

Planning Applications Committee 16 February 2022



Working in Partnership



Time and venue:

5:00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

PLEASE NOTE: This meeting is a public meeting. The number of public seats, however, are limited at the moment and need to be carefully managed to ensure that the meeting remains Covid-secure. For this reason, in line with the requirements for this meeting venue, we would like to 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. In addition, anyone attending the meeting is recommended to wear a face covering and take a lateral flow test. **This meeting will be webcast.**

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

Published: Wednesday, 2 February 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 12 January 2022 (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/21/0415 - 33 Bluebell Business Estate, Railway Lane, Sheffield Park, North Chailey, East Sussex, TN22 3HQ (Pages 9 - 24)**

Planning applications within the South Downs National Park

- 8 SDNP/21/02685/FUL - West Laine House, Church Lane, Kingston, BN7 3LW (Pages 25 - 46)**
- 9 SDNP/20/05749/FUL - Liquid Studio, St Andrew's Lane, Lewes, BN7 1UW (Pages 47 - 66)**
- 10 SDNP/21/01724/CND - 44A Morris Road, Lewes, East Sussex, BN7 2AT (Pages 67 - 78)**

Non-planning application related items

11 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 March 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

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.leweseastbourne.gov.uk/planningandbuildingcontrol/planningapplications/speaking-at-planningcommittee/>

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.

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Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, on 12 January 2022 at 5:00pm

Present:

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

Officers in attendance:

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

64 Minutes

The minutes of the meeting held on 8 December 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

65 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Christoph von Kurthy.

66 Declarations of interest

There were none.

67 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).

68 Petitions

There were none.

69 Written questions from councillors

There were none.

70 LW/21/0705 - 3 Homefield Road, Seaford, BN25 3DG

Prior to the presentation of the application, the Senior Special Advisor clarified inaccuracies with regard to information contained in paragraphs 3.1.3 and 7.3.3. of the report which referenced permitted development rights; reference to two additional conditions in respect of the application, which should have read as one additional condition in the supplementary report; and reference to Condition 4, which should have read as an amended condition in the supplementary report, not as a new condition as detailed.

Geoff Johnson (Planning Officer) spoke on behalf of Seaford Town Council. Emma Lynch (Immediate Neighbour), Sue Baker (Neighbour) and Dr Carolyn Lambert (ESCC) spoke against the proposal. Joe Palmer (Applicant) and Alex Pell-Stevens (Lead Consultant) spoke for the proposal. The Committee Officer read a statement on behalf of Councillor Sam Adeniji in his capacity as the Lewes District Neighbouring Ward Councillor. Councillor Jim Lord spoke in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/21/0705 for lower ground floor, ground floor and first floor extension and associated internal alterations be approved, subject to the conditions set out in the report and supplementary report as amended verbally during the meeting.

71 LW/21/0615 - 23 Fairways Road, Seaford, East Sussex, BN25 4EL

Geoff Johnson (Planning Officer) spoke on behalf of Seaford Town Council. The Committee Officer read statements against the proposal on behalf of Gill Hawkins (Neighbour), Amanda Riley (Immediate Neighbour) and Councillor Sam Adeniji (ESCC). David Collins (Agent) spoke for the proposal.

Resolved:

That planning application LW/21/0615 for erection of a garage and two-storey side extension annex be approved, subject to the conditions set out in the report and supplementary report, as amended to include the use of permeable driveway materials.

72 SDNP/21/01724/CND - 44A Morris Road, Lewes, East Sussex, BN7 2AT

The Committee Officer read a statement on behalf of Councillor Merlin Milner in his capacity as the representative for Lewes Town Council.

Resolved:

That planning application SDNP/21/01724/CND for variation of condition 15 of planning application SDNP/16/01310FUL to remove requirement for public thoroughfare to be retained, *be refused* for the following reason:

The proposals by virtue of the extinguishment of the permissive accessway would fail to integrate this development with its immediate environs and would impede local permeability and connectivity, and thereby fail in assisting to create a cohesive and integrated community. The proposal would therefore be contrary to policies SD20 of the Local Plan and policy AM1 of the Lewes Neighbourhood Plan.

73 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 16 February 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 7:32pm.

Councillor Sharon Davy (Chair)

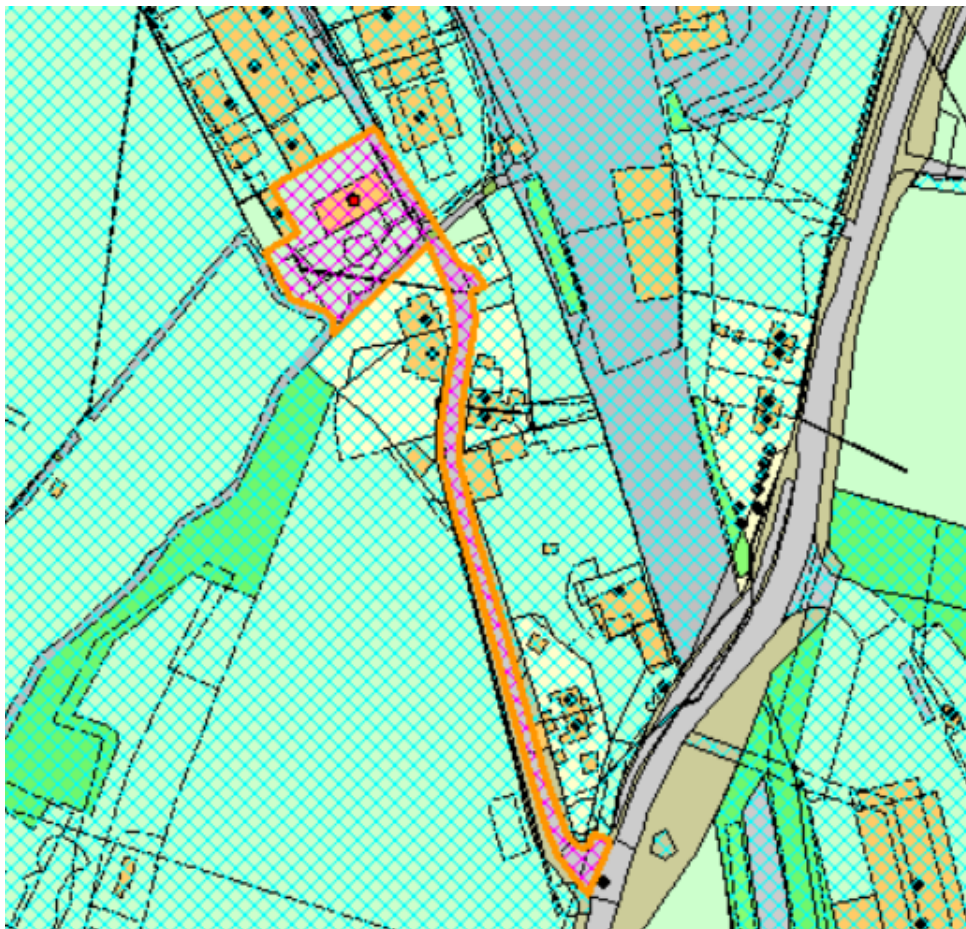
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Agenda Item 7

Report to: Planning Applications Committee
Date: 16 February 2022
Application No: LW/21/0415
Location: 33 Bluebell Business Estate, Railway Lane, Sheffield Park, North Chailey, East Sussex, TN22 3HQ
Proposal: Demolition of B1 use building and construction of new B1 use building on two floors with provision for parking.
Applicant: Mr M Baker
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 Liable as the development does not create net additional floor space of 100 square metres or more.

Map Location:



1. **Executive Summary**

- 1.1 The application is called in to planning committee as Chailey Town Council have objected to the proposal.
- 1.2 The proposed development is considered to meet all relevant local and national planning policies.
- 1.3 Approval is recommended, subject to conditions

2. **Relevant Planning Policies**

National Planning Policy Framework

- Achieving well designed places
- Building a strong, competitive economy

Lewes District Local Plan

- LDLP: - CP10 – Natural Environment and Landscape Character
- LDLP: - CP4 – Encouraging Economic Development and Regeneration
- LDLP: - SP1 – Provision of Housing and Employment Land
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design

Chailey Neighbourhood Plan

- Policy ECO5 - Encouraging Employment and Tourism

3. **Site Description**

- 3.1 The site is currently occupied a use class B1 industrial use and is situated in an area with an industrial character. This existing building is industrial in its character and a moderate size building with a mono pitch frame, the exterior of the buildings is covered in metal cladding.
- 3.2 The site abuts the settlement boundary however falls outside and is in the neighbourhood area of Chailey.

4. **Proposed Development**

- 4.1 The application seeks planning permission for the erection of a two storey Use Class B1 unit in to replace an existing single storey B1 unit.
- 4.2 The proposed unit would be 6.3 metres in height to the eaves; 7.3 metres in height to the roof ridge; 24 metres in width; and 12 metres in depth.
- 4.3 It would result in a total floor area of 576 (an increase of 371).

5. **Relevant Planning History**

- 5.1 LW/90/0840 - Application under Section 53 to determine whether a change of use from general industrial use (B2) with timber as the prime raw material to any other general industrial use (B2) would constitute development requiring planning permission. - PD

6. Consultations

Chailey Parish Town Council Comments:

Members of Chailey Parish Council made a site visit on Wednesday 20th October to application site LW/21/0415. Their outcome is as follows:

1. East Sussex SUDS (responsible for flood defences) has Objected to the Application – has not demonstrated that safe access and egress will be available, nor how surface-water flows will be managed.

2. The resident at the neighbouring house and garden has made a detailed Objection: size (more than double existing building) and on two storeys; siting of refuse bins; surface water flows directed into the Pellingbrook river between their two properties; no provision made for screening and concern about floodlighting/overlooking; increase in traffic.

3. Southern Water has expressed concern about land drainage and access to their sewer.

A. The existing building is decrepit, stands some distance from the Pellingbrook river and is single storey.

- The Application will overstep its footprint by a wide margin and be much closer to the river (and the resident's house).*

- In the absence of the Architect we assumed the building would be similar in size and height to nearby buildings; both by propinquity and by height it would affect the resident's light and overlook, the more so in that the Design and Access Statement refers to clearance of brambles and scrub adjoining the river bank.*

- There is considerable evidence of flooding at this 'choke-point' where the Pellingbrook (which gathers water over a large area as far as Scaynes Hill and including a lake) narrows drastically before disgorging into the Ouse. The resident opposite the Application has made considerable efforts to strengthen the riverbank on their side but evidence of flooding can be seen. It is understandable that Southern Water has expressed concern as well as ESCC SUDS.*

- The Application shows a Security Fence: it is not clear how vehicles can extricate themselves from the parking shown. More importantly, the refuse containers are housed along the*

riverbank in this narrow cul-de-sac, and it is certainly not clear how they can be reached by the bin collectors!

B. The current building is dilapidated so demolition for a new building is warranted. The main issue is the new building's positioning.

The proposal is for a double-height building, probably like several new properties neighbouring, which adds to the issue of overdevelopment.

The boundary of the property is uncertain but there appears to be a line of old fencing continued by the deposition of large concrete flagstones that perhaps prevent inadvertent driving vehicles into danger by slipping off the property down onto the stream bank. The opposite bank has had recent major strengthening by the owners of the cottage (perhaps water authorities). The bank on the side of the industrial park has a number of mature trees and assorted undergrowth that one imagines is very important for the bank's integrity and these should not be damaged. Higher on the site behind the supposed current fencing line, there are areas of scrub chiefly of bramble with some laburnum(?) which could be cleared to enlarge an area for car parking and dustbins. However, the plans suggest that the existing gate to this area, will be removed and a security fence replaced. That means the bins are less accessible to the dustmen.

Southern Water is concerned about its pumping station which is quite separate on the other side of the main drive to the industrial centre.

If the new building was built on the footprint of the current building, I suspect that a double-height structure in reality, would not be too troubling to the neighbouring residential property as long as there was no flood lighting and restriction of noise outside of the normal working day. The proposed use of the new building is stated as various.

