an increase in noise and pollution from queuing traffic.

It was noted that neighbours were surprised that they had not been informed or consulted on these plans, and Members question whether the required publicity was carried out.

Officer comment – the application benefitted from press and site notice as well as neighbour consultation in accordance with the requirement. As a result 14 neighbour representations were received and therefore it is not considered that no prejudice has occurred.

5. Representations

14 objections from neighbours and local residents:

- Traffic congestion

- Air pollution
- Noise pollution
- Design
- Parking
- Pedestrian safety
- Alternative access

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:

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 SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Consideration also given 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.

8. Planning Assessment:

Site:

8.1 Wallands Community Primary School is located in the North West area of Lewes and is accessed via Gundreda Road. The school is the termination point at the northern end of Gundreda Road. The main school building is set back from the main road by an access road and car park and consists mainly of two storey, flat roof buildings.

Proposal:

8.2 The proposal is for the installation of automatic entrance gates (of a vertical rail design) for vehicles and pedestrians at the school entrance from Gundreda Road on the site of the old entrance gates which only partially exist and replacing a section of existing fencing to the east of the proposed gates with railings to match the gates.

8.3 The proposal also includes the installation of two dropped kerbs to assist pedestrian crossing either side of the vehicle gate. Two existing brick piers are to be retained and one removed (one previously demolished). The gates are to be set back from the previous gate point by approx. 3m with railings either side (1.8m high) with a pedestrian access either side of the vehicular gate. The west pedestrian access (1.8m high x 1.23m wide) and the vehicular access gate (1.8m - 2.08m high x 3.25m wide) will open inwards and be have access controlled by an audio link to the main reception, the eastern pedestrian gate (1.8m high x 1.43m wide) will be manually operated. The school logo is to be positioned centrally on the upper half of the vehicular access gate. The railings to the east of the gates from

the brick pier to the boundary will be 1.8m high x 1.7m wide. The intercom for the western pedestrian gate will be located on / by the railings between the gate and the brick pier, the intercom for the vehicular gate will be positioned on the pavement level with the brick piers to allow ease of use for drivers. The pedestrian gate PTE (push to exit) post and the vehicle photo beam posts are located within the school grounds and are not higher than the gates or fencing.

Access:

8.4 It has been suggested within local objections that the fire access road approved under application LW/08/0772 be used instead of the Gundreda Road entrance as the main access and egress for the school. This suggestion does not form part of this planning application assessment. The site of the proposed works is clearly indicated on the submitted Block Plan (reference: P-100-01).

8.5 During normal school days the gates are proposed to be open between 7am - 9am and 3pm - 6pm to allow for normal access and egress and as such there is not likely to be any worsening of congestion than would currently be the case during these hours. Between 9am and 3pm the gates will be closed and access authorised by the school reception via the intercom. After 6pm the gates will be closed and access would only be granted (automatically) to those with a security fob, this would be the same for weekends and school holidays.

8.6 Due to the gates being set back from their previous position there will be sufficient space to accommodate one, possibly two vehicles awaiting entry without restricting access to the immediate neighbours driveways. Should there be more than two, or the vehicles be of a longer than average (4.5m) length then any impact (emissions / noise / resident driveway access) will be limited to the time between access granted and the entrance of each vehicle. The time between requesting access and access being granted is anticipated as extremely low and therefore further consideration of air pollution as a result of this proposal is not deemed warranted. However, it is suggested that a sign be placed requesting the drivers turn off their engines should they be required to wait for longer than would be considered normal. The applicant has stated that there will be no change to the available car parking within the school grounds and as stated previously, the impact of vehicle emissions on local air quality as a result of this development is not considered to be significant, however, it is thought appropriate that an Electric Vehicle Charging Point is conditioned to be installed within the school grounds.

8.7 The distance between the school gates and the immediate neighbour's dwellings is a minimum distance of 9m and any noise created by the mechanical operation of the gate and / or the intercom are not thought likely to be of a level to cause concern considering the frequency of use and noise regulations. In addition a flashing safety beacon is to be installed as part of this proposal. Further information/ clarification will be sought regarding the beacon and potential noise by way of condition.

