

# Planning Applications Committee 10 March 2021



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); 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: Monday, 1 March 2021*

## **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 17 February 2021 (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/20/0659 - Land to the rear of 6-12 Tarring Close, South Heighton, East Sussex (Pages 9 - 20)**

**9 LW/20/0166 - Area of Seafront Promenade opposite Hardwicke House, West View and Sunken Gardens, Esplanade, Seaford (Pages 21 - 34)**

**10 LW/20/0880 - Garage Site, Mill Road, Ringmer, BN8 5JA (Pages 35 - 46)**

**11 LW/20/0417 - Brickyard Farm, Town Littleworth Road, Barcombe, East Sussex, BN8 4TD (Pages 47 - 64)**

**12 LW/20/0494 - 40 Horsham Avenue, Peacehaven, BN10 8HX (Pages 65 - 72)**

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

**13 Planning Enforcement Policy (Pages 73 - 102)**

Report of Head of Planning

**14 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, 31 March 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](mailto:committees@lewes-eastbourne.gov.uk)

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Working in Partnership



## Planning Applications Committee

**Minutes of the meeting held remotely (via Microsoft Teams) on 17 February 2021 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, Milly Manley, Laurence O'Connor and Nicola Papanicolaou

### **Officers in attendance:**

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

### **87 Introductions**

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

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

There were none.

### **89 Declarations of interest**

There were none.

### **90 Minutes**

The minutes of the meeting held on 20 January 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **91 Petitions**

There were none.

### **92 Written questions from councillors**

There were none.

**93 LW/20/0245 - Land east of Bridgelands, Barcombe Cross, BN8 5BW****Resolved:**

That planning application LW/20/0245 for reserved matters to provide details of the layout, appearance and landscaping for the development of six houses (approved under LW/18/0627), be deferred upon legal advice that it would not be fair to consider the application due its scope having changed (withdrawal of the landscaping matters) since the publication of the agenda and the speech deadline. The submitted speeches comment on aspects of the application that are no longer before the Committee for determination and as a result the speakers have not been able to take full advantage of their allotted time.

**94 LW/20/0759 - 3 York Road, Peacehaven, BN10 8QH**

A written representation against the proposal was read aloud by the Committee Officer on behalf of Mrs and Mr Phillips (Neighbours). A written representation for the proposal was read aloud by the Committee Officer on behalf of Alexandra Fry (Applicant).

**Resolved:**

That planning application LW/20/0759 for a single storey rear extension, roof conversion to include raising ridge height, installation of 2 no. dormers and 6 no. roof lights, and erection of rear facing first floor Juliet balcony, rear pergola, new vehicular access and garage conversion be approved, subject to the conditions set out in the report.

**95 SDNP/20/04009/HOUS - Cedar Cottage, Church Lane, Kingston, BN7 3LW**

A written representation was read aloud by the Committee Officer on behalf of Kingston Parish Council. Written representations against the proposal were read aloud by the Committee Officer on behalf of Ken Whitehouse (Neighbour), Jenifer & Gabriel Barton (Neighbours) and Nick Hancock (Neighbour). A written representation for the proposal was read aloud by the Committee Officer on behalf of Vicky Holden (Applicant).

**Resolved:**

That planning application SDNP/20/04009/HOUS for demolition of a single storey addition, proposed replacement two storey side extension with associated landscaping, change to cladding colour, replacement windows and new rooflights, new balcony to south elevation, and new outbuilding be approved, subject to the conditions set out in the report and supplementary report, and subject to the following additional conditions:

- 1) Details of materials (to include stain treatment, sample of zinc) and details of window frames (uPVC to be avoided).

- 2) That the garden room is ancillary to Cedar Cottage for family members and cannot be let out to paying guests.

**96 SDNP/20/05183/CND - Saxonbury Juggs Road, Lewes**

**Resolved:**

That planning application SDNP/20/05183/CND for the variation of condition 1 of planning application SDNP/18/00908/FUL to include 2 no. new rooflights to be added to the living/kitchen area on the 2nd floor of the building be approved, subject to the conditions set out in the report.

**97 Date of next meeting**

**Resolved:**

That it be noted that the next meeting of the Planning Applications Committee is scheduled to commence at 4:00pm on Wednesday, 10 March 2021, 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.

The meeting ended at 5.53pm.

Councillor Sharon Davy (Chair)

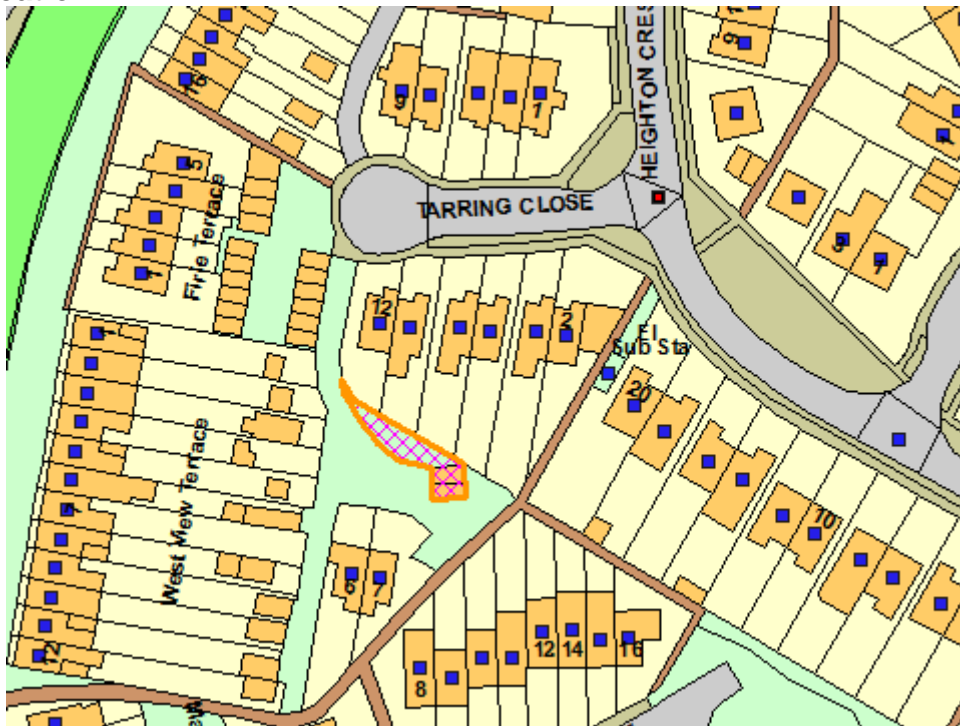
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**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0659  
**Location:** Land to the rear of 6-12 Tarring Close, South Heighton, East Sussex  
**Proposal:** Demolition of existing double garage and erection of 1x two-bedroom dwelling with associated landscaping, off road car parking and cycle parking.  
**Ward:** Ouse Valley and Ringmer  
**Applicant:** Mr Penaluna  
**Recommendation:** Approve subject to conditions.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

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**Map Location:**



**1. Executive Summary**

- 1.1 It is considered that the proposed development would provide a social enhancement by way of providing a small residential unit in an area where there is a limited amount of developable land available.
- 1.2 It is therefore considered that the proposal represents the sustainable development of a previously developed and under-utilised site which currently serves limited purpose. It is therefore recommended that the application is approved, subject to the conditions listed at the end of this report.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

### 2.2 Lewes District Local Plan

- 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: – DM30 – Backland Development

## 3. **Site Description**

- 3.1 The site is currently occupied by a flat roof double garage structure and a grass verge. It is accessed West View Terrace, which is lined by dwellings that back onto the road, which is used to provide vehicular access to parking and garages to the rear of those properties. West View Terrace is not an adopted road although the applicant would have an existing right of access to use the garage. The road is hard surfaced and in a good state of repair. A public footpath (South Heighton 1a) runs to the east of the site.
- 3.2 The site is surrounded by residential development, the rear boundaries of properties on Tarring Close back on to the northern part of the site. To the east and south are the rear gardens of properties on Iford Close whilst to the west are garages and parking spaces serving properties on West View Terrace.
- 3.3 The site is located within the planning boundary of South Heighton Parish and surrounding development is relatively dense. There are no specific planning designations or constraints attached to the site. The rural part of the parish lies to the north.

## 4. **Proposed Development**

- 4.1 The proposal involves the demolition of the existing garage structure and the erection of a wedge shaped part single, part two-storey two bedroom dwelling. The building would have a flat roof which would be used as a terrace where it is over the single-storey part of the dwelling and would be maintained as a green roof on the two-storey element.

- 4.2 The footprint of the dwelling would be approx. 49 m<sup>2</sup> with the two-storey element having a reduced floor area of approx. 30 m<sup>2</sup>. Roof top height of the ground floor element would be approx. 3.1 metres with the two-storey element being approx. 6.2 metres.
- 4.3 A landscaped rear garden of approx. 35 m<sup>2</sup> would be provided to the west of the dwelling. The garden would be enclosed by 1.8 metre high timber fencing. Additional private outdoor amenity space would be provided by terrace areas over the single-storey parts of the building. A 1.8 metre high rendered wall would be constructed along the edge of the terraces on the north-east facing elevation of the dwelling, which flanks the boundaries of rear gardens on Tarring Close. Glass balustrading of approx. 1.3 metres would be provided on the south-east facing edge of the balcony
- 4.4 A single car parking pay would be provided to the west of the dwelling. This would be accessed via West View Terrace.

## 5. Relevant Planning History

- 5.1 **LW/01/2182** - First floor extension and conversion of double garage to form two bedroom house – Refused 10<sup>th</sup> January 2002 (overdevelopment, overlooking impact);
- 5.2 **LW/02/1126** - Demolition of double garage and construction of single storey one bedroom house (on existing footprint) – (overdevelopment, unsafe pedestrian access)

## 6. Consultations

- 6.1 South Heighton Parish Council - It was RESOLVED to submit a neutral response to the application.

## 7. Neighbour Representations

- 7.1 Letters of objection have been received from 22 individuals. A summary of objections made is provided below:-
- Car park is already congested and a new dwelling would cause more parking issues;
  - Concern over suitability of narrow access from a road safety point of views as well as ability of emergency services to reach the site and neighbouring properties;
  - Construction works would cause major disruption and present a hazard to neighbours;
  - Overdevelopment of a small plot;
  - Design is not in keeping with surrounding development;
  - Use of balconies will cause disturbance as a result of noise and light emissions;
  - Proximity to neighbouring dwellings will result in the proposed building appearing overbearing and causing overshadowing and loss of privacy;

- No provision for visitor parking;
- Occupants will use neighbouring parking spaces which are not in their ownership;
- The site has no access to utilities;
- The building is too small for a two bedroom dwelling;
- The building would not provide suitable living conditions;
- Could lead to damage of the access road;
- May result in surface water flooding. There is already a problem with this in the car park;
- Neighbouring parking spaces would not be able to be used during construction works;
- Dust emissions will cause a health hazard;
- The idea isn't bad but the location is unsuitable;

7.2 Letters of support have been received from 10 individuals. Comments provided are summarised below:

- Would provide a much needed home;
- The area is an eyesore and subject to fly tipping;
- I have worked as a paramedic in Newhaven for 33 years and have never had trouble accessing West View Terrace or Iford Close;
- Will revitalise a run-down location and improve security;
- Parking will not be affected as a space is provided within the site;

## 8. **Appraisal**

### 8.1 Key Considerations

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

### 8.2 Principle of the proposed use

8.2.1 The site is located within the planning boundary where the principle of new development is accepted provided it complies with relevant policies within the development plan as per policy DM1 of the Lewes District Local Plan Part 2.

8.2.2 Para. 8 of the Revised National Planning Policy Framework defines sustainable development is that which is supportive of economic, social and environmental objectives. Para. 11 maintains that there should be a presumption in favour of sustainable development and that development that accords with an up-to-date development plan should be approved without delay. Para. 12 qualifies this by stating that 'the presumption in favour of sustainable development does not

change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.'

- 8.2.3 Lewes District Council can currently identify a housing land supply for the next 5.42 years and, as such, the development plan is considered up-to-date and full weight can be attributed to policies therein.
- 8.2.4 The development involves a net increase of one dwelling on the plot. It is noted that paras. 122 and 123 of the Revised National Planning Policy Framework encourage the more efficient use of land where this can be achieved in a responsible way. Para. 118 makes specific mention of the redevelopment of under-utilised car parking areas, stating that planning policies and decisions should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)'.
- 8.2.5 The central policy considerations, in this instance, are set out in policy DM25 of the Lewes District Local Plan Part 2. The criteria set out in the policy relates to impact upon character, compatibility with surrounding development in terms of building lines and roofscape, use of appropriate materials, retention of landscaping, circulation and response to climate, accessibility and impact upon neighbour amenities.
- 8.2.6 There is also a specific policy applied to 'backland development', of which the proposed scheme is considered to be an example. This policy, DM30, requires development to be accessible, to be mindful of potential impact upon neighbouring residents and to avoid loss of important landscape features.
- 8.2.7 Two previous schemes for the erection of a new dwelling on the application site have been refused under LW/01/2182 and LW/02/1126. Both refusal notices cited the scheme as being contrived and an example of overdevelopment. There have been significant changes in local and national planning policies since the time of these refusals and there is now a far greater thrust for efficient use of land. This is particularly important when concerning brownfield sites and in areas where suitable land for housing is in short supply.
- 8.2.8 It is noted that the northern part of South Highton is outside of the planning boundary and also within a Conservation Area. This has resulted in sites brought forward for reviews as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA) being rejected as undevelopable. As such, there is limited available space for additional dwellings within the Parish and this is focussed towards the southern part of the village, where development is

already relatively dense. As such, it is considered the site represents an under-utilised portion of land that could make a significant contribution towards sustainable housing development. Provided suitable internal space and outdoor amenity space can be provided, it is not considered that the proposed scheme would represent overdevelopment.

### 8.3 Impact on the character and appearance of the area

- 8.3.1 The proposed dwelling is of contemporary design and its appearance would contrast with that of surrounding residential development, which is fairly uniform in appearance. However, the building footprint is similar to that of neighbouring dwellings, particularly those nearby on Firle Terrace, whilst the plot size, at approx. 87 m<sup>2</sup> (not including the car parking space) is not significantly smaller than neighbouring plots at Firle Terrace and Martello Court. It is therefore not considered that the proposed development would appear cramped when seen in context with surrounding residential development.
- 8.3.2 The appearance of the building, whilst not being consistent with surrounding development, is considered justified in this instance as it would enable a development of the site that maximises sustainability measures (planting on the roof, solar panels), whilst minimising building height and thereby reducing the impact upon neighbouring residents. The site is also relatively self-contained and distinct from the general flow of the street scene, meaning that it merits having a character of its own. To this end, para. 127 of the Revised National Planning Policy Framework states that planning policies and decisions should ensure that developments 'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'. The proposed scheme is considered to represent an example of such a development.
- 8.3.3 Backland development can be at risk of feeling isolated and excluded from the surrounding residential environment. Whilst the proposed dwelling would not have a direct street frontage, the pattern of surrounding development ensures that the site is surrounded by residential development which is within close proximity and would allow for good levels of surveillance of the dwelling from neighbouring properties. The dwelling would also be adjacent to West View Terrace, although it is to the rear of dwellings, this is the only vehicular access to them and, as such, is subject to a level of activity that would ensure the area surrounding the site does not feel isolated.
- 8.3.4 The proposed development would result in the loss of a small amount of the existing grass verge but the majority of this would be maintained as part of the landscaped garden area. The enclosure to form garden land would allow for the grass area to be better maintained and protected from damage by vehicles and would also allow for planting of additional tree and hedge species, providing a

wider habitat. The proposed garden and green roof would therefore introduce additional landscaping to the area and resultant ecological gains as well as drainage benefits.

- 8.3.5 It is therefore considered that the proposed development represents an acceptable and efficient use of the site that would not cause undue harm or disruption to the established character and appearance of the surrounding area.

8.4 Impact upon amenities of neighbouring residents:

- 8.4.1 The proposed dwelling would be positioned to the rear of properties on Tarring Close. Although the split level flat roof design would minimise the overall height of the building, there would still be an approx. 6.2 metre high elevation wall flanking the entire rear boundary of No. 6 Tarring Close and part of the rear boundary of No. 8. With a separation of approx. 15-17 metres, it is considered that an ample distance is maintained between the elevation walls of neighbouring dwellings to prevent an unacceptable sense of overbearing or overshadowing from arising. It is noted that there are similar distances maintained at nearby development between properties on Heighton Crescent and Glynde Close, where there is also window to window views available and the properties on Glynde Close are on significantly higher land.
- 8.4.2 The screening wall on the north-eastern elevation would prevent intrusive views towards neighbouring properties from first floor windows without compromising access to natural light for future occupants. This wall would also screen views from the first floor terrace space, with views only being available to the south-east and north-west, where they would not look directly towards any neighbouring window within close proximity. Some views of neighbouring gardens would be available but this is a common relationship and densely built up areas, including the surrounding residential area.
- 8.4.3 The garden space would be fully enclosed and would flank the far end of neighbouring gardens. The proposed car parking space would be adjacent to the rear boundary of No. 8 Tarring Close but would be screened by existing boundary treatment and it is noted that the use of this area for car parking is well established.
- 8.4.4 It is therefore considered that the relationship between the proposed dwelling and surrounding residential properties would be similar to the existing relationships between dwellings in the surrounding area and that the proposed development would not result in any unacceptable adverse impact upon the amenities of neighbouring residents.

8.5 Living conditions for future occupants

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

storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.

- 8.5.2 The proposed dwelling would have its sleeping accommodation at ground floor level. The bedrooms would be served by lightwells provided in the flat roof over them rather than by windows. Whilst this would result in a lack of outlook from the bedrooms it would allow for sufficient access to natural light. High level windows should also be provided to allow for natural ventilation of the bedrooms. It is considered that the layout is uncomplicated and that all parts of the dwelling would be easily accessible and navigable.
- 8.5.3 The proposed dwelling would provide a Gross Internal Area (GIA) of 78 m<sup>2</sup>. This exceeds the 70 m<sup>2</sup> requirement for a two-storey, two-bedroom dwelling (with one single bedroom and one double). The enclosed garden space and the first floor terrace provide a good level of outdoor amenity space for the expected tenure of the dwelling.

## 8.6 Parking and access

- 8.6.1 The proposed dwelling would be provided with a single car parking bay. This is an acceptable quantum of parking for a dwelling occupied by 2 people. The parking bay would be overlooked from the kitchen/living room as well as by surrounding dwellings, ensuring a good level of surveillance.
- 8.6.2 The dwelling would utilise West View Terrace for vehicular access. This is considered an acceptable arrangement. The road is approx. 4.7 metres wide where accessed from Tarring Close, although it does taper towards the east, it is considered that visibility is good as the road is relatively straight, level and free from obstructions. Furthermore, the proposed dwelling would be unlikely to generate any material increase in vehicular traffic over what would be expected should the garage be maintained in use for parking. There is ample space in the existing parking area for vehicles to turn, ensuring they enter and leave the highway in forward gear.
- 8.6.3 It is not considered that the loss of the existing garage parking facility would result in additional parking pressure on the surrounding highway network. A significant number of properties in the surrounding area have access to on site car parking and/or garages. The owner of the garage has hard surfaced parking to the front of the property which would mitigate the loss of the garage as a parking facility. It should also be noted that garages typically have a low usage rate as car parking facilities and this is recognised by ESCC Highways standing advice which only regards a single garage as providing one third of a car parking space (therefore two thirds of a space for a double garage).
- 8.6.4 It is therefore considered that there is suitable vehicular access to the proposed dwelling and that the amount of activity on West View Terrace would not increase to an unsafe or unmanageable level.
- 8.6.5 A previous scheme (LW/02/1126) was refused, in part, due to concerns over pedestrian safety although it should be noted that



ESCC Highways did not raise any concerns in their response at the time. West View Terrace does not have a pedestrian footpath and so is not ideal for pedestrian access. However, there is a public footpath immediately to the east of the site which runs from Heighton Crescent, is hard surfaced, and would provide convenient and safe pedestrian access to the site.