If the proposed building was built closer to the stream as proposed, it would be more of a nuisance to the neighbouring residential property.

In view also of the SUDS objection, we think the plan as proposed should be opposed. However, modification of the plan to keep further from the bank and over the current building's position, would help. Even more so, if the back of the new building was single storey as is the current building. If the new

building was on the footprint of the current building, I think even a double storey building might be acceptable.

Conclusion: We recommend the Parish Council strongly oppose the plan in its current form.

Environment Agency:

We have reviewed the application and have no objection to the proposal as submitted.

LEBC Regeneration:

On behalf of Regeneration, we are supportive of the above application. The proposals will result in net additional employment floorspace, which will help to create new jobs and opportunities within a more rural part of the district. We would like to see a commitment from the applicant in terms of creating training opportunities (e.g. apprenticeships, etc) during both the construction and operational phases of the development, as well as a commitment to sourcing as much local labour / suppliers as possible to maximise the benefit of the development locally. This is in keeping with the Council's focus on community wealth-building.

Southern Water:

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

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Southern Water requires existing access arrangements to the wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Lead Local Flood Authority:

Initial response 21.09.2021:

The site is located in Flood Zone 2 and 3. The access route to the proposed development is also located within Flood Zone 2 and 3 where flood depths may prevent safe access and egress to and from the development.

The proposed development is likely to result in an intensification of use at the site, with a greater number of site users present at

any one time. We therefore object to the proposed development as the applicant has not demonstrated that safe access and egress will be available.

Flood depths from the Environment Agency have been submitted, however, it is not clear how the flood depths relate to the proposed site levels and what depths of flooding will be experienced on site. It may be necessary to incorporate flood mitigation measures into the proposed development.

It is not clear how surface water runoff from the proposed development will be managed and whether existing drainage systems at the site will be utilised. We request that the existing drainage system is CCTV surveyed to ensure it is in usable condition before we can remove our objection.

We note that the site is at risk of surface water flooding during the 1 in 1000-year surface water flood event. We request that an exceedance flow route plan is submitted to demonstrate how surface water flows during this event will be managed, to avoid flooding of the proposed buildings and existing neighbouring buildings.

Updated response 20.01.2022:

We have previously submitted comments in relation to this planning application (dated 21/09/21) however the Local Planning Authority have requested that matters relating to drainage are dealt with through an appropriately worded condition.

The site is entirely impermeable and therefore the proposed development will not increase surface water runoff from the development. There is likely to be a surface water drainage system serving the existing buildings at the site. We request that a CCTV survey is carried out on any existing drainage system where it is proposed to be reused.

We note that our previous comments highlight a fluvial flood risk to the development site arising from the nearby Pellingford Brook, a designated Main River. The Local Planning Authority should therefore consult the Environment Agency to ensure that they have no objection to the proposed development.

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

7. Neighbour Representations

- 7.1 We consulted 11 properties and put up a site notice adjacent to the site and 1 objection was received regarding:

- SUDS
- Overdevelopment
- Noise and disturbance
- Traffic
- Light pollution
- Overlooking
- Bulk and massing
- Flooding

8. **Appraisal**

Principle

- 8.1 Paragraph 81 of the National Planning Policy Framework states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 8.2 Core Policy 4 - Encouraging Economic Development and Regeneration seeks to support the appropriate intensification, upgrading and redevelopment of existing employment sites for employment uses.
- 8.3 Spatial Policy 1 -Provision of housing and employment land states that In the period between 2012 and 2031, in the region of 74,000 square metres of employment floorspace (B1, B2 and B8) will be provided in the plan area. 60,000 square metres of this floorspace will be as industrial space (B1c, B2 and B8), and 14,000 square metres will be as office space (B1a).
- 8.4 Policy ECO5: Encouraging employment and tourism states that proposals to encourage tourism will be strongly supported and business development in Chailey will be encouraged where:
- it is in keeping with the character of the area and the amenities of neighbouring properties and minimises visual impact through sensitive siting and design.
 - it minimises the impact of the proposal on the wider character of the area; and
 - it will not cause or exacerbate any severe traffic problems and will promote sustainable transport.

Proposals to encourage the retention, improvement, or reuse of an existing employment provision for the community will be strongly supported subject to compliance with the requirements of Policy ECO4.

- 8.5 The proposal seeks to replace an existing B1 industrial unit with a two storey B1 industrial unit. The enhancement of B8 facilities is supported by the NPPF, the Local Plan Parts 1 and 2 and the Chailey Neighbourhood Plan. Therefore overall, there are no principle objections to the proposal and the enhancement of the industrial use is supported by the LPA on a principle basis.
- 8.6 LEBC Regeneration Team has voiced support for this scheme

Design and Character

- 8.7 Chapter 12 of the NPPF refers to design. Paragraph 130 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive, and accessible.
- 8.8 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.
- and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.9 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

- 8.10 Chailey Parish Council have objected to the proposal on the grounds that it is out of keeping with its surroundings and would be an overdevelopment of the site.
- 8.11 The proposal seeks to replace an existing single storey use class B1 unit with a two-storey use class B1 unit which has a larger footprint.
- 8.12 The existing structure is 20 metres in width and 10 metres in depth. The proposed structure would be 24 metres in width and 12 metres in depth, thereby increasing the footprint of the structure by 88 metres squared.
- 8.13 The structure will be finished externally with facing bricks from ground level to a height of approximately 1.1 metres, and above these walls the building will be clad with corrugated insulated steel faced composite cladding.
- 8.14 The colour of the cladding is to be approved via condition. However, the applicant has indicated that they wish for the structure to be white, grey, or green.
- 8.15 The roof will also be clad with the same material as the walls but with a light grey finish and clear panels provided for natural light. All materials will be required as a condition to be discharged.
- 8.16 The site is situated outside of the planning boundary however within an industrial setting. The proposal would replace an existing structure on site and would not be considered to be of a size or scale that would result in any unacceptable increase in the harm to the setting or openness of the countryside. A condition will limit external lighting to minimize harm to the openness and tranquil setting of the countryside.
- 8.17 Although there is an additional storey and a greater footprint than the existing building, the proposed new structure would not unacceptably increase the bulk or massing to an extent that it would be out of character with its surroundings and the industrial nature of the area. The materials will be required by condition to be appropriate for the location and overall, the proposed building replacement is acceptable in terms of design and character.

Impact Upon Residential Amenity

- 8.18 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.

- 8.19 The site is situated in an industrial area and is surrounded by other existing industrial uses. There are no residential properties near the site and the use of the existing site is use class B1. The extension is not considered to be of a bulk, massing or location that results in any unacceptable impacts upon neighbouring residential amenity in terms of overbearing, overshadowing, overlooking, daylighting/sunlighting, noise and disturbance or overlooking.

Transport

- 8.20 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users.
- 8.21 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.22 The proposed development would result in 10 parking spaces (an increase of 2), 4 light goods vehicles parking spaces (an increase of 4); 1 disability parking space (an increase of 1) and 4 cycle parking spaces (an increase of 4).
- 8.23 The total number of motor vehicle parking spaces therefore equates to 15 spaces. ESCC parking guidance for B1 uses requires 1 usable space per 40 metres squared of floor space (to be agreed on a site by site basis). The floor space of the unit would be 576 and therefore 15 spaces are required. Officers consider that the parking provision at the site would be adequate to accommodate the proposal.
- 8.24 The increase of approximately 6 new vehicles on site is not considered to detrimentally harm highways capacity or safety, nor would it result in an unacceptable parking layout.
- 8.25 The access arrangements would remain the same as the existing site and access to the parking spaces is considered acceptable. Therefore, the transport impacts of the scheme are acceptable.

Flooding

- 8.26 Any submitted application should include details of how surface water generated by the development would be managed. It is recommended that rainwater harvesting infrastructure is incorporated to reduce/control discharge.
- 8.27 The site is situated within a flood zone 2 and partially a flood zone 3. The area surrounding the site is already paved over and the building itself would not be used for residential purposes. ESCC SUDS originally objected to the proposal however have since confirmed that conditions can be implemented to mitigate the flooding and drainage concerns. As the existing site is paved it is considered that a SUDS plan would satisfactorily resolve flooding and drainage issues on site and would mitigate risk to public health and safety.

8.28 Therefore, subject to conditions the proposal would not result in unacceptable increase in flood risk nor would it cause any risk to public health and safety.

Contamination

8.29 The site is located within an area with known contaminants. A condition has been applied which requires the applicant to cease all works if contaminants are discovered on site and submit a remediation strategy to the LPA. Therefore, the proposal is not considered to result in any unacceptable impacts in terms of contamination subject to the above-mentioned condition.

Conclusion

8.30 The application would not result in unacceptable harm to the character of the property, the street scene, or the surrounding landscape.

8.31 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.

8.32 The existing site is paved and therefore there are not considered to be any unacceptable increase in flooding resulting from the scheme. Nonetheless, a SUDS plan will be required to lessen the extent of any potential flood risk.

8.33 The proposal is therefore considered to be acceptable.

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 considered 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 acceptable and approval is recommended subject to conditions

Conditions

1. **Approved Plans** The development hereby permitted shall be carried out in accordance with the submitted drawings:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	28 May 2021	Location and proposed block plan 1921/2
General	28 May 2021	Design and Access Statement
Other Plan(s)	28 May 2021	1921/3 Floor, Elevation and Section Plan
General	12 August 2021	Cover Letter

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

2. **External Materials** No development shall commence, until details/samples of all external materials, including paving, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

3. **Restricted Use** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall be used only for B1 uses unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the B8 floorspace and the amenities of other users.

4. **Construction Management** 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 routeing 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.
- Details of measures to manage flood risk, both on and off the site, during the construction phase.

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

5. **Surface Water Details** Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to

and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to no greater than existing for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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

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

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

7. **Floor risk during construction** The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

8. **Photographs of installed drainage** 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 the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

9. **Provision of parking** The development shall not be occupied until the parking areas have been provided in accordance with the approved plans/details and the area 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
10. **Size of Parking** The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
- Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
11. **Cycle Parking** The development shall not be occupied until a cycle parking area has been provided in accordance with plans and elevation which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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
12. **Refuse and recycling** No part of the development shall be occupied until the refuse and recycling storage facilities have been submitted to and approved in writing by the LPA. These details shall be installed and made permanently available for that use prior to occupation of the development.
- Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.
13. **Unidentified sewer protocol** Should any sewers be discovered during construction of the development hereby approved works shall cease immediately and Southern Water shall be notified. Works will not be permitted commence from this point until an investigation of the sewers has been undertaken, the sewers ownership has been established and clearance to commence the development has been confirmed in writing by Southern Water.
- Reason: in order to protect drainage apparatus.
14. **External Lighting Details** Prior to the occupation of the development hereby approved, details of all external lighting shall be submitted to and approved in writing by the Council. External lighting will be limited to lights used only for security and safety purposes If to be installed details of external lighting shall be submitted and approved
- Reason: To avoid unacceptable impacts upon the countryside in accordance with DM25.
15. **Contamination protocols** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

16. **Hours of work** No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

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

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 groundworks 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.

11. **Background Papers**

11.1 None.

Agenda Item 8

Report to: Planning Applications Committee
Date: 16 February 2022
Application No: SDNP/21/02685/FUL
Location: West Laine House, Church Lane, Kingston, BN7 3LW
Proposal: Erection of a five-bedroom detached dwelling (Revised Plans).
Applicant: Mr P Billingham
Ward: Kingston
Recommendation: Permission is granted.
Contact Officer: **Name:** Christopher Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Map Location:



1. **Executive Summary**

1.1 For the reasons set out in this report, the acceptability of building a house on this site has previously been established, and the proposed development is considered to be acceptable in principle and would not have a significant adverse impact on visual amenity or neighbour living conditions.