8.8 This proposal has been revised during the assessment process by the applicant to include dropped kerbs to assist pedestrian crossing between the two paths over the vehicular access entrance. This element combined with the close proximity of a streetlight, the warning beacon and speed bumps just beyond the vehicular access within the school grounds are considered sufficient safety elements and features for pedestrian safety when using the paths inside and outside the school gates. It is noted that the ESCC Highways have no objection to this proposal.

8.9 The design of the gates and fencing is proposed as framed vertical steel railings which will be powder coated to an as yet undermined colour which will require approval by discharge of condition. It is thought that the gates have been designed to a high standard and of an appropriate scale to serve their intended purpose and therefore accord with the Local Neighbourhood Plan policy PL2.

8.10 The location of the school means that the gates are likely to be viewable only by the residents of Clare Road as they access Gundreda Road, the residents of the section of Gundreda Road that forms the access road to the school, anyone passing across the junction of Gundreda Road and Fitzjohns Road as well as school users. Due to its set back location, the access road not being a thoroughfare, and in addition to Gundreda Road and Fitzjohns road not being considered to have high non-local residential or non-school related pedestrian traffic it is not thought that this development would be highly visible to the general public.

8.11 The installation of the proposed gates and associated works will allow the School to continue to operate whilst improving the protection it offers to its users by controlling access and egress, which will reduce the possibility of unauthorised personnel entering the school grounds, and also reduce the possibility of school users leaving without permission during core hours. The gates and fencing have been designed to serve this purpose whilst being as unobtrusive and aesthetically sympathetic to the local area as thought reasonably possible (some elements to be approved by condition). In combination with the traffic and pedestrian management and the conditioned future installation of an Electric Vehicle Charging Point it is considered that this proposal contributes towards reduced energy demand and is of satisfactory environmental design and therefore accords with the Lewes Neighbourhood Plan policies AM1, HC1, PL2 and PL4

Summary:

8.12 Notwithstanding the elements within this proposal that warrant a condition, it is considered that the size, scale and nature of this development is not disproportionate to the site, or detrimental to the character and appearance of the local area to any extent that would justify refusal. It is also thought that there would be minimal impact on the amenities of local residents and or the public.

8.13 As a result of the above reasoning it is considered that this proposal is in accordance with policies SD01, SD02, SD04, SD05, SD19, SD20 and SD48 of the South Downs National Park Local Plan (2019) and the Lewes Neighbourhood Plan and it is therefore recommended for conditional approval.

9. Conclusion

9.1 It is recommended that planning permission be granted.

10. Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. 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. Prior to the entrance gates hereby permitted being brought into use, details of the size, position and brightness of the illuminated beacon, and the sound levels of the gate mechanism and intercom, shall be submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard the amenities of the locality in accordance with policies SD5 and SD7 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

4. Prior to the new access gates hereby permitted being brought into use, they shall be painted in accordance with details (including RAL code of the paint colour) that shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and in accordance with policy SD5 of the South Downs Local Plan, policy PL2 of the Lewes Town Neighbourhood Plan, and having regard to the National Planning Policy Framework

5. Prior to the entrance gates hereby permitted being brought into use an electric vehicle charging point shall be provided within the school parking area and made available for use.

Reason: In order to reduce local contributors towards climate change and provide for sustainable transport in accordance with policies SD19 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Appendix 1

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 plans	04060		28.04.2020	Superseded
Plans - Location and Block plans	P-100		28.04.2020	Approved
Plans - Existing plans and photos	P-102		28.04.2020	Superseded
Application Documents -	Supporting Statement		28.04.2020	Superseded
Plans - Proposed plans	04060		24.07.2020	Approved
Application Documents -	Supporting Statement	Rev. C	12.06.2020	Superseded
Plans - Proposed plans	04060		08.07.2020	Superseded
Plans - Existing plans and photos	P-102	02	08.07.2020	Approved
Application Documents -	Supporting Statement	Rev. D	08.07.2020	Approved

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

Report to:	Planning Applications Committee
Date:	14 October 2020
Title of report:	Summary of appeal decisions received from 1/4/20 to 30/9/20
Purpose of report:	To update Members of the Planning Applications Committee on appeal decisions received.
Recommendation:	To note the outcome of appeal decisions.

