

Planning Applications Committee 4 November 2020



Working in Partnership



Time: 1.00pm

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: Friday, 23 October 2020

Agenda

- 1 Introductions**
- 2 Apologies for absence/Declaration of substitute members**
- 3 Declarations of interest**

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

- 4 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 14 October 2020 (attached herewith).

5 Urgent items

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

6 Petitions

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

7 Written questions from councillors

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

Planning applications outside the South Downs National Park

8 LW/20/0204 - The Sussex Coaster, 80 - 82 South Coast Road, Peacehaven, East Sussex, BN10 8SJ (Pages 9 - 34)

9 LW/20/0414 - Newhaven Fort, Fort Road, Newhaven, East Sussex, BN9 9DL (Pages 35 - 40)

Non-planning application related items

10 Date of next meeting

To note that the next meeting of the Planning Applications Committee which is scheduled to commence at 4:00pm on Wednesday, 25 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.

Email: committees@lewes-eastbourne.gov.uk

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Working in Partnership



Planning Applications Committee

Minutes of the remote meeting held (via Microsoft Teams) on 14 October 2020 at 6:00pm

Present:

Councillor Sharon Davy (Chair).

Councillors Steve Saunders (Vice-Chair) (Minute No 40 to 45 and Minute No 47 to 49), Graham Amy, Lynda Duhigg, Tom Jones, Sylvia Lord, Imogen Makepeace, Milly Manley and Laurence O'Connor

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)

40 Introductions

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

41 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Christoph von Kurthy and Nicola Papanicolaou.

42 Declarations of interest

Councillor Steve Saunders declared a disclosable pecuniary interest in agenda item 7 (planning application LW/20/0291) as his wife was employed by a housing association who was in discussions with the developer of the application.

For the purposes of transparency, Councillor Milly Manley declared that in relation to agenda item 8 (planning application SDNP/20/01664), she was a Lewes District Ward Councillor.

For the purposes of transparency, Councillor Imogen Makepeace declared that in relation to agenda item 8 (planning application SDNP/20/01664), she was a Lewes District Ward Councillor and stated she had not predetermined the matter.

43 Minutes

The minutes of the meeting held on 23 September 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

44 Petitions

There were none.

45 Written questions from councillors

There were none.

46 LW/20/0291 - 23 Clifton Road, Newhaven, East Sussex, BN9 0BAResolved:

That planning application LW/20/0291 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 be approved, subject to a S106 legal agreement, and subject to the conditions and informative set out in the report and supplementary report, and the following additional conditions and informative:

Additional conditions:

- 1) No development above ground floor slab level shall take place until details of the location, design and appearance (including all materials) for the proposed electricity substation have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details; and
- 2) Before the development is first occupied, a detailed Travel Plan which should detail how the Plan will be implemented and monitored for the first 5 years of occupation shall be submitted to and approved in writing by the Local Planning and implemented in accordance with that approval.

Additional informative:

- 1) The developer is advised to look at and take measures to increase safe and secure cycle storage across the site and within the proposed cycle stores indicated on the approved plans.

(Councillor Saunders declared a disclosable pecuniary interest in relation to this item, as his wife was employed by the housing association who may be purchasing the flats. He therefore left the remote meeting for this item and did not participate in the consideration, discussion or voting thereon.)

47 SDNP/20/01664/FUL - Wallands Community Primary School, Gundreda Road, Lewes, BN7 1PU

Written representations against the proposal were read aloud by the Committee Officer on behalf of Susan Hawley (Neighbour) and Scott Chowen (Neighbour). A written representation was read aloud by the Committee Officer on behalf of Lewes District Ward Councillor Matthew Bird.

Resolved:

That planning application SDNP/20/01664/FUL for installation of new main entrance gates (1 x vehicular and 2 x pedestrian) associated fencing and dropped kerbs be approved, subject to the conditions and informative set out in the report and supplementary report.

48 Summary of appeal decisions received from 1 April 2020 to 30 September 2020

Resolved:

That the summary of appeal decisions received from 1 April 2020 to 30 September 2020, be noted.

49 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee which is scheduled to be held on 4 November 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, will commence at a time to be confirmed.

The meeting ended at 7.56pm.

Councillor Sharon Davy (Chair)

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Agenda Item 8

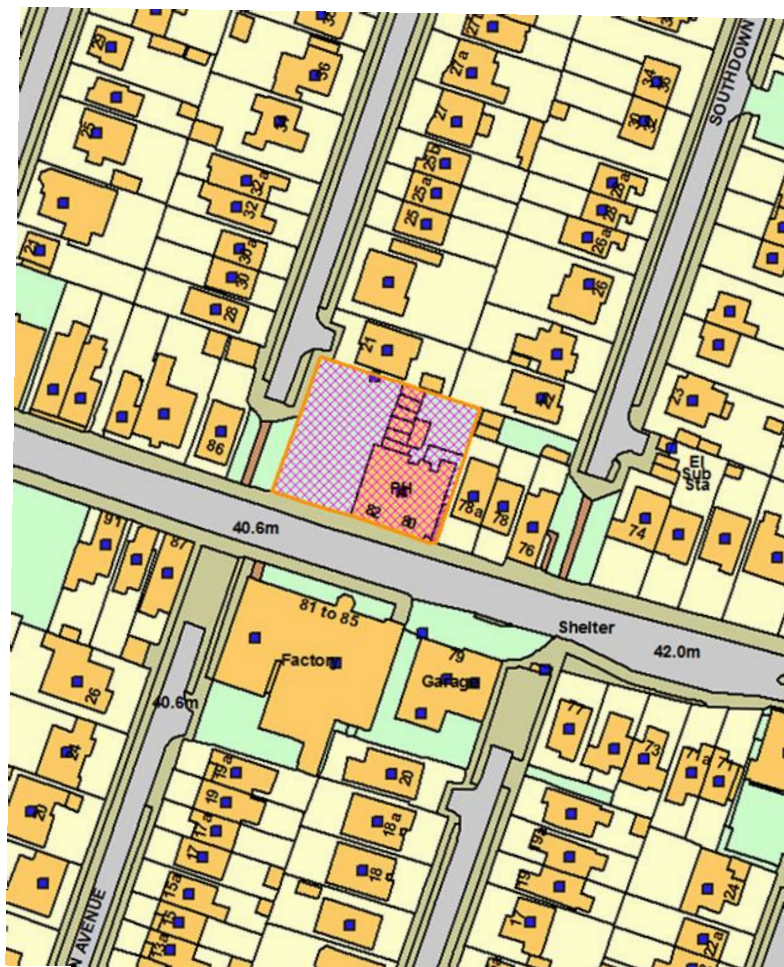
Report to: Planning Applications Committee
Date: 4 November 2020
Application No: LW/20/0204
Location: The Sussex Coaster, 80 - 82 South Coast Road, Peacehaven, East Sussex, BN10 8SJ
Proposal: Planning application for demolition of public house and re-development to provide seventeen residential units with associated vehicle parking and landscaping.
Ward: Peacehaven / Peacehaven East
Recommendation:

