

Planning Applications Committee 6 October 2021



Working in Partnership



Time and venue:

5:00pm in the Assembly Hall, Lewes Town Hall, High Street, Lewes, East Sussex, BN7 2QS

Membership:

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

Quorum: 5

Note: This meeting is a public meeting. The number of public seats, however, are limited and need to be carefully managed to ensure that the meeting is Covid-secure. For this reason, we would ask that anyone intending to attend as a member of the public, contacts the Democratic Services team in advance by email: committees@lewes-eastbourne.gov.uk or phone: 01273 471600. Priority will be given to anyone registered to speak at the meeting. Anyone attending the meeting will be asked to check in at the venue and to wear a face covering.

Published: Wednesday, 22 September 2021

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 4 August 2021 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

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

4 Urgent items

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

5 Petitions

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

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

7 LW/19/0656 - 6 Steyne Road, Seaford (Pages 9 - 38)

8 LW/20/0485 - Upper Lodge Farm, The Broyle, Ringmer, East Sussex, BN8 5AP (Pages 39 - 56)

9 LW/21/0077 - Reeve Cottage, Station Road, North Chailey, East Sussex, BN8 4HG (Pages 57 - 66)

Non-planning application related items

10 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 10 November 2021.

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:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. 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.

Filming/Recording:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation:

There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Democratic Services team **by 12:00pm two working days before the meeting**. More information regarding speaking at a meeting of the Planning Applications Committee can be found on the Council's website: <https://www.lewes-eastbourne.gov.uk/planning-and-buildingcontrol/planningapplications/speaking-at-planning-committee/>

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 room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address:

If Members have any questions or wish to discuss aspects of any application listed on the agenda, they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a Committee a question 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.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01273 471600

Council website: <https://www.lewes-eastbourne.gov.uk/>

Modern.gov app available: View upcoming public committee documents on your device. Free modern.gov [iPad app](#) or [Android app](#) or [Microsoft app](#).



Planning Applications Committee

Minutes of the meeting held in the Lewes Leisure Centre, Mountfield Road, Lewes, BN7 2XG, on 4 August 2021 at 5:00pm

Present:

Councillor Sharon Davy (Chair)
Councillors Steve Saunders (Vice-Chair), Graham Amy, Tom Jones, Christoph von Kurthy, Imogen Makepeace, Milly Manley, Laurence O'Connor, Nicola Papanicolaou and Richard Turner

Officers in attendance:

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

31 Minutes

The minutes of the meeting held on 7 July 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

32 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Sylvia Lord.

33 Declarations of interest

There were none.

34 Urgent items

There were no urgent items. A supplementary report, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

35 Petitions

There were none.

36 Written questions from councillors

There were none.

37 LW/21/0530 - Land North of High Street, Barcombe, East Sussex

Prior to the presentation and consideration of this item, the Chair adjourned the meeting for twenty minutes to ensure that the Committee had sufficient time to review the supplementary report which had been distributed electronically on the day preceding the meeting.

Alex Lahood (Neighbour), Robin St Clair Jones (Neighbour) and Angela Murphy (Neighbour) spoke against the proposal. Chris Hough (Agent), Mel A'lee (Agent) and Paul Mephram (Agent) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

The Council's Solicitor advised the Committee on affordable housing and in response to the issue of the financial cost of an appeal, she clarified that any cost consequences were not a material consideration to be taken into account by the Committee, but that the Committee should ensure that any reasons for refusal were capable of robust scrutiny in the event of an appeal.

The Committee adjourned for a ten-minute comfort break.

Resolved:

That authority be delegated to the Head of Planning to approve planning application LW/21/0530 for outline planning permission for the erection of up to 26 dwellings together with associated development and site access whilst all other matters are reserved for future consideration, subject to:

- 1) The conditions set out in the report and supplementary report;
- 2) A s106 agreement to secure affordable housing;
- 3) No new material considerations by close of consultation on 6 August 2021;
- 4) Amended wording to condition 5 (as set out in the supplementary report);
- 5) Removal of condition 13 which was a duplicate of condition 15;
- 6) Additional condition to secure the use of permeable materials for surfacing;
- 7) Additional condition in respect of sustainability to require what renewables would be included in compliance with core policy 14;
- 8) Amendment to condition 19 to include avoidance of school pick up times in respect of the construction; and
- 9) An informative regarding road safety requesting that the developer discuss with East Sussex County Council installation of radar speed signs and the placement of mirrors on adjoining land.

38 LW/20/0842 - Land to rear of Oldaker Road

Councillor Brian Hodge spoke on behalf of Newick Parish Council. Anne Brown (Neighbour) spoke against the proposal. Ben Jones (Agent) spoke for the proposal. Councillor Roy Burman spoke in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/20/0842 for the erection of a 4-bed detached dwelling with associated access and on-site parking (resubmission of LW/18/0191) *be refused* on the basis of the following reasons:

- 1) Over-development and in conflict Neighbourhood Plan, and conflict with Policy HO16; and
- 2) Access would produce conflict and be detrimental to safety of other road users.

39 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee is scheduled to commence at 5:00pm on Wednesday, 8 September 2021.

The meeting ended at 8:30pm.

Councillor Sharon Davy (Chair)

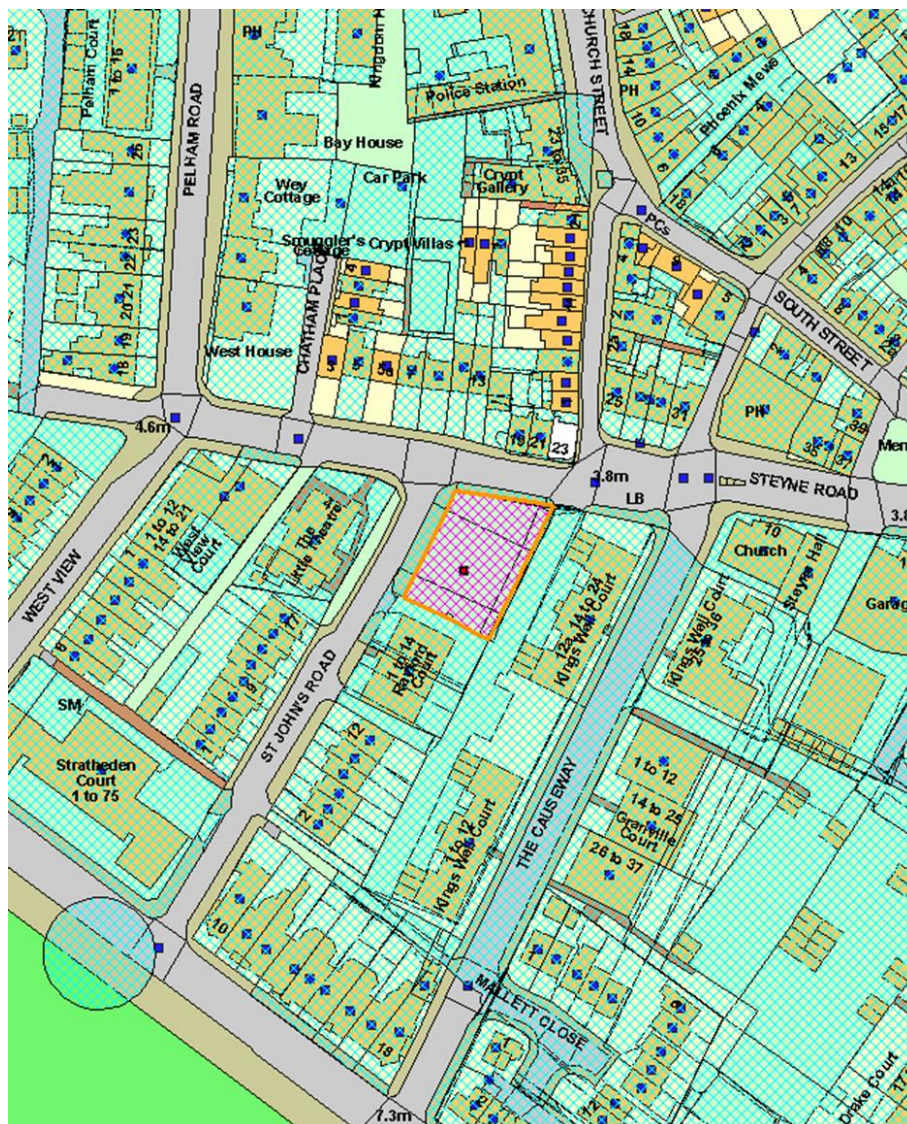
This page is intentionally left blank

Agenda Item 7

Report to: Planning Applications Committee
Date: 6 October 2021
Application No: LW/19/0656
Location: 6 Steyne Road, Seaford
Proposal: Re-development of site to create 13 apartments - Amended Plans (30/10/20 and 20/11/20) and a reduction from 14 units to 13 units.
Ward: Seaford
Applicant: Lewes District Council
Recommendation: Approve subject to conditions and a S106 Agreement.
Contact Officer: **Name:** Andrew Hill
E-mail: andrew.hill@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of reducing trips, providing an energy efficient building and site landscaping. It would provide social gains by facilitating a net gain of 13 high quality and sustainable dwellings in an easily accessible area. It would provide economic benefits by generating footfall to Seaford town centre and supporting local businesses.
- 1.2 The building is considered to be of a suitable design and compatible with the site itself as well as the wider surrounding area. The development is considered to represent an appropriate and more efficient reuse of this brownfield site.
- 1.3 It is therefore recommended that the application is approved subject to relevant conditions and a S106 agreement.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2019

2. Achieving sustainable development

4. Decision making

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: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

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: – DM20 – Pollution Management

LDLP: – DM23 – Noise

LDLP: – DM25 – Design

LDLP: – DM33 – Heritage Assets

LDLP: – DM35 – Footpath, Cycle and Bridleway Network

2.3 Seaford Neighbourhood Plan

SNP: – SEA2 Design

SNP: – SEA 17 – Brownfield Development

SNP:- SEA 3 - Conservation Areas

3. **Site Description**

- 3.1 The application site is a corner plot on the southern side of Steyne Road and adjoining the junction with St. John's Road. On the opposite corner is The Little Theatre. To the east side lies The Causeway and to the south the neighbouring building comprises 14 flats known as Rayford Court. The site is adjacent to the Seaford Town Centre Conservation Area, the boundary of which is on the opposite/northern side of Steyne Road. The application site is close to the seafront.
- 3.2 The site lies within the planning boundary of Seaford town.
- 3.3 Around 2009 the site comprised a single storey building, and concreted forecourt previously used as a motorcycle repair workshop and second-hand car showroom. Since this time residential development of the site has been approved in principle (see Relevant Planning History) but the site has remained vacant, buildings cleared, and undeveloped for in excess of 5 years.

4. **Proposed Development**

- 4.1 The application seeks planning permission for development of the site with 13 apartments within a four-storey building in the main, with part of the fourth floor recessed, and with a smaller recessed fifth storey on the corner. The building would accommodate parking and cycle parking (2 spaces per dwelling in secure storage) on the ground floor.
- 4.2 The scheme would comprise nine 2-bedroom flats with minimum floor areas of 70 square metres; two 1-bedroom flats with minimum floor areas of 51.4 square metres; and two 3-bedroom flat with a floor area of 96.2 square metres, meeting the National Described Space Standards.
- 4.3 The original submission proposed a pastiche design. Following input from officers, having due regard to the site's history, its surroundings, and its prominent location, it was considered that the opportunity existed for a contemporary design which created a more 'landmark' building and which responded to the proximity to the town centre and the prominence of the corner junction.
- 4.4 The building would be rectangular in footprint, set back from the surrounding highway with a soft landscaped area of defensible space to the St John's Road and Steyne Road frontages. The main pedestrian access to the building will be from Steyne Road, with vehicular access from St Johns Road (to the west) and the access road (to the east). The car parking will be 8 spaces in the undercroft, with 5 spaces under

the over sailing first floor. The main bulk of the building will appear as three storeys, with recessed built elements above third floor level creating a fourth floor, and a small recessed fifth floor to the north, with elevations which are asymmetrically articulated in a contemporary manner. The principal elevation would be on the north, with a slightly reduced width over the original scheme, and with a recessed upper storey.