1.2 Accordingly approval is recommended.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2.2 South Downs Local Plan

Core Policy SD1 - Sustainable Development

Core Policy SD2 - Ecosystems Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD7 - Relative Tranquillity

Strategic Policy SD8 - Dark Night Skies

Strategic Policy SD9 - Biodiversity and Geodiversity

Strategic Policy SD19 - Transport and Accessibility

Strategic Policy SD20 - Walking, Cycling and Equestrian Routes

Development Management Policy SD22 - Parking Provision

Strategic Policy SD25 - Development Strategy

Strategic Policy SD26 - Supply of Homes

Strategic Policy SD27 - Mix of Homes

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Strategic Policy SD49 - Flood Risk Management

3. **Site Description**

3.1 The application site lies within the South Downs National Park and within the planning boundary of Kingston village, to the southeast of Lewes. The site is accessed via a private road off the eastern side of Church Lane, which travels eastwards. The track is a dead end, culminating in a property known as West Laine House / Wychecroft. The site is bound by properties in Kingston Ridge to the northwest and properties in The Avenue to the southeast. Existing homes in the locality are predominantly detached and situated within spacious plots.

3.2 The track provides access to 5 existing houses. The site is not in a Conservation Area of near to any listed buildings. The site is within the settlement boundary where the presumption of sustainable development is supported by the National Planning Policy Framework subject to material considerations.

4 Proposed Development

4.1 The site is formed from the sub-division of the plot in which West Laine House is situated and, excluding the access route and a narrow area of land beyond the proposed parking area, measures approx. 56m in depth and 24m across, having an area of approx. 1280 square metres, or 0.13 hectares.

4.2 The proposal is to build a detached 5-bedroom house within the plot.

4.3 During the course of the planning application amended plans have been submitted.

- House set back approx. 12m from alignment of access track
- Gap to boundary with neighbouring plot to the south-west of approx. 4.6m
- Gap to north-east boundary of approx. 3.6m
- Back garden approx. 19.3m in length
- Ground floor approx. 104 square metres comprising three bedrooms; lobby; two bathrooms; plant room.
- First floor approx. 147 square metres comprising two bedrooms; kitchen/dining room; living room; utility room.
- First floor roof terrace/balcony overhanging ground floor to front elevation.
- Two storey height at front elevation
- Single storey height at rear elevation
- Cut into the sloping topography
- Flat roof
- Timber cladding vertically applied
- Front elevation predominantly glazed
- Underground surface water storage for use in grey water harvesting

5 Relevant Planning History

5.1 SDNP/19/01270/FUL - Erection of a four-bedroom detached dwelling. Approved 27 June 2019.

6 Consultations

6.1 Southern Water – No Objection

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern

Water of the outcome of this consultation.

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

6.2 Southern Water

The comments in our response dated 11/06/2021 remain unchanged and valid for the amended details.

6.3 ESCC - Flood Risk Management Team - Objection

[Objection following amendments (25 Nov 2021)]

We previously objected to the proposed development as it is not clear how surface water runoff arising from the proposed development will be managed, to avoid increasing flood risk elsewhere. No further information relating to surface water drainage has been provided and our objection therefore remains.

We request that the applicant submits a drainage strategy in support of the proposed development identifying an outfall location for surface water runoff. The drainage strategy should include a drainage plan showing the location and dimensions of the proposed drainage features as well as drainage calculations, demonstrating that the drainage system is capable of managing runoff from the development for all rainfall events, up to and including the 1 in 100-year plus climate change event.

If the applicant is proposing to infiltrate surface water runoff to the ground, infiltration testing should be carried out to BRE365 standards to confirm that this will be feasible at the site.

Groundwater levels beneath the site may also be elevated in winter months and we therefore request that groundwater monitoring is undertaken between November and April, to ensure there is a 1m unsaturated zone between the base of any proposed soakaway and the highest recorded groundwater level.

The drainage strategy should include details of the maintenance requirements of the proposed drainage system and who will be responsible for maintaining the system for the lifetime of the development.

6.5 [Previous application SDNP/19/01270/FUL]

Following the submission of additional information, the LLFA wishes to withdraw our earlier objection and instead recommends the imposition of appropriately worded planning conditions.

It is our understanding that the applicant will discharge into a sewer rather than use of infiltration. Whilst this is acceptable, we will require an investigation of the

extent, condition, and capacity of this system to ensure that it can serve as a viable discharge point for surface water runoff. Furthermore, it is assumed that this is a private drain as it is not recorded on any public sewer records.

6.6 Main Town or Parish Council - Objection

[Comments following submission of amendments]

KPC strongly objects to this revised planning application. Although the previous application for a 4 bedroomed property was agreed, this application differs in many ways, and there is still the extreme problem of construction and other large vehicles getting access to the site. Consequently, our objections remain the same.

1. Although the revised plans have reduced the property in size (232 square metres compared to 295 square metres) the proposed property remains larger than had previously been agreed. The house will still take up a substantial proportion of the ground, in contrast to surrounding properties which have relatively modest houses in large plots. The Lewes Local District Plan states that there should be "no erosion of the essential elements of the character and appearance of the area".
2. The materials that are proposed to build the property are out of keeping with the area - zinc, grey fibre cement and grey brick walls are more appropriate to an urban environment. The Lewes District Local Plan states that "materials should be appropriate to the character of the local area". The zinc roof will include several skylights which will affect the dark skies that we enjoy in the village and which are a major part of the South Downs Park. Dark skies will also be considerably affected by the planned large glazing panels.
3. Little mention is made of the protection of natural habitats nor how these will be restored following the clearance of the site that has already occurred. Houses immediately north of the area on The Ridge have large gardens which have been allowed to continue in their natural state, attracting in the past badgers and foxes. An ecological statement is essential so that it is clear how any adverse impacts can be managed and mitigated.
4. The proposed site of the house brings it closer to neighbours to the north of the property (on The Ridge), and the living area will face onto the plot at The Sheiling on The Ridge, affecting the enjoyment of the view and impacting on privacy.
5. The garage with the studio is sited such that the window, on this elevated position, will look down on Aquarius and Montfort, houses to the south on The Avenue. It is also proposed to be sited on top of tree roots that are in the tree protection area.
6. We have significant concerns about the possibility of flooding from runoff water from what is a considerable area of hard surfacing. This is likely to affect the houses directly in front of it, Montfort, and Aquarius on The Avenue, which could cause damage to the gardens and properties.

7. Detailed plans should be submitted that show how runoff is to be managed both during the build and after completion. Porous surfaces on their own are insufficient.
8. There are 13 Category A beech trees in the garden of Montfort, at the southern boundary. The root system of these trees extends into the development site. There is considerable evidence that construction vehicles could damage the root systems. Proposals should be submitted to the Council's Specialist Advisor for Arboriculture before any work is started.
9. We can see no detailed plans concerning sewage or utility services. Plans must be put in place to ensure that raw sewage does not escape onto the nearby track or into the gardens south of the site and to ensure that existing services for the current properties are not affected.
10. Finally, no mention at all is made of the issue of access for construction which is very fragile and would not withstand construction traffic of any great size. Access to the site is along a quiet residential street (The Avenue), along a single path bridleway and then along the private track. This track is made up of loose gravel which is very fragile and would not withstand construction traffic of any great size, let alone any traffic bringing steels to the property. The bridleway is extremely well used by children going to school and walkers who access the Downs. As well as damage to the bridleway surface, construction traffic will cause particularly dangerous situations. It is very surprising that a detailed construction management plan has not been provided with the application.

KPC is very grateful for the many thoughtful and detailed comments, those from Tim Ambrose. Without repeating Tim's comments, we feel that he has set out extremely well how it is felt that the proposed building will contravene many of the core policies of the SDNPA's Local Plan. The core policies identified are:

SD1 Sustainable Development
 SD2 Ecosystem Services
 SD4 Landscape Character
 SD5 Design
 SD6 Safeguarding Views
 SD7 Relative Tranquillity
 SD8 Dark Night Skies
 SD9 Biodiversity & Geodiversity
 SD19 Transport & Accessibility

We would request that the SDPNA's design review panel is convened to consider all these aspects as well as all the comments that have been made.

6.6 Tree & Landscape Officer

No comments have been received on the current planning application. Below are the consultation comments received on the previously approved planning application:

General comments:

With regards the existing trees: Trees of note have been assessed and categorised by the applicant's tree expert and having carefully read through the document and the associated documents I can confirm that I am in broad agreement with it. The tree report outlines tree protection measures before and during demolition and subsequent construction operations and recommends monitoring throughout. I note that the report also mentions the site gradient, which is likely to be a significant factor in this case.

In the light of concerns raised by the neighbouring residents to the south at 'Montfort', The Avenue, Kingston I am mindful of the fate of the group of Beech trees categorised as 'A' under BS:5837. I note that their rooting systems (or Root Protection Area) overlap the footprint of the access driveway and that the tree report mentions that specific measures will need to be employed to ensure the vulnerable rooting systems survive post construction operations. This should be a straightforward problem to solve without harming the rooting systems or the volume of soil surrounding them.

The residents at 'Montfort' have also requested that a Tree Preservation Order (TPO) is imposed to protect these trees. Whilst the BS5837 tree survey categorised them as 'A' this is really a planning tool and not necessarily something that can be used to gauge whether a tree(s) both merits and qualifies for a TPO.

Unfortunately, the trees are not considered to be a critical component of the character of the area and this is compounded by the fact that views of them are in fact relatively constrained and limited in scope. Contrary to appearances, it is also the case that these trees are not under significant threat, or at least any perceived threats can be dealt with via conditions, and a combination of this and additional factors I do not consider the trees fully merit or qualify for inclusion within a TPO.

Having said that, the Council is under a duty to protect trees including those of land adjacent to a development site. They will rank as a 'material consideration' when determining the above planning application. Section 197 of the Town & Country Planning Act 1990 states:

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

Recommended Planning Conditions:

In the event planning permission is granted the following conditions should be considered.

Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist
- l) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations

Condition 2: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to

maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Condition 3: The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7 Neighbour Representations

7.1 Representations have been received from "West Laine House" Church Lane, in support of the application, as initially submitted and as amended, for the following reasons:

- o Improved self-build home
- o Landscape led
- o Generously spaced
- o Modern layout
- o Attractive design
- o Less waste / earth removal from site
- o Neighbour engagement
- o Rainwater harvesting
- o Investing in local economy
- o Increasing housing supply
- o Providing jobs
- o Additional details including landscaping details, trees and new, coloured, illustrations show how attractive and appropriate the new dwelling will sit in the landscape and surroundings.

7.2 Representations have been received from "The Shieling" "Twin Gables" "Roseway" "Wyndrum" Kingston Ridge; "Aquarius" "Montfort" "Larch House" "Rathbran" "Minden" The Avenue; "Friars Cottage" The Street; "Field Cottage" "Warwick" "Downside" "Mount Murray" "Well Barr" "Squirrels" and "Dormers" Church Lane, objecting to the application for the following reasons:

- o House is too big for site
- o At odds with National Park focus on smaller properties
- o Unsympathetic to surroundings
- o Over development
- o Increased density
- o Harmful to character of village
- o Onward development
- o Conversion of garage to living accommodation
- o Routing of utilities such as water supply
- o Damage to wildlife
- o Wildlife corridor
- o Two storey garage and studio on boundary
- o Badger activity

- o Ponds within 250m
- o Light pollution
- o Threat to trees
- o Loss of privacy
- o No natural screening between properties
- o Rubbish disposal plan represents danger
- o 30% extra massing
- o Intensification of use
- o Site cleared of vegetation
- o Contrary to policy
- o Access track traverses front gardens of existing properties
- o Delivery vehicles may experience access difficulties and damage the steep verge
- o Construction access plans must be provided
- o Storage of materials
- o Surface water run-off
- o Drainage
- o Applicant has not involved or consulted neighbours
- o Sewerage
- o Landslip
- o Noise
- o Materials
- o Hilltop borders the site on three sides, not Campion Cottage

7.3 Following the submission of amended plans, representations have been received from "Friars Cottage" The Street; "Montfort" "Larch House" "Aquarius" and "Rathbran" The Avenue; "Warwick" and "Field Cottage" Church Lane, objecting to the application for the following reasons:

- o Contrary to several Local Plan policies
- o Original objection sustained
- o Question as to legal position on right of access to build
- o Amendments do not address initial objections
- o Over development
- o Inaccessible site
- o Loss of privacy
- o Future conversion of garage to residential use
- o An access and construction traffic management plan are needed
- o Size of the property and hard surfaces relative to the overall size of the plot is not in keeping with the area

8 Appraisal

8.1 Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts must be made in accordance with the plan unless material considerations indicate otherwise.