1. Approve subject to a S106 Agreement with Lewes District Council to secure a £91,000 contribution towards off-site affordable housing and to the conditions attached to this report.
2. That the application is refused under delegated authority if the S106 Agreement is not concluded within 6 months of any resolution to grant planning permission.

Contact Officer: **Name:** Chris Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development is an amendment to a previous scheme refused permission by the Committee (LW/19/0242). A new scheme has been submitted which it is considered is acceptable in principle, and addresses and overcomes the reasons for the refusal of the previous application LW/19/0242.
- 1.2 Accordingly approval is recommended, subject to conditions and completion of a S106 Agreement.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP7 – Community Facilities

LDLP: – CP9 – Air Quality

LDLP: – CP11 – Built and Historic Environment & Design

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

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM24 – Protection of Biodiversity and Geodiversity

LDLP: – DM25 – Design

3. **Site Description**

- 3.1 The application site lies on the northern side of South Coast Road at the corner junction with Vernon Avenue. The site is presently occupied by a two storey building previously used as a public house, which has various additions, and a large surface car park alongside the southern end of Vernon Avenue. The side elevation of the existing pub building lies adjacent to the public footway along South Coast Road, unlike other neighbouring buildings which are set back.
- 3.2 The site is bound on two sides by residential properties, and on the opposite corner of Vernon Avenue there is a security business's office and residential flats. On the opposite side of South Coast Road there is a 24 hour petrol station and shop and a home improvements/conservatory showroom.
- 3.3 The building is not listed and the site is not situated in a Conservation Area.

4. **Proposed Development**

4.1 The application seeks full planning permission for the demolition of the existing buildings and re-development of the site with 17 residential units. The application is a revised submission following the refusal of a previous application, LW/19/0242, overturned at Planning Applications Committee on 29 January 2020. The reasons for refusal are as follows:

1. The development, due to its height, massing and proximity to adjacent dwellings, would result in a detrimental impact on residential amenity due to loss of light and overshadowing, contrary to policies CP11(i) and (viii) and DM25 (7) of the Lewes District Local Plan.
2. It is considered that the proposed access onto Vernon Avenue would have an unacceptable and detrimental impact on residential amenity, the free flow of traffic, and pedestrian and vehicle safety through increased vehicle movements and congestion through and along existing roads serving the surrounding and existing residential developments contrary to policies CP11(viii) and DM25 of the Lewes District Local Plan.
3. It is considered that the proposed car parking will fail to meet future parking needs and will result in vehicles being displaced onto the already congested local road network resulting in increased congestion and demand for on-street parking, and detrimentally impacting on the wider amenity of the area, contrary to policies DM25 (6) and (7) of the Lewes District Local Plan.

4.2 The decision notice was issued on 31 January 2020 and the applicant has lodged a Planning Appeal, which is presently awaiting determination.

4.3 The current application includes two significant differences, the first being the removal of previously proposed office space, and the second being vehicular access directly off the A259 as opposed to Vernon Avenue.

4.4 In addition, the third "attic" storey has been reduce in depth and the projecting wing at the rear has been reduced in height from 4 storeys to 3 storeys.

4.5 The outrigger has also been shortened and would be 14m from the side of 1 Vernon Avenue, whereas it was previously 12m.

4.6 The outrigger has been stepped at the side and, although reduce in depth, has been increased in width from 9m to approximately 13m.

4.7 The proposal comprises seventeen flats made up of 11 x 1-bed flats and 6 x 2-bed flats:

Ground Floor

- Two no. 2-bed flats and one no. 1-bed flat.
- Plant rooms, communal stairs and lift.
- Bin store and cycle store (26 bikes) on land at the corner of Vernon Avenue.
- Vehicular access onto A259.

- 21 car parking spaces and 2 motorcycle parking spaces to the rear, including 4 with electric vehicle charging points.

First and Second floor:

- Two no. 2-bed flats and four no. 1-bed flats.
- All with west or south facing balconies.

Third Floor:

- Two no. 2-bed flats within a recessed attic storey, both with roof terraces at the front.
- A series of green, flat roofs.
- A brown, biodiverse roof to the rear projection.

Rooftop:

- A blanket sedum roof.
- Five photovoltaic (solar) panel arrays arranged in rows.

4.8 In terms of floor area, the smallest 1-bed flats would be 50 square metres and the smallest 2-bed flats would be 63 square metres.

4.9 None of the residential units are proposed to be affordable, due to financial viability of the scheme. The applicant's viability assessment was reviewed by an independent assessor on the behalf of the local planning authority and concluded that the main issues are the base build cost which together with the Community Infrastructure Levy (CIL) liability, would render the scheme unviable with affordable housing.

