

Planning Applications Committee 9 March 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, 23 February 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 16 February 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/21/0803 and LW/21/0804 - 1 Bramber Avenue, Peacehaven, BN10 8LR (Pages 9 - 26)

Planning applications within the South Downs National Park

8 SDNP/21/00345/FUL - Manor Farm House, Bishopstone, BN25 2UQ (Pages 27 - 42)

Non-planning application related items

9 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 6 April 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 16 February 2022 at 5:00pm

Present:

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

Officers in attendance:

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

74 Minutes

The minutes of the meeting held on 12 January 2022 were submitted and approved, and the Chair was authorised to sign them as a correct record.

75 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Milly Manley and it was declared that Councillor Roy Clay would be acting as her substitute for the duration of the meeting.

76 Declarations of interest

There were none.

77 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).

78 Petitions

There were none.

79 Written questions from councillors

There were none.

80 LW/21/0415 - 33 Bluebell Business Estate, Railway Lane, Sheffield Park, North Chailey, East Sussex, TN22 3HQ**Resolved:**

That planning application LW/21/0415 for demolition of B1 use building and construction of new B1 use building on two floors with provision for parking be approved, subject to the conditions set out in the report and supplementary report.

81 SDNP/21/02685/FUL - West Laine House, Church Lane, Kingston, BN7 3LW

Councillor Fiona Harrison spoke on behalf of Kingston Parish Council. Peter Haines (Neighbour) and Marion Brandis (Near Neighbour) spoke against the proposal. Phillip Billingham (Applicant) spoke for the proposal.

Resolved:

That planning application SDNP/21/02685/FUL for erection of a five-bedroom detached dwelling (Revised Plans) be approved, subject to:

- 1) The conditions set out in the report and supplementary report;
- 2) That Officers be delegated to approve the repositioning of the staircase or the implementation of a screen, notwithstanding the approved plans submitted on 22 September 2021;
- 3) That low-transmittance glass and blackout blinds be required; and
- 4) An informative be added that the Applicant have regard to the Committee's wish that the finishing materials blend in with the natural and rural surroundings.

82 SDNP/20/05749/FUL - Liquid Studio, St Andrew's Lane, Lewes, BN7 1UW

Karen Miles (Near Neighbour) and Ari Germain (Near Neighbour) spoke and the Committee Officer read a speech on behalf of Roger Beasley (Neighbour) against the proposal. William Anderson (Agent) spoke for the proposal.

Resolved:

That planning application SDNP/20/05749/FUL for erection of two x 3-bedroom houses to replace existing studio building and associated landscaping works be approved, subject to:

- 1) The conditions set out in the report and supplementary report; and
- 2) That details be secured in respect of safeguarding and protecting the boundary and retaining walls.

83 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 approved, subject to the conditions set out in the report and supplementary report.

84 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was 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.

The meeting ended at 7:37pm.

Councillor Sharon Davy (Chair)

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Agenda Item 7

Report to: Planning Applications Committee

Date: 9 March 2022

Application No: A - LW/21/0803
B - LW/21/0804

Location: 1 Bramber Avenue, Peacehaven, BN10 8LR

Proposal: A - LW/21/0803 - Removal of condition 1 of E/68/0850 and condition 2 of E/71/0883 (occupancy conditions) to enable the use of the premises for other purposes falling within Class C2 (residential Institutions).
B - LW/21/0804 - Increase from 21 to 27 bedrooms, new vehicular access with formation of car parking bays, cycle store and bin store, hard and soft landscaping, erection of porch canopy to front, erection of enclosure to external escape stair, installation of solar panels to roof, installation of first floor dormer, insertion of new roof light and various alterations to windows and doors on elevations.

Applicant: Seetec Limited

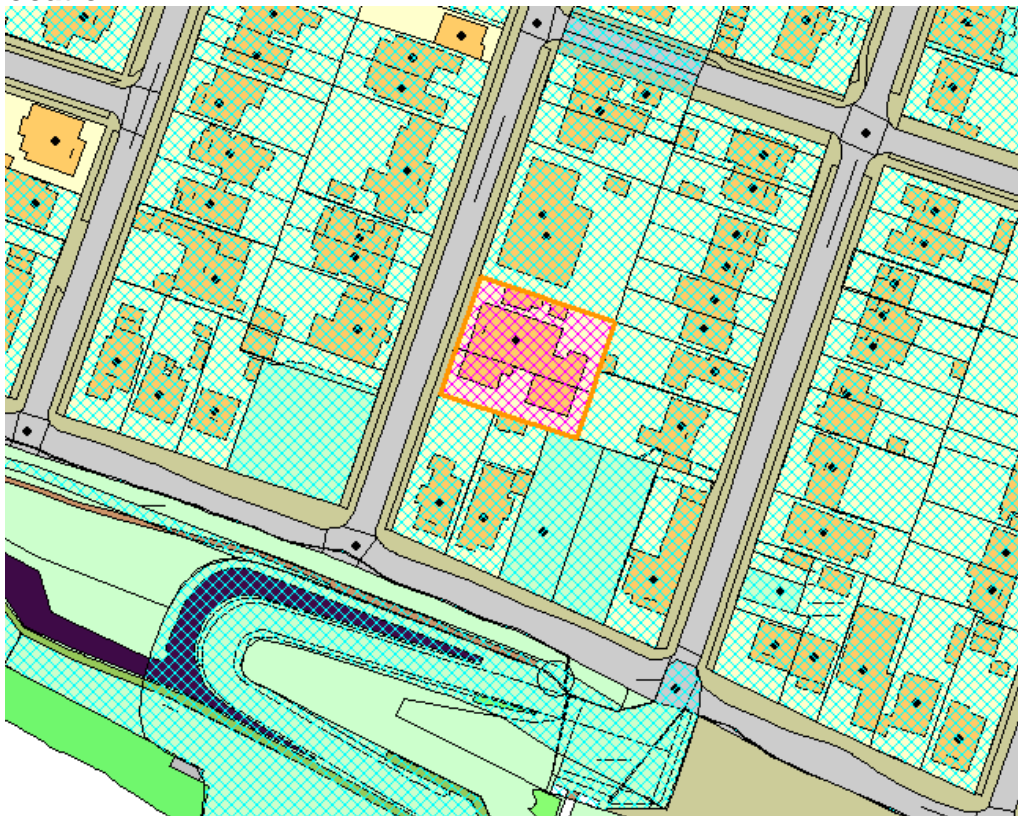
Ward: Peacehaven West

Recommendation: A - LW/21/0803 - Grant S73 Application to vary condition 1.
B - LW/21/0804 - Grant Planning Permission.

Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 Application A LW/21/0803 seeks consent to remove a condition that currently restricts the use of this C2 property to accommodate a home for old persons. This will allow the property to be used for other purposes as set out in C2 of the Use Classes Order.
- 1.2 The proposed use as 'Approved Premises' is within class C2, so this application does not represent a material change of use. Approval is recommended.
- 1.3 Application B LW/21/0803 seeks planning permission to carry out various external alterations to the existing building, including widening the existing vehicle access and formation of 2 additional off-street parking spaces. All of the alterations are considered acceptable, and approval is recommended subject to conditions requested by ESCC Highways.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport

2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: - CP11 - Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – DM25 – Design

3. **Site Description**

- 3.1 The application site is located on the east side of Bramber Avenue, Peacehaven, within the planning boundary.
- 3.2 On the site is a large, detached property, originally constructed in the early 1960s as a bungalow, which has been extensively altered and extended since its use was changed to a residential care home for old people in 1968 (ref. E/68/0850) The detailed planning history is set out in section 5 below.
- 3.3 There are 20 bedrooms in total, together with bathrooms and toilets, sluices, nurse station, office, lounge/dining room with small conservatory, and kitchen. There is also a lift.
- 3.4 The accommodation is set over two floors, utilising the roof space of the original building as well as the two-storey extension approved in 1971 (ref. E/71/0883).
- 3.5 Externally, there is a free-standing garage, to which there appears to be no access at present, and two free-standing stores. There is very little outdoor amenity space. There is a dropped kerb giving access to the garage.

3.6 The site is close to good public transport links, shops and community facilities.

4. **Proposed Development**

4.1 Both E/68/0850 and E/71/0883 were subject to the following condition:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1963 the premises shall not be used other than as stated in the application”. The reason for this condition was the following: “To enable the Local Planning Authority to regulate and control the future development of the land.”

4.2 Application A - LW/21/0803 – This application seeks to remove this condition to allow unfettered use within Class C2 of the Town and Country Planning (Use Classes) Order – residential accommodation to people in need of care. Examples of which include the provision of residential accommodation with care to people in need, use as a hospital or nursing home, a residential school, college or training centre.

4.3 Whilst seeking to secure an unfettered C2 use for the premises, the applicant has stated that it is their intention is to use the property as Approved Premises, providing supported accommodation, care and support for people recently released from custody. Approved Premises are premises approved under Section 13 of the Offender Management Act 2007. They provide intensive supervision for those who present a high or very high risk of serious harm and play a role in monitoring and managing the risk of their residents. They also provide key workers and a programme of purposeful activity that is intended to help with reducing re-offending and reintegration into society.

4.4 Residents of Approved Premises have already demonstrated they are suitable for release from custody. While at the centre, support will be tailored to the individual and will be both pastoral and vocational. The facility will help them to find permanent housing of their own, look for work and reconnect with their families and children. There will be a range of qualified and professional people on site to support residents’ resettlement including, for example, a full-time psychologist.

4.5 While they would be subject to curfew requirements, there will be no use of force or power of detention to compel them to remain. For clarification, Approved Premises do not house ex-offenders who are subject to court orders requiring electronic tagging.

4.6 Up to 29 residents will be living in the facility at any one time, typically staying for a period of between 3 and 6 months, although this may vary. Six members of staff will be on duty during the day, and two at night. The night staff will be on active duty, meaning that the facility will be supervised at all times.

4.7 The only agency that can refer residents to Approved Premises is HM Prison and Probation Service. The assessment is made by qualified professionals who determine that an individual is suitable for release, to stay at Approved Premises from which their resettlement would be best served, for example taking into account distance from their home community.

- 4.8 The Ministry of Justice controls and monitors Approved Premises, specifically the Directorate of Reducing Reoffending, Partnerships and Accommodation, with performance monitored by the Department's Operational Assurance Group and liable to be inspected by HM Inspectorate of Probation.
- 4.9 Application B – LW/21/0804 – This application seeks planning permission for the following works to the building:
- West facing elevation - new front doors and external canopy
 - Enclosure of existing external staircase
 - New dormer window over corridor adjacent to bedroom 20 – not visible
 - Alterations to existing door openings and fenestration: east facing elevation – re-positioning of door, plus new steps down, removal of one ground floor window, and blocking up of redundant opening, solar panels to roof slope; north facing elevation - additional first floor window, new door opening with steps, re-position existing door, plus step; west facing - elevation new rooflight to roof slope; east elevation removal of existing conservatory, screening around steps,
 - New bike and bin stores
 - External steps adjacent to existing rear extension
 - Formation of 3 car parking spaces at the front of the building – one of which will be for disabled use.
 - Increase in width to existing access
 - Hard and soft landscaping, including new laurel hedge around site perimeter.
 - Windows to south and east elevations to have obscure glazing
- 4.10 Internal works are also proposed to change the layout of the building, including the provision of 6 additional bedrooms. Two of the bedrooms will be twin bedded, giving a total of 29 bed spaces. These internal alterations do not require planning permission.

5. Relevant Planning History

- 5.1 E/64/0559 - Outline application for bungalow and garage, plot 6, block 137, Bramber Avenue – approved – 29 June 1964.
- 5.2 E/68/0850 - Planning and Building Regulations Applications for Change of Use from residential to home for old persons, internal alterations, and addition to fire escape. Restrictive Planning Condition No. 1. Building Regulations – approved 28 October 1968.
- 5.3 E/71/0883 - Two storey extension to Old People's Rest Home comprising seven bedrooms, etc., with flat over. Restrictive Planning Condition No 2 – approved 26 January 1972.
- 5.4 E/73/1304 - Planning and Building Regulations applications for extension of existing rooms in roof space – approved 28 January 1974.

- 5.5 LW/84/1576 - Planning and Building Regulations Applications for extension to sun lounge 9 October 1984.
- 5.6 LW/85/1452 - Planning and Building Regulations applications for side extension (nursing home) – refused 12 November 1985.
- 5.7 LW/93/1647 - Extension and alterations to nursing home – approved 8 February 1994.
- 5.8 LW/94/0954 - Construction of pitched roof over existing defective flat roof – approved 14 September 1994.
- 5.9 LW/97/1039 - Ground & First Floor extensions – refused 15 September 1997.
- 5.10 LW/00/0133 - Extensions to form laundry, bin store and foodstore – approved 11 April 2000.
- 5.11 LW/00/0136 - Extension to roof to form three additional bedrooms – refused 11 April 2000.
- 5.12 LW/01/0896 - Alterations and extensions to roofspace to form an increase of two additional bedspaces and the formation of three additional parking spaces – refused 6 July 2001
- 5.13 LW/01/1694 - Alterations and extensions to roofspace and the formation of one additional parking space – approved 24 October 2001.
- 5.14 LW/02/0539 - Alterations & extensions to roofspace & formation of additional parking space (revision of LW/01/1694, addition of fire escape) – approved 16 May 2002.
- 5.15 LW/02/1952 - Construction of an additional dormer on front elevation – approved 2 December 2002.
- 5.16 Also of relevance is application LW/19/0857 relating to 3 Bramber Avenue, for conversion from HMO and manager’s flat to 18 self-contained flats including manager’s flat. This facility provides temporary accommodation for up to 30 persons (adults and children) who have been made homeless, by referral from nearby local authorities.
- 5.17 The application was granted approval subject to the following condition:
 “Within two months of the date of this permission, a Plan for the management of the site, that will include details of how the facility to provide temporary and emergency accommodation for the homeless will be managed and accommodation allocated, as well as for an on-site manager to be present on the site 24 hours per day, 7 days per week, and to include the details for the location/provision of a smoking shelter, shall be submitted to the LPA for its approval. At all times, the premises must be occupied in accordance with the details of the Management Plan. The Management Plan shall include details of the maximum length of stay and maximum occupancy of the facility at any one time and shall include provision for monitoring by the Council's Planning and Housing Needs officers.”