5. Relevant Planning History

- 5.1 **APPEAL/10/0010** - Construction of six x three bedroomed houses, six x two bedroomed flats with associated car parking below a deck level and access (demolition of existing building) – Dismissed
- 5.2 The Inspector mentioned that " This street marks the old boundary of the town, first circumscribed by the river then shingle bank which took its place. The reclaimed land is now fully developed, but the sweep of the road indicates the route of the river, and the large, elegant houses are testament to its original desirable location, facing out to fine views of the sea. This consequently has a much more open feel to it, compared to the narrow, crowded streets around the High Street and retains its air of understated gentility. The houses are larger and more imposing in distinct contrast to the cottages that occupy the adjacent lanes."
- 5.3 In considering the bulk and massing the Inspector stated that "The ridge height of the block would be comparable with or marginally lower than nearby buildings but the bulk and massing would be greater and would in my opinion be very imposing on the Steyne Road street scene"
- 5.4 The Inspector also mentioned that the garage building that at that time occupied the site "mediates between the generally smaller buildings of the Conservation Area and the more imposing buildings towards the seafront. Redevelopment would almost inevitably lead to a larger building on this site". The Inspector also accepted that due to potential of flooding that this "necessitate raising the floor levels of the development but I do not consider that this justifies the harm to the street scene which would result from the bulk or mass of the proposal" and concluded by stating "I consider that the height mass and intensity of development on this corner would be imposing and over dominant on the street scene and would detract from the open setting of the Conservation Area and the listed buildings along Steyne Road"
- 5.5 **LW/09/1058** - Construction of six x three bedroomed houses, six x two bedroomed flats with associated car parking below a deck level and access (demolition of existing building) - Refused
- 5.6 **LW/12/0693** - Demolition of existing building and erection of 6 x 3-bedroom houses with parking and associated landscaping - Approved
- 5.7 **LW/14/0902/CD** - Discharge of conditions 7, 8 & 9 relating to planning approval LW/12/0693 – Approved

- 5.8 **S/72/0192** - Change of use from girl guide headquarters to light engineering industry. Demolished. - Refused
- 5.9 **S/60/0282** - Twelve Flats - Refused
- 5.10 **S/51/0033** - Re-positioning of petrol pump. - Approved
- 5.11 **SV/51/0032** - Advertisement Application for illuminated sign. Permission expires 18/05/1954. - Approved

6. Consultations

6.1 External Consultations:

ESCC Archaeology

No objection

Although the application site lies in an Archaeological Notification Area, it is not believed that any significant archaeological remains are likely to be affected by these proposals.

ESCC HIGHWAYS

Objection [12 Dec 2019]

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, layout, off-street parking, road layout, surface water drainage and on-site turning facilities and would not therefore give rise to increased hazards to highway users.

2. The proposal does not provide for adequate parking facilities within the site (the proposed parking spaces are too small to adequately accommodate a parked vehicle which would result in additional congestion on the public highway causing [further] interference with the free flow and safety of traffic on the C30 [Steyne Road] and would therefore be contrary to paragraph 105 of the National Planning Policy Framework.

Comments on amended plans

No objection 5 Aug 2021

Executive Summary

This HT401 is issued in response to the additional information including Road Safety Audit Stage 1, Technical Note 1 and additional plans received from Lewes District Council on 15th November 2019 and additional information including amended plan P-347-02 A and revised Design & Access Statement dated 21st June received from Lewes District Council on 5th July 2021.

I am satisfied that the impact of this development [13 residential units total] can be accommodated on the highway network provided the mitigation measures are carried out.

Thus, my objection to the proposed development dated 23rd October 2019 is removed and I do not object to the proposal subject to highway conditions and a section 106 Agreement to secure the Traffic Regulation Order Contribution.

Response

The revised proposal indicates that the number of residential flats has now been reduced from 14 to 13 in total. The proposal now includes an additional access point to serve the development by retaining and altering an existing access onto Steyne Road. The parking area has been revised to provide for 13 car parking spaces.

1. Access/Visibility

The site lies within a 30mph speed limit whereby the visibility splay distances should be 2.4 metres x 43 metres which is in accordance with that recommended in Manual for Streets. The amended plan No. P347-02 does not show the visibility splays from the revised access direct onto Steyne Road. The proposed vegetation on the northern boundary of the site would affect the visibility from this proposed access point and around the corner of the footway into St. Johns Road. Therefore 2m x 2m pedestrian visibility splays are required to be provided to the west of the access onto Steyne Road and across the corner of the site at the junction of Steyne Road with St. Johns Road as well as at the new proposed access onto St. John's Road. These splays can be included as a condition with any grant of consent.

A stage 1 Road Safety Audit (RSA) has been satisfactorily carried out/signed off by the Auditor for the proposed new access direct onto St Johns Road.

However, the Road Safety Audit raised a problem regarding the visibility to the north being restricted by parked vehicles. It recommended that in order to maintain visibility to the north [in addition to the pedestrian visibility splay] the existing parking restrictions will need to be extended on the eastern side of St. Johns Road to the south across the proposed access and to the southern end of adjacent access serving Rayford Court. This would require a £5,000 contribution from the applicant for the existing Traffic Regulation Order to be amended and would need to be secured through a s106 agreement.

It should be noted that the access proposals now effectively create an in and out arrangement. Whilst this is not normally accepted by this Authority given the previous garage/forecourt usage a strong highway objection would be difficult to justify in this instance particularly as both of the access points are wide enough to accommodate a two-way flow of traffic.

The existing footway will need to be reinstated across the existing accesses/forecourt that are to be formally closed off as part of this proposal with full height kerbs provided. This will also include remedial works required to the back of the footway. These will all aid to connect the site to the bus stops and local facilities.

2. Parking Provision

The applicant is now providing for 13 car parking spaces as shown on amended plan No. P-347-02A which are now shown to be to recommended dimensions. The 13 parking spaces are acceptable provided that they are all unallocated. The flats would need to be sold without an allocated parking space. The parking as shown on plan No. P-347-02A is therefore acceptable.

Secure and covered cycling facilities are shown to be provided within the development with provision for 34 cycles in a double rack, which in accordance with ESCC requirements and thus acceptable.

3. Demolition/Construction

A Construction Traffic Management Plan will need to be provided and be agreed through a condition of any grant of consent. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the whole of the demolition/site clearance and construction phases. Deliveries should also avoid local school pick up/drop and peak network times.

4. Travel Plan Issues

Although the size of the development does not warrant a Travel Plan or Travel Plan Statement, I would still wish to see a Travel Plan Pack provided with each dwelling upon occupation. This should provide information on bus/train stops and timetables, walking distances etc and preferably bus/train taster tickets for each dwelling. This would help to reduce the reliance on the private motor car. This can be secured by way of a condition of any planning permission.

5. Mitigation Measures

A Section 106 agreement would be required to include provision of:-

A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St. Johns Road.

Conditions

In addition to the mitigation measures above I recommend that any consent shall include conditions (These are attached to the draft decision - see end of report).

Lead Local Flood Authority

No objection - the revised development plans show an area previously proposed as communal garden space has now been replaced by permeable paving, which will allow surface runoff to infiltrate into the ground. The applicant has provided sufficient information to assure us that the underlying soil is compatible with the use of infiltration systems and therefore this is acceptable to us.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely.

1. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Planning Policy

The application follows previous planning permission for the demolition of an existing building in B2 (General Industrial) use, and the erection of six houses (LW/12/0693). The principle of loss of employment land and developing for residential use at this site is therefore established.

The site is a brownfield site within the planning boundary; retained 'saved' policy CT1 (Planning Boundary and Key Countryside Policy), replaced by LPP2 policy DM1, where development is generally considered acceptable in principle, subject to its conformity with other development plan policies.

Core Policy 1 (CP1) (Affordable Housing) requires developments of 10 or more dwellings to provide 40% affordable housing, unless robust financial evidence is submitted to the council which demonstrates it is not financially viable. The proposal does not include any affordable housing contribution. The applicant states that a viability report will be submitted, however this was not available on the date these comments were made.

The site is located within Flood Zone 3 and adjacent to areas of low to high risk of surface water flooding. Proposals must be in accordance with Core Policy 12 (Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability) (CP12), to the satisfaction of the Environment Agency and Lead Local Flood Authority.

The site is, in part, adjacent to the Seaford Town Centre Conservation Area and in close proximity to two groups of Grade II Listed Buildings. The Seaford Town Centre Conservation Area Appraisal also notes a number of 'Unlisted Buildings of Merit in the Townscape' on the opposite side of the road. Consideration should therefore be given to the proposal's compliance with Core Policy 11 (Built and Historic Environment and High-Quality Design), DM25 (Design) and DM33 (Heritage Assets).

Seaford Neighbourhood Plan policies considered relevant to this application are SEA2: Design, SEA3: Conservation Areas, and SEA19: Windfall Development as an 'unidentified' site (6 or more dwellings)

The application is located adjacent to the boundary of the Town Centre Conservation Area. Although policy SEA3 does not directly apply, the Design and Access Statement does state that the external building materials specified are sensitive to the proximity of the Conservation Area.

The design of all developments within the Plan area will have regard to the General Design Guidelines for Seaford and be subject to other relevant development plan policies. Development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:

c) the site provides good access to public transport to help reduce car dependency and reduce car use - The application site is in close proximity to the town centre and its bus and rail links and meets this criterion.

d) the design makes an efficient use of land and incorporates a high-quality layout, building design, energy efficiency and durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the landscape and townscape character and local distinctiveness of Seaford - There is a range of building types in this area; the application does not conflict with Seaford Neighbourhood Plan policy on design. An Outline Energy Statement indicates that carbon emissions have been reduced further than planning policy requirements.

e) the design incorporates public and private spaces which are clearly defined and designed to be attractive, well managed and safe. There should

be suitable private outdoor amenity space for new dwellings, so passers-by respect the boundaries and residents feel their personal space is protected, and adequate, appropriately designed external storage space for bins and recycling facilities as well as for bicycles - There is a small, east-facing communal garden and communal amenity space with areas of landscaping providing a buffer to the road and defensible space. Each flat has a minimum of 2 cycle storage spaces allocated in a secure storage unit (34 spaces in double racking) and a secure space is provided for refuse bins with access from both Steyne Road and the access way.

g) where appropriate the design is informed by an Ecological Impact Assessment (EclA), in line with BS42020:2013 and CIEEM guidelines, has regard to the mitigation hierarchy in NPPF paragraph 175a, and provides a net gain in biodiversity - New high-level brick nesting boxes have been included within the brickwork soffit wall lines for swallows and bats, which will add habitat benefits.

The Seaford Neighbourhood Plan Design Code should also be referred to in decision making:

GP05 Turn the corner - all facades for overlooking the street or public space should be treated as primary facades, there should be some form of street contact e.g. windows or private space at street level, at least one of the perimeter walls should be a low wall.

GP08 - Make Buildings Overlook Streets - the main entrance to the building should face the street to encourage natural surveillance and form connections between neighbours and buildings.

The proposal is considered to meet the criteria set out above. The north and west elevations fronting onto Steyne road and St. John's Road are treated as primary facades with ground floor windows, the main pedestrian entrance is on Steyne Road, and defensible garden space is provided between the development and the street.

Sussex Police (Secured by Design)

No objection or major concerns - Subject to compliance with Secured by Design and details pertaining to access and vehicle access controls; specific lighting to the entrance lobby; postal arrangements; security grille to the bike store window; underground parking lighting; and counter terrorism considerations.

Southern Water

No objection subject to conditions and infomatives.

Environmental Health

Submitted detail is a Phase 1 Desk study and Phase 11 Site investigation report prepared by Leap Environmental Ltd (Report ref: LP2271 dated 10 August 2020).

The report para 28 highlighted the need for additional investigation and remediation of the site (if needed based on the additional investigation) because of some underground buried tank.

So, if LPA is minded to grant a planning permission, then considering the sensitive uses of the site, I recommend land contamination conditions.

Further to receipt of the air quality assessment numbered 2423W-SEC-00001-0 (July 2021) submitted by Southdowns Environmental Consultants, I would recommend approval of the above planning application subject to a Construction Environmental Management Plan (or Dust Management Plan) shall be written and in accordance with Section 9.13 of the Southdowns Air Quality Assessment (2423W-SEC-00001-0) dated July 2021.

