

Planning Applications Committee 16 December 2020



Working in Partnership



Time: 4.00pm

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); Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Monday, 7 December 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 - 6)

To confirm and sign the minutes of the previous meeting held on 25 November 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/20/0702 - Land at Railway Quay, Newhaven, East Sussex (Pages 7 - 16)

9 LW/19/0371 - Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout (Pages 17 - 20)

Planning applications within the South Downs National Park

10 SDNP/20/00497/FUL - Lewes House site, Friars Walk, Lewes, East Sussex (Pages 21 - 28)

Non-planning application related items

11 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, 20 January 2021, 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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Council website: <https://www.lewes-eastbourne.gov.uk/>

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Working in Partnership



Planning Applications Committee

Minutes of the remote meeting held (via Microsoft Teams) on 25 November 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, Imogen Makepeace, Laurence O'Connor, 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)

59 Introductions

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

60 Apologies for absence/Declaration of substitute members

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

61 Declarations of interest

There were none.

62 Minutes

The minutes of the meeting held on 4 November 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

63 Petitions

There were none.

64 Written questions from councillors

There were none.

65 LW/20/0140 - Land adjacent to Middleton Common Farm, Middleton Common Lane, Westmeston, BN6 8SF**Resolved:**

That planning application LW/20/0140 for change of use of agricultural land to dog day care facility (sui generis) with construction of site access, reception building and field shelter and provision of car parking be approved, subject to the conditions set out in the report and an informative regarding allowing the hedgerow along the southern boundary to grow taller.

66 Date of next meeting**Resolved:**

That the next meeting of the Planning Applications Committee which is scheduled to commence at 4:00pm on Wednesday, 16 December 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.

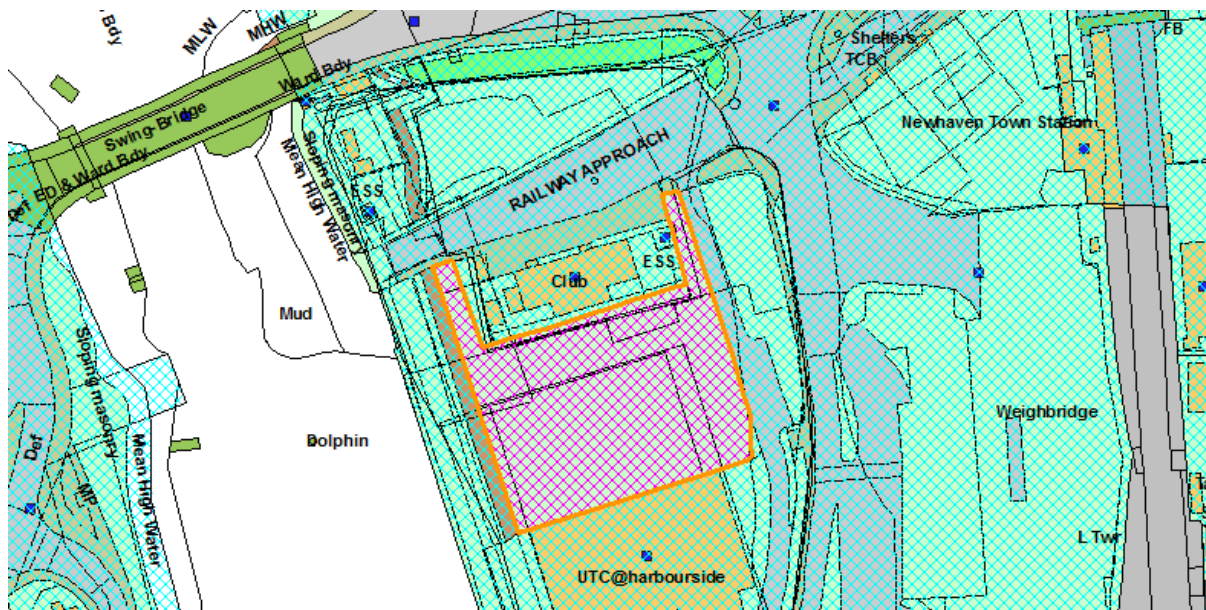
The meeting ended at 5.32pm.