8.2 The NPPF also advises that there is a presumption in favour of sustainable development.

- 8.3 The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:
- o Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.
 - o Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - o Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

8.4 Principle and Design

8.5 Policy SD25 (Development Strategy) of the SDLP states that "the principle of development within Kingston will be supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context.
- b) Makes best use of suitable and available previously developed land in the settlement.
and
- c) Makes efficient and appropriate use of land.

SD25 goes on to say that "within the settlement boundary, the principle of further development is established subject to other policies in this plan".

8.6 It is considered that a new dwelling in this location within the settlement boundary and surrounded by other dwellings would not be out of place in terms of character and function. The dwelling in this large area of existing residential garden is a suitable and appropriate use of the land in accordance with the aims of SD25.

8.7 The principle of residential development of this site has previously been established with the approval of the previous planning application, ref. SDNP/19/01270/FUL.

8.8 Policy SD5 (Design) states that "development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area". The purpose of Policy SD5 is to ensure that all development is of the highest possible design quality, which reflects and respects the exceptional quality of the natural, agricultural, and built environment of the National Park.

8.9 The plot is approximately 24m wide, slightly narrowing at the rear, and approximately 56m in depth. The site area is approximately 1,525 square metres. The plot slopes considerably from north-west to south-east, and due to this the proposed dwelling has been designed so that the ground floor at the rear sits within the hillside, enabling the dwelling to bed down into the landscape.

- 8.10 The dwelling is a two-storey upside-down house with living accommodation at first floor level. As outlined above, due to the sloping nature of the plot, the ground floor is set down into the hillside so that the south-east facing rooms have access to natural light and the rooms at the rear are entirely within the ground. The first floor of the building projects entirely above ground level with direct access to the rear garden and the property has a raised balcony at first floor level on the front elevation.
- 8.11 The scale, form and siting of the proposed dwelling is like that previously approved and is acceptable.
- 8.12 The dwelling has been designed to reflect the local vernacular in terms of materials whilst appearing contemporary in design. The appearance and scale of the contemporary design helps reduce the impact of the dwelling in its location, resulting in a relatively low massing and built form. It is considered that the design and the proposed materials respect the appearance of the local vernacular whilst reducing potential impact on the character and appearance of the surrounding area in order to comply with policy SD5 (Design) of the South Downs Local Plan.
- 8.13 The property is well screened by established planting to the north-west, north-east, and south-east boundaries. The location of this planting combined with the hillside setting of the property will result in the development being hidden from views from the neighbouring properties other than West Laine House to the south. New planting is proposed along this boundary with West Laine House. Concerns have been raised from neighbours regarding works to the existing trees, however none of these trees are protected and the existing boundary planting will be retained and enhanced where required. Due to the back-land location of the site it cannot be readily seen from the public realm. The site along with the village of Kingston can be seen in views from Kingston Ridge which is to the south-west. The green form of the roof will allow the dwelling to blend in with the surrounding area.
- 8.14 The property would be accessed via a private road that currently serves five dwellings including the host dwelling. The road is unmade, and concerns have been raised by residents over the effect any building work would have on the quality of the road. These points are noted and if approved a condition would be added requiring the submission of a 'Construction Management Plan' that would address any damage that could be caused to the road during construction and require its repair post-construction. It is considered that the current access, which already serves five properties, can serve an additional dwelling in terms of ease of access, width, and vehicular safety. The existing road where it currently stops at West Laine House will be extended to serve the new dwelling.
- 8.15 It is considered the proposed dwelling will not have a detrimental impact on the character or appearance of the national park or the surrounding area, and will not unduly impact on the residential amenities of local residents, in accordance with Policies SD5 (Design) and SD25 (Development Strategy) of the South Downs Local Plan and CP11 (Built and Historic Environment) of the Lewes District Local Plan.

8.16 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities

8.17 Flood Risk

8.18 It is noted that East Sussex County Council SuDS, as the lead local flood authority, objects to the scheme due to the absence of a sustainable drainage strategy. It is also noted that, notwithstanding comments on the previous planning application in 2019, SuDS does not generally comment on schemes for single dwellings. However, notwithstanding the objection received, it is appropriate to consider how the issue was addressed within the previously approved planning application, and this was by way of imposing conditions. These include requirements for the applicant to assess the capacity and catchment of the surface water attenuation, and provide photographs of the installation.

8.19 It is recognised that this proposal is a wholly sustainable development and does propose the use of water harvesting (capturing the rainwater from the building and hard surface areas and re-use it within the house). It is proposed that any overflow water would drain into the sewer in the same way as the previously approved scheme proposed.

8.20 In the circumstances this is a reasonable approach, and conditions are recommended to be applied to the current application.

8.20 Ecosystem Services

8.21 In order to mitigate, neutralise and enhance the ecological impact of the development, and enhance biodiversity an Ecosystem Services Statement is required.

8.22 The applicant proposes to incorporate the following renewable and sustainable energy features:

- Photovoltaic panels
- Rainwater collection
- Ground source heat pumps
- Natural room ventilation

8.23 However, more details are required as to the provision of other measures to minimise the impact of the development on natural capital and biodiversity, such as bird and bat boxes, planting, and habitat provision.

8.24 These measures should then be acceptable and appropriate to the scale and nature of the proposed development and meet the requirements of policy SD2 of the Local Plan.

8.25 Dark Night Skies

8.26 Policy SD8 of the Local Plan seeks to safeguard the Dark Night Skies. This site is within the settlement boundary, near to existing houses, and a similar development has been previously approved.

8.27 Considering the site context and the scale of the proposed development along with the planning history for the site, it is not considered likely to materially affect Dark Night Skies through artificial light pollution.

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 considered 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 The application is recommended for approval subject to the following conditions.

10.2 Conditions

1. **Time Limit** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. **Approved Plans** The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. **Construction Management Plan** 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 (including size) of vehicles used during construction,
- the method of access and egress and routeing 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/neighbour engagement both prior to and during construction works.
- confirmation of works proposed to make good the private access road once building work has been completed including survey of the condition of the existing access road prior to and after building works
- the means of identification and protection proposed for any existing utilities supplies that may cross the site and be affected by the building works.

Reason: In the interests of highway safety and the amenities of the area in accordance with SD5 of the South Downs Local Plan.

4. **Porus hard surfacing** All hard surfaces, including vehicular access, incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance SD49 of the South Downs Local Plan and having regard to National Planning Guidance contained in the National Planning Policy Framework 2019.

5. **Cycle Storage** The development hereby approved shall not be occupied until covered, secure cycle parking areas, have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use.

Reason: In the interests of amenity of future occupiers of the development having regard to Policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

6. **Refuse details** The development hereby approved shall not be occupied until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure a proper standard of development having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. **Electric Vehicle Charging** Details of the siting and design of the external electric car charging points to be provided, shall be submitted to, and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the dwelling is occupied.

Reason: To secure a proper standard of development having regard to policy SD51 of the South Downs Local plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

8. **Carbon Reduction Details** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential occupation of the new dwelling and retained as such thereafter.

Reason: To reduce locally contributing causes of climate change in accordance with policy SD1 of the South Downs Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

9. **Unexpected 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with SD54 of the South Downs Local Plan and the National Planning Policy Framework 2019.

10. **Tree Protection** Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist
- l) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

11. **Tree retention** No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

12. **Tree Works** The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

13. **Slab Levels** No development above ground floor slab level of any part of the development hereby permitted shall take place until details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

14. **SUDS** The development hereby approved shall not be occupied until details of the surface water drainage as outlined below have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details:

- a) Assessment into the catchment served by the surface water pipe, its capacity and condition to accommodate surface water runoff from the development should be undertaken as part of the detailed design. If capacity is not available, an alternative outfall to the watercourse should be investigated.
- b) Hydraulic calculations indicating pre and post development runoff rates should be provided along with detailed design drawings of drainage features including the proposed green roof.

- c) 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: In the interests of sustainable development and to minimise flood risk.

15. **Ancillary use of the garage** the detached garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling house.

Reason: To prevent the creation of an additional dwelling having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

16. **Biodiversity protection strategy** No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, hazel dormice, breeding birds and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works.
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
 - c) extent and location of proposed works shown on appropriate scale maps and plans.
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - e) persons responsible for implementing the works.
 - f) initial aftercare and long-term maintenance (where relevant).
 - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of safeguarding and enhancing the ecology and biodiversity of the land.

17. **External Lighting Strategy (Biodiversity)** Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

18. **Ecological Design Strategy** No development shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction, the creation, restoration and enhancement of semi-natural habitats and the provision of new wildlife features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works.
- b) review of site potential and constraints.
- c) detailed design(s) and/or working method(s) to achieve stated objectives.
- d) extent and location /area of proposed works on appropriate scale maps and plans.
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) persons responsible for implementing the works.
- h) details of initial aftercare and long-term maintenance.
- i) details for monitoring and remedial measures.
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated, and restored and that the proposed design, specification, and implementation can demonstrate this.

19. **Bader Survey** No development shall take place until a further survey for the presence of badgers is carried out and the results plus appropriate mitigation measures in the form of a method statement has been submitted to and approved in writing by the local planning authority. The method statement shall set out the organisation or personnel responsible for implementing and supervising the method statement.

The scheme shall be implemented as approved by the local planning authority. Any modifications to the approved details, for example because of a protected species licence being required, must be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with OPDM Circular 06/2005 and the National Planning Policy Framework. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies SD5 & SD31 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

Informative

If the proposed surface water drainage solution changes and there is a requirement for infiltration, then the applicant would need to obtain written approval from the Council for these changes prior to their implementation.

11 Background Papers

11.1 None.

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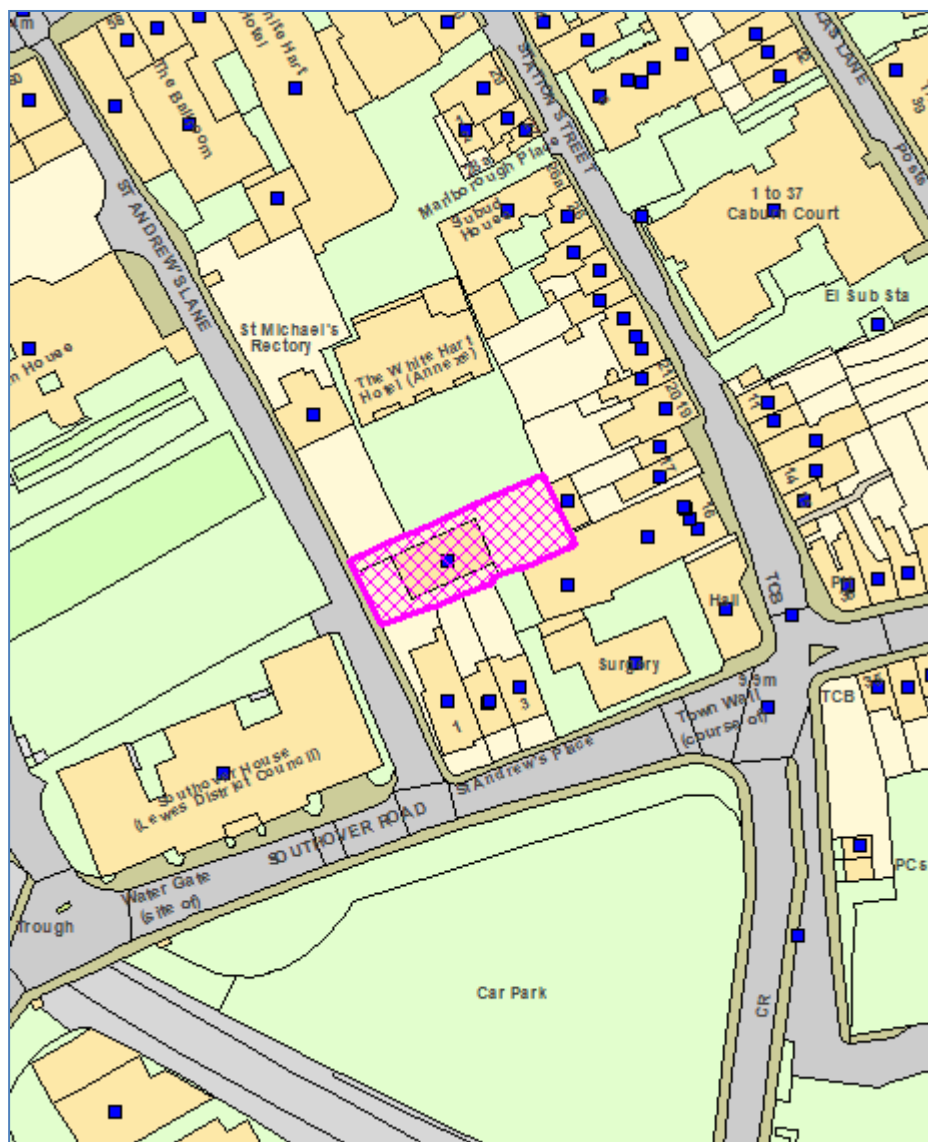
Agenda Item 9

Report to: Planning Applications Committee
Date: 16 February 2022
Application No: SDNP/20/05749/FUL
Location: Liquid Studio, St Andrew's Lane, Lewes, BN7 1UW
Proposal: Erection of two x 3-bedroom houses to replace existing studio building and associated landscaping works.