Environment Agency

We request that the following conditions be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Flood risk

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: SouthdownHomesLtd/6SteyneRd/FRA, August 2019), drawings (No's. P347-03, P347-04, P347-07 and P347-08), and the following mitigation measures detailed therein: The ground floor is to be used for parking, access foyer, stairs/lift, utilities and refuse/recycling only (drawing P347-03), with all habitable residential accommodation restricted to the first floor (drawing P347-04) and above, as stated within paragraph 6.1 of the FRA; The finished ground floor level (parking/foyer/facilities) shall be set no lower than 4.30mAOD (metres above Ordnance Datum), and the finished first floor level (habitable/residential accommodation) shall be set no lower than 7.40mAOD, as specified in Paragraph 7.2 of the FRA and elevation drawings No. P347-07 and P347-08;

Flood resilient/resistance measures (construction, fixtures and fittings) are to be incorporated up to first floor level as detailed in Paragraph 7.5 of the FRA; and

Residents are to sign up to the Environment Agency's Flood Warning system (as per Paragraph 8.2 of the FRA), and a flood evacuation plan is to be implemented (Section 9 of the FRA), as approved by the Local Planning Authority.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and its future occupants, ensure the safety of the structure and its owners/occupants during a flood event, and to ensure that the proposed development is resilient to future climate change projections, in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Verification report

Prior to any part of the permitted development/each phase of development brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - The site rests upon the Culver Chalk, designated as a Principal Aquifer by us. Whilst the risk/impact to end users of controlled waters is deemed to be low, every effort should be made to ensure no further deterioration of the controlled waters. The condition ensures that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met, and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons - The submitted planning application indicates that boreholes have been installed at the development site to investigate groundwater resources. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the above planning conditions are imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

Seaford Town Council

Objection to the original scheme -

1. Over development bringing the building too close to the adjoining pavement in Steyne Road.
2. The block would be out of character and scale with other neighbouring properties along Steyne Road.
3. The block would have an adverse impact on the adjoining Conservation Area, in particular properties 19 to 23 Steyne Road.
4. The original proposals for development of six houses would be far more appropriate and in keeping with the character of the area.
5. The objections submitted by the highway authority are supported

Objection to the amended scheme –

1. Design and bulk out of context with surroundings
2. Height and massing would have a seriously adverse impact on the properties immediately opposite in Steyne Road and in the Conservation Area and contrary to SEA 3 Conservation Areas and Section 3.5 of the Design Guidelines relating to Seaford Seafront.
3. Applicant has failed to take the objections to the original scheme into account and that the approved schemes for surrounding developments would be far more appropriate as it would achieve the necessary 'scaling down' between adjacent blocks of apartments in St Johns Road and the more modest scale of development in Steyne Road.

Additional Comments –

The Town Council's view is that the proposals give far too much consideration to extracting the maximum number of 'dwellings' from the site and the relationship of the building to Rayford Court and very little, if any, consideration to the impact on the character of the neighbouring Conservation Area.

The recent planning history clearly points towards a modest town house development as being appropriate for the site as a 'scaling down' from the mass and scale of Rayford Court to the smaller scale pattern of development in Steyne Road itself i.e the scheme for six dwellings approved under LW/12/0693.

This was in line with the main points of the Inspectors decision in the 2010 appeal. She was considering a scheme similar in scale and massing to the current application. She based her decision to dismiss the appeal largely on how this would impact on the adjoining Conservation Area and listed buildings in the locality.

She referred firstly at para 15 to the Conservation Area Appraisal the relevant section of which states in relation to Steyne Road: -

" This street marks the old boundary of the town, first circumscribed by the river then shingle bank which took its place. The reclaimed land is now fully developed, but the sweep of the road indicates the route of the river, and the large, elegant houses are testament to its original desirable location, facing out to fine views of the sea. This consequently has a much more open feel to it, compared to the narrow, crowded streets around the High Street and retains its air of understated gentility. The houses are larger and more imposing in distinct contrast to the cottages that occupy the adjacent lanes."

She goes on to explain in para 16: -

The ridge height of the block would be comparable with or marginally lower than nearby buildings, but the bulk and massing would be greater and would in my opinion be very imposing on the Steyne Road street scene.

She went on to say in para 17 regarding the site as it then stood, prior to it being cleared: -

At present the site mediates between the generally smaller buildings of the Conservation Area and the more imposing buildings towards the seafront. Redevelopment would almost inevitably lead to a larger building on this site. I appreciate that flood risk concerns necessitate raising the floor levels of the development, but I do not consider that this justifies the harm to the street scene which would result from the bulk or mass of the proposal.

She concluded that: -

I consider that the height mass and intensity of development on this corner would be imposing and over dominant on the street scene and would detract from the open setting of the Conservation Area and the listed buildings along Steyne Road

The scheme rejected on this appeal and the current proposals are similar as regards scale and massing. Different policies now apply to the issues raised in the current application, but they are, if anything, stronger than the policies which applied in 2010.

Firstly, Part 16 of the National Planning Policy Guidance now makes particular reference to the need to protect heritage assets such as Conservation Areas and their settings. The Heritage Statement submitted by the applicants gives a detailed description of the area but very little in terms of the assessment of the level of impact on Steyne Road. It does not comply therefore with the requirements of Local Plan policy DM 33.

What is required but strangely missing from the documents posted is a Conservation and Design Report from a designated officer. Without the benefit of this District Council members will not have an objective view on this crucial issue.

Also, since the application was submitted, the Local Plan Part 2 and the Seaford Neighbourhood Plan have been adopted and now apply with full weight to the proposals. Local Plan policies DM 25 and DM 33 apply to the application but there is no indication as to how this development will conserve or enhance the Conservation Area. It would in fact dominate this

section of Steyne Road and overwhelm the existing delicate quality and character of the Victorian houses immediately opposite.

The Seaford Design Guidelines have also been adopted along with the Neighbourhood Plan and have given added weight to the issue of impact on the scale and character of the Conservation Area. The Guidelines were treated quite lightly in the Planning Policy response, but it is a Design and Conservation issue more than a Policy issue which is why a specific Conversation and Design assessment is needed.

The Guidelines clearly at SF01 in respect of new building in the Seafront area: -

New proposals and extensions in this area should respect the well-established scale, size, rhythm and material palette of the surrounding existing development; and

New developments should be sympathetic with the existing building style and form and should respect the existing scale, height and material of the surrounding developments.

This scheme may match the scale of Rayford Court to the south and while the amenities of the residents of Rayford Court have to be protected it's clear that the priority should be the match to the scale and character of Steyne Road, and this is where the scheme fails.

The proposals therefore contravene paras 202/203 of the NPPF, policies DM25 AND DM 33 of the Lewes Local Plan Part 2 and the Design Guidelines of the Seaford Neighbourhood Plan

7. Neighbour Representations

7.1 A letter has been received from Seaford Little Theatre (4 Steyne Road) objecting to the application for the following reasons: Over massing of the site, Seaford has enough flat developments and not all are sold, a perfectly acceptable scheme has already been approved.

7.2 Representations have been received from 34 local residents including Housemartins Property Management (11 High Street) on behalf of 1-24 Kings Well Court; 10 St. John's Road; Flats 14, 16, 22 King's Well Court, The Causeway; no address given; and 6, 11, 13 and 19 Steyne Road, objecting to the application for the following reasons:

North elevation is close to pavement and opposite a terrace of Victorian houses which have no front gardens and are built up to the pavement.

The street scene will appear narrow and create a tunnel effect. Will cause a visual break interrupting the natural flow of the street scene and create two areas of affecting the sense of openness.

Large footprint out of scale with the area.

Large and imposing structure that will overpower this part of Steyne Road.

Long boundary with St John's Road means the bulk and massing will be particularly dominating when seen together with the north elevation.

Height exceeds Kings West Court and is considerably greater than Seaford Little Theatre.

In front of building line set by Kings West Court and Seaford Little Theatre, which sits well back.

Height and siting will have an overbearing influence on the street scene and current openness of the conservation area of Steyne Road.

Little space for planting on the Steyne Road frontage.

Height and site placement will infringe on the privacy of surrounding properties and lead to overlooking.

Loss of daylight and overshadowing, contextual significance, drainage, flooding, highway hazards, inadequate access, loss of light, noise and disturbance, out of character, over development, overbearing building/structure, overlooking, loss of privacy, parking issues, smell/fumes, traffic generation, misleading photo images, no images to show relationship with Kings West Court and 19-23 Steyne Road, which are next to the site, the proposed development is higher than these buildings and will be overbearing, harm to street scene, insufficient information, lack of infrastructure, properties in the vicinity damaged by previous pile driving, bins and recycling would be better for disabled people sited near the Steyne Road entrance so collections can take place at the same time as Rayford Court, entrance labelled as access road is actually a private drive, development should be scaled back, the access road is in fact part of a freehold private development and forms part of the boundaries of 1-24 Kings Well Court.

The side gate in the boundary wall directly opposite the garage block of 12a-24 Kings Well Court cannot be granted.

Bin collection via the access to Kings Well Court will not be permitted.

Site likely to flood

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.

8.2 Principle of the proposed use

8.2.1 Policy SP1 of the Lewes District Local Plan part one makes a commitment for a minimum of 6,900 net additional dwellings to be

provided in the plan area. Since 2016, the figure for the South Downs National Park has been disaggregated and a revised figure of 5,494 net additional dwellings (equivalent to 274.7 dwelling per annum) is applied for land outside of the SDNP.

- 8.2.2 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.
- 8.2.3 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. The Lewes District Council cannot show a 5-year housing land supply identified as required by para. 74 of the NPPF. However, the main policies remain up to date that the Seaford Neighbourhood Plan, because it is less than 2 years old is afforded protection by para.14 of the NPPF, and, therefore, all relevant policies, as well as other applicable criteria set out in the NPPF, will be applied in the assessment of this application.
- 8.2.4 Policies CP2 of the Lewes District Local Plan part one sets out a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located and to maximise opportunities for re-using suitable previously developed land and to plan for new development in the highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive. This is echoed in para. 120(C) of the NPPF which maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.
- 8.2.5 From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.
- 8.2.6 Seaford Neighbourhood Plan was adopted on 24 February 2020. Although the application site is not allocated for housing, the proposed development would be in accordance with policy SEA17 of the neighbourhood plan, which states the redevelopment of brownfield or previously developed land will be supported, subject to respecting local character, residential amenity and highway safety.
- 8.2.7 In accordance with policy CP1 of the Local Plan, schemes of more than 10 residential units should provide at least 40% affordable housing. The applicant has submitted a viability assessment which shows that this is not viable (this is discussed later within the report).

8.2.8 The proposal, to redevelop the site for housing is therefore considered to be acceptable in principle and 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 as well as development plan policies relating to design, carbon reduction, landscaping, pollution control and ecological enhancements.

8.3 Affordable Housing

8.3.1 The proposal constitutes a major development and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This would equate to 5.2 units for this scheme.

8.3.2 A Financial Viability Report was submitted by the applicants stated that viability issues would mean that the scheme could not provide affordable housing and remain viable. The Council appointed an independent Consultant to assess and evaluate the submitted report and information and to advise the Council.

8.3.3 Following various assessments of the data including an amended viability report from the applicant, the Council's consultant considered that there was some room for negotiation and that something could be achieved on the site. The applicants have confirmed their agreement to provide 1 Unit discounted by 30% against the market value in accordance with the new "First Homes" principles.

8.3.4 The First Homes criteria are the minimum requirements a housing unit must meet in order to qualify as a First Home. The national standards for a First Home are that:

- a) a First Home must be discounted by a minimum of 30% against the market value;
- b) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London); and,
- c) the home is sold to a person who meets the First Homes eligibility criteria.

8.3.5 In addition, to qualify as a First Home, there should be a section 106 agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale, The price cap of £250,000 (or £420,000 in Greater London), however, applies only to the first sale and not to any subsequent sales of any given First Home.