- 8.6.6 The main entrance to the building would open out onto a designated footpath and would not open directly into the garage parking area. As such, it would not present a hazard to motorist or pedestrians. There is footpath access from the parking bay to the dwelling. This footpath runs through the garden and as such, pedestrians would not be moving through the wider parking area.

## 8.7 Sustainability

- 8.7.1 The proposed development would result in the loss of a portion of the existing grass verge although part of it would be maintained for use as a garden. A sedum roof would also be incorporated and this would provide some permeability at the roof level in mitigation of the loss of grass verge. The grass and other planting within the enclosed garden is less likely to be damaged by vehicles and is more likely to be maintained and to support additional planting that would increase biodiversity. It is considered that these measure offer sustainability benefits both in providing permeability and in providing additional habitat. A rainwater crate would also be installed beneath the garden to further control surface water run-off.
- 8.7.2 An array of solar panels would also be mounted discretely on the roof top, with screening provided by a parapet wall. These panels would support the generation of renewable energy and, therefore, contribute towards carbon reduction.
- 8.7.3 A condition will be added to any approval to secure electric vehicle charging facilities in order to support uptake in the use of electric vehicles. It is also noted that cycle storage facilities are provided and that this would help encourage the use of bikes as a mode of transport.

## 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. The sedum roof and solar panel array shall be installed prior to the first occupation of the dwelling hereby approved in accordance with full details and specifications to be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure sustainability enhancements are incorporated into the development in accordance with policy CP11 and CP14 of the Lewes District Local Plan Part 1, and paras. 118 and 148 of the Revised National Planning Policy Framework.

2. The dwelling hereby approved shall not be occupied until the car parking space has been surfaced and laid out in accordance with the details provided on approved plan 9277 P01 Rev C and shall be maintained in place thereafter for the lifetime of the development.

Reason: In order to ensure the dwelling is served by suitable parking and access in accordance with policy DM30 of the Lewes District Local Plan Part 1.

3. Prior to the first occupation of the dwelling hereby permitted, an electric vehicle shall be provided for use within the car parking bay and shall be maintained in an operable condition thereafter for the lifetime of the development.

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, para. 110 of the Revised National Planning Policy Framework and the LDC Electric Vehicle Charging Points Technical Guidance Note.

4. Prior to the first occupation of the dwelling hereby approved, secure and covered bin and cycle storage facilities shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policies DM26 and DM30 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

5. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without

modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2.

7. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage.

8. No development approved by this permission shall be commenced until a construction management plan has been submitted to and approved by the Local Planning Authority. This plan shall include, but not be limited to, the following information:-

- Access arrangements and routes followed by delivery vehicles;
- Number and frequency of deliveries associated with construction;
- Types of vehicles and machinery to be used for construction (including deliveries);
- Details of how noise, air and light emissions would be managed;
- Site security details;
- Details on how materials and waste will be stored and removed from the site;
- Access and parking arrangements for construction workers;
- Hours of working;
- Details of a site manager to act as a liaison with neighbouring residents

Reason: In the interest of environmental and residential amenity on accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM20 and DM25 of the Lewes District Local Plan Part 2.

#### 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:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	29 September 2020	9277 P10 Rev A
Block Plan	29 September 2020	9277 P09 Rev A
Ground Floor Plan	25 February 2021	9277 P01 Rev D
First Floor Plan	25 February 2021	9277 P02 Rev D
Proposed Elevations	25 February 2021	9277 P03 Rev D
Proposed Elevations	25 February 2021	9277 P04 Rev D
Proposed Sections	25 February 2021	9277 P05 Rev D
Proposed Sections	25 February 2021	9277 P06 Rev D
Illustration	25 February 2021	9277 P07 Rev D
Illustration	25 February 2021	9277 P08 Rev D

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

## 11. **Background Papers**

11.1 None.

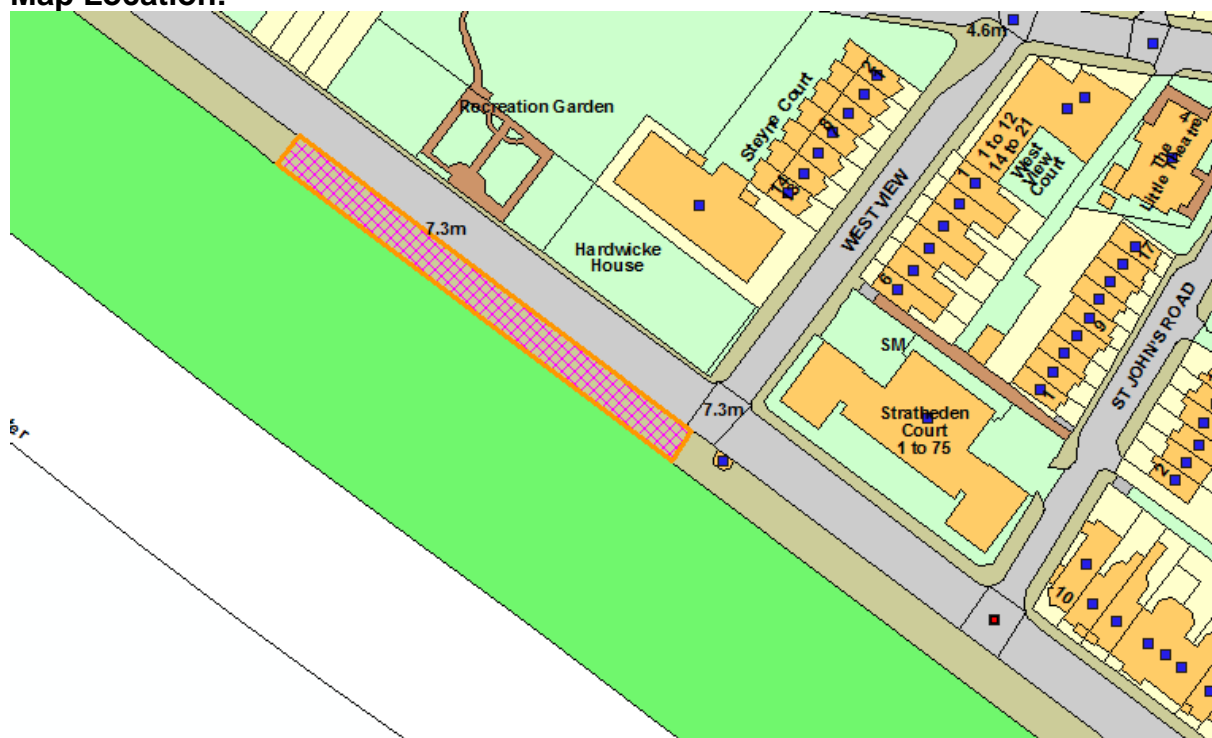
# Agenda Item 9

**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0166  
**Location:** Area of Seafront Promenade opposite Hardwicke House, West View and Sunken Gardens, Esplanade, Seaford  
**Proposal:** Part-retrospective application for the erection of 8 non-habitable beach huts and 3 toilets (in situ April-September inclusive); and the retention of 4 concession huts (1 permanent, 3 in situ April-September inclusive at the Esplanade, Seaford.

**Ward:** Seaford Central  
**Applicant:** Ms I Moulard  
**Recommendation:** Approve subject to conditions.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

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## Map Location:



## 1. Executive Summary

- 1.1 The proposed beach huts would enhance visitor facilities and support the local economy and, by this virtue, coastal regeneration.
- 1.2 The siting of the huts would not cause an unacceptable obstruction to pedestrians using the promenade and the ability to remove and/or reposition the huts would ensure their presence would not compromise regular maintenance of coastal flood defences.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

### 2.2 Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP4 – Economic Development and Regeneration
- LDLP: – CP5 – The Visitor Economy
- LDLP: – CP10 – Natural Environment and Landscape;
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM20 – Pollution Management
- LDLP: – DM23 – Noise
- LDLP: – DM25 – Design
- LDLP: – DM35 – Footpath, Cycle and Bridleway Network

### 2.3 Seaford Neighbourhood Plan

- SNP: – SEA2 – Design
- SNP: – SEA6 – Development on the Seafront

## 3. **Site Description**

- 3.1 The site comprises a section of the hard surfaced raised promenade that flanks the shingle beach at Seaford seafront. A low concrete wall flanks the northern edge of the boundary, behind which runs the Esplanade, a road that connects with the A259 at Bishopstone to the north-west and extends to the public footpath which provides access to the cliffs at Splash Point to the south-east. The northern side of the road is bordered by mixed residential development, primarily on the form of 5-7 storey blocks of flats with occasional groups of dwellings. The promenade itself is relatively wide and free from additional structures save for regularly spaced bench seating.
- 3.2 The beach huts that are subject of this application were, at the time of the site visit, in position towards the northern edge of the promenade. They are painted timber shed type structures that are stationed on low timber platforms.
- 3.3 The site is located within the planning boundary and is part of the Seaford Seafront area is designated within the Seaford Neighbourhood Plan. The site

is at risk of tidal inundation and therefore falls within Environment Agency Flood Zone 3. It is opposite a small public recreation area. There are no other specific planning designations or constraints attached to the site or the immediate surrounding area.

#### 4. **Proposed Development**

- 4.1 The proposal seeks permission for the stationing of 8 x beach huts, 3 x toilet facilities and 3 x concession huts on the site each year between April and September inclusive. In addition, permission is being sought for the permanent stationing of 1 x concession hut. The beach huts would be positioned close to the southern edge of the promenade, overlooking the beach whilst the other huts would be set back adjacent to the low wall flanking the northern side of the promenade. The huts would be distributed along an approx. 85 metre section of the promenade.
- 4.2 The beach huts would not provide accommodation and would be for day use only. 7 of the huts measure 2.1 metres in width by 2.4 metres in depth and 2.4 metres in height. 1 x marginally wider hut (2.12 metres in width) would be provided as a wheelchair accessible facility.
- 4.3 The proposed toilet facilities would consist of portaloos placed inside a timber hut. 2 of the units would measure 1.5 metres in width by 2.4 metres in depth and 2.8 metres in height. A wheelchair accessible unit measuring 2 metres in width by 2.4 metres in depth and 2.9 metres in height would also be provided.
- 4.4 Each unit would be positioned on a low timber platform that is screwed directly onto the concrete promenade.

#### 5. **Relevant Planning History**

- 5.1 No relevant history attached to the site. It is noted that the application is part retrospective and that huts have been in place for periods during 2019 and 2020.

#### 6. **Consultations**

- 6.1 External Consultations:

##### **ENVIRONMENT AGENCY**

No objection subject to a condition regarding compliance with the submitted Flood Risk Assessment (FRA).

The Environment Agency's annual Seaford beach recycling work typically runs until the 31st March each year, and sometimes runs later if the beach has been significantly storm damaged over the winter period. Storms are increasing in frequency due to the impacts of climate change. Installation of temporary structures before 1st April is likely to clash with our works in this regard, which has potential to cause difficulties and delays to the completion of our works which are vital for continuing flood protection. We are concerned about multiple contractors working in close proximity, and the subsequent need for all to address risk assessments and construction method statements accordingly.

The recommended condition specifies that construction of the temporary structures cannot begin until 15th April, which would allow us a buffer should our works require additional time. However, it is possible that the temporary structures could be erected earlier if our works are able to be completed in a timely manner if significant storm damage has not occurred over the winter. To that end, the council could contact us in early to mid-March each year to confirm if the temporary structures could be installed earlier and agree an earlier timeframe, which could be confirmed by email. The council can contact us about this by telephoning our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) and asking to be put through to someone in the 'Solent and South Downs Ouse and Pevensy Asset Performance Team'.

The permanent structures need to be located towards the back of the promenade so that they do not create an obstruction to the recycling haul route. This is because we haul shingle from the southeast and northwest extents of the beach and replenish the eroded central section of the frontage. The haul road is the beach crest and this can become narrow in places due to erosion. When this occurs, the trucks have to run along the back/landward edge of the beach, close to the concrete promenade (old sea wall). Therefore, the two permanent structures need to be sufficiently set back.

#### Advice to the Local Planning Authority and Applicant

##### Sea wall

The sea wall at the back of the beach is a key defence structure, reducing flood risk to the town alongside the beach recycling works undertaken by us. It is a concern that the situation of a permanent kiosk and toilet at the back of the promenade against the sea wall will restrict access to the wall to undertake essential inspection and maintenance works.

This structure is owned and maintained by East Sussex County Council (ESCC), therefore we strongly advise that they should be able to make comments on the proposal, and consider the requirement for maintenance access to the wall. The wall is a secondary line of sea defence, and whilst not the Environment Agency's to maintain, we need to ensure that it can be maintained.

If a permanent concession kiosk/toilet must be installed, we suggest the structure should be designed in such a way that in the event of required repairs to the ESCC flood wall, the structure(s) can simply be lifted onto a Hiab lorry and temporarily removed from the promenade whilst the repair is undertaken. This would hopefully be an acceptable compromise for all parties.

##### Location of the structures

It must also be noted that any permanent structure(s) will effectively be located between two sea defences (the shingle beach and the sea wall) and could be subjected to direct wave action, airborne shingle and flooding. The Environment Agency cannot be held liable for any damage incurred to the structures as a result of the sea/coastal processes. This is particularly a concern with the toilet, which currently appears to be a lightweight portaloo structure within a wooden hut. This could be washed onto the beach in storm



conditions and present a health and safety hazard to beach users, and an environmental/pollution risk from any chemicals/waste within. Ideally, we would not want to see a 'permanent' toilet or concession kiosk at this location.

#### The future of our beach works

Use of the word 'permanent' should perhaps be clarified, in that it is only permanent as long as the beach continues to be managed as it is at present (i.e. a shingle sea defence). Funding for the Seaford sea defence is secured until 2023, but future funding is unconfirmed and may change over time. For example, climate change and sea level rise may mean that a new flood wall would need to be constructed along the line of the proposed permanent structure(s), or that the methods used to continue maintenance of the beach may change. Therefore, from a medium to long-term perspective, any structures installed now - whether temporary or permanent - may need to be moved in future to allow for any changes to the on-going management of the Seaford frontage.

#### **ESCC HIGHWAYS**

If any huts were placed adjacent to the wave wall we would require a 1 metre gap, which would allow us to inspect the wall or ability to lift huts out of the way using crane lorry as per Environment Agency comments above.

### **7. Neighbour Representations**

#### **7.1 Letters of objection**

**7.2** Objection letters have been received from 36 individuals. A petition of objection with 189 signatories has also been received. A summary of objections made is provided below:-

- Will cause overcrowding and prevent social distancing;
- Will generate noise and cooking smells;
- There are already two cafes and toilets nearby;
- Should be relocated to Bonningstedt area
- Would result in loss of sea views;
- Will cause hazard to pedestrians;
- Beach hut users take over the promenade;
- Huts are large and garish;
- Will lead to conflict between people on promenade and users of facilities;
- Would result in increased traffic;
- Would compromise the quiet character of the seafront environment;
- Toilets generate unpleasant smells when being emptied;
- Hazard of toilet doors opening directly onto promenade;

- Would create feeling of loss of space;
- Huts have attracted anti-social behaviour in the past;
- Toilets close to the café present hygiene concerns;
- Beach huts have been in use late at night;
- Will result in litter and pollution of the beach;
- Creates segregation between visitors to the beach and locals;
- Use of the huts is not policed;
- Too many huts and in the wrong place;
- There is ample room available on the beach for large groups;
- The small gap maintained between the road wall and the back of the huts would create a hazard;
- Support the concession huts but the toilets and each huts would cause congestion;
- No facilities for sanitary product and nappy disposal is available;
- The site address is incorrect;
- Commercialisation of seafront;
- Would be first thing people see when arriving at Seaford by train;

7.3 Letters of support have been received from 28 individuals. Comments provided are summarised below:

- The beach huts enhance the seafront;
- Bring income into the town;
- Great facility for local small businesses;
- Will bring tourists and activity to the area;
- Will support the town centre, which is struggling;
- Would cause no obstruction to promenade if properly used;
- A local nursery was able to use a hut as a beach school last year;
- Provides important facilities for small businesses as shops are too expensive for a sole trader;
- Provide valuable income for town council;
- Provides a natural barrier to slow down cyclists;
- There would still be large gatherings on the beach if the huts weren't there;
- The promenade is wide enough so there is no obstruction;

#### 7.4 Officer Response to public representations:

7.4.1 Although the impact on the wider character of an area is a material planning matter, rights to a private view are not subject to any protection under planning legislation. A number of comments relating to pollution and anti-social behaviour can be addressed through the adoption of a suitable management plan. It is also noted that control of pollution and anti-social behaviour is subject to additional controls under Environmental Health legislation and policing. It is agreed that the site address that the application was registered under is incorrect and this has been rectified. All other material planning matters raised are addressed within the man body of this report.

### 8. **Appraisal**

#### 8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the use; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk.

#### 8.2 Principle of the proposed use

8.2.1 The site is located within the planning boundary where the principle of new development is accepted provided it complies with relevant policies within the development plan as per policy DM1 of the Lewes District Local Plan Part 2. Policy DM25 of the Lewes District Local Plan part 2 supports well designed development that is sympathetic to the character of the surrounding area, space and functionality and environmental and residential amenity. This is echoed on sections 8 and 12 of the Revised National Planning Policy Framework.

8.2.2 Policies CP4 and CP5 of the Lewes District Local Plan part 1 identify the promotion of sustainable tourism and visitor facilities as a vehicle to achieve economic development and regeneration. CP4 identifies coastal towns as a focal point for regeneration.

8.2.3 The site also falls within the seafront area is defined in the Seaford Neighbourhood Plan. Policy SEA6 of the Neighbourhood Plan sets out a number of criteria to be applied when assessing development within the seafront area. Of particular relevance to the current application is criterion A 'development should not detract from the natural, open, un-commercialised environment of the Seafront;' criterion C 'development should be low density and low rise so it does not impact significantly on the spatial or visual openness or attractiveness of the Seafront and its vistas and respects the setting of and views to and from the South Downs National Park, the Heritage Coast, the shoreline and the Seaford Head Gateways,' criterion E 'development should conserve and enhance the amenity use of the seafront;' and criterion F 'development should take opportunities to enhance the public realm and improve walking and cycling facilities.'