Councillor Sharon Davy (Chair)

Report to: Planning Applications Committee
Date: 16th December 2020
Application No: LW/20/0702
Location: Land at Railway Quay, Newhaven, East Sussex
Proposal: Creation of Community hub with 10 converted shipping containers with pv panels for use as cafe with decked seating area, information hub, travel hubs, workshop hubs and three geodomes to support tourism, community uses and sustainable transport.

Ward: Newhaven
Applicant: Lewes District Council
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** Andrew Hill
E-mail: andrew.hill@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**
 - 1.1 The proposed development is acceptable in principle.
 - 1.2 Accordingly approval is recommended, subject to conditions.
2. **Relevant Planning Policies**
 - 2.1 National Planning Policy Framework 2019
 - 2.2 Lewes District Local Plan
LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP8 –Green Infrastructure
LDLP: – CP10 – Natural Environment and Landscape
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 Energy
LDLP: – DM1 – Planning Boundary
LDLP: – DM25 – Design
LDLP: – DM27 – Landscape Design
LDLP: – DM33 – Heritage Assets
LDLP: – DM35 – Footpath, Cycle and Bridleway Network

2.3 Newhaven Neighbourhood Plan 2017-2030

Policy ES1: Regeneration of East Side

Policy D1: – Promoting good design

Policy D2: – Design and Climate Change

Policy E3: – Visitor economy

3. **Site Description**

3.1 The application site is located to the south of Railway Approach, and to the south of the social club and to the north of the UTC building. It covers an area of approximately 0.22 hectares of a previous railway goods yard, now vacant.

3.2 The site is bounded by the river along its western side and the access road serving the port/ferry terminal along the eastern boundary. The Newhaven Town railway station is approximately 50m to the east.

4. **Proposed Development**

4.1 The proposal is to create a 'hub' within the port area of Newhaven to serve local residents and tourists to the area. This hub will provide a location for tourist information, active travel and refreshments. It is intended that the proposed Hub and associated structures will be in place for 5 years.

4.2 The development will consist of installing shipping containers (up to 10) clad in reclaimed timber and set upon the vacant site behind the Railway Club and in front of the UTC building.

4.3 The site will provide space for five containers initially. Two will be bolted together to form a Refreshment Hub, there will be two separate containers for the Active Transport Hubs and a single container for the Information Hub. Three geodomes will also be erected to encourage a range of community activities.

- 4.4 Parts of the site will be raised as decked areas to allow access to the top of the sea defences and to allow views down and across the River Ouse.
- 4.5 Toilets will be provided as part of the refreshment hub to serve the whole site. It least 20 secure cycle parking spaces will also be provided.
- 4.6 This scheme will form part of the regeneration of Newhaven and was approved by the Newhaven Town Funds Board, which also enabled a £500k capital grant to be obtained to support the site's development. The Newhaven Town Funds Board included representatives from Newhaven Town Council, Lewes District Council, East Sussex County Council, and a number of key community organisations such as the Newhaven Port Authority.
- 4.7 This proposal is coming before the Committee as the applicant is Lewes District Council.

5. **Relevant Planning History**

- 5.1 No recent, relevant planning history.

6. **Consultations**

6.1 Town Council - No objection

- An exciting development but effectively rushed due to the financial constraints set over the allocated funding
- What consideration has been given to ongoing patronage by walkers and cyclists during winter, and periods of inclement weather?
- Will hopefully develop the site into something more visually appealing.
- Requires subsequent phases of further development. The Information Hub is crucial in order to retain visitors in the Town arriving on the Ferry and Trains.

6.2 Newhaven Port Authority – No objection

- Support in principle but request that clear signposting is installed to and from the hub, pedestrian crossing from Newhaven Town Railway Station and bus interchange, and provision of no waiting at any time marking and signage along the UTC/Port access road.