8.3.6 The Council's consultant has confirmed that this would be an acceptable compromise and outcome.

8.3.7 Therefore, this will be secured through a section 106 agreement.

8.4 Design and Impact upon Character of Surrounding Area

- 8.4.1 The surrounding area is largely residential with buildings of a variety of sizes and forms, storey heights, and a large number of purpose-built blocks of flats. The proposed development would occupy a prominent plot, with elevations facing directly towards Steyne Road and St Johns Road and facing on to the rear of Kings Wall Court. Kings Wall Court is a three-storey clock of 12 flats, whilst to the south is Rayford Court, a four-storey block of 14 flats. Opposite, in Steyne Road is a terrace of two storey houses with basements and rooms on the roof, whilst immediately to the west is the Seaford Little Theatre. It is not uncommon to see 3,4 or 5 storey buildings in the immediate area to the south of the Conservation Area, and this is something that is not excluded in the design guidelines supporting 'low to medium density residential development with a profile of up to 5 storeys.
- 8.4.2 Policy SEA2 "Design" of the neighbourhood plan states that high quality design should be demonstrated, and that development should make efficient use of land and incorporate a high-quality layout, building design, energy efficiency and durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the landscape and townscape character and local distinctiveness of Seaford.
- 8.4.3 Policy DM25 of the Local Plan, "Design", states that development will be permitted where it contributes towards local character and distinctiveness through high quality design and subject to the following criteria:
- (1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
 - (2) Its scale, form, height, massing and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
 - (3) It incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
 - (4) Existing individual trees or tree groups that contribute positively to the area are retained;
 - (5) Adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
 - (6) Any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;
 - (7) There will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels;
 - (8) Major developments will promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;

- (9) Residential developments of 10 or more dwellings should demonstrate how the 'Building for Life 12' criteria have been taken into account and would be delivered by the development.
- 8.4.4 At present this site mediates between the generally smaller buildings of the Conservation Area, located on the northern side of Steyne Road, the more imposing buildings towards the seafront, and the large blocks of buildings in the immediate vicinity of the site. The Inspectors comments in relation to bulk and massing and impact on the conservation area are noted. However, land on the south side of Steyne Road has been significantly altered by blocks of flats that are of a scale and massing that are significantly larger than that of the buildings within the conservation area, with West View Court, to the west, an example of a similar four storeys above a ground floor void.
- 8.4.5 The design of the development is contemporary, with strong articulation and relief in the elevations, which is accentuated by the contrasting materials and the asymmetry in the elevation. The fourth and fifth storey are only partial storeys, sitting back from the main elevation, adding gradual height without making the building appear overly large and out of scale with its surroundings, unlike other more regular formed blocks of flats in the area. This setting back helps to reduce the perceived mass of the building. The upper floors also create a focal point within the surrounding public realm, with the tallest parts of the building concentrated to parts of the site adjacent to street corners where it would be expected to bolder architectural features and also where the increased height would not disrupt the overall flow of the wider street scene in terms of building height. As such, it is considered that the proposed 4 and 5-storey elements of the building, whilst more visually prominent, would not appear too visually disruptive, or incongruous within the wider street scene.
- 8.4.6 Overall, it is considered that the scale and massing of the building would not appear overbearing or disruptive when viewed in context with the surrounding built environment. It is also considered that the building design responds well to surroundings, adding a contemporary, well designed built form that is well balanced and adding a lively and visually interesting buildings into the built environment. The overall height and bulk is considered to be broadly acceptable and provides a significant benefit in ensuring an efficient use of site by delivering a good number and mix of new residential units.
- 8.4.7 The site is not within but sits opposite to the Conservation Area. It is flanked immediately to the north by 19-23 Steyne Road, a terrace of three tall Victorian houses with a mix of brick and rendered facades and clay tiles roofs punctuated with pitch roof dormers windows (basement, ground and first floor with rooms in the steeply pitched roof). The sites to the south of Steyne Road have developed a different character, distinctly different to that of the conservation area. It is not considered that the current proposal would in itself be detrimental to the character or appearance of the Conservation Area that lies to the north. The building offers a contemporary solution that, through its articulation, overall design, scale and choice of materials, would create a building

that adds interest to the street scene without detriment to either the character or appearance of the conservation area.

8.4.8 There are other buildings in close proximity to the Conservation Area on the southern side of Steyne Road – Frenches Court, Kingswell Court, Rayford Court, West Court, that have established a scale, bulk and massing that is considered to be acceptable in close proximity to the conservation area. It is considered that this contemporary building would not have an undue impact on its general character.

8.5 Impact upon Amenities of Neighbouring Residents

8.5.1 The comments from neighbouring residents are noted in respect of overshadowing and overlooking.

8.5.2 The rear elevation (east) of the proposed building, would be approximately 13m to 19m from habitable room windows in the rear elevation of Kings Wells Court, with the proposed communal garden, parking, and the existing access road in between. On this elevation there would be largely bedroom windows, with the occasional living room and balconies angled away to prevent direct overlooking. It is considered that this arrangement would not give rise to a loss of privacy and overlooking, noise or general disturbance, for residents of Kings Well Court. The windows on the southern end elevation serves a study and can be conditioned to be obscure glazed to prevent overlooking into the kitchen windows of Rayford Court flats which abut the site to the south.

8.5.3 The proposed development is not likely to cause significant loss of light or overshadowing to the extent that refusal could be sustained. The greatest impact would be to the kitchen windows on the north elevation of Rayford Court, the block of 14 flats to the south of the development site. With a separation distance of 5m there is likely to be a reduction in natural light to these north facing windows. This 5m separation is considered sufficient to reduce the impact of loss of light and overshadowing, and this would not be sufficient reason to justify refusal of planning permission, particularly in view of the fact the rooms are non-habitable kitchens, and the layout of the street where buildings are situated side by side.

8.5.4 The two units on the upper floor have a small roof terrace which wrap around part of the accommodation. It is considered necessary to add a condition to require a glazed screen 1.7m high to be erected on the east facing part to ensure that there is no overlooking or privacy issues to the occupiers of King Wells Court.

8.5.5 In terms of floor areas, the proposed flats would have sufficient space for living and circulation which is in line with the nationally described space standards.

8.5.6 Overall, and with the proposed conditions, it is not considered that the proposed development would not compromise the amenity of nearby or adjacent occupiers, to a degree that would justify refusal of permission.

8.5.7 It is therefore considered that the building has been designed to minimise overbearing impact towards neighbouring dwellings, to ensure any overlooking is consistent with existing levels in the surrounding densely developed area and minimises overshadowing impact.

8.6 Living Conditions for Future Occupants

8.6.1 The Technical housing standards – nationally described space standard (2015) identifies minimum levels Gross Internal Area (GIA) suitable for new residential development, based on the type of unit and the number of bedrooms provided. All proposed flats meet or exceed the National Space Standards.

8.6.2 All habitable rooms would be served by clear glazed windows, allowing for the provision of natural light and ventilation. All rooms would be of a suitable size to support their intended function. Awkwardly shaped rooms and long corridors are avoided; ensuring internal space is used efficiently, is easily navigated and is adaptable to a variety of needs.

8.6.3 The area is not in an area identified as having an Air Quality issue. The applicant has submitted an Air Quality Assessment and the Council's Environmental Health Officer has confirmed that the findings are acceptable.

8.6.4 The development provides minimal external amenity space. Two of the units have access to a small roof terrace, and several have small balconies. Whilst it is regrettable that the development lacks quality usable external amenity space for the residents, it is not considered that this in itself is a reason for refusal.

8.7 Impact upon Highway Network and Access

8.7.1 The development has been amended to incorporate two access points for vehicular traffic and retaining and altering an existing access onto Steyne Road. The parking area has been revised to provide for 13 car parking spaces.

8.7.2 A stage 1 Road Safety Audit (RSA) has been satisfactorily carried out/signed off by the Auditor for the proposed new access direct onto St Johns Road.

8.7.3 However, the Road Safety Audit raised a problem regarding the visibility to the north being restricted by parked vehicles. It recommended that in order to maintain visibility to the north [in addition to the pedestrian visibility splay] the existing parking restrictions will need to be extended on the eastern side of St. Johns Road to the south across the proposed access and to the southern end of adjacent access serving Rayford Court. This would require a £5,000 contribution from the applicant for the existing Traffic Regulation Order to be amended and would need to be secured through a s106 agreement.

8.7.4 The applicant has amended the scheme to show the provision for 13 car parking spaces as shown on amended plan No. P-347-02A which are now shown to be to recommended dimensions. The parking as shown on plan No. P-347-02A is therefore considered acceptable.

- 8.7.5 Secure and covered cycling facilities are shown to be provided within the development with provision for 34 cycles in a double rack, which in accordance with ESCC requirements.
- 8.7.6 A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St.Johns Road is required and this will be secured through the S106 agreement.
- 8.7.7 It is therefore considered that any potential harmful impacts upon highway safety and parking capacity of surrounding streets can be mitigated to an acceptable degree.

8.8 Sustainability and Accessibility

- 8.8.1 The applicant has submitted an Outline Energy Statement which is comprehensive and concludes that the proposed development would achieve a reduction of 20.5% carbon emissions compared to the Building Regulations requirements. This would be achieved through air-tight construction, a thermally efficient building fabric, advanced gas boiler systems, low-energy lighting and solar panels mounted on the roof. The statement also includes details of measures put in place to reduce water consumption and investigation of whether district heating, combined heat and power could be incorporated into the development. This is considered to be sufficient to meet the requirements of policy CP14 of the Local Plan.
- 8.8.2 In terms of meeting the requirements of policy DM24 of habitat enhancement and biodiversity, the Design and Access Statement submitted states that the currently demolished site and hard standings have little value for protected wildlife habitats, but the proposed development will include high-level brick nesting boxes for swallows/swifts and bats. The proposed landscaping scheme can also be used for the planting of indigenous species that could enhance the biodiversity of the site, as would the communal gardens. On a site such as this, these proposals are considered acceptable.
- 8.8.3 The application site is within walking distance of Seaford town centre, the seafront and the mainline railway station. The site is in a sustainable location where reliance on private car use for journeys would not be necessary. The proposals also provide alternative, for example 34 cycle parking spaces, and this is considered acceptable and meets the requirements of policy CP13. Electric vehicle charging points should also be provided and these can be secured by imposing a planning condition.
- 8.8.4 Amendments have been made to the scheme to address design concerns raised by the highway authority in respect of the size of the car parking spaces at the ground floor level beneath the residential upper floors.

Drainage

- 8.8.5 Drainage of the site has not been identified as an issue. ESCC at the Lead Local Flood Authority has considered the application and is satisfied that the proposed development is capable of managing flood

risk effectively. The revised plans indicate that the communal garden that has been replaced with permeable paving will allow surface runoff to infiltrate into the ground. The developer has provided sufficient information to assure the LLFA that the underlying soil is compatible with the use of infiltration systems.

- 8.8.6 A condition will be attached to require photographic evidence that the drainage system has been constructed as per the detailed drainage designs.

Construction Phase

- 8.8.7 The site is located within a relatively densely populated area. To minimise disruption to neighbouring residents, a condition will be included to secure a Construction Management Plan that will need to include, but not be limited to, details of vehicle routing, management of deliveries, parking and access arrangement for contractors, positioning of scaffold, storage facilities for materials, measures to manage air, light and noise emissions and measures to prevent discharge of material onto the highway.
- 8.8.8 The Construction Management Plan would also require details of a named site manager to act as a liaison with neighbouring landowners and provide a response to any problems identified as a first port of call.

Archaeology

- 8.8.9 The site falls within an Archaeological Notification Area. The County Archaeologist is satisfied that no significant archaeological remains are likely to be affected by the current proposals.

S106 Legal Agreement

- 8.8.10 The provision of 1 Unit of accommodation discounted by 30% against the market value in accordance with the new "First Homes" principles.
- 8.8.11 A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St.Johns Road is required and this will be secured through the S106 agreement.

Human Rights Implications

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

9. Recommendation

- 9.1 It is considered that this development makes the most efficient use of the site whilst providing a contemporary designed scheme that remains

financially viable and provides an element of affordable housing. Therefore, on balance, it is recommended that permission is granted subject to the conditions listed below and a Section 106 Legal Agreement as set out within the report.

Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	1 st November 2020	08590-P-L-(00)-001 Rev PL1
Proposed Site Plan	1 st November 2020	08590-P-L-(00)-020 Rev P3
Proposed Lower and Upper Ground Floor Plans	1 st November 2020	08590-P-L-(00)-025 Rev P3
Proposed First and Second Floor Plans	1 st November 2020	08590-P-L-(00)-026 Rev P3
Proposed NE and SW Elevations	1 st November 2020	08590-P-L-(00)-030 Rev P5
Proposed NW and SE Elevations	1 st November 2020	08590-P-L-(00)-030 Rev P5
Proposed Street Scenes	1 st November 2020	08590-P-L-(00)-035 Rev P3
Proposed Sections	1 st November 2020	08590-P-L-(00)-036 Rev P2
Transport Statement	1 st November 2020	9178 Issue B
Acoustic Assessment	1 st November 2020	P1400/02
Energy Statement	1 st November 2020	S2 P02
Drainage Strategy	1 st November 2020	9253 Issue B
Flood Risk Assessment	1 st November 2020	9253 Issue C
Arboricultural Assessment and Outline Method Statement	1 st November 2020	NJCL 689

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

1. No development shall commence until the two vehicular accesses serving the development have been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway

2. No development shall be occupied until the existing accesses/forecourt onto Steyne Road have been stopped up and the

kerb and footway reinstated, and the kerbing across St Johns Road at its junction with Steyne Road shall be altered and tactile paving provided in accordance with details to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the two proposed site vehicular accesses [onto St Johns Road and Steyne Road] and on the north-western corner of the site in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The development shall not be occupied until parking areas have been provided in accordance with the approved plan No. P-347-02A and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (plan no. P-347-02A) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

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

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding

8. No development shall take place, 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,
- the 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,
- the provision and utilisation of wheel washing facilities 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, including the name and contact details for the site manager who can be contacted should issues arise, and where those details will be displayed for the public.