5. Relevant Planning History

5.1 LW/08/0716 - Section 73A Retrospective application for the continued use of land within the licensed area of The Sussex Coaster as a pub garden including paving and seating. - Approved

5.2 LW/09/1150 - Continued use of land within the licensed area as a pub garden (renewal of temporary planning approval LW/08/0716) - Approved

5.3 LW/19/0242 - Proposed demolition of public house and re-development to provide seventeen residential units (10no. 1-bed flats and 7no. 2-bed flats), commercial office space (112 square metres) and associated parking and landscaping (Amended Plans) (Amended Description). - Refused

5.4 LW/20/0204 - Demolition of public house and re-development to provide seventeen residential units with associated vehicle parking and landscaping – Pending Decision

5.5 LW/83/1493 - Retention of front extension to Public Bar granted for temporary period under LW/78/1217. - Approved

5.6 LW/85/0755 - Section 32 retrospective application for retention of retractable awnings over existing ground floor windows to South Coast Road and car park entrance. - Approved

5.7 LW/78/1147 - Planning Application for conversion of garage into preparation room. - Approved

- 5.8 LW/78/1217 - Front extension to public bar. - Approved
- 5.9 APPEAL/20/0015 - Proposed demolition of public house and re-development to provide seventeen residential units (10no. 1-bed flats and 7no. 2-bed flats), commercial office space (112 square metres) and associated parking and landscaping (Amended Plans) (Amended Description). - Appeal In Progress.

6. Consultations

6.1 Environmental Health – No objection

If LPA is minded to grant planning permission, then I recommend conditions to cover unidentified contamination, a CEMP, hours of work, and an asbestos survey, and informatives.

6.2 ESCC SuDS – No objection

- 6.2.1 We note that this is a resubmission of application LW/19/0242 to which the LLFA recommended approval subject to conditions. It is our understanding that this application was refused for reasons unrelated to flood risk or surface water drainage. We also note that the proposals are largely the same.
- 6.2.2 Site investigations indicate that infiltration rates are poor, and there is a risk that discharge of surface water runoff may lead to ground stability issues as a result of dissolution features in the subsurface. This response is made on the understanding that Southern Water has agreed to allow the applicant to discharge surface water runoff into the foul sewer.
- 6.2.3 The proposals to discharge surface water runoff will provide an improvement over the existing situation, as it is indicated that the site already discharges runoff to the foul sewer and the proposals will restrict the discharge rate to 1.0 l/s for all rainfall events. As the drainage strategy has now changed, we will require the submission of additional hydraulic calculations to confirm this.
- 6.2.4 The applicant has undertaken a CCTV survey to establish the condition of the on-site sewer system that will act as a discharge point for surface water runoff. This survey indicated a number of defects in the system, particularly between MH1 and MH2, these will require improvement works to be carried out prior to completion of the development.
- 6.2.5 The Drainage Strategy indicates that maintenance will be carried out privately, with a long-term maintenance regime to be agreed with the landowners. We request further clarification on the specific maintenance arrangements at the detailed design stage.
- 6.2.6 If the Local Planning Authority is minded to grant planning permission, the LLFA requests that the following comments act as a basis for planning conditions to manage surface water runoff from the development:
1. Detailed drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority. The

submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to 1.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

2. Evidence that the public surface water sewer has enough capacity to accommodate runoff from the application site shall support the detailed design of the drainage. In the event the public sewer is utilised, its condition and capacity to accommodate runoff from the site shall be assessed and details submitted to and approved in writing by the Local Planning Authority. Evidence of understanding of the drain's outfall and any potential impact on the flood risk of downstream areas shall be included. Any required improvements to the condition of the drain shall be carried out prior to construction of the outfall.

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

The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.
4. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

6.3 ESCC Highways – No objection

This HT401 is issued in response to amended plans received from Lewes District Council on 15 September 2020. This included amended plan number 9003/P/62 revision 03 which now includes:

- the closure of the existing pedestrian access onto Vernon Avenue;
- revised acceptable layout of the altered access onto the A259;
- together with provision of additional bollards on the public highway on Vernon Avenue and;
- provision of a widened/new footway across the site frontage on Vernon Avenue.

I confirm that the proposal is now acceptable as shown on the above amended plan. I do not object to the proposed development and recommend highway conditions.

1. Trips/Access

This application is for demolition of the existing Public House and erection of a block of 17 flats. It is understood that the Public House which operated as a public house and restaurant [with 30 covers] and as a music venue for up to 200 attendees which it is understood from Lewes District Council could be brought back into use. It has previously been accepted by the Highway Authority, under application LW/19/0242, that the existing use could generate approximately 229 trips a day with 18 flats generating 54 - 72 vehicular trips a day which is significantly less than the existing use. Whilst I appreciate that the use as a music venue may not have operated every day the use as a public house with 30 covers for restaurant use would still have generated slightly more traffic than that proposed for 17 flats.

It is noted that this proposal would generate vehicle trips on the network in the AM peak whereas the existing use would not have generated vehicles in the AM peak. However, the peak hour trips would result in just 1 vehicle every 10 minutes and given the reduction in overall trips to the site the trip generation is accepted.

The existing vehicular access onto the A259 would be altered and narrowed down to serve this development. As a result the access would be slightly further away from the pedestrian crossing. Given the location and use of the existing access the alterations are acceptable.

2. Mitigation - Off Site Highway Works

The following works are required in order for the proposal to be acceptable to the highway authority and would normally be secured through a section 106 agreement. However, it is understood that due to the size/viability of the site no s106 is required therefore the following points are to be included as conditions of any planning permission and would require the applicant entering into a s278 agreement with ESCC to carry out these works.

- Two new additional bollards are to be provided and positioned within the public highway to the south of the existing pedestrian access [to be closed off] on Vernon Avenue. This is at the request of the County Council in order to ensure vehicles do not drive south over the public highway to join the A259 here.
- The plans also indicate widening/improvement to existing footways along the western boundary of the site on Vernon Avenue which would need to include dropping kerbing and tactile paving [with all details to be agreed].
- Closure of the existing pedestrian access onto Vernon Avenue; and
- Revised vehicular access onto the A259.