6.3 Design and Conservation Officer

- The application site is adjacent to the Grade II listed Marine Workshops, known as the UTC building, which is currently unused. The proposed development, while not being within the curtilage, is a prominent site within the setting of the listed building. The principle of the proposed use for the site is not considered to be detrimental to the setting of the listed building. The site is currently underused and does not actively contribute to the setting of the listed building. The proposed scheme will bring the site into use again, allowing for greater traffic of people to the area and helping to stimulate a viable use for the listed building.

- The use of reclaimed shipping containers draws on the existing industrial surrounding of the site but also its industrial history. The shipping containers are proposed to be clad in timber. While the use of timber is not objected to it is felt to cover the industrial aesthetic the shipping containers provide. Timber cladding will have a higher installation cost and higher demands on maintenance over some alternatives which may be more appropriate to the industrial setting. Without the use of timber cladding, the window and door frames could be constructed from aluminium which would be another reduction in installation and maintenance cost. The proximity of the site to the sea will also result in the timber cladding and timber windows and doors deteriorating quicker than in a more inland position. As stated above, the use of timber cladding is not objected to but it is queried whether an alternative finish to the shipping containers would be more visually appropriate to the industrial setting with less short and long term financial implications.
- Through discussions with the agents it is understood there will be a high demand for cycle parking at certain peak times of the year. The application plan currently shows 28 bike parking spaces. To dramatically increase the volume of this may negatively impact the site and it could be seen to be 'over run' with bike storage, particularly at non-peak times of the year. An increase to the 28 bike spaces shown on the plans is not objected to but this must be carefully considered to not become the dominant feature within the site. Either temporary bike racks could be considered for peak times or storing the bikes within the proposed shipping containers. The appearance of any bike storage and its location within the site should be provided.
- Details of any covering over the external seating for the café use should be provided. The details should include whether the covering will be temporary or permanent.
- PV panels are proposed to be installed on top of two of the shipping containers. As these will be visible from the windows on the UTC rear elevation overlooking the site, details of the panels should be provided. They should have a matte finish to not reflect light and be installed at the minimum angle required for their functionality to reduce their visibility from the ground.
- Dome structures are proposed to be used within the site. It is understood the details of these have not been confirmed. Details of their size, position and whether they are permanent or moveable structures within the site should be provided.
- An area of the rear elevation of the UTC building is currently painted white. This has deteriorated and re-painting of this area with an appropriate masonry paint and in like-for-like colour will not require listed building consent. Any further painting of this elevation would require listed building consent and would be discouraged as it would be changing the appearance of the building.
- The shipping container located closest to the UTC building will create an un-overlooked area that may encourage graffiti to the UTC building

and shipping container. The cycle of graffiti paint, cleaning and repainting of the masonry can be highly damaging to historic fabric over time. It is considered essential measures are put in place to discourage graffiti to the UTC building. This may involve lighting the area between the shipping container and UTC building or up lighting the listed building. If successful deterrents are not considered achievable then the siting of the nearest shipping container should be reconsidered to not create an un-overlooked area to the rear of the UTC building.

- It is understood the fence on the site boundary may be considered to be altered or replaced. Details of any replacement fence should be provided to ensure it would not be detrimental to the setting of the listed building. If the fence is to be replaced it is considered achievable to find an alternative fence design that would be appropriate to the setting.
- Overall, the scheme is considered to be a positive change within the setting of the listed building. No objection is raised subject to the details above being provided.

7. Neighbour Representations

7.1 No neighbour representations were received at the time of writing the report.

8. Appraisal

8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the use; the character and appearance of the area; and highway safety and impact.

8.2 Principle of the proposed use

8.2.1 The site is located outside of the defined town centre but is within the planning boundary and therefore there is a presumption in favour of sustainable development. The site is currently vacant and does nothing to enhance the setting of the listed UTC building or the wider surrounding, which when considering the highly visible nature of the site when viewed from the west bank of the river and the swing bridge, is regrettable.

8.2.2 Therefore the principle of use is considered acceptable.

8.3 Impact on the character and appearance of the area

8.3.1 It is proposed to create a public Hub that will be on the site for at least 5 years. The intention is that all materials will be, wherever possible, reclaimed or sustainable. The containers are re-purposed, the cladding will be reclaimed timber, the decking will be formed from recycled plastics, and photovoltaic panels will be placed on the container roofs to provide them with power.