Reason: In the interests of highway safety and the amenities of the area.

9. No development shall take place, including any ground works or works of demolition, until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period including traffic (including a workers travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, and site illumination, and shall be implemented in full throughout the duration of the construction works, unless otherwise agreed in writing by the Planning Authority.

Reason – In the interest of the amenity of the area.

10. The development shall include all air quality mitigation measures as detailed at Section 9.2.4 of the air quality assessment submitted by Southdowns Environmental Consultants numbered 2423W-SEC-00001-0 (July 2021).

Reason – In the interest of the amenity of the area.

11. The Remediation Strategy and Verification plan delineated on the Ashdown site investigation report (Report ref: R 13777 dated 6 Sept 2019) must be fully implemented. Any changes to these components require the express consent of the LPA. 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 .

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

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

13. 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.

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: SouthdownHomesLtd/6SteyneRd/FRA, August 2019), drawings (No's. P347-03, P347-04, P347-07 and P347-08), and the following mitigation measures detailed therein: The ground floor is to be used for parking, access foyer, stairs/lift, utilities and refuse/recycling only (drawing P347-03), with all habitable residential accommodation restricted to the first floor (drawing P347-04) and above, as stated within paragraph 6.1 of the FRA; The finished ground floor level (parking/foyer/facilities) shall be set no lower than 4.30mAOD (metres above Ordnance Datum), and the finished first floor level (habitable/residential accommodation) shall be set no lower than 7.40mAOD, as specified in Paragraph 7.2 of the FRA and elevation drawings No. P347-07 and

P347-08; Flood resilient/resistance measures (construction, fixtures and fittings) are to be incorporated up to first floor level as detailed in Paragraph 7.5 of the FRA; and Residents are to sign up to the Environment Agency's Flood Warning system (as per Paragraph 8.2 of the FRA), and a flood evacuation plan is to be implemented (Section 9 of the FRA), as approved by the Local Planning Authority.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and its future occupants, ensure the safety of the structure and its owners/occupants during a flood event, and to ensure that the proposed development is resilient to future climate change projections, in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

15. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons - The submitted planning application indicates that boreholes have been Installed at the development site to investigate groundwater resources. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

16. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason - To ensure that risks from flooding or inadequate drainage for future users of the land and neighbouring land are minimised.

17. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing;
- Details of all boundary treatments;
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;

- Ecological enhancements including details of the type, number and location of bat boxes and swallow/swift nest boxes which shall be installed before the building is occupied;

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

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policy CP1 of the Lewes District Core Strategy and policy DM25 and DM27 of the Lewes District Local Plan Part Two.

18. No part of the development hereby approved shall not be occupied until the access and car parking/turning space has been surfaced and laid out in accordance with the details shown on the approved plans and shall be maintained in place thereafter for the lifetime of the development.

Reason: In the interest of preserving the character of maintaining 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.

19. Prior to the first occupation of any part of the development hereby permitted, an electric vehicle charging point shall be provided for each 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.

20. Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

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 DM25, DM26 and DM30 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

21. Prior to the installation of any external finishes to the building hereby approved, notwithstanding the materials/colours of materials shown on the submitted application a schedule of external materials and finishes (including balconies and window styles and colour) shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with these approved details. Those materials shall not include either render or grey bricks as external facing materials.

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 of the Lewes District Local Plan Part 2.

22. The proposed development shall incorporate the renewable energy/carbon reduction measures set out in the submitted Energy Statement Report and details to show that the 20.5% reduction of carbon emissions has been achieved shall be submitted to and approved in writing by the LPA within 6 months of the first occupation of the building.

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

23. No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of obscure glazed screen to the east and south facing roof terraces. The obscure glazed screens shall be installed before the residential units they serve are brought into use, and shall be installed in accordance with the approved details and retained in situ.

Reason: To enhance the general appearance of the development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

24. All glazing in the south elevation of the development hereby approved shall be in obscured glass and be permanently fixed shut and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. **Background Papers**

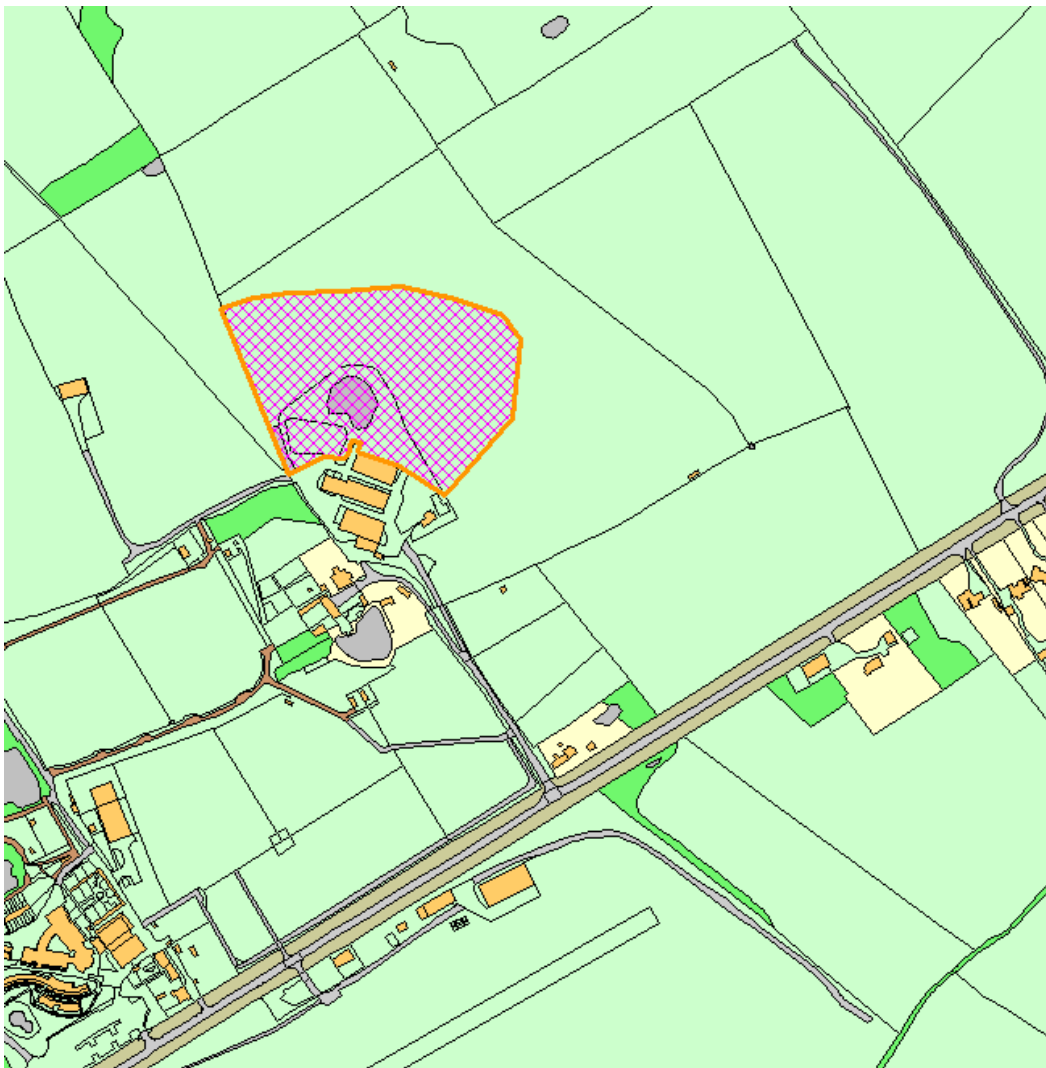
10.1 None.

Agenda Item 8

Report to: Planning Applications Committee
Date: 6 October 2021
Application No: LW/20/0485
Location: Upper Lodge Farm, The Broyle, Ringmer, East Sussex, BN8 5AP
Proposal: Amended scheme - Replacement of existing farmyard manure store with an upgraded facility, repair and upgrade of existing slurry lagoon and associated earth engineering works.
Applicant: Mr Farnes
Ward: Ouse Valley & Ringmer
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

1.1 The proposed development is considered to be acceptable and necessary for the future operation of the farm.

1.2 Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Conserving and enhancing the natural environment

2.2 ESCC Waste and Minerals Plan (2013)

- Waste hierarchy (WMP3),
- Location (WMP7),
- General Amenity (WMP25)
- Traffic Impacts (WMP 26)

2.3 Lewes District Local Plan

- LDLP: – CP10 – Natural Environment & Landscape
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP:- DM27 - Landscape Design
- LDLP:- DM35 – Footpath, Cycle and Bridleway Network

2.4 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

- WMP3a: - Promoting waste prevention, re-use and waste awareness
- WMP6: - Safeguarding existing waste management facilities
- WMP25: - General amenity
- WMP26: - Traffic impacts

2.5 Ringmer Neighbourhood Plan

No policies relevant to this proposal

3. **Site Description**

3.1 The application site is located on the north-west side of The Broyle (B2192), outside of the planning boundary, and comprises a long-established dairy farm of approximately 100 acres, with a herd of 75 on site.

3.2 The site is accessed by a road leading from The Broyle, terminating at a complex of barns/cowsheds and an agricultural dwelling. The road has a branch approximately halfway along its length serving a separate dwelling, formerly the farmhouse for Upper Lodge, and a small complex of workshops/studios and holiday accommodation. Immediately to the north-east is a pair of cottages, also formerly associated with the original farm. To

the south-east is the Raystede Centre for Animal Welfare, and on the opposite side of the B2192, also to the south-east, is the East Sussex Gliding Club.

- 3.3 The area to which the application relates is located beyond the farmyard and barns and covers an area of approximately 21,840m² (2ha). It currently comprises a lagoon for the storage of slurry; a farmyard manure store (FYM), an area of hard standing currently with stacked wrapped baled waste (awaiting removal), surrounded by a grassland field. The area around the FYM and slurry lagoon is surrounded by earth bunding, covered with self seeded wild plants. The existing slurry lagoon has a capacity of 2,300m³, which allows for a freeboard of 750mm to accommodate major rainfall events.
- 3.4 The FYM store comprises a repurposed former sand school, which does meet the specification to serve its need. The slurry lagoon, whilst having been built to house slurry generated from the site, is not sufficiently large enough to cope with the farm's slurry storage requirement. Due to the position of the two stores, in close proximity to one another at the bottom of a gently sloped farmyard, the farm has an ongoing issue with water run-off flowing into the FYM store and beyond into the lower lying field pasture.
- 3.5 The site is located in the Low Weald, which is characterised by strong field patterns, mainly pastoral farming supported by clay soil. The area surrounding the farm is relatively flat, with defined wooded areas, shaws and hedgerows which form the strong field pattern. The South Downs escarpment slopes are discernible to the south (8km away) and south west (6km away) although fairly distant. The site falls within a SSSI Impact Zone. The access road is shared with Public Footpath number 26, before it crosses onto the farmland beyond towards the north-east, passing alongside the existing FYM and slurry lagoon.