Applicant: Mr J Schwerdt
Ward: Lewes
Recommendation: Permission is granted.
Contact Officer: **Name:** Christopher Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Map Location:



1. **Executive Summary**

- 1.1 For the reasons set out in this report, the proposed development is considered acceptable in principle and would not be harmful to the character and appearance of the Conservation Area, visual amenity, or the amenity of neighbouring residents and occupiers.
- 1.2 The site is in a sustainable location and the proposals make effective use of this previously developed land.
- 1.3 Accordingly approval is recommended.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2.2 South Downs Local Plan

Core Policy SD1 - Sustainable Development

Core Policy SD2 - Ecosystems Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD7 - Relative Tranquillity

Strategic Policy SD8 - Dark Night Skies

Strategic Policy SD9 - Biodiversity and Geodiversity

Strategic Policy SD12 - Historic Environment

Development Management Policy SD14 - Climate Change Mitigation and Adaptation of Historic Buildings

Development Management Policy SD15 - Conservation Areas

Strategic Policy SD19 - Transport and Accessibility

Strategic Policy SD20 - Walking, Cycling and Equestrian Routes

Development Management Policy SD22 - Parking Provision

Strategic Policy SD25 - Development Strategy

Strategic Policy SD26 - Supply of Homes

Strategic Policy SD27 - Mix of Homes

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Strategic Policy SD49 - Flood Risk Management

3. Site Description

- 3.1 The application site is located on the eastern side of St. Andrew's Lane, situated on hillside sloping upwards in a broadly north-south direction. The site itself is at lower level than the public highway and is accessed via a ramped driveway. The site is occupied by a single storey flat roof building which is supported on slender columns, allowing for car parking underneath.
- 3.2 The site is within the South Downs National Park, the Planning Boundary for Lewes, and the Lewes Conservation Area. The building is not Listed, but it is close to 16 Station Street, to the east, which is Grade II Listed and known as The Maltings.

4 Proposed Development

- 4.1 The application seeks planning permission for the demolition of the existing studio building and re-development of the site by way of two dwellings arranged in a pair of semi-detached properties that would have an appearance of a terrace, facing southwards and side-on to the street, along with parking and landscaping.
- 4.2 Each house is to have 4 bedrooms and an internal floor area of 145 square metres.
- 4.3 There is to be off-street car parking for two vehicles.

5 Relevant Planning History

- 5.1 SDNP/19/04285/PA30 - Notification for prior approval for a proposed change of use of a building from office use (Class B1(a)) to a dwelling house (Class C3) Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 3, Class O. Prior Approval Required and Granted 3 October 2019.
- 5.2 N/74/0032/8660 - Proposed office accommodation. Approved 29 March 1974.
- 5.3 N/73/0132/8423 - Proposed office accommodation. Refused as not in accordance with approval of N/62/1938/5182. Refused 30 July 1973.
- 5.4 N/71/7480 - Proposed office accommodation. Photographs on file. Refused as not in line with outline approval of N/62/1938/5182. Refused 30 April 1971.
- 5.5 N/69/7070 - Office accommodation on 3 storeys. Refused 30 October 1969.
- 5.6 N/64/2140/5523 - Planning & Building Regulations Applications for single-storey office building; proposals relating to siting, design & appearance of N/62/1938/5182. Building Regulations Approved Conditionally. Approved 28 January 1964.
- 5.7 N/62/1938/5182 - Outline Application for 4,000sq. feet of office accommodation on 2 floors. Approved 17 June 1963.

6. Consultations

6.1 ESCC - Highways

No Objection

On this occasion it is not considered necessary to provide formal Highway Authority comments and the minor planning application guidance (2017) should be consulted.

6.2 ESCC - County Archaeologist

No Objection [24 Feb 202`]

If the Local Planning Authority is minded to grant planning permission, we ask that the following conditions are applied:

[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

[ARCH 2] The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

Relevant National Planning Policy

199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Detailed Comments

The proposed development site lies within an Archaeological Notification Area defining the historic core of medieval and post-medieval Lewes. Several archaeological investigations have taken place in this part of the town. An archaeological excavation carried - out at the former Baxter printworks located c.80m. north-east of the application site exposed numerous archaeological features including groups of Saxo-Norman and later medieval pits containing significant, closely - dated pottery assemblages. Perhaps most importantly, a substantial ditch comprising the first proven excavated evidence of the easterly location of the defences of the Anglo-Saxon burh of Lewes was also discovered. Another major excavation undertaken at Lewes House, located c.120m. north-

east of the application site, revealed a scatter of refuse pits and two probable ditches dating to the mid-12th - 14th centuries. Additional evidence of medieval and post-medieval settlement activity has been recorded during other archaeological projects undertaken within c.250m. of the application site. Historic mapping indicates that a square building occupied the western part of the application site from the late 19th century to early / mid-20th century.

It is acknowledged that the western end of the intended new housing block is sited on the footprint of the current studio building proposed for demolition. Nevertheless, it is my opinion that groundworks associated with the construction of the intended houses (including landscaping and access works) have the potential to expose archaeological features, deposits and artefacts related to the medieval and post-medieval history of Lewes.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

6.3 Main Town or Parish Council Objection

Although some Councillors were Neutral or Supportive, with one describing the plans as a very sympathetic development, the majority OBJECT in that this goes against the established need for smaller houses in Lewes; which is reflected in the Local and Neighbourhood Plans.

Whilst appreciative of the sympathetic design and retention of established trees etc, it was noted that developers need to show evidence of the need for 4-bedroom houses, citing the South Downs National Park Local Plan policy SD27/SD30.

Councillors appreciate the benefits of infilling and increasing density of housing within the town centre. This helps to keep the town centre vibrant, but it only works if there is also an emphasis on staying local, using nearby facilities and the key is to implement active travel solutions into planning. The Transport Statement, while recognising a reduced need for private car use does not consider a zero-car option which, it was remarked, would be better suited for this development.

There was criticism of the use of the open space in front of the dwelling to be made into car parking, as

- 1) there is currently no access across the footway. The development would need to create access, which interrupts the flow of pedestrians walking down this historic street. This does not support the walking infrastructure aspirations of the town and local community.
- 2) the gravel surface has no biodiversity benefits, whereas a grassed or soft landscaped area proving a safe play space for children is more desirable.

Bicycle storage and waste/recycling storage currently not provided in the plans could be provided within a landscaped garden area.

6.4 Southern Water

No Objection and advice, summarised as follows:

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

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.5 Design and Conservation Officer

No Objection [3 Nov 2021]

These comments are based on the revisions on the 29th October 21

Preamble

It is appreciated that on the 21 April 2021 that the then Heritage Consultant had concerns about the height of the building when viewing the buildings from the South of St Andrews Lane, and had some reservations about the application in general. However, further to amendments the application is now considered to be policy compliant.

Principle of the loss of the existing building

The architect of the proposed mews, William Anderson is the grandson of the architect of the existing building, John Schwerdt. William has explained that the building was not meant to be permanent. Jane Chaoner, the daughter of John Schwerdt and who worked with her father, has written a letter of support for the demolition of the building. The letter advises that John Schwedt "built the building to accommodate his small but expanding architectural practice. I think it would have amazed him, had he been alive, that it still existed after 50 years." The letter continues: "I would argue that this modest 1960's building has outlived its era and its viability; the need is for housing, in a building which reflects 21st century standards."

Indeed, it is considered that the existing building whilst of interest, does not make the best use of the space it inhabits and was only ever design as a temporary building. As such, its loss is acceptable.

A condition will be added which asks for the building to be recorded. Given the fortuitous relationship between the current and previous architect of the site, it is likely that copies of the original drawings will be part of the records deposited at the East Sussex Record Office.

Principle of a mews development

It is considered that the proposed narrow, long mews development is appropriate for its Lewes location. The long, narrow twittens are characteristic of Lewes and have characteristics in common with the mews. The communal space that results from the shallowness of the building is attractive and contributes positively to the character of the conservation area. The proposed cobbled finish is a significant enhancement to the existing finish.

Opening views to the South East

It is considered that the views that are gained to the South East to the rear of the properties along Southover Street as well as wider views, due to the removal of the existing building again, contribute positively to the character of the conservation area. Views are currently obscured by the existing building. The height of the proposed buildings will result in the loss of some views to the north, but the views are of later date rear extensions to the buildings along the High Street and as such the loss of views has a neutral impact on the character of the conservation area.

Detailed design

Some amendments have been made to the detailed design over the course of the application to allow the proposed building to further reinforce the character of the Lewes Conservation Area.

The ground floor shall be faced in flint (exact detail to be subject to condition) and will be the continuation of the new wall enclosing wall that is proposed. The flint wall is an attractive and characteristic feature of Lewes.

Other minor amendments have also been made including changes in proportions to the elevational elements to allow the elements to accord with the golden section.

The dormer windows details have been amended to be more in keeping with historic dormers in the conservation area.

Discussions were had about adding more visual interest to the proposed roof. However, on balance it was considered that given that the building would be seen primarily from oblique views this would not be necessary.

Conclusion

Subject to the successful discharge of conditions, the proposals are considered to enhance the character and appearance of the Lewes Conservation Area.

Conditions

1. The relevant part of the works shall not be carried out until the following information has been submitted to and approved by the Local Planning Authority:
 - a) Sample of cobble stones, including details of the stone, layout, and details of how the cobbles will be laid, including if relevant mortar mix

- b) Samples of tiles including bonnet and ridge tiles including manufacturer's details
- c) Mortar mixes for flint wall and bedding for bonnet tiles
- d) Method statement for flint wall construction
- e) Finish details to ground floor flint wall element
- f) 1:1 to 1:20 scale drawings as appropriate showing elevations of windows, doors, dormers frames and screens, and horizontal and vertical cross sections for each type of window and door including sections through the wall, frame, subframe, top rail, bottom of the lintel, cill and bottom rail and opening detail, specifying the windows opening type and direction, finish, if relevant, and paint colour. If windows and doors are not handmade, manufacturer's details shall be included.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

2. Prior to the removal of the existing building, the applicant shall record and advance the understanding of the significance of the existing building, considered a non-designated heritage asset in a manner proportionate to its importance and to make the information publicly accessible by submitting the report to the Local Planning Authority and the East Sussex Record Office.

Reason: To meet the requirements of paragraph 205 of the NPPF

3. No one and a half-length tiles shall be used

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

Informatives

1. SPAB's publication Peg Tiles in the South East of England may be a useful reference document when conditions are being discharged.