3. Other Comments:

Doors to the plant room is still shown to open outwards over access and what is presumed to be hardstanding area/footway - this door should ideally

be altered to open inwards. However, as this does not open out over the public highway, I cannot insist on this being altered.

6.4 Sussex Police

- 6.4.1 Parking has been made available at the rear of the development with vehicle access through an under-croft with a residential dwelling above. At present the existing boundary treatment along Vernon Avenue shows as a combination of open post and rail fencing and low wall. Given that there are only two active rooms overlooking the proposed rear car park, and in order to create a safe and secure parking environment as well as protecting the vulnerable ground floor windows of flat 1b, I recommend that the boundary fencing is increased to 1.8 metre high close board (cbf) fencing. Should this not be a suitable, consideration is to be given to 1.5 metre high cbf topped with 300mm of trellis. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.
- 6.4.2 From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry to the building is for authorised persons only. SBD recommends that all communal dwellings with more than 10 dwellings or bedrooms should have a visitor door entry system and an access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. All individual flat front doors to flats 1, 2 & 3 and the remaining internal flat front doors are to conform to PAS 024-2016 or its equivalent as are any easily accessible windows. Where there is a security and a fire requirement for doors, both aspects must be met by using dual certificated products from specific manufacturers.
- 6.4.3 Lighting within the lobby and for external entrance doors is to be vandal resistant dusk till dawn-controlled lighting with stairwells and corridors having PIR controlled lighting. Lighting to the parking and public areas is to conform to the recommendations within BS 5489-: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.
- 6.4.4 Doors to the secure cycle and refuse store are to be certificated as front doors. See para 57, SBD Homes 2019.
- 6.4.5 I was pleased to note the inclusion of lobby situated post boxes for the residents. However the 2nd door leading to the residential area from the lobby will also need to be controlled to maintain security to the block.

6.5 District Services – No objection

6.5.1 The bin store plans appear to be well thought out, which is refreshing, however it is following the minimum recommendations. It is recommended that if the developer wants to ensure that it is fit for purpose in the face of any future changes to the collection service, they expand it slightly to add one more 1100 litre refuse vessel, as well as Food Waste Bins (1100 litre Food Waste is not used by the Council).

6.5.2 Three 1100 litre refuse bins, two 1100 litre recycling bins and four 140 litre food waste bins would be perfect for the number of flats and would future proof the development for the next twenty years.

6.6 Southern Water – No objection

6.6.1 The 150mm diameter gravity foul sewer requires a clearance of 3 metres on either side of the public sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

6.6.2 Furthermore, 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.

6.6.3 The applicant has not stated details of means of disposal of foul drainage from the site.

6.6.4 Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application received planning approval include an informative attached to the consent.

6.6.5 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 is available to read on our website via the following link:
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>.

6.6.6 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

- 6.6.7 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).
- 6.6.8 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.
- 6.6.9 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.
- 6.6.10 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.
- 6.6.11 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 6.6.12 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."
- 6.6.13 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.

6.7 Main Town or Parish Council – Objection

- 6.7.1 This application was discussed in detail, including submitted plans, drawings and the comments made by a member of the public earlier in the meeting.
- 6.7.2 It was resolved to recommend refusal on the following basis:-
- Out of keeping with street scene - impairment of street scene, changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue, unfriendly.

- Loss of privacy - over-looking, causing loss of privacy or light, too close. Despite amendments to the plans, the proposed building will have a detrimental effect on the natural light to some of the neighbouring properties.
- Design does not fit in with local surroundings. The N&W elevations are particularly out of keeping.
- Inadequate local infrastructure - including A259, surgeries, school. Proposed development is creating a loss of shops and office space in an area that has already lost too much of this.
- Detrimental effect on local character - surrounding area included.
- Density of layout & over development - too large for plot. Unacceptable size and mass, the proposed new building has a limiting and overbearing effect on neighbouring properties.
- Despite amendments to the plans, the proposed building will have a detrimental effect on the natural light to some of the neighbouring properties.
- The proposed car park borders some of the neighbouring properties and creates an unacceptable situation with regard to increased air and noise pollution and the outlook from some of the neighbouring properties.
- Increase of traffic and congestion in an area that is already extremely over congested with vehicles.

6.7.3 It was resolved that, should LDC be minded to approve this application, the following Conditions should be included:

- Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played.
- Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions.
- Any damage to the grass verges during construction must be repaired by the developer.
- All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid 'rush hour' on the A259 and ease congestion.
- If parking at the front of property required, recommend that suitable provision is made for the safety of pedestrians and cyclists.
- An asbestos survey should be carried out prior to demolition
- A vehicle wheel wash system to be used to stop contamination of the public highway.

7. Neighbour Representations

- 7.1 Representations have been received from Flat 2 Seahouse - 2 Dorothy Avenue, Flat 2, 20 Bannings Vale; 21 and 40 Vernon Avenue; 48 Peacehaven; and four by email; objecting to the application for the following reasons:

Building too large; Contextual significance; Domineering; Unattractive; Over development; Density of layout; Out of character; Monstrosity; negatively dominate the area; Tower over near buildings; At least one storey too high; Ugly and out of character with the local surroundings; Design does not blend in with the local surroundings; Overbearing building/structure; Overshadowing; Loss of privacy; Overlooking; Loss of light; Increased traffic; Congestion; Traffic on A259; Insufficient parking; Highway hazards; pollution; Noise, pollution and intrusive impact of 14 cars parked next to boundary; Adverse effects on people's health; Loss of amenities such as shops, pub and office space; Lack of infrastructure; Inadequate local infrastructure such as surgeries, schools and the A259; Unwanted and unneeded; To offset the loss of the public house as an employment space a commercial use element should be included; No boundary apparent between west elevation and Vernon Avenue; It is good to see solar panels and electric vehicle charging points; Subject to the geology, the car park should have a permeable surface; Effect on town centre viability; Customers of local shops may not have a place to park, which would financially affect local businesses; Insufficient information.