6. Consultations

6.1 Peacehaven Town Council

Application A – LW/21/0803

6.1.1 PTC objects on following grounds and requests call in for committee:

- Absence of car parking facilities and provision for pedestrians, wheelchair and prams.
- Increase of traffic and congestion.
- Exacerbate existing parking problems.
- Parking and highway safety issues.
- Local drainage needs to be improved.
- The Housing Needs Assessment, recently produced for the Town's Neighbourhood Development, clearly shows an existing and increasing need for older peoples' homes
- There should not be an 'open' class of use for this property; the owners should have to apply for a change of use for specific purposes
- The property concerned is not in a suitable location for the proposed rehabilitation of offenders, as there is not the structured environment for this purpose

Application B – LW/21/0804

6.1.2 PCT objects on following grounds and requests call in for committee.

- Insufficient car parking for number of staff that will be working there and visitors. Parking at this site is inadequate for the proposed new use of this building and increase in capacity. Provision for on 2/3 off road parking spaces in this already heavily congested area. Strick no parking along the Promenade, Steyning Avenue and Bastion Steps car park is full every day with commuters, dog walkers, shoppers.
- Inadequate sewage/drainage provision, the drainage is unable to cope with the present number of residents. There are serious on-going issues with sewage leaking from drains and crosses the road through The Bastion Steps car park; public and dog walkers have to walk through this which is an environmental health hazard.
- Detrimental effect on local character, over development and cramped.
- Inadequate local infrastructure. No local police station due to closure, closure of doctors' surgeries which now results in just one surgery for a Town of 25 residents.
- No detailed building information to prove compliance with the Peacehaven Design Guides and sustainability.

6.2 ESCC Highways

Application B – LW/21/0804

- 6.2.1 Access/Parking - The site currently benefits from a vehicular access served from Bramber Road which is an unclassified road subject to a 30mph speed limit. There is sufficient space to park 1 vehicle. It is proposed to demolish the boundary wall and create a dropped kerb in order to provide parking for an additional two vehicles allocated to the site.
- 6.2.2 The existing space will be a disabled space. The spaces are arranged in parallel and should measure 2.5m X 5m. Add an extra 50cm where spaces abut walls. The disabled space should measure 3.6m X 5m. It should be noted that the access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate legal agreement.
- 6.2.3 Accessibility - It is stated that no residents will have cars and will be reliant on public transport to move around. The site is relatively well connected to public transport. Although there is no train station within an acceptable walking distance of the site, there are bus stops located approximately 150m to the north of the site which provide frequent services to nearby locations. There are local amenities within walking distance including a convenience store approximately 180m away. It is recommended that information is provided in communal areas with details of bus services and locations of nearby amenities.
- 6.2.4 I therefore do not wish to object subject to the imposition of the following conditions & informative
- The development shall not be occupied until the parking area has been provided in accordance with the approved plans 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 motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
 - 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
 - The vehicular access serving the development shall be constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

- The cycle parking area shall be provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] 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
- Informative

The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

6.3 Sussex Police

Application A - LW/21/0803

- 6.3.1 I have no concern over the discharge of conditions 1 & 2. However, it is the type of facility being proposed by the applicant that causes some concern to myself and the local NPT due to the immediate proximity of an existing housing facility for vulnerable persons. The applicant has given suggestion that number 1 Bramber Road would be used as a Probation Hostel. It is the cumulative impact of this proposed application upon the existing facility and immediate area that is the main cause of concern from a safeguarding perspective. There is also concern of the potential impact upon the local community.
- 6.3.2 The following are extracts from the planning statement submitted in support of this application -
- 6.3.3 Para. 3.2 states - The property is no longer required to provide residential care for old persons and as such it is appropriate to consider other suitable alternative uses. The first logical alternative use for the premises is some other form of care or support/training (other than old persons) also falling within the same Use Class – in this case Class C2.
- 6.3.4 The use of the premises for alternative uses falling within Class C2 include use as a Probation Hostel:
- 6.3.5 Para. 3.6 states - Whilst this application is not explicitly seeking planning consent for the change of use from one C2 function to another specific C2 function, it is the case that the applicant intends that the property will initially be occupied by people in need of support and resettlement as a result of an interaction with the criminal justice system and having been deemed suitable for reintegration and rehabilitation within their home communities. The premises and the occupants will be managed by suitably qualified on-site staff but will not be a secure unit as defined by sub-class C2A. The property has been identified as being suitable to meet the specific and tailored needs of its intended occupants.

- 6.3.6 Para. 6.3 states - The statement demonstrates that the immediate intention to re-use the premises to provide a home, with associated care and support, for people recently released into their home community from detention (Class C2) should be considered to be compatible with the planning policies in force in this location. The site is within a sustainable and accessible location within a settlement boundary and will provide for specialist housing needs to assist the reintegration of occupants into their community in a managed way that should present no increased significant risk to the safety, well-being or convenience of future residents or neighbours
- 6.3.7 Para. 5.1 states - The use of the premises for alternative uses falling within Class C2, including as a Probation Hostel, would provide an additional valuable housing resource for which there is a need in this community by the provision of good quality, safe and well-located temporary accommodation for people in need of specialist housing and support. Thus, the proposal meets the broad objectives of Policy CP2 which seeks to deliver “sustainable, mixed, balanced communities.” Providing a range of dwelling types and sizes to meet the identified local need”
- 6.3.8 5.23 states - Residents will receive proactive supervision and tailored support from an experienced team of specialists.
- 6.3.9 The NPT would like assurance of this and to see copies of management practices and the levels of support for residents with the appropriate partnership agencies.
- 6.3.10 Whilst the NPT accept that the premises could be appropriate to accommodate such a proposal as the applicant suggests, it is their concern and responsibility to raise concerns from a safeguarding perspective to the welfare of the proposed residents, the immediate adjacent vulnerable housing facility residents, and those of the existing community, should this application be granted. This application has the potential for increasing ASB, C&D, the opportunity for crime and the fear of crime in the immediate area and community.
- 6.3.11 As a result, I agree with the NPT that the introduction of the proposed probation Hostel has the potential to have a detrimental effect on the resident’s amenity and that of the surrounding community. Additionally, it has the potential to place an additional burden upon Police resources. To that effect Sussex Police would not support this application for a probation hostel at the location.

Application B - LW/21/0804

- 6.3.12 This application proposes to increase the existing rooms from 21 to 27 which include two double rooms. This will allow the premises to accommodate a maximum of 29 persons at any one time.
- 6.3.13 The premises provide bedroom only accommodation with communal dining and lounge and shared washing facilities. From a security perspective SBD identify these types of dwellings as buildings of multiple dwellings.

6.3.14 To provide a minimum standard of security for the residents I recommend the following security arrangements implemented into the building.