8.2.4 The site falls within Flood Zone 3 and, as such, it is important to take into account the use of the buildings and the vulnerability of that use

to flooding as well as potential negative impact upon flood risk in the surrounding area as per para. 163 of the Revised National Planning Policy Framework.

- 8.2.5 The proposed development will therefore be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework.

### 8.3 Impact on the character and appearance of the area

- 8.3.1 The proposed beach, toilet and concession huts would be positioned on Seaford Promenade, a wide raised concrete platform that flanks the beach and is used by pedestrians. The promenade is largely undeveloped, with the only permanent structures being regularly spaced benches and occasional signs and waste bins. The minimal amount of development combined with the open and gently sloping nature of seafront ensures that there are wide ranging views available out to sea as well as towards Splash Point and Newhaven to the east and west respectively.
- 8.3.2 It is considered that the proposed huts are of a modest scale and would therefore not appear visually disruptive or overly dominant. The huts would be of similar design arranged in regularly spaced groups, allowing for space for views to permeate between them whilst ensuring a sense of uniformity that would prevent a sense of visual clutter from arising. They would occupy a relatively short section of the promenade and it is therefore considered that they would represent a small and unobtrusive portion of the overall panorama offered from the promenade as well as views towards it from the beach and The Esplanade. It is also considered that timber beach huts are a commonplace and expected presence within a seafront environment, particularly when it is immediately adjacent to a town environment as is the case with the current application.
- 8.3.3 The means of fixing the huts to the promenade, through use of timber platforms that are screwed directly into the concrete surface, would ensure that the huts can be removed and replaced with minimal disruption and risk of damage to the surface. It is therefore considered that, when the huts are not in place, the site would be restored effectively to its original appearance.
- 8.3.4 The applicant has stated that all huts are subject to a management and maintenance plan including regular inspection for damage during the course of their use. A programme of inspection, repainting and repair work would also be carried out each year when the huts are disassembled. Huts would be cleaned between uses and kept locked and secure when not in use. Small bins would be provided with each hut and users would be encouraged to take rubbish home with them. It is considered that the following of this maintenance and management programme will ensure the upkeep of the structures and prevent them deteriorating in quality and thereby harming visual amenity. The security arrangements and regular maintenance would also help discourage anti-social behaviour around the huts. It is also

noted that the huts are in an area where there is street lighting and good levels of surveillance, which should act as a deterrent to anti-social behaviour.

- 8.3.5 The use of huts as shelter/storage facilities for visitors to the seafront is considered to be entirely consistent with the established character of the area, with the beach and promenade in sustained use as amenity features. The huts would encourage visitors to spend extended amounts of time at the beach, improving accessibility to this amenity feature and supporting nearby businesses with trade. The provision of toilets would further encourage extended visits and also discourage fouling of the beach and nearby areas.
- 8.3.6 The concession huts would be used to support non-food seasonal businesses that would provide souvenirs and beach wear/equipment for visitors. The modest size of these units would ensure these uses are not overly intensive and, again, it is considered these uses are entirely compatible with the town seafront environment.
- 8.3.7 Planning conditions will be used to ensure that the huts are used as overnight accommodation as this would compromise the night time tranquillity of the seafront. The use of the concession huts would also be restricted to non-food enterprises in order to minimise potential for unacceptable odour emissions or generation of waste. The toilet facilities would be emptied once a week and cleaned twice a week, ensuring that effluent and waste is managed in an appropriate way that would preserve the environmental amenity of the surrounding area. All but one of the huts would be removed outside of the main tourist season ensuring that there would be no sustained presence of out of use and locked up huts, which would have the potential to degrade the visual quality of the seafront and generate an oppressive atmosphere.
- 8.3.8 It is therefore considered that the proposed development is in accordance with policy DM25 of the Lewes District Local Plan part 2 and policy SEA6 of the Seaford Neighbourhood Plan.

#### 8.4 Economic Impact:

- 8.4.1 As set out above, it is considered that the proposed development would improve visitor facilities on Seaford seafront, attracting visitors who would spend an extended amount of time in the locality and would therefore contribute to the local economy and the overall regeneration of the area by increasing footfall and use of local businesses, including small enterprises that would be supported by the provision of concession huts that would not be overly costly to rent and are in a high footfall location.
- 8.4.2 It is therefore considered that the proposed development is consistent with the aims and objectives of policies CP4 and CP5 of the Lewes District Local Plan part one.

#### 8.5 Impact upon Amenities of Neighbouring Residents

- 8.5.1 The proposed huts would be sited in a busy seafront environment. They would provide enhanced facilities for visitors but would not

generate an increase in activity on the seafront that would be disruptive due to their modest scale and the type of facilities that they would provide. The huts are also of modest scale in terms of height and overall footprint.

- 8.5.2 The nearest residential properties are on the opposite side of The Esplanade and, given the observations above, it is not considered that the proposed development would result in any unacceptable harm to the amenities currently enjoyed by these residents.

## 8.6 Parking and access

- 8.6.1 The proposed huts would be used primarily by visitors to the beach. It is considered that existing public parking facilities have sufficient capacity to support any uplift in visitor numbers brought about by the development.
- 8.6.2 The huts would be positioned on an existing footpath and would result in an approx. 85 metre stretch of it being narrowed. They would be uniformly positioned so as to minimise the potential for obstruction and confusion. The promenade in this location is wide and a minimum of approx. 4.2 to 4.8 metres width of footpath would be maintained adjacent to them. Section 3.1 of the Government's Inclusive Mobility Guidance (2005) states that a width of 3.5 to 4.5 metres to the front of shops is a suitable width to allow movement of pedestrians, including wheelchair users passing each other. The proposed uses would not be as intensive as a shop use but, in any case, the retained footpath width meets with this requirement. This also applies if the concession buildings and toilets are stepped in from the wave wall by 1 metre, as requested by ESCC, as a width of 3.8 to 4 metres would be retained.
- 8.6.3 It is noted that ESCC Highways have not raised any objection in regards to impact upon pedestrian accessibility and safety or the functionality of the footpath.
- 8.6.4 A condition will be used to require the doors of the toilet huts to open to the side in order to prevent them opening onto the main part of the promenade where there is the potential for pedestrians to collide with the doors. Beach huts would face out towards the beach rather than onto the promenade, addressing concerns that paraphernalia associated with their use would cause further obstruction on the promenade.
- 8.6.5 It is therefore considered that the proposed use would not result in unacceptable parking stress on the surrounding highway network nor would it impede of accessibility for pedestrians using the promenade.

## 8.7 Flood Risk

- 8.7.1 The use of the huts is regarded as less vulnerable to flooding as per para. 066 of the Planning Practice Guidance for Flood Risk and Coastal Change. The buildings would not be occupied overnight or provide any form of permanent accommodation.
- 8.7.2 The Environment Agency utilise the promenade when carrying out beach recycling work, which typically runs until 31<sup>st</sup> March of any

given year. The Environment Agency is satisfied that the temporary huts would not be in position when beach recycling works are being carried out and so would not form an obstruction. The permanent huts would be set well back from the beach where they would not obstruct access.

- 8.7.3 ESCC Highways have also confirmed that they require a minimum of 1 metre separation between the huts and the wave wall on the northern side of the promenade in order to allow for maintenance and inspection works to be carried out on this wall, which forms part of Seaford's flood defences. Whilst the huts would be pushed back against the wall, they would be able to be lifted out by a crane lorry if maintenance works are to be carried out whilst they are in place. The permanent huts should also be fixed in a way that would allow easy removal by a hiab (crane) lorry in the event that works need to be carried out on the wall.

## 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. At no time must the beach huts be used as overnight sleeping accommodation.

Reason: In order to control the use of the development in the interest of environmental and residential amenity and the character of the surrounding area in accordance with policy CP11 of the Lewes District Local Plan part 1, policy DM25 of the Lewes District Local Plan part 2 and policy SEA6 of the Seaford Neighbourhood Plan.

2. With the exception of 1 x concession hut, the structures hereby approved shall be removed, and the site restored to its prior condition for the duration of the period between 30<sup>th</sup> September and 15<sup>th</sup> April.

Reason: In order to ensure structures are removed when not in regular use in the interest of visual amenity in accordance with policy CP11 of the Lewes District Local Plan part 1, policy DM25 of the Lewes District Local Plan part 2 and policy SEA6 of the Seaford Neighbourhood Plan.

3. Prior to installation of any beach huts and toilet facilities, a management and maintenance plan setting out full details of booking arrangements, hours of use, waste storage and removal, effluent management, cleaning regimes and security arrangements shall be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the huts are maintained in an acceptable condition and that potential impacts upon amenity are suitably managed in accordance with policy CP11 of the Lewes District Local Plan part 1, policies DM20, DM23 and DM25 of the Lewes District Local Plan part 2 and policy SEA6 of the Seaford Neighbourhood Plan.

4. The concession huts shall be used for non-food retail purposes only. No other use shall be undertaken unless agreed in writing with the Local Planning Authority.

Reason: In order to ensure availability for small enterprises and to prevent the establishment of a use with the potential to generate significant noise and air emissions in accordance with policy CP11 of the Lewes District Local Plan part 1, policies DM20, DM23 and DM25 of the Lewes District Local Plan part 2 and policy SEA6 of the Seaford Neighbourhood Plan.

5. The toilet facilities shall be orientated to as to have their doors opening to the side and not directly onto the main are of the promenade. The doors of the beach hut shall open towards the beach.

Reason: To ensure inspections and maintenance can be carried out on the flood defence in accordance with para. 163 of the Revised National Planning Policy Framework and in accordance with pedestrian safety and accessibility in accordance with policy DM25 and DM35 of the Lewes District Local Plan part 2, policy SEA6 of the Seaford Neighbourhood Plan and paras 91 and 106 of the Revised National Planning Policy Framework.

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated 5 August 2020, by Geoff Johnson, Planning Officer, Seaford Town Council) and shall also comply with the following mitigation measures:

- The temporary structures hereby permitted (8 non-habitable beach huts, 4 concession kiosks and 3 toilet huts) can only be constructed and installed within the site boundary identified in the submitted plan (entitled 'Proposed Hut Locations') from 15th April each year (unless otherwise agreed in writing with the Environment Agency), and shall be removed in their entirety by 9th October each year.
- The permanent structures hereby permitted (1 concession kiosk and 1 toilet hut) can remain in place throughout the year, but shall be located towards the back of the promenade (landward side) at all times so that they do not cause an obstruction to the recycling haul road.

All permanent structures hereby approved shall be designed in such a way that in the event of required repairs to the ESCC flood wall, the structure(s) can be lifted onto a Hiab lorry and temporarily removed from the promenade whilst the repair is undertaken.

Reason: In order to ensure flood defences can be maintained to an acceptable standard in accordance with policy CP12 of the Lewes



**Informatives**

1. Seaford beach is a designated sea defence structure, maintained by the Environment Agency. A Flood Risk Activity Permit from us will be required for any works (temporary or otherwise) taking place on or within 16 metres of this defence structure.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

To enquire about the permit application process, the Applicant should contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. We would advise the Applicant to consult with us about a starting their application at the earliest opportunity.

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:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	15/9/20	
Proposed Hut Locations	15/9/20	
Concession Hut	15/9/20	
Porta WC Hut	15/9/20	
Standard Beach Hut	15/9/20	
Platform Detail	15/9/20	
Wheelchair Accessible Beach Hut	15/9/20	

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

**11. Background Papers**

- 11.1 None.

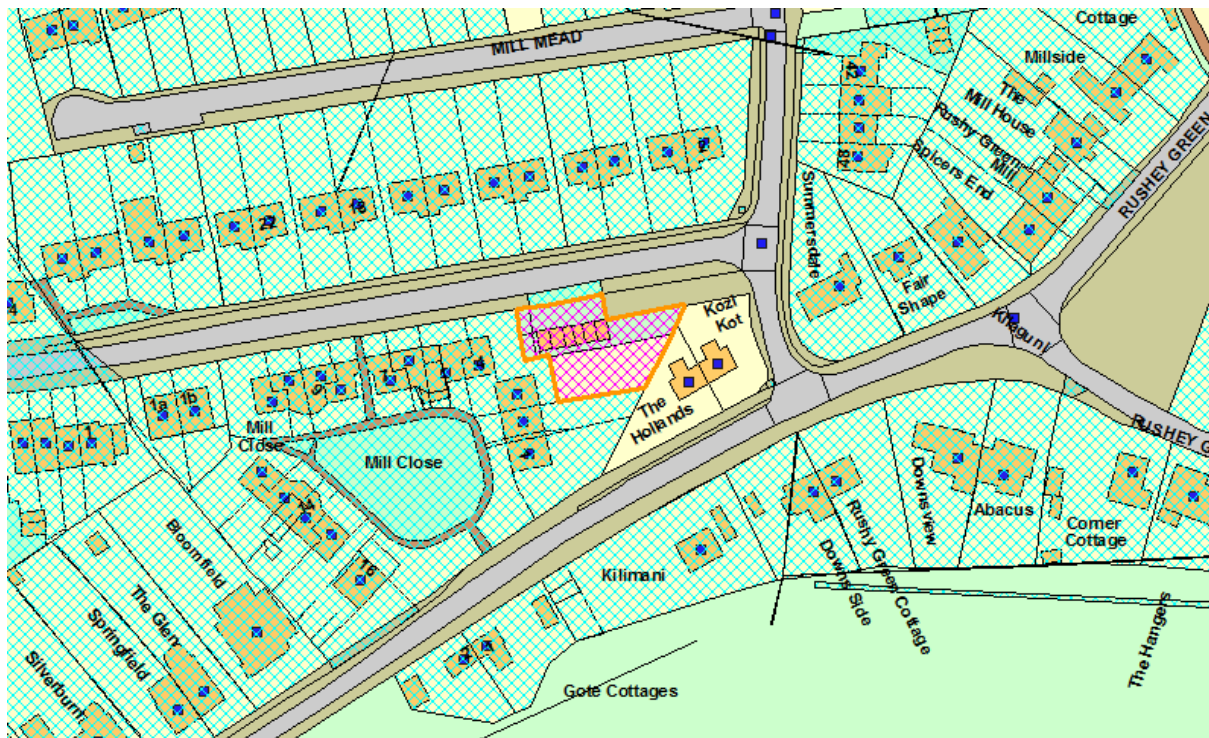
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**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0880  
**Location:** Garage Site, Mill Road, Ringmer, BN8 5JA  
**Proposal:** Demolition of existing vacant garages and construction of one wheelchair accessible, five-bedroom bungalow with associated hardstanding and soft landscaping.  
**Applicant:** Lewes District Council, c/o Leighton Rowe  
**Ward:** Ouse Valley & Ringmer  
**Recommendation:** Grant Planning Permission.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

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**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



## 1. **Executive Summary**

- 1.1 The bungalow proposed by this application has been specially designed to meet the specific needs of a family with disabled members and broadly meets all relevant national and local plan policies.
- 1.2 As the application has been submitted on behalf of the Council, it falls to be determined by the Planning Committee.
- 1.3 Approval is recommended, subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- Achieving sustainable development.
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places

### 2.2 Lewes District Local Plan

- LDLP: – SP2 – Distribution of Housing
- LDLP: – CP1 – Affordable Housing
- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM21 Land Contamination
- LDLP: – DM25 – Design
- LDLP: - DM26 - Refuse and Recycling
- LDLP: - DM27 - Landscape Design

### 2.3 Ringmer Neighbourhood Plan

- RNP: - 5.3 - Proposals for new provision for the elderly & disabled
- RNP: - 6.1 – New homes in Ringmer
- RNP: - 6.2 – Affordable housing
- RNP:- 6.3 – Scale of new development
- RNP:- 8.3 – Parking
- RNP:- 9.1 – Design, massing and height of buildings
- RNP:- 9.2 – Making good use of available land
- RNP:- 9.3- Materials

RNP:- 9.4 – Housing space standards

RNP:- 9.6 – Hard and soft landscaping

RNP:- 9.7 - Types of residential development

RNP:- 9.8 – Housing for the elderly & disabled

### **3. Site Description**

- 3.1 The application site is located on the south side of Mill Road, Ringmer, close to the junction with Shepherds Way and within the planning boundary. The site is not in a Conservation Area or an Area of Established Character.
- 3.2 The site is owned by the council and covers an area of 596m<sup>2</sup> or 0.05ha. At the front of the site is a block of six garages. The land to the rear is laid out as a grassed amenity area. The garages are not big enough to accommodate modern cars and are let on license for storage use. The licenses can be terminated with 28 days' notice and current licensees will be offered alternative premises within Ringmer if required.
- 3.3 Immediately adjacent to the site are properties in Mill Close, a housing scheme for over-55s set around a private open space to the south west of the site, with entrances on Mill Road. These properties share similar design characteristics to properties in this part of Mill Road – i.e. wide fronted bungalows with access at the side, light red brickwork and concrete interlocking roof tiles on shallow pitched roofs. Some of the properties have simple pitched roofs; others have hipped and pitched roofs. Many have hard-standing on the front for off-street parking. Almost all of the front gardens to the bungalows are open with no boundary treatment. There are grass verges between the footpath and the road, which adds to open character of the area.

### **4. Proposed Development**

- 4.1 The application seeks planning permission for the demolition of the garages and construction of a new, 5 bedroom bungalow with front and rear gardens, specifically designed to accommodate a family with complex needs, including wheelchair users.
- 4.2 The new bungalow would have a gross internal floorspace of 160 sqm<sup>2</sup>. Three of the bedrooms are designed to exceed Building Regulations Approved document part M section 3 wheelchair user dwellings with associated accessible wet rooms and accessible bathroom. The circulation, dining and living rooms are also set out in accordance with wheelchair standards. The other two bedrooms and kitchen are set out in accordance with M4(2) adaptable standards as these provide facilities for visiting carers and those with less complex physical needs without excluding access for those wheelchair users.
- 4.3 The residential density of the site would be 20dph. The bungalow has been designed to reflect the character of the existing area, with a materials palette of red brick and interlocking concrete tiles similar to those used in the majority of properties in Mill Road. The shallow pitched roof is hipped and the ridge and eaves heights, at 5.2m and 2.5m, are very similar to other

properties in the area. An array of Photovoltaic cells will be provided on the south facing roof slope.

- 4.4 The front of the bungalow would be 2.5m further forward than the adjacent building line and set back 2.1m from the back edge of pavement. A paved ramped access to the front entrance door will extend across 11m of the site frontage. The existing grassed area along the rest of the site frontage will be retained and supplemented with planting, to reflect the prevailing character of the street.
- 4.5 The application was accompanied by comprehensive Arboricultural and Ecology Reports. The Arboricultural Report recommends that of the four trees on the site, two are of poor quality and should be removed. The Ecology Report includes surveys for protected species; none were found and the report concluded that the site has a low ecological value with scope for enhancement.
- 4.6 Two off-street parking spaces are to be provided, adapting the existing crossover to provide access. One space will be standard size, 3 x 6m, the other accessible at 4.7 x 7.4. A dual electric vehicle charger with fast charge compatible with solar trickle charge will be provided. Storage for 3 cycles and 1 adaptive electric bike and charging point is to be provided as well as a store for refuse and recycling bins.
- 4.7 The tenure of the bungalow will be intermediate or shared ownership, with the council as the Registered Provider.