4. **Proposed Development**

- 4.1 The application seeks full planning permission to upgrade the existing slurry lagoon and the existing FYM store essentially on their existing footprints. The proposal also includes an area of earthworks and landscaping surrounding these installations to the north, east and south. The existing topsoil will be removed and stored to be used to dress the outside and top of the new landscaped area.
- 4.2 The existing lagoon will be repaired, and the banks will be raised and graded to ensure there is the necessary and required 750mm freeboard allowance to accommodate major rainfall events. The sections submitted with the application show the changes to the levels around the lagoon. In order for the development to blend into its existing agricultural surroundings, a gentle bank will be formed to gradually slope downwards back towards the existing site datum level and completed with the original topsoil. These earthworks follow the existing site contours and will be planted with new wildflowers, pollen rich grass seed mixes and indigenous mixed planting scheme, to contribute to the scheme's biodiversity net gain.
- 4.3 The new FYM will be a clay lined, earth banked, horseshoe shaped storage area on the same site as the existing. All water will be captured by the

impermeable base and will be pumped out and spread over the surrounding fields. FYM from the cattle housing buildings will be loaded into a trailer and then driven direct to the store and tipped straight into it.

- 4.4 Approximately 23,387m³ of imported material will be required to facilitate the repair and reconstruction of the slurry lagoon and FYM store. This will equate to approximately 2,300 lorry loads to the site. It is envisaged that the site could accommodate 30-40 deliveries per day, being 60-80 movements to and from the site.

5. **Relevant Planning History**

- 5.1 LW/93/0103 - Steel framed agricultural building milking parlour and covered yard – Approved 26 May 1993.
- 5.2 LW/94/1623 - Erection of a detached agricultural dwelling – Approved 16 November 1995.
- 5.3 LW/96/1020 - Fireworks Storage Compound – Approved 2 September 1996
- 5.4 LW/97/0774 - Section 73 A Retrospective application for the retention of widened field gateway (7.5m) accessing onto The Broyle – Approved 6 December 1997.
- 5.5 LW/97/1517 - Change of use of cow shed and tank room to storage and sale of horse feeds – Approved 26 January 1998.
- 5.6 LW/01/0796 - Erection of an agricultural building for cattle - Approved – 21 June 2001.
- 5.7 LW/04/0430 - Extension to cattle building – Approved 28 April 2004.
- 5.8 LW/06/0461 - Erection of a licensed secure fireworks storage compound, access track and screening bund – Refused 26 May 2006
- 5.9 APP/G1440/C/17/3185589 – Appeal against Enforcement Notice from ESCC in respect of unauthorised change of use of land from agricultural to the use of land for the importation, deposit, storage and processing of waste UPVC window frames and component parts – Dismissed 22 November 2018.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 No response received in respect of original or amended application.

6.2 Environment Agency

- 6.2.1 Comments on original application:
- 6.2.2 We have no objection to the proposal as submitted.
- 6.2.3 These proposals seek to improve and extend the, currently inadequate, manure, slurry and water sludge storage arrangements at Upper Lodge Farm. The present storage is below the capacity required to meet current regulatory standards and is also leading to a mixing of different wastes. The proposal is to separate the various wastes, thereby not only meeting legal requirements but also ensuring that these wastes can be used for agricultural benefit across the farm.

- 6.2.4 The scheme will be constructed to meet the standards contained in The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations (known as the 'SSAFO' regulations) and will ensure that the risk of pollution from these stored materials is minimised.
- 6.2.5 Comments on amended application:
- 6.2.6 We have no objection to the proposal as submitted.
- 6.2.7 These proposals seek to improve and extend the manure and slurry storage arrangements at Upper Lodge Farm. It is noted that references to the additional storage of water clarification sludge have been removed from the amended application.
- 6.2.8 The existing slurry lagoon and manure store was constructed before the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, (as amended), ('SSAFO') came into effect and, consequently, are not presently required to meet those standards.

6.3 Natural England

- 6.3.1 Comments on original application:
- 6.3.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.3.3 Comments on amended application:
- 6.3.4 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 3rd September 2020 (our ref: 325710).
- 6.3.5 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.4 ESCC Waste and Minerals

- 6.4.1 Comments on original application:
- 6.4.2 Firstly, the statement accompanying the planning application is somewhat misleading in respect of discussions held between officers from this Authority and the applicant (paragraph 2.6). It should be pointed out that the discussions which took place related to proposals to (1) repair the existing lagoon; and (2) raise the levels of the fields adjacent to the slurry lagoon, for the benefit of agriculture. During the conversations, there was no mention of a second, new lagoon. Consequently, any reference to previous discussions with ESCC should be taken in the context of this and not as being in relation to the current proposal as submitted.
- 6.4.3 In respect of the proposal itself, as you will no doubt be aware, the Waste and Minerals Plan (2013) forms part of the Development Plan, and therefore should be taken into account when this proposal is considered. As the determining authority, it will be for LDC to decide which policies are most relevant. However, matters relating to the waste hierarchy (WMP3), location (WMP7), general amenity

(including residential and use of the public right of way) (WMP25) and traffic impacts (WMP 26) should be considered. This response has not looked at the agricultural need/merits of the proposal, as it is for LDC to be satisfied in this respect.

- 6.4.4 The proposal has the potential to significantly impact on local residents and users of the public right of way, particularly during construction but also the subsequent operation of the development. If LDC is minded to grant planning permission, it is strongly recommended that conditions limiting the number of lorry movements and hours of deliveries are imposed. Such conditions should apply to both the construction phase of the development and the subsequent operation.
- 6.4.5 With regard to the volume of material to be imported to facilitate the repair/reconstruction of the slurry lagoon, FYM store and the construction of the new lagoon, a figure of 20,750 cubic metres is provided (paragraph 9.4) and that this will involve approximately 2,080 lorry loads (paragraph 9.5). This therefore suggests that lorries delivering the material will be carrying under 10 cubic metres per load. Generally, the lorries that transport the nature of material that will be used carry between 12 and 15 cubic metres. The proposal, therefore, based on the number of lorry movements could potentially involve 24,000 – 31,200 cubic metres of material.
- 6.4.6 Again, if LDC is minded to grant planning permission, it is recommended that further conditions relating to the nature of the material imported (both for the construction and operation) be controlled, as well as requiring the provision of marker posts and profile boards to delineate the tipping area.
- 6.4.7 You may also wish to consider a condition requiring a topographical survey to be undertaken and submitted to the LPA three months after repair/construction of the lagoons and FYM store has been completed. This will enable the LPA to check that there hasn't been over tipping.
- 6.4.8 Comments on amended application:
- 6.4.9 No response received.
- 6.5 ESCC Landscape Architect
 - 6.5.1 Not consulted on original application.
 - 6.5.2 Comments on amended application:
 - 6.5.3 The site and immediate surroundings would not be considered valued landscape in the context of the NPPF.
 - 6.5.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA), hla June 2020. The LVIA provides a fair and accurate assessment of the baseline landscape and visual context for the site and surrounding area.
 - 6.5.5 The proposed development site is a large and open agricultural field which lacks distinctive or historic landscape features. The open character of the site would make it visually sensitive as there are

potentially long views across the area towards the site. The weak landscape character of the site offers opportunities for landscape enhancement through replacing lost hedgerows and strengthening the site area with new woodland planting.

6.5.6 The importation of soils to create the new landform would cause disturbance for a temporary period during construction period. The proposed contoured mounding and associated planting would help to integrate the relocated manure store and slurry lagoon into the local landscape. It is recommended that the proposed development can be supported subject to the imposition of landscape conditions as follows:

- The full implementation of the proposed landscape mitigation measures as outlined in the LVIA.
- A detailed specification for the proposed planting and wildflower seeding.
- A long-term management plan to ensure the successful establishment of the planting and wildflower seeding.

6.6 Agricultural Advisor

6.6.1 Summarised comments on original application:

6.6.2 The proposed development seeks full planning permission for the replacement of the existing farmyard manure (FYM) store with an upgraded, Water Resources (Control of Pollution) Regulations 2010 (SSAFO Regulations) compliant earth bunded FYM store, the repair of the existing slurry lagoon and its upgrade to a SSAFO compliant facility, and the installation of a new water purification sludge lagoon.

6.6.3 The proposed agricultural enterprise involves the keeping of many cattle on the holding at Upper Lodge Farm throughout the year. In winter, the animals must be kept indoors and ideally undercover due to the inclement weather and wet ground conditions. As a result, there will be a large amount of FYM and liquid accumulating around the yards and buildings which must be periodically removed and stored.

6.6.4 Normal and accepted methods of storage of farm effluent from housed and yarded cattle is to separate the solid manure, including straw used for bedding from the liquid waste. It is therefore normal practice to have two storage facilities for solid and liquid waste. The farm waste will be stored during the six winter months ready for spreading onto land during the summer months, when ground conditions allow.

6.6.5 The applicants and their agent have advised that the current storage facilities are in poor condition and need renewal. From inspection, I would agree that the current facilities are below standard and are in immediate need for upgrading, to not only comply with environmental legislation but also improve the working environment for livestock and operatives.

- 6.6.6 For the above reason I consider that it is essential for the agricultural business that the replacement of the existing farmyard manure store and the repair of the existing slurry store is undertaken as soon as possible.
- 6.6.7 Regarding the importation of water purification sludge, this is an activity where waste product from local sewage works is transported to the farm property and stored ready for spreading by injection onto farmland. This is paid for by the water companies to the receiving property owner in return for taking the waste product. This activity is controlled and monitored by other agencies. There is no essential agricultural need for this sewage waste to be stored and spread on farmland at Upper Lodge Farm. This waste product can be spread on any other farmland subject to local conditions such as Nitrogen Vulnerable Zones (NVZ), location of nearby water courses, etc. The importation of waste material not produced on the farm nor resultant from agricultural activity is a matter for your authority and control by other agencies. Consequently, I shall make no further comment on the proposed new water purification sludge lagoon.
- 6.6.8 The construction of bunding to the north and east of the proposed development is assumed to reduce the impact of the development within the landscape. The importation of inert material and construction of the bunding is a planning matter and I shall make no comment on this aspect of the application.
- 6.6.9 Further summarised comments following applicant's response to above:
- 6.6.10 The application of sewage sludge is beneficial but not essential. If it were essential all farm owners would be requiring this material to spread on the land. There are alternatives to farming in this manner. It is not a requirement that sewage sludge has to be applied. Most farmers spread artificial fertiliser because it is easier to handle and requires minimal storage capacity. The importation of waste material not produced on the farm nor resultant from agricultural activity is a planning matter. Consequently, I shall make no further comment on the proposed new water purification sludge lagoon.
- 6.6.11 Comments on amended application:
- 6.6.12 From the additional information provided I note that only the new replacement farmyard manure store and upgraded slurry lagoon is proposed. I note that a new lagoon previously proposed for the storage of imported sewage sludge it now deleted from the scheme.
- 6.6.13 As previously commented, there is an essential need for upgrading the storage arrangements for farmyard manure and slurry that is resultant from the keeping of cattle on the holding. The proposed new manure store and upgraded slurry lagoon are considered essential for the agricultural activity to continue successfully and in accordance with environmental rules and guidance.
- 6.6.14 I have noted that with the deletion of the sewage/water sludge lagoon the area of land raising has not been reduced in size. It would seem appropriate that with one less artificial construction there

would be less of a need for the importation of so much soil for landscaping. This is a planning matter, and I shall make no further comment on the landscaping.

6.7 Ringmer Parish Council

6.7.1 Comments on original application:

6.7.2 Ringmer Parish Council opposes and objects to this application as it is un-neighbourly. Ringmer Parish Council has significant concerns regarding the shared access which may become damaged due to an increase in lorry movement. Ringmer Parish Council is genuinely concerned that the proposal is too near a public footpath.

6.7.3 Comments on amended application:

6.7.4 Ringmer Parish Council objects to this application on the grounds of shared drive. Ringmer Parish Council found it hard to comment further, due to the lack of a Traffic Management Plan.