- Access control. See SBD Homes 2019 V2 chapter 27.24.
- Communal front door-sets. SBD Homes 2019 V2 chapter 21.3.
- CCTV monitoring entrance. See SBD Homes 2019 V2 chapter 29.
- Compartmentalisation. Developments over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour, SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation) by restricting access to all areas and floors of the building to all residents. The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following: 1. Lift and stairwell access controlled separately. 2. Lift and stairwell access jointly controlled via an additional secure door-set. Further detail can be obtained within para 27.29 SBD Home 2019 V2.
- Postal arrangements are to be centrally controlled by staff or where communal mail deliveries within buildings entrances serving multiple rooms exist, they should be designed to incorporate the requirements within SBD Homes 2019 V2 chapter 32.
- Individual room door-sets are to be adequate and fit for purpose and include a security viewer and security chain. I recommend PAS 24:2016 door-sets or their equivalent to be installed. Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, communal front door-set and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. (Note 21.5). This would apply to windows as well.
- Ground floor and any easily accessible windows are to conform to PAS 24:2016 or their equivalent.
- Parking. I do not have concerns over the amount of parking available for staff.
- Lighting for buildings containing multiple dwellings is to conform to SBD Homes 2019 V2 chapter 33. lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not

appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. Any lighting installed must be commensurate with any CCTV system to ensure correct functionality of the CCTV system during day and night-time recordings.

- 6.3.15 I would like to direct the applicant to SBD Homes 2019 V2 chapter 56 7 57 where advice on secure cycle storage where appropriate can be found.
- 6.3.16 There will be specific site requirements to some of these security requirements. I am willing to discuss these in-depth with the applicant if required.
- 6.3.17 Sussex Police would have no objection to Planning application LW/21/0804 as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed, it is planning application LW/21/0803 that raises concern and is not supported.
- 6.3.18 The applicant has provided the following response to the Police Comments:
 - 6.3.19 “The Class C2 use of the premises is already established, and the application simply seeks the removal of a vague restriction on the age (not the origin) of the occupants of the premises. I do however recognise that this response from the DCCO is likely to be influential on Member’s consideration of the S73 application, and to that end, I would advise as follows:
 - 6.3.20 The provision of supported accommodation and services for people as part of a managed reintegration into the community is regarded nationally as a critical component of prevention of crime and disorder. To that end, we consider that the proposal is entirely consistent with the provisions of the Act.
 - 6.3.21 The welfare of the proposed residents would be enhanced by the security and support that they will benefit from while residing here. The absence of access to such accommodation poses a greater risk to the welfare of the individual and thereby the wider community. The welfare of neighbours would be managed in the manner previously explained, with modifications to the premises, and the residents being subject to a range of rules geared towards minimising adverse effects.
 - 6.3.22 The assumptions and conclusions expressed by the DOCO, including those with regard to police resources, would apply to such a facility in any location within this or any other community. Given the identified need for such accommodation to support the aims of the criminal justice system, including the support and rehabilitation for offenders that will be a feature of the use, and the lack of such accommodation and support currently available for this area, I must admit that I find this to be a surprising position for the DOCO to adopt in response to this application. The applicant is thus engaging with DOCO and Sussex Police directly in response to the representation.

7. Neighbour Representations

Application A – LW/21/0803

7.1 Representations have been received from 70 local residents objecting to the application. The concerns raised can be summarised as follows:

- Overwhelming view that the site is unsuitable for the housing ex-offenders, for a variety of reasons. The local MP has written to residents with his view that that this is the wrong location for such a facility
- The population of the area is mainly elderly people who have lived in the area for many years, and younger families with children. The area around the site is very peaceful and quiet. Residents will be fearful of living close to such a facility.
- Some residents have provided extracts from published documents with statistics showing that re-offending rates are very high.
- There is a school and a nursery located within 200m of the site.
- The site is located very close to the coastal path and stepped access to the undercliff walk and children's swimming school. The coastal path is a destination for walkers.
- Streetlights are turned off in the evening to save power – darker streets would encourage criminal activities, crime in the area would increase
- Likelihood that some of the residents will have issues with drug or alcohol abuse and mental health. There are no support services in the area and general health services are under severe strain.
- Not enough in Peacehaven to keep future residents of the home occupied, no job centre.
- The property is next door to an HMO which provides temporary accommodation for people who have been made homeless and often has women and children escaping domestic abuse.
- Lack of transparency from applicant about its other facilities.
- The nearest police station is in Lewes
- Breach of Human Right to live "In peace and tranquillity and not in any fear or trepidation".
- Some residents have lived near or worked in similar facilities and have experienced problems of petty crime, drug and alcohol abuse and noise and disturbance.
- Overlooking to properties at the rear
- Additional noise and disturbance on site and in the street
- There is a need for more accommodation for elderly people in the area, to cut down on bed-blocking.
- The local sewage system is inadequate and leaks onto public space.

- Insufficient parking on site, additional traffic generation and demand for parking.

7.2 One representation of support for a rehabilitation facility and suggests that by refusing the application, the council would be in breach of The Rehabilitation of Offenders Act and may leave the council open to litigation under The Equalities Act.

Application B – LW/21/0804

7.3 Representations have been received from 38 local residents objecting to the application. Many of the letters/emails were duplicates of those submitted for LW/21/0803. One additional comment raised issue that size of bedrooms, number of shower and toilet facilities, cooking staff facilities not adequate for the proposed number of residents and staff.

It is understood that in addition to the letters and emails sent directly to the council, a petition objecting to the applications secured 1500 signatures. This petition has not been sent to the council.

8. Appraisal

Application A – LW/21/0803

8.1 Principle

- 8.1.1 Policy CP2, amongst other things, supports proposals that provides ‘socially inclusive and adaptable accommodation to help meet the diverse needs of the community’.
- 8.1.2 The removal of the restrictive condition to allow the building to be used for other uses within class C2 is compatible with this policy.
- 8.1.3 As Approved Premises provide non-self-contained accommodation, with an element of care and supervision, they are considered to fall within class C2, with no material change of use. Any change of use within a use class is not development and Planning Permission is therefore not required for such a change.
- 8.1.4 As such, the committee should focus on the conditions subject to which the previous planning permissions were granted that restricted the use of the premises to a home for Old Persons” and to an “Old Peoples Rest Home”.
- 8.1.5 As noted above, the original permissions were for old peoples care homes and both E/68/0850 and E/71/0883 were subject to the following condition:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1963 the premises shall not be used other than as stated in the application”. The reason for this condition was the following: *“To enable the Local Planning Authority to regulate and control the future development of the land”*
- 8.1.6 The application before the committee is for these restrictive conditions to be removed. National planning guidance states that in considering this application, the Committee must have regard to:

“The Development plan and material considerations, and the conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”.

8.1.7 As the application was granted many years ago, under a different Development Plan system, the reason for the imposition of the condition is not clear, however, the condition restricting the age range of the future residents is not considered to be reasonable or enforceable today. and the original condition would not meet the tests for ‘reasonableness’ set out in the NPPF (Paras 55-57).

8.2 Amenity

8.2.1 It is noted that, understandably, local residents have serious concerns about the nature of the intended occupants. The applicant has submitted an indicative Management Plan which is intended to provide some reassurance as to the way in which the facility will be run. As Approved Premises are controlled by other legislation, any planning conditions that seek to duplicate such controls would be unlawful. Thus, the Management Plan cannot be secured by condition.