6.6 Environmental Health
Comments awaited.

7 Neighbour Representations

7.1 Twentieth Century Society - Objection

The Society objects to the proposal due to the loss of what we consider to be a non-designated heritage asset and to the harm caused to the Lewes Conservation Area.

In the Society's opinion, the existing building is a non-designated heritage asset, being a well-designed 1960s office built by and for a notable Lewes-based architectural practice. It is an appropriate, well-mannered addition to the historic area. The applicant states that the office was built to be temporary but there is absolutely no evidence to support this claim. In fact, the Society has been told by the original architects that it was certainly not designed to be reconstructed and that this was not in the philosophy of the architecture. What's more, the issues identified with the building in the application, including its "corroded steel, poor insulation" and "roof leaks", could be easily fixed during a programme of repair.

The Society believes that the total demolition of the studio would not only result in the loss of an unlisted building of architectural merit but would also contravene the spirit of paragraph 148 of the NPPF. This encourages the reuse of existing

buildings because demolishing and rebuilding produces carbon emissions which contribute to climate change. In our opinion, the building should be restored and adapted for reuse rather than demolished.

7.2 Friends of Lewes - Neutral

Friends of Lewes comments that this is a thoughtful mews development, which is appropriate for this site and has been well explained.

7.3 A representation has been received from 1 Bridge Cottage [Grange over Sands] in support of the application for the following reasons:

Application meets overall planning criteria.

Points raised for refusal can be resolved through planning conditions and detailed engineering specification.

Existing building has outlived its era and viability.

There is a need for housing.

New development will reflect 21st century standards.

A block of old people's flats designed by the same architect and in Lewes, has been demolished and set a precedent.

7.4 A representation has been received from 18 Bristol Gate, raising concerns as to the maintenance of damp proofing and the integrity of the rear wall of The Cottage (rear of 18a Station Street) owing to the close proximity of the proposed steps into the back garden.

7.5 Representations have been received from Flat 3 Royal Sussex Court, Mountfield Road; 1, 2, 3 St Andrew's Place; The Ballroom Flat, St Andrew's Mews; The Old Maltings; The Mews House; The Cottage rear of 18a Station Street, objecting to the application for the following reasons:

Demolition of existing offices.

The office is designed in near-Miesian style and is a rare example of a building of the modern movement set in a Historic town.

Extra height.

Layout and density.

Over development.

Overbearing.

Character of Lewes diluted.

Will dominate surrounding properties.

Insufficient space to build two houses.

Overlooking and loss of privacy.

Noise and disturbance from domestic activities.

Security and access.

Fear of crime.

Inadequate off-street parking capacity.

Rear access gate and right of way through site must be maintained.

Smoke from neighbouring chimney may have harmful impact on future residents.

Steps close to rear wall, which is around 150 years old, without modern footings.

Neighbouring wall is built on spoil from Lewes Castle.

Neighbouring building could suffer movement if the development is constructed too close.

The damp proofing and render to the neighbouring building must be maintained.
Loss of trees at the bottom of the garden to The White Hart Hotel, which lean over the site.

Concern the Mulberry tree within the site may not survive.

Environmental impact.

Loss of green space.

Amount of external walling will use vast amounts of energy and may not be necessary.

Despite the provision of home office/working space, the houses could still be used as 4-bedroom homes.

Nearby flint walls are vulnerable to vibration.

Potential damage to flint wall and of trees

Construction traffic at busy junction with Southover Road.

Could result in temporary closure of St Andrew's Lane during construction.

Address of site could cause confusion.

Maximising profitability.

The site is within 250m of a public garden - Grange Gardens is 130m away.

Insufficient parking

Potential impingement of right of way

- 7.6 A neutral representation has been received, no address given, commenting as follows, and seeming to raise objections:

Large building in already tightly packed area.

Existing building is low profile whereas proposed houses will rise to the height of buildings close by.

Overshadowing and overlooking houses at bottom of St Andrew's Lane.

Could set a precedent for future development of the White Hart Hotel.

St Andrew's Lane cannot support the number of cars that use it, and park along it.

Implications for existing infrastructure.

8 **Appraisal**

- 8.1 Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.2 The NPPF also advises that there is a presumption in favour of sustainable development.
- 8.3 The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:
- o Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.
 - o Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - o Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

8.4 Principle of Development

8.5 Notwithstanding that the existing building has been highlighted by the Twentieth Century Society and a unique and special piece of architecture of its time, it is noted that the Senior Conservation officer raises no objection to its demolition, subject to detailed records being taken. The structure was always intended to be temporary and although it has lasted longer than expected, it is now showing signs of disrepair because it leaks, is draughty and is showing signs of rust and wear.

8.6 The loss of the structure as an employment generating use has already been established, because Prior Approval has been granted for a change of use from office to residential (ref. SDNP/19/04285/PA30).

In addition, the structure in its present condition is not suitable for let.

8.7 Being within the built-up area planning boundary of Lewes, and on previously developed land, the redevelopment of the site for residential purposes is considered to be acceptable in principle, and meets the requirements of policies SD25 and SD26 of the Local Plan.

8.8 Design

8.9 The proposed layout is acceptable. The new dwellings would face southwards, and the side elevation would be alongside the street. An open area, comprising parking and landscaping, would sit in front of the properties and this openness would allow for views towards the historic buildings behind Station Street, which are presently hidden from view. These views would be from St. Andrew's Lane and would enhance the experience of the Conservation Area. The roofs to the new dwellings would block views of some buildings to the north-east of the site, for example the rear of The White Hart Hotel, but these buildings are modern and make less of a positive contribution to the character and appearance of the Conservation Area.

8.10 The scale of the new dwellings is considered acceptable, in keeping with the scale of other nearby buildings and appropriate to the topography of the site and the nature of St. Andrew's Lane as a narrow, and relatively quiet street. The raised garden area, and the existing Mulberry tree, is to be retained and a twitten passage will be maintained behind the new terrace. This is in keeping with the traditional layout of buildings within historic areas of Lewes, and this passage would also give direct access to the work space in the first of the two properties as well as the proposed cycle storage facilities, in-built to the rear elevations.

8.11 The Senior Conservation Officer is, subject to conditions, satisfied with the form, design detailing and materials palette for the two dwellings and the proposals are considered to enhance visual amenity and the positive qualities of the Conservation Area.

- 8.12 The internal layout of each dwelling would be switched, such that in one dwelling there would be kitchen and sitting room at ground floor level with two bedrooms above on the first floor, and two bedrooms and a bathroom and ground floor level with sitting room and kitchen above, in the other property. Both properties are proposed to have two bedrooms and bathrooms within the loft space as well, facilitated by three small dormers on the front roof slope of each house.
- 8.13 Each of the dwellings would have 3 bedrooms and an internal floor area which exceeds 120 square metres, albeit by a small amount. Each property would have a fourth room capable as being used to run a business from home or for home working. These rooms would have separate access points – one on the rear elevation via the twitten, and the other via mews style doors on the front elevation.
- 8.14 Policy SD27 of the Local Plan requires that only 10% of the supply of new homes have 4 or more bedrooms, whereas 8 out of every 10 new homes should be 2 and 3 bedrooms. However, paragraph 2. does allow the local planning authority to take a different and more flexible approach depending on site-specific considerations.
- 8.15 In this case the scale and siting of the proposed dwellings are considered appropriate and would lead to improvements to the public realm and the appreciation of the Conservation Area and the historic buildings within it. The depth and relatively narrow proportions of the site do not allow for a great deal of off-street parking and as such, the provision of 2 new dwellings, as opposed to a higher number of dwellings, is considered to be an appropriate use of the land. The properties would have a traditional appearance on two storeys and would have the capacity to accommodate 3 bedrooms and home office/business space. In this instance the number of bedrooms is acceptable. In addition, whilst policy SD27 does not rule out 4-bedroom dwellings, it must be noted that there will be other sites on which dwellings with fewer bedrooms will be being constructed, and this should provide some degree of offset.
- 8.16 Amenity
- 8.17 Windows and openings are primarily to be on the front elevation of the development, facing southwards. The space in front of the new dwellings to the site boundary would be between approx. 6.1m at the narrowest point and 7.1m at the widest.
- 8.18 The neighbouring properties most susceptible to potential overlooking and loss of privacy are nos. 1 to 3 St. Andrew's Place, three substantial residential buildings fronting Southover Road, and east of Southover House, the offices of Lewes District Council. The upper floors would be approx. 18.8m to 20.2m from the principal façade of the proposed development, and lower projections approx. 14.4m. There are understood to be business/education uses on the lower parts of two of these buildings. Officers consider that these separation distances are sufficient to avoid any unacceptable impacts in terms of overshadowing, overbearing or daylighting/sunlighting.

- 8.19 Being located within the historic part of Lewes, existing buildings can be clustered closely together and indeed this characterises some parts of the Lewes Conservation Area. In this case the added potential for downward overlooking, owing to the application site being situated further up the hill slope, must also be considered.
- 8.20 The habitable rooms (sitting room and depending on interpretation, kitchen) would be on the ground floor of the eastern-most new dwelling, whereas they would be a first-floor level on the western-most dwelling. These are the rooms in which future residents are likely to spend the larger part of the time, and accordingly from where potential overlooking may occur. However, given the dense nature of the historic part of Lewes it can be considered that residents may expect greater degree of overlooking due to the character and context of the built urban grain and some degree of overlooking would not be uncommon in the surrounding area. The ground floor habitable rooms are less of a concern due to intervening boundary walls and landscaping. Nonetheless, the overlooking from the upper floors must be considered.
- 8.21 The corner building to the south of the site has rear extensions/outriggers but little by way of windows or other openings opposing the principal façade of the proposed houses. Nos. 2 and 3 have rear dormers, but these would be over 20m away, and in this context the separation distance is satisfactory.
- 8.22 Having reviewed the proposals carefully and having taken into consideration the comments from neighbouring residents, it is not believed that refusal of the application based on overlooking and loss of privacy would be sustainable.
- 8.23 Ecosystems Services and Sustainability
- 8.24 The proposed development would make efficient and effective use of this previously developed site, and the new dwellings would be well constructed and insulated. The site is within easy walking distance of Lewes mainline railway station, as well as the town centre, through which there are frequent bus services going as far afield as Tunbridge Wells and Brighton. The comments from Lewes Town Council are acknowledged, and it is considered that future residents of these dwellings would not be solely reliant on private vehicle use for all, or indeed most, of their journeys. There is scope to provide electric vehicle charging points within the development, and the provision of 1 car parking space for each dwelling is considered to be a realistic compromise between encouraging sustainable travel and providing adequately for off-street parking.
- 8.25 The raised garden and Mulberry tree at the back of the site are to be retained and protected as appropriate, whilst landscaping is proposed behind the new front boundary wall. It is accepted that the surfacing proposed for the parking area would not necessarily boost biodiversity, but it would be permeable and therefore encourage natural drainage of rainwater and help in a small way towards reducing

flood risk. At present this whole area is covered either by building or by non-permeable hard surface, and as such the proposals would result in an improvement.

8.26 An Ecosystems Services Statement has been submitted in compliance with policy SD2 of the Local Plan.

8.27 The applicant states that 58% of the existing site is impermeable concrete, whereas 42% of the proposed site will be impermeable resulting in a decrease of hard surfaces on site by 16%. The remaining areas are to be grass lawn and gravel, the scheme would therefore result in an increase in permeability that will mitigate surface run off and provide better infiltration of surface water for existing trees.

8.28 The proposal will reduce the number of cars with access to the site helping avoid congestion on St. Andrew's Lane at peak times and cutting back on pollution, a local contributor towards climate change.

8.29 The proposal will reduce carbon emissions with two electric vehicle charging points provided in the mews. Internal and external bike storage is also proposed to encourage cycle use rather than travel by private motor vehicle - the internal cycle storage is shown on the proposed plans.

8.30 Domestic air source heat pumps and induction cookers will lower daily operational embodied carbon for both houses.

8.31 In view of the scale of the proposed development, the above measures are sufficient.

8.32 Dark Night Skies

8.33 Policy SD8 "Dark Night Skies" of the South Downs Local Plan states that:

"1. Development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core as shown on the Policies Map."