8. Appraisal

8.1 Key Considerations

- 8.1.1 The main considerations relate to the omission of commercial floor space from the amended scheme, and whether the revisions fully address the three reasons given for the refusal of the previous planning application. All other matters have previously been established as being acceptable by virtue of their not being referenced in the three reasons for refusal.

8.2 Commercial Floor Space

- 8.2.1 Core Policy CP7 "Infrastructure" states that the local planning authority should protect, retain and enhance existing community facilities and services, including facilities which serve older people, and resist proposals involving the loss of sites or premises currently, or last, used for the provision of community facilities or services unless:
- i) a viability appraisal, including a marketing exercise where appropriate, demonstrates that continued use as a community facility or service is no longer feasible; or
 - ii) an alternative facility of equivalent or better quality to meet community needs is available or will be provided in an accessible location within the same locality; or

iii) a significant enhancement to the nature and quality of an existing facility will result from the redevelopment of part of the site or premises for alternative uses.

- 8.2.2 The premises have been marketed since September 2016, firstly as tied to the owner (Enterprise Inns) then from March 2017 on an untied basis and marketed by Fleurets. With no deals agreed, Enterprise Inns then advertised the site for sale, by Fleurets, in February 2018. A temporary operator was found briefly at a low weekly rate and business rates were reimbursed by Enterprise Inns.
- 8.2.3 The marketing information submitted indicates that the current use of the site is not viable, and notwithstanding the objections received, potential public house operators have had the opportunity to continue the current use of the site but no deals have been reached.
- 8.2.4 The previous planning application incorporated over 100 square metres of office/commercial floor space, which could have been used by local businesses and which would retain a reasonable amount of employment space at the site. However, in hindsight this may have been overcompensation because the existing pub use would not have employed so many people. Furthermore, while there is a fair amount of commercial uses on the southern side of South Coast Road in the immediate vicinity of the application site, commercial use on the northern side of the road are more sporadic and it is fair to say the immediate environs of the application site are more characterised by residential uses. Therefore, notwithstanding some of the objections received, the absence of commercial floor space in the current application is not considered to warrant the refusal of planning permission.
- 8.2.5 The inability of the applicant to provide affordable housing at a level of 40%, in accordance with both national planning policy and Core Policy 1 of the Local Plan, is deeply regrettable. However, the financial viability case put forward by the applicant has been scrutinised independently on behalf of the Council and has been found to be defensible, and that allowing for the required CIL contribution the scheme could not provide affordable housing in addition to CIL. Provision of affordable housing would, in this instance, render the scheme as a whole financially unviable, which would result in zero new homes entering the market and adding to the housing supply.
- 8.2.6 The Council's CIL Team provided comments on the previous planning application and took the view that the Viability Assessment had overplayed the CIL contributions - the CIL Forms submitted show that the pub was in use in 2018 and the floorspace would therefore be permissible for off-set. This would reduce the CIL liability down from £160k (allowed for in the Viability Assessment) to £69k. This would allow for £91k contributions towards off-site provision of affordable housing.
- 8.2.7 The scheme has been independently tested in terms of the viability (sales values and build costs) and has been found to be acceptable and within industry norms. Under the CIL regulations and due to the

offsetting falling from the existing floorspace of the buildings to be demolished being taken off the new floor space then there is financial headroom as a result. This headroom can be offered as a contribution towards off site delivery of affordable housing and should be secured by a S106 agreement.

8.2.8 In view of this it is recommended that a S106 Agreement is secured in order to make a contribution towards affordable housing off-site and this should be £91k.

8.3 Reasons for Refusal of Application LW/19/0242

8.3.1 1. The development, due to its height, massing and proximity to adjacent dwellings, would result in a detrimental impact on residential amenity due to loss of light and overshadowing, contrary to policies CP11(i) and (viii) and DM25 (7) of the Lewes District Local Plan.

8.3.2 Whilst the overall height of the proposed development has remained roughly the same as before, the applicant has taken steps to reduce the height of the rear projection, which would also be stepped back on the west elevation so as to shrink away from the corner with Vernon Avenue. The rear projection has also been reduced in depth and would be just over 14m from the neighbouring property to the north of the site. The principal windows to this neighbouring property are on the front and rear elevations - facing Vernon Avenue and the back garden of the property. The attic storey has been reduced in scale as well, and would now accommodate two flats whereas previous it was large enough to accommodate three flats. The removal of the commercial floor space previously proposed has also effectively reduces the overall massing.

8.3.3 These amendments increase the space behind the building and reduce its scale and the result is that the massing has been diminished to the extent that the amenity of neighbouring residents would not be significantly adversely affected.

8.3.4 2. It is considered that the proposed access onto Vernon Avenue would have an unacceptable and detrimental impact on residential amenity, the free flow of traffic, and pedestrian and vehicle safety through increased vehicle movements and congestion through and along existing roads serving the surrounding and existing residential developments contrary to policies CP11(viii) and DM25 of the Lewes District Local Plan.

8.3.5 The vehicular access to the development would no longer be off Vernon Avenue, but would be directly from the A259/South Coast Road.

8.3.6 The highway authority raises no objections to this, subject to conditions. It does mean that vehicular traffic will not directly pass neighbouring properties in Vernon Avenue, and congestion and on-street parking in Vernon Avenue should not be affected above existing levels.

- 8.3.7 The levels of car parking proposed are policy compliant and the highway authority raises no objection. It should be noted that this site is in a sustainable location, meaning alternatives to private car use are readily available.
- 8.3.8 The proposed residential use would generate fewer vehicular trips per day than the previous authorised use as a pub/restaurant which had the capacity to also be a live music venue. In addition, the highway authority advises that during peak times in the morning, the proposed development would add just one additional vehicular movement each ten minutes.