8.2.2 The fear of crime or an increase in crime can only be material if the fear is based on actual evidence emanating from the use of the premises itself, for example evidence of previous disturbances, rather than a perceived fear based on the potential occupiers.

Application B – LW/21/0804

8.3 Design

8.3.1 The external alterations to building are considered to acceptable and will improve the appearance of the building. As such the proposal complies with policies CP11 and DM25.

8.4 Amenity

8.4.1 All the windows on the south and east elevations of the building will be obscure glazed as shown on the submitted plans, which will significantly reduce overlooking that currently takes place from the building. The rear staircase will also be enclosed in translucent sheeting to diminish overlooking and to reduce noise.

8.5 Parking

8.5.1 The application was accompanied by a Transport Statement, which has been considered by ESCC Highways and no objection has been raised. It is considered that the unrestricted C2 use class will not generate more traffic movements or demand for parking than the former use as a care home. There are public car parks close to the site and the site is very well located close to bus routes along the

A259. The additional parking spaces which will be provided under LW/21/0804 will be for staff only.

8.5.2 The proposed cycle parking facility meets the ESCC standard for a facility of this kind.

8.5.3 The conditions requested by ESCC have been attached to the decision.

8.6 Sustainability

8.6.1 An array of solar panels is proposed to be installed on the east facing roof slope, although no information has been provided as to their exact use and specification.

Comments on objections

8.7 Drainage

8.7.1 It is recognised that there are problems with foul water drainage in the area. However, this matter cannot be taken into consideration in the case of a removal of a condition or external alterations.

8.8 Unmet demand for older persons accommodation in the area

8.8.1 As neither of the applications under consideration preclude future use of the premises as a home for older persons, a recommendation of refusal on this ground would be inappropriate and unreasonable.

9. **Human Rights Implications**

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

10. **Recommendation**

Application A LW/21/0803

10.1 Approval is recommended

Application B LW/21/0804

10.2 Approval is recommended subject to conditions.

10.3 Conditions – Application A

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	18 October 2021	Planning Statement
Transport Assessment	18 October 2021	Transport Statement
Location Plan	18 October 2021	SK001 Rev D

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

10.4 Conditions – Application B

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	18 October 2021	Planning Statement
Transport Assessment	18 October 2021	Transport Statement
Location Plan	18 October 2021	SK001 Rev D
Proposed Elevation(s)	19 November 2021	SK002 Rev F - Proposed Ground Floor Plan and Elevations (Amended)
Proposed Floor Plan(s)	19 November 2021	SK002 Rev F - Proposed Ground Floor Plan and Elevations (Amended)
Proposed Floor Plan(s)	19 November 2021	SK003 Rev E - Proposed Ground Floor Plan 1 of 2 (Amended)
Proposed Floor Plan(s)	19 November 2021	SK004 Rev C - Proposed Ground Floor Plan 2 of 2 (Amended)
Proposed Roof Plan	19 November 2021	SK005 Rev D - Proposed First Floor Plan and Existing and Proposed Roof Plans (Amended)

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

2. The development shall not be occupied until the parking area has been provided in accordance with the approved plans 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 motor vehicles.

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

3. 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

4. The vehicular access serving the development shall be constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

5. The cycle parking area shall be provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] 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

10.5 Informative:

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

11. **Background Papers**

- 11.1 None.

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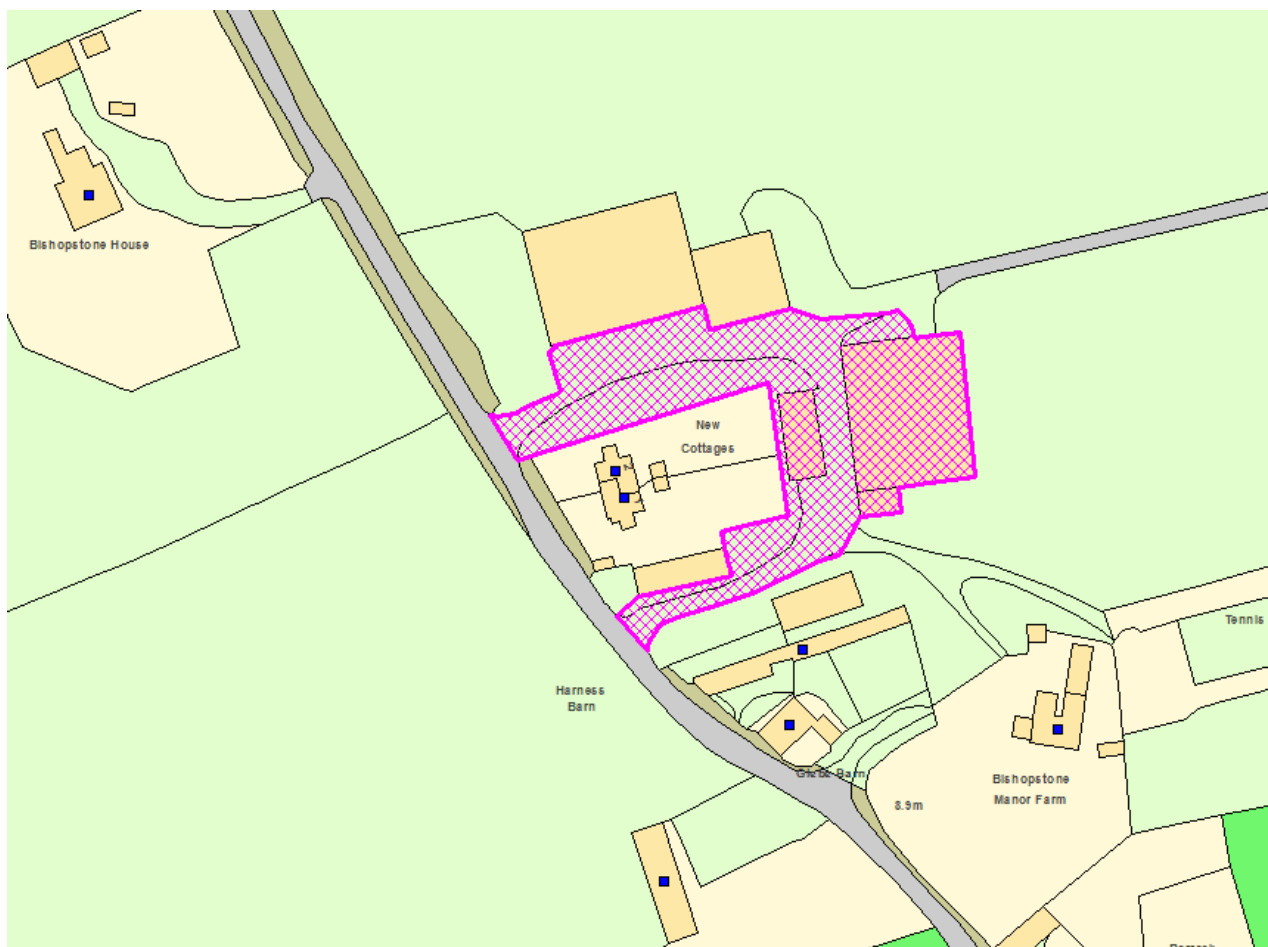
Agenda Item 8

Report to: Planning Applications Committee
Date: 9 March 2022
Application No: SDNP/21/00345/FUL
Location: Manor Farm House, Bishopstone, BN25 2UQ
Proposal: Change of use of agricultural barn to *Sui Generis* comprising mixed use of artists' studios and metalworking studio for blacksmith, with associated storage and use of residual parts of building for agricultural storage, together with associated parking, access and landscaping.