## 5. **Relevant Planning History**

- 5.1 There is no relevant planning history.

## 6. **Consultations**

### 6.1 Environmental Health

6.1.1 Awaited.

### 6.2 District Services

6.2.1 Awaited.

### 6.3 Planning Policy

6.3.1 Awaited.

### 6.4 Tree and Landscape Officer

6.4.1 Awaited.

### 6.5 Ringmer Parish Council

6.5.1 Ringmer Parish Council objects to this application for the reasons below:

- Substantially further forward than current building line.
- Not in keeping with the area -The proposed property will not be in keeping with surrounding dwellings which are 1 and 2 bedroom bungalows for older people.

- Parking issues - 2 parking spaces is not enough and is not in accordance with Policy 8.3 of the Neighbourhood Plan. There will also be significant impact on Mill Road as there will be an increase of parking, preventing busses from passing on an extremely busy bus route.

## 7. Neighbour Representations

7.1 Representations have been received from two local residents, objecting to the proposal on the following grounds:

- Not acceptable for potential family home with children located so close to retirement homes.
- Site is not big enough for such a large property.
- Negative impact on street scene, too close to the pavement, which would not be good for occupiers.
- There are family homes being built elsewhere in Ringmer which could suit the intended occupants.
- Site would be better used for two new homes for older residents.
- If property is subsequently subdivided to provide 2 properties, there would not be enough space for the level of parking required by Ringmer NP.
- Not enough parking, not acceptable to have parking on the street, doesn't meet Ringmer NP standards.
- Parking survey does not take into consideration that buses and other large vehicles often have to drive onto verges to avoid parked cars.

## 8. Appraisal

### 8.1 Principle

- 8.1.1 The proposal will provide an affordable new home for a family with specific needs within the Ringmer planning boundary, in compliance with policies DM1, SP2, CP1, 5.3, 6.1, 6.2 and 9.8.
- 8.1.2 The proposed new dwelling is a bungalow, which is the predominant dwelling type in this part of Mill Road/Mill Close. Although the properties in Mill Road/Mill Close are generally 2 and 3 bedrooms, this 5 bedroom property has been designed to meet specific needs.
- 8.1.3 The density of the site would be 20dph, which is within the range for the area. The overall floorspace and bedroom sizes exceed the Nationally Described Space Standards. The key requirements of policies CP2, 5.3, 9.2 and 9.7.

### 8.2 Design and landscape

- 8.2.1 The new bungalow has been designed with reference to the appearance, massing and scale of prevailing local character – i.e. single storey, shallow pitched roofs, brick finish to walls and interlocking concrete roof tiles.

- 8.2.2 The building is proposed to be sited forward of the building line in this section of Mill Road, which maximises the space available for the rear garden. This is considered to be appropriate, given the established urban design principle that corner sites offer scope to break existing streetscape pattern. The new building will provide a focal point in the east facing vista along Mill Road, certainly more attractive than the garages it will replace.
- 8.2.3 In all aspects of design, the proposal meets the relevant criteria in policies CP11, DM25, 6.3, 9.1 and 9.3.
- 8.2.4 The design of the front and rear gardens has been informed by the Arboricultural and Ecology reports. The area immediately outside the back doors will be laid as a patio and the remainder to lawn. The landscape scheme includes new trees, shrubs to all boundaries, including special sensory plants, raised flower beds, insect and bee hides, a bat box and starling and sparrow hides. All of these measures will enhance the ecological value of the site and provide a stimulating environment for the future residents. Accordingly, the scheme is compliant with policies DM27 and 9.6.

### 8.3 Amenity

- 8.3.1 The siting of the proposed new house and its juxtaposition with surrounding properties avoids any overshadowing or overlooking conflicts.
- 8.3.2 The overall floorspace and bedroom sizes exceed the Nationally Described Space Standards. The layout meets wheelchair mobility standards and will provide a spacious and welcoming home for its intended occupiers. The plans indicate a store for refuse and recycling.
- 8.3.3 The proposal meets the amenity criteria of policies CP11, DM25 and 9.4, and policy DM26.

### 8.4 Transport and parking

- 8.4.1 The site is very well located in terms of access to local facilities and bus routes.
- 8.4.2 The ESCC Parking Calculator indicates that a development of this type (affordable, 5 bedrooms) in this ward would generate a need for 2.36 parking spaces. Two spaces will be provided on site, with one of extended width for disability use, and a dual electric car charge point.
- 8.4.3 The application was accompanied by a Highways and Parking Statement which indicates that there is capacity for additional on street parking, and that the reduction in width of the access to the site will result in one additional on-street parking space should the need arise.
- 8.4.4 Notwithstanding, policy 8.3 of the Ringmer Neighbourhood Plan requires a higher level of on-site parking for residential development than ESCC standards. For this development, three parking spaces would be required.



- 8.4.5 In this instance it is considered that there are overriding social benefits of the scheme, which has been designed to provide an affordable bungalow to meet specific physical needs of a family. A further space could potentially be provided to the east of the dwelling but this would impact on the verdant nature of the landscaping in the public realm and result in the loss of a street tree. Personal circumstances can, in exceptional circumstances, be a material consideration. In this case it is recommended those circumstances and the need to provide a dwelling to meet the specific need of a family justify an exception to the NP plan parking standard to be made.
- 8.4.6 A secure, covered store for 5 cycles, including one electric bike and charger is shown on the submitted plans.
- 8.4.7 In terms of sustainable transport, it is considered that the proposal meets the aims of policy CP13.

## 8.5 Sustainability

- 8.5.1 The application was accompanied by a Sustainability Statement which sets out a comprehensive strategy to reduce carbon emissions and water use. The measures proposed include:
- Fabric first approach to reduce heat loss
  - Photovoltaic panels on the south facing roof
  - Mechanical ventilation and heat recovery system
  - Electric boiler
  - Underfloor heating
  - Rainwater harvest tank to attenuate surface water run-off
  - Taps and sanitary products chosen to reduce potable water usage.
- 8.5.2 These measures will meet the requirements of policy CP14.

## 8.6 Contaminated land

- 8.6.1 As the site has previously been used for garaging of vehicles, standard land contamination conditions will be applied, in accordance with policy DM21.

## 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.

### 10.2 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, DM25 of the Lewes District Local Plan, policy 9.3 of the Ringmer Neighbourhood Plan and having regard to the National Planning Policy Framework.

2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) all previous uses

- (b) potential contaminants associated with those uses

- (c) a conceptual model of the site indicating sources, pathways and receptors

- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 National Policy Guidance contained in the National Planning Policy Framework.

3. No development shall commence, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters –

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors; loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- 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; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- temporary lighting for construction and security;
- public engagement both prior to and during construction works;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of 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 CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.

4. No development above ground floor slab level shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

5. No development shall take place above ground floor slab level until details for the provision of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to the first occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

6. Prior to commencement of development, the tree protection measures as set out in the Arboricultural Methodology Statement shall be carried out in full.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy CP10 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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 National Policy Guidance contained in the National Planning Policy Framework

8. The development hereby approved shall not be occupied until the car parking facilities as shown on the approved plan have been made ready for use.

Reason: To provide suitable car-parking space for the development.

9. The development hereby approved shall not be occupied until the cycle storage facilities as shown on the approved plan have laid out and made ready for use.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. The development hereby approved shall not be occupied until the refuse and recycling facilities as shown on the approved plan have been made ready for use.

Reason: To ensure that the facilities are available having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. The development hereby approved shall not be occupied until the landscaping, planting and ecological enhancements shown on the approved plans have been carried out in full.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan, policy 9.6 of the Ringmer Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Design & Access Statement	17 December 2020	Design & Access Statement
Additional Documents	17 December 2020	Sustainability & Energy Statement
Location Plan	17 December 2020	P-300-Rev 02
Proposed Block Plan	17 December 2020	P-300-Rev 02
Other Plan(s)	17 December 2020	PE-303 rev 05-

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
		Proposed site plan
Proposed Floor Plan(s)	17 December 2020	P-304 rev 03
Proposed Roof Plan	17 December 2020	P-304 rev 03
Proposed Elevation(s)	17 December 2020	P-305 rev 04
Proposed Section(s)	17 December 2020	P-306 rev 03
Other Plan(s)	17 December 2020	P-306 rev 03 artist impression
Additional Documents	17 December 2020	Highways & Parking Statement
Additional Documents	17 December 2020	Ecological Impact Assessment
Additional Documents	17 December 2020	Existing tree schedule
Other Plan(s)	17 December 2020	001-01 Tree constraints plans
Other Plan(s)	17 December 2020	002-02 Tree retention and protection plan

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

11. **Background Papers**

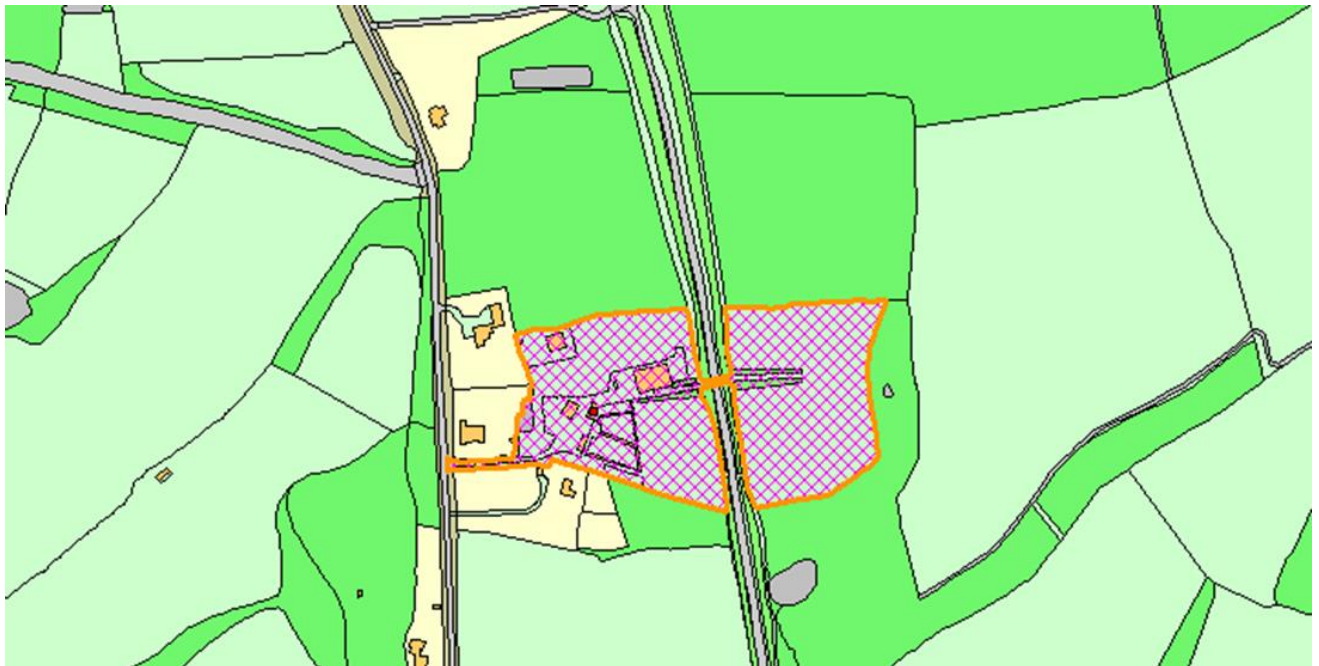
11.1 None.

**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0417  
**Location:** Brickyard Farm, Town Littleworth Road, Barcombe, East Sussex, BN8 4TD  
**Proposal:** Variation of condition 1 (Landscaping), 4 (Number of Pitches), 5 (Car Parking) and 7 (Approved Plans) as attached to planning permission LW/11/1500 (incorporating subsequent amendments approved under LW/12/0917 and LW/13/0636) to allow for increase in number of pitches to 21 (including an additional 3 camping pods), additional car parking and landscaping/ecological enhancements.

**Ward:** Chailey, Barcombe & Hamsey  
**Applicant:** Mr T Bullen  
**Recommendation:** Approve subject to conditions.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

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## Map Location:



## 1. Executive Summary

- 1.1 It is considered that the proposed development represents a sustainable expansion of an existing rural enterprise that would improve the visitor accommodation offer, in line with development plan policies, without resulting in a detrimental impact upon environmental, residential or visual amenity, biodiversity or highway safety.
- 1.2 It is therefore recommended that the application is approved subject to the conditions listed at the end of this report.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

NPPF: - 2 – Achieving sustainable development;

NPPF: - 4 – Decision-making;

NPPF: - 6 – Building a strong, competitive economy;

NPPF: - 8 – Promoting healthy and safe communities;

NPPF: - 12 – Achieving well-designed places;

NPPF: - 14 – Meeting the challenge of climate change, flooding and coastal change;

NPPF: - 15 – Conserving and enhancing the natural environment;

### 2.2 Lewes District Local Plan (Parts 1 and 2)

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP5 – The Visitor Economy

LDLP: – CP7 – Infrastructure

LDLP: – CP8 – Green Infrastructure

LDLP: – CP9 – Air Quality

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: – DM10 – Employment Development in the Countryside

LDLP: – DM12: Caravan and Camping Sites

LDLP: – DM14: Green Infrastructure

LDLP: – DM17: Former Lewes/Sheffield Park Railway Line

LDLP: – DM20: Pollution Management

LDLP: – DM21: Land Contamination

LDLP: – DM23 – Noise

LDLP: – DM24 – Protection of Biodiversity and Geodiversity

LDLP: – DM25 – Design

LDLP: – DM27 – Landscape Design

LDLP: – DM33 – Heritage Assets

## 3. **Site Description**

3.1 Brickyard Farm occupies an area to the eastern side of Town Littleworth Road and falls outside of the planning boundary. The wider site is



approximately 0.47ha used as a campsite and for other commercial uses. The access leads to a hard surfaced parking area (approx. 30 x spaces) and a complex of 1-2 storey buildings used as:

- the campsite reception with a kitchen and storage and leased offices (occupied by a firm of ecologists at first floor level) ('the Nest');
- a toilet and shower block (32sqm);
- a designer's studio/ workshop (the 'Matchbox');
- a small wash-up station; and
- a large barn (380sqm) most recently used for storage by an auctioneer.

(The use of these buildings was altered under application LW/20/0413 approved by the Planning Applications Committee on 20 January 2021)

- 3.2 The site comprises two parcels of land that are bisected by the tree lined track bed of the former Lewes to East Grinstead railway line. Outside of the main yard area, the site is comprised of maintained grass/wildflower areas interspersed with areas of scrub and hedging. A number of small trees are distributed around the site interior. The entire northern boundary of the site is flanked by the edge of relatively dense woodland in the form of Brickyard Wood/Oldpark Wood, which is ancient woodland. The southern edge of the western field is also bordered by ancient woodland at Knowlands Wood. This woodland is also a designated Local Wildlife Site. There are no specific planning designations or constraints attached to the site itself.
- 3.3 The general character of Town Littleworth Road is that of an intimate rural land, flanked by woodland and hedgerow with filtered views towards enclosed fields. The landscape opens up towards the south with woodland being replaced by fields enclosed by lower hedgerows, allowing for wider ranging views. Buildings are sporadic and are generally in agricultural or commercial use and are sympathetically screened.
- 3.4 The settlements of South Chailey and Barcombe are approx. 2.75 km and 3.5 km driving distance from the site respectively. These settlements can also be accessed via the public footpath network, with a number of footpaths being close to the site.
- 3.5 The access is also used for the applicant's dwelling, 'The Old Brickhouse', which lies to the south and is Grade II listed; and 'Woodside' which adjoins the entrance to the site to the north. White Lodge, a B+B, is further north and has a separate access.
- 3.6 There are currently 18 camping pitches provided on site. The business limits each pitch to 4 adults and 7 people in total however the average number of guests per pitch is 3. The number of guests on average in peak season is therefore in the range of 54, up to 126 at maximum capacity. Planning permission was recently granted to convert the large barn to a facilities building serving the campsite (including reception, office, shower blocks and communal space) and the replacement of the existing toilet/shower block with a new building accommodating 2 x artist studios.

#### **4. Proposed Development**

- 4.1 The application seeks to vary a number of conditions attached to the original planning approval in order to allow for the amount of pitches provided to be increased from the current 18 to 21, inclusive of the provision of 4 x free-standing camping pods, an additional pitch for a tent, the increase of parking on site, provision of passing lay-bys at on the site access road and modifications and improvements to the existing site landscaping to incorporate ecological gain.
- 4.2 The increase to 21 pitches would also involve a partial reconfiguration of the site and the type of pitches provided. Two existing tent pitches in the western field would be occupied by two new free-standing camping pods. A further two pitches would be formed towards the southern side of the western field in order to accommodate a further 2 x camping pods. An additional tent pitch would be provided in the eastern field, on the site of an existing composting toilet. Therefore, the proposed development would result in a net gain of 3 pitches (18 to 21)
- 4.3 The camping pods are of mixed design. All are timber framed and timber clad with the exception of structure #2 which comprises a canvas tent raised over a timber deck area. The new pods would be occupied by 3 to 5 persons at any one person whilst the tent pitch, in common with existing tent pitches, would be for use by up to 7 persons.
- 4.4 An additional 3 car parking spaces would be provided, utilising the existing hard surfaced area. This would increase the total amount of marked out car parking spaces in site to 38. In addition an amended plan has also been provided to show 2 passing spaces located on the access road into the site (to address an issue raised by the Committee when the previous application was considered).
- 4.5 Additional soft and hard landscaping would be carried out in order to provide further screening towards the south-western corner of the site as well as to enhance ecological value and to reinforce the buffer area maintained around the fringes of the adjoining ancient woodland. These works involve new native hedge planting, formation of wildflower rich grassland and increasing the depth of an existing pond in the south-eastern corner of the western field.
- 4.6 Soft verging and a small amount of hedging adjacent to the existing access road would be cut back to allow for the formation of two new passing bays.

#### **5. Relevant Planning History**

The site was historically in use as a nursery (Chubbs Nursery). Planning permission was originally granted for change of use to a camp site in 2012 (ref: LW/11/1500) and the use has subsequently expanded and modified over time by way of increasing the number of pitches, the amount of parking and introducing buildings in the form of camping pods. A number of the original agricultural/horticultural buildings have also been replaced or converted, either to uses supporting the campsite operation or to provide commercial workshop/storage space.

##### **5.1 Campsite/ camping pitches**

**LW/11/1500** Change of use of existing agricultural land for use as a campsite and conversion of existing building for use as a toilet block. Approved Mar 2012 subject to conditions incl. hedge to Chubbs Bungalow (now Woodside) (1); ancient woodland buffer (2); restricted check in/ out times 08:00-20:00 (3); limit of 15 separate campsite pitches (4); provision of parking on approved plans (5); cycle parking (6); approved plans (7).

**LW/12/0917** Variation of conditions 2, 4 & 5 relating to planning approval LW/11/1500 to allow the installation of a 'Tree-Tent' and car parking space. Approved Jan 2013 subject to conditions incl. maintenance of ancient woodland buffer (1); max of 16 separate campsite pitches (2); additional parking space (3); approved plans (4).