8.4 Other Matters

- 8.4.1 Peacehaven Town Council has raised issues in the event that planning permission is granted.
- Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played.
 - Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions.
 - Any damage to the grass verges during construction must be repaired by the developer.
 - All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid 'rush hour' on the A259 and ease congestion.
 - If parking at the front of property required, recommend that suitable provision is made for the safety of pedestrians and cyclists.
 - An asbestos survey should be carried out prior to demolition
 - A vehicle wheel wash system to be used to stop contamination of the public highway.
- 8.4.2 These matters have been taken into consideration and are addressed by imposing appropriate planning conditions, such as the requirement for a Construction Environmental Management Plan to be agreed (CEMP) and a condition restricting the delivery of supplies and equipment during construction.

8.5 Sustainability and Circular Economy

- 8.5.1 The application submission includes a Sustainability Statement.
- 8.5.2 Policy CP14 of the Lewes District Core Strategy encourages the incorporation of renewable energy and carbon saving measures within new development.
- 8.5.3 In response this development adopts a 'fabric first' approach to minimising energy losses and maximising air-tightness. All white goods are to be A+ rated in order to reduce energy consumption,

while tumble dryers will be rated B or higher. Smart meters are to be fitted as well as low energy LED lighting and communal space lighting is to have daylight cut-off sensors.

8.5.4 Four electric vehicle charging points are proposed and these would be in the unallocated parking bays for all to use. Ducting is to be provided to the other car parking spaces where connection to an electric vehicle charging point can be installed in future by residents.

8.5.5 The applicant is to install solar photo-voltaics to the roof, and in addition to this is considering electric heating as opposed to gas, because this can be combined with mechanical heat recovery ventilation.

8.5.6 Paragraph 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.'

8.5.7 Through installation of dual flush toilets; low flow-rated showers; aerated taps; and a 170 litre bath overflow, each flat should consume less than 110 litres of water per day.

8.5.8 It is considered that the measures set out in the Sustainability Statement are reasonable for a development of this size and are compliant with the requirements of policy CP14.

8.5.9 In respect of the goals set out in Re-imagining Lewes District - Corporate Plan 2020 2024, local employment and training measures should be secured for development of 10 or more residential units. This would 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 development. Going forward, a S106 Agreement would secure these requirements. However, advice from Planning Policy is that the Circular Economy Technical Advice Note remains in draft form only and is subject to consultation. It has not yet been approved for development management purposes and accordingly, in this instance, an Employment Training Plan (ETP) and monitoring fee, will not be required.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. Recommendation

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions and subject to the completion of a S106 Agreement as follows.

10.2 Heads of Terms

£91,000 financial contribution towards off-site affordable housing provision.

Should the legal agreement not be completed within 6 months of the committee decision the application shall be refused under delegated powers.

10.3 Conditions

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

2. The highest part of the development hereby permitted (the flat roof to the attic storey) shall not exceed 5080mm in height above the ridgeline of 21 Vernon Avenue and 3400mm in height above the ridgeline of 78/78A South Coast Road, in accordance with the approved plans.

Reason: In the interests of visual amenity and neighbour amenity, and to ensure compatibility with the street scene and roofscape, and in order to comply with policies CP11 and DM25 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

4. No development shall be occupied until the existing pedestrian access onto Vernon Avenue as shown on the submitted plans have been stopped up and the kerb, footway and highway grass verge reinstated in accordance with details to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

5. Prior to occupation of the development hereby permitted, the reconstructed vehicular access onto the A259 [South Coast Road] shall be in the position and laid out as shown on the submitted plan [number 9003/P/62 revision 03] and constructed in accordance with the HT407 form/diagram attached to the highway authority consultation comments, and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

6. The altered/reconstructed access [onto Vernon Avenue] shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway and 11% (1 in 9) thereafter.

Reason: In the interests of highway safety in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

9. Prior to commencement of the development the applicant shall submit details of the new bollards [to be positioned in Vernon Avenue] in accordance with plans and details to be approved in writing by the Local Planning Authority, and which shall be in position prior to occupation of the development.

Reason: In the interests of highway safety in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

10. Prior to commencement of development the applicant shall submit details of improvements to the existing and/or new sections of footway on Vernon Avenue [including informal crossing points/dropped kerbs] which shall be approved by the Local Planning Authority, and the works shall be completed prior to occupation of the development.

Reason: In the interests of amenity and highway safety in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

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

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, in accordance with policies CP12 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

12. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction in accordance with policies CP11, CP13 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

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

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

14. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any amendment or replacement thereof), prior to the commencement of any building or engineering operations for the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following information and the development

shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:

- the temporary arrangements for access and turning for construction traffic together with reinstatement as necessary at the end of each construction period;
- the size and frequency of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- the temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- a contractors' parking and Travel Plan;
- facilities for the loading and unloading of plant and materials;
- the location(s) for storage of plant and materials used during construction;
- the location(s) of any site huts/cabins/offices
- details of temporary lighting during construction;
- details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- details of 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 of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

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

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

15. The development hereby permitted shall not be occupied until details of the hard and soft landscaping associated with the development have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as managing and mitigating flood risk, in accordance with Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to the National Planning Policy Framework.

16. The lower sills of the high-level windows on the rear elevations of the development hereby permitted shall be no less than 1.7m in height above internal finished floor level unless otherwise agreed in writing by the local planning authority. The high-level windows shall be retained as such thereafter.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

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

Reason: In the interests of the residential amenities of the neighbours having regard to policy CP11 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

18. Deliveries in association with the development hereby permitted (including all construction equipment and supplies) shall be restricted to between the hours of 0930 and 1430 Mondays to Fridays and from 0930 until 1300 on Saturdays. No deliveries in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In order to help reduce traffic congestion on the A259 at peak times and in the interests of the residential amenities of the neighbours having regard to policies CP11 and CP13 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

19. 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 should 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 compliance with policies CP11 and DM21 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CP11 and DM21 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

21. Notwithstanding the areas delineated as roof terraces for the top floor flats as shown on the approved drawings, the flat roofs of the development hereby permitted shall not be used as external amenity space and shall only be accessed for maintenance purposes or in the event of emergency.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

22. Prior to the first occupation of the residential units hereby permitted, a minimum of 4 electric vehicle charging points (20%) shall be provided and made ready for use, in accordance with details of the number, location and type of electric vehicle charging points, which shall be submitted to and approved in writing by the local planning authority.