8.3.2 A section of the existing railway tracks on site will be preserved and covered with a clear covering and information boards to explain the history and legacy of the site. This will form a central feature and will be an area around which people can gather for events.

- 8.3.3 The northern wall of the former UTC building that abuts Railway Quay has been painted white and is tired looking. The intention is to repaint this to allow temporary visuals to be projected onto it. Lighting will also be installed on site to ensure it remains safe and secure and to illuminate the former UTC building to promote its heritage.
- 8.3.4 The adjacent UTC is a Grade II listed building and it is important to ensure that this project does not have a detrimental impact on its setting and therefore it is proposed to add conditions to the permission to secure details of the materials (cladding), surfacing and lighting.
- 8.3.5 Overall and despite the temporary nature of the project and the buildings, it is considered that the development will enhance the immediate area and raise the quality of the public realm on this prominent and publically visible site.

8.4 Highway issues and safety

- 8.4.1 The site has been conceived as a car free development encouraging sustainable forms of transport. Visitors will be encouraged to use cycles or walk to the site as it has easy access from beside the Railway Club and is easily accessed from the stations and port. Two new entrances will be created either side of the Railway Club to facilitate this. The current gate access will remain but it is intended that this will only be used for service vehicles.
- 8.4.2 The Port Authority has raised some points with regards to vehicular traffic request that clear signposting is installed to and from the hub, pedestrian crossing from Newhaven Town Railway Station and bus interchange is provided, and that provision of no waiting at any time marking and signage along the UTC/Port access road.
- 8.4.3 With regard to the signposting, this is considered necessary for approaches to the site and can be made the subject of a condition as this can aid pedestrians and cyclist safety. It is not considered that a defined crossing from the railway station would be justified for what amounts to a temporary use, however it can be considered should the use be made permanent in the future. Clear signage would serve to direct visitors in the most direct and safe way to access the site. It is not intended that the development would encourage car traffic and therefore it is not considered that 'no waiting restriction' signage is necessary. (This road also is outside of the applicant's control).

8.5 Other matters

- 8.5.1 The Environment Agency has recently completed a flood defence scheme which will provide a 1 in 200 year standard of protection, taking into account the effects of climate change. This included raising the levels of the riverside walls for the area and for Railway Quay there is an additional bank and fence. It is not considered that this use of the site would compromise flood defences or water levels.

8.5.2 Due to the form, nature and location of the development it is not considered that the proposal would have a detrimental impact on the setting of the adjacent grade II listed UTC building.

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 It is recommended that permission is granted subject to the conditions listed below.

10.2 Conditions

1. Details of any artificial lighting to be used on the site shall be submitted to and approved in writing by the Local Planning Authority prior to use and shall accord with the approved details thereafter.

Reason: To prevent unnecessary light pollution in the interests of protecting the amenity of the locality whilst facilitating measures to enhance the security of the site in accordance with CP11 and DM25 of the Lewes Local Plan and the NPPF 2019.

2. Prior to their installation on site, details and samples of all external facing materials for the buildings, materials for the geodomes, seating and all surfacing materials, including measures to deter graffiti shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM25 of the Lewes District Local Plan.

3. Prior to the first use of the site hereby permitted, details of secure and sheltered cycle parking storage, and any EV charging points shall be submitted to and approved in writing by the Local Planning Authority and provided and retained in accordance with the approved details thereafter.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan and the NPPF 2019.

4. Prior to the first use of the site hereby permitted, details of signage to clearly direct users of the most safe and direct routes to and from the site shall be submitted to and approved in writing by the Local Planning Authority and provided and retained in accordance with the approved details thereafter.

Reason: To facilitate safe routes to and from the site having regard to Policy DM25 of Lewes District Local Plan and the NPPF 2019..

5. The use and development hereby approved shall be removed and the land restored to its former condition on or before 31 December 2025 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority

Reason: Due to the temporary nature of the development and to enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Prior to the first use of the site hereby permitted, details of signage to clearly direct users of the most safe and direct routes to and from the site shall be submitted to and approved in writing by the Local Planning Authority and provided and retained in accordance with the approved details thereafter.