**LW/13/0636** Variation of conditions 2 and 3 relating to planning approval LW/11/1500 & LW/12/0917 to provide for an additional two pitches and two parking spaces. Approved Nov 2013 subject to conditions including a max of 18 separate pitches (1) parking (2) 30 spaces altogether; and approved plans (3).

## 5.2 Current campsite reception and offices –The Nest

**LW/16/0614** Demolition of existing packing shed and replacement with office building (120sqm). Approved.

**LW/17/0244** Variation of condition 1 relating to planning approval LW/16/0614 to increase natural light into the building. Use restricted to B1 only.

## 5.3 The Matchbox

**LW/09/0546** Change of use and conversion of former shop to B1 office use. Approved July 2009.

**LW/10/0041** Change of use and conversion of former shop to B1 office use (amendment to planning approval LW/09/0546) [Match Box approx. 55sqm]. Approved Mar 2010.

**LW/13/0132** Non-material amendments to planning approval LW/10/0041 [to convert and re-use existing building and clad it rather than remodel it]. Approved Feb 2013.

## 5.4 The Barn

**LW/06/1255** Change of use of barn to classes B1 light industrial and/or B8 storage (360-380sqm). Approved Feb 2007 subject to conditions.

**LW/20/0413** Partial change of use of existing barn (Class B1/B8) to a flexible campsite facility building and change of use and replacement of the existing shower block into 2no. class B1 studios and associated parking. Approved Conditionally 21st January 2021.

## 5.5 New workshop building

**LW/19/0864** Demolition of polytunnel structure, erection of one storey workshop and storage building (144sqm), also introduction of a new wildlife area (550sqm with a pond) [to the north/ north west of the reception]. Approved 13/05/2020.

## 6. Consultations

### 6.1 Barcombe Parish Council – Objection.

- Overdevelopment of the site.
- A departure from the original ethos of the site due to increase in numbers.
- Lack of comment by ESCC Highways.
- Harm to privacy of neighbours and other businesses in the area due to increase in traffic and noise.
- Significant increase in parking spaces to 40.
- Relocation of all pitches to the east of the railway line would be appreciated by neighbours.

### 6.2 Environmental Health – Proposal supported

No conditions necessary in the context of EH as believed no potential impacts for neighbouring residents.

### 6.3 Planning Policy

In the rural areas of the district, Core Policy 4 supports the conversion of existing buildings to business use, appropriate well-designed new business units, and sustainable tourism developments. Core Policy 5 expresses a presumption in favour of the retention and improvement of the existing visitor accommodation stock, including camping and caravan sites, and support the development of an all year-round visitor economy.

Core Policies 4 and 5 are given more detailed expression through Policy DM10, which permits the conversion or replacement of existing rural buildings to provide small-scale employment development, subject to certain criteria, and Policy DM12, which permits proposals for the extension of existing camping sites, subject to certain criteria. Proposals for new, static caravan sites are not permitted.

It is noted that the site boundary is immediately adjacent to ancient woodland and existing residential properties. Support for the rural and visitor economy must therefore be weighed against any potential harmful impact on an irreplaceable habitat or the residential amenities of neighbouring properties, in accordance with Core Policy 10 (Criterion 1), Policy DM24 and Policy DM25 (Criterion 7).

A further issue is the construction of the four 'camping pods' (LW/20/0417), which in my opinion, do not fall within the definition of caravans but should instead be considered buildings or structures, applying the 'Skerrits' test, i.e. size, permanence and degree of physical attachment to the land. As such, the camping pods represent development and their construction will require planning permission.

The pods would undoubtedly enhance the existing tourist accommodation offer and also contribute towards supporting an all-year round visitor economy, in accordance with the objectives of Core Policy 5 (Criteria 1-4). It is also the case that they would be smaller and less obtrusive than either touring caravans or larger static caravans.

Accordingly, if it is considered that the camping pods would form part of a well-established camping site (and hence require a countryside location), and that their introduction would not compromise the distinctive character and landscape qualities of the locality, it may be concluded that this element of the overall development is also consistent with Policy DM1.

#### 6.4 **ESCC Highways** – No objection

Whilst the number of pods are increased and given their structure they may lead to an extended tourist season, it is noted that there is currently no restriction on times of year that the campsite can operate.

It is considered that the trip generation of approximately 6 a day from these 3 extra pitches would not be a material increase in traffic. Thus I have no objection to the 3 extra pitches subject to 3 extra parking spaces being provided.

Whilst the application refers to 3 additional parking spaces being provided the parking is only shown on the other submitted application LW/20/0413 for change of use.

Cycle parking and on-site turning facilities are not shown but could be dealt with by conditions along with the parking.

#### 6.5 **Biodiversity Officer** – Recommend for approval subject to conditions:

No designations on the site however number of local wildlife sites in the vicinity and 20m from ancient woodland. Measures to improve ancient woodland buffer together with nature, scale and location of the proposed development means there is unlikely to be any impacts on designated sites and ancient woodland.

Proposal would largely affect poor semi-improved grassland and scattered trees which are to be translocated/ replaced. Parking area to be grasscrete/geocrete and sown with wildflowers and grass seed.

Measures to protect and enhance habitats for protected species acceptable and would result in net gain. Submitted Preliminary Ecological Appraisal (PEA) is acceptable.

### 7. **Neighbour Representations**

#### 7.1 Two letters of objection have been received, the contents of which are summarised below:-

- Narrow road with poor visibility. Highway safety concerns. Increase in parking spaces and volume of traffic especially if the site is used for groups and events and the commercial facilities are expanded. HGVs and cars. Travel plan ineffective. No public transport. Highways should be consulted.
- Hardstanding could be used for additional parking beyond what's formally shown if parking is not marked out.
- Disturbance from additional traffic in close proximity to neighbours.
- Request additional screening to protect amenities at White Lodge up to first floor level.

- Overdevelopment of the site resulting in harmful impact upon residential and environmental amenity.
- Proposal contradicts original justification for restricting number of pitches (neighbouring amenity). Number of pitches is in breach of the camp site licence.
- Will result in increased light pollution.
- Noise mitigation measures should be provided.
- Air pollution from fires and additional cars. Cumulative effect with Covid-19.
- Harm to tranquillity, character and appearance of the area.
- Harm to wildlife.
- Loss of privacy and overlooking of neighbouring property including woodland. Buildings visible from neighbouring properties and ancient woodland.
- Increased noise and disturbance due to larger number of campers and year round use supported by camping pods.
- Noise and smoke (from camp fires) resulting in disturbance, air pollution and health problems.
- No complete site plan and number of pitches unclear. Clarity needed on how many people are allowed per pitch.
- Ancient woodland buffer not provided as previously required by condition and infringed by campers.
- Ecology report does not cover light or air pollution.
- Comments received in support are not from people who live in the immediate area.

7.2 Seven letters of support have been received, the contents of which are summarised below:

- Relocation of the campsite reception/ hub further east is welcomed.
- Planting, wildlife enhancement, conservation, eco-tourism, education and a quiet and spacious environment at forefront of site operation.
- Site provides an opportunity for families and others to visit and experience nature. Proposal would provide an area for learning for various groups.
- Other businesses on the site chosen due to their quiet, complementary nature. Lovely peaceful environment to work from. Have never experienced anti-social behaviour or disturbance from traffic or other factors on the site.
- Site is well run and an asset to the local economy/ community with knock on benefits for nearby farm shop, pub and café.

7.3 Officer Response to public representations:

- 7.3.1 The majority of issues raised are addressed in the main body of this report. It is considered that, provided the site is appropriately managed, noise, light and air emissions can be effectively controlled. Any disturbances can be investigated by Environmental Health Officers. A revised site plan showing the full extent of the site, and including the ancient woodland buffer zone, has been submitted. ESCC Highways have been consulted. The provenance of letters of support is not a material planning condition although it is noted that local businesses, including those with premises on Town Littleworth Road, are among the correspondents.

## 8. **Appraisal**

### 8.1 Key Considerations

- 8.1.1 The main considerations relate to the principle of the use; the impact upon the character and appearance of the area/environment; the amenities of residents and visitors; highway safety; and biodiversity.
- 8.1.2 Further matters such as light pollution, drainage and heritage are also discussed below.

### 8.2 Principle

- 8.2.1 The site is located outside of the planning boundary, as defined in Lewes District Local Plan part 2, and, therefore, development is subject to more stringent control as per policy DM1 of the Local Plan.
- 8.2.2 The sustainable expansion and enhancement of tourist accommodation facilities, including those that fall outside of the planning boundary, is supported by a number of development plan policies as well as para. 83 of the Revised National Planning Policy Framework which states that planning decisions should support the 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings' and 'sustainable rural tourism and leisure developments which respect the character of the countryside.'
- 8.2.3 This is echoed in policies CP4 and CP5 of the Lewes District Local Plan part one which promote the development of sustainable tourism, support the upgrading and enhancement of existing visitor attractions and encourage the provision of emerging and innovative accommodation offers. Policy CP5 also includes an objective to support a year-round visitor economy.
- 8.2.4 The site is partially enclosed by ancient woodland. Para. 175 (c) states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.' The woodland is also identified as a Local Wildlife Site. Policy DM24 of the Lewes District Local Plan part 2 states that 'development which would result in damage or loss to a site of biodiversity or geological value of regional or local importance including....Local Wildlife Sites...will only be permitted where the benefits of the development clearly outweigh the damage to the

conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity’.

- 8.2.5 It is considered that, as the proposed development represents an expansion of an existing tourist accommodation use that supports the rural economy and is an appropriate use, in principle, for a countryside location. The suitability of this expanded use in terms of the considerations and criteria set out in the paragraphs above will be assessed in the main body of this report.

### 8.3 Impact upon the Character and Appearance of the Surrounding Area

- 8.3.1 The overall campsite has a self-contained quality owing to being enclosed by a mix of mature hedgerow and ancient woodland. This landscaping provides an effective screen to the campsite that is also visually sympathetic and wholly compatible with the surrounding environment, indeed its presence is a defining feature of the overall character of the area.
- 8.3.2 The proposed development involves provision of additional camping pitches and modestly sized camping pods. It is not considered that this modest increase would compromise the informal, low density layout of the existing camp site given the amount of space available, the separation maintained between built forms, the maintenance and enhancement of existing landscaping and biodiversity features and the fact that two of the proposed camping pods would be positioned on existing pitches. Furthermore, the additional 3 x car parking spaces would be accommodated within the existing hard surfaced area to the west of the large barn and, as such, would not require additional hard surfacing to be provided.
- 8.3.3 Given the modest increase in intensity of the use its compatibility with the rural environment, it is not considered that the proposed development would result in activity of an intensity or nature that would be unacceptably disruptive or erode the rural tranquillity of the surrounding environment, subject to appropriate management measures that can be put in place and secured by planning condition.
- 8.3.4 The proposed camping pods are timber structures that could be positioned on site without the need for excessive digging or concreting. They could also be easily removed in the event that the camp site use ceased. It is therefore considered that they are compatible with the rural environment. Furthermore, the pods are considered to demonstrate innovative design which is consistent with the stated objective within policy CP5 of the Lewes District Local Plan part 1 to encourage innovative accommodation offers that diversify the forms of visitor accommodation available and, therefore, cater for wider visitor preferences. The provision of additional covered and weathertight structures that would support the development of a year-round visitor economy.
- 8.3.5 The additional camping pitch proposed in the eastern field would replace a compost toilet facility which is adjacent to other pitches, is accessible via the existing mown path network and is in an area



surfaced by regularly maintained semi-improved grassland. As such, the pith would not appear isolated or secluded nor would it require the formation of any additional tracks.

- 8.3.6 It is considered the low density/low scale nature of the development and the natural screening available means that there would be no adverse impact upon the setting of the Grade II Listed property 'The Old Brickhouse'.
- 8.3.7 Given the rural location, the surrounding environment is particularly sensitive to light pollution. Provision of excessive external lighting would undoubtedly detract from the overall tranquillity of the area as well as have an impact on nocturnal wildlife such as bats. A planning condition will therefore be used to prohibit the installation of external lighting other than that for which the specifications have been submitted to and approved by the Local Planning Authority. The proposed camping pods do not incorporate any large openings and it is considered spillage from any internal lighting would be minimal and not to a degree that would compromise night time tranquillity.
- 8.3.8 It is therefore considered that the proposed development would preserve the local landscape, with a level of enhancement also provided through the planting of new hedgerow towards the south-eastern corner of the site. As such, the proposed development is considered to comply with policy CP10 of the Lewes District Local Plan part 1 and policies DM12, DM25 and DM33 of the Lewes District Local Plan part 2.

#### 8.4 Neighbour Amenity:

- 8.4.1 Although the site is in a rural location, there is a cluster of residential properties on adjoining plots of land, these being at 'White Lodge', 'Woodside' and 'The Old Brickhouse' all of which are to the west of the site, flanking the highway.
- 8.4.2 The site has been operated as a campsite for a number of years and no objections have been raised against the proposed works by the Council's Environmental Health Department. The proposed works involve a modest increase in the amount of pitches provided on site. For context, the original permission allowed for 15 x pitches. A restrictive condition was used to prevent expansion as a means to enable control of future expansion of the site but not to prevent it in the event it could be demonstrated it would not result in a harmful impact.
- 8.4.3 It is considered that the proposed development, which will increase the total amount of pitches available to 21, does not represent a significant intensification of use nor support any form of use not currently present on the site. The pitches are sited well away from boundaries shared with neighbouring properties and do not extend outside of the areas that form the existing camp site. The overall operation includes management and facility buildings ensuring there is sufficient site security and that the site can be managed to control noise, light and air emissions. It is noted that amplified music is prohibited as is the use of external lighting.

- 8.4.4 Town Littleworth Road is a quiet and narrow rural lane. It is not considered the marginal increase in the capacity of the camp site would result in a significant and disruptive increase in vehicular movements. It is noted that the new camping pods are of modest size and could not accommodate large groups. The existing condition that prohibits any check in/check out from taking place outside of the hours between 08:00 and 20:00 will be carried over to ensure neighbouring residents are not disturbed by these operations and associated vehicle movements during the night.
- 8.4.5 It is therefore considered that the proposed development would not detract from the amenities of neighbouring residents in an unacceptable way and that the overall site can be well managed through use of the range of management and maintenance facilities provided on site.

## 8.5 Highways and Transport

- 8.5.1 The proposed development would result in a net increase of 3 camping pitches on the site. The amount of pitches for tents would decrease by 1 (with 2 existing pitches being removed and 1 new pitch being provided) meaning the increase would be in the form of the proposed camping pods, which are relatively small and would not support occupation by large groups.
- 8.5.2 It is therefore considered that any increase in vehicular traffic would be minimal and, as such, there would be no unacceptable disruption on the surrounding highway network. The existing access is considered suitable for continued use without modification and an additional 3 car parking spaces would be provided to ensure there is ample space on site for vehicles to park as well as space for turning and passing. As such, vehicles will be able to enter and leave the site in forward gear and would not come into conflict when manoeuvring, thereby preventing potential for vehicles needing to back onto Town Littleworth Road and presenting a highway and pedestrian hazard. In addition, two new passing bays would be formed on the access road in order to minimise conflict between vehicles entering and leaving the site and mitigating risk of vehicles entering the site reversing back onto the highway to allow vehicles leaving the site to pass.
- 8.5.3 The effective management of check in and check out times would help control of traffic both on site and on the surrounding highway network. A Travel Plan has been provided. This includes details of how customers would be made area of train services available at Cooksbridge Station (approx. 2.9 km to the south of the site). It is also draws attention to the surrounding footpath network which provides leisure opportunities for customers as well as connectivity with nearby settlements which may reduce demand on the use of motor vehicles.
- 8.5.4 ESCC Highways have confirmed that they have no concerns relating to increase in traffic or in relation to highway safety.

8.5.5 The track bed of the former Lewes to East Grinstead railway line bisects the site. Unlike to former Lewes to Uckfield line, there is no long term plan in place to protect the route in anticipation of a restoration of rail services. However, policy DM17 of the Lewes District Local Plan part 2 does seek to maintain the route to support informal recreational uses, such as walking, cycling and horse-riding. The proposed development would not compromise this objective and would, in fact, support it as customers may wish to walk or cycle along the route.

## 8.6 Biodiversity and the Natural Environment

8.6.1 The proposed works do not involve any extensive digging or concreting and, given the modest size of the camping pods, a minimal amount of grassland would be impacted. The areas of the site where works would be carried out comprise semi-improved and amenity grass areas that are regularly mown and maintained and, therefore, do not have a notable value in terms of biodiversity.

8.6.2 The site is flanked by ancient woodland to the north and south. This woodland is also designated as a Local Wildlife Site (a non-statutory designation for sites that contain features of substantive nature conservation value). A condition attached to the original approval for use as a camp site (LW/11/1500) stipulates that a 15 metre wide buffer zone shall be maintained around the fringes of the woodland and that no camping pitch should encroach into this area. The proposed scheme would not compromise this buffer zone and the condition will be carried over to any approval given to ensure the zone is maintained in order to minimise impact upon the woodland/local wildlife sites.

8.6.3 The applicant has submitted an Ecological Assessment which includes a comprehensive habitat survey, identifying the presence of any protective species and setting out mitigation and enhancement measures to ensure that the overall biodiversity value of the site is protected and improved.

8.6.4 The presence of Great Crested Newts in nearby ponds has been identified. Grass snakes, slow worms and common lizard are also known to be present on site. The Ecological Assessment sets out measures to protect reptiles during construction, noting that only a small area of semi-improved/amenity grassland will be affected. If grass cutting required to support the development is carried out between March and October (when Great Crested Newts and other reptiles are active) then it would be carried out under the supervision of an ecologist.

8.6.5 Ecological enhancements incorporated include the planting of a new native hedging in the south-western corner of the site. This would connect with the existing hedgerow running along the southern site boundary. In addition, an area of land currently used for growing vegetables and for ornamental planting and amenity grass would be replanted with a meadow mixture and managed as a mosaic of habitats, with both long grass including tussock forming species and a greater diversity of flowering species.

- 8.6.6 With specific regard to Great Crested Newts, the pond in the south-eastern corner of the western field would Pond 2 would be increased in depth in its eastern extent in order to extend the period it holds water and increase the depth to give suitability for breeding Great Crested Newts.
- 8.6.7 A management programme is also provided. This includes details of how pond and grassland habitats will be maintained and how the trimming of trees and hedgerow, for example to maintain site accessibility, will be performed outside of the bird nesting season as far as practicable and, if required during the bird nesting season, works would be supervised by an ecologist.
- 8.6.8 The proposed development does not include any external lighting. As such, the night time tranquillity of the wider surrounding area would be maintained and there would be no harmful impact upon nocturnal wildlife.
- 8.6.9 The ESCC Ecologist has stated that 'provided the recommended mitigation measures are implemented, there are unlikely to be any significant ecological impacts. The proposed enhancements will result in a net gain for biodiversity. It is therefore recommended that the proposals can be supported from an ecological perspective.'

## 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 the application is approved subject to the conditions listed below. These included the conditions attached to the original planning approval (LW/11/1500), which will be modified as necessary, and additional conditions relating to control of external lighting and management of the site.