Reason: In order to reduce local contributors to climate change, to reduce emissions, and to encourage the take up of more sustainable forms of transport in accordance with policies CP13 and CP14 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

23. Notwithstanding the Sustainability Statement submitted, no construction shall take place above ground floor slab level until details of both the measures and consideration given to renewable and low carbon energy, heating and ventilations systems, including renewable energy technologies and installations, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In order to promote sustainable development and reduce locally contributing causes of climate change in accordance with policy

CP14 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

24. No development shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to 1.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

25. No development shall take place until evidence that the public surface water sewer has enough capacity to accommodate runoff from the application site, and support the detailed design of the drainage system, has been submitted to and approved by the local planning authority. In the event the public sewer is utilised, its condition and capacity to accommodate runoff from the site shall be assessed and details submitted to and approved in writing by the Local Planning Authority. Evidence of understanding of the drain's outfall and any potential impact on the flood risk of downstream areas shall be included. Any required improvements to the condition of the drain shall be carried out prior to construction of the outfall and completed prior to the first occupation of the development hereby permitted.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

26. Prior to the first occupation of the development hereby permitted, a maintenance and management plan for the entire drainage system shall be submitted to, and approved in writing by, the local planning authority, in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

27. Prior to the first occupation of the development, evidence (including photographs) shall be submitted to and approved by the local planning authority, to show that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

28. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Floor Plan(s)	2 April 2020	9003-P-63-Rev 02
Proposed Floor Plan(s)	2 April 2020	9003-P-64-Rev 02
Proposed Elevation(s)	2 April 2020	9003-P-70-Rev 02
Proposed Section(s)	2 April 2020	9003-P-72-Rev 02
Proposed Elevation(s)	2 April 2020	9003-P-73-Rev 02
Street Scene	2 April 2020	9003-P-74-Rev 02
Other Plan(s)	2 April 2020	9003-P-80-Rev 02
Other Plan(s)	2 April 2020	9003-P-81-02
Transport Assessment	2 April 2020	
Sustainability Checklist/Energy Stmt	2 April 2020	
Planning Statement/Brief	2 April 2020	
Flood Risk Assessment	2 April 2020	
Affordable Housing Statement	2 April 2020	
Design & Access Statement	2 April 2020	
Additional Documents	2 April 2020	Car Parking Survey
Additional Documents	2 April 2020	Appendix A
Location Plan	2 April 2020	9003-P-60-02
Proposed Block Plan	2 April 2020	9003-P-60-02
Proposed Layout Plan	1 July 2020	9003-P-62-Rev 03 Site Plan
Proposed Elevation(s)	1 July 2020	9003-P-71-Rev 03 Elevations

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

10.4 Informatives:

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
2. 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.

3. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste. So, there should be no bonfires onsite.
4. This Authority's requirements associated with this development proposal [Access onto A259, new bollards, improvements to public footway and closure of existing pedestrian access onto Vernon Avenue] will need to be secured through a Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)
7. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.
8. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
9. The applicant is reminded of the Control of Asbestos Regulations 2012 when carrying out the works, including demolition of the existing building.
10. The Local Planning Authority has acted positively in determining this application, but you should be reminded that according to National

Planning Policy Framework (NPPF) where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

11. **Background Papers**

11.1 None.

Agenda Item 9

Report to: Planning Applications Committee
Date: 4 November 2020
Application No: LW/20/0414
Location: Newhaven Fort, Fort Road, Newhaven, East Sussex, BN9 9DL
Proposal: Replacement of existing concrete and steel framed bridge to the main entrance of the Fort.

Ward: Newhaven South
Recommendation: It is recommended that the application is approved.
Contact Officer: **Name:** James Emery
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Map Location:



1. **Executive Summary**

- 1.1 Newhaven fort is a 'Palmerston' fort, located on cliffs overlooking Newhaven Harbour. Current access to the Fort is by way of Fort Rise.
- 1.2 The proposed development is seeking full planning permission for the replacement of existing non-original concrete and steel framed bridge to the main entrance of the fort.
- 1.3 This application is coming before the committee as the applicant is Lewes District Council.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework
 - 2 Achieving sustainable development
 - 16 Conserving and enhancing the historic environment
- 2.2 Lewes District Local Plan Part 1 – Joint Core Strategy:
 - CP4 Economic Development and Regeneration
 - CP11 Built and Historic Environment and Design
- 2.3 Lewes District Local Plan Part 2:
 - DM25 Design
 - DM33 Heritage Assets
- 2.4 Newhaven Neighbourhood Plan:
 - D1 Promoting Good Design
 - E3 The Visitor Economy

3. **Site Description**

- 3.1 Newhaven fort is a 'Palmerston' fort, located on cliffs overlooking Newhaven Harbour. Current access to the Fort is by way of Fort Rise. The Fort is a major tourist attraction.
- 3.2 It was designed by a Lieutenant Ardagh of the Royal Engineers in 1854. It was constructed throughout the 1860's with works being completed in 1871. It is classified as a Scheduled Monument by English Heritage.
- 3.3 To the east of the application site is a terrace of residential dwellings, located on Fort Rise, with further residential development at the foot of the cliffs on Fort Road. There is also a public house nearby.

4. **Proposed Development**

- 4.1 The proposed development is seeking full planning permission for the replacement of existing non-original concrete and steel framed bridge which provides the main entrance of the fort.