7. **Neighbour Representations**

7.1 Representations have been received from 30 local residents, objecting to the application for the following reasons:

- Unnecessary noise
- Increase in traffic volumes
- Amount of traffic along The Broyle is already intrusive, dangerous and damaging
- Application's traffic movements are too much and should not be allowed
- Traffic will lead to noise, hazards and pollution in Ringmer
- The application is about land raise. The use of imported material for the bunding is unsuitable and should be re-considered
- Infrastructure in the area not adequate to support this level of lorry movements
- Farmyard is a disgrace, full of dumped machinery and falling down barns
- Too many heavy lorries already for works being carried out elsewhere
- Request to reduce number of daily movements and only between 09:30 and 14:30 to avoid school drop off and pick up times.
- Houses are suffering from cracks due to traffic
- Request for conditions to get applicant to repair the road and up to entrance of Raystede Animal Welfare Centre
- Request condition to stop slurry lorries to and from the site

- Impact on wildlife
- Danger to children
- Amount of imported material will have a serious impact on road network, roads are not sufficiently well-maintained to support extra heavy goods usage
- B2192 is always being dug up by one utility or another, creating fumes and congestion
- Proposal will increase problems faced by Ringmer residents
- Condition requested to ensure that footpath is protected
- Residents have been “tipped off” that the proposal is really a “land raise” scheme to get rid of hardcore
- The Broyle is a fairly narrow residential road that was not built to accommodate heavy traffic
- Lorry fumes will lead to pollution at a time when the world is facing a climate catastrophe
- Danger to cyclists
- Concern that a company from Crawley will use this area to import so much material
- Residents in the area suffering from so many heavy lorries delivering materials to building sites
- Concern that the enlargement of the existing slurry lagoon is for landfill
- Request for applicant to create another access to the site, away from local homes
- This is a landfill project and should be refused
- Speed limit is often not adhered to
- Proposal will exacerbate existing problems regarding state of road and number of lorries using it
- Concern about noise of reversing alarms on lorries
- Concern about previous activities on the farm, involving waste disposal
- Businesses adjacent to site concerned about impact of lorry movements
- This is about a deal with a business in Crawley to get rid of hardcore
- Applicant doesn’t consider the environment
- Roads and pavements in Ringmer Village are deteriorating due to traffic, pavements are not safe, too much noise and backdraft from lorries

- Endless lorries thundering through Ringmer, damaging verges. Deliveries of hardcore to the site on such a large scale will have a detrimental impact on quality of life
- Reading Agricultural Consultants – questions information regarding livestock and need for works to the lagoon and FYM store, lack of justification for the extent of the works, need for imported material. Applicant has failed to demonstrate that the proposal is a) required and b) appropriately designed.

8. Appraisal

8.1 Key Considerations

8.1.1 The main considerations are i) the need for the proposed FYM store and the upgraded slurry lagoon; b) the impact of the works required to implement the FYM store and upgraded slurry lagoon on the surrounding area and c) measures to mitigate the impact of the proposal.

8.2 Principle

8.2.1 As confirmed by the Environment Agency (EA), the works to renew the FYM store and to upgrade the slurry lagoon are necessary to meet the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, (as amended), ('SSAFO'), as they do not currently meet the standards set out in these regulations.

8.2.2 The District Council's Agricultural Advisor has confirmed that "*....it is essential for the agricultural business that the replacement of the existing farmyard manure store and the repair of the existing slurry store is undertaken as soon as possible*".

8.2.3 It is therefore considered that due to the need of the farm enterprise, confirmed by the EA, that the principle of the development is acceptable.

8.3 Landscaping

8.3.1 The application was supported by a comprehensive Landscape and Visual Impact Assessment, upon which the County Landscape Architect has commented and found to be satisfactory, subject to conditions.

8.3.2 Also submitted was a Preliminary Ecological Appraisal (PEA) to assess the various habitats on the site as well as to ensure there are no protected species that may be impacted as a result of the development.

8.3.3 Various recommendations have been made to enhance the site for biodiversity in accordance with NPPF, which predominantly focus on generous native and nectar rich planting, installation of bird boxes and enhancements for hedgehogs.

8.3.4 Additional recommendations and biodiversity enhancements have also been made to reduce the indirect impacts that the development

may have on surrounding flora and fauna given its position within a 500m buffer zone of ancient woodland and a nearby SSSI.

8.3.5 Again, these measures can be secured by condition.

8.4 Transport and Traffic

8.4.1 The proposal in and of itself, will have no additional traffic and transport impacts. For this reason, ESCC Highways Team was not consulted.

8.4.2 It should be noted that the amended proposal, which has removed the new water sludge lagoon, will actually lead to a reduction of vehicle/lorry movements to and from the site as the applicant will no longer be processing waste water.

8.4.3 However, the works required to carry out the proposal will involve temporary increased traffic movements to and from the site, for the duration of those works only. This is the main reason cited in the objections generated by the amended application. Also raised is the impact on the existing access road from The Broyle to the farm and to the spur access road to Upper Lodge Farmhouse, and Public Footpath 26.

8.4.4 The works will take approximately 3 months, during which it is anticipated that there will be 60-80 lorry movements to and from the site. In this respect it is similar to what would be expected from any major construction project.

8.4.5 It is standard practice to secure a Construction Environment Management Plan (CEMP) by condition. However, in this case, the applicant has now submitted a Plan in advance of the determination of the application in order to address the understandable concerns raised in the representations. Adherence to the CEMP can be controlled by condition. Matters covered in the CEMP include:

- Site Working Hours & Delivery schedule
- Public engagement.
- Site security.
- Vehicle routing and site access.
- Site Car Parking, Plant and Equipment.
- Road Cleaning Regime and Wheel Washing Facilities.
- Remediation

8.4.6 Regarding the access road, prior to works commencing, the applicant will carry necessary patch repairs to the access road in order to prevent further deterioration and when completed, the road will be fully repaired and re-surfaced, to be secured by conditions.

8.4.7 Regarding Footpath 26, As set out in the CEMP, signs will be erected directed at both footpath users and construction vehicles advising caution and alerting them to each other's presence. The width of the shared access is on average 4.3m, providing ample room for vehicles and pedestrians to pass at a safe distance.

Construction vehicles are 2.5m wide, this allows 1.8m for footpath users. A strict 10mph site speed limit and 5mph along the shared access will be put in place and enforced throughout the works.

8.5 Waste Local Plan

- 8.5.1 As the proposal involves alterations to an existing waste management facility, it falls also to be considered against the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, adopted in 2013.
- 8.5.2 The waste products involved in the operations – e.g., slurry and manure – will be used to fertilise the surrounding farmland owned by the applicant. In this respect the proposal complies with the principles of policy WMP3a.
- 8.5.3 The improvements to the slurry lagoon and FYM store will safeguard the facility in compliance with policy WMP6.
- 8.5.4 The construction works required to improve and upgrade the facility will inevitably involve some disturbance to the nearby and wider residents due to the lorry movements that will be generated. The CEMP that has been submitted with the application covers all aspects of amenity and traffic – see section 8.4 above. It is considered that there will be no conflict with policies WMP25 and WMP26.

8.6 Comments on objections

- 8.6.1 The majority of the objections are based on concerns about the impact of the number of lorry movements to and from the site for the duration of the works, rather than the impact of the completed scheme.
- 8.6.2 The measures set out in the CEMP and the recommended conditions will restrict timing of the lorry movements. However, to refuse the application on what is an essential part of the construction process, would be unreasonable and unlikely to be sustained at appeal.
- 8.6.3 It should be noted in respect of lorry movements that an appeal against refusal of an application that involved importation of materials to the East Sussex Gliding Club, located close to this application site, was allowed by the Planning Inspectorate. In coming to his decision, the Inspector stated: *'I conclude that the development would not cause unacceptable harm to the living conditions of the residents of the area as a consequence of either HGVs using the local highway network or the on-site works. There would therefore be no conflict with saved Policy ST3 of the Lewes District Local Plan of 2003 and paragraph 17 (the fourth core planning principle) of the National Planning Policy Framework. That is because the development would be respectful of the amenities (living conditions) of residents of the area because the works would not give rise to undue noise disturbance.'* The Inspector also awarded costs against the council. (Application ref. LW/16/0775, appeal reference APP/P1425/W/31721.)

- 8.6.4 Comments questioning the justification and need for the works are noted. However, there is a requirement for the applicant to comply with Environmental legislation, and both the EA and the Council's Agricultural Advisor have accepted the need for the development.
- 8.6.5 The application has been considered on its planning merits only. Comments that the proposal is a 'land raise' project, designed to take on hardcore from one specific operator are based on speculation, which together with those comments about the applicant and his motives, are not planning matters and cannot be taken into consideration.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	16 July 2021	CEMP
Planning Statement/Brief	24 March 2021	Planning Statement
Proposed Layout Plan	24 March 2021	Layout Plan 020321_001
Additional Documents	25 May 2021	Landscape & Visual Impact Assessment
Additional Documents	28 July 2020	LVIA Appendix 1
Additional Documents	28 July 2020	LVIA Appendix 2
Additional Documents	28 July 2020	LVIA Appendix 3

Additional Documents	28 July 2020	LVIA Appendix 4
Additional Documents	16 July 2021	Environment Impact Assessment Screening Matrix
Landscaping	24 March 2021	hla 381 01A
Landscaping	24 March 2021	hla 381 02A
Landscaping	24 March 2021	hla 381 02A (with lagoon edge)
Technical Report	28 July 2020	Preliminary Ecological Appraisal Report

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

2. The development hereby approved shall not be commenced until details of:
 - a) a scheme for temporary repairs to the access road
 - b) a scheme for permanent repairs to the access road

have been submitted to and approved in writing by the Local Planning Authority. The permanent repairs shall be carried out within 3 months of the completion of the works hereby approved.

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

3. The development hereby approved shall not be commenced until a planting scheme for the landscaped area has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) written specifications (including cultivation and other operations associated with plant and grass establishment:
 - b) schedules of plants noting species, planting sizes and proposed numbers/densities where appropriate.
 - c) A long-term management plan to ensure the successful establishment of the planting and wildflower seeding

The planting scheme shall be implemented during the first planting season following the substantial completion of the development hereby approved.

Reason: To ensure landscape planting and its establishment in order to blend with the existing landscape in the interests of visual amenity having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

4. The development hereby approved shall not be commenced until details of a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority, in accordance with the Preliminary Ecological Appraisal Report produced by Corylus Ecology.

Reason: To improve and enhance the biodiversity of the site having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

5. The development hereby approved shall be carried in broad accordance with the Landscape Plan drawing hla 381 01A. The planting scheme approved by condition 3 shall not be carried out until details of the finished levels of the landscaped area have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure landscape planting and its establishment in order to blend with the existing landscape in the interests of visual amenity having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. The works hereby approved shall be carried out with strict adherence to the Construction Environmental Management Plan submitted on 16th July 2021. Any amendment to the CEMP shall be agreed in writing with the Local Planning Authority

Reason: In the interests of highway safety and the amenities of the area.

7. No noise producing construction audible outside the boundary of the site, shall take place outside the hours of 8:00 to 16:30 Monday to Friday and 09:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays

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

8. Deliveries to site shall be limited to 40 maximum inbound movements per day, with an expected daily average of between 25 and 30. Deliveries will only take place between the hours of 08:00 and 18:00 Monday to Friday and 8:00 and 13:00 on Sat. No deliveries will be made to site on Sundays or bank holidays.

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

9. No material shall be imported to within the development site until the developer has submitted details of the assessment of the imported material which demonstrates the suitability of the material for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