Applicant: Mr Attwood
Ward: Seaford West
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 application seeks planning permission retrospectively for change of use of the barn to a mixed use of artists' studios together with associated storage and use of the residual areas of the building for agriculture.
- 1.2 Approval is recommended, subject to conditions, and based on the information and details submitted.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

NPPF04 - Decision-making

NPPF06 - Building a strong, competitive economy

NPPF12 - Achieving well-designed places

NPPF15 - Conserving and enhancing the natural environment

2.2 South Downs Local Plan

Core Policy SD1 - Sustainable Development

Core Policy SD2 - Ecosystem Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD6 - Safeguarding Views

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 SD15 - Conservation Areas

Development Management Policy SD16 - Archaeology

Strategic Policy SD17 - Protection of the Water Environment

Strategic Policy SD19 - Transport and accessibility

Development Management Policy SD22 - Parking Provision

- Strategic Policy SD23 - Sustainable Tourism
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD39 - Agriculture and Forestry
- Development Management Policy SD40 - Farm and Forestry Diversification
- Development Management Policy SD41 - Conversion of redundant Agricultural or Forestry buildings
- Strategic Policy SD42 - Infrastructure
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

3. **Site Description**

- 3.1 The application relates to a large barn with the Manor Farm House curtilage in Bishopstone, a settlement in the South Downs National Park and to the west of Seaford town. It is noted that the land ownership stretches to several other buildings in the immediate locality, further land and the main house to the north.
- 3.2 The red line of the site concerning this planning application includes two accesses onto the public highway, hardstanding, a large agricultural building with a dual gable (each with a dual pitched roof). In addition, there is a welfare building at one end of the large barn, taking the form of a 'lean-to' extension. The building known as Manor Barn, is approximately 7.3m high to the ridge, 4.4m high to the eaves, 26.5 wide and 32.5m long or 38m long accounting of the small 'lean-to' welfare building.
- 3.3 The building is faced with corrugated materials, mostly sheet metal and has a larger pair of loading doors to the north elevation, and 2 sets of doors/entrances on the east elevation.
- 3.4 The building is in a poor state of repair with missing sections of cladding/corrugated materials.
- 3.5 In addition to the main barn, it is noted that the red line also encompasses a long open fronted building to the west of the barn, and near to the boundary at the foot of the back gardens to 1 & 2 New Cottages. No plans of this building have been provided or any explanation of their use or of any intention for a change of use or connection with this application. This open-fronted building appears to be used for parking vehicles, agricultural machinery and storage.
- 3.6 Outside of the application site, but within the applicant's ownership is a caravan located adjacent to the south and next to the welfare building. In addition, to the south west of Manor Barn is an open-ended structure, which appears to be used as log storage.
- 3.7 To the north west of Manor Barn and adjacent to the access are three buildings of

agricultural appearance and use. One is modern and the other two are older buildings. These are outside of the application site.

- 3.12 The boundary of the Bishopstone Conservation Area runs to about 15m to the south of Manor Barn.

4. **Proposed Development**

- 4.1 The application seeks planning permission retrospectively for change of use of the barn to a mixed use of artists' studios together with associated storage and use of the residual areas of the building for agriculture. The application is understood to have arisen following complaints in respect of unauthorised uses such as scaffolder's yard, metal and waste recycling. However, these uses are no longer evident at the site and are understood to have moved on. This application seeks to regularise the remaining uses as per the application description.

- 4.2 The change of use is stated as having started in June 2020, according to the information submitted.

4.3 Unit A

In the north-eastern quadrant of the barn, to be used as agricultural storage. Measures approx. 248 square metres.

The south-east quadrant to be used for storage of materials to be upcycled and used for artwork. Measures approx. 190 square metres.

4.4 Unit B

In the north-west quadrant, space to be used by two artists - both of whom work with metal and create sculptures. Floor area approx. 214 square metres.

4.5 Unit C

Sub-division of south-west quadrant to form a workshop for a blacksmith, including a sound-proofed/insulated room, office and store. Approx. 78 square metres.

4.6 Unit D

To be used by an artist who upcycles and creates art from used items. Approx. 78 square metres.

- 4.7 Attached to the south-west corner of the barn is a small welfare structure which includes a W.C.

- 4.8 The caravan shown on the submitted drawings is not understood to form any part of the planning application.

- 4.9 The application does not include changes of use to scaffold storage, tree surgeon/arborists store or waste transfer activity or any other alleged potential unlawful use.

5. Relevant Planning History

- 5.1 SDNP/21/00011/CND - Variation of condition 2, approved plans, relating to planning approval SDNP/17/03324/FUL for a reduction in the size of the entrance door and erection of a small extension - Approved.
- 5.2 SDNP/17/03324/FUL - Demolition of existing grain store and replacement with new grain store, workshop and machinery store - Approved.

6. Consultations

6.1 Main Town or Parish Council – Objection

1. The retrospective application does not cover all the industrial and commercial uses being carried on at the site. These other uses i.e. as a scaffolders' depot and a waste transfer station are generating an unacceptable level of commercial traffic through the village which is seriously detrimental to the amenity of the area and local residents. The generation of additional commercial traffic at the junction of Bishopstone Road and the A259 is also be contrary to the Lewes Local Plan Part 2.
2. The site is also close to the Bishopstone Village Conservation Area, an area of the National Park popular with ramblers and other visitors and therefore should be protected from inappropriate development in accordance with the main objectives of the National Park. The development is also contrary to policies SEA1 and 4 of the Seaford Neighbourhood Plan are various other policies of the South Downs Local Plan which have the same objectives in relation to the Conservation Area and the National Park
3. Bishopstone Village is specified in policy SD25 of the South Downs Local Plan as an area unsuitable for further development and therefore policy SD34 of the Plan (Sustaining the Local Economy), which is submitted by the applicant as supporting the development, does not apply.
4. There is no evidence put forward to justify these commercial uses as necessary to sustain the viability of the farm.
5. The structure of the buildings is not suited to the commercial uses being carried on there resulting in noise nuisance to residents and other health and safety issues for the employees on site.

In view of the fact that many of the most inappropriate uses being carried on at the site are not covered by this retrospective application the Authority is requested to continue its investigations into these uses and to take appropriate enforcement action to deal with the major amenity problems arising from the current use of the site.

Also, in view of the level of public interest in the application, it is requested that it is determined at Committee.

6.2 ESCC – Highway Authority – No Objection

Development Proposal

The site is located on Bishopstone Road and currently consists of an agricultural farm. The application seeks planning permission to change use to mixed use of artist studios and metalworking studio for blacksmiths.

Site Access

There are two existing vehicular accesses from Bishopstone Road. These are to remain the same for the proposed development. The proposed change of use is likely to result in an increase in the level of trips. However, based on the site location, this is unlikely to result in a significant impact on the highway network.

Visibility

The change of use will increase the usage of the site. Therefore it is necessary the correct visibility splays can be achieved. For a road with a speed limit of 30mph as Bishopstone Road is, the minimum SSD is 43m, in accordance with DMRB standards. It is considered that this level of visibility could be achieved at the site access and should be secured by condition.

Car Parking

For developments containing B1 use, 1 car parking space is required per 40sqm. This would equate to 17 spaces for B1 use. The application form states there is an additional 260.3sqm of 'Other' use. It is unclear what this use is for and it is requested this information is submitted. Once the other use is known, the car parking can be assessed against ESCC parking guidance. The form also states there are four existing and proposed car parking spaces, but these are not shown on the plan. It is requested the parking bays are shown on the site plan. This should be secured by condition.

Cycle Parking

In terms of cycle parking, the County Council parking guidance requires 1 short term space per 500m² gfa plus 1 long term space per 10 full time staff. Having reviewed the submitted plans, no cycle parking facilities are to be provided, which is not in line with the County Council's parking guidance. The County Council requires cycle parking to be provided in a secure, safe and covered location. Cycle parking should be secured as a condition.

Conclusion

With the above in mind, I would not wish to object to this application, subject to the imposition of conditions.

Conditions

1.The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

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

2.The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas

shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

3.The development shall not be occupied until a cycle parking area has been provided in accordance with details 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.

6.3 Environmental Health – No Objection

Comments on BS 4142:2014 assessment. From the results, negative impact from the use of mechanical equipment is not anticipated. The criteria under this requirement has been satisfied.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 48 dBA between 0700 and 2300 hours and 37 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

7. **Neighbour Representations**

7.1 Bishopstone & Norton Preservation Committee - Objection

The development of the redundant farm building into units as described in the application has had effect on the peace and tranquillity of the village and has greatly increased the amount of traffic with its incumbent noise and fumes.

The village has been discovered by lots of hikers, cyclists and dog walkers during the lockdowns, thus increasing the number of people using the road for pleasure purposes. It is also used by participants in the Duke of Edinburgh Aware Scheme.

The building in question lies about 30m of the adjacent Bishopstone Conservation Area and the development will have an adverse effect on the privacy, noise and pollution levels of the neighbouring residential properties.

The application makes reference to four users of the property but there is no mention of the tree surgeons, scaffolding company and recycling operation that occupy adjoining premises on the farm.

7.2 Friends of Bishopstone Village - Objection

[Officer Note: These comments are derived from a discussion with a former Case Officer and appear to relate to uses that are no longer evident at the site.]

Noise and related disturbance to residents who live within the vicinity of Manor Farm Barn (MFB) is a key issue, mostly discussed so far in relation to the metal workers and the blacksmiths. The applicant included a noise assessment report in his application, yet we both agreed it may not be sufficiently helpful to decision making and a more robust report is needed.

You mentioned that there will be similar noise associated with Scavenger Designs and having subsequently looked again at the Noise Assessment Report, I can see this detail is set out there but not referred to in the dha application.

You indicated that you do not yet have a named EHO who can be consulted on the application and noise survey. Can you advise when the EHO will be? when you expect a formal request to the applicant on the public aess system?

The Upscaler/ Scavenger Designs - you mentioned that this business proposes to bring classes of students on to the site. Again this is not referred to in the dha report but is briefly in the Noise Assessment. What is the extent of the educational uses proposed? What numbers are anticipated?

Fire and hazard: We shared concerns about the fire and hazard risk of the building in question for the studios. You learnt from me that there is a second source of intense heat at the other end of the studio building. I referred you to a posting from Nicola Waters (a medical Dr) on the SDNP website where she objects to the application solely based on the level of risk and degree of possible harm to workers and residents.

You mentioned that you would wish to see an EH Fire and Hazard Report generated by 'Building Regs'. When is this report likely to be requested and received?

Tree Surgeon business: you mentioned that this falls within Forestry - part of Agriculture, not within the control of Planning. The use is unconnected with agriculture or forestry but is another commercial business use involving the importation of timber from arboriculture operation mainly related to residential properties. Can you clarify why this use is not within the control of the planning system?

Waste management breaches. Thank you for the confirmation that waste management breaches are taking place. Can you advise us of the timescale and progress towards their resolution?

Transport assessment. You mentioned that you expect to receive this report from the Applicant and that you will then forward it to Highway. Can you advise about the expected timescale for this report?

7.3 44 letters of Objection received on the following grounds:

- Current uses being unsuitable

- Impact from noise and disturbance, hours of use
- Impact from dust
- Impact from traffic/unsuitable roads/highway safety
- Additional danger to road users and walkers/horse riders
- Misleading nature of the proposal
- Landscape harm and damage
- Comments with regards to the new grain storage dryer
- Uncomfortable precedent it would set
- Parking stress
- Water discharge
- Potential for hazardous waste
- Pollution across the site
- Impact on physical and mental wellbeing, tranquillity
- Impact on the conservation area
- Insufficient eco services improvements
- The matter should be enforced and prosecuted if proper dues have not been paid.
- Fire safety, health and safety matters

7.4 15 letters of Support on the grounds:

- Nice to see business activity
- Good to have creative spaces
- Not enough affordable spaces for artists in Seaford
- Barns should be put to use if they can
- Good for economy
- Farm diversity required to support farmers
- Won't affect landscape
- Acceptable noise levels
- Impacts comparable to farming/agriculture
- The uses enhance the area
- Traffic impact is coming from visitors not the uses proposed

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 determined 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

- o 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 To begin with it must be stated that the assessment of this application is in accordance with the submitted details, artist use and agricultural storage, and there is no reference to scaffolder's yard; household clearance; or tree surgeon business, within the application particulars. At the time of the site visit there was no evidence of any of these activities taking place at the site, and it is understood that these businesses have moved on.
- 8.4 Planning conditions may be imposed if reasonably necessary in order to manage the use of the barn in future and ensure that it is used only by appropriate occupiers.
- 8.5 Class E of the Use Classes Order 1987 (as amended) does not adequately provide for artist use:

Use, or part use, for all or any of the following purposes -

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (shops - formerly use class A1 includes Post Offices - but not sorting offices - see sui generis)
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (cafes and restaurants - formerly use class A3)
- c) for the provision of the following kinds of services principally to visiting members of the public-
 - (i) financial services, (banks and building societies - formerly use class A2)
 - (ii) professional services (other than health or medical services), or (estate and employment agencies etc. - formerly use class A2)
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related)) (but not beauticians, nail bars, massage parlours etc. see sui generis - formerly use class D1(a)) ,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for-

- (i) an office to carry out any operational or administrative functions, (Offices - formerly use class B1(a))
- (ii) the research and development of products or processes, or (formerly use class B1(b))
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial - formerly use class B1(c))

8.6 The use of the barn as artists' studios, in this particular instance, raises a unique set of factors, which are not thought to be aligned with those of industrial processes (e.g. commercial manufacturing/distribution) and should be considered Sui Generis.

8.7 In any case, as part of the barn is to be kept for agricultural purposes, the use of the building overall must be considered Sui Generis. This categorisation would also allow management of any future intensification of the proposed uses, which can be held to be material and trigger a requirement for a fresh planning application.

8.8 Policy SD40 "Farm and Forestry Diversification" is of some relevance to this planning application, and although a diversification plan has not been submitted, it is clear that paragraphs ii. and iii. of part a) are met, because the proposed uses will remain subsidiary to the agricultural operation in terms of physical scale and environmental impact, and the proposed uses would not cause severance or disruption to the agricultural holding. In addition, this planning application seeks to re-use existing buildings.

8.9 Policy SD41 of the South Downs Local Plan "Conversion of Redundant Agricultural or Forestry Buildings" states that:

The conversion of redundant agricultural or forestry buildings outside of defined settlement boundaries to an alternative use will be permitted where:

- a) The location is sufficiently well related to existing infrastructure, amenities and services;
- b) The existing vehicular access is suitable in landscape terms for the use proposed.
- c) The original building is worthy of conversion with regard to its current character, scale and condition, without the need for substantial reconstruction, significant extensions or ancillary buildings.
- d) Conversion will not result in the need for another agricultural or forestry building on the holding.
- e) If the building proposed for conversion is not a traditional one, there are no redundant traditional buildings within the holding capable of being reused in the first instance.
- f) There is no adverse impact on the character of the building and its setting,

- in particular its agricultural/forestry character, and
- g) The building is converted to the most appropriate viable use according to the following cascade:
- i. Firstly, housing for essential agricultural or forestry workers, or succession housing for former agricultural or forestry workers
 - ii. Farm/forestry diversification for employment use
 - iii. Affordable housing
 - iv. Farm/forestry diversification for visitor accommodation or facilities
 - v. Open market housing
- 8.10 Notwithstanding the comments from neighbouring residents (which may be based on former uses which are no longer present and for which this application does not seek regularisation) the use as artists' studios is relatively low key, with only a small number of people on site the majority of the time. Bearing in mind the existing access is used by heavy farm machinery, the traffic and vehicle types used by the proposed artists are not considered likely to give rise to material harm, either to amenity or to the flow of traffic and use of the lane by pedestrians and cyclists. Parts a) and b) of policy SD41 are therefore considered to have been met.
- 8.11 The existing barn is in a worn condition, as would be expected from an older agricultural building, and it is suitable from the proposed uses. It is not considered that the proposals are actually for a conversion, because no external works and very little internal works are proposed - the proposal is really only a change of use rather than a conversion. In this respect the proposed uses would have a neutral impact on the surrounding countryside, because the appearance of the barn would remain unchanged. There may be items stored outside at times, in a similar fashion to the outside storage of farm related objects, which were observed at the time of the site visit. The amount and/or height of external storage can either be prohibited or managed by imposing a condition. The applicant is proposing a form of vegetative screening to the immediate east (rear) of the barn, and this is welcomed. Details will need to be secured by imposing a landscaping condition (e.g. species, planting density, heights).
- 8.12 A key consideration is also the fact that just under a third of the barn will be retained for agricultural purposes. The proposals are considered to meet the requirements of policy SD4 of the Local Plan, as well as parts c) to f) of policy SD41 above.
- 8.13 In terms of part g) of policy SD41 it is noted that the proposed uses are diversification of the farm use and that the uses will employ local people who produce art in the local community, for the local community. For example, works are displayed and/or in use in both Seaford and Newhaven, and indeed one of the artists is known to live very near to the application site. These factors, together with 30% of the barn being retained for agricultural purposes, are considered to accord with part g) of policy SD41 and would be an appropriate use of the site - subject to conditions that manage any potential future uses for more commercial/heavier

industries, that would have a materially different impact on the locality that the uses proposed in this application.

- 8.14 The comments from neighbouring residents and local people are acknowledged. At the time of the site visit, no commercial vans, lorries or vehicles other than private vehicles were noted. There was a car used by one artist, and a small truck used by another. There was no evidence of scaffolding vehicles, or vehicles associated with tree surgery or household clearance. These occupiers are understood to have left the site (not that this statement should be read confirming they were present previously, as this is beyond your officer's knowledge).
- 8.15 The barn is used by a small number of artists, the space needed for work to be executed rather than storage of great amounts of frequently transported items. The impact of the associated traffic on the lane is not considered likely to materially worsen the experience of existing users, including walkers and cyclists. It is true however, that drivers must drive cautiously owing to the narrow width of the lane, vehicles parked on-street, and there being some blind corners.
- 8.16 Noise impact is another great concern of several objectors to this application, and the applicant has submitted a Noise Assessment that has been reviewed by experts within the council's Environmental Health team.
- 8.17 There is no objection from the Environmental Health team in respect of noise emanating from the site, subject to suggested conditions requiring details of fixed plant/machinery and restrictions to the amount of sound present at the nearest noise sensitive receptors between the hours of 0700 and 2300 and at all other times.
- 8.18 In addition, it is recommended that a condition is imposed in order to manage the hours of activity to normal working hours.

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 for the proposed uses, subject to the recommended conditions, and based on the information and details submitted.
- 10.2 Conditions

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

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

2. 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. The building shall be used as studios/work space for individual artists and for agricultural use/storage, as set out in the approved plans, and for no other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have harmful environmental effects and in the interests of amenity.

4. No materials, goods, plant, equipment or any waste materials shall be stored externally.

Reason: To protect the visual amenities of the locality and in the interests of safety.

5. Prior to the commencement of the development hereby permitted a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting 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 otherwise agreed in writing by the Local Planning Authority.

The scheme design shall include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material,

- irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate
 - d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
 - e) Any bunding or swales (including cross sections).

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

6. No plant or machinery shall be operated, no process carried out and no visitors shall arrive or deliveries be taken or dispatched from the site outside the following times:-
- a) 0800 and 1800 hours Mondays to Fridays,
 - b) 0830 and 1300 hours Saturdays
 - c) Not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of amenity and landscape character.

7. Between the hours of 0700 and 2300 hours the noise levels arising from the development shall not exceed 48 dBA when measured 1 metre from the façade of the nearest noise sensitive premises (e.g. residential property) and 37 dBA at all other times. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To safeguard the tranquillity of the countryside and neighbouring amenity.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity and to protect and conserve the International Dark night Skies.

9. The accesses shall not be used in association with the uses hereby permitted until visibility splays of 2.4m by 43m are provided in both directions and these shall be maintained as such thereafter.

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

10. Details of the parking areas shall be submitted to the local planning authority for approval in writing, within three calendar months of the date of this decision. The parking areas shall be laid out in accordance with the approved details within six calendar months of the date of this decision, and 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.

11. Details of cycle parking facilities shall be submitted to the local planning authority for approval in writing within three calendar months of the date of this decision, and shall be laid out in accordance with the approved details within six calendar months of the date of this decision. The cycle parking facilities 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.

11. **Background Papers**

- 11.1 None.