Overview

- 1.1 The attached table (Appendix 1), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority. There were no decisions in the SDNP area during this period relating to Lewes District area.
- 1.2 In summary, in the last 6 months there were:
 - 5 appeal decisions, 1 of which was dismissed (20%) and 4 allowed (80%).
 - 1 application for award of cost, this was dismissed as no unreasonable behaviour found.
 - No Judicial Reviews.
- 1.3 The Authority's appeal performance in the financial year to date is 20% of appeals being dismissed (1 dismissed, 4 approved).
- 1.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

Key to Appeals Reporting

Planning Appeals

Appeal method – All are through written representations unless otherwise specified.

A – Appeal is allowed.

B – Appeal is dismissed.

Planning Application No	Site	Description of Development	Decision
LW/19/0680 APP/P1425/D/19/32400 86	31 Oakmead Way Ringmer BN8 5JL	Single storey side annex.	A 6 May 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of area, and whether it provides a satisfactory living environment for future occupants specifically in relation to parking and amenity space.
- The building would clearly function as an extension to the host dwelling and would not alter the planned structure and layout of the estate. Therefore no harm to the character or appearance of the host building or the surrounding area.
- Considered that as an annex the development would provide an appropriate level of parking and not lead to an increase of on-street parking demand. Considered that the development was acceptable in all respects and would not lead to unacceptable harm to the living conditions of existing residents.

Planning Application No	Site	Description of Development	Decision
LW/19/0902 W/4000865	33 Sherwood Road Seaford BN25 3EH	Two storey rear extension and detached garage in rear garden.	D 3 July 2020 Delegated decision

Inspector's Reasoning

- Issues – highway safety and effect on living conditions of occupiers of 31 Sherwood Road.
- Poor design and layout of the double garage would detrimentally impact on highway safety as vehicles would be unable to safely pull away from the garage entrance due to lack of distance between the garage and the highway.
- The design of the garage would mitigate any adverse overbearing or overshadowing effect on the adjacent occupier and therefore there would be no harmful effect on living conditions.

Planning Application No	Site	Description of Development	Decision
LW/19/0523 APP/P1425/W/19/3242 486	7 Romney Close Seaford BN25 3TR	Erection of a garden outbuilding	A 3 July 2020 Delegated decision

Inspector's Reasoning

- Issues - the effect on the character and appearance of the area, effect on living conditions of neighbour with regards to outlook, and the effect on highway safety.
- Site is residential garden with many sheds and outbuildings. Located in the rear garden and some distance from neighbours it is not considered that the proposal would harm the character and appearance of the area.
- Due to the relatively small size it has a limited effect on overlooking or overshadowing and therefore would not impact on the living conditions of neighbours.
- The use for dog grooming would not result in highway safety issues due to availability of spaces on street, and the low number of visitors to the business.

Planning Application No	Site	Description of Development	Decision
LW/19/0750 APP/P1425/W/20/3245 997	53 Hillcrest Road Newhaven BN9 9EE	First floor rear	A 7 September 2020 Committee decision

Inspector's Reasoning

- Issue – whether the development would have a harmful impact on neighbouring amenity.
- Balcony would afford views into the neighbour garden which would be harmful to privacy,
- In relation to the adjacent window, due to the distance and use of a privacy screen, the balcony would not be restrictive to outlook from the neighbour's window and therefore would not be harmful to the existing living conditions from noise or outlook. A condition to require the retention of a privacy screen is required.

Planning Application No	Site	Description of Development	Decision
Linked enforcement appeal APP/P1425/C/20/32463 52	53 Hillcrest Road Newhaven BN9 9EE	Linked appeal enforcement - requiring balcony to be removed	A 7 September 2020 Committee decision

Inspector's Reasoning

- Issue – impact on neighbours
- The Inspector considered that neither the original application or the amended scheme that there would be a significantly harmful impact on the privacy of neighbouring occupiers and felt that the appeal should succeed and planning permission should be granted.
- A costs application was made but the Inspector did not find that unreasonable behaviour resulting in unnecessary or waste expense described in the PPG had been demonstrated.