### 10.2 Conditions

- 1. The additional landscaping shown approved plan SCC-LUM002 Rev 02 and specified within the Ecological Assessment produced by Bakerwell and dated June 2020 shall be fully implemented in the first planting season, following the formation of the additional pitches hereby approved and completed strictly in accordance with the approved details. This includes evergreen planting to screen Woodside which shall be maintained to a minimum height of 1.8 metres to screen the proposed car parking area as approved under application LW/12/0593/CD.

Reason: In the interest of visual and environmental amenity and providing an ecological gain in accordance with policy CP10 of the Lewes District Local Plan part 1, policies DM12, DM14, DM17, DM25 and DM27 of the Lewes District Local Plan part 2

2. The buffer zone with the adjacent semi-natural ancient woodland, as indicated on approved plan SCC-LUM002 Rev 02 shall be maintained for the perpetuity of the development and shall not be encroached by campsite pitches unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting surrounding habitat in accordance with policy CP10 of the Lewes District Local Plan part 1, policy DM24 of the Lewes District Local Plan part 2 and section 15 of the Revised National Planning Policy Framework.

3. Check-in and check-out times for the campsite shall be restricted from 08:00 hours to 20:00 only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to manage activity and noise in accordance with policy CP11 of the Lewes District Local Plan part 1 and policies DM20 and DM23 of the Lewes District Local Plan part 2.

4. The development hereby permitted shall be limited to a maximum of 21 separate campsite pitches, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM12, DM25 and DM27 of the Lewes District Local Plan part two.

5. The additional pitches hereby approved shall not be occupied until the parking spaces shown on approved plan SCC-LUM002 Rev 02 have been provided in accordance with the approved plan and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Each parking space must measure a minimum of 2.5 metres in width by 5 metres in length (with an additional 0.5 metres added if abutting a wall). The remaining hard surfaced area shall be kept free from obstructions in order to allow for the turning and passing of vehicles.

Reason: In the interest of preserving the character of the surrounding area, the movement of traffic and highway safety in accordance with policies CP10 and CP11 of the Lewes District Local Plan part 1, policy DM25 of the Lewes District Local Plan part 2 and paras. 102, 108 and 109 of the Revised National Planning Policy Framework.

6. The additional camping pitches hereby approved shall not be occupied until secure and covered cycle parking has been provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In order to promote the use of sustainable modes of transport in accordance with policy CP13 of the Lewes District Local Plan part 1 and para.108 of the Revised National Planning Policy Framework.

7. The ecological enhancement and mitigation measures set out in the Ecological Appraisal produced by Bakerwell and dated June 2020 shall be

carried out prior to the occupation of any of the additional pitches hereby approved (with the exception of planting which shall be carried out during the first planting season following first occupation) and shall be maintained in place and managed in accordance with the details provided throughout the lifetime of the development.

Reason: In the interest of preserving and enhancing biodiversity in accordance with policy CP10 of the Lewes District Local Plan part 1, policy DM24 of the Lewes District Local Plan part 2 and para. 170 of the Revised National Planning Policy Framework.

8. No external lighting shall be installed on any buildings or within any part of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to maintain the night time tranquillity of the surrounding rural environment in accordance with policy CP10 of the Lewes District Local Plan Part 1, policies DM20 and DM25 of the Lewes District Local Plan Part 2, and paras. 170 and 180 of the Revised National Planning Policy Framework.

9. The additional camping pitches hereby approved shall not be occupied until the passing places indicated on plan number SCB-LUM012 Rev01 have been provided in accordance with the approved plan.

Reason: In order to safeguard the safety and amenity of neighbours and other road user in accordance with policy DM25 of the Lewes District Local and the Revised National Planning Policy Framework.

### **Informatives**

1. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, remove from the site and disposed of in an appropriate manner. It is offence to burn trade waste.
2. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting the site and neighbouring properties to get a better understanding of the operation and issues, seeking further information to address 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. The development hereby permitted shall be carried out in accordance with the following approved drawings:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Site Location Plan	3 July 2020	1:2500
Site Plan Proposals	25 August 2020	SCC-LUM002 Rev 02
Proposed Elevations	3 July 2020	SCB-LUM003 Rev 01

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Structure #1 - Okra		
Proposed Elevations Structure #2 - Cru	3 July 2020	SCB-LUM003 Rev 01
Proposed Elevations Structure #3 - Fuselage	3 July 2020	SCB-LUM003 Rev 01
Proposed Elevations Structure #4 - Ina	3 July 2020	SCB-LUM003 Rev 01
Proposed Access Road Improvements	11 February 2021	SCB-LUM012 Rev01
Ecological Assessment	3 July 2020	Produced by Bakerwell. Dated June 2020

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

**11. Background Papers**

11.1 None.

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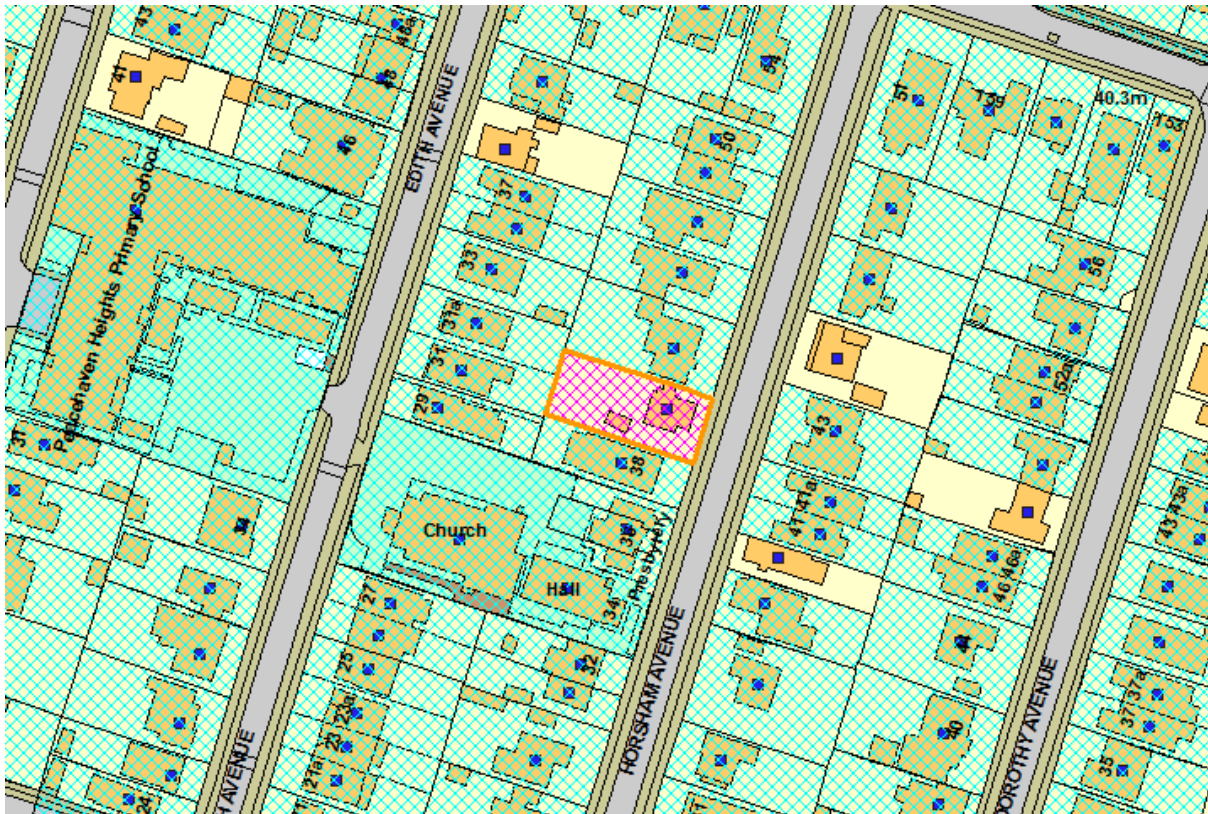
# Agenda Item 12

**Report to:** Planning Applications Committee  
**Date:** 10 March 2021  
**Application No:** LW/20/0494  
**Location:** 40 Horsham Avenue, Peacehaven, BN10 8HX  
**Proposal:** Demolition of existing dwelling and replacement with 2no. semi-detached dwellings.  
**Applicant:** M. Anderson  
**Ward:** Peacehaven West  
**Recommendation:** Grant planning permission subject to conditions.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

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**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



## 1. **Executive Summary**

- 1.1 The proposed development is acceptable in principle and meets all relevant national and local planning policies.
- 1.2 Accordingly approval is recommended, subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

### 2.2 Lewes District Local Plan

- LDLP: – SP2 – Distribution of Housing
- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design
- LDLP: – DM26 – Refuse and Recycling
- LDLP: – DM33 – Heritage Assets

## 3. **Site Description**

- 3.1 The application site is located within the planning boundary on the west side of Horsham Avenue, Peacehaven. The road runs in a north/south direction from Arundel Road to the north, crossing South Coast Road and meeting The Promenade to the south. The road is closed off at the junction with South Coast Road. The north section of Horsham Avenue does not have a wholly consistent built form, with a mix of detached and semi-detached bungalows, some of which have been extended into the roof space to become chalet bungalows, and a number of detached two storey houses.
- 3.2 On the site at present is a detached chalet bungalow, likely dating from the 1950s, set in a site covering approximately 364m<sup>2</sup> (0.0364 ha). It is set forward of the building line of two properties to each side (numbers 38 and 42). There is a detached garage set to the south side of the site, with an existing crossover onto the road. The rear garden is enclosed by a wall with a fence on top with a height of approximately 2m.
- 3.3 To the immediate north of the site is a detached chalet bungalow (number 42). To the south is a detached bungalow (number 38) with a conservatory close to the shared boundary. Beyond to the south of number 38 is a large detached two storey house, built within the last 10 years, which is the Presbytery attached to the adjacent church. The church and its car park are accessed from Edith Avenue, parallel to the site to the west. Finally, beyond the church is another two storey detached house
- 3.4 The application site backs onto numbers 31 and 31a Edith Avenue, both of which are bungalows. .

#### 4. **Proposed Development**

- 4.1 Planning permission is sought to demolish the bungalow and the garage and to build a pair of 3 bedroom semi-detached houses on the site. The houses would be of traditional design, with hipped roofs, finished with interlocking tiles and painted render walls. At the front, the new houses would be set back, more or less in line with the properties either side. The rear building line would extend approximately 5m beyond the main rear wall of number 42.
- 4.2 In terms of layout, the kitchens are at the front, and the living rooms run across the width of the rear wall with sliding folding doors leading to the gardens. At first floor, there are one single and two double bedrooms and a separate bathroom. The largest bedroom would have an en-suite shower room.

#### 5. **Relevant Planning History**

- 5.1 There is no relevant planning history relating to the site.

#### 6. **Consultations**

##### 6.1 ESCC Archaeologist – No comment

- 6.1.1 Although this application is located on the edge of an Archaeological Notification Area, based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no archaeological recommendations to make in this instance. This planning application should be considered against the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) and 2020 Local Plan Part 2: Site Allocations and Development Management Policies (LPP2).

##### 6.2 Planning Policy Team – No objection

- 6.2.1 This planning application should be considered against the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) and 2020 Local Plan Part 2: Site Allocations and Development Management Policies (LPP2). The proposal should also be considered against the National Planning Policy Framework (NPPF)
- 6.2.2 The site within the Peacehaven and Telscombe planning boundary and therefore in accordance with Policy DM1 of the LPP2, re-development of the site to create additional residential units is generally considered acceptable provided that the proposal is in accordance with other policies in the development plan which is for consideration by the Case Officer. Therefore Policy has no substantive comments to make on the application.

6.3 District Services – No response

6.4 Environmental Health – No response

6.5 Southern Water – No objection

6.5.1 Southern Water requires a formal application to the public sewer to be made by the applicant or developer.

6.5.2 Initial investigations indicate no public surface water sewers in the area to serve the development so alternative means of draining surface water required. Application form makes reference to use of Sustainable Urban Drainage Systems (SuDS), which in some cases can be adopted by Southern Water. Details of SuDS scheme to be submitted to the Local Planning Authority.

6.6 Peacehaven Town Council – Objection

6.6.1 It was resolved to recommend refusal for the following reasons

- The proposed development represents unacceptable density/over development.
- The area cannot accommodate additional parking of vehicles. No parking is allowed in the road due to the proximity to the School.
- Absence of adequate car parking facilities - provision for pedestrians, wheelchairs and prams.
- Exacerbate existing parking problems in the area.
- The Plans and other documents were not very professional. It is recommended that the Planning Officer conducts a site visit.

## 7. **Neighbour Representations**

7.1 Six representations, two from the same property, objecting to the proposal, were received from residents of properties surrounding the site. The objections raised are on the following grounds:

Overlooking and overshadowing to properties in Edith Avenue  
Houses would be too high and overbearing, this is a bungalow community.

Two storey houses would be out of character and dwarf the properties either side.

Not enough parking

The houses would be hideous

Will set a precedent for developing similar sites

Description of development is misleading – it should say ‘houses’ not ‘dwellings’

## 8. Appraisal

### 8.1 Principle

- 8.1.1 The principle of development is acceptable as the site is within the planning boundary, in compliance with policy DM1.
- 8.1.2 Policy CP2 supports higher residential densities of up to 57dph in towns. The development would yield a density of 54dph.
- 8.1.3 Although CP2 favours smaller (1 and 2) bedroom properties, account will be taken of the existing character and housing mix in the vicinity of the area. Interrogation of house details in Horsham Avenue reveals a range of property sizes between 2 and 5 bedrooms. It is considered that the proposal meets the general thrust of policy CP2.

### 8.2 Design and Heritage

- 8.2.1 As noted above, there is no prevailing design typology in Horsham Avenue. The design of the proposed houses and the material palette would not be out of place in the street scene and is considered to be satisfactory.
- 8.2.2 The ridge as shown on the context elevations is at a similar height to the Presbytery to the south. Overall and given the range of house types in the area, it is considered that the proposal would not conflict with the design criteria of policies CP11 and DM25.
- 8.2.3 The County Archaeologist considered that no significant archaeological remains are likely to be affected by the proposal. There is therefore no conflict with policies CP11 and DM33.

### 8.3 Amenity

- 8.3.1 In terms of overlooking and overshadowing the properties to the rear in Edith Avenue, the back-to-back distance would be 21m, which is generally considered to be sufficient to mitigate mutual overlooking and overshadowing and is commensurate with existing back to back distances in the area. There are windows in the side elevation of number 42, however, these are at ground floor level and directly face the existing wall of number 40; both windows are obscure glazed and appear to be secondary.
- 8.3.2 Likewise, there are windows in the side of number 38, also secondary and which face the boundary wall/fence. The two windows in the side walls at ground floor level in the new houses would serve the downstairs W.C and as secondary light to the living room. These would be at the same level as the boundary wall and would not lead to loss of privacy. The first floor side windows serve the bathroom and shower room so would be obscure glazed.
- 8.3.3 In terms of overshadowing there would be an impact on the rear window of 42 which is closest to the boundary, understood to be a bedroom. However, daylight to this window is already compromised by the existing wall and fence, so the new houses would not make the situation worse. Any overshadowing due to new houses extending beyond the rear wall of 42 would be limited to a small area of the garden.

8.3.4 The overall unit size at 119m<sup>2</sup>, exceeds the National Space Standard. The double bedrooms are 13 and 12m<sup>2</sup> and the single is 11m<sup>2</sup>, again exceeding the National Space Standard. The houses would each have a 10m long garden. A space for refuse and recycling bins is shown in the front gardens.

8.3.5 It is considered that the proposal would broadly comply with the amenity criteria of polices CP11 and DM25, and policy DM26.

#### 8.4 Transport

8.4.1 One car parking space per dwelling would be provided in the front garden with a new extended crossover. There are no parking restrictions in the road. Most of the properties have off-street parking and from the site visit, there appears to be sufficient capacity on-street capacity to accommodate a second car or visitor parking associated with the development. The site is located close to good public transport links, local amenities and shops.

8.4.2 A cycle store is indicated in the gardens, the details of which can be secured by condition, as can electric car charge points to the parking spaces. It is considered that the proposal complies with policy CP13.

#### 8.5 Sustainability

The application was not accompanied by Sustainability or Energy Statement. However, this can be secured by condition to comply with policy CP14.

#### 8.6 Response to comments and objections

8.6.1 Most of the issues have been addressed above. It should be noted that, contrary to the comment raised by the TC, the primary school is located in Edith Avenue, where there are parking restrictions.

### 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

#### 10.2 Conditions

1. No development shall commence until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. No development shall commence until details of a suitable drainage strategy have been submitted to and approved by the Local Planning Authority prior to the installation of any drainage infrastructure.

Surface water runoff rates shall be limited to a minimum of existing rates for all rainfall events including those with an annual probability of occurrence of 1 in 100 (plus climate change). Evidence of this (in the form hydraulic calculations taking into account connectivity of features) shall be submitted with the detailed drainage drawings. Evidence that Southern Water is in agreement with the principle of the connection and proposed discharge rates shall be submitted at detailed design stage.

A management and maintenance plan for the entire drainage system clearly stating who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the plan will remain in place throughout the lifetime of the development.

The development shall therefore be carried out in accordance with the approved details, which shall thereafter be adhered to throughout the lifetime of the development

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.

The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details for the provision of electric car charging points, have been submitted to and

approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to the first occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

5. No part of the development shall be occupied until the cycle stores, parking spaces and electric car charge points have been laid out/provided as shown on the approved plans and documents.

Reason: To provide adequate space for the parking of vehicles, to promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	4 January 2021	HA-20-01
Proposed Floor Plans	4 January 2021	HA-20-01
Proposed Elevations	4 January 2021	HA-20-01
Proposed Block Plan	4 January 2021	HA-20-01
Street Scene	4 January 2021	HA-20-01
Design & Access Statement	31 July 2020	
Heritage Statement	31 July 2020	

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

## 11. **Background Papers**

- 11.1 None.



<b>Report to:</b>	<b>Planning Applications Committee</b>
<b>Date:</b>	<b>10 March 2021</b>
<b>Title:</b>	<b>Planning Enforcement Policy</b>
<b>Report of:</b>	<b>Head of Planning</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To present details of the proposed Planning Enforcement Policy.</b>
<b>Officer recommendation(s):</b>	<b>(1) That the report be noted; and (2) That Cabinet be recommended to approve the Planning Enforcement Policy as set out in Appendix 1.</b>
<b>Reasons for recommendations:</b>	<b>(1) To publicise the Council's expectations for the delivery of the planning enforcement function.</b>
<b>Contact Officer(s):</b>	<b>Name: Leigh Palmer Post title: Head of Planning E-mail: <a href="mailto:leigh.palmer@lewes-eastbourne.gov.uk">leigh.palmer@lewes-eastbourne.gov.uk</a> Telephone: 07939 578235</b>

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## **1 Introduction**

- 1.1 Attached is the Council's proposed Planning First Enforcement Policy.
- 1.2 Members will appreciate and acknowledge the importance of planning enforcement in the development management of the applications process. The Enforcement Policy outlines, gives structure to and provides guidance in relation to the application of judgement in assessing and determining breaches of planning control.
- 1.3 Following the establishment of Planning First it has given the opportunity to set out the Council's approach to planning enforcement. The purpose of this policy document is to ensure that Councillors and Officers, external agencies and the public are aware of the Council's proactive approach to its planning enforcement responsibilities.
- 1.4 The planning system operates to regulate the development and use of land in the public interest. The effective and proper enforcement of planning controls is essential to protect the local environment and interests of residents, visitors, and businesses of the District from the harmful effects of unauthorised development.