Reason: To facilitate safe routes to and from the site having regard to Policy DM25 of Lewes District Local Plan and the NPPF 2019.

7. Prior to their installation on site, details of the proposed PV panels (number, colour, appearance, location) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM25 of the Lewes District Local Plan.

10.3 Informatives

1. 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 offence to burn trade waste. There should be no bonfires onsite.
2. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. 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. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Other plans	27 October 2020	2789-02C
Elevations	27 October 2020	2789-05B
Elevations	27 October 2020	2789-06B
Block and location plan	23 October 2020	2789-04A
Existing plans	13 October 2020	2789-03A
Proposed layout plan	13 October 2020	2789-01D
Planning Statement	27 October 2020	

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

11. **Background Papers**

11.1 None.

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Agenda Item 9

Report to: Planning Applications Committee
Date: 16th December 2020
Application No: LW/19/0371
Location: Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout
Proposal: Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 Town and Country Planning Act 1990.
Ward: Newhaven /Newhaven Denton & Meeching
Recommendation: That the Director of Regeneration and Planning be granted delegated authority to make and confirm:
A) A Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b,
B) To carry out all legal steps required to publicise and consult on the Order and,
C) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL Liable.

Map Location:



Executive Summary

- 1.1 Authorisation is sought for the Director of Regeneration and Planning to be granted delegated authority to make
 - A) a Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b, as shown on the drawing attached to Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 of the Town and Country Planning Act 1990, dated 14 August 2020. B) to carry out all the legal steps required to publicise and consult on the Order and;
 - c) subject to no objections being received, or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation
 - 1.2 The stopping up of parts of these footpaths is necessary to enable the development at Newhaven Port to be carried out, namely the construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road, approved under ref. LW/19/0371 on 28 April 2020, following completion of a s106 Agreement to secure financial contribution of £10,000 toward habitat compensation.
 - 1.3 A new public footpath is proposed which will run eastwards along the southern bank of Mill Creek and then in a southerly direction to the east of the new Port Access Road to link in with the existing rights of way network which provides access to the beach and Tide Mills.
 - 1.4 Attached as Appendix A is a map showing the existing Tide Mills Rights of Way
 - 1.5 Attached as Appendix B is a drawing showing the proposed diversions, as attached to the Order.
 - 1.6 Attached as Appendix C is a General Arrangement drawing showing details of the proposed works.
2. **Relevant Planning Policies**
 - 2.1 Not applicable.
 3. **Site Description**
 - 3.1 The site comprises approximately 1.23ha and is located immediately to the east of Newhaven Port and adjoining the boundary with the Newhaven Port Access Road. To the north is Mill Creek. Under construction by ESCC at the moment is a bridge over Mill Creek, which will form part of the Newhaven Port Access Road Project (PAR), which has received DoT funding. The section of road southwards from the bridge will terminate in a new roundabout adjacent to the boundary of the Newhaven Port and Properties land.
 - 3.2 The site was formerly scrub land that has been cleared by ESCC in order to provide a temporary haul road and construction area. It is relatively flat and open. A Public Right of Way runs along the eastern boundary of the

operational area of the Port, providing access to footpaths 40a and 40b, leading to Seaford Bay and Tide Mills.

- 3.3 Although the site falls within the Planning Boundary, it is also wholly within the Tide Mills Local Wildlife Site. The boundary of the SDNP is approximately 100m to the north west of the site and 400m to the west.

4. Relevant Planning History

- 4.1 Relevant to this proposal is application ref. LW/19/0371 for the construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road, approved on 28 April 2020.