8.34 In view of the site context within the centre of Lewes and within the densely built-up historic part of the town, the additional light emitted from the windows and dormers is not considered likely to have a significant adverse impact on the Dark Night Skies, and certainly when compared with the existing building, which has a large areas of glazing along its sides.

8.35 Other Matters

8.36 The comments in respect of the external steps are noted, and the potential impact on a neighbouring wall, which may not have footings, and which has recently been damp proofed.

8.37 This is a construction detail which is not material in determining whether the development is acceptable in planning terms, but an Informative is recommended to be placed on the decision notice to draw this matter to the applicant's attention. The matter may also be taken up at such time as Building Regulations approval for the development is sought.

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 considered 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 The application is recommended for approval subject to the following conditions.

10.2 Conditions

1. **Time Limit** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. **Approved Plans** The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. **Archaeology Statement** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

4. **Archaeology Written Scheme of findings report** The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative

timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

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

Reason: To safeguard the appearance of the building and the character of the area.

6. **Externals Finishing Method Statement** The relevant part of the works shall not be carried out until the following information has been submitted to and approved by the Local Planning Authority:
- a) Sample of cobble stones, including details of the stone, layout, and details of how the cobbles will be laid, including if relevant mortar mix
 - b) Samples of tiles including bonnet and ridge tiles including manufacturer's details
 - c) Mortar mixes for flint wall and bedding for bonnet tiles
 - d) Method statement for flint wall construction
 - e) Finish details to ground floor flint wall element
 - f) 1:1 to 1:20 scale drawings as appropriate showing elevations of windows, doors, dormers frames and screens, and horizontal and vertical cross sections for each type of window and door including sections through the wall, frame, subframe, top rail, bottom of the lintel, cill and bottom rail and opening detail, specifying the windows opening type and direction, finish, if relevant, and paint colour. If windows and doors are not handmade, manufacturer's details shall be included.

Reason: To ensure a satisfactory appearance to the development, in the interests of visual amenity and to safeguard the historic appearance and character of the Conservation Area.

7. **Existing Building Recording** Prior to the removal of the existing building, the applicant shall record and advance the understanding of the significance of the existing building, considered a non-designated heritage asset in a manner proportionate to its importance, and to make the information publicly accessible by submitting the report to the Local Planning Authority and the East Sussex Record Office.

Reason: To meet the requirements of paragraph 205 of the National Planning Policy Framework.

8. **Tiles** No one-and-a-half length tiles shall be used.

Reason: To ensure a satisfactory appearance to the development, in the interests of visual amenity and to safeguard the historic appearance and character of the Conservation Area.

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

Reason: In the interests of the residential amenities of the neighbours having regard to policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. **Construction Management Plan** 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,
- i. the anticipated number, frequency and types of vehicles used during construction,
 - ii. the method of access and egress and routing of vehicles during construction,
 - iii. the parking of vehicles by site operatives and visitors,
 - iv. the loading and unloading of plant, materials, and waste,
 - v. the storage of plant and materials used in construction of the development,
 - vi. the erection and maintenance of security hoarding,
 - vii. 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),
 - viii. details of public engagement both prior to and during construction works.
 - ix. measures to control the emission of dust and dirt during construction
 - x. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring residents and highway users during

construction, in the interests of highway safety, and in accordance with policies SD5 and SD7 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

11. **Porous hard surfaces** The new hard surfaces shall use porous materials, and/or provision made to direct run-off water from these hard surfaces to a permeable or porous area or surface within the curtilage of the development hereby permitted.

Reason: To manage flood risk and promote sustainable drainage in accordance with policies SD5 and SD49 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

12. **Hard and soft landscaping** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works, including measures for the protection of trees to be retained, shall be submitted to and approved in writing, by the Local Planning Authority. The details shall include species and heights of all tree/shrub planting, tree protection measures, and boundary details such as fencing (e.g. height, siting, and materials). The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, 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 a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with policies SD4 and SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

13. **Vehicular Access** No development shall commence until the vehicular access serving the development has been constructed in accordance with the plans submitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

14. **Parking to be provided** The development shall not be occupied until the parking areas for both motor vehicles and cycles, have been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the

parking of motor vehicles associated with residents of the development and their visitors.

Reason: To encourage sustainable travel choices and reduce local contributors towards climate change and congestion, having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

15. **Manual turntable details** Prior to the first residential occupation of either new dwelling, full details of a manual over-ride to the automated vehicle turntable shall be submitted to and approved in writing by the local planning authority. The system shall be installed as per the approved details and maintained in working order thereafter.

Reason: In the interests of amenity and highway safety.

16. **Electric Vehicle** Prior to the first residential occupation of each of the new dwellings hereby permitted, electric vehicle charging points shall be provided and made ready for the use of the new residents.

Reason: To reduce pollution and consumption of resources and mitigate local contributors to climate change in accordance with policy SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

17. **Removal of Permitted Development** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, C, D or E of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to monitor and control future development that may affect the setting and visual amenity of the development and the character of the local area, as well as the amenity of neighbouring residents, having regard to policies SD4 and SD5 of the South Downs Local Plan, policies PL2 and HC3B of the Lewes Town Neighbourhood Plan and having regard to the National Planning Policy Framework.

18. **Ecosystem Services Implementation** Prior to the first residential occupation of either new dwelling hereby permitted, or by the end of the first planting season following construction, the measures set out in the Ecosystem Services Statement hereby approved shall be provided and shall be retained as such thereafter.

Reason: To secure appropriate ecological gain and have a positive impact on the natural environment to comply with Policy SD2 of the South Downs Local Plan 2019 (2014-33) and Ecosystem Services and Householder Planning Applications Technical Advice Note.

11 **Background Papers**

11.1 None.

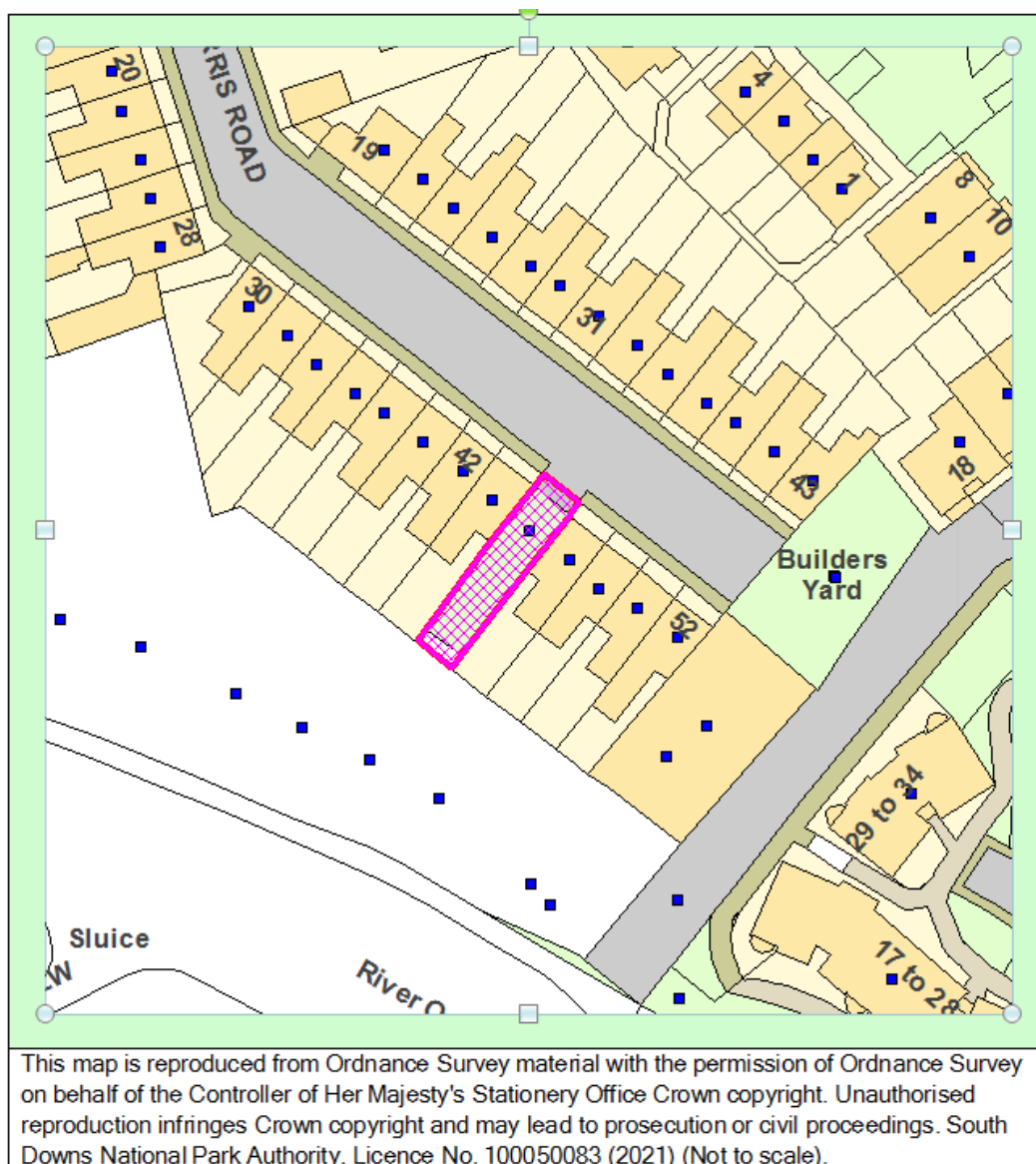
Agenda Item 10

Report to: Planning Applications Committee
Date: 16 February 2022
Application No: SDNP/21/01724/CND
Location: 44A Morris Road, Lewes, East Sussex, BN7 2AT
Proposal: Variation of condition 15 of planning application SDNP/16/01310FUL to remove requirement for public thoroughfare to be retained.

Applicant: Rob Williams
Ward: Lewes
Recommendation: Permission is granted.
Contact Officer: **Name:** Christopher Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Map Location:



1. **Executive Summary**

- 1.1 The applicant seeks the variation of condition 15 of application SDNP/16/01310/FUL such that the requirement for the public thoroughfare to be retained, is removed.
- 1.2 Following the previous meeting of 12th January, and prior to the decision notice being issued, further material has been submitted. This additional information outlines the use of a soft closure magnetic mechanism and clarification regarding other access points to/from this development. At the previous committee meeting, members voted (5 to 4, with 1 abstention) to refuse the application. Given the additional information it is considered appropriate to refer the case back to committee to ascertain whether an alternative conclusion could be reached. In the circumstances therefore it is appropriate to refer this application back to committee to consider the matter afresh.
- 1.3 In addition it is confirmed that only residents of Chandler's Wharf are permitted to use the passage.
- 1.4 The applicant has submitted details of the gate locations and locking mechanism, along with a plan confirming there is only one other vehicular/pedestrian access into Chandler's Wharf.
- 1.5 The recommendation is to approve the variation of condition 15 as follows:

Prior to the first residential occupation of the dwelling, the path linking between Morris Road and Chandlers Wharf shall be constructed and completed in accordance with the details approved on 15 October 2020 under application ref. SDNP/20/029889/DCOND, and in accordance with the submitted magnetic gate closer details by GCG to ensure silent operation, and the plan indicating the position of each of the two gates. Residents of Chandlers Wharf shall be given access to the linking passage, and the means to unclosethe gates by way of a key/code/keycard/fob. Such access shall be maintained thereafter.

Reason: In the interests of highway safety and amenity having regard to policies SD5, SD19 and SD20 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework
- 2.2 South Downs Local Plan

Core Policy SD1 - Sustainable Development

Strategic Policy SD19 - Transport and Accessibility

3. **Site Description**

- 3.1 The application site falls on the south side of Morris Road, a residential street accessed off Cliffe High Street, falling within the Lewes Conservation Area

towards the eastern edge of the town. The site is within the South Downs National Park.