4.2 The development would be see the existing two-span concrete and steel framed bridge which provides access to the Fort reduced to ground level and new support columns erected to support a new two-span bridge.

4.3 The proposed bridge shall have a width of approx. 3.1m, with a length of 12.4m. It is to be 2.35m high above the roadway with railings 1.1m high above the bridge deck level.

5. Consultations

5.1 Main Town or Parish Council:

5.1.1 The Town Council opted to support the proposal, though requested that the Planning Authority note that it is likely that the Fort Rise Car Park would need to close to facilitate these works, and therefore make an allocation for parking in the Staff Car Park in mitigation of the same.

5.2 Historic England

5.2.1 No comment

5.3 Environmental Health

5.3.1 No comment

5.4 Design and Conservation Officer

5.4.1 The Design and Conservation officer offered no objection as consent has already been granted by Historic England for the works.

6. Neighbour Representations

6.1 A total of one letter of objection have been received, the points raised are summarised below.

- Impact upon parking during the course of the works.

6.2 A single letter representation in support has been received, summarised as follows.

- Newhaven fort needs a new bridge, as the old one was damaged and is held up by temporary scaffolding;

7. Appraisal

7.1 Principle of Development

7.1.1 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. Underlining that there is to be a presumption in favour of sustainable development.

7.1.2 Para. 192 of the Revised National Planning Policy Framework (NPPF) states that In determining applications, local planning authorities should take account the desirability of sustaining and

enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

- 7.1.3 Policy CP4 of the Lewes District Joint Core Strategy aims to support development which supports the provision of sustainable tourism, including recreation, leisure, cultural and creative sectors, and having particular regard to the opportunities provided by the South Downs National Park, both within and outside the National Park boundary.
 - 7.1.4 Policy CP5 of the Lewes District Joint Core Strategy recognises the need to promote and achieve a sustainable tourism industry in and around the district.
 - 7.1.5 The application site is both a scheduled monument and a public attraction. The development is required as the existing bridge has fallen into disrepair and a safe replacement is required to maintain its continued use as a tourist attraction.
 - 7.1.6 It is therefore considered that the principle of replacing the existing bridge to ensure continued safe access to the Fort 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.
- 7.2 Newhaven Neighbourhood Plan:
- 7.2.1 Policy E3 of the Newhaven Neighbourhood Plan recognises that Newhaven serves as a vital gateway, not just into the South Downs National Park, but to the South East Region as a whole. And seeks to support proposed development which encourages tourism activity within Newhaven.
 - 7.2.2 By virtue of the fact that the proposed works support the functioning of a tourism site within Newhaven the proposals are considered to comply with the aims and objectives of the above mentioned policy.
- 7.3 Design and Appearance
- 7.3.1 This application is for the replacement of the existing main entrance bridge and would restore the function of the bridge to provide safe access, in sympathy with the construction of the original bridge. It is proposed that the existing non original bridge and concrete pier will be reduced to ground level and the site made good to support the new bridge.
 - 7.3.2 External materials will comprise a pair of steel columns to the existing pier base to support the new bridge structure. The bridge deck will be carried by rolled steel joists with each joist closest to the Fort being tapered to reflect the form of the original bridge.
 - 7.3.3 The standards supporting the handrail will be “I” section steel with a rounded top, while the rails will be circular hollow section steel. It is proposed that the bridge deck will span across the steel beams and be rough sawn timber. The balustrade is to be stainless steel rectangular mesh.

- 7.3.4 All metalwork will be finished in marine grade paint, colour black.
- 7.3.5 It is considered that appearance of the application site and the street scene would be enhanced by the installation of the replacement bridge, because at present there is visually unpleasant temporary scaffolding supporting the old bridge which is to be replaced. The proposed works would not introduce any new aspect of overlooking or overshadowing to near neighbours in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policy D1 of the Newhaven Neighbourhood Plan.
- 7.3.6 The external materials used would comprise a mixture of steel and timber, with metals finished in black paint. These materials and finishes have been chosen to reflect the materials utilised in the original construction of the fort in accordance with Policy DM33 (Heritage Assets) of the LDLP Part 2.
- 7.3.7 It is considered that steel and timber represents a suitably durable material that would tolerate exposure to the surrounding elements, particularly the sea air, without deteriorating significantly in appearance in accordance with Policies DM25 (Design) and DM33 (Heritage Assets) of the LDLP Part 2, and policy D1 of the Newhaven Neighbourhood Plan.

7.4 Impact on Neighbouring Residents

- 7.4.1 The proposed works would not result in the introduction of any unacceptable loss of light, overshadowing or overlooking to near neighbours in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policy D1 of the Newhaven Neighbourhood Plan. This is because the development is concentrated to an area where there is currently a bridge installed.
- 7.4.2 Comments from residents regarding the impact upon parking during the course of works are noted, however it is considered that due to the essential nature of the works and the prevailing public safety implications it is necessary for the works to proceed. Parking is a matter that the management of the site will have to take into account and address whilst the works are taking place.

7.5 Other Matters

- 7.5.1 Scheduled Monument Consent has already been granted for the proposed works by English Heritage, under their reference: S00154618.

8. **Human Rights Implications**

- 8.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

9. **Recommendation**

9.1 It is considered that the proposed replacement bridge is in accordance with the aims and objectives of policies DM25 and DM33 of the Lewes District Local Plan Part 2, Policies D1 and E3 of the Newhaven Neighbourhood Plan and Policies CP4 and CP11 of the Lewes District Joint Core Strategy.

9.2 It is recommended that the application is approved.

The application is subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

- * 5188732-002 Proposed Block Plan
- * 781 Design and Access Statement
- * 19222-1-01 Proposed Bridge Scheme
- * Historic England Consent
- * HERS
- * 5188732-001 Location Plan
- * E10919 Bridge Report

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

Informatives:

The applicant is reminded of the obligation that works must be carried out in accordance with the conditions set out by English Heritage in their approval of works reference number - S00154618.

10. **Background Papers**

10.1 None.