5. Proposed Development

- 5.1 Attached as appendix B is a map showing the diversion proposals.
- 5.2 The diverted footpath will run from point A for approximately 111.3m in a south-easterly direction passing under the new Port Access Road to point E.
- 5.3 A spur will be provided between points F and G to enable access for pedestrians to the footpath alongside the new Port Access Road.
- 5.4 The new footpath will then continue in a southerly direction for approximately 258.1m between points E and D where it joins the existing Public Footpath 40b (to Tide Mills)
- 5.5 It will then run in a south-westerly direction for approximately 21.8m between points D and C where it joins Public Footpath 40a (to the beach).
- 5.6 The new footpath will have a recorded width of 2.5m and will comprise a suitable level and firm surface of compacted stone surface or equivalent.
- 5.7 It will provide links between the existing rights of way network in the area allowing access on foot to the beach, Tide Mills and the area to the north of the Port.
- 5.8 It also enables a link to the new footpath alongside the new Port Access Road to be provided, thus improving accessibility and options for pedestrians.
- 5.9 It also preserves the views across the nature reserve towards Tide Mills to the east.
- 5.10 The works will be carried out jointly by ESCC and the Port Authority. Appendix C shows which sections will be carried out by each party - ESCC will provide the new footpath shown dotted green and the Port Authority will provide the section dotted blue. Also shown on the drawing is a spur (shown dotted orange) which will be provided by ESCC as an additional link to provide access to the new road. This is not part of the Order, but is shown on the drawing for completeness.

6. Consultations

- 6.1 The proposed diversion is supported by ESCC Rights of Way Team.

7. **Neighbour Representations**

7.1 Not applicable.

8. **Appraisal**

8.1 Principle

8.1.1 The principle of the footpath diversion was established under planning permission LW/19/0371.

8.2 Impact of the proposal on the surrounding area:

8.2.1 The route of the diversion has been carefully planned to ensure that members of the public will still have access to Tide Mills and the beach.

8.2.2 The diversion will facilitate links to the new Port Access Road, unlocking the capacity for new employment space in this part of Newhaven, will significantly enhance the development potential of the site and bring about employment and economic benefits for the area.

8.3 Design

8.3.1 As noted above, the diverted paths will be finished in a suitable material similar to existing footpaths all over the county and carried out jointly by ESCC and the Port Authority in accordance with standard specifications.

9. **Recommendation**

9.1 It is recommended that the Director of Regeneration and Planning is authorised delegated authority to make and confirm:

A) a Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b, as shown on the drawing attached to Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 of the Town and Country Planning Act 1990, dated 14 August 2020.

B) to carry out all the legal steps required to publicise and consult on the Order and;

c) subject to no objections being received, or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.

10. **Background Papers**

10.1 Draft Order.

Report to: **Planning Applications Committee**
Date: **16th December 2020**
By: **Director of Planning**
Local Authority: **Lewes District Council**
Application Number: **SDNP/20/00497/FUL**
Applicant: **Lewes District Council**
Application: **Construction of emergency exit ramp to rear of library.**
Address: **Lewes House Site**
Friars Walk
Lewes
East Sussex

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

Executive Summary

The development relates to the construction of a rear exit ramp and railings behind Lewes Library, to allow safe emergency exit from the first floor of the library building. This application is being presented to the Planning Applications Committee as the applicant is Lewes District Council.

1. Site Description

The application site is a small piece of land, currently occupied by a shrub/flower bed, which sits directly behind Lewes Library, and adjacent to the emergency exit located to the rear of the first floor of the library building. It is not within the curtilage of a listed building but is within the Lewes Conservation Area and South Downs National Park.

2. Proposal

It is proposed to install an emergency exit ramp with associated railings to facilitate the safe exit of the library building from the first floor.

3. Relevant Planning History

SDNP/14/01199/FUL - Redevelopment to provide 25 residential units and associated open space, car parking, access and landscaping - Approved

4. Consultations

Lewes CAAG

This helpful facility seems to be entirely within the modern library and residential development and not visible from the historic street scene or All Saints.

Group has no objection to the ramps but Members believe the proposed Key

Clamp handrail is inappropriate in the CA (tends to look like scaffold poles). The boundary fence and gate is not adequately explained or illustrated. The boundary should either match the character of the adjacent walls or be iron railings to allow a view of the original garden space.

Additional Member comment: The heritage statement is totally inadequate for such an important building in the town and provides no clarity of the important historic and architectural considerations. The applicant should also be required to reinstate the footway with matching materials at the entrance to the development from Friars Walk removing the temporary tarmac.