- 1.5 The National Planning Policy Framework states ‘...effective enforcement is important as a means of maintaining public confidence in the planning system...’ The need for effective enforcement is very important as it assists in-
- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area.
  - Maintaining the integrity of the decision making process.
  - Helping to ensure that the public acceptance of the decision making process is maintained.
- 1.6 The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches by statutory and other means.
- 1.7 Breaches of planning control are viewed very seriously and it is our policy to exercise these powers appropriately, proportionately and rigorously so that development takes place in accordance with the appropriate legislation or conditions and limitations imposed on any planning permission.
- 1.8 The integrity of the development management process depends on the Council’s readiness to take effective enforcement action when it is justifiable.
- 1.9 This report outlines the importance of delivering enforcement investigations and subsequent actions in a prompt and efficient manner.

## **2 General approach to Enforcement**

- 2.1 The decision to take enforcement action is discretionary and the Council will always act in a proportionate manner.
- 2.2 In considering whether to pursue action, the Council will have regard to:
- Whether the breach of planning control unacceptably harms public amenity, or the authorised use of land and buildings merits protection in the public interest.
  - Ensuring any enforcement action is commensurate with the breach of planning control to which it relates. Enforcement action will not normally be taken to remedy trivial or technical breaches of control which are considered to cause no harm to amenity.
  - Ensuring that, if initial attempts to persuade an owner or occupier of a site to voluntarily remedy the harmful effects of unauthorised development fail, negotiations

should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds.

- Statutory time limits for taking enforcement action.
- Relevant planning policies and other material considerations.

### **3 Complaint priorities**

3.1 The Policy document outlines that to make the most effective use of resources, all reports of suspected breaches of planning control will be investigated and progressed in accordance with a priority rating of '1', '2' or '3' depending on the nature of the breach and the degree of harm caused. Individual cases may be reprioritised as the investigation progresses.

### **4 Where no further action is proposed**

4.1 When it is proposed to take no further action, either because no breach has occurred, a minor or insignificant breach has occurred, or there is insufficient evidence to pursue the matter, the person reporting the suspected breach of control will be notified preferably in writing within 15 working days of the initial site visit that no further action will be taken and an explanation provided of the Council's reason(s).

### **5 Where a breach of planning control is established**

5.1 Where a breach of control is established, the person reporting the suspected breach will be notified which course of action the Councils intend to take to secure regularisation of the breach of planning control. In most instances this will involve one of the three following options:

- Attempt to negotiate a solution.
- Invite the submission of retrospective application for planning permission to allow the Councils to consider whether planning permission should be granted, and the development regularised.
- Consider formal enforcement action.

### **6 The Council's policies for enforcing planning control**

6.1 The policy document lists a range of policies that cover the key themes and common material breaches of planning control.

## **7 Corporate Plan and Council policies**

- 7.1 Effective operation of this policy will support both the Council's priorities in the Council Plan and Departmental Service Plan to protect and enhance the quality of the local environment.

## **8 Financial appraisal**

- 8.1 The Enforcement Policy document will be used by the existing staffing structure and therefore there are no financial implications of this report.

## **9 Legal implications**

- 9.1 The Town and Country Planning Act 1990 and the other legislation which empowers the Council to take enforcement action are cited in the Policy Statement.
- 9.2 The Council's scheme of delegation requires consultation with the Council's Senior Legal Officer before serving injunctions or taking proceedings for the recovery of CIL. However, it is also common practice for all statutory notices to be issued in consultation with the appropriate legal officers and this is a safeguard that is secured by the Head of Planning in the terms of his sub-delegation to the officers responsible for planning enforcement.

Legal implications provided by JCS 10.02.21 IKEN ref 9941

## **10 Risk management implications**

- 10.1 The following risk will arise if the recommendations are not implemented and the following mitigation is proposed:
- 10.2 **Risk:** if not implemented, the advice, policies and procedures within the enforcement policy would potentially result in delay and ad-hoc processing of complaints. This would result in an inconsistent service.
- 10.3 **Mitigation:** That the recommendations of this report are approved, allowing the publication of the enforcement policy to present the Council's expectations for how planning enforcement complaint should be addressed.

## **11 Equality analysis**

- 11.1 An Equality Screen has been completed in conjunction with this report. Although the proposals are unlikely to impact on protected groups, taking steps to promote equal access to the enforcement complaints process may improve the health and wellbeing of communities as well as the character and amenity of the area.

## **12 Environmental sustainability implications**

- 12.1 By seeking to influence how planning enforcement is undertaken and to ensure that planning permissions are monitored and adhered to will ensure that where appropriate actions will help to meet the target of zero carbon by 2030.

## **13 Appendices**

- 13.1 Appendix 1 - Planning Enforcement Policy



# PLANNING FIRST

## ENFORCEMENT POLICY STATEMENT for

### Lewes District Council & Eastbourne Borough Council

April 2021

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## 1. Introduction

- 1.1 This policy sets out a joint policy approach. However, formal enforcement action can only be taken by an individual council against a breach of planning control within their administrative area and for the avoidance of doubt references to 'Council' in this policy statement means either LDC or EBC as appropriate.
- 1.2 The planning system seeks to regulate the development and use of land in the public interest. The effective and proper enforcement of planning control is essential to protect the local environment and the interests of residents, visitors and businesses of the District and Borough from the harmful effects of unauthorised development. It is also important for public acceptance of the planning system that unauthorised development is kept under control.
- 1.3 This document sets out Lewes District Council (LDC) and Eastbourne Borough Council (EBC) policy for the enforcement of planning control within their administrative areas.  
Effective operation of this policy will support both the Council priorities in the Council Plan and Departmental Service Plan to protect and enhance the quality of the local environment.
- 1.4 The South Downs National Park (SDNP) was designated in April 2010 and affects about half of Lewes District Council area. As from 1 April 2011 the South Downs National Park Authority (SDNPA) assumed the responsibility of Planning Authority for the designated area. The SDNPA has decided that a wide range of planning services, including enforcement, should be provided by Lewes District Council for that part of the district within the National Park. There is an agreed delegation and liaison procedure with the SDNPA dependent upon the significance of the case.
- 1.5 The SDNP have an enforcement guide which can be found using the link below.

<https://www.southdowns.gov.uk/wp-content/uploads/2015/01/SDNPA-Enforcement-Guide-Amended-Sep-2018.pdf>

## 2. Council Vision for Enforcement

- 2.1 The Council will seek to control unauthorised development, works and operations and ensure effective compliance with planning permissions, Listed Buildings and other relevant consents and regulations through an approach to enforcement that is fair, proportionate, targeted, timely, consistent and clear, and in the

interests of protecting the environment, local amenity and the community.

- 2.2 It is the developer's responsibility to ensure that the appropriate consent is applied for and that any development takes place in accordance with the decision, including any conditions or legal agreements. However, on occasions, unauthorised development does take place.
- 2.3 The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches by statutory and other means. Breaches of planning control are viewed very seriously and it is our policy to exercise these powers appropriately and rigorously so that development takes place in accordance with the appropriate legislation, or with the conditions and limitations imposed on any planning permission.
- 2.4 The integrity of the development control process depends on the Council's readiness to take effective enforcement action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the Council to intervene before serious harm to amenity results from it.
- 2.5 The Council will therefore act positively and swiftly in tackling breaches of planning control in accordance with the considerations and process described in Section 6 of this Enforcement Policy Statement.
- 2.6 The purpose of this policy document is to ensure that Councillors and officers, external agencies and the public are aware of the Council proactive approach to its planning enforcement responsibilities.
- 2.7 Lewes District Council (LDC) and Eastbourne Borough Council (EBC) are always trying to improve the service we provide. Please contact us if you would like to make comments or suggestions about how we can improve our planning enforcement service.
3. The Council's key priorities include crime prevention and enforcement, with particular emphasis on "joined up enforcement". Co-operation with other Council service areas and external agencies (for example the East Sussex Building Control Partnership, Fire and Police Services, Environment Agency, etc.), is an integral part of the approach to enforcement and these working relationships will continue to be developed in the future in order to make the most effective use of available resources throughout the Council.

### Openness

- 3.1 The planning enforcement service will:

**STRONGER together**

- Review performance regularly and publish results. The success of policies will be monitored, and a report presented to the Planning Committee on a quarterly basis to show the results of enforcement investigations, actions, and outcomes.
- The enforcement policy will be subject to review at least every three years, but the policy will be reviewed on a more regular basis if circumstances dictate.
- Always provide information and advice to individuals and organisations to remain transparent.
- Keep all interested parties informed as to the progress with any investigation.
- Where formal action is necessary, make it clear as to why the Local Planning Authority intends to take, or has taken, enforcement action. Conversely, where it is decided that it is not expedient to take enforcement action any complainants will be informed of the reasons for this decision.
- Publish copies of all enforcement notices, stop notices, breach of condition notices and planning enforcement orders issued and served on the respective [Planning Enforcement Registers](#) which can be found at [Lewes and Eastbourne Council website \(lewes-eastbourne.gov.uk\)](#) [Planning enforcement register - Lewes and Eastbourne Council \(lewes-eastbourne.gov.uk\)](#)

- 3.2 Each individual matter will be considered on its merits. There will be a consistent approach to enforcement action in similar circumstances.
- 3.3 Where immediate action is considered necessary, an explanation of the reasons will be given at the time and confirmed in writing together with a timescale for implementation.
- 3.4 Where formal action is taken by the Council issuing a statutory enforcement notice, all parties served with a copy of the notice will be informed of the appeal procedure and advised in writing of the consequences of non-compliance with such a notice.
- 3.5 The Council will consider prosecuting individuals or organisations who do not comply with any formal notice served on them and, in exceptional cases, will take direct action to remedy a breach of planning control, where this is necessary having regard to the degree of harm and public safety.

## 4. General Approach to Enforcement

- 4.1 The integrity of the development control process depends on the Council's readiness to take enforcement action when it is required to do so. Parliament has given local planning authorities the primary responsibility for taking whatever enforcement action is necessary within their area and the Council will always exercise their planning enforcement powers rigorously when it is considered expedient to do so.
- 4.2 In considering enforcement, the Council will have regard to:
- Whether the breach of planning control unacceptably harms public amenity, or the existing use of the land and buildings merits protection in the public interest.
  - Ensuring any enforcement action is commensurate with the breach of planning control to which it relates. Enforcement action will not normally be taken to remedy trivial or technical breaches of planning control which are considered to cause no harm to amenity.
  - Ensuring that, if initial attempts to persuade an owner or occupier of a site to voluntarily remedy the harmful effects of unauthorised development or an unauthorised use fail, enforcement action may be required to make the development acceptable on planning grounds, or to compel it to cease.
  - Statutory time limits for taking enforcement action.
  - Relevant planning policies and other material considerations, including where appropriate, the individual circumstances of the person, business, or other organisation in breach of planning control.
- 4.3 The identity of persons reporting suspected breaches of planning control will be treated as **confidential** unless the complainant authorises otherwise, or the complainant is required to give evidence at a public hearing, inquiry, or court case. The Council will **not accept anonymous** complaints relating to a suspected breach of planning control and will require the full address or site description and location to investigate any suspected breaches of planning control.
- 4.4 The right to privacy under the Human Rights Act 1998 enhances and strengthens the Council's policy on the protection of complainants.

The more recent implementation of the Freedom of Information Act 2000 does not apply in these circumstances and the identity of complainants will not be revealed to third parties unless any of the circumstances above apply.

4.5 However, where success of an appeal or prosecution is dependent on evidence being provided by the person who reported the breach of planning control, the Council will discuss with the complainant whether they are willing to relinquish their confidentiality and provide the required evidence before proceeding with formal action or a prosecution.

4.6 When the development has become 'established' the Council should make known the provisions for the application of a Certificate of Lawfulness. (Section 192 of the Town & Country Planning Act 1990 as amended by Section 10 of the Planning & Compensation Act 1991).

## 5. Type and Incidence of Enforcement Problems

### Responding to Complaints (Reactive)

5.1 Both Councils typically receive between 400 and 500 planning enforcement complaints annually. Many of these are dealt with within a relevantly short period of time, as there is either no breach of planning control taking place, or the enquiry relates to minor technical breaches of planning control that can be resolved without formal action. Others lead to formal enforcement action being taken to resolve the breach.

5.2 A variety of breaches occur throughout both the Council areas from unauthorised development, non-compliance with planning conditions and unauthorised changes of use, to unlawful advertisements, works to listed building and to protected trees.

### Taking the Initiative (Proactive)

5.3 There are several areas where the Council instigates positive action to remedy breaches of planning control, or to remedy harm to the environment. These include:

- Development carried out without the necessary planning permission, listed building consent, conservation area consent, scheduled ancient monument consent, or other consents necessary under planning legislation.

- Action under Section 215 of the Town & Country Planning Act 1990 to remedy the environment harm caused by unsightly land and or buildings.
- Monitoring of planning conditions to ensure that development is carried out in accordance with the approval issued.
- Action against unlawful advertisements situated around the council areas.
- Action against any unauthorised felling, or other works, to protected trees.

## 6. Investigation of Suspected Breaches of Planning Control

### Service Standards

- 6.1 Reports of suspected breaches of planning control will be acknowledged within three working days of receipt. Acknowledgements will be provided by letter or email. The acknowledgment will provide the name of the officer investigating the matter and details of how they can be contacted. To avoid the unnecessary use of resources, anonymous reports of suspected breaches of planning control will not normally be pursued unless evidence suggests that a breach of planning control has occurred or it is obvious that the breach is causing serious harm to the environment or the amenities of residents.

### Recording Alleged Breaches of Planning Control

- 6.2 Where a breach of planning control is suspected, this should be reported in writing see Section 10 on how to do this.

We will:

- ✓ Give all complaints a reference number and inform the complainant of name and contact details of the case officer.
- ✓ It is important for the Council to receive as much information as possible regarding the alleged breach to enable the investigating officer to investigate fully.
- ✓ Allocate each complaint a priority code according to the assessed level of harm.
- ✓ Investigate all complaints made in writing. Anonymous complaints and letters will not normally be dealt with, although this is at the discretion of the Enforcement team.



- ✓ Complaints lodged with either of the Councils will be handled in confidence.
- ✓ Where possible, acknowledge all complaints within three working days.
- ✓ Aim to inform complainants of progress in writing or by telephone within 15 working days of the alleged breach being reported. Complainants will be updated as appropriate and informed of the proposed action, within 10 working days of a decision on the case being made.
- ✓ Aim to keep all parties informed of progress where complex investigations are becoming protracted.

### Priorities

- 6.3 To ensure that our resources are used and targeted effectively, we will allocate each case a code according to the alleged or potential level of harm caused and the urgency of the case.

The following priority coding system will be used:

#### Level 1

- Demolition or alterations to a Listed Building
- Demolition in a Conservation Area that is causing immediate and irreparable harm.
- Works to trees subject to a Tree Preservation Order or within a Conservation Area
- Development that is causing serious harm or danger to the public, such as affecting traffic safety
- Unauthorised works affecting protected sites such as Sites of Special Scientific Interest, National and Local Nature Reserves, sites of archaeological interest etc.
- Unauthorised development that has gone undetected and the statutory time limit for taking enforcement action is imminent.

#### Level 2

- Development/uses that cause serious harm to the amenities of neighbours or to the character and appearance of an area or are otherwise contrary to significant policies in the Development Plan.
- Advertisements causing serious harm to amenity or public safety.
- Disrepair of a Listed Building

- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours.

### Level 3

- Other advertisements
- Businesses being operated from home, except where they cause serious harm to the amenity of neighbours.
- Minor works i.e. gates, walls, fences, domestic outbuildings, and satellite dishes
- Untidy land and/or buildings

6.4 In most cases, a site visit will be required to establish whether a breach of planning control has occurred. The initial site visit will be conducted within the following timescales:

- Level 1 cases – within one working day
- Level 2 cases – within ten working days
- Level 3 cases – within fifteen working days

6.5 On completion of the initial site visit, the findings will be assessed, and a view taken as to how the investigation will proceed.

6.6 The code given to a case only reflects our initial assessment. Once investigations commence, it may be found that the harm caused is greater or less than originally anticipated. The initial coding is therefore undertaken without prejudice to any subsequent enforcement action.

6.7 All level 1 & 2 cases that fall within the South Downs National Park (SDNPA) will involve close liaison with the SDNPA. Consultation with the SDNPA on level 3 cases will be discretionary.

#### **Where no further action is proposed:**

6.8 When it is proposed to take no further action, either because no breach has occurred, a minor or insignificant breach has occurred, or there is insufficient evidence to pursue the matter, the person reporting the suspected breach of control will be notified preferably in writing within 15 working days of the initial site visit that no further action will be taken by the Council and an explanation provided of the reason(s).

#### **Where further investigation is required:**

6.9 Where it is not possible to determine from the initial site visit whether or not a breach of planning control has occurred, the person reporting



the suspected breach of control will be notified either verbally or in writing within 15 working days of the initial site visit that further investigation is required. Further investigation may involve additional site visits, documentary research, seeking advice from other services or agencies, seeking information from the person reporting the suspected breach of control, or the owner or other person responsible for the land or building.

- 6.10 In some cases, the Council may request the person reporting the suspected breach of planning control to assist with the investigation by providing a written log detailing the dates, times, duration, and nature of the suspected breach. If the person reporting the suspected breach of planning control is unwilling to assist, they will be advised that this may hinder the Council's investigation, due to the difficulty of gathering sufficient evidence.
- 6.11 Where it appears to the Council that a breach of planning control may have occurred, it will consider serving a Planning Contravention Notice to obtain information relating to the suspected breach.
- 6.12 In cases where further investigation is required, the person reporting the suspected breach of planning control will be notified either verbally or in writing within 15 working days of the Council determining whether or not a breach of planning control has occurred, and if so, what course of action the Council intend to take.

#### **Where a breach of planning control is established:**

- 6.13 Where a breach of control is established, the person reporting the suspected breach will be notified which course of action the Council intends to take to secure regularisation of the breach of planning control. In most instances this will involve one of the three following options:
- Attempt to negotiate a solution.
  - Invite the submission of retrospective application for planning permission to allow the Council to consider whether planning permission should be granted, and the development regularised.
  - Consider formal enforcement action.

## **7. Consideration of Enforcement Action**

- 7.1 Where it is established that a breach of planning control has occurred, the Council will determine whether to take formal enforcement action and the nature of such action. In determining this, the Council will have regard to the level of harm resulting from

the breach. In assessing the level of harm, the Council will have regard to current planning policies, and other material considerations.

### **Negotiating a solution:**

- 7.2 Where a breach of planning control has occurred, the Council will normally try to negotiate a solution to regularise the breach of planning control without recourse to formal enforcement action. Such negotiations may involve the reduction or cessation of an unauthorised use or activity, or the modification or removal of the unauthorised operational development. However, these negotiations will not be allowed to hamper or delay the consideration of enforcement action where the breach of control causes serious harm to amenity. Where the Council are unable to negotiate an acceptable solution within a reasonable timescale, or it is clear at the outset that the breach is not capable of being remedied through negotiation, the Council will proceed with formal enforcement action where it is expedient to do so.