- 3.2 The site was a vacant space between two end of terrace, two storey properties, 44 and 46 Morris Road, and historically provided a secondary access to Chandlers Building Yard that formerly sat on the southern side of the Morris Road dwellings. This former builder's yard is currently being redeveloped with dwellings (LW/11/1284/NP) and as part of that approval the application site is maintained as a pedestrian access.
- 3.3 As well as falling within the designated Conservation Area the application site falls within the planning boundary of Lewes as defined by the Lewes District Local Plan and the South Downs National Park.
- 3.4 A dwelling has been constructed on the site, ref. SDNP/16/01310/FUL.

4 Proposed Development

- 4.1 It is understood that the applicant is having difficulties with the sale of the property owing to the passageway that goes underneath the first floor level of the house and connects Chandlers Wharf, a private development that is not part of the public highway, and Morris Road.
- 4.2 The applicant seeks the variation of condition 15 of application SDNP/16/01310/FUL such that the requirement for the public thoroughfare to be retained, is removed.

5 Relevant Planning History

- 5.1 SDNP/17/04876/FUL - Approved [Condition 11]
- 5.2 SDNP/16/01310/FUL - Approved [Condition 15]

6. Consultations

6.1 Main Town or Parish Council –

There was discussion regarding an application to discharge a condition attached to development consent. Members had spent some time assessing this matter and considered that the original condition should stand.

The condition originally stated:

'The development shall not be occupied until details for the surfacing and lighting of the path linking through to Chandlers Wharf have been submitted to and agreed in writing by the Local Planning Authority. The path shall then be constructed and completed to the satisfaction of the Local Planning Authority before the development is occupied and thereafter retained as a public thoroughfare at all times.'

Members, aware of local feelings of irritation that the route was obstructed by a locked gate, were also aware that there was a distinction between a public thoroughfare and the actual right of way to use it. They considered that the condition

was applied for good reasons and should stand; but they ask the landowner to open the access for public use, acknowledging that it may be blocked periodically, for short periods, to prevent 'prescriptive rights' arising.

6.2 ESCC - Public Rights of Way

The passage is not a public right of way.

6.3 Lewes CAAG - Objection

7 **Neighbour Representations**

7.1 Twenty-three letters of objection have been received; the comments summarised below:

- Safe route for children
- Safe route to Cliffe High Street
- Link between Timberyard Lane and Morris Road
- Not in spirit of Neighbourhood Plan
- Loss of right of way
- Poor condition of Timberyard Lane
- Longer walk into town
- No pavement along Timberyard Lane
- No in the public interest
- Will discourage walking
- Applicant aware of situation from the outset

7.2 One letter has been received in support of the application:

- Passageway ends at boundary with Chandlers Wharf, which is a private development
- The passageway was created, paid for, and maintained, for the use of Chandlers Wharf owners
- There is no public right of way through Chandlers Wharf

7.3 Friends of Lewes – Objection

Friends of Lewes raised no objection to SDNP/16/01310/FUL because it made provision to retain a public thoroughfare for the benefit of the local community. The thoroughfare provides a safe route to Cliffe High Street for pedestrians especially children, the disabled and the elderly.

The applicant has profited greatly from this and other development locally and the Society objects to the removal of the condition.

8 **Appraisal**

8.1 Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made

under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 8.2 The NPPF also advises that there is a presumption in favour of sustainable development.

The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:

- o Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- o Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- o Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

8.3 Principle of Development

- 8.4 Condition 15 of application SDNP/16/01310/FUL reads as follows:

"The development shall not be occupied until details for the surfacing and lighting of the path linking through to Chandlers Wharf have been submitted to and agreed in writing by the Local Planning Authority. The path shall then be constructed and completed to the satisfaction of the Local Planning Authority before the development is occupied and thereafter retained as a public thoroughfare at all times.

Reason: In the interests of highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012."

- 8.5 Details of the surfacing and lighting of the pathway have been approved, ref. SDNP/20/02988/DCOND.

- 8.6 The error here appears to be the wording of condition 15, attached to application SDNP/16/01310/FUL, in referring to the passageway as a public thoroughfare. To establish why, it is necessary to look in detail at the history of the site.

- 8.7 When the application for 13 houses in Timberyard Lane (now Chandler's Wharf) was submitted, the passageway was included within the red edge plan. Submitted with application LW/11/1284/NP was a Transport Statement which described at paragraph 2.1.1 the site as having two access points:

The site is served by 2 accesses, one along Timberyard Lane, and one through to Morris Road, between Numbers 44 and 46.

8.8 At paragraph 3.1.5 the Transport Statement is quoted as saying:

The primary access to the site will be along Timberyard Lane. A secondary access, limited to pedestrians and cycles, links the site with Morris Road, between Number 44 and 46.

The area of land between 44 and 46 Morris Road was private land and formed part of the application site. The application proposed to keep the passage as an access point to the housing development - which is private. This is fine, because future residents of the housing development could use the access, but it does not mean necessarily that it could be used by any Member of the Public.

8.9 The Principal Rights of Way Officer at East Sussex County Council has confirmed that there is no public right of way between 44 and 46 Morris Road.

8.10 The Committee Report published in respect of application SDNP/11/1284/NP indicates that, at that time, the gap in Morris Road may have been obstructed. Paragraph 6.31 reads as follows:

By removing the existing buildings, the existing gap between 44 & 46 Morris Road would become usable as a pedestrian/cycle link through to Cliffe High Street.

8.11 This suggests that the passage was not usable prior to the housing development being approved and being implemented.

8.12 Curiously, several objections were received in respect of the proposed pedestrian access via Morris Road, paragraph 5.12 of the Committee Report reading:

23 neighbour representations have been received. 2 letters of broad support. 14 letters objecting to the proposal largely due to the proposed pedestrian access via Morris Road and concern over future vehicle access due to change in character of the road, prejudicing safety of children, and detrimental to amenity.

8.13 The permission was subsequently granted, and it is noted that there is no S106 Agreement requiring the passage to be provided as a public thoroughfare. However, condition 21 of the decision notice reads as follows:

The development shall not be occupied until details for the surfacing of the path linking through to Morris Road and lighting, and any width restrictions including bollards to prevent use by vehicle traffic, have been submitted to and agreed in writing by the local planning authority and the path shall then be constructed and completed to the satisfaction of the local planning authority before the development is occupied.

8.14 Technically the condition is worded in such a way that following compliance it would not be necessary to "retain the path as such thereafter" or other similar wording. Also, the path is not referred to as a public thoroughfare or right of way.

8.15 Condition 21 has since been complied with.

Moving forward to the approval of the infill dwelling, which is now subject to the current application, condition 15 of application SDNP/16/01310/FUL now refers to the passage needing to be retained as a public thoroughfare at all times. **This is understood to be the first reference to the passage as a public thoroughfare.**

8.16 In view of the above it is felt that the wording of the condition can be altered.

8.17 Residents of Chandlers Wharf will continue to be able to use the passage but will be issued with a code or keycard to do so. To reiterate, Chandlers Wharf is a private development and there is no public highway or right of way within it (except for the riverside walk from Timberyard Lane).

8.18 Looking at the history of the site and its development, the wording of the condition to retain the passage as a "public thoroughfare at all times" does not meet the tests for Planning Conditions as set out in the National Planning Policy Framework.

8.19 It is not necessary or reasonable, and although it is relevant to planning and the development that was original permitted (i.e. the proposals for 13 houses now known as Chandlers Wharf) private access to residents is to remain. There was no planning reason for the passage to be labelled a public thoroughfare at the time the application for an infill dwelling between nos. 44 and 46 Morris Road was determined.

8.20 Access to the town centre will continue to be possible for other local residents via Timberyard Lane and South Street (although this is a slightly longer walk).

8.21 From an amenity and sustainability viewpoint the loss of this passageway would make access to the town centre on foot longer, and along less well-laid roads and possibly with more traffic (South Road).

8.22 However, legally and factually, there is not actually a right of way here, and the passageway was intended to improve permeability and connectivity when Chandlers Wharf was built, and as this is a private road/development, strictly speaking only these residents have a right to use the passage. Therefore, officers consider that the passageway can be gated, provided each household in Chandlers Wharf is given a key/code/keycard.

8.23 The views of local residents are noted and attract a great deal of sympathy. However, this is private land and technically local residents do not have the right

to cross it, unless they reside in Chandlers Wharf.

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 considered 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 On balance approval is recommended, subject to the details submitted and ensuring secure access for Chandlers Wharf residents (e.g. key/code/keycard).

10.2 Conditions

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

Plan Type	Reference	Date Received	Status
Plans - SITE LOCATION 1:500	0096.01 C	17.03.2016	Approved
Plans - Plans and Elevations	2015/18/PL2 E	20.05.2015	Approved
Application Documents -	ECOLOGICAL SURVEY	17.03.2016	Approved
Application Documents -	FLOOD RISK ASSESSMENT	12.04.2016	Approved
Application Documents -	HER CONSULTATION	01.04.2016	Approved
Application Documents -	HERITAGE STATEMENT	17.03.2016	Approved
Application Documents -	GATE CLOSER DETAILS BY GCG	13.01.2022	Approved
Plans – Gate Positions	LOCATION PLAN SHOWING POSITION OF TWO GATES	13.01.2022	Approved
Application Documents -	EMAIL CONFIRMING SILENT CLOSURE	13.01.2022	Approved

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

2. The development hereby permitted began prior to the expiration of 9 June 2019, which would have been 3 years after the approval of application

SDNP/16/01310/FUL.

3. The details reserved by condition 3 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND and on 15 June 2020 under application ref. SDNP/20/02051/CND.
4. The details reserved by condition 4 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND; on 15 June 2020 under application ref. SDNP/20/02051/CND; and on 15 October 2020 under application ref. SDNP/20/02988/DCOND.
5. The details reserved by condition 5 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND.
6. The details reserved by condition 6 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND.
7. The details reserved by condition 7 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND.
8. Hours of operation at the demolition and construction site should be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times.

Reason: To protect the amenity of the locality in accordance with *policy SD5 of the South Downs Local Plan*.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved undated FRA and the following mitigation measure detailed within the FRA:
 - No habitable accommodation, as defined by section 0.30 of Approved Document M of the Building Regulation 2000, shall be included on the ground floor.

The mitigation measure shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: To reduce the risk of flooding to the proposed development and future occupants.

10. No fence or walling to be constructed to the front of the dwelling, as approved

under condition 6 above, shall exceed 600mm in height.

Reason: In the interest of vehicular and pedestrian safety and to accord with the requirements of *policies SD5, SD19 and SD20 of the South Downs Local Plan* and to comply with the National Planning Policy Framework.

11. The dwelling hereby approved shall be occupied until the vehicle parking space shown on drawing 2015/018/PL2 Rev C has been provided and this space shall be made permanently available for that use.

Reason: To secure satisfactory standards of parking for the proposed development having regard to *policy SD22 of the South Downs Local Plan*.

12. The details reserved by condition 12 have been approved on 26 July 2017 under application ref. SDNP/17/02411/DCOND.

13. 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: In the interest of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to *policies SD5 and SD31 of the South Downs Local Plan, policy PL2 of the Lewes Neighbourhood Plan*, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

15. *Prior to the first residential occupation of the dwelling, the path linking between Morris Road and Chandlers Wharf shall be constructed and completed in accordance with the details approved on 15 October 2020 under application ref. SDNP/20/029889/DCOND, and in accordance with the submitted magnetic gate closer details by GCG to ensure silent operation, and the plan indicating the position of each of the two gates.*

Residents of Chandlers Wharf shall be given access to the linking passage, and the means to unclosethe gates by way of a key/code/keycard/fob. Such access shall be maintained thereafter.

Reason: In the interests of highway safety and amenity having regard to policies SD5, SD19 and SD20 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the management of surface water does not result in the mobilisation of contaminants having regard to *policies SD5 and SD17 of the South Downs Local Plan* and to comply with National Policy Guidance contained in the National Planning Policy Framework.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the mobilisation of contaminants or impact on controlled waters from the construction of deep foundations, including piling activities having regard to *policies SD5 and SD17 of the South Downs Local Plan* and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11 Background Papers

11.1 None.

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