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

11. **Background Papers**

11.1 None.

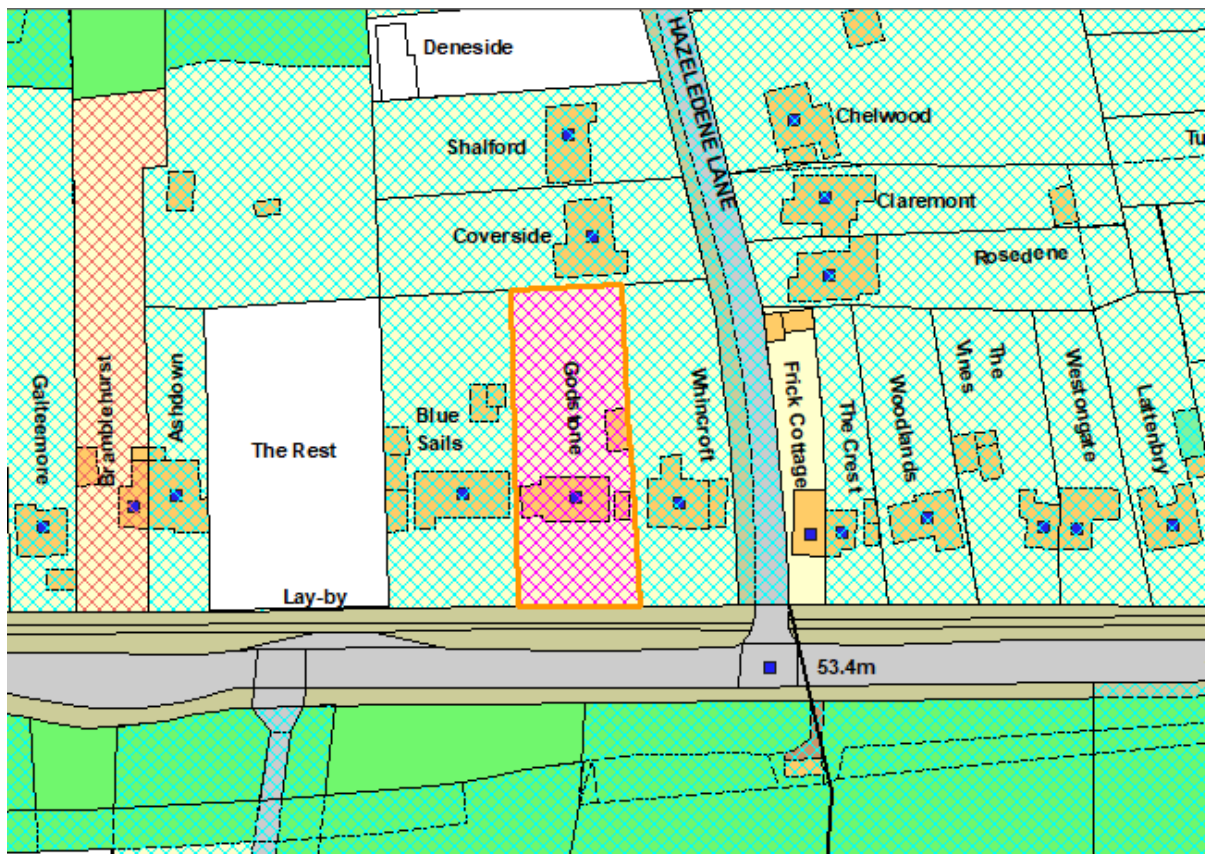
This page is intentionally left blank

Agenda Item 9

Report to: Planning Applications Committee
Date: 6 October 2021
Application No: LW/21/0077
Location: Reeve Cottage, Station Road, North Chailey, East Sussex, BN8 4HG
Proposal: Single storey side extension, loft conversion including hip to gable extensions as well as front and rear dormers, single storey front extension.
Applicant: Mr & Mrs Mendez
Ward: Chailey
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Tom Bagshaw
E-mail: tom.bagshaw@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL Liabie as the development does not create net additional floor space of 100 square metres or more.

Map Location:



1. **Executive Summary**

1.1 The proposed development is considered to meet all relevant local and national planning policies.

1.2 Approval is recommended, subject to conditions

2. **Relevant Planning Policies**

2.1 **National Planning Policy Framework**

Achieving well designed places

Conserving and enhancing the natural environment

2.2 **Lewes District Local Plan**

LDLP: - CP10 – Natural Environment and Landscape Character

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM28 – Residential Extensions

2.3 **Chailey Neighbourhood Plan**

HO1 –Design

2.4 **Site Description**

2.5 The application site is comprised of a detached bungalow. The property is located on the north side of Station Road. The surrounding area is characterised primarily by detached properties of mixed composition between bungalows and two storey dwellings. The property falls outside of the planning boundaries as defined in Policy DM1.

2.6 The site is located within an the Chailey Neighbourhood Area. The site does not fall within in a Conservation Area nor is the property listed

3. **Proposed Development**

3.1 The application seeks Householder Planning Permission for the erection of a two-storey side extension, a loft conversion including hip to gable extensions as well as front and rear dormers and a single storey front extension.

3.2 The application is called in to planning committee as Chailey Parish Council have objected to the proposal.

The proposed two storey side extension would be 3.5 metres in height to the eaves; 6.55 metres in height to the roof ridge; 3.5 metres in width; and 8.3 metres in depth.

The proposed single storey front extension would be 2.6 metres in height to the eaves; 4.6 metres in height to the roof ridge; 4 metres in width; and, 5.2 metres in depth.

The proposed western front dormer extension would be 2.25 metres in height; 4.8 metres in width; and, 2.6 metres in depth.

The proposed eastern front dormer extension would be 2.25 metres in height; 3.1 metres in width; and, 2.6 metres in depth.

The proposed rear dormer extension would be 2.25 metres in height; 14.3 metres in width; and, 2.6 metres in depth.

- 3.3 This application was subject to amendments to reduce the height of the front extension from a two-storey extension to a single storey extension.

4. **Relevant Planning History**

- 4.1 N/A

5. **Consultations**

- 5.1 Chailey Parish Council Comments on initial application:

Chailey Parish Council object to this application on the following grounds:

- *It is out of keeping.*
- *It is adding a storey to the bungalow rather than adding a loft conversion.*

- 5.2 Chailey Parish Council Comments in relation to amendments:

The above application was discussed on the 6th July at Chailey Parish Council's Planning meeting. The Council decided that the previous objection stands as there is very little difference to the previous application. Therefore, they object.

6. **Neighbour Representations**

- 6.1 No representations were received from any members of the public.

Appraisal

6.2 **Key Considerations**

- 6.2.1 The key considerations are: principle of development design, effect on residential amenity of adjoining occupants.

6.3 **Principle**

- 6.3.1 The site falls outside of the within the Chailey Planning Boundary and in accordance with DM1 development will be resisted unless it can be demonstrated that the proposal complies with another relevant development plan policy.
- 6.3.2 Policy DM28 supports residential extensions and in specific regard to applications outside of the planning boundaries states the following:
'outside the planning boundaries, as defined on the Policies Map, dwelling extensions will only be permitted where there would be no harmful impact on the surrounding landscape.'
- 6.3.3 Therefore, the principle of development is considered to be acceptable subject to the proposal not resulting in harm to the surrounding landscape.

6.4 Design and Character

6.4.1 Policy DM28 (Residential Extensions) of the Lewes District Local Plan - February 2020 (Part 2) Site Allocations and Development Management Policies, states that extensions and alterations to dwellings will only be permitted where the following criteria are met:

- 1) the materials and design, including the pitch, style and span of the roof, complement and enhance the character and appearance of the hostbuilding;
- 2) the design respects and responds positively to the scale, height, site coverage, bulk, massing and character of the adjacent properties and the wider street scene – in streets which have a definite architectural rhythm and similar style of dwelling, front extensions will not normally be acceptable;
- 3) two storey or second storey extensions at first floor level will normally be required to retain at least a one metre gap to the side boundary to prevent the creation of a ‘terraced’ appearance;
- 4) extensions would not result in unacceptable overlooking of, or loss of daylight to, the nearest habitable rooms or private amenity space of neighbouring dwellings. They should normally be restricted to within a line drawn from the mid-point of the nearest ground floor window of a habitable room of the neighbouring property. The line should be projected 60° for single storey extensions and 45° degrees for two storey extensions.

6.4.2 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:

- 1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
- 2) its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
- 3) it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
- 4) existing individual trees or tree groups that contribute positively to the area are retained;
- 5) adequate consideration has been given to the spaces between and around buildings to ensure that they are

appropriate to their function, character, capacity and local climatic conditions;

- 6) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;

And that outside the planning boundaries, as defined on the Policies Map, dwelling extensions will only be permitted where there would be no harmful impact on the surrounding landscape

- 6.4.3 DM28 permits extensions that complement and enhance the character and appearance of the host building, respects and responds positively to wider street scene in terms of scale, height, site coverage and bulk.
- 6.4.4 Chailey Parish Council have objected to the proposal on the grounds that it is out of keeping with its surroundings and is creating a two-storey property rather than simply a loft conversion. The applicant has amended the scheme to reduce the height of the front extension. Following the amendments Chailey Parish Council opted to sustain their previous objection.
- 6.4.5 The proposal includes dual, hipped roof to gable end extensions. Ordinarily hip to gable extensions would only be appropriate where they are in keeping with the character of the area and they do not unbalance the roof form of a property. In this case the proposed property is a detached property and the dual gable would create a balance and a symmetry to the front elevation. Furthermore, the neighbouring property at Wincroft to the east of the site has a gable end roof form and therefore, the proposed roof extension would not be out of character with the surrounding area or the host dwelling.
- 6.4.6 The proposed two storey side extension would be designed to appear as an integral feature of the property. It would retain the same eaves and ridge height as the existing property and the fenestration would match the main dwelling. The proposal would retain a 1.2 metre separation distance to the boundary of the neighbouring property at Blue Sails and would maintain characteristic gaps between the dwellings and avoid creating a terracing effect. Overall, the proposed two storey side extension would be in keeping with the main property and would be acceptable in terms of design.
- 6.4.7 The proposed single storey front extension would be designed to appear as a large porch and the eaves would align with the eaves of the host dwelling. The single storey front extension would command some visual presence in the streetscene due to its contemporary appearance and full width glass windows. However, it would not be considered to unacceptably harm the character and appearance of the property or the streetscene due to its single storey height and modest massing which limits its prominence within the area. Overall, the proposed single storey front extension would not unacceptably

dominate the front elevation of the property and is considered to be in accordance with Policies DM25 and DM28.

- 6.4.8 Various properties in the surrounding area feature front dormer windows (Blue sails to the west of the site) and as such, there is no principle objection to the installation of the front dormer windows in this case. Officer's note that the proposed dormers would be slightly larger than those in the surrounding area however, as they are set generously in from the sides of the roof, down from the roof ridges and up from the eaves of the roof, they would not be of a size or scale that would dominate the front elevation of the property. The proposed front dormer windows would not represent an unacceptable level of harm to the character or appearance of the streetscene or the main dwelling and therefore, would not warrant the refusal of the scheme in these grounds.
- 6.4.9 The proposed rear dormer window would not be visible from the streetscene. It would have a significant width however, it would be subordinate to the main dwelling by being set in from the sides of the roof, down from the roof ridges and up from the eaves of the roof. Overall, the proposed rear dormer extension would not be of a size or prominence that would be considered to have any unacceptable impacts upon the character or appearance of the property and would be acceptable in terms of design and visual amenity.
- 6.4.10 Overall, the proposed additions to property are modest in size and massing. The property is located within an existing cluster of residential properties within the countryside, which mitigates their impact upon the surrounding landscape. The proposals would not be the largest structures within the surrounding area and would not be unacceptably prominent within the streetscene. Therefore, due to their location within a small residential cluster and the modest size of the extensions, the impact of the proposals upon the surrounding landscape is considered to be negligible.
- 6.4.11 The proposal seeks to apply a white render as an external material finish. The surrounding area is generally finished in facing brick. However, there are some examples of render finish in the surrounding area such as, Whincroft (located at the junction to Coldharbour Ln) and as such, there is no objection to a white render finish.
- 6.4.12 Overall, the proposal is considered to be acceptable in terms of design and visual amenity.

6.5 Impact Upon Residential Amenity

- 6.5.1 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
- 6.5.2 The proposed two storey side extension would not project beyond the rear of the neighbouring property and would be located adjacent to a side passageway, which would not be considered to represent a

good standard of amenity space. The proposed two storey side extension would not include any side facing windows above ground floor level. Therefore, the proposed two storey side extension would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.

6.5.3 The proposed single storey front extension would be located at the front of the property and would not be located in close proximity to the boundary of either neighbouring residential property. The proposed single storey front extension would not include any side facing windows above ground floor level and the windows proposed would not face towards any residential properties. Therefore, the proposed extension would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.

6.5.4 The proposed dormers are located on existing roof slopes above ground floor level and would not include any side facing windows. The proposed dormers would be set within the plane of the existing roof slope and would not increase the height of the existing property. Therefore, the proposed dormer extensions would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overlooking, overshadowing or daylighting/sunlighting.

6.6 Conclusion

6.6.1 The application would be of modest size and scale and would not result in unacceptable harm to the character of the property, the street scene or the surrounding landscape.

6.6.2 The proposals have been designed in such a way that they would not unacceptably harm the amenity of any neighbouring property in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.

6.6.3 The proposal is therefore considered to be acceptable.

7. Human Rights Implications

7.1 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.

8. Recommendation

8.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions

8.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Existing and Proposed Floor Plans, Roof Plans and Elevations	17 February 2021	2036 / P01 Rev. A
Proposed Block Plan and Site Location Plan	4 May 2021	2036 / P02

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

2. The development hereby approved shall be finished in external materials which are those stated on the application form.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. The roof of the extensions hereby approved shall not be used as a sitting area or balcony and shall only be accessible for maintenance purposes.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 and DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No windows shall be formed in the side walls of any of the extensions hereby approved unless approved in writing by the LPA.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 and DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8.3 Informatives:

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building

or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
4. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

9. **Background Papers**

9.1 None.

This page is intentionally left blank