

# Planning Applications Committee 9 November 2022



Working in Partnership



## Time and venue:

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

## Membership:

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

**Quorum: 5**

*Published: Friday, 28 October 2022*

## Agenda

### **1 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 5 October 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.

### **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).

## **7 Officer Update *(to follow)***

Where additional information has been received by Planning Officers subsequent to the publication of the agenda, a supplementary report will be added to this item and published on the Council's website the day before the meeting to update the main reports with any late information.

## **Planning applications within the South Downs National Park**

**8 SDNP/19/02125/FUL - Downlands House, Underhill Lane, Westmeston, BN6 8XE (Pages 9 - 22)**

**9 SDNP/22/02707/FUL - 130 South Street, Lewes, East Sussex, BN7 2BS (Pages 23 - 40)**

## **Planning applications outside the South Downs National Park**

**10 LW/22/0254 - Land East of Uckfield Road (A26), Ringmer, East Sussex (Pages 41 - 74)**

**11 LW/19/0926 - Newhaven Marina, West Quay, Newhaven, East Sussex (Pages 75 - 114)**

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

## **12 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 7 December 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 under [Speaking at Planning Committee](#)

## Information for Councillors

### Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting, and must advise if the interest is personal, personal and prejudicial, or is a disclosable pecuniary interest (DPI) and advise the nature of the interest.

If a member has a DPI or other prejudicial interest the Councillor must leave the room when the matter is being considered (unless he/she has obtained a dispensation from the Council's monitoring officer).

In the case of a 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.

**Councillor right of address:**

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

A member of the Council may ask the Chair of a Committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of the Committee.

A member must give notice of the question to the Committee and Civic Services Manager in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

## Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01273 471600

**Also see the [Council website](#).**



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## Planning Applications Committee

**Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE. on 5 October 2022 at 5.00 pm.**

### **Present:**

Councillor Sharon Davy (Chair).

Councillors Laurence O'Connor (Vice-Chair), Christoph von Kurthy, Jim Lord, Sylvia Lord, Imogen Makepeace, Nicola Papanicolaou, Steve Saunders and Richard Turner.

### **Officers in attendance:**

Leigh Palmer (Head of Planning First), Claire Tester (Principal Planning Officer SDNPA), Joanne Stone (Principal Planning Solicitor), Sarah Lawrence (Committee Team Manager) and Elaine Roberts (Committee Officer).

### **49 Minutes**

The minutes of the meeting held on the 7 September 2022 were submitted and approved and the Chair authorised to sign them as a correct record.

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

Apologies were received from Councillor Graham Amy, Tom Jones and Milly Manley. It was declared that Councillor Jim Lord would be acting as substitute for Councillor Jones for the duration of the meeting.

### **51 Declarations of interest**

The following Councillors declared personal and prejudicial interests in relation to Agenda Item 9, SDNP/19/02125/FUL, Downlands House, Underhill Lane, Westmeston, BN6 8XE or otherwise indicated that they would leave the room and not take any part in the determination of the item:

- Councillor Davy as the applicant was known to her and to avoid bias or any appearance of bias.
- Councillor Turner as the applicant was known to him and to avoid bias or any appearance of bias.
- Councillor Papanicolaou as the applicant was known to her and as they had previously jointly run a business.
- Councillor Jim Lord as the applicant was known to him socially.
- Councillor Sylvia Lord as the applicant was known to her socially.
- Councillor Von Kurthy as the objectors were known to him and worked with him.

The Principal Planning Solicitor advised that as the number of Councillors available to make the decision in relation to Item 9, SDNP/19/02125/FUL, was

below the quorum of five, this item would be deferred from this meeting. This would allow officers to provide advice to Councillors to consider if they would wish to seek a dispensation from the Monitoring Officer to allow them to vote on the application in future, and for the matter to be discussed with the South Downs National Park Authority (SDNP).

**52 Urgent items**

There were none.

**53 Petitions**

There were none.

**54 Written questions from councillors**

There were none.

**55 Officer Update**

A supplementary report 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).

**56 SDNP/19/02125/FUL - Downlands House, Underhill Lane, Westmeston, BN6 8XE**

The planning application SDNP/19/02125/FUL for change of use from storage and distribution building to self-contained dwelling house, re-cladding of roof and walls, enlargement of garden areas was deferred, as there were insufficient members of the Committee present without prejudicial interests to allow for the application to be determined at the meeting.

**57 SDNP/22/00694/FUL - Northease Farm, Whiteway Lane, Northease, BN7 3EX**

Councillor Sue Carroll spoke on behalf of Rodmell Parish Council. Jonathan Morris (Agent) spoke for the proposal.

**Resolved:**

That planning application SDNP/22/00694/FUL for retrospective change of use from Class E Business and Cattle Building to Class B8 Storage be approved, subject to the conditions set out in the report.

Note – The applicant was requested to consider ways to improve the safety of buses exiting the site, including the potential for a mirror to show when traffic was approaching.

**58 SDNP/22/01125/FUL - Land west of Lewes Road, Westmeston, East Sussex**

Prior to the presentation, the Principal Planning Officer (SDNP), advised that following discussions with the applicant she was recommending an additional condition that details of the materials of the track be submitted to and approved by the Local Planning Authority prior to its construction, to minimise its visual impact.

Councillor Mark Clark spoke on behalf of Westmeston Parish Council. Catherine Mills (Immediate Neighbour) and Edwina Rowling (Neighbour and Chair of Ditchling Parish Council) spoke against the proposal. Sarah Sheath (Agent) spoke for the proposal.

**Resolved:**

That planning application SDNP/22/01125/FUL for redevelopment of the existing stable block with a holiday accommodation unit be approved, subject to the conditions set out in the report, and an additional condition as follows:

Condition - That details of the materials for the track be submitted for approval prior to its construction.

Note - With respect to this condition, the applicant to be advised that the materials chosen should ensure that the access track blends into the countryside.

**59 SDNP/22/02707/FUL - 130 South Street, Lewes, East Sussex, BN7 2BS**

Suzanne Asher (on behalf of immediate neighbours Vivien and Andrew Hunot), Dominic McCarten (as proprietor of the Snowdrop Public House), and Martin Leeburn (Near neighbour) spoke against the proposal. Sarah Collins (Agent), Patricia Carver (Applicant) and Sam Clark (Near Neighbour) spoke for the proposal. Councillor Adrian Ross spoke in his capacity as the Lewes District Ward Councillor.

**Resolved:**

1. That the Head of Planning be authorised to grant planning application SDNP/22/02707/FUL for demolition of existing 4-bedroom 1.5 storey dwelling with associated outbuildings and erection of pre-fabricated  $\frac{3}{4}$  bedroom 2-storey dwelling with garage and installation of solar panels, air source heat pump and electric vehicle charging point, raising the ground level up to pavement level, replacement of existing impermeable hardstanding with permeable surfaces, alterations to front boundary wall and other associated alterations subject to the conditions set out in the report and officer update, and subject to satisfactory negotiation with the applicant to achieve:

- A reduction in the width of the balcony to reduce the impact on the south

easterly neighbour.

- To consider the potential to move the building slightly north to reduce the impact on the immediate neighbours to the southern boundary.
  - To achieve through the Construction Environmental Management Plan engagement with the owner of the Snowdrop Public House on the delivery of the materials to the site.
2. Should, the Head of Planning be unable to secure the changes to the application as set out above through negotiation with the applicant, the application be brought back to Committee for determination.

**60 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 November 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 7.11 pm

Councillor Sharon Davy (Chair)

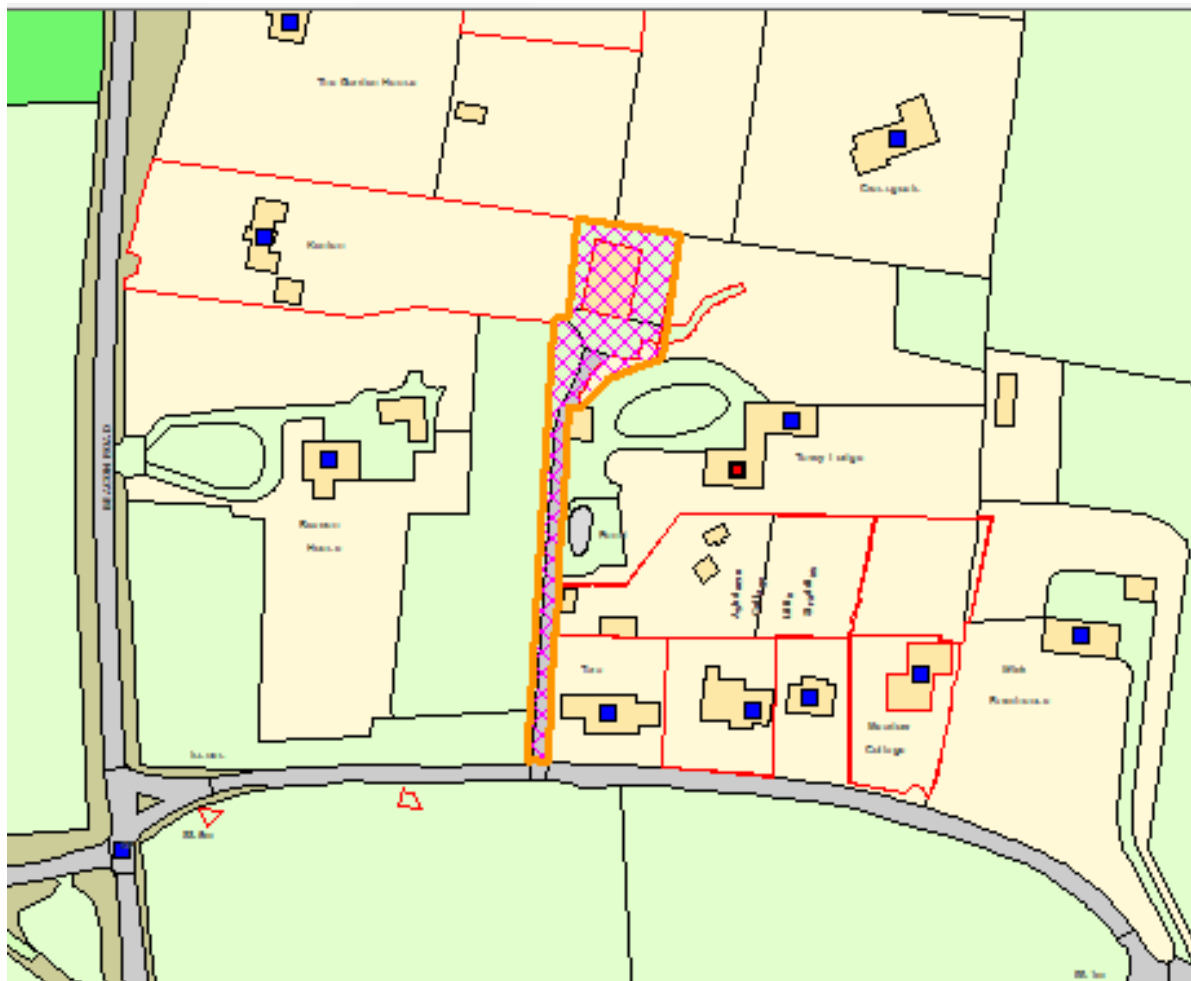


**Report to:** Planning Applications Committee  
**Date:** 9<sup>th</sup> November 2022  
**Application No:** SDNP/19/02125/FUL  
**Location:** Downlands House, Underhill Lane, Westmeston, BN6 8XE  
**Proposal:** Change of use from Storage and Distribution building to self-contained dwelling house, re-cladding of roof and walls, enlargement of garden areas.  
**Applicant:** Mr R Burman  
**Ward:** Ditchling and Westmeston Ward  
**Recommendation:** Grant permission subject to conditions.  
**Contact Officer:** **Name:** Claire Tester  
**E-mail:** [claire.testers@lewes-eastbourne.gov.uk](mailto:claire.testers@lewes-eastbourne.gov.uk)

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

## Site Location Plan



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| <b>1.</b> | <b>Executive Summary</b>  |
| 1.1       | The proposed development to change the use of a storage and distribution building to a dwelling with associated physical alterations is considered to comply with the relevant development plan policies and to meet the purposes and duty of the South Downs National Park.  |
| 1.2       | This application was deferred from the October Planning Applications Committee due to there being insufficient Councillors without a declared prejudicial interest to make a decision.  |
| 1.3       | In the supplementary report for the October Committee it was noted that the Ditchling Society had raised concerns about the timing of documents being displayed on the website and the lack of consultation on the amended plans and asked for consideration of the application to be deferred to allow a proper time for consultation and responses.   |
| 1.4       | <p>Since the application was deferred the following additional comments have been received:</p> <ul style="list-style-type: none"> <li>• The Ditchling Society and a local resident have queried whether the concrete Atcost portal frame can support the weight of a green roof; and</li> <li>• The local resident has also raised concerns about the accuracy of the revised plans on the grounds that the concrete portal frames have large concrete knuckles at the junction of the vertical and roof sloping members which would be ungainly and obtrusive in appearance and the illustrative CGI underemphasises the size of the frame and omits these knuckle joints and heavy concrete gutters.</li> </ul> <p>These comments have been brought to the attention of the agent and their response will be included in the supplementary report.</p> |

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| <b>2.</b> | <b>Relevant Planning Policies</b>  |
| 2.1       | <p><u>National Planning Policy Framework</u></p> <p>79 and 80 New dwellings in rural areas<br/> 126 Importance of good design<br/> 176 National Parks</p>  |
| 2.2       | <p><u>South Downs Local Plan</u></p> <p>Core Policy SD1: Sustainable Development<br/> Core Policy SD2: Ecosystem Services<br/> Strategic Policy SD4: Landscape Character<br/> Strategic Policy SD5: Design<br/> Strategic Policy SD8: Dark Night Skies<br/> Strategic Policy SD9: Biodiversity and Geodiversity<br/> Development Management Policy SD11: Trees, Woodland and Hedgerows</p> |

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|     | <p>Strategic Policy SD19: Transport and Accessibility<br/>Strategic Policy SD25: Development Strategy</p> <p><u>Lewes Local Plan:</u></p> <p>Not applicable given the sites location within the South Downs National Park</p>  |
| 2.3 | <p>Ditchling, Streat and Westmeston Neighbourhood Plan</p> <p>DS1: Development strategy</p> <p>CONS 2 Set standards for design of new development</p> <p>CONS 6: Conserve landscape and important views</p> <p>CONS 9: Protect and enhance habitats and biodiversity</p> |

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| <b>3.</b> | <b>Site Description</b>   |
| 3.1       | <p>The application site is located on the north side of Underhill Lane at the Ditchling end, and is accessed via a track to the west of properties along Underhill Lane (the nearest being 'Tara) and to the east of Beacon House which is accessed from the Beacon Road. Also adjacent to the site are Beacon Nurseriesm, Kenton and Crossgoat, all accessed from the Beacon Road.</p>                     |
| 3.2       | <p>Downlands House is a mixed-use site comprising the main house (Downlands House), a self-contained holiday let (called Tovey Lodge) and the storage and distribution building that is the subject of the current planning application. The storage and distribution building were last used by the site's owner for his mail order business. The owner has now retired and so the building is unused.</p> |
| 3.3       | <p>The site comprises the B8 storage building and the access drive. The building is a utilitarian structure of concrete fibre sheeting with a concrete hardstanding in front of it. Mature trees are located around the boundaries of the site.</p>   |

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| <b>4.</b> | <b>Proposed Development</b>  |
| 4.1       | <p>It is proposed to reclad and re-roof the building and convert it to a 3-bedroom dwelling of 9 metres by 12.5 metres (112.5 square metres). Amended plans were submitted in September 2021 which show a reduction in the size of the existing building to pull it away from the adjacent trees. The timber clad walls would be recessed in from the roof and the Atcost concrete frame forming an overhang over a veranda. The existing cement fibre clad roof would be replaced with a shallow pitched green roof with photovoltaic panels.</p> |

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| 4.3 | An existing portacabin and lighting pole on the site would be removed and new landscaping of the garden is proposed. |
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| <b>5.</b> | <b>Relevant Planning History:</b>  |
| 5.1       | LW/93/1558F. Change of use of the building from “agricultural / horticultural storage” to “over wintering of caravans”. Approved |
| 5.2       | SDNP/16/05875/FUL. New dwelling on site of building. Refused   |
| 5.3       | SDNP/17/03066/FUL. Conversion of the barn to dwelling. Refused and dismissed on appeal in January 2018.                          |

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| <b>6.</b> | <b>Consultations:</b>   |
| 6.1       | <p><u>Ditchling Parish Council Object</u><br/> Noting a similar application on this site was refused at appeal in 2017; since this time the NP is now in place with policy DS1 and the SDNP policy SD25 being relevant to the objection. The proposal would also be contrary to policies CP10 and CP11 of the Joint Core Strategy and to the framework of the NPPF. The Council would request that the SDNP call in the application to be consistent with the recent application (SDNP/18/06553/FUL) which was outside the settlement boundary and involved re-use of redundant buildings, where permission was refused for this application by the SDNP Committee on the 9th May.</p>  |
| 6.2       | <p><u>The Ditchling Society Objected to this application</u><br/> Conversion of this storage unit has been refused twice and was turned down on appeal in February 2018. Since this date, the Beacon Parishes Neighbourhood Plan has been adopted and the South Downs Plan will come into force in July. Both contain fundamental policies which are pertinent to this application.</p> <p>The location for this change of use development is outside the Settlement Boundary. Policies DS1 of the Neighbourhood Plan and SD25 discourage development outside such boundaries unless it meets exceptional circumstances or need. This proposal does not meet any of the criteria.</p> <p>The site sits amongst a cluster of houses and is part of a residential plot which already contains two units. It is therefore not appropriate to quote NPPF 79 as this is not an isolated site. However, we would refer you to a decision by SDNPA earlier this May on an application to build on an immediately adjacent site SDNP/18/06553/FUL which was refused, and I quote from the Decision:<br/> "It would not constitute an appropriate re-use of the site and, by reason of its form and intensification of use of the site, would fail to conserve and enhance the special qualities of the National Park. There are no exceptional circumstances to justify a dwelling in this location."</p> |

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|           | <p>Development of another residential unit in this location so close to the northern scarp of Ditchling Beacon would be in contravention of policies CONS6 of the Neighbourhood Plan and SD4 of the South Downs Plan: it neither conserves nor enhances the landscape character.</p> <p>We would also ask that you also consider the traffic implications of another house on this site using the single access road. This leads onto the narrow and often dangerous Underhill Lane and straight into one of the few passing places.</p> <p>This application again challenges the central purpose of the SDNPA and Neighbourhood Plan and should be called-in to be heard by the SDNPA Planning Committee. The Ditchling Society believe approval would be contrary to current planning policy and should be refused.</p>   |
| 6.3       | <p><u>Friends Society for the South Downs National Park:</u></p> <p>The above application seeks a change of use from a storage and distribution building to self-contained dwelling house, re-cladding of roof and walls, and enlargement of garden areas.</p> <p>The site lies within the South Downs National Park, on the narrow Underhill Lane, at the foot of Ditchling Beacon, which is outside of the built-up areas of Ditchling and Westmeston and can be seen from the Downs.</p> <p>This was previously applied for under SDNP/16/05875/FUL when the Society objected saying “Our concern is that should this development be given permission it would increase the housing density in this area and thus traffic along this narrow, single track road. The barn in the “Design and Access Planning Statement” photo does not appear, in our opinion, to be an asset worth securing by developing, nor does there appear to be a justification for it”.</p> <p>It was further applied for under SDNP/17/03066/FUL when we again objected saying “Despite this application being a revision of the previous one, it is still outside the settlement boundaries of Ditchling and Westmeston, with access along a narrow road, and we maintain that it does not appear to be a structure worthy of preserving. It is also contrary to all that is in the emerging Ditchling, Streat and Westmeston Neighbourhood Plan”.</p> <p>With this further application our opinion remains the same, and we still object to it. Furthermore, as the applicant is now a member of Lewes District Council, feel that there could be a conflict of interests, and that this application should be called in to be heard by the SDNPA Planning Committee.</p> |
| <b>7.</b> | <b>Other Representations:</b>   |
| 7.1       | <u>Neighbour Representations:</u>   |

7 letters of objection on the following grounds:

- The applicant is Lewes District Councillor and therefore the application should be called in by the SDNP.
- The site is within the South Downs National Park, and adjacent to an area of Special Scientific interest and would be detrimental to views from Ditchling Beacon.
- There is no architectural or visual merit to the proposed building and the proposed construction would not enhance the setting.
- This would constitute a new build, not change of use of an existing building as claimed due to the extent of the alterations.
- The proposal is outside the Settlement Boundary and contrary to the adopted Neighbourhood Plan as there are no exceptional circumstances to justify it.
- The application is slightly amended compared to the previous one (17/03066/FUL) that was rejected by Lewes District Council in August 2017 and rejected at Appeal in February 2018.
- The development is not in a sustainable location, is inadequately served by public transport and walking and cycling is hazardous.
- Access to the development is via a narrow track and the submitted Site Location and Plan is inaccurate as it includes land at the southern end of the track that belongs to Beacon House.
- The proposed passing place is not suitable to become one and is currently the subject of a boundary dispute
- The Transport Report is also inaccurate because it compares predicted traffic to historical traffic when the building was used as a storage, distribution and administrative centre for a busy lighting business which did not have planning permission.
- The Transport Report refers to the potential to improve access from Underhill Lane into the track without stating that the corner referred to belongs to Beacon House.
- The development is contrary to the Local and Neighbourhood Plans which carry more weight now than at the time of the appeal because they have been adopted.
- The development fails to conserve and enhance the National Park, is not landscape-led and would be incongruous and discordant with the locality. No improvement to previous appeal where it was described as “a new industrial building yet with multiple windows and openings, providing an awkward semi-industrial, semi domestic appearance which would neither fit with existing patterns or with the rural environment”.
- The existing building is a functional shed screened by trees and hardly visible from the Downs.
- A similar development SDNP/18/06553/FUL was rejected and this should also be refused.
- The Downs are now nearing environmental limits.
- Intensification of the use of the Downland House/Tovey Lodge site / holiday complex. As such this would be likely to increase the noise in the area, especially as Downland House/Tovey Lodge has a 24-hour alcohol licence.