LCAAG Rec: No Objection to ramp. Object to proposed railings.

LE - Design and Conservation Officer

Extensive discussions have been had for these applications which were primarily focused on the introduction of a new boundary fence and new gate to the opening in the grade II listed Church Twitten wall. These two aspects have now been removed from the application. The proposed new ramp to the rear of the library is considered to have no negative impact on the Conservation Area and is a reasonable response to fire safety and accessibility issues. The application based on the proposed ramp only is not objected to.

Parish Council Consultee

Members consider that the proposed ramp affords improved disabled access. No objection.

5. Representations

Friends of Lewes - Friends of Lewes comment that details showing the design of gates have not been submitted with the application and are required. The design of the fencing proposed is not in keeping with the period of Lewes House or appropriate in the Conservation Area. Alternatives, including railings, should be considered.

Public - 9 objections from the public received regarding the siting of the proposed gate and fencing. Some objected to the erection of the fencing on grounds that access to Lewes House should be maintained, whilst others didn't disagree with the principle of the fencing, but to the choice of materials proposed. They also predominantly objected to the principle of gating the access to Church Twitten, and stated that maintaining a throughway was preferable.

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:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD15 - Conservation Areas

Partnership Management Plan

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

8. Planning Assessment

The application proposes to erect an exit ramp to the rear of Lewes Library, on land that was part of the separate development to the rear of Lewes House, known as Styles Field. Due to the change in ground level, the exit ramp would be located adjacent to the emergency rear exit on the first floor of the library. It would provide an emergency exit for disabled persons wishing to leave the building

The original proposal was submitted with plans to erect a fence between the Styles Field site and Lewes House, and also to erect a gate on the access between the site and Church Twitten. Significant objections from local residents, the Design and Conservation Officer, Lewes CAAG and Friends of Lewes were received relating to the location, style and necessity of the fence and gate. Following discussions with the developer, it was decided to withdraw this aspect of the proposal, to allow for the determination of the exit ramp only. A revised application will be submitted at a later date for any gate/fencing required.

Policy SD5 (Design) of the South Downs Local Plan states that proposals should adopt a landscape led approach and respect the local character. As the proposed site is located within an urban setting, it is important that any proposal does not impact negatively on the appearance of the immediate vicinity or on neighbouring residential amenity.

The location of the ramp, and railings necessary to provide safety, can only be seen from the new development of Styles Field, taking up a relatively small area, measuring approx. 18 sqm, currently occupied by shrubs etc. Although the design of the ramp and railings could only be described as 'functional', there would be minimal impact on visual amenity. Therefore, the proposal would comply with Policy SD5 of the South Downs Local Plan.

Policies SD12 (Historic Environment) and SD15 (Conservation Areas) of the South Downs Local Plan states that proposals will only be permitted where they conserve and enhance the character and appearance of the historic environment/conservation area. Similarly, Policies HC3 A and HC3 B of the Lewes Local Plan aim to support applications that contribute to the preservation of the conservation areas of the town, including through use of appropriate materials etc.

As the application site would not be visible from the wider conservation area, and is, in effect, part of the new development at Styles Field, there would be no adverse impact on the conservation area. The Design and Conservation Officer is content that the application would not be harmful to the existing historic environment.

The construction of a rear emergency exit ramp and railings is essential to enable those with disabilities to exit the library building from the first floor in an emergency. Whilst the design and railings are basic, the small site area, and limited public visibility means that the proposal would not have a negative effect on visual amenity or the wider conservation, in accordance with Policies SD5 (Design), SD12 (Historic Environment) and SD15 (Conservation Areas) of the South Downs Local Plan, and Policies HC3 A and HC3 B of the Lewes Local Plan.

9. Conclusion

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.

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 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 - BLOCK PLAN AND EXISTING AND PROPOSED RAMP PLANS	19121-001-A		03.02.2020	Approved
Plans - LOCATION PLAN	19121-005		13.07.2020	Approved
Plans - RAMP PLANS (ELEVATION AND SECTION)	19121-301		25.02.2020	Approved
Application Documents - HERITAGE STATEMENT			10.03.2020	Approved

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

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