### **Retrospective application for planning permission:**

- 7.3 Where a breach of planning control has occurred, but no harm is being caused, or any harm caused might be removed or alleviated by the imposition of conditions on a planning permission, the person(s) responsible will be invited to submit a retrospective planning application within a specified timescale. In such circumstances it will be made clear that the invitation to submit a retrospective application is made without prejudice to any final decision the Council may take in the matter. If such an application is not submitted, the Council will consider whether it is expedient to take formal enforcement action.

## **8. Powers available to the Local Planning Authority**

- 8.1 Where it has been established that a breach of planning control has occurred, the Council will consider using its statutory powers to take action to remedy the breach. The use of these powers is discretionary, but they will always be used when it is considered expedient to do so.
- 8.2 The decision to take enforcement action or commence prosecution will be taken in accordance with the delegation arrangement detailed in the Council's Constitution and will be fully documented on the case file, prior to any decision being made by an authorised officer. All such decisions to take formal action shall only be taken by the Council after authority has been given by the Council's Planning Applications Committee, or the Head of Planning or other Senior

Officers of Planning Services in accordance with the Council's Scheme of Delegation.

### **Requisition for Information Notices:**

- 8.3 Under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can require the receipt of a requisition for information notice to supply in writing details of their interest in the property. A reply must be supplied within 14 days. A person who fails to comply with the requirements of a notice, or makes a false statement in a reply, is guilty of an offence punishable by a fine of up to £5,000.
- 8.4 Under Section 330 of the Town & Country Planning Act 1990, the Council can require the recipient to state in writing the nature of their interest in a property and to state in writing the name and address of any other person known to them as having an interest in the property, as a freeholder, mortgagee, lessee or otherwise. Failure to return the form, or to provide a misstatement, is an offence punishable by a fine of up to £1,000.

### **Planning Contravention Notice (PCN):**

- 8.5 A PCN can be served on the owner or occupier of the land in question or a person who is carrying out operations in, on, over or under the land or is using it for any purpose. The PCN will require the recipient to provide the information requested within 21 days relating to the breach of planning control alleged. Failure to comply with any aspect of the PCN is an offence for which the recipient can be prosecuted with the maximum fine being £1,000. To knowingly provide false information on a PCN can result in a fine of up to £5,000.

### **Police & Criminal Evidence (PACE) Act 1984:**

- 8.6 A PACE interview may or may not be appropriate. This depends on the evidence already gathered by the Enforcement Officer. Occasionally in serious cases where an offence may have been committed, it may be necessary to conduct an interview under caution, as required by the Police and Criminal Evidence Act 1984.

### **Breach of Condition Notice (BCN):**

- 8.7 In cases of a breach of planning conditions it may be appropriate to serve a Breach of Condition Notice (BCN). Consideration should be given to the type of condition and the steps required remedying the breach. Once issued and served the Notice does not take effect for 28 days although there is no appeal against a BCN. The failure to

comply with the notice is dealt with by a prosecution in the Magistrates Court. The maximum fine is £2,500. This may not be a sufficient deterrent in the more serious cases. The BCN is ideal for matters where the steps to be taken are relatively straightforward and can be readily achieved.

- 8.8 Where the breach of planning control relates to non-compliance with a condition on a planning permission, or a limitation on a deemed permission has been exceeded, the Council will consider the expediency of serving a BCN.
- 8.9 The Breach of Condition Notice will specify the steps required to comply with the condition(s) or limitation(s), the date that it takes effect and the time for compliance.

#### **Enforcement Notice:**

- 8.10 The Council will consider the service of an Enforcement Notice where unauthorised operations or development, or changes of use, have taken place and it is considered expedient to do so. Where a breach of planning control exists and any harm caused would be removed or alleviated by the impositions of conditions on a planning permission, but the invitation to submit a retrospective planning application or rectify the breach voluntarily has been declined, the Council will consider the expediency of serving an Enforcement Notice.

#### **Listed Building Enforcement Notice:**

- 8.11 If the breach of planning control relates to a Listed Building, or unauthorised demolition within a Conservation Area, the Council will consider the expediency of serving a Listed Building Enforcement Notice or a Conservation Area Enforcement Notice and where appropriate, commencing a prosecution in the courts.
- 8.12 The Enforcement Notice will specify the reason(s) for its service, the steps required to remedy the breach, the date that it takes effect and the time for compliance.
- 8.13 Service of an Enforcement Notice will be made on any person with an interest on the land. The Notice will come into effect after a minimum period of 28 days. There is a mechanism for an appeal against the Notice. Once the Planning Inspectorate holds an appeal valid, the Enforcement Notice has no effect until the appeal has been heard and a decision published.

#### **Stop Notice:**

- 8.14 Where a breach of planning control is causing very serious harm to public amenity and the environment, and this harm could not be

removed or alleviated by the imposition of conditions on a planning permission, the Council will consider the expediency of serving a Stop Notice (at the same time or after the service of an Enforcement Notice) in cases where urgent action is necessary to bring about a cessation of a relevant activity before the expiry period for compliance with the related Enforcement Notice.

- 8.15 The Stop Notice will refer to the Enforcement Notice to which it relates, specify the activity or activities that are required to cease and the date that it takes effect. Failure to comply with the notices is a triable either way offence and carries an unlimited fine.

#### **Temporary Stop Notice:**

- 8.16 A Temporary Stop Notice can also be served; however, this can be served without the service of an Enforcement Notice and becomes effective immediately and will stay in effect for 28 days.

#### **Section 215 Notice:**

- 8.17 In cases where the amenity of an area is adversely affected by the condition of land or buildings, the Council will consider serving a Notice under Section 215 of the Town & Country Planning Act 1990. The failure to comply with the notice can be dealt with by a prosecution in the Magistrates Court. The maximum fine is £2,500.
- 8.18 The Notice will specify the steps required to be taken to remedy the condition of the land or buildings, the time within which the steps must be taken and the date that it takes effect. The Council will firstly write to the owner of the land or building requesting improvements to be made before considering the service of a formal notice.

#### **Prosecution:**

- 8.19 The Council will consider commencing a prosecution in the Courts against any person who has failed to comply with the requirement(s) of any of the following Notices where the date for compliance has passed and the requirements have not been complied with.
- Enforcement Notice
  - Listed Building Enforcement Notice
  - Conservation Area Enforcement Notice
  - Breach of Condition Notice
  - Section 215 Notice
  - Stop Notice
  - Temporary Stop Notice
- 8.20 The Council will also consider commencing a prosecution in the Courts where:

- Unauthorised works have been carried out to trees subject to a Tree Preservation Order, or in a designated Conservation Area.
- An advertisement is being displayed without the necessary consent and the Council request to remove it within a specified timescale has been declined or ignored.
- Unauthorised works have been carried out to a Listed Building.
- Unauthorised demolition has been carried out in a Conservation Area.
- The recipient of a Planning Contravention Notice has failed to provide a response within the prescribed time or has supplied false or misleading information.

8.21 Before commencing any legal proceedings, the Council must be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

**Injunction:**

8.22 Where an Enforcement Notice has not been complied with and a prosecution is not considered expedient or previous prosecution(s) have failed to remedy the breach of planning control, the Council will consider applying to the Court for an injunction. Such action will only normally be considered if the breach is particularly serious and is causing, or likely to cause, exceptional harm.

**Direct Action:**

8.23 Where any steps required by an Enforcement Notice or S215 Notice have not been taken within the compliance period (other than the discontinuance of the use of land), the Council will consider whether it is expedient to exercise its power under Section 178 or Section 219 of the Town & Country Planning Act 1990 (as amended) to:-

- a) Enter the land and take the steps to remedy the harm: and
- b) Recover from the person who is then the owner of the land any expenses reasonably incurred by them doing so.
- c) A charge against the land will be imposed where direct works are undertaken, and the expenses are not recovered.

**Monitoring of Conditions:**

8.24 The Council actively monitors conditions to ensure that development is carried out in accordance with a planning permission. Failure to comply with a planning condition will be viewed seriously and appropriate action taken in accordance with the powers outlined above.



**Trees & Landscape:**

- 8.25 When alleged cases of unauthorised works on a protected tree(s) come to the attention of the Council, an initial investigation will be carried out as soon as reasonably practicable. The initial investigation will consist of a check to establish whether the tree is protected, whether any consent for the works has been granted, and, where appropriate conduct a site visit. In certain circumstances the Council can invoke a right of entry to enter private land to carry out such investigations where appropriate.

**High Hedges:**

- 8.26 From the 1 June 2005 Local Authorities have the power, under Part 8 of the Anti Social Behaviour Act 2003, to adjudicate on disputes over high hedges subject to various legal tests being met which include the requirement for occupiers to take all reasonable steps to resolve matters by negotiation before making a complaint to the Council. In cases where the Council finds in favour of the complainant the Council will ensure, through enforcement action if necessary, that any specified schedule of remedial works is carried out.

**Common Land:**

- 8.28 When alleged cases of unauthorised works have been undertaken on Common Land comes to the attention of Lewes District Council, an initial investigation will be carried out as soon as reasonably practicable. This will likely involve a site visit to assess the situation. Efforts will be made to contact the person(s) alleged to be carrying out the works to try and establish the reasons and objectives for the works. Action will only be considered where there is a clear breach of the Commons Act 2006 and where applicable the Lewes District Council Scheme of Regulation made under section 1 of the Commons Act 1899 and Lewes District Council byelaw dated 28 May 1997. The Council (LDC) can undertake enforcement action where it is appropriate or necessary to do so.

**Community Infrastructure Levy Enforcement Procedures:**

- 8.29 To ensure that the CIL collection process runs smoothly, collecting authorities have been given a stringent set of enforcement powers, including surcharges for failing to submit CIL notices prior to commencement. The CIL regulations also allow collecting authorities to penalise late or non-payment of CIL charges, including applying interest on late CIL payments and imposing surcharges where payments are not received in full when due.

Persistent failure to pay CIL charges due may result in the council serving a CIL stop notice prohibiting further development on the site, and taking action to recover the debt due, including seizing assets.

The consequences of failing to follow the CIL collection and payment procedures are set out on our website's CIL Section. Guidance on the Community Infrastructure Levy, including the collection and enforcement process, can be found on the Planning Practice Guidance website: Government's Online Planning Practice Guidance.

## 9. The Council Policies for Enforcing Planning Control

### **POLICY EN1: General enforcement policy 1**

The Council recognise the importance of establishing effective controls over unauthorised development, to assist in the preservation and enhancement of the qualities of both the built and natural environment, and to protect public amenities and will vigorously exercise its enforcement powers to ensure that development takes place in accordance with the appropriate legislation or conditions and limitations imposed on any planning permission.

### **POLICY EN2: General enforcement policy 2**

The Council will exercise its powers in relation to enforcement that are granted under the provisions of the TCPA 1990 and other relevant Acts of Parliament, Orders, Regulations and Bylaws, to control unauthorised development effectively having regard to the significance and seriousness of the breach, the policies in Development Plan and all other material considerations.

### **POLICY EN3: General enforcement policy 3**

In considering enforcement action, the Council will assess whether the breach of planning control unacceptably affects public amenity or causes harm to land or buildings.

### **POLICY EN4: Serious breaches of planning control**

The Council will immediately commence planning enforcement action against any unauthorised development which has a seriously adverse impact on public amenity or causes unacceptable harm to land or buildings.



### **POLICY EN5: General approach for other breaches of planning control**

The Council will attempt to persuade an owner or occupier of land to remedy voluntarily any harmful effects of unauthorised development. The Council will not, however, allow discussions to delay any necessary formal enforcement action to make the development more acceptable on planning grounds, or to make it cease.

### **POLICY EN6: Derelict or unsightly land or buildings**

Where a building or land is in a condition which seriously detracts from, or affects the visual amenity of an area, the Council will take the following measures:

- a) the owner will be requested in writing to improve the appearance of the land or building(s).
- b) where no improvement works are carried out within a reasonable time (as specified in writing), the Council will serve a Notice under Section 215 of the Town and Country Planning Act 1990.
- c) where the Notice has not been complied with prosecution proceedings will be commenced and consideration will be given to entering the land and carrying out the works in default.

### **POLICY EN7: Protection of tourist accommodation (EBC)**

Within the Tourist Accommodation Area, designated in the Eastbourne Borough Plan and the Eastbourne Core Strategy Local Plan 2027, enforcement action will be taken against the unauthorised change of use of Tourist Accommodation to any other use unless it can be proven that the change of use meets the viability criteria in the Council Supplementary Planning Guidance: "Assessment of Financial Viability of Tourist Accommodation".

### **POLICY EN8: Development without planning permission**

Where development has been, or is in the process of being, carried out without planning permission and where immediate action under Policy EN2 would not be justified, the following steps will be taken:

- a) an assessment will be made to establish if it is likely that unconditional planning permission could be granted.
- b) If planning permission is likely to be granted, the submission of a retrospective planning application will be invited.

c) where a retrospective planning application has been requested but not submitted within a reasonable time, a planning contravention notice may be served.

d) where there is no specific planning objection to the development, further enforcement action will not normally be considered appropriate.

e) where the development is considered to cause demonstrable harm then formal enforcement action will be taken.

### **POLICY EN9: Development not in accordance with approved plans**

a) Where development is carried out with planning permission, but it does not strictly accord with the approved plans, an assessment will be made to establish whether the changes from the approved plans are sufficiently material to constitute new development, requiring a separate planning permission or whether they can be dealt with under a non-material change application. Where the changes are of a very minor nature they may sometimes be considered as being "de-minimis" (i.e. so small that they are of no consequence) and no action will be taken.

b) where development is being carried out which is significantly different from the approved plans and the changes cause serious harm to public amenity, immediate enforcement action may be taken, including the issue of a Stop Notice or Enforcement Injunction to stop the unauthorised development.

### **POLICY EN10: Imposition of conditions to make development more acceptable.**

Where development has been carried out without planning permission and the development could only be made acceptable by imposing conditions to overcome planning objections, the Council will request the submission of a retrospective application for planning permission. If after a reasonable period no application has been submitted, an Enforcement Notice will be issued. The notice will have the effect of granting planning permission subject to full compliance with those steps specified in the notice which will address any harm caused by the development.

### **POLICY EN11: Non-compliance with conditions**

Where conditional planning permission has been granted for development, but conditions have not been complied with, a Breach of Condition Notice or Enforcement Notice will be served where demonstrable harm is caused by the development.

### **POLICY EN12: Minor variations to works carried out under 'Permitted Development' rights**

Where development carried out under permitted development rights exceeds the limitations specified in the relevant Order the Council will not necessarily take enforcement action solely to counteract a slight variation over what would be permitted, unless the excess causes unacceptable harm to public amenity.

### **POLICY EN13: Retrospective applications**

Where unauthorised development has been carried out which causes demonstrable material harm to amenity, the submission of a retrospective application will not be encouraged and will not stop enforcement action being taken. When a retrospective application has been refused and enforcement action has not already been taken in accordance with the Council enforcement policies, the applicant will be advised that an enforcement notice is to be issued.

### **POLICY EN14: Refusal of retrospective applications**

Where retrospective planning permission has been refused, enforcement action will be taken, and the appropriate Notices served even if an appeal has been lodged against the refusal of planning permission.

### **POLICY EN15: Trivial or technical breaches of planning control**

Formal enforcement action will not normally be taken against trivial or technical breaches of planning control that cause no material harm to amenity.

### **POLICY EN16: Unauthorised works to listed buildings.**

Where works without consent have been carried out to a listed building and they materially affect its character and appearance either internally or externally, consideration will be given to issuing a Listed Building Enforcement Notice and/or starting criminal proceedings.

### **POLICY EN17: Unauthorised development in conservation areas**

Where development has been carried out in a conservation area without planning permission or conservation area consent, and the development does not preserve or enhance the character and appearance of the area, enforcement action will be considered in accordance with the general enforcement policies EN1 to EN5.

**POLICY EN18: Unauthorised business development where re-location is feasible.**

Where business development has been carried out without planning permission and it is unacceptable on the site, alternative acceptable sites, if available, will be investigated, with a timetable to allow for re-location. If the timetable is ignored, an Enforcement Notice may be issued giving a reasonable time to allow re-location to take place.

**POLICY EN19: Acceptable unauthorised development by small businesses**

Where development has been carried out by a small business without planning permission, consideration will be given to allowing the business to continue operating acceptably from the site or operate less intensively.

**POLICY EN20: Unauthorised development by small businesses**

If unauthorised activity by a small business cannot be allowed to continue, an Enforcement Notice may be issued giving a realistic time to stop the activity and allow for re-location if necessary. Where it is clear to us that serious attempts are being made to comply with the requirements of the Enforcement Notice, consideration may be given to extending the time for compliance.

**POLICY EN21: Display of illegal advertisements**

Where an advertisement which has been displayed without express consent causes substantial injury to amenity or public safety the Council will ask for it to be removed. Where the advertisement continues to be displayed, prosecution proceedings will be commenced.

**POLICY EN22: Fly Posting**

Where resources permit, all posters illegally displayed will be removed. Where flyposting has been carried out on sensitive sites and it causes substantial injury to the character or amenity of the area, prosecution proceedings will be commenced against all those responsible for its display.

**POLICY EN23: Advertisements on listed buildings**

Where an advertisement has been displayed on a listed building without consent, and that advertisement adversely affects the character and appearance of the building or compromises its setting, the Council

will ask for it to be removed. Where the advertisement continues to be displayed, action will be taken to secure its removal.

#### **POLICY EN24: Retrospective applications for advertisement consent**

Where a retrospective application for express consent has been refused, the applicant will be asked to remove the advertisement within a specified time. If the advertisement continues to be displayed, proceedings will be commenced even if an appeal has been lodged against the decision to refuse consent.

#### **POLICY EN25: Lawful uses or activities**

Where unauthorised development has taken place, but it is claimed that the use or activity is lawful, the submission of an application for a lawful development certificate will be invited. A lawful use or activity will not be conclusively accepted unless a certificate has been granted. Where a certificate has not been granted, enforcement action will be considered in accordance with the general enforcement policies EN1 to EN5.

#### **POLICY EN26: High hedges applications**

In cases where the Council finds in favour of the complainant the Council will pursue the necessary enforcement action to ensure that that the specified schedule of remedial works is carried out within a specified timescale.

#### **POLICY EN27: Resources for effective planning enforcement**

The Council will commit reasonable resources to ensure effective implementation and maintenance of planning enforcement control.

10. How to Contact the Council (LDC and EBC) in respect of a suspected breach of planning control:

For further information about the Planning Enforcement function or to report an alleged breach of planning control please email [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

Alternatively call 01273 471600 or 01323 410000 or visit our website and follow this link <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/development-management/planning-enforcement/>

11. Appeals

11.1 If you are served with an Enforcement Notice, there is a right of appeal. The appeal procedure is set out and explained in the enforcement notice.

11.2 The appeal is lodged with the Planning Inspectorate and further details relating to appeals can be found at <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>