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|  | <ul style="list-style-type: none"> <li>• Any increase in residential density is likely to cause further deterioration to the Dark Sky Reserve.</li> <li>• The applicant seeks permission under para 79 of the NPPF. Paragraph 79 relates to 'isolated homes in the countryside'; the proposed development at Downlands House is on a site already occupied by a large dwelling and holiday accommodation, with adjacent housing on both sides. It would not be an isolated home.</li> <li>• There are large trees in close proximity to the building which would be likely to be damaged by building works, particularly drainage and works to the foundations. The Ditchling Beacon area suffers from Ash die-back and several of the Ash trees near the site are suffering from it. We cannot afford to lose other species of healthy trees as it would add to the visibility of this and other buildings in the locality.</li> <li>• Tree information notes submitted with the application assume no changes to the foundations which is inconsistent with the application which proposes underpinning.</li> </ul> |
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| <b>8.</b> | <b>Appraisal:</b>   |
| 8.1       | <p><u>Key Considerations:</u></p> <p>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.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.</li> <li>• Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.</li> <li>• Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.</li> </ul> <p>The main considerations for this application are whether:</p> <ul style="list-style-type: none"> <li>• the conversion to a dwelling is acceptable in principle in compliance with policies SD25 of the South Downs Local Plan and DS1 of the Ditchling, Streat and Westmeston Neighbourhood Plan.</li> <li>• the design of the proposal conserves and enhances the landscape of the National Park as required by policies SD4, SD5 and SD8 of</li> </ul> |

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|     | <p>the Local Plan and CONs 2 and CONS 6 of the Neighbourhood Plan.</p> <ul style="list-style-type: none"> <li>• the development will conserve and enhance the biodiversity of the site including the adjacent trees in compliance with policies SD9 and SD11 of the Local Plan and CONS 9 of the Neighbourhood Plan; and</li> <li>• the development is acceptable in transport and highway safety terms as required by policy SD19 of the Local Plan.</li> </ul>   |
| 8.2 | <p><u>Principle:</u><br/>Policy SD25 of the Local Plan states in part 2 that “Exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in this Local Plan, responds to the context of the relevant broad area or river corridor, and...</p> <p>d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park”.</p> <p>Policy DS1 of the Neighbourhood Plan has similar wording and also allows for “appropriate re-use of a previously developed site, excepting residential gardens”.</p> <p>Paragraph 80 (previously 79) of the NPPF supports the re-use redundant or disused buildings provided the development enhances the immediate setting.</p> <p>In this case the site is previously developed and does not form part of a residential garden. The planning history shows that the current building has been used for employment uses for at least 30 years.</p> <p>The previous appeal decision is also a material consideration, albeit that it was made in a different policy context against the Lewes Core Strategy policies rather than those of the South Downs Local Plan or the Ditchling, Streat and Westmeston Neighbourhood Plan. Nonetheless the Inspector’s concern with the previous proposal was the adverse effect of its design on the character and appearance of the landscape and natural beauty of the National Park. He considered that the development would be acceptable in terms of proximity of services and traffic impact.</p> <p>In summary, it is considered that the principle of the conversion of the building to a dwelling complies with the relevant development plan policies and NPPF paragraph 80.</p> |
| 8.3 | <p><u>Design, Character and Impact Upon Landscape:</u><br/>The proposal as originally submitted was very similar to the appeal proposal, with the main difference being the replacement of the previously proposed metal sheets on the walls with wood cladding. Large windows were proposed on the south elevation.</p> <p>The proposal has since been amended in the following ways:</p>   |



- the rear portion of the building is proposed to be demolished to reduce its impact on the adjacent trees.
- the walls are stepped back inside the steel frame such that the roof forms an overhang over a veranda around the building.
- The existing cement fibre clad roof would be replaced with a shallow pitched green roof with photovoltaic panels; and
- The windows have been redesigned to be smaller and with a more domestic appearance.

Whilst this increases the level of change to the building, it will retain its steel frame so would technically be a conversion rather than a re-build. Regardless, the Local and Neighbourhood Plan policies allow for redevelopment of previously developed sites and do not require that this be restricted to conversion of existing buildings.

It is considered that the changes to the design result in a building that will be modest and attractive in its surroundings, and appropriate for its future residential use. The green roof is particularly welcomed for its biodiversity as well as its visual qualities. The Inspector for the previous appeal commented: "Views of the existing site and of the proposed development are reasonably difficult to come by aside from neighbouring properties. The building is however visible from Ditchling Beacon as part of the patchwork of small-scale development located below the escarpment. From this distance the roof and basic form of the building can be made out, although from the views that I saw on my visit neither the portacabin extension nor the lighting pole was visible. I do not consider that from such views and distance the proposal would appear significantly different. While the existing roof lights would go, the proposed solar panels on the rear of the roof would also appear visible, at least in day light.

The green roof will make the building even less visible in these longer views and will help to mitigate the impact of the solar panels, especially if these are treated with a non-reflective coating. Conditions are also recommended preventing additional window or roof openings and external lighting and requiring details of the glazing for the south facing windows to be agreed to protect the dark skies of the National Park.

The Inspector's primary concern was with closer views within the site, where he was not convinced that the proposal would lead to an enhancement of the immediate setting. Details of the wall panelling proposed at that time were unclear, and he felt that "The proposal would have the potential to alter a standard rural type building, which has assimilated into the local environment over time, into a building which would appear as a new industrial building yet with multiple windows and openings, providing an awkward semi industrial, semi domestic appearance which would neither fit with existing patterns and character of neighbouring dwellings or with the rural environment".

It is considered that the proposed design has overcome these issues and will contribute positively to the landscape of the site and the wider National Park.

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| 8.4 | <p><u>Biodiversity:</u><br/>As previously mentioned, the reduction in the size of the building pulls it away from the perimeter trees and ensures that the works will not damage the tree roots or place pressure on the future retention of these trees. A condition is recommended requiring retention of the trees and root protection measures during construction.</p> <p>A landscaping scheme is also conditioned along with requirements for bird and bat boxes. These in combination with the green roof will ensure that the scheme achieves biodiversity net gain as required under Local Plan policy SD9.</p>  |
| 8.5 | <p><u>Transport and Access:</u><br/>The limitations of the existing access track and Underhill Lane are understood, but the traffic and access implications of this proposal need to be considered in the light of the existing lawful use of the building. A small dwelling on this site will generate less trips and by smaller vehicles than the existing lawful use, which could be reinstated at any time. As noted above, the Inspector for the previous appeal considered that the residential use of the site would be acceptable in terms of proximity of services and traffic impact.</p> <p>The comments raised about the ownership dispute are for the private parties to resolve. No changes to the layout of the track or access are required to facilitate this development.</p> |
| 8.6 | <p><u>Conclusion:</u><br/>Overall, it is considered that the proposed development complies with the relevant development plan policies and meets the purposes and duty of the South Downs National Park.</p>  |
| 8.7 | <p><u>Planning Obligations:</u><br/>There are no S106 planning obligations connected to this planning application</p>   |
| 8.8 | <p><u>Human Rights Implications:</u><br/>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.</p>  |

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| <b>9.</b> | <b>Recommendations</b>  |
| 9.1       | In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions. |

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| <b>10.</b> | <b>Conditions:</b>   |
| 10.1       | <p><b>Time Limit</b><br/>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.<br/>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>  |
| 10.2       | <p><b>External Materials</b><br/>No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.<br/>Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.</p>      |
| 10.3       | <p><b>Green Roof</b><br/>Prior to the development hereby permitted reaching slab level, details of the green roof shall be submitted to and approved in writing by the Local Planning Authority, including:</p> <ul style="list-style-type: none"> <li>i) The type and character of green roof proposed.</li> <li>ii) The loading requirements and specifications of the roof, which shall be incorporated into the building's structural design.</li> <li>iii) The species proposed</li> </ul> <p>Reason: In the relation of ecology, sustainability, and appearance of the site.</p> |
| 10.4       | <p><b>Tree Protection</b><br/>Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.</p> <p>Reason: In the interests of the amenity and the landscape character of the area.</p>                         |
| 10.5       | <p><b>Sustainability</b><br/>Prior to the commencement of the development hereby permitted a design stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority.<br/>For energy this must demonstrate with reference to design stage SAP data<br/>a) Predicted CO2 emissions from all proposed new dwellings to be at least 19% reduced through the energy efficiency of the buildings. compared to the target emission rate baseline set by building regulations</p>  |

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|      | <p>b) Predicted CO2 emissions from all proposed new dwellings to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by building regulations.</p> <p>For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.</p> <p>Reason: To ensure an environmentally sustainable development.</p>  |
| 10.6 | <p><b>Sort Landscaping</b> 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.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.</p> |
| 10.7 | <p><b>Bird and Bat Boxes</b></p> <p>Prior to the occupation of the dwelling hereby permitted details of bird and bat boxes and the timing of their installation shall be submitted to and approved by the Planning Authority and installed according to these details. The boxes shall thereafter be retained for that purpose.</p> <p>Reason: To safeguard and enhance the ecological interest of the site in accordance with South Downs Local Plan policy SD09 Biodiversity and Geodiversity</p>  |
| 10.8 | <p><b>External Lighting</b></p> <p>No external lighting shall be installed on the building or within the site unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of night-time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>   |
| 10.9 | <p><b>Anti-reflective Coating to Solar Panels</b></p> <p>Prior to the installation of the new solar panels they shall be treated with an anti-reflective coating in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The panels shall thereafter be maintained in this condition.</p>   |

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|       | Reason: to reduce the reflection from these panels to protect the landscape of the National Park.  |
| 10.10 | <p><b>Removal of Existing Structures</b><br/>Prior to the occupation of the dwelling hereby permitted the existing portacabin and lighting pole shall be removed from the site.</p> <p>Reason: In the interest of the amenity of the area and protection of the dark skies of the National Park.</p>   |
| 10.11 | <p><b>Removal of Permitted Development</b><br/>Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.<br/>Reason: To enable the Local Planning Authority to regulate and control the development of land.</p> |
| 10.12 | <p><b>No New Windows</b><br/>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order or revoking and re-enacting that order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.<br/>Reason: In the interests of night time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>                          |
| 10.13 | <p><b>Glazing Details</b><br/>Prior to the installation of the windows on the south elevation, details of the glazing shall be submitted to and approved by the Local Planning Authority and the glazing shall be installed according to these details and thereafter maintained in that condition.</p> <p>Reason: To ensure that the glazing type protects the dark skies of the National Park in accordance with policy SD8 of the South Downs Local Plan.</p>   |
| 10.14 | <p><b>Informatives</b></p> <p>Your attention is drawn to the requirement to obtain a protected species licence from Natural England if any protected species, including bats, will be disturbed by the development. Further information can be obtained at <a href="https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence">https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence</a></p>   |

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| <b>11.</b> | <b>Plans:</b>  |
| 11.1       | This decision relates solely to the following plans: |

|  | <u>Plan Type</u>             | <u>Date Received</u> | <u>Reference:</u> |
|--|------------------------------|----------------------|-------------------|
|  | Existing Details             | 01.05.2019           | 36060/1A          |
|  | Existing Access Lane Details | 01.05.2019           | 36060/3A          |
|  | Existing Rear Elevation      | 01.05.2019           | 36060/6           |
|  | Site Location Plan           | 01.05.2019           | 36060/4A          |
|  | 3D Image                     | 27.09.2021           |                   |
|  | Proposed Details             | 27.09.2021           | 36060/2 F         |
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| <b>12.</b> | <b>Appendices</b> |
| 12.1       | None.             |

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| <b>13.</b> | <b>Background Papers</b> |
| 13.1       | None.                    |

# Agenda Item 9

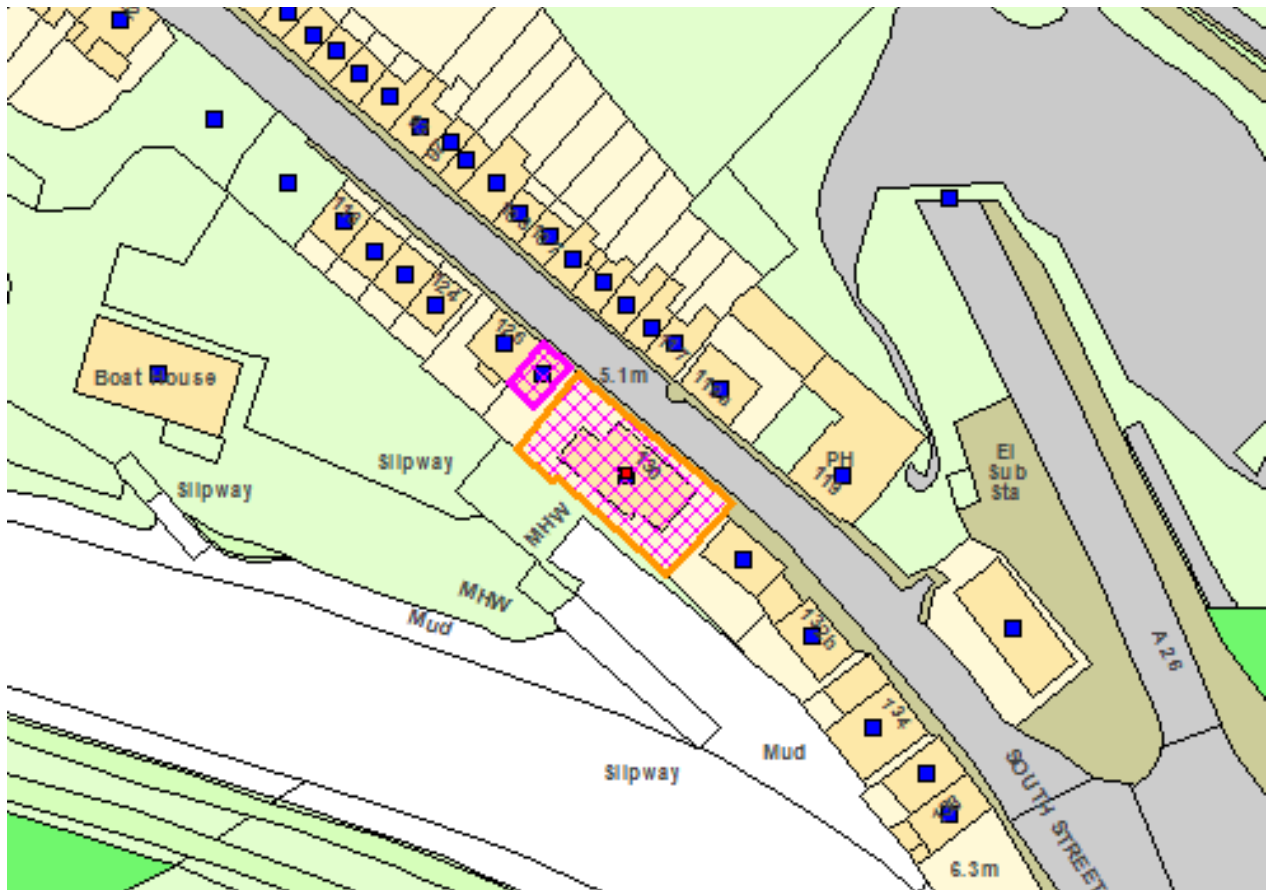
**Report to:** Planning Applications Committee  
**Date:** 9<sup>th</sup> November 2022  
**Application No:** SDNP/22/02707/FUL  
**Location:** 130 South Street, Lewes, East Sussex, BN7 2BS  
**Proposal:** Demolition of existing 4 bedroom 1.5 storey dwelling with associated outbuildings and erection of pre-fabricated 3/4 bedroom 2 storey dwelling with garage and installation of solar panels, air source heat pump and electric vehicle charging point, raising the ground level up to pavement level, replacement of existing impermeable hardstanding with permeable surfaces, alterations to front boundary wall and other associated alterations.

**Applicant:** Mr and Mrs Carver  
**Ward:** Lewes Bridge Ward  
**Recommendation:** Grant permission subject to conditions.  
**Contact Officer:** **Name:** Claire Tester  
**E-mail:** [claire.test@lewes-eastbourne.gov.uk](mailto:claire.test@lewes-eastbourne.gov.uk)

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

## Site Location Plan



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| 1.  | <b>Executive Summary</b>  |
| 1.1 | This application was reported to the October Planning Applications Committee where it was deferred for officers to seek in consultation with the applicant amendments/revisions to the scheme.  |
| 1.2 | <p>These amendments/revisions related to:</p> <ul style="list-style-type: none"> <li>• A reduction in the width of the balcony to reduce the impact on the south easterly neighbour.</li> <li>• To consider the potential to move the building slightly north to reduce the impact on the immediate neighbours to the southern boundary.</li> <li>• To achieve through the Construction Environmental Management Plan (CEMP) engagement with the owner of the Snowdrop Public House on the delivery of the materials to the site.</li> </ul>  |
| 1.3 | The applicants have fully engaged with officers with the outputs summarised below.  |
| 1.4 | <p><b>Balcony</b><br/> Amended plans have been submitted which reduce the width of the balcony by 3.77 metres. The distance from the balcony to the boundary with 132A would now be approximately 5.7 metres.</p>   |
| 1.5 | <p><b>Moving the building Northwards</b><br/> The applicant has fully explored this request and has concluded that it cannot be delivered for a number of reasons. The main justifications are summarised below:</p> <p>The position of an existing sewer pipe, water and surface water drains and pipework which would require relocation if the building is any further north;</p> <p>Moving the building northwards would affect the access and parking area and may not leave sufficient room to use the existing vehicular access to avoid removing more of the frontage flint wall;</p> <p>Moving the house northwards could affect a flank wall window of 128 South Street and be detrimental to the outlook and daylight for this property and the outlook of the houses opposite this gap: and</p> <p>There needs to be a larger gap on one side of the house, in order to provide sufficient space for the crane for the 4-day build, to avoid it completely blocking South Street, and to provide sufficient space for contractors vehicles.</p> |
| 1.6 | <p><b>CEMP</b><br/> A CEMP has been submitted to accompany the application and its full content and implications will be controlled by condition.</p>   |



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| 1.7  | Officers consider that the applicant has acted responsibly in exploring the issues relating to the deferral request and as such officers are recommending that the scheme be approved with the reduced balcony as outlined above and the conditions attached to this report which does include the CEMP condition. |
| 1.8  | <u>The report from the October committee is reported below in full for ease of reference.</u>  |
| 1.9  | The proposed development is considered to provide a more sustainable and energy efficient dwelling compared to the existing bungalow and an overall enhancement to the Conservation Area and wider landscape and ecology of the National Park.   |
| 1.10 | Potential adverse impacts on privacy, outlook and the character of the area have been raised by objectors to the scheme, but it is considered that these impacts have been successfully mitigated by the proposal  |
| 1.11 | Overall, it is considered that the development complies with the relevant development plan policies and meets the purposes and duty of the National Park.  |

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| <b>2.</b> | <b>Relevant Planning Policies</b>  |
| 2.1       | <u>National Planning Policy Framework</u><br>2. Achieving sustainable development<br>4. Decision making<br>12. Achieving well-designed places<br>14. Meeting the challenge of climate change, flooding, and coastal change<br>15. Conserving and enhancing the natural environment<br>16. Conserving and enhancing the historic environment  |
| 2.2       | <u>South Downs Local Plan:</u><br>Core Policy SD1: Sustainable Development<br>Core Policy SD2: Ecosystem Services<br>Strategic Policy SD4: Landscape Character<br>Strategic Policy SD5: Design<br>Strategic Policy SD8: Dark Night Skies<br>Strategic Policy SD12: Historic Environment<br>Development Management Policy SD15: Conservation Areas<br>Development Management Policy SD30: Replacement Dwellings |

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| 2.3 | <p><u>Lewes Neighbourhood Plan:</u></p> <p>Policy HC3 A Heritage Protection of Landscape and Townscape</p> <p>Policy HC3 B Planning Application Requirements and Heritage Issues</p> <p>Policy PL2 Architecture &amp; Design</p> |
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| <b>3.</b> | <b>Site Description</b>   |
| 3.1       | The existing dwelling is a detached 1960s chalet bungalow located on a predominantly residential street characterised by two storey terraced houses. The Snowdrop Inn is opposite the site, and to the rear is the River Ouse with the Lewes Rowing Club nearby   |
| 3.2       | The property lies within Lewes Conservation Area but is not Listed. The nearest Listed property is Grade II Listed Wharf House (138 South Street) approximately 46 metres to the south east   |
| 3.3       | The Lewes Conservation Area Appraisal Map of South Street identifies the positive elements of the area including neighbouring 126 and 128 South Street, and 134 and 136 South Street, which are identified as 'buildings of townscape merit'. There is an important view from South Street outside no.130 facing towards the cliffs through the gap between the Snowdrop Inn and 119A South Street. There are also important views from Lewes Railway Land towards South Street which include the application site. |
| 3.4       | The existing property is set below street level and the street view of it is dominated by the large pitched roof with a flint wall in front blocking views of the fenestration. The ridge height is significantly lower than the ridge heights of the surrounding dwellings and is generally out of keeping with the surrounding area.  |

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| <b>4.</b> | <b>Proposed Development</b>   |
| 4.1       | The proposal is to demolish the existing dwelling and associated outbuildings and erect a new prefabricated 3/4-bedroom 2 storey dwelling with garage. This involves raising the ground level of the dwelling up to pavement level and making an opening in the front boundary wall to allow level pedestrian access from the street. |
| 4.2       | The development also includes the installation of solar panels, air source heat pump and electric vehicle charging point and the replacement of existing impermeable hardstanding with permeable surfaces   |

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| <b>5.</b> | <b>Relevant Planning History:</b>   |
| 5.1       | <p>Reference LW/80/1550</p> <p>Address Site Of 130 South Street Lewes East Sussex BN7 2BS</p> <p>Description New house.</p> |

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|     | Approved 15.10.1980   |
| 5.2 | Reference LW/07/1044<br>Address 130 South Street Lewes East Sussex BN7 2BS<br>Description Raising of flint wall and erection of small single storey extension (Resubmission of LW/06/0968)<br>Approved 15.11.2007 |
| 5.3 | Reference LW/08/0854/CD<br>Address Fairview 130 South Street Lewes East Sussex BN7 2BS<br>Description Discharge of condition 1 relating to planning approval LW/07/1044<br>Approved 08.09.2008                    |

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| <b>6.</b> | <b>Consultations:</b>  |
| 6.1       | <u>Lewes Town Council:</u><br>Councillors support this application and the innovative approach   |
| 6.2       | <u>Lewes Conservation Area Advisory Group:</u><br>The Group sees this proposal as an overall improvement to the existing but has some Issues over materials.<br>Comments:<br>The drawings are varied in quality and the proposal relies on projected photographs.<br>1. Group offers the following suggestions. The proposed white panel along base to be painted brick rather than render.<br>2. 1st floor timber to be shiplap to give more texture.<br>3. Greater overhang of roof would be more attractive, fit the vernacular and would be more sustainable<br>4. Windows – are rather small for the overall external appearance.<br>Support in principle with the above amendments |
| 6.3       | <u>Friends of Lewes:</u><br>The Friends of Lewes strongly support this proposal as it will result in a considerable improvement to the street scene in South Street.   |
| 6.4       | <u>Southern Water:</u><br>Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.   |
| 6.5       | <u>Conservation and Design Officer:</u><br>Original Comments (summary)<br><u>Supporting Narrative</u><br>The demolition and replacement of the existing building with a two-storey building is acceptable in principle. The existing building does not make a positive contribution to the conservation area as it does not provide  |

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|  | <p>enclosure to the street nor does it possess any characteristics of the buildings that make a positive contribution to the street apart from the use of brick and a pitched roof which is shares with some of the other buildings.</p> <p>Given that the existing building does not make a positive contribution to the streetscape, the opportunity for a building that does, is there. The elevation of the proposed building facing the river, save the glass balustrade (metal balustrade is preferred), is considered acceptable (in design terms).</p> <p><u>Conclusion</u></p> <p>The D&amp;A statement advises that "The design provides a contemporary version of local vernacular forms". However, it is not clear at all in what way it is a contemporary version of local vernacular. As the design currently stands, the application is considered to be more harmful to the character and appearance of the conservation area than the existing bungalow.</p> <p><u>Comments to revisions</u></p> <ul style="list-style-type: none"> <li>• Support the roof tile</li> <li>• Support the fenestration arrangement now as it better reflects the regimented character of the earlier facades although some concern remains with the top opening casements.</li> <li>• Similarly, concern is raised over the dark grey aluminium windows, and door and canopy</li> </ul> |
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| 7.  | <b>Other Representations:</b>  |
| 7.1 | <p><u>Neighbour Representations in Support:</u></p> <p>4 letters of support were received on the following grounds:</p> <ul style="list-style-type: none"> <li>• The present number 130 is extremely ugly, with its huge cement tile roof and the proposed house would be a great improvement.</li> <li>• There may be some minor changes to views from the house opposite this is accepted as they are offset by the merits of the new building.</li> <li>• The present building is so badly constructed that trying to update it would be more disruptive to us than the proposed new build and likely to be more environmentally unfriendly than the proposed eco house.</li> <li>• South Street has buildings dating to almost every decade over the last hundred years so there is no cohesive street pattern and many of the present houses are of poor architectural quality.</li> <li>• The proposed house will be 2 metres less wide than the current property and still lower than the surrounding houses</li> </ul> |

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|     | <ul style="list-style-type: none"> <li>The current house suffers from subsidence and the raising of the new property will ensure that it is than safeguarded against future flooding.</li> <li>Emphasis placed on sustainability in all aspects of both the demolition and rebuild. Materials from the current house will be repurposed, while the eco home itself is designed to offset carbon emissions.</li> </ul>  |
| 7.2 | <p><u>Neighbour Representations, Neutral:</u></p> <p>2 letters raising neutral comments were received as follows.</p> <ul style="list-style-type: none"> <li>In principle support but reservations about height and balcony and concern as to how much noise and disruption it would cause vulnerable neighbours during construction.</li> <li>In principle support, but concern about the plant, disturbance, and possible damage this work may cause to the adjacent 18th century property during demolition and subsequent build.</li> </ul>  |
| 7.3 | <p><u>Neighbour Representations in Objection:</u></p> <p>10 letters of objection were received on the following grounds:</p> <p><u>Impact on neighbour amenity</u></p> <ul style="list-style-type: none"> <li>The proposed two-storey development close to the side boundary with No. 132A, together with the over-sized first-floor balcony which will extend well past the existing rear building line, will result in adverse impact on the amenity of the neighbours at No. 132A by way of loss of light/overshadowing to the house and garden and overbearing development resulting in a sense of enclosure.</li> <li>Loss of view from 115 South Street opposite across the application site to river and Railway Land beyond and over shadowing of this property.</li> </ul> <p><u>Impact on the Snowdrop Inn</u></p> <ul style="list-style-type: none"> <li>South Street is a cold street nestling below the cliffs on the North side. Early morning light and therefore heat is restricted for the Snowdrop due to the location on the North side and existing dwellings and the new dwelling will further reduce natural heat and light particularly in the winter and in the northern garden opposite the site.</li> <li>The development would also block the view from Snowdrop Inn to the Railway Land and the South Downs beyond.</li> <li>Disturbance to trade for the Snowdrop from construction vehicles and activity.</li> </ul> <p><u>Design and appearance</u></p> <ul style="list-style-type: none"> <li>The proposed development will be very wide and bulky and will appear out-of-character in the streetscape, resulting in an adverse</li> </ul> |

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|     | <p>impact on the character of the conservation area and the setting of the locally listed buildings.</p> <ul style="list-style-type: none"> <li>• It is a banal, off-the-shelf monolith with no relevance to its context.</li> <li>• Is weatherboarding in keeping with the character of the street?</li> <li>• It lacks character, being a large rectangular block.</li> <li>• Proposed dwelling will dominate the street scene, view from the river and the slip way in comparison to the existing bungalow.</li> <li>• Character of the street changed since the Rusty House was built.</li> <li>• The size of the proposal is misleading, may be same footprint but is taller.</li> <li>• There is historical photographic evidence of the current site of 130 showing it as allotments (1830). Development of the current building on that site was subject to an agreement to keep the building height low in order to allow light and a view of the Downs.</li> </ul> <p><u>Other</u></p> <ul style="list-style-type: none"> <li>• Increased traffic.</li> <li>• Claims for an ‘eco house’ are misleading as new build with materials from Germany will use more carbon than changing the original building.</li> <li>• The proposed development is behind the flood wall erected by the Environment Agency after the 2000 flood and the applicant's own flood assessment acknowledges that the existing building is not at risk of fluvial flooding.</li> </ul> <p>The proposal should include an independent, comprehensive, Environmental Impact Assessment.</p> |
| 7.4 | <p>Neighbours and contributors have been re-consulted on the amended plans and any additional comments will be reported at Committee via the addendum report.</p>  |

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| <b>8.</b> | <b>Appraisal:</b>  |
| 8.1       | <p><u>Key Considerations:</u></p> <p>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.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>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:</p> |

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|     | <ul style="list-style-type: none"> <li>• Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.</li> <li>• Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.</li> <li>• Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.</li> </ul> <p>The main considerations for this application are:</p> <ul style="list-style-type: none"> <li>• The principle of development and whether it complies with South Downs Local Plan policy SD30: Replacement Dwellings.</li> <li>• The design of the proposed dwelling and whether it conserves and enhances the Lewes Conservation Area in compliance with South Downs Local Plan policies SD4, 5, 8, 12 and 15 and Lewes Neighbourhood Plan policies HC3A and B and PL2 and has regard to the recently adopted South Downs Design Guide;</li> <li>• The impact of the proposal on the environment of the River Ouse and the views from Lewes Railway Land.</li> <li>• The sustainability of the proposed dwelling and how this should be considered in the planning balance; and</li> <li>• The impact of the proposal on neighbouring amenity including the Snowdrop Inn.</li> </ul> |
| 8.2 | <p><u>Principle:</u><br/>The principle of replacing one dwelling with another is generally supported. Policy SD30 of the South Downs Local Plan has a number of criteria relating to the scale of such dwellings, but these only apply to either replacement dwellings outside settlement boundaries or to the replacement of a single dwelling with two or more dwellings.</p> <p>This is not the case for this proposal which is a one for one replacement within the settlement boundary of Lewes.</p>   |
| 8.3 | <p><u>Design: Impact Upon the Conservation Area:</u></p> <p>The application site is within the Lewes Conservation Area and therefore the development needs to conserve and enhance that heritage asset as required under policies 12 and 15 of the South Downs Local Plan and HC3A and B of the Lewes Neighbourhood Plan. The recently adopted South Downs Design Guide provides more details on what is expected in Conservation Areas, which includes the following key design principles:</p> <p>“Development proposals should:</p> <ol style="list-style-type: none"> <li>a. preserve or enhance the character and appearance of the conservation area.</li> <li>b. avoids massing or building height which is overly dominating for the site and its context.</li> <li>c. relates or respond positively to the built heritage predominating in the Conservation Area, so that the new development can properly be seen as</li> </ol>   |

preserving or enhancing the character and appearance which led to the area's designation.

d. respond to key views into, through and out of the Conservation Area.

e. reference the building traditions of the settlement and, where appropriate, fit sympathetically into the existing streetscape.

f. avoids the use of uPVC windows, fascia cladding or other assertively synthetic materials, even if attempts are made to emulate traditional details.

g. if traditional materials are proposed, observe local craft traditions, and avoid, short-cuts, such as flint-block construction.

h. where possible, remove buildings or structures whose aesthetic appearance are harmful to the overall character and appearance for whose protection the area was designated.

i. minimises the negative impacts on heritage assets, including conservation areas, listed buildings, historic parks or gardens or scheduled monuments and their setting”.

It should also be noted that there is a Lewes Conservation Area Character Appraisal that was adopted by Lewes District Council in 2007. Although the weight that can be attached to this document is limited by its age, it still contains some useful information to aid the design process. South Street comes under Area 1 – Cliffe. This document describes South Street as being “varied with only one building of any antiquity – no. 1, a timber-framed building of the 16th century which sits on the corner of Chapel Hill. Other listed buildings tend to be late 18th century or early 19th century in date, rendered, with Georgian details. There are also several groups of unlisted mid to late 19th century houses and cottages of merit, particularly nos. 36-40, part of a longer terrace but notable for their Gothic detailing including colourful polychromatic brickwork”. The map accompanying the Appraisal shows the two cottages immediately to the north-west of the application site as being of ‘townscape merit’ and an important view from the street outside the application site looking north towards the cliffs above Cuilfail Tunnel.

As mentioned in the site description, the application site is currently occupied by a 1980s chalet bungalow. This property is not characteristic of the historic buildings in the street, its lower roofline reduces the sense of enclosure that characterises the rest of the street and its frontage to the street is dominated by a large roofscape. It is considered that it has an adverse impact on the character of the Conservation Area.

The proposed replacement dwelling is a two-storey Baufritz house which would be constructed using off-site prefabricated closed wall and roof panels. Its sustainability credentials are discussed in the following section, but the relevant factor for the impact on the Conservation Area is that the design method restricts the materials that can be used to those that will not impede its insulation and energy efficiency.

The proposed dwelling has a simple rectilinear shape which occupies a wide but shallow plot between South Street and the River Ouse, meaning that both frontages need to be successfully addressed. As originally



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|     | <p>proposed the frontage to South Street had horizontal timber cladding at first floor and render to the ground floor with rather small irregularly spaced windows. It was considered that this looked as if the dwelling was turning its back on the street. The roof had a low pitch which meant the eaves were higher than other dwellings. This combined with the width of the dwelling gave it a very horizontal emphasis in comparison to the more vertical rhythm of the traditional cottages in South Street.</p> <p>The design of the street elevation has now been amended to vertical boarding with a red/multi heritage brick panel in the centre and has more regularly spaced and larger windows. The eaves of the roof have also been lowered at the front to be more in keeping with adjacent dwellings making the roof asymmetrical from the side.</p> <p>It is considered that these changes help to make the dwelling more sympathetic to its surroundings and responsive to the character of the existing cottages on South Street. The amendments to the window sizes and positions help to make this frontage more active and characteristic of the street, but this is a modern house, and it would not be appropriate to require these to be traditional sash windows. The materials and colour of the window frames are also appropriate to a contemporary dwelling.</p> <p>The timber cladding is continued around to the rear of the dwelling and reflects the wharf side character of this end of South Street and other development along the River Ouse. Whilst horizontal cladding is more characteristic, the proposed vertical cladding uses this traditional material in a more modern way and assists the vertical emphasis of the front elevation which, in combination with the brick central panel, responds to the vertical rhythm of the terraced cottages in the street. The entrance doorway onto the street through a new opening in the flint wall allows for level access which is important for ensuring that the house is accessible for any future residents with mobility issues. The raising of the slab-level to street level also ensures the flood resilience of the dwelling. A simple horizontal canopy over this entrance reinforces the clean lines of the new dwelling.</p> <p>The single garage to the side of the new dwelling will also be clad with vertical timber and both buildings will be roofed with slate-coloured clay roof tiles. The Baufritz design has a limited palette of materials that meet its sustainability and construction requirements, and it is considered that these grey clay tiles, whilst not ideal in a Conservation Area, would have an acceptable impact given the predominance of slate in the area.</p> <p>Overall, it is considered that the proposed design provides a contemporary interpretation of local vernacular forms and streetscape and, considering what it is replacing, will have a positive impact on the Conservation Area.</p> |
| 8.4 | <p><u>Design: Impact on the River Ouse and Lewes Railway Land</u></p> <p>The application site has a prominent position on the waterfront adjacent to the slipway to the Rowing Club and is clearly visible in views from the Lewes Railway Land, a nature reserve and popular visitor attraction. This aspect is therefore important and was a key driver for the ‘boathouse’ ethos of the design. The vertical timber cladding continues around the side and rear elevations and will present an appropriate riverside</p>  |

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|     | <p>appearance to the development. The design exploits the views of the river with a terrace at ground level and a full-width balcony at first floor level. The latter has a glass balustrade to reduce its impact on the wider landscape and enable the residents to enjoy the views across the river. The timber cladding will 'silver' over time, and this combined with the grey clay roof tiles will enable the dwelling to recede into the landscape and not detract from views across the river.</p> <p>The amount of glazing on this elevation has the potential to impact on the dark skies of the National Park as well as wildlife. Conditions are recommended to mitigate this impact through internal blackout shutters and also require dark and non-reflective PV panels on the roof.</p> <p>The Preliminary Ecological Survey confirms that the property does not exhibit any potential for roosting bats and can be considered as having a negligible potential for bats. However, the Railway Land and river are likely to be suitable foraging grounds for bats. External lighting should be restricted on the site and bat and swift boxes are proposed.</p> <p>Overall, it is considered that the proposed design conserves and enhances the environment of the River Ouse and views from the Railway Land.</p>   |
| 8.5 | <p><u>Sustainability:</u></p> <p>The dwelling would be constructed by the UK branch of the German housebuilder Baufriz, which is based in Cambridge. It is designed as an eco-friendly, low-energy house for healthy living. The Ecosystems Services Statement submitted with the application confirms the following:</p> <ul style="list-style-type: none"> <li>• Rainwater from the main roof will be collected in a water butt and used for watering the garden.</li> <li>• Permeable paving/gravel drive is to be installed to replace the existing impermeable driveway, therefore there will be a net reduction in impermeable surfaces and surface water runoff at the site.</li> <li>• The existing building materials are to be re-used in either the foundations of the new home or in another development.</li> <li>• Solar Panels are proposed on the rear roof slope and an Air Source Heat Pump is proposed adjacent to the garage, so that the proposed dwelling will be heated and powered almost entirely by renewable energy.</li> <li>• An electric vehicle charging point is proposed adjacent to the driveway and garage to charge cars and e-bikes</li> <li>• The dwelling will have High Insulation Standards (that more than meet the new 31% carbon reduction Building Regs requirements).</li> <li>• Baufriz construction materials (wood frame, wood shaving insulation) and components have a very low life cycle impact, with low embodied energy, use of reclaimed or recycled materials that are recyclable at the end of the building's life, low toxicity in manufacture and sustainable materials.</li> </ul> |

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|     | <ul style="list-style-type: none"> <li>• The Baufritz Wall achieves heat transfer values as low as 0.16 W/m<sup>2</sup>K (for rendered façade with an acoustic insulation capacity of 48 dB) and 0.20 W/m<sup>2</sup>K (for wood façades or façade panels with an acoustic insulation capacity of 45 dB).</li> <li>• The Baufritz roof incorporates a patented wood shaving insulation system that provides a U value of 0.16 -0.2 W/m<sup>2</sup>K and is breathable, protecting the house from both heat and cold.</li> <li>• The triple glazed windows have a heat transfer of 0.5 W/m<sup>2</sup>K and incorporate heat reflective glass.</li> <li>• The walls, roof and windows also provide high frequency electromagnetic protection for the house.</li> <li>• Roller shutters are to be installed within the external façade so that they are hidden when not in use. This provides the occupier with thermal control of the house, closing the shutters to provide shade to avoid overheating of the house.</li> <li>• Low energy warm white LEDs with dimmer switches and motion sensors to be installed throughout.</li> <li>• New native planting that attracts butterflies and bees is proposed in the garden, as indicated on the proposed site plan. Bird and bat boxes are proposed to be installed. These measures will provide a net increase in biodiversity at the site.</li> </ul> <p>Offset against the sustainability credentials of the new dwelling must be the carbon costs of demolishing the existing bungalow. Generally, the refurbishment and re-use of existing buildings is considered more sustainable than new build due to the embodied carbon in the existing materials. However, in this case refurbishment is not practical due to the poor quality of the existing dwelling, the flood risk associated with its floor level and the adverse impact it has on the Conservation Area. Materials will be re-used on site where possible.</p> <p>It is considered that the proposals comply with policies SD1 and SD2 of the South Downs Local Plan and the adopted Sustainable Construction SPD.</p> |
| 8.6 | <p><u>Impact Upon Neighbouring Amenity:</u></p> <p>The balcony to the rear of the proposed dwelling could result in overlooking of the adjacent dwellings to the south-east (132a) and north-west (128). This potential impact is proposed to be mitigated by designing the balcony with 1.8 metre obscure glazed screens at either end so that views are out across the river rather than to either side. A condition is recommended requiring these screens to be installed and maintained thereafter to protect the privacy of neighbouring residents.</p> <p>Concerns have also been raised about over-shadowing from the new dwelling. The application includes diagrams showing a minimum 45-degree sightline from the rear wall of the nearest neighbour, 132a, to the furthest protruding part of the new dwelling, and a 25-degree sightline from the ridgeline of the new house to the ground floor of the house opposite.</p>  |

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|     | <p>These diagrams demonstrate that the proposed development would not cause overshadowing or loss of light to any neighbouring property.</p> <p>Concerns have also been raised about the impact of the development on the Snowdrop Inn, and particularly to the beer garden on the north-west side of the public house. This beer garden is opposite the south-eastern side of the application site which is currently occupied by a single-storey extension to the bungalow. The application proposes to move the side elevation of the new house away from the boundary with 132a, opening up a gap through which views of the Railway Land will be available. It is considered that this will improve the environment for the beer garden over the current situation and the new house will not result in an unacceptable level of over-shadowing.</p>   |
| 8.7 | <p><u>Planning Obligations:</u><br/>There are no S106 Planning obligations associated with this proposal.</p>   |
| 8.8 | <p><u>Human Rights Implications:</u><br/>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.</p>  |
| 8.9 | <p><u>Conclusions:</u></p> <p>It is considered that the following matters should be given positive weight in the planning balance:</p> <ul style="list-style-type: none"> <li>• The greatly improved energy efficiency and other sustainability credentials compared to the existing bungalow.</li> <li>• The replacement of a bungalow that has a negative impact on the Conservation Area and wider landscape with one that has been carefully designed as a contemporary interpretation of local vernacular forms and streetscape.</li> <li>• The provision of ecological benefits and mitigations to dark sky impacts that are not currently present or controlled on the application site.</li> </ul> <p>Potential adverse impacts on privacy, outlook and the character of the area have been raised by objectors to the scheme, but it is considered that these impacts have been successfully mitigated by the proposal.</p> <p>Overall, it is considered that the development complies with the relevant development plan policies and meets the purposes and duty of the National Park.</p> |

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| <b>9.</b> | <b>Recommendations</b>  |
| 9.1       | It is recommended that planning permission be granted subject to conditions |

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| <b>10.</b> | <b>Conditions:</b>   |
| 10.1       | <p><b>Time Limit</b><br/>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>   |
| 10.2       | <p><b>Approved Plans</b><br/>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".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>  |
| 10.3       | <p><b>CEMP</b><br/>No development hereby permitted shall commence until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development.</li> <li>(ii) The provision to be made within the site for a material storage compound and site office during site clearance and construction of the development.</li> <li>(iii) Measures to be taken to mitigate the impact on neighbours from construction including hours of operation and deliveries.</li> </ul> <p>Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such and the other measures complied with.</p> <p>Reason: To safeguard the amenities of neighbours and the locality.</p> |
| 10.5       | <p><b>Obscure Glazing</b><br/>Before the first occupation of the dwelling hereby permitted the first-floor window on the North-West elevation shall be fitted with obscure glazing. The window shall be non-opening below 1.7 metres from the finished floor level of the room in which the window is installed. The window shall be permanently retained as such thereafter.</p> <p>Reason: To safeguard the privacy of the occupiers of the adjoining property.</p>  |
| 10.6       | <p><b>Glazed Privacy Screens</b><br/>Before the first occupation of the dwelling hereby permitted obscure glazed screens as shown on the approved plans shall be fitted at each end of the balcony and shall be permanently retained as such thereafter.</p>   |

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|       | Reason: To safeguard the privacy of the occupiers of the adjoining property.  |
| 10.7  | <p><b>Landscaping Details</b><br/> Prior to the occupation 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.</p> <p>Reason To maintain the ecological interest and the appearance of the site.</p> |
| 10.8  | <p><b>No External Lighting</b><br/> No external lighting shall be installed on the building or within the site unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of night-time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>   |
| 10.9  | <p><b>External Materials</b><br/> No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p> <p>Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.</p>   |
| 10.10 | <p><b>Removal of Permitted Development</b><br/> Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.</p> <p>Reason: To enable the Local Planning Authority to regulate and control the development of land.</p>  |
| 10.11 | <b>Window Restrictions</b>  |

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|       | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order or revoking and re-enacting that order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.</p> <p>Reason: To protect the amenities of adjoining residential properties and visual amenity.</p>   |
| 10.12 | <p><b>Bat and Bird Boxes</b><br/> Prior to occupation of the dwelling hereby permitted details of bird and bat boxes and the timing of their installation shall be submitted to and approved by the Planning Authority and installed according to these details. The boxes shall thereafter be retained for that purpose.</p> <p>Reason: To safeguard and enhance the ecological interest of the site in accordance with South Downs Local Plan policy SD09 Biodiversity and Geodiversity.</p>  |
| 10.13 | <p><b>Blackout Blinds</b><br/> Prior the occupation of the dwelling automated black-out blinds shall be fitted to each of the rooflights and to the windows and glazed doors on the South-West elevation in accordance with details that shall be submitted to and approved in writing by the local planning authority. The blinds shall be closed at dusk each day in order to prevent the upward spill of artificial light into the night sky.</p> <p>Reason: In order to mitigate the impact of the development on the landscape, biodiversity, and the International Dark Night Sky designation within the South Downs National Park in accordance with policies SD8 and SD9 of the South Downs Local Plan.</p> |
| 10.14 | <p><b>PV Panels</b><br/> Prior to their installation details of the PV Panels on the South-West roof slope shall be submitted to and approved by the Local Planning Authority to ensure that they are of dark colour and non-reflective. They shall be installed according to these details and thereafter maintained in that condition.</p> <p>Reason: To protect the landscape of the National Park in accordance with policy SD4 of the South Downs Local Plan.</p>  |
| 10.15 | <p><b>In Accordance with Ecosystem Services Statement</b><br/> Prior to the first beneficial use of the development the proposed actions stated in the Ecosystems Services Statement hereby approved shall be implemented fully and thereafter retained as such.</p>  |

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|  | Reason: To secure appropriate sustainability and ecological gains and have a positive impact on the environment to comply with Policy SD2 of the South Downs Local Plan. |
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| <b>11.</b> | <b>Plans:</b> |
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| 11.1 | This decision relates solely to the following plans: |
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|  | <u>Plan Type</u>                          | <u>Date Received</u> | <u>Reference:</u> |
|--|---|----------------------|-------------------|
|  | Proposed Site Plan Roof                   | 02.09.2022           | A02.01 REV A      |
|  | Proposed Site Plan Ground Floor           | 06.09.2022           | A02.02 REV A      |
|  | Proposed Ground Floor                     | 02.09.2022           | A02.10 REV A      |
|  | Proposed First Floor                      | 02.09.2022           | A02.11 REV A      |
|  | Proposed Roof Plan                        | 02.09.2022           | A02.12 REV A      |
|  | Proposed Long Section                     | 02.09.2022           | A02.20 REV A      |
|  | Proposed Short Section                    | 06.09.2022           | A02.22 REV A      |
|  | Proposed North-East Elevation             | 02.09.2022           | A02.30 REV A      |
|  | Proposed South-West Elevation             | 02.09.2022           | A02.31 REV A      |
|  | Proposed North-West South-East Elevations | 06.09.2022           | A02.32 REV A      |
|  | Proposed Garage Elevations                | 02.09.2022           | A02.33 REV A      |
|  | Proposed Elevations in Context            | 02.09.2022           | A02.40 REV A      |
|  | Proposed Landscape Design Concept         | 02.09.2022           | A02.50 REV A      |

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| <b>12.</b> | <b>Appendices</b> |
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| 12.1 | None. |
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| <b>13.</b> | <b>Background Papers</b> |
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| 13.1 | None. |
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**Report to:** Planning Applications Committee

**Date:** 9<sup>th</sup> November 2022

**Application No:** LW/22/0254

**Location:** Land East of Uckfield Road (A26), Ringmer, East Sussex

**Proposal:** Construction of a renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, battery energy storage, site accesses, access gates, internal access tracks, security measures, other ancillary infrastructure and landscaping and biodiversity enhancements.

**Applicant:** Ouse Valley and Ringmer Services Company C.I.C

**Ward:** Ouse Valley and Ringmer

**Recommendation:** 1/ If the Committee resolve to grant planning permission then the application shall be referred to Secretary of State (SoS).

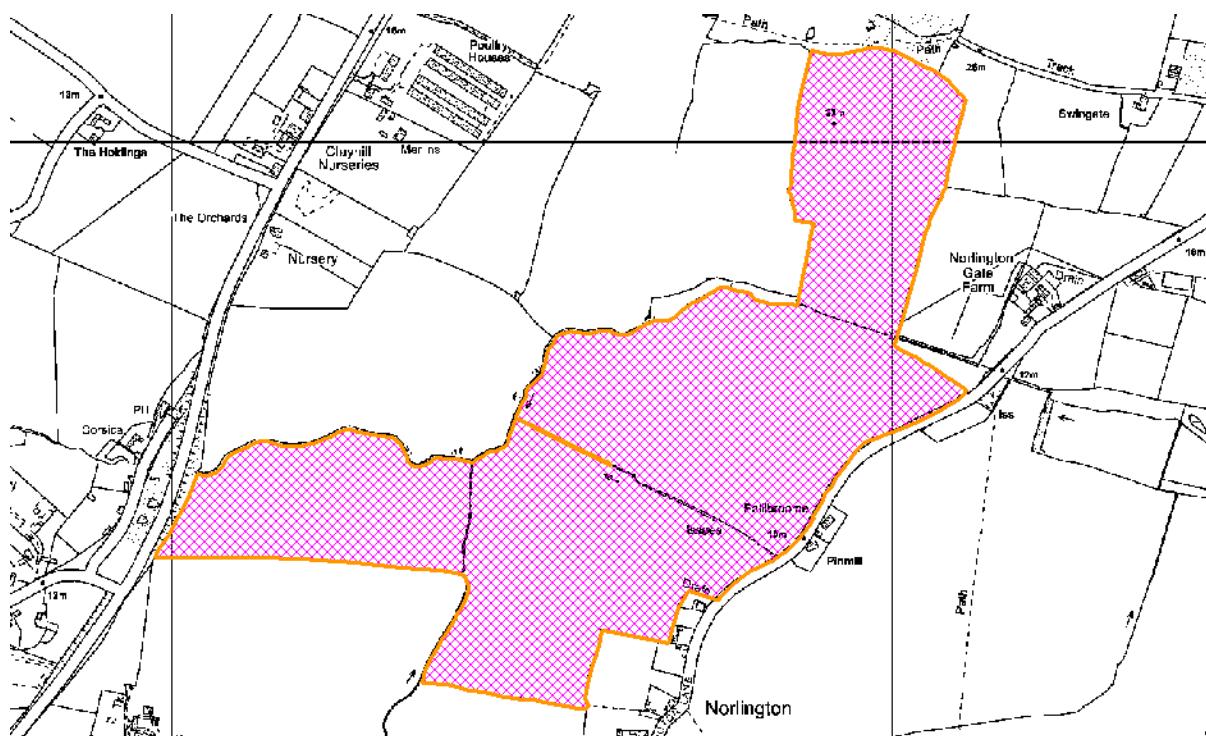
2/ In the circumstances that the that the SoS does not wish to exercise call in powers The Planning Applications Committee grant the Head of Planning delegated authority to **APPROVE** the permission subject to conditions listed within the addendum report.

**Contact Officer:** **Name:** Leigh Palmer  
**E-mail:** [leigh.palmer@lewes-eastbourne.gov.uk](mailto:leigh.palmer@lewes-eastbourne.gov.uk)

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

## Site Location Plan



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| 1.  | <b>Executive Summary</b>  |
| 1.1 | The proposal is an application for the construction of a renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with associate infrastructure as well as landscaping and biodiversity enhancements  |
| 1.2 | The proposed development is located on agricultural land outside the defined planning boundaries, to the north of Ringmer   |
| 1.3 | <p>Provision of renewables</p> <p>The proposal would provide up to 19,000MWh of electricity per year, being power from a renewable source. The Framework identifies the provision of renewable energy as being central to the economic, social, and environmental dimensions of sustainable development. Such projects are also recognised as providing a valuable contribution to cutting greenhouse gas emissions and tackling the climate emergency.</p> <p>The provision of renewable energy should be given <u>significant weight</u> in the planning balance.</p>   |
| 1.4 | <p>Landscape issues</p> <p>At the same time the proposal would have limited impact on local views. These effects would be reversible after 35 years. Paragraph 158 b) of the Framework advises that when determining proposals for renewable energy schemes, authorities should approve such projects if impacts are or can be made acceptable. In this case the proposal would give rise to limited harm to the appearance of the local countryside for the duration of the proposal.</p> <p>Mitigation measure through enhanced landscaping would reduce those impact, which would further reduce over time as the landscaping matures. The Framework recognises the intrinsic character and beauty of the countryside as a core planning principle.</p> <p>Issues relating to the character and beauty of the countryside carries <u>significant weight</u> in the planning balance.</p> |
| 1.5 | <p>Noise Issues</p> <p>The batteries have been deleted from the proposal and save for the impacts of during construction which are limited the proposal is considered to be acceptable in noise impact terms.</p> <p>The issues relating to noise impacts should be given <u>moderate weight</u> in the planning balance.</p>   |
| 1.6 | <p>Biodiversity Net Gain (BNG)</p> <p>The scheme proposes 230% improvement in BNG, this improvement will remain post decommissioning of the development.</p> <p>The issue of BNG should be given <u>significant weight</u> in the planning balance.</p>   |

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| 1.7  | <p>Loss of agricultural land and loss of food production</p> <p>The scheme uses the land for a temporary period (35 years), it does not permanently remove the potential for food production in the future, the same way that a housing estate would.</p> <p>Moving from current farming practices to the scheme proposal would remove the potential of the soil being compacted by the use of heavy agricultural machinery and would therefore let the soil settle and mature over the lifetime of the development.</p> <p>The method of construction is moderately intrusive (spikes rather than strip foundations), so remediation is easily achieved.</p> <p>The scheme proposes layout and height of the arrays to allow for sheep grazing to be utilized.</p> <p>The scheme would temporarily remove from food production approximately 200 tonnes of wheat per year from a national production of 15 million tonnes.</p> <p>Issues relating to the loss of food production and the loss of agricultural land should be given <u>moderate weight</u> in the planning balance.</p> |
| 1.8  | <p>Flooding</p> <p>There are no negative impacts in relation to flooding at the site or increased by the development.</p> <p>Issues relating to flooding should be given <u>moderate weight</u> in the planning balance</p>   |
| 1.9  | <p>Traffic Issues</p> <p>Save for the construction period there are no material traffic issue relating to the development.</p> <p>Issues relating to traffic should be given <u>moderate weight</u> in the planning balance</p>   |
| 1.10 | <p>Solar Reflection and Glint and Glare</p> <p>The development given the proposed mitigation by way of enhanced and new hedgerow planting would not give rise to any substantial harm with regard to solar reflection or glint and glare.</p> <p>Issues relating to solar reflection and glint and glare should be given <u>significant weight</u> in the planning balance.</p>   |
| 1.11 | <p>Heritage Assets</p> <p>The proposal is located distant from local heritage assets to the extent that amu harm would be less than substantial in heritage terms.</p> <p>Issues relating to heritage impacts should be given <u>significant weight</u> in the planning balance.</p>  |
| 1.12 | <p>Accordingly, weighing up the planning balance assessing the climate emergency weighed against the 'temporary' visual impact and the loss of</p>  |

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|      | food production that would result from the development, it is considered that the application can be recommended for approval.  |
| 1.13 | Notification has been received from the Planning Caseworker Unit that should the committee resolve to approve the application, no decision should be issue until the Secretary of State has considered the application. |

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| <b>2.</b> | <b>Relevant Planning Policies</b>  |
| 2,1       | <u>National Planning Policy Framework</u><br><br>2. Achieving sustainable development<br>4. Decision making<br>8. Promoting healthy and safe communities<br>11. Making effective use of land<br>12. Achieving well-designed places<br>14. Meeting the challenge of climate change, flooding, and coastal change<br>15. Conserving and enhancing the natural environment<br>16. Conserving and enhancing the historic environment   |
| 2,2       | <u>Lewes District Local Plan:</u><br>LDLP1: – CP10 – Natural Environment and Landscape.<br>LDLP1: – CP11 – Built and Historic Environment & Design<br>LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage<br>LDLP1: – CP14 – Renewable and Low Carbon Energy<br>LDLP2: – DM1 – Planning Boundary<br>LDLP2: - DM9 – Farm Diversification<br>LDLP: - DM19 – Protection of Agricultural Land<br>LDLP2: – DM23 – Noise<br>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity<br>LDLP2: – DM25 – Design<br>LDLP2: – DM27 – Landscape Design<br>LDLP2; - DM33 Heritage Assets<br>LDLP2: - DM35 Footpaths, cycle, and Bridleway Network |
| 2,3       | <u>Ringmer Neighbourhood Plan:</u>   |

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|           | <p>4.5 Community Action - footpaths</p> <p>4.7 Non-designated heritage assets</p> <p>4.9 Green Corridors</p> <p>4.10 Maintaining and enhancing biodiversity</p> <p>4.11 Avoidance of light pollution</p>   |
| <b>3.</b> | <b>Site Description</b>  |
| 3.1       | The Site comprises a single parcel of land made up of four adjacent fields, between Uckfield Road (A26) and Norlington Lane. The edge of Ringmer lies approximately 0.3 km to the south of the Site with Lewes being located approximately 3km to the south.   |
| 3.2       | The site, which extends to approximately 26.51 hectares, comprises four fields in agricultural use and underground cable route to the point of connection to the north west of the site on the western side of the A26. The fields are enclosed with mature tree lined hedgerows which provides enclosure.   |
| 3.3       | This sloping site rises from south at 10m AOD to the north and north-east to approximately 20m AOD, with Ham Lane to the south, the A26 to the west and Norlington Lane to the east. The site is crossed east/west by Footpath number 12, close to the southern boundary of the site, with Footpath number 10 passing east/west on the ridge just to the north of the site, and Footpath 13 to the south west of the site.   |
| 3.4       | The Site lies outside of any national, statutory, or local / non-statutory landscape designations. The northern boundary of the SDNP at Ham Lane is approximately 0.35 km to the south of the Site at its closest. The northern scarp of the South Downs is approximately 2.5 km to the south. There are four Grade II listed dwellings located along Norlington Lane and which are close to the eastern boundary of the site – Norlington Gate Farmhouse, Lilac Cottage, Holly Tree Cottage and Norlington Farmhouse. |

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| <b>4.</b> | <b>Proposed Development</b>   |
| 4.1       | <p>Proposal</p> <p>The application seeks planning permission for the construction of a renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, battery energy storage, site accesses, access gates, internal access tracks, security measures, other ancillary infrastructure and landscaping and biodiversity enhancements.</p> |

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| 4.2 | <p><b>Supporting Documents</b></p> <p>The application is accompanied by a range of supporting plans and documents including details and layout plans, Design and Access Statement, Planning Statement, Agricultural Land Classification, Construction Traffic Management Plan, Preliminary Ecological Assessment, Biodiversity Net Gain Statement, Flood Risk Assessment and Preliminary Drainage Strategy, Glint &amp; Glare Assessment, Landscape and Visual Impact Assessment, Noise Assessment, Heritage Assessment, Archaeology – Geophysical Survey, a Statement of Community Involvement/community benefits, Agricultural Land Quality and Management Considerations, and An Alternative Site Assessment.</p> <p>All of these documents have been assessed and have informed the recommendation.</p> |
| 4.3 | <p><b>Layout</b></p> <p>The solar panels will be orientated south and mounted on an aluminium frame system on driven posts measuring approximately 1.5m in depth. At their lowest edge the arrays would be approximately 0.85m off the ground at the front of the panel and approximately 2.5m at the highest rear edge. The panels would have an approximate gradient of approximately 20 degrees with the rows spaced approximately 3.1m apart.</p> <p>This will facilitate the potential for grazing in and around the arrays.</p>   |
| 4.4 | <p><b>Proposed infrastructure</b></p> <p>There will be six transformers and sub-station. The transformers, which convert the low voltage output from the inverters (which are attached to the underside of the panel mounting structure) to high voltage suitable for feeding into the local electricity distribution network. Each transformer unit would measure approximately 12m, 2.5m and 2.6m (LxWxH).</p>  |
| 4.5 | <p><b>National Grid</b></p> <p>The arrays will be connected via a substation to the National Grid at a point of connection to the north west of the site into the local electricity distribution network using an underground cable. The arrays will be connected by underground cables laid in a trench approximately 450mm wide and 1200mm deep in accordance with best practice. There should be minimal disturbance to the ground through excavations, with typically only 4% of the site surface being disturbed through array frameworks, inverter and transformer stations and underground cabling.</p>  |
| 4.6 | <p>The site search this is driven by the National Grid who identify where on their network there is capacity in inward connection and once this has been established then the National Grid approve a connection date window.</p>   |
| 4.7 | <p>In terms of National Grid connectivity capacity then the application site has been identified as suitable and has been assessed alongside 11 other sites within of a number of other sites in proximity to the Grid connection location. These sites have been objectively assessed against a number of criteria including size, habitat designation, planning policy constraints.</p>   |

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| 4.8  | The output from this objectively assessed criteria is that the application site is the most preferred with the least constraints/impediment to development.   |
| 4.9  | The connection to the grid will be made at a point of connection, located to the north of the Site. The cable would run below ground from the boundary of the Site primarily following the public highway to the point of connection.   |
| 4.10 | <p>Site Security - Fencing</p> <p>In terms of site security, it is proposed that deer fencing (mesh with wooden posts or similar) to a height of approximately 2m would be installed along the outer edges of the Site in order to restrict access. Internal gates of the same design will allow access between fields. The fence would be fitted with small mammal gates at appropriate locations around the site perimeter.</p>   |
| 4.12 | This would be sited inside the outermost hedges/trees/vegetation leaving a buffer for the root protection areas, ensuring that the fence is visually obscured but leaving access available for hedge trimming and maintenance. The existing gates would be retained at the highway access points for maintenance access.  |
| 4.13 | <p>CCTV</p> <p>The perimeter of the Site would be protected by a system of CCTV cameras and/or infra-red cameras, which would provide full 24-hour surveillance around the entire perimeter. An intelligent sensor management system would manage the cameras. The cameras would be on poles of up to approximately 4 m high, spaced at approximately 50m intervals inside the security fence facing internally towards the site. There would be no lighting within the Site at night-time.</p> |
| 4.14 | Once operational, the solar farm would require minimal day to day intervention as it would be monitored remotely via the CCTV system. Occasional maintenance of the solar panels and other infrastructure would be required, and it is anticipated that typically no more than 2 maintenance visits would be needed to the Site per month by cars/transit vans.   |
| 4.15 | <p>Temporary Proposal</p> <p>The proposed development would operate for a temporary time period, 35 years from the commencement of operation, with the potential for low intensity grazing amongst the solar arrays, maintaining an agricultural use of the Site in combination with the delivery of significant biodiversity enhancements.</p>   |
| 4.16 | <p>Biodiversity Net Gain</p> <p>The scheme as proposed would deliver a 230% improvement in Biodiversity Net Gain.</p>   |
| 4.17 | <p>Construction</p> <p>Construction would take place over approximately 6 months (around 30 weeks) with construction vehicles accessing the Site via an existing access from the A26. Internal access tracks will then connect construction vehicles to a temporary construction compound and then to all fields that</p>   |

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|      | form the Site. Other than the delivery of the substation, no HGV traffic will access the site from Norlington Lane   |
| 4.18 | <p><b>Decommissioning</b></p> <p>At the end of the 35 years on decommissioning of the Site, the solar array and its associated infrastructure would be removed from site and the site would continue in agricultural use. All boundary planting and biodiversity enhancements would be retained.</p>   |
| 4.18 | From the submitted information it is expected that there will be approximately six HGVs accessing the Site each day during the construction phase. There will also be construction workers arriving at the Site in the morning and departing in the evening.   |
| 4.20 | <p><b>Public Rights of Way</b></p> <p>Public Right of Way (Footpath 12) that runs next to the Site Access and then east/west across the southern end of the site will remain open in a wide corridor during the construction and operational phase and does not require diversion. Banksmen will ensure the safety of all PROW users at all times.</p> |
| 4.21 | <p><b>Landscaping &amp; Flooding</b></p> <p>The application is supported with an extensive soft landscaping scheme and drainage plan. This include enhancements to field boundaries and new hedging and the introduction of swales throughout the development in an attempt to mitigate visual intrusion and localised flooding.</p>                   |

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| <b>5.</b> | <b>Relevant Planning History:</b>  |
| 5.1       | LW/21/0067 - Screening Opinion under Regulation 6(1) and 15(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – EIA not required. |

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| <b>6.</b> | <b>Consultations:</b>  |
| 6.1       | <p><u>ESCC Archaeology:</u></p> <p>No objection - Recommend for approval in principle subject to the imposition of conditions</p> <p>The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.</p> |
| 6.2       | <p><u>ESCC Landscape Officer:</u></p> <p>Recommends approval subject to conditions.</p> <p>It is recommended that the proposed development can be supported as the potential adverse landscape and visual impacts would be localised and</p>   |



subject to the implementation of the proposed landscape scheme would be mitigated.

#### Reason for Recommendation

The site and immediate surroundings would not be considered valued landscape in the context of the NPPF. The site is outside the village boundaries and is within the countryside. The site is 0.35km from the boundary of the South Downs National Park (SDNP) which lies adjacent to Ham Lane and it is considered to be within the setting of the SDNP (LVIA page 28). A public footpath (ESCC 12) runs from the A26 to Norlington Lane and passes through the middle of the site.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA provides an accurate description of the baseline landscape and visual context for the site and surrounding area.

The application is supported by a Landscape and Ecological Management Plan (LEMP) which sets out proposals for tree and hedgerow planting. The LEMP proposes to retain all existing trees and hedges on the site. The intention is to manage existing hedgerows so that they grow up taller and provide screening for the solar arrays. In the original scheme new hedges with intermittent trees were proposed around the currently open boundaries of the fields 3,4 and 5.

As a response to previous comments the LEMP has been revised to incorporate mitigation measures including additional tree and hedgerow planting.

These additions include:

- a hedge with trees on the southern side of Field 1
- additional mixed groups of trees on the south side of Field 2 and between Fields 1 and 3.
- Additional hedgerow trees between fields 3 and 4, 4 and 5.
- Removal of the battery units.

Rendered photomontages have also been provided as part of the LVIA. These indicate that by year 15, as the planting matures, the panels would be largely screened from close public viewpoints and the local footpath network. The proposed planting would also reduce the overall scale of the proposal from the more distant views on the scarp slope of the downs.

The removal of the battery units would reduce potential effects on users of Norlington Lane and residents.

Subject to the additional mitigation the conclusions of the LVIA are not disputed. The site could have potential for this type of development without having an unacceptable impact on landscape character and views.

6.3

Natural England

No objections

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|     | <p>Based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on protected landscapes.</p>  |
| 6.4 | <p><u>SDNP:</u><br/> The site is within the setting of the South Downs National Park and the development has the potential to negatively impact upon the views to and from the SDNP and upon its rural setting.</p> <p>The land has been in agricultural use for hundreds of years and this is what has shaped its character as part of the Western Low Weald. The proposals would change this landscape character from agricultural to more of an industrial character, diminishing the rural setting of the SDNP.</p> <p>Glimpses are possible from high ground within the SDNP and examples have been evidenced within submitted views accompanying the LVIA, such as VP5, VP8 and VP9. There are also views across the site towards the SDNP such as VP7. It is a pity some other viewpoints have not been assessed, such as the route of the public footpath leading through the site from Upper Wellingham to Norlington. This currently passes through an open field which would be subdivided with panels and security fences on either side of the footpath. The SDNPA would recommend an assessment of the impact upon the experience of users as part of the setting of the SDNP and how this can be improved.</p> <p>In terms of the layout shown, this appears to have been informed by exiting constraints rather than being landscape-led (a good approach to site design to ensure a scheme is better integrated into the setting of the National Park). There appear to have been no efforts to minimise negative effects by rationalising the access points and tracks -multiple routes lead into the site and don't follow existing/historic field boundaries. Similarly, the sprawl of buildings could be rationalised and located more discreetly. A landscape-led scheme could inform a more sensitive layout for the landscape that comprises both the site and the setting of the National Park. The applicants could consider additional benefits such as waterbody enhancements and opportunities for grazing on the site.</p> <p>The SDNPA therefore objects to the proposals as submitted but would be happy to take part in any discussions between the applicants and LPA with regard to developing a more rationalised, landscape-led scheme. It may be that a reduction in the extent of the site would be required in order to achieve this.</p> |
| 6.5 | <p><u>Environment Agency</u></p> <p>No objection subject to condition requiring the development to be carried out in accordance with the FRA.</p>   |
| 6.6 | <p>Environmental Health</p> <p>I would advise that once operational, aside from the obvious provision of renewable energy, the site will permit greater biodiversity and better air quality in the vicinity. This would be due to a reduction in single species farming and as I understand, zero pesticide usage therefore greatly</p>   |

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|     | <p>increasing favourable conditions for local for all wildlife and reducing the impact of soil erosion on local air quality over the winter months.</p> <p>A construction environment management plan should accompany any recommendation to approve.</p> <p>Conditions are also recommended dealing with unexpected contamination.</p>   |
| 6.7 | <p><u>Sussex Ramblers object to the Application.</u></p> <p>Whilst Ramblers support the use of solar energy, this proposed development is on a sprawling greenfield site in a rural setting close to the South Downs National Park.</p> <p>This is a bad use of agricultural land, whereas provision for solar equipment would be much better as roof-mounted installations on large commercial and public buildings in urban areas.</p> <p>Construction and maintenance of this proposal would require unacceptable large vehicle movements along Norlington Lane.</p> <p>Although the existence of Ringmer footpaths 12 and 13 is acknowledged, but not shown on the location plan, this proposed development should not enclose any part of either public footpath as it would be less convenient for users.</p> <p>Therefore, I strongly urge the Council to refuse this Application. However, if approved with any part of the footpaths enclosed, there should be a condition to provide a minimum 5 metre corridor width for the convenience of users.</p>   |
| 6.8 | <p><u>British Horse Society</u></p> <p>Objects unless a permissive if not public bridleway is provided around the perimeter of the site boundary, connecting Norlington Lane at its northern and southern extents to provide respite from road work for equestrian locally.</p>   |
| 6.9 | <p><b>Ringmer Parish Council</b></p> <p>RESOLVED: object Parish Council Decision – Objects</p> <p>The proposed solar farm and its high, industrial style, fencing would have a strongly negative impact on the Norlington Lane landscape, which is identified in the Ringmer Neighbourhood Plan as of special importance to residents due to its recreational value to Ringmer’s walkers, cyclists and riders. The experience of users of the well-used public footpath that crosses the site would also be grossly devalued by the high security fencing to be installed on both sides of the footpath. Glare and glint from the solar farm would affect residents living in, or engaged in recreation in, the area.</p> <p>The new solar farm would be prominent in views from neighbouring areas of the South Downs National Park.</p> <p>The site is productive, high quality, agricultural land. Most of Ringmer is on Gault or Weald Clay, and grade 3b or lower, but almost all this land is freely draining Lower Greensand, of significantly higher agricultural value, and selected by the Saxons who founded Norlington as their arable open</p> |

field. Far more appropriate sites are available elsewhere in Ringmer, including one between Mount Farm and Bentley that was (unlike this site) submitted to the 2022 SHELAA and considered developable.

The proposal would have a strongly negative impact on the setting of the four 14th-16th century Historic England listed houses belonging to the shrunken medieval Norlington settlement along Norlington Lane.

The proposals for battery storage are inappropriately sited: this would cause nuisance to residents and users of Norlington Lane and create unnecessary security.

The pre-application consultation by Ovesco was carried out with bad faith, with false information supplied to the parish council (e.g. the statement that Norlington Lane residents had been consulted and supported the application) and highly relevant information kept hidden (e.g. that the development of the proposal was being bankrolled by Lewes DC).

There is a conflict of interest with LDC on more than one point:

The lack of communication between LDC and RPC about their involvement and choice of site.

The sudden appearance on Facebook of RISE, linked to Ovesco, the Phoenix Quarter development, Transition Town Lewes.

A suggestion that the only way a carbon neutral development in Lewes might be achieved was by hard wiring the Norlington Lane site to the development.

This proposal contravenes points 5.1 and 6.2 of the Neighbourhood plan.

The proposed site sits on good arable land and there is a real need to protect UK food production.

Norlington Lane is an important leisure/recreation route for walkers, cyclists, dog, walkers etc.

There will be a detrimental impact on local footpaths no 10 and 12.

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| 7.  | <b>Other Representations:</b>  |
| 7.1 | <p><u>Neighbour Representations:</u><br/> A total of 364 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below.: -</p> <ul style="list-style-type: none"> <li>• Should not be located on greenfield sites</li> <li>• Loss of agricultural land essential for food production</li> <li>• Visual harm to the surrounding countryside</li> <li>• Detrimental to the character and beauty of this part of Ringmer</li> <li>• Noise from the equipment</li> <li>• Ruin tranquillity of the area</li> </ul> |

- Detrimental to wildlife
- Negative impact on visual amenity, especially from the footpath
- Impact on listed buildings and their setting
- Increased traffic along Norlington Lane
- Impact on the National Park
- Impact on the wider landscape
- Fails to benefit the local community
- A blot on the landscape
- Panels should go on roofs and brownfield land
- Impact from solar reflection/glare
- Result in an eyesore
- Not supported by the community
- Unsightly fences and equipment
- Battery safety
- Industrialisation of the countryside
- Visible and detrimental to the enjoyment of the countryside from the footpaths and lane.
- Destroy the character of Norlington Lane
- Detrimental impact on leisure use of the area
- No assessment of impact from footpaths
- Right idea, wrong location
- Unclear whether other sites across the District have been assessed.
- Land ownership for this scheme developer should not be a barrier to site selection
- Should not be supported as it relates to 75% best and most versatile land
- Scheme should not be seen as rectifying poor historic farming practices
- Wet farmland should not be a driver to the location
- The loss of food production should look at all crops sweetcorn as well as wheat.
- The loss of sweetcorn production may place greater dependency on imported products.
- Grazing animals will contribute to greenhouse gases

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|     | <ul style="list-style-type: none"> <li>• Cannot insist on grazing so a hollow promise</li> </ul> <p>A total of 326 letters of support had been received at the time of writing this report. A summary of material planning matters raised is provided below.: -</p> <ul style="list-style-type: none"> <li>• People should be supporting renewable energy initiatives</li> <li>• Reduces the reliance on fossil fuels</li> <li>• Helps the climate emergency</li> <li>• Generates clean reliable electricity</li> <li>• Biodiversity enhancements are welcomed</li> <li>• Less impact than nearby housing developments</li> <li>• Reversible and doesn't result in the permanent loss of agricultural land</li> <li>• Community funded local initiative</li> <li>• Would help to reach net zero target</li> <li>• Biodiversity net gain by allowing the land to remain unused and therefore to regenerate naturally</li> <li>• No luxury of time to save the planet and address the climate emergency</li> <li>• Enhancement to hedgerows and additional planting for wildlife benefit</li> <li>• Inconvenience outweighed by the benefit to environment and wider community</li> <li>• Nearby villages have solar farms</li> <li>• Proposal won't impede view of lessen pleasure of using the lane</li> </ul> |
| 7.2 | <p><u>Other Representations:</u></p> <p>Save Norlington Lane Residents Association</p> <p>Object to the proposal for the following reasons</p> <ul style="list-style-type: none"> <li>• Impact upon the South Downs National Park (highly visible to from the Park)</li> <li>• Impact upon Heritage Assets (proximity to Listed and locally listed buildings and their setting is affected.)</li> <li>• Impact on amenity and character of Norlington Lane and adjoining footpath network. (rural character/green lane used for walkers, cyclist, and horse riders. Recognised within the Ringmer</li> </ul>   |

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|     | <p>Neighbourhood Plan as a community asset, impacting on views to and from the Norlington Lane)</p> <ul style="list-style-type: none"> <li>• Noise impacts (from the installed equipment)</li> <li>• Impact upon residential amenity (local residents affected by noise and visual intrusion)</li> <li>• Loss of good quality farmland (in active food production)</li> </ul>  |
| 7.3 | <p><u>Maria Caulfield MP</u></p> <p>Objects to the proposals for the following reasons:</p> <ul style="list-style-type: none"> <li>• Overdevelopment</li> <li>• Take farmland out of production</li> <li>• Visual and noise impacts</li> <li>• Glare impacts</li> <li>• Used by local residents for recreational purposes affecting their wellbeing</li> <li>• Impacts upon the South Downs National Park</li> <li>• Those that support the application are primarily from outside of the District/locality</li> </ul> |
| 7.4 | <p>Councillor O'Brien</p> <p>Maintains an objection to the proposal.</p>   |
| 7.5 | <p>Councillor Macleod</p> <p>Maintains support for the proposal.</p>   |

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| <b>8.</b> | <b>Appraisal:</b>  |
| 8.1       | <p><u>Key Considerations:</u></p> <p>Paragraph 47 of the NPPF states that; 'Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.</p> <p>The Courts have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is therefore not necessary to accord with each and every policy contained within the Development Plan. Indeed, it is not at all unusual for Development Plan policies to pull in different directions.</p> <p>The NPPF also holds a presumption in favour of sustainable development set out in paragraph 11 which states that for decision making this means 'approving development proposals that accord with an up to date development plan without delay' and in paragraph 12 reminding decision</p> |

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|     | <p>makers that that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.</p> <p>It is considered that the main issues in assessing this application relate to the Policy Context; Principle of Development and Climate Change: Impact on the character and appearance of the Landscape/SDNP; Impact on heritage Assets; Impact on the Use of Agricultural Land; Impact on Residential and wider Amenity/Glint and Glare; Impact on Biodiversity; Highways/Traffic/Access; Flood Risk.</p>   |
| 8.2 | <p><b>Policy Context</b></p> <p><b>National Planning Policy Framework</b></p> <p>The National Planning Policy Framework (2021) (NPPF) establishes broad support for energy development of this nature defining the three overarching objectives of sustainable development at paragraph 8 being economic, social, and environmental.</p> <p>The Environmental objective seek to ensure that development make effective use of land, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p> <p>Paragraph 12 underlines that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.</p> <p>Paragraph 152 sets out that the planning system should support the transition to a low carbon future in a changing climate and it should help minimise vulnerability and improved resilience.</p> <p>Paragraph 156 directs that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.</p> <p>Paragraph 157 states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply and to take account of landform, layout, building orientation, massing, and landscaping.</p> <p>Paragraph 158 sets out that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.</p> <p>Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution.</p> |



Paragraph 179 sets out the principles that local planning authorities should apply with regard to habitats and biodiversity when determining applications including identifying and pursuing opportunities for securing measurable net gains for biodiversity.

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

In addition to the NPPF there is the Planning Practice Guidance (PPG) which has been developed to provide guidance on the implementation of policies contained within the NPPF.

Of particular note is the further guidance it provides in relation to renewable and low carbon energy projects. Paragraph 13 relates to large scale ground-mounted solar.

The guidance document offers the following statements and guidance.

“What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?”

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

It goes on to advise that some of the particular factors a local planning authority will need to consider include:

- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;

- where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poor quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;

- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

- the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.

- the need for, and impact of, security measures such as lights and fencing.

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset

derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

-the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; and

-the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

### **Local Planning Policy**

Lewes Joint Core Strategy 2010-2030: Local Plan Part 1

The Core Strategy is one of the planning policy documents necessary to consider in the assessment of the application. It highlights the issues and challenges facing the District including ensuring that new development is provided in a way that enables the most sustainable means of using natural resources, such as water, energy, and soil, to be utilised. It also addresses the need to tackle climate change, in particular the need to promote and encourage alternative energy sources using decentralised or low carbon technologies.

A District wide vision is 'By 2030 the district and its residents will have made every effort to respond to the challenges of climate change, through a reduction in the district's carbon footprint and by adapting to the consequences of climate change.....and increased production of green energy'.

Core Policy 10 addresses the natural environment and landscape character, stating that 'the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and statutory and locally designated sites, will be conserved and enhanced'.

Core Policy 14 addresses Renewable and Low Carbon Energy and Sustainable Use of Resources with the objective to ensure that the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives. It states that the local planning authority will 'Support applications for low carbon and renewable energy installations, subject to the following matters being satisfactorily assessed and addressed:

- i. Appropriate contribution to meeting national and local renewable heat and energy targets.
- ii. Protecting the special qualities and setting of the South Downs National Park, in accordance with national park purposes and the duties of regard by relevant authorities.

- iii. Landscape and visual impact.
- iv. Local amenity impact.
- v. Ecology impact; and
- vi. Cultural heritage impact, including the need to preserve and enhance heritage assets.

The Local Plan Part 2: Site Allocations and Development Management Policies supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1 by setting out detailed (non-strategic) development management policies to guide development and change, and that the plan as a whole should be read in conjunction with the policies set out in the Local Plan Part 1, the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, and any neighbourhood plans that have been brought into force, including the NPPF.

Policy DM9 Farm Diversification states that ‘Development which forms part of a farm diversification scheme or otherwise helps maintain the viability of farm businesses engaged in sustainable land management will be permitted subject to certain criteria.

Policy DM19 Protection of Agricultural Land states that ‘development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use’.

Policy DM23 Noise states that ‘Noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing or future users. Where appropriate, proposals will be required to mitigate noise impacts through careful planning, layout, and design.

Policy DM24: Protection of Biodiversity and Geodiversity states that ‘Development which would result in damage or loss to a site of biodiversity or geological value of regional or local importance including Local Nature Reserves (LNR), Wildlife Trust Reserves, Local Wildlife Sites, irreplaceable habitats, and habitats and species of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.

Policy DM25: Design states ‘Development which contributes towards local character and distinctiveness through high quality design will be permitted subject to certain criteria :

- 1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;

- 2) its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines.
- 3) it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern, and appearance that will contribute positively to the character of the area.
- 4) existing individual trees or tree groups that contribute positively to the area are retained.
- 5) adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity, and local climatic conditions.
- 6) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm.
- 7) there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
- 8) major developments will promote permeable, accessible, and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.
- 9) residential developments of 10 or more dwellings should demonstrate how the 'Building for Life 12' criteria have been considered and would be delivered by the development.

Development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions will not be permitted'.

Policy DM27: Landscape Design states that 'Where appropriate, development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development.

Policy DM33: Heritage Assets states that "Development affecting a heritage asset will only be permitted where the proposal would make a positive contribution to conserving or enhancing the significance of the heritage asset, taking account of its character, appearance and setting.

Policy DM35: Footpath, Cycle and Bridleway Network states that 'Development that would have a harmful impact on the convenience, safety or amenity value of the existing or proposed footpath, cycle or bridleway network will only be permitted where this impact can be satisfactorily mitigated or an alternative facility of equivalent or improved

quality would be delivered as part of the development’.

### **Ringmer Neighbourhood Plan**

The Ringmer Neighbourhood Plan was made/adopted in February 2016.

Paragraph 1.5.2 reiterates the presumption in favour of development and that Planning applications proposing sustainable development within Ringmer parish that accord with the policies in the Local Plan and, where relevant, with policies in the Neighbourhood Plan, will be approved without delay, unless material considerations indicate otherwise.

The following policies in the neighbourhood Plan are considered the most relevant to this application are:

Policy 4.1: Proposals for new development outside planning boundaries that are not in accordance with other policies in this Neighbourhood Plan or other material planning policies, and would have an adverse effect on the countryside or the rural landscape, will not be permitted unless it can be demonstrated that the benefits of the development clearly outweigh the adverse impacts and that they cannot be located on an alternative site that would cause less harm.

Community Action 4.5: Ringmer parish council will seek to maintain Ringmer’s public footpath network and if possible, further improve it through the creation of new licensed footpaths. Enhanced access to the SDNP will be particularly encouraged.

Policy 4.7: The following buildings and structures are recognised as non-designated heritage assets. The effect of an application on the significance of these will be considered in determining the application, with regard to the scale of any harm or loss to, and the significance of, the heritage asset. The non-designated assets listed include H5 Two timber framed barns, Norlington Farm, Norlington Lane, BN8 5SH.

Policy 4.9: Where appropriate new green corridors will be included within new development sites. Where a new development site intervenes between open countryside and an existing wildlife habitat in a developed area, new green corridors will be required to allow passage of wildlife.

Policy 4.10: Development proposals should consider their impact on biodiversity and, where appropriate, include provisions to ensure biodiversity is maintained or, where possible, enhanced.

Policy 4.11: New development, especially new development in the countryside, should minimise additional light pollution, through careful design, location, and inclusion of mitigation measures if necessary.

8.3

### Principle of Development and Climate Change:

The science of climate change is well established:

-Climate change is real and human activities are the main cause. (IPCC)

-The concentration of greenhouse gases in the earth's atmosphere is directly linked to the average global temperature on Earth. (IPCC)

-The concentration has been rising steadily, and mean global temperatures along with it, since the time of the Industrial Revolution. (IPCC)

-The most abundant greenhouse gas, accounting for about two-thirds of greenhouse gases, carbon dioxide (CO<sub>2</sub>), is largely the product of burning fossil fuels. (IPCC)

-Impacts of a 1.1-degree increase are here today in the increased frequency and magnitude of extreme weather events from heatwaves, droughts, flooding, winter storms, hurricanes, and wildfires. (IPCC)

Government's policy of achieving its legally binding target of net-zero greenhouse gas emissions by 2050, following a national climate emergency being declared by UK Parliament in May 2019, built upon the previous target to reduce greenhouse gas emissions by at least 80% relative to 1990 levels by 2050. To achieve this the UK needs to alter the way it generates electricity and drastically change many other ways of life (including food production, travel, and business).

As part of the plan to help achieve this net-zero target the Government is rapidly seeking to transition from a traditionally fossil fuel dependent economy to increasing amounts of secure, resilient renewable and low carbon energy, which includes solar power.

There have been many strategies, reports and documents published to support the broad path to achieving net-zero emissions by 2050, including those published by the Government, the IPCC, United Nations, World Meteorological Organization, including many local, town and parish councils initiatives and policies.

From a planning perspective, national policy is strongly supportive of renewable energy as a means of meeting the UK's increasing energy demands, tackling climate change, and transitioning to a prosperous and secure low carbon sustainable economy.

Larger scale solar developments are recognised as being part of the solution.

The applicant has submitted data with the application that suggests that, based on the proposed installed capacity, the array has the potential to generate an estimated 19,000MWh of energy per annum based on the site's average solar irradiation.

The carbon offset over the lifetime of the scheme [using DECC emission factor for the 'Valuation of energy use and greenhouse gas'] is estimated to be 6,800tCO<sub>2</sub> per annum when compared with electricity generated from fossil fuel sources.

The proposed development will feed green and low carbon renewable energy into the local electricity distribution network.

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|     | <p>The installed capacity of the array will generate the equivalent power to serve over 4,800 homes (3,943 kWh/pa/household).</p> <p>The Local Plan Part 1 states in para 7.123 that there are approximately 42,000 dwellings in LDC district therefore the contribution of renewable energy from the solar farm would equate to meeting the energy demand of over 11% of the district's homes.</p> <p>These figures (which are the applicants) are based on the anticipated generational output of the solar array based on the site's solar irradiation and the candidate solar PV modules power curve. However, the benefits would vary depending on the actual solar irradiation harnessed by the array over a year and therefore it is more appropriate to consider the benefits as a range rather than an exact figure.</p> <p>As already mentioned, whilst it is not expected for applicants of these types of installation to have to justify the need, the NPPF does make it clear that such proposals should only be granted where other impacts are acceptable (NPPF para 154b).</p> <p>The urgency of the need for substantially greater quantities of renewable energy (including large scale solar) is self-evident in light of the research and published reports, and the need to achieve a 100% reduction in greenhouse gas emissions by 2050 (Net Zero).</p> <p>As such there is not a fundamental objection to the principle of the proposal of constructing a major new solar farm.</p> <p>The principle of the development should be given <u>significant weight</u> in the planning balance.</p> |
| 8.4 | <p><b>Impact on the Character and Appearance of the Countryside and SDNP</b></p> <p>The NPPF at para 174 sets out that planning policies and decision should contribute to and enhance the natural and local environment, whilst para 179(b) seeks to promote the conservation, restoration and enhancement of priority habitats and ecological networks.</p> <p>Lewes District Local Plan policy CP10 seeks to conserve and enhance the natural beauty, wildlife, and cultural heritage of an area, as well as the high quality and character of the districts towns, villages, and rural environment.</p> <p>Policy DM27 seeks to ensure that development proposals should demonstrate high quality landscape design.</p> <p>The Site lies in the Low Weald National Character Area (NCA) as defined by Natural England in National Character Area Profile:121x which contains the following summary description: '...a broad, low-lying clay vale which largely wraps around the northern, western and southern edges of the High Weald. It is predominantly agricultural, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland.'</p>   |

The East Sussex Landscape Character Assessment identifies the site as being located within the Western Low Weald. The key characteristics of the Western Low Weald LCA relevant to the site can be summarized amongst other things as:

- A gently undulating, low lying topography.
- Unspoilt and distinctive rural character, few intrusive features, no large urban areas.
- A largely pastoral landscape, mixed and arable farming on higher ground.
- Generally small and irregular field pattern.
- Area appears well wooded.
- Oak and ash predominant mature tree species in woods and hedges.
- Scattered settlement of villages and farmsteads.
- Some larger 20th century villages associated with main road and rail routes.
- Vernacular building materials include timber frame (oak), local brick, white weatherboarding, clay tiles.
- Frequent wide views of the South Downs scarp and 'big skies'

The applicant has submitted a Landscape and Visual Impact Assessment to support the application. Their assessment of the principal visual effects would arise for the following receptors:

- the seven residential properties near the site at Norlington during construction – these effects would reduce through the operational phase and in the long-term as proposed landscape planting matures and management regimes are implemented.
- Footpath 12 crossing the Site during construction and operational phases – no assessed reduction with maturing of landscape mitigation due to the proximity of the proposed development, although the qualitative experience of using the route would improve as the proposed landscape measures mature.
- Footpath 13 and residents Ham Farm (The Ringmer Barn) to the south-west of the Site during construction and operational phases – effects would reduce in the medium-to-long term as landscape mitigation matures and management regimes are implemented on Fields 1 to 5.

The conclusion is that there would be no landscape and visual effects greater than moderate significance would arise on other receptors in the surrounding area including local settlement, PROWs, local roads, and receptors in the SDNP.

The landscape mitigation proposed seeks to enhance the existing landscape character and reduce the visual prominence of the solar arrays in local views by enhancing the condition of several key field boundaries and promoting new ones where they do not currently exist within the



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|     | <p>vicinity of the site. The submitted LVIA and LEMP identifies areas which may require additional planting for biodiversity and screening.</p> <p>Mitigation will be undertaken to assist with assimilation into the natural setting and will include ensuring construction operations do not conflict with conservation interests such as the seasonal requirements of flora and fauna; to reinforce any gaps in existing hedgerows with native species. This will enhance screening of the development and create a visual foil the long term; Fences and other ancillary items to be commensurate with the setting.</p> <p>The proposed woodland/hedgerow planting and landscape management would produce trees and hedgerows of the specified height and provide effective screening towards the development within 10 years (medium-term). The proposed hedge/trees planting would enhance the local landscape character and provide additional screening towards the development after 15 years (long-term).</p> <p>The County landscape officer is content that subject to the proposed landscape mitigation being implemented then the proposal would not give rise to substantial harm in terms of landscape impact.</p> <p>Issues relating to landscape character and appearance should be given <u>significant weight</u> in the planning balance.</p>   |
| 8.5 | <p><b>Impact Upon Heritage Assets</b></p> <p>Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.</p> <p>Paragraph 185 states that in determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> <li>• The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.</li> <li>• The wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring.</li> <li>• The desirability of new development making a positive contribution to local character and distinctiveness.</li> <li>• Opportunities to draw on the contribution made by the historic environment to the character of a place.</li> </ul> <p>Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and</p> |

any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 201 further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site.
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are heritage assets near to the site. NPPF paragraph 194 sets out that heritage assets should be preserved in a manner appropriate with their significance. The assets in question are located at Norlington Lane and which are close to the eastern boundary of the site – Norlington Gate Farmhouse (solar array located approx. 170m west and 120m south of the property), Lilac Cottage (solar array approx. 120m to the west), Holly Tree Cottage (solar array approx. 120m to the west) and Norlington Farmhouse (solar array approx. 80m to the west). All are grade II listed buildings.

It is considered, following discussion with the Councils Design and Conservation officer, that the impact upon the significance of the heritage assets is likely to result in less than substantial harm, (taking account of the fact the proposed enhanced landscaping, the layout of the site and the location of the array in relation to the assets). In accordance with paragraph 202 of the NPPF this has been considered against the public

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|     | <p>benefits arising from the proposal, which when weighing the planning balance would suggest support for the proposal.</p> <p>Issues relating to impacts upon heritage assets should be given <u>significant weight</u> in the planning balance</p>  |
| 8.6 | <p><u>Impact on Agricultural Land &amp; Food Production</u></p> <p>Both the NPPF and Local Plan Policy support diversification and development provided the site is of a lower agricultural land grade (i.e. Grade 3b, 4, 5 or non-agricultural); and there is a reliable prospect that the land will be restored to at least its original quality seeking to resist the permanent loss of Best and Most Versatile (BMV) land, meaning grades 1, 2 and 3a as defined in the MAFF 1988 guidance for grading the quality of agricultural land. Guidance requires the proposed use of any agricultural land to be necessary and for poorer quality land to be used in preference to higher quality agricultural land.</p> <p>The applicant has submitted an amended Agricultural Land Classification (ALC) following detailed surveys which took place on 27 and 28 June 2022. The findings were as follows for the site as a whole:</p> <p>Grade 1 – 43.1%</p> <p>Grade 2 – 17.7%</p> <p>Grade 3a – 13.7%</p> <p>Grade 3b - 25.5%</p> <p>The proposed solar farm is reversible, and the land can be returned to its former agricultural productivity once the generation of renewable electricity has ceased, and the solar panels and associated infrastructure are removed. Whilst this is likely to be at least 35 years' time, the land is not lost to agriculture permanently.</p> <p>Taking the land out of production for this period of time will also help to improve soil biodiversity and fertility for future use, increase the diversity of soil flora, fauna, and microbes, and improve soil structure.</p> <p>Therefore, although the proposal would allow the land to be grazed when the panels are in place, the loss of the land from full time agricultural use for this extensive but temporary period is considered acceptable, and would not significantly harm national agricultural interests in accordance with paragraph 171 of the NPPF.</p> <p>There is support in National and Local Plan policy for farm diversification projects that meet sustainable development objectives and help sustain the rural economy and encourage agricultural enterprise, subject to development proposals being well designed and of a use and scale appropriate to the location when considering landscape, heritage and environmental impacts and safe and acceptable site access and highway impacts.</p> <p>The Proposed Development will be an important stream of farm diversification income whilst allow underpinning the continuation of the overall farming businesses.</p> |

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

The amended soil survey indicated that most of the site is graded as Best and Most Versatile. The report does highlight how variable the land quality is, often with three variants within the same field.

The applicant has supplemented their application with an independent supplementary document 'land quality and management considerations' which concludes

- The Proposed Development is a solar farm across about 25.5 ha of agricultural land, which forms parts of four fields. 19 ha of this is of BMV quality.
- Those fields have been farmed intensively for arable cropping since the dairy farm pasture was ploughed up in the 1970s. The production of cereals and sweetcorn is dependent upon large machinery and inorganic fertiliser.
- A detailed Agricultural Land Classification has found that the site is a really complex mixture of grades, with in places four different ALC grades within the same part of the field. In practical terms this means that each field has to be treated as a single unit, and the cropping is across the whole field, save for missing wet corners for example.
- The Grade 1 and 2 patterns are not capable of separate exploitation to any meaningful degree in modern farming terms.
- The land grades will not, however, be adversely affected. The installation of legs does not alter the soils or the land quality, and there will be no sealing-over or diminution in agricultural land quality. The resource is not affected adversely.
- There will be benefits for the soils from a longer period of being in pasture. Organic matter levels and micro bacterial activity levels will improve.
- The land will not be subject to heavy machinery operating into the autumn, as at present. Soils will benefit overall.
- The contribution of the site to the nationwide food production at present is negligible.
- Food production from the land will, however continue. The Land will be used for sheep production for the 35-year duration of the scheme.

In conclusion it recognised that given the temporary nature of the proposal, the method of construction, the grazing potential of the fields that there is a likelihood that taking the land out of cultivation for a period of time would help improve the soil quality which should be considered to have significant weight in the Planning balance.

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|     | <p>It is acknowledged that the land is in active food production across the majority of the fields despite the mosaic of soil qualities this plays positively in the planning balance.</p> <p>Using Governments food production criteria for wheat it recognises that a yield of 8 tonnes per hectare should be deliverable from the most versatile of soils. This is similar to the tonnage currently cultivated at the site. If this production quantum were to temporarily be lost due the construction of solar farm it would result in the loss of 200 tonnes per annum from a national total of 15 million tonnes.</p> <p>This loss, on a temporary basis is considered to acceptable and the loss should be given <u>moderate weight</u> in the Planning Balance.</p>  |
| 8.7 | <p><u>Flooding and Drainage:</u></p> <p>The requirements for Flood Risk Assessment are set out within the NPPF and its associated Planning Practice Guidance, together with the Local Development Plan and Environment Agency’s Guidance Notes.</p> <p>The EA’s flood map for planning indicates that the majority of the Site is located within Flood Zone 1 (low risk), although areas associated with Norlington Stream, Holford Brook and Ham Brook are located within Flood Zones 2 and 3 (medium and high risk respectively).</p> <p>The majority of the 1% and 0.1% AEP (Annual Exceedance Probability) flood depths are less than 0.6 m with limited areas with depths greater than 0.6 m in the vicinity of Norlington Stream. It is noted that the depths are shallow in the location of the proposed panels (i.e. less than 600 mm).</p> <p>The EA’s risk of flooding from surface water mapping identifies that the majority of the site has a very low risk of flooding from surface water but that some areas have up to a high surface water flood risk.</p> <p>The maximum low surface water flood depth is over 1200 mm in the north-western corner of the Site in the vicinity of the Norlington Stream; however, the majority of the low risk depths are less than 600 mm. It is noted that the areas with depths greater than 600 mm are in the vicinity of the Norlington Stream, Holford Brook and Ham Brook and that the depths are shallow in the location of the proposed panels (i.e. less than 600 mm).</p> <p>The Strategic Flood Risk Assessment does not state that Norlington is at risk of groundwater flooding. There are no records of groundwater flooding in the vicinity of the Site and the development does not propose any ground lowering; therefore, the likelihood of groundwater flooding impacting the Proposed Development is considered to be low.</p> <p>A sequential approach has been taken in the layout whereby the most vulnerable parts of the development will be located in the areas at lowest risk of flooding. In particular, the substations, DNO equipment, storage containers, spare parts containers and customer cabin will be located outside of the 0.1% AEP fluvial flood extents and low surface water flood extents.</p> <p>The solar panels will be raised above the 0.1% AEP fluvial flood depths and maximum surface water flood depths. To achieve this, the solar panels would be elevated 0.85 m above ground level. Therefore, flow</p> |

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|     | <p>would not be impeded, and the displacement of floodplain storage would be negligible.</p> <p>In terms of water runoff solar panels do not have a significant effect on runoff volumes if grass cover is well maintained underneath panels and between rows. Therefore, the developer is proposing to implement a planting framework and maintain the grass cover to prevent areas of bare ground and erosion occurring.</p> <p>The storage containers, customer cabin, spare parts container, substations, and other equipment will be located on a 550 mm deep sub-bases formed of an aggregate.</p> <p>All proposed roads and tracks will be constructed of a permeable material; therefore, there would be no increased runoff from these areas.</p> <p>The NPPF requires that developments in areas at risk of flooding (Flood Zones 2 and 3) carry out the sequential test. The Flood Risk Assessment (FRA) includes details of how flood risk would be managed and has demonstrated that the proposed development will be safe and that it would not increase flood risk elsewhere. The proposed development is classified as 'essential infrastructure' and is considered appropriate in relation to the flood risk vulnerability classifications set out in Annex 3 of the NPPF.</p> <p>The solar farm needs to be in its proposed location due to the available capacity in the national grid in the area, owing to its proximity to the electricity distribution station. Given the large site area and the absence of any other suitable sites in the vicinity of the electricity distribution station that are both available and which have a lower risk of flooding, it is considered that the Sequential Test is acceptable.</p> <p>The FRA has demonstrated that the proposed development does not increase flood risk to the site or elsewhere and will remain safe for its operational lifetime, therefore, passing the Exception Test. The proposal is not objected to by the Environment Agency, who recommend that the development is carried out in accordance with the FRA. It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.</p> <p>Issues relating to flooding and drainage are given <u>moderate weight</u> in the planning balance.</p> |
| 8.8 | <p><u>Ecology and Biodiversity:</u></p> <p>The application is accompanied by an Ecological Assessment which includes a biodiversity net gain (BNG) assessment.</p> <p>The ecological assessment provides the results of surveys carried out in 2021. This included a UK habitat and condition assessment, assessment of the potential for protected species, breeding bird surveys, a GCN survey, badger, dormouse habitat suitability, reptile presence/likely absence surveys of the proposed area of the proposed development. It also includes an assessment of habitats and their potential to support protected species along the cabling routes.</p>  |

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|     | <p>Ecological surveys have confirmed the use of boundary habitats by breeding birds and have identified the potential for bats, dormice, badgers, and hedgehogs to be using the habitats on site. In addition, nesting skylark are present off site to the south west. The submitted ecological report outlines mitigation measures that would be required to ensure that the conservation status of the species present on and around the site will be maintained, while measures to enhance the habitats present on the site itself are also recommended.</p> <p>The survey supporting the report found suitable habitat for protected species along the proposed cable route, with the report setting out mitigation measures to minimise harm to the species present and ensure that the conservation status of any protected species present will be maintained. These mitigation measures will be conditioned to ensure the development will not contravene any legislation or planning policy pertaining to protected species.</p> <p>In terms of biodiversity net gain, an increase of 234.08% or 115.03 habitat units and 104.56% or 14.57 linear units will be achieved across the Application Site, by the planting of grasses and meadow species for ground nesting birds, in particular skylark, with new and enhanced hedgerows and improvements to the Norlington Stream. This level of enhancement is substantially over and above the minimum 10% net gain expected by Lewes District Council and expected by the Environment Act and would deliver a significant improvement to the biodiversity on site, albeit in a temporarily changed landscape.</p> <p>Further measures will be taken to ensure all retained trees and hedgerow are protected during construction of any access point and during cable routing.</p> <p>Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable.</p> <p>Issues relating to ecology and BNG should be given <u>significant weight</u> in the planning balance</p> |
| 8.9 | <p><u>Traffic and Access</u></p> <p>All construction vehicles will enter the Site via an existing agricultural access on the A26. The access will be widened slightly to accommodate a 16.5m articulated vehicle. This is the largest vehicle that will visit the site. Banksmen will be provided at the Site access junction to ensure the safe movement of all construction vehicles. The applicant has stated that no HGV traffic will access the site from Norlington Lane during the construction period without the prior approval of the local planning authority. This can be conditioned</p> <p>The applicant's information suggests that there will be approximately six HGVs per day (twelve two-way movements) on average accessing the site throughout the construction period. There will also be construction workers arriving at the site in the morning and departing in the evening, also</p>   |

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|      | <p>accessing off the A26. It is considered that with access for construction being restricted to coming directly off the A26 that there will not be a material effect on the safety or operation of the local highway network.</p> <p>Mitigation measures have also been proposed to further minimise impact from resulting construction activities on the local road network. A Construction Traffic Management Plan (CTMP) has been prepared and sets out the proposed site access points, vehicle movements and the construction vehicle route from the strategic highway network to the Site.</p> <p>The access has been assessed by ESCC who are satisfied that safe access can be provided.</p> <p>Three further maintenance access points will be used, these are existing field access points from Norlington Lane, two at the northern end of the site and one to the south. The existing accesses shown to be utilised for this proposal are existing agricultural field access only. Therefore as these accesses are currently limited to seasonal farming activity, on the basis that the maintenance will only be 2 visits a month the movements are unlikely to cause a significant issue for other users of Norlington Lane, especially as the authorised use is likely to be larger agricultural vehicles rather than the cars and vans proposed for maintenance.</p> <p>The existing PRoW that crosses the southern end of the site (Ringmer 12) is not proposed to be diverted or closed and will remain open to users during the temporary construction period and during operations.</p> <p>Overall, the proposed development is considered to be acceptable in terms of traffic and access issues.</p> <p>Issues relating to traffic should be given <u>moderate weight</u> in the planning balance.</p> |
| 8.10 | <p><u>Impact on wider amenity</u></p> <p>Glint and Glare</p> <p>PV panels can result in glint and glare. Glare is a continuous source of excessive brightness off a surface relative to the ambient lighting. It could be experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. Glint is a momentary flash of light. This may be produced as a direct reflection of the sun in the solar panel. Glint could be experienced by an observer passing a solar panel at speed, such as a motorist.</p> <p>An assessment has been submitted that has undertaken an assessment in following best practise. This resulted in looking at all receptors (residential and road) within 1KM of the site and all aerodromes within 30KMs of the site.</p> <p>This analysis identified that there were 40 individual residential receptors, 33 road receptors and two runways required more detailed analysis.</p> <p>The assessment concluded that:</p>   |



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|      | <ul style="list-style-type: none"> <li>• Solar reflections are possible at 33 of the 40 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 14 receptors, Medium at six receptors, Low at 12 receptors, and None at the remaining seven receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High for two receptors and reduce to None for all remaining receptors. Once mitigation measures were considered, all impacts reduce to None. Therefore, overall impacts are None.</li> <li>• Solar reflections are possible at 23 of the 33 road receptors assessed within the 1km study area. Initial impacts were High at 23 receptors and None at 10 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High for two receptors and reduce to None at all remaining receptors. Once mitigation measures were considered, all impacts reduce to None. Therefore, overall impacts are None.</li> <li>• Glint and Glare Assessment.</li> <li>• Only Green Glare was predicted for Runway 24 at Ringmer Airfield, which is an acceptable impact in accordance with the Federal Aviation Authority (FAA). Therefore, the overall aviation impacts are Low and Not Significant.</li> <li>• Mitigation measures are required to be put in place due to the High impact found at Residential Receptors 35 and 38 and Road Receptors 22 and 23. These measures include hedgerow planting, gapping up and maintaining to a height of 3m along the eastern boundary of the Proposed Development. This will ensure views are screened from all receptors.</li> <li>• The effects of glint and glare and their impact on local receptors has been analysed in detail and the impact on all receptors is predicted to be None for ground-based receptors and Low for aviation receptors, and therefore Not significant.</li> </ul> <p>It is concluded based on the evidence provided that the development would not give rise to any substantial harm with regard to solar reflection or glint and glare.</p> <p>Issues relating to solar reflection and glint and glare should be given significant weight in the planning balance.</p> |
| 8.12 | <p><u>Conclusions:</u></p> <p>The overriding material consideration is the significant public benefits in terms of the provision of a renewable energy scheme.</p> <p>For the reasons outlined in this report the negative impacts of the proposals can be adequately mitigated and controlled via planning considerations resulting in an acceptable landscape impact and less than substantial harm to the Grade II Listed Buildings.</p>   |

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|  | Officers are recommending the scheme for approval subject to referral to the Government Office and suggested conditions. |
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| <b>9.</b> | <b>Recommendations</b>  |
| 9.1       | <p>1/ If the Committee resolve to grant planning permission then the application shall be referred to Secretary of State (SoS)</p> <p>2/ In the circumstances that the that the SoS does not wish to exercise call in powers The Planning Applications Committee grant the Head of Planning delegated authority to <b>APPROVE</b> the permission subject to conditions listed within the addendum report.</p> |

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| <b>10.</b> | <b>Conditions:</b>               |
| 10.1       | As listed in the addendum report |

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| <b>11.</b> | <b>Plans:</b>                     |
| 11.1       | As listed in the addendum report. |

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| <b>12.</b> | <b>Appendices</b> |
| 12.1       | None.             |

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| <b>13.</b> | <b>Background Papers</b> |
| 13.1       | None.                    |

**Report to:** Planning Applications Committee  
**Date:** 9<sup>th</sup> November 2022  
**Application No:** LW/19/0926  
**Location:** Newhaven Marina, West Quay, Newhaven, East Sussex  
**Proposal:** Demolition of existing structures and a phased development consisting of the erection of 259 residential apartments (Use Class C3) & 141 retirement living apartments (Use Class C2) with car parking; up to 3,500m<sup>2</sup> commercial floorspace (including restaurant (Use Class A3), marina related retail (Use Class A1), marina related workshop (Use class B2), marina facilities (including offices, clubroom changing rooms etc.), office floorspace (Use Class B1), 50 bed apart hotel (Use Class C1); ancillary gym) and boat/car park; berths & riverside walkway. The proposals will be carried out in six phases, preceded by demolition of existing structures associated with each phase. The Marina pontoons will be reconfigured with the building phases.

**Applicant:** Baron Bay Ltd.

**Ward:** Newhaven South

**Recommendation:** 1: Subject to no adverse comment being received from the Health and Safety Executive and Historic England then application be granted subject to S106 agreement and conditions as listed below

Heads of Terms for legal agreement:

- Transport contributions and improvements
- Commuted sum for play space
- Viability review mechanism
- Public space management plan
- Local Labour agreement

2: Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 4th of January 2023 or a time frame agreed with the LPA, the Planning Applications Committee grant the Head of Planning delegated authority to REFUSE the application for the following reason(s):  
The application fails to provide the necessary highways mitigations by reason of failure to successfully complete a Section 106 Agreement, which would be to the detriment of road users and highways capacity. The development would therefore be contrary to Policies T1 of the Newhaven Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.

Contact Officer:

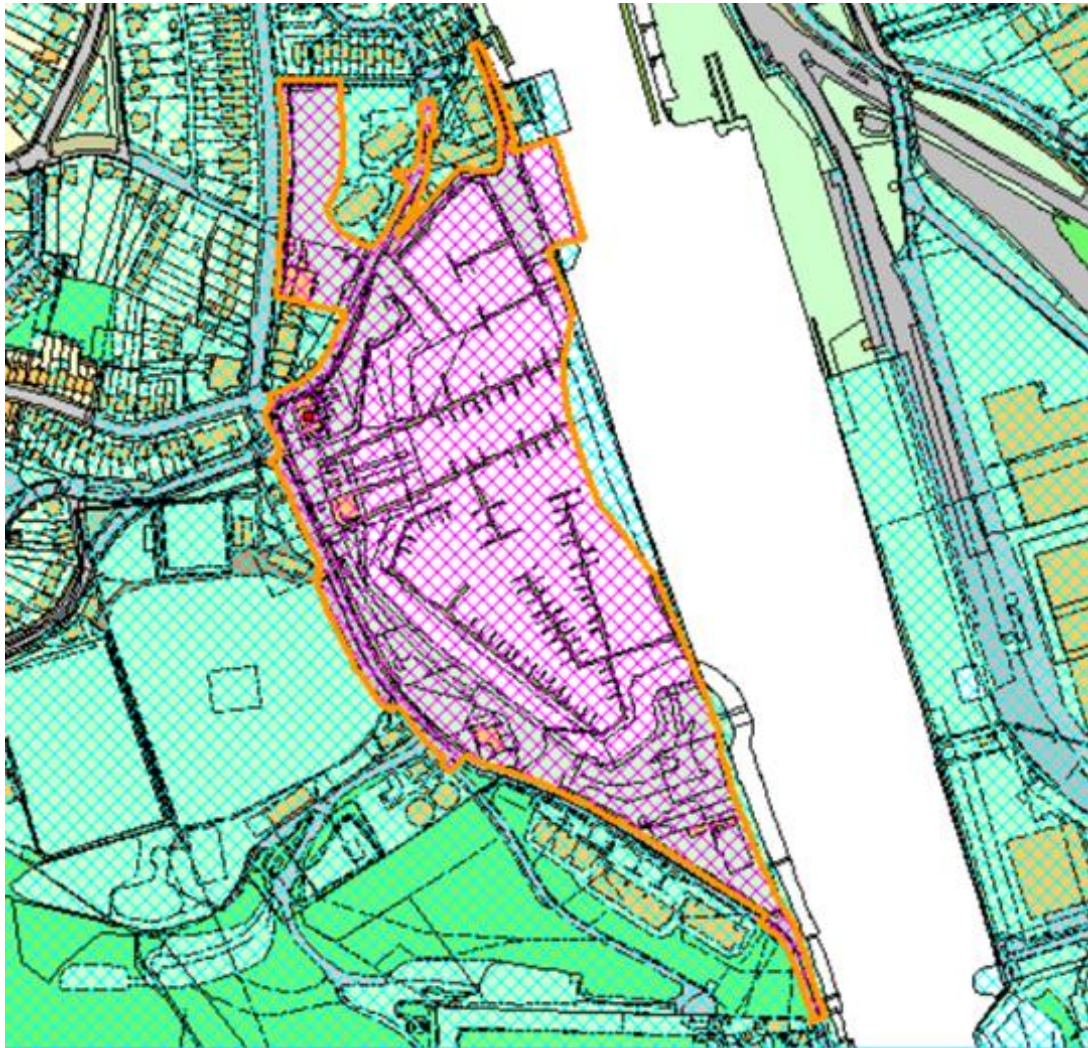
Name: Leigh Palmer

E-mail: [leigh.palmer@lewes-eastbourne.gov.uk](mailto:leigh.palmer@lewes-eastbourne.gov.uk)

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

Site Location Plan



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| 1.  | <b>Executive Summary</b>   |
| 1.1 | <p>The submitted scheme is for full planning permission for:</p> <ul style="list-style-type: none"> <li>• The Demolition of existing structures</li> <li>• A phased development consisting of the erection of 259 residential apartments (Use Class C3) &amp; 141 retirement living apartments (Use Class C2) with car parking.</li> <li>• Up to 3,500m2 commercial floorspace (including Use Class E), (Use class B2),</li> <li>• Marina facilities (including offices, clubroom changing rooms etc.),</li> <li>• Office floorspace (Use Class B1),</li> <li>• A 50-bed apart hotel (Use Class C1); ancillary gym)</li> <li>• boat/car park; berths &amp; riverside walkway.</li> </ul> |
| 1.2 | <p><b>Housing Delivery</b><br/> The provision of 400 residential (including sheltered units) would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant positive</u> weight in the planning balance.</p>   |
| 1.3 | <p><b>Affordable Housing</b></p> <p>No affordable housing would be a provided however this is justified by the applicant's viability submission which has been reviewed by an independent viability assessor.</p> <p>The provision is policy complaint and would carry <u>neutral weight</u> in the planning balance.</p>  |
| 1.4 | <p><b>Economic Benefits</b></p> <p>The proposal offers economic benefits in the form of job creation during and post construction. Post construction it is estimated that the proposal will provide approximately 143 new jobs this is considered to be a significant benefit and is in keeping with the ambitions set out within the NPPF and the Councils LPP1.</p> <p>This would carry <u>significant weight</u> in the planning balance</p>  |
| 1.5 | <p><b>Marina Facilities</b></p> <p>The proposal will retain the maritime and marine uses that currently exist on the site (marina related retail (Use Class A1) marina related workshop (Use class B2), marina facilities) whilst also including an additional 15 berths in the marina.</p> <p>This would carry <u>moderate weight</u> ion the planning balance</p>  |
| 1.6 | <p><b>Placemaking and Townscape</b></p> <p>Due to its location and the context of the development being located amongst existing built areas, the development would result no significant</p>  |

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|      | <p>harm to the character of the area. The development would offer significant public realm improvements and subject to details such as landscaping, and materials would be considered to result in a positive contribution and regeneration to the character and appearance of the surrounding area.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>   |
| 1.7  | <p><b>Biodiversity Net Gain</b></p> <p>The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. On balance, the proposed biodiversity enhancements would be positive and would meet and exceed the councils 10% Biodiversity Net Gain threshold.</p> <p>This would carry <u>minor weight</u> in the planning balance.</p>   |
| 1.8  | <p><b>Highways</b></p> <p>The highways issues can be resolved by S106 and Conditions. Subject to the successful resolution of impacts upon the highway and the signing of an S106 Agreement,</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>  |
| 1.9  | <p><b>Heritage Impacts</b></p> <p>The proposed development is located in close proximity to the scheduled monument (Newhaven Fort). Paragraph 202 of the NPPF sets out that where less than substantial harm is caused upon a heritage asset this should be weighed against the public benefits of the scheme.</p> <p>The proposed development by reason of its location in proximity to this area would result in a less than substantial harm to its setting.</p> <p>This should be given <u>moderate weight</u> in the planning balance</p> |
| 1.10 | <p><b>Water Issues</b></p> <p>It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. Both ESCC SUDS and the EA have raised no objection to the scheme on these grounds. Subject to conditions the flooding and SUDS impacts can be acceptably resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>  |
| 1.11 | <p><b>Air Quality &amp; Contaminated Land</b></p> <p>Both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be acceptably resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>   |
| 1.12 | <p><b>Quality Living Environment</b></p>   |

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|      | <p>The scheme would provide adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby.</p> <p>This should be given in the planning balance.</p>  |
| 1.13 | <p>In summary the public benefits of the proposal would be:</p> <ul style="list-style-type: none"> <li>• The provision of a proportion of the 400 Units to housing land supply</li> <li>• The creation of approximately 143 permanent jobs,</li> <li>• Regeneration, design, and character,</li> <li>• Retail provision</li> <li>• The enhancement of the marina</li> </ul> |
| 1.14 | <p>Officers consider that the scheme would be acceptable and is therefore recommended for approval subject to S106 legal agreement and planning conditions</p>  |

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| <b>2.</b> | <b>Relevant Planning Policies</b>  |
| 2.1       | <p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p> |
| 2.2       | <p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP2 – Housing Type, Mix and Density.</p> <p>LDLP1: – CP4 – Economic Development &amp; Regeneration.</p> <p>LDLP1: – CP9 – Air Quality.</p> <p>LDLP1: – CP10 – Natural Environment and Landscape.</p>  |

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|     | <p>LDLP1: – CP11 – Built and Historic Environment &amp; Design</p> <p>LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM14 – Multi-functional Green Infrastructure</p> <p>LDLP2: – DM15 – Provision for Outdoor Playing Space</p> <p>LDLP2: – DM16 – Children’s Play Space in New Housing Development</p> <p>LDLP2: – DM20 – Pollution Management</p> <p>LDLP2: – DM22 – Water Resources and Water Quality</p> <p>LDLP2: – DM23 – Noise</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>Affordable Housing SPD July 2018</p> <p>Interim Policy Statement for Housing Delivery March 2020</p> <p>Five Year Housing Land Supply Position Statement March 2021</p> |
| 2.3 | <p><u>Newhaven Neighbourhood Plan:</u></p> <p>T1 – Congestion mitigation and sustainable movement.</p> <p>R1 – Recreation, Leisure and Local Green Spaces.</p> <p>D1 – Promoting Good Design.</p> <p>D2 – Design and Climate Change.</p> <p>H1 – A Spatial Strategy for Newhaven.</p> <p>E3 - The Visitor Economy</p> <p>E4 - Employment Clusters</p> <p>NE1 – Biodiversity Protection and Enhancement</p>  |

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| <b>3.</b> | <b>Site Description</b>  |
| 3.1       | The site is situated on the western bank of the River Ouse, roughly 450m north of the mouth of the River at Seaford Bay, which opens into the English Channel. The site is currently in use as a Marina with various supporting uses, such as car parking, a small parade of shops, dry boat docking, commercial space and other Marina associated uses. |
| 3.2       | The site is accessed from Fort Road to the West, West Quay to the North and a pedestrian walkway / cycleway, ‘Riverside South’, to the North.  |



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|      | Riverside can only be accessed by vehicular traffic associated with the quay.   |
| 3.3  | To the west of the Marina, across Fort Road, traditional two storey terrace residential properties of staggered linear design are found, along with a small local supermarket, apartment blocks of various heights and architectural styles and a multi-sports recreation ground.             |
| 3.4  | The immediate west of the marina is dominated by the recreation ground and Newhaven Fort.   |
| 3.5  | South of the site, a mix of two and three storey terrace apartment blocks prevail, in a modern development complex (Mariners Wharf). Fort Road continues further round the waterfront, beyond where the proposed development will take place, towards the river estuary and West Beach.       |
| 3.6  | Fort road is lined with low level residential flatted development round to West Beach, with Newhaven Fort situated on the hilltop behind the existing dwellings.  |
| 3.7  | Beyond the marina itself and across the River Ouse the most prominent of the industrial uses is the scrap metal / waste management facility run by Newhaven Port Authority.   |
| 3.8  | Opposite the site is also the location of the Port of Newhaven. Newhaven Port is a main ferry terminal station running regular services to Dieppe, France. The ferry, when at the port, dominates the landscape due to its significant scale  |
| 3.9  | The town centre is situated approximately 1 km north west of the Marina, whereby a range of shops and services can be found. The town benefits from two train stations, Newhaven Harbour and Newhaven Town, both running regular services to Brighton, Lewes.                                 |
| 3.10 | The site does not form part of an Area of Outstanding Natural Beauty (AONB), nor is it a World Heritage Site, nor a National Park, nor a Site of Special Scientific Interest (SSSI). The River Ouse estuary and its floodplain is designated a Site of Nature Conservation Importance (SNCI). |
| 3.11 | There are no Conservation Areas or Statutorily Listed Buildings in the vicinity, however Newhaven Fort is a Scheduled Ancient Monument and dominates the sea entrance to the town, with views across from Seaford to the east and the Downs behind the town.                                  |

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| 4.  | <b>Proposed Development</b>   |
| 4.1 | <p>The submitted scheme is for full planning permission for:</p> <ul style="list-style-type: none"> <li>• The Demolition of existing structures</li> <li>• A phased development consisting of the erection of 259 residential apartments (Use Class C3) &amp; 141 retirement living apartments (Use Class C2) with car parking.</li> <li>• Up to 3,500m<sup>2</sup> commercial floorspace (including Use Class E), (Use class B2),</li> <li>• Marina facilities (including offices, clubroom changing rooms etc.),</li> <li>• Office floorspace (Use Class B1),</li> <li>• A 50-bed apart hotel (Use Class C1); ancillary gym) boat/car park; berths &amp; riverside walkway</li> </ul>   |
| 4.2 | <p>The proposals will be carried out as a phased development, preceded by demolition of existing structures associated with each phase. The Marina pontoons will be reconfigured with each of the building phases.</p>  |
| 4.3 | <p>The proposed development comprises 11 blocks of varying heights between 3 and 13 storeys high.</p> <p>The residential (including retirement) element of the proposals include</p> <ul style="list-style-type: none"> <li>• 59 x studios, (15%)</li> <li>• 133 x 1 bed units, (2 person units) (33%)</li> <li>• 188 x 2 bed units (3 and 4 person units) (47%)</li> <li>• 20 x 3 bed units (4,5 and 6 person) (5%)</li> </ul>   |
| 4.4 | <p>The total commercial space equates to 3,116m<sup>2</sup> which will provide a range of commercial uses (restaurants, bars, marina related shops, offices etc).</p>   |
| 4.5 | <p>The following accompanying facilities are provided:</p> <ul style="list-style-type: none"> <li>• A 50-room aparthotel will form part of the development (3,190 m<sup>2</sup>).</li> <li>• 300 reconfigured and enhanced berths are to be provided in an improved layout, greater dry stack provision and a new riverside walkway.</li> <li>• A total of 587 car parking bays are to be provided (consisting of both under-croft and surface parking). Furthermore, two spaces are allocated to be Car Club spaces.</li> <li>• Cycle storage provision for residential and commercial development is provided in accordance with local policy requirements. 210 cycle spaces are provided for the residential development (with additional visitor spaces provided). A further 34 commercial cycle spaces are provided in secure stores. A further 196 cycle spaces are to be pepper-potted around the site.</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Refuse and recycling storage is located to allow for roadside collection from the under-croft parking level. A management company will coordinate the individual commercial and hotel refuse / recycling collection strategy.</li> <li>• The apartments benefit from private amenity space, in the form of balconies or terraces. Landscaping is a central theme of the wider site, with areas of planting and landscaping proposed.</li> </ul> |
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| <b>5.</b> | <b>Relevant Planning History:</b>  |
| 5.1       | <p>LW/90/0318 457 units of residential accommodation with private car parking, relocated facilities for fishermen.<br/>Withdrawn 26th November 1990</p> <p>LW/91/0716 302 units of residential accommodation relocated facility for fishermen.<br/>Refused 12th July 1991</p> <p>LW/90/1746 300 units of residential accommodation relocated facilities for fisherman.<br/>Withdrawn 11th May 1995</p> <p>LW/06/1172 334 residential flats and associated facilities<br/>Withdrawn 5th January 2007</p> <p>LW/07/1475 319 residential apartments &amp; 12 town houses and associated works<br/>Approved 26th July 2012</p> |

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| <b>6.</b> | <b>Consultations:</b>   |
|           | These are summaries of the representations received, the full responses are available to view on the Council's website. |
| 6.1       | <p><u>ESCC Archaeology:</u></p> <p>No objections subject to conditions</p>  |
| 6.2       | <p><u>Sussex Police</u></p> <p>Secured by Design principles should be followed</p>                                      |
| 6.3       | <u>Environment Agency:</u>  |

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|     | Initially, an objection was raised due to the absence of an acceptable Flood Risk Assessment, however the concerns were resolved, and the Flood Risk Assessment is now agreed.  |
| 6.4 | <p><u>Planning Policy Comments:</u></p> <p>The following matters were raised:</p> <p>Principle and scale of development is considered acceptable and broadly compliant with CP2</p>   |
| 6.5 | <p><u>LDC Regeneration Team:</u></p> <p>No objections.</p>  |
| 6.6 | <p><u>Waste Services</u></p> <p>Waste Services have confirmed no objection to the proposal and that the waste management plan and refuse vehicle swept paths analysis is acceptable</p>   |
| 6.7 | <p><u>ESCC Ecology</u></p> <p>Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.</p>   |
| 6.8 | <p><u>Southern Water</u></p> <p>No objections with the following comments</p> <p>No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.</p> <p>Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.</p> <p>Southern Water and the Developer will need to work together in order to review the delivery of our network reinforcement aligns with the proposed occupation of the development as it will take time to design and deliver any such reinforcement.</p> |

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|      | <p>Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:</p> <ul style="list-style-type: none"> <li>I- Initial feasibility, detail modelling and preliminary estimates</li> <li>II- Flow Monitoring (if required)</li> <li>III- Detail Design, including land negotiations</li> <li>IV- Constructions</li> </ul> <p>The overall time required for any reinforcement should be limited to 24 months</p> <p>Any SUDS scheme will not be adopted by the sewage undertakers. The developer is recommended therefore to ensure lifetime maintenance of the SUDS facilities.</p> <p>A number of proximity criteria are also listed that the developer would need to adhere to.</p> |
| 6.9  | <p><u>ESCC Suds</u></p> <p>No objections subject to conditions</p>  |
| 6.10 | <p><u>ESCC Highways</u></p> <p>No objections subject to conditions and S106</p>   |
| 6.11 | <p><u>LDC Contamination</u></p> <p>No objections subject to conditions.</p>   |
| 6.12 | <p><u>LDC Conservation Officer</u></p> <p>The level of harm is considered to be less than substantial harm</p>  |
| 6.13 | <p><u>Environmental Health</u></p> <p>Environmental Health have no objection to the proposed development.</p>   |
| 6.14 | <p><u>Health and Safety Executive</u></p> <p>No objections</p>  |
| 6.15 | <p><u>Historic England</u></p> <p>Have requested that further work is undertaken regarding the setting of the Newhaven Fort prior to affirming their recommendation</p>   |

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| 7.  | <p><b>Other Representations:</b></p> <p>Since re-consultation on the application, 40+ letters of objection have been received at the time of writing this report and 10 letters of support.</p> <p>A summary of material planning matters raised is provided below</p>  |
| 7.1 | <p><u>Neighbour Representations:</u></p> <p><b>Principle:</b></p> <ul style="list-style-type: none"> <li>• Overdevelopment of Newhaven and the Marina</li> <li>• The Newhaven fisherman are concerned of no replacement for the grid used for cleaning vessels and painting.</li> <li>• Future occupants will be impacted by surrounding uses i.e. noise pollution.</li> <li>• The lack of need for a café as there are three in the local area.</li> </ul> <p>OFFICER COMMENT: The principle has been assessed in the appraisal of this report</p> <p><b>Highway Impact:</b></p> <ul style="list-style-type: none"> <li>• Parking concerns.</li> <li>• Traffic generation and traffic on A259.</li> <li>• Impact on Fort Road traffic congestion</li> <li>• Impact on surrounding residential roads being used as cut throughs.</li> <li>• Congestion and disruption caused during construction.</li> </ul> <p>OFFICER COMMENT: The highway impact has been considered by County Highways who are satisfied by the proposals.</p> <p><b>Visual Impact:</b></p> <ul style="list-style-type: none"> <li>• The building heights proposed are overbearing. Out of character with the rest of Newhaven.</li> <li>• The location should preserve the existing openness.</li> </ul> <p>OFFICER COMMENT: The visual impact has been assessed in the appraisal of this report.</p> <p><b>Flooding and Drainage:</b></p> <ul style="list-style-type: none"> <li>• Sewers in the area are already at capacity, with sewerage being pumped into the River Ouse.</li> <li>• Impact on flooding, which is already an issue in the location.</li> </ul> <p>OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) who have no objection.</p> <p><b>Local Infrastructure:</b></p> |

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|  | <ul style="list-style-type: none"> <li>• School places, healthcare services and roads are at capacity and the plans do not propose any new services to mitigate these.</li> </ul> <p>OFFICER COMMENT: Infrastructure has been assessed in the appraisal of this report.</p> <p><b>Amenity:</b></p> <ul style="list-style-type: none"> <li>• Noise and disturbance.</li> <li>• Privacy</li> <li>• Daylight/Sunlight</li> </ul> <p>OFFICER COMMENT: Residential amenity impact has been assessed in the appraisal of this report.</p> |
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| <b>8.</b> | <b>Appraisal:</b>   |
| 8.1       | <p><u>Key Considerations:</u></p> <p>The main considerations relate to the principle of the development; design and Character; Impacts upon heritage assets; neighbouring amenities; impacts upon highway/pedestrian safety; flood risk; quality of accommodation; archaeology; sustainability; ecology/biodiversity; affordable housing/planning obligations and environmental health and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.</p> <p>A Section 106 legal agreement will be drafted post decision to secure affordable housing contributions, and the provision of a play area commuted sum, highway contributions, a review Mechanism and a local Labour agreement and a public areas management plan.</p>  |
| 8.2       | <p><u>Principle:</u></p> <p><u>Residential NPPF Context</u></p> <p>Para. 11 of the NPPF (2021) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay.</p> <p>Para. 120 of the National Planning Policy Framework (NPPF) states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported.</p> <p>Paragraphs 7 and 8 of the NPPF state that there are three dimensions to sustainable development: economic, social, and environmental.</p> <p>The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right</p> |

places, and the environmental objective making efficient and effective use of land to improve the environment.

The social objective of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

The environmental role to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy...

#### Residential Need Context and Housing Land Supply

Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).

Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).

This has been reviewed given the age of the local plan and the application of the standard methodology has been used to derive a housing need figure of 782 homes per year.

This has been further disaggregated to reflect to housing delivery of the South Downs national Park resulting Lewes District housing figure of 602 homes per annum

The Council currently has a supply of deliverable housing land equivalent to 2.73 years outside the South Downs National Park (SDNP).

#### Relevant Planning History

The principle of a residential led mixed-use development has previously been established as detailed in the Planning History section of this report, in 2012 planning permission was granted for 319 residential apartments & 12 town houses and associated works on the site. The planning permission was never implemented and as such a new consent is being sought.

#### Local Plan & Neighbourhood Plan Allocation.

Both the Local Plan and the Newhaven Neighbourhood Plan allocates the site for development.

The site allocation in the local plan is for 300 units and as such this proposal exceeds the allocation when considering both C2 and C3 units together.

However, there are no policies that directly resist additional housing being provided where possible. Given the Council's lack of a 5-year housing land supply this surplus would be considered a benefit, as long as this does not



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|     | <p>detrimentally conflict with other national or local planning policies or guidance.</p> <p><u>Residential Provision</u></p> <p>Overall, officers consider that the provision of 259 residential units and 141 retirement living apartments class C2 to be a benefit of the proposal.</p> <p>The proposal includes 141 retirement apartments would contribute 78 units to housing delivery whilst also diversifying the housing offer proposed in the development to accommodate a greater range of different users. Officers consider that the provision of the proposed C2 units would be acceptable in principle.</p> <p><u>Hotel</u></p> <p>The provision of an aparthotel as part of the regeneration of Newhaven Marina is justified to compliment the enhancement, and creation of new business in the area. The expected increase of visitors to the area, in line with the local strategic objectives for tourism, will benefit from the delivery of this hotel, which will contribute to wider economic growth in Newhaven.</p> <p>Principle Therefore, the residential provision is considered to be in accordance with the local plan and would provide a valuable contribution to 5-year housing land supply.</p> <p>Support for this element of the scheme is included within The Lewes District Hotel &amp; Visitor Accommodation Futures document (2009) &amp; Newhaven Economic Plan (2019), and specifically Policy E3 The Visitor Economy of the Newhaven Neighbourhood Plan.</p> |
| 8.3 | <p><u>Retail and Commercial</u></p> <p>The Application site currently accommodates a mix of uses, predominately marine focussed but also a small number of local shops. The existing site currently has a total 1,192 sqm of employment and retail floorspace.</p> <p>This is split between</p> <p>195sqm of B1(a) (Offices),</p> <p>652sqm of A1 (Shops) and A3 (Restaurants and cafes),</p> <p>230 sqm of D2 (Leisure and Assembly) and</p> <p>115sqm of 'other'.</p> <p>The redevelopment of the site proposes</p> <p>1423 sqm B1(a) (Offices)</p> <p>1444sqm of A1 (Shops) and A3 (Restaurants and cafes),</p> <p>64sqm of D2 (Leisure and Assembly) and</p> <p>36 sqm of other</p> <p>Given the nature of the retail which is likely to be provided in this location which given the size and capacity of the units is likely to be small leisure based restaurants and enterprises it is considered that the net gain of</p>  |

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|                    | <p>retail and commercial space will effectively mitigate the loss of use class D2 floorspace.</p> <p>The range of different uses is supported by Policy CP4 and CP6 which requires developments to build in buoyancy against changing market conditions and supports a range of different uses to create a vibrant and sustainable economic environment.</p> <p>In particular the significant increase in B1 floorspace is supported by policy E4 of the Newhaven Neighbourhood Plan. The range of different commercial and retail use classes is therefore considered to be a positive outcome of the development and is supported in principle.</p> <p>Linked with the marine element of the development, the proposal includes the reinstatement of roughly 15 berths which have been lost due to siltation, restoring the Marina’s capacity to 300 berths. A formalised area for dry stacking is also included in the development. This is consistent with Policy NH02 and is supported.</p> <p>The proposed development will be an out of town centre area of retail and commerce that is closely linked to and is considered to supplement the town centre rather than draw trade from it in accordance with paragraph 88 of the NPPF.</p> <p>Overall, the additional retail and commercial provision is supported by Policies CP4, CP6 and E4 and the NPPF and it is therefore considered to be a benefit of the scheme and will be weighed positively in the planning balance.</p> |                    |    |                    |     |
| 8.4                | <p><u>Marina Improvements:</u></p> <p>The proposal will retain the maritime and marine uses that currently exist on the site (marina related retail (Use Class A1) marina related workshop (Use class B2), marina facilities) whilst also including an additional 15 berths in the marina.</p> <p>The proposal would therefore be in accordance with policy E4 Employment Clusters and would be supported in this regard.</p>  |                    |    |                    |     |
| 8.5                | <p><u>Economic Impacts</u></p> <p>It has been calculated that the scheme would generate approximately the following jobs:</p> <table data-bbox="320 1659 703 1733"> <tr> <td>Existing Job Yield</td> <td>66</td> </tr> <tr> <td>Proposed Job Yield</td> <td>209</td> </tr> </table> <p>There is a potential uplift of 143 jobs associated with the non-residential uses on-site, this is in addition to the construction jobs and associated supply jobs associated with the development.</p> <p>The proposed development would create a significant number of permanent jobs and would also house a number of jobs which would enhance the locally specific marine tourism and leisure activities which exist in the area.</p>  | Existing Job Yield | 66 | Proposed Job Yield | 209 |
| Existing Job Yield | 66   |                    |    |                    |     |
| Proposed Job Yield | 209  |                    |    |                    |     |

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|            | <p>Overall, the proposed economic impacts are considered to be a benefit of the scheme which will be weighed accordingly in the planning balance.</p>   |
| <p>8.6</p> | <p><u>Housing Mix</u></p> <p>Using the area of the dry land, 6.77Ha, the proposed density per hectare is 59 units per hectare.</p> <p>The Recommended density is set out in policy CP2 as between 47-57dph, however, exceeding this figure is not in of itself harmful and the proposed application would be subject to assessment of other material considerations and is considered to be acceptable.</p> <p>Policy also recommends the provision of a greater proportion of 1-2 bed properties in new developments, further justified through the location of the site adjacent to the town centre. This has been considered and included within the scheme. The schedule below outlines the residential units proposed which includes those included with the sheltered elements of the scheme.</p> <p style="padding-left: 40px;">59 (15%) Studio<br/> 133 (33%) 1 Bed (2 person)<br/> 188 (47% 2 Bed (3 and 4 person)<br/> 20 (5%) 3 bed (4, 5 and 6 person)</p>  |
| <p>8.7</p> | <p><u>Design, Character and Impact Upon Landscape</u></p> <p><u>Landscaping</u></p> <p>The design of the public realm has responded to a number of character areas conceived along the length of the development to inform the approach.</p> <p>Marina Riverside is at the southern end, where the development broadens out to create a sheltered internal courtyard separated from the river walk by the change in level.</p> <p>Marina Wharf straddles the two levels between the riverside walk and upper terrace, with a series of curved connecting steps. The upper level is part paved square and part planted garden.</p> <p>Marina Square is the principal public space linking Fort Road and the amenity spaces beyond with the marina. It is located at the fulcrum of the marina creating panoramic views out across the water.</p> <p>The Marina Facilities are located towards the working end of the marina and conceived as a simple paved area that works as a dinghy park during the winter and car park during the summer.</p> <p>Landmark building is located towards the river edge and will provide a future reference point for the marina and mouth of the river.</p> <p>The applicant states that high quality hard and soft landscaped areas and materials are to be used throughout. Opportunities to maximise areas of tree and shrub planting, green walls and living roofs have been taken to</p> |

soften the scheme and greatly increase biodiversity. This includes increased and enhanced areas of marine inter-tidal habitat. Additional tree planting at the edge of the recreation ground is also proposed, which will also assist as a windbreak.

### Public Realm

The marina side walkway/boardwalk will provide approximately 600m of continuous public access to the waterfront, connecting to the Riverside walkway constructed in the first two phases of the West Quay Regeneration Projects, which connects to the town centre.

A range of high-quality public open spaces and viewing areas along the route will provide strong visual connections to the marina and river beyond. The buildings have been arranged to allow sunlight to reach the main public open spaces.

A hierarchy of public external spaces throughout the scheme will be created with the main public open space located in the centre of the site, which will create a prominent heart to the scheme and strong links to the recreation ground. The central public space looks onto the main waterway access from the river, and the Newhaven/Dieppe ferry berth opposite.

Improvements in Fort Road are proposed which will greatly enhance the quality and safety of public realm, improve connections to the Recreation Ground, Newhaven Fort, Castle Hill Nature Reserve and two community halls. These include the creation of new crossings, traffic calming, additional car parking for visitors, extensive tree planting and soft landscaping, including additional tree planting in the recreation ground, resurfacing of the road, completing footpaths where gaps exist and the introduction of dropped kerbs.

There is clear definition between public/private areas and carparking is mainly hidden beneath buildings, to minimise visual impact and make good use of the flood risk zone.

### Building design and layout

The proposed arrangement and scale of buildings completes the master planned design which included the first two phases of the West Quay regeneration project directly to the north. An arc of buildings will surround and enclose three sides of the marina.

The marina site is highly visible, located directly opposite the Newhaven – Dieppe ferry berth and viewed daily by railway passengers travelling through the East Quay. It is intended to be a gateway scheme, signalling positive change for Newhaven, and presenting a much-improved visitor impression to raise the town's profile.

The two tallest blocks create a destination marker for those visiting the area and frame the main open space in the centre of the scheme where the restaurants and bars are to be located. The tallest blocks are sited furthest away from existing residential buildings.

The development consists of 10 Riverside apartment blocks and a hotel, interspersed with public places along an upper boardwalk terrace. Most blocks have a mix of small to medium sized commercial facilities on the

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|     | <p>lower floors with car parking concealed beneath all blocks within the flood risk zone.</p> <p>The buildings have been carefully arranged to be sensitive to the setting of the Newhaven Fort, framing views of its entrance and distinctive grass mounds. When viewed from the promontory at the north end of the marina and the swing bridge.</p> <p>The varying heights of the 10 blocks has been informed by thorough analysis carried out from key viewpoints agreed with planning officers as part of the Landscape Visual Impact Assessment. Scale has also been determined by proximity to existing buildings and daylight analysis to ensure no harm is caused.</p> <p>Architectural and landscape design will contribute to the regeneration of the area. The fronts and backs of all blocks have been designed to achieve equal quality. Main residential entrances are located along Fort Road to maximise activity on both sides of the development.</p> <p>The retirement flats have been arranged in four blocks at the southern end of the site. These blocks have been designed especially mindful of views from Newhaven Fort above and also from the ferry and other vessels arriving from the English Channel. The design of the retirement blocks has also been informed by the proximity of the noisy scrap metal yard on the opposite side of the river, with main balconies and windows orientated facing south to the English Channel rather than across the river.</p>   |
| 8.8 | <p><u>Impact Upon Heritage Assets</u></p> <p>Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.</p> <p>There are heritage assets near to the site. NPPF paragraph 194 sets out that heritage assets should be preserved in a manner appropriate with their significance. The assets in question is the scheduled monument at Newhaven Fort to the south of the site.</p> <p>The accompanying heritage statement identifies the main perspectives of particular note with regard to the setting and significance of the Scheduled Monument.</p> <p>From the fort the proposed development is stepped down towards the Fort to keep views towards the river open. Further, the ‘gap’ in the massing of the proposed development allows views through to the river, marina and town beyond ensuring that the proposed development doesn’t ever form a ‘wall’ or block between the town and the Fort and protects the longer views up the river into the distance.</p> |

Where the development is viewed from the Fort it is largely against the backdrop of the urban mass of Newhaven and the residential development rising up the hill to the west. The massing has been reduced at its western end to ensure that the Downs and Town Hill remain the unbroken horizon when viewed from the Fort.

The proposal would be visible from the River Ouse and would obscure the scheduled monument to some degree from certain vantage points. However, the extent that it would obscure the significance of the hill is limited and the applicants heritage statement demonstrates that the careful siting of the proposed development ensures that the existing views towards the only elements of built form visible in longer views, remain visible and that Fort Hill remains the backdrop to the town on its western side when looking due south.

Historic England will be reported via the update report

Overall, the proposals will have a less than substantial harm to the setting of Newhaven Fort or its strategic significance at the head of the River Ouse.

Paragraph 202 of the NPPF states that where a proposal leads to less than substantial harm this should be weighed against the public benefits of the proposal.

8.9

Residential Amenity

The layout and heights of the proposed development show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Court Farm Road. Adjacent properties as listed all comply with the BRE guidance for loss of sunlight.

- Mariners Wharf
- Marine Court
- Above Co-op on Fort Road
- Holmstream Villas
- Villandry
- Versailles

Although the proposal would be clearly visible from surrounding properties and may obstruct existing views across open parts of the site, there is no material right to a view. The separation distances shown in drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties.

The layout of the proposal, in unison with the contouring heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties or any of the proposed dwellings in terms of overbearing, overshadowing, overlooking or

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|      | <p>daylighting/sunlighting. It is considered that the proposal could accommodate the development of 400 units within the site, whilst not resulting in any unacceptable residential amenity issues.</p> <p>Internally the layout would provide adequate separation between properties with natural light provision in order to not restrict the living standards of any properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. The proposed commercial element of the proposal would not be located in close enough proximity existing nearby residential properties to result in any unacceptable levels of noise, odours or light pollution that would detrimentally impact residential amenity.</p>   |
| 8.10 | <p><u>Living Conditions for Future Occupants</u></p> <p>It is considered that the plans demonstrate that the site could accommodate a development of consisting of 400 dwellings, that would also provide a good sense of place and community.</p> <p>The indicative layout shows that there would be sufficient space to provide soft landscaping and greenery in communal open areas. The development will incorporate a number of retail units and also has strong links to exiting retail areas in Newhaven town centre and the range of facilities available there. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings and would have a good standard of environment within the site itself.</p> <p>All of the proposed flats and hotel rooms would be provided with external clearly glazed windows that would provide a good standard of internal natural/daylight penetration. It is considered that the proposal would provide a good standard of accommodation in this regard.</p> <p>All housing units would meet the Nationally Described Space Standards. Furthermore, all dwellings with two bedrooms or more would be provided with a private balcony, whilst communal green space would also be available.</p> <p>Overall, the site is a sufficient size and scale to sustain the development proposed comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation. The site is well connected with existing public services meaning that the residents of the existing area can easily access the public realm improvements and commercial/retail/marine elements of the proposal. The pedestrian and vehicular links to Newhaven and surrounding areas would allow residents of the site to easily access the amenities at the existing settlement.</p> <p>It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.</p> |
| 8.11 | <p><u>Highways &amp; Parking:</u></p> <p>A total of 587 car parking bays are to be provided (consisting of both under-croft and surface parking). Furthermore, two spaces are allocated to</p>   |

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|      | <p>be Car Club spaces. The quantum of parking spaces is informed by ESCC Highways parking standards.</p> <p>210 cycle spaces are provided for the residential development (with additional visitor spaces provided to meet policy requirements). A further 34 commercial cycle spaces are provided in secure stores. A further 196 cycle spaces are to be pepper-potted around the site.</p> <p>It is the intention that the CIL contributions connected with the proposed development could be used to extend the Brighton bus service (number 12) to serve the development. In addition, the introduction of Newhaven's first car club (2 spaces) and the promotion of a Smarter Choices campaign throughout the town will also be of benefit to existing residents in the area.</p> <p>The site would be accessed from Fort Road, at the northern boundary of the site. A roundabout provides access to Fort Road from several adjoining roads, including Court Farm Road, Gibbon Road, and West Quay. The access provides a raised kerb for pedestrians, ensuring a range of transport modes are supported. ESCC highways have reviewed the site of the proposed access and have not objected to its location or potential impacts upon highways safety. Therefore, the siting and location of the access would be acceptable in terms of highways capacity and safety.</p> <p>New bus stops are proposed at the north of the site, past the roundabout along Fort Road and Gibbon Road. This is in addition to existing bus stops further along Fort Road, making the Marina more accessible by public transport.</p> <p>The transport assessment demonstrates that the layout plan would be able to demonstrate that adequate turning space for service vehicles would be provided within the site, in order to ensure that they can enter and leave in forward gear, as requested by LDC Waste Services.</p> <p>A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would be secured via condition to be discharged.</p> <p>ESCC Highways officer has reviewed the scheme and has recommended approval subject to conditions and S106 obligations.</p> |
| 8.12 | <p><u>Flooding and Drainage</u></p> <p>Ground levels at the site are to be raised above the predicted 1 in 200-year tidal flood event with finished floor levels of commercial and residential properties set at or above the required levels as outlined by the EA.</p> <p>Inter-tidal habitat is to be introduced to the site in conjunction with improved flood defence infrastructure on the harbour side.</p> <p>Proposed levels across the development provide access and egress to the site at ground level which is linked to the off-site area to the north east which is shown on the EA's Flood Map for Planning to be within the low</p>  |



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|      | <p>risk Flood Zone 1. A means of evacuation of the site and access for emergency vehicles is therefore established above the predicted flood level parameter.</p> <p>The anticipated additional foul water flows from the development are proposed to be discharged to the existing public sewer through a gravity connection utilising off-site lateral connection. The significant increase in the foul flow generated by the increased occupation of the site should be addressed through the sewage undertaker's Infrastructure Charges applicable for the development.</p> <p>The site is located outside of any SPZ with no proposed discharge to ground. Therefore, no additional pollution control measures are required in this regard.</p> <p>All surface water runoff is proposed to be directed to new quayside outfalls.</p> <p>The primary flood risk to the site is generated by high tides and storm surges or a combination of the two. The predictable nature of these events, monitored by the EA, enables some forewarning of potential flood risk to be made available. Residents, occupiers, and the site management will be signed up to the EA's Floodline Warnings Direct service, which will alert site users to potential flood risk and allow time to prepare accordingly.</p> <p>The flood defences in wider area of Newhaven are currently being upgraded as part of the Newhaven Flood Alleviation Scheme (NFAS). The redevelopment of the marina site includes rebuilding the harbour wall along this reach and crest levels will be in line with the guidance on hard defences, as per the EA guidance. This provides a benefit to the site and the land behind in reducing the current level of flood risk to the site from overtopping of the existing defences.</p> |
| 8.13 | <p><u>Water Quality</u></p> <p>Southern water has responded to concerns regarding the discharge of sewage into the sea and have confirmed that the scheme can only progress if there is demonstrable capacity in the sewage network to accommodate the proposed development and that this needs to be determined and refreshed on a 24 month cycle.</p> <p>Southern Water is satisfied that the proposed development does not constitute a significant risk to operations at the two sites making up the Newhaven WWTW with regard to odour.</p> <p>See fuller response in the consultee response section.</p>  |
| 8.14 | <p><u>Ecology &amp; Biodiversity</u></p> <p>Terrestrial and intertidal ecology surveys were carried out at the site of the Newhaven Marina re-development between 2018 and 2019.</p> <p>An updated ecological walkover and updated bat surveys on four buildings with low suitability for roosting bats were undertaken in June 2022 to confirm that the Site comprised the same habitats and ecological constraints described in the 2019 ecology reports and that additional breeding or wintering bird surveys were not needed as it was considered that the same assemblage of birds using the Site in 2019 would be present</p>  |

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|      | <p>in 2022 as there have not been changes in the habitats on site or their condition.</p> <p>Following the implementation of the mitigation measures outlined in Table 2 of the Ecological Appraisal Summary 2022, there are unlikely to be any adverse significant effects to ecology as a result of the Proposed Development.</p> <p>Minor beneficial effects are likely for saltmarsh habitat delivered through habitat creation and appropriate management, as well as the installation of boxes for bird nesting, bat roosting and insect hibernation.</p> <p>The introduction of new green roofs on a previously urban environment, as well as the addition of street trees and native planting will result in a gain of +32.7% in habitat units.</p>  |
| 8.15 | <p><u>Environmental Health</u></p> <p>Air quality</p> <p>LEBC's Air Quality Officer has reviewed the proposal. The response sets out that the air quality assessment and any required mitigation can be achieved via conditions. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.</p> <p>Contamination</p> <p>The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a response which sets out that a Ground Contamination Assessment and any required remediation can be submitted as conditions, as it is considered that a successful resolution can be achieved for this scheme.</p>  |
| 8.16 | <p><u>Sustainability</u></p> <p>The proposed development provides sustainable elements which:</p> <ul style="list-style-type: none"> <li>• Utilises currently developed land</li> <li>• Provides enhanced local facilities</li> <li>• Provides high levels of sustainable transport options</li> <li>• Enhances levels of local connectivity</li> <li>• Enhanced building fabric</li> <li>• Utilises communal ASHP for heating and hot water for domestic dwellings</li> <li>• Zoned temperature controls where appropriate</li> <li>• Mechanical ventilation with heat recovery for communal and residential spaces</li> <li>• Low Energy / LED lighting with appropriate controls</li> <li>• BREEAM 'Very Good' for commercial space</li> </ul> <p>Responding to the need for the development to emphasise sustainable living, sustainable transport measures have been greatly enhanced – including introducing the first car club to Newhaven, greatly increased</p> |

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|      | <p>cycle provision and promotion of smarter choices campaign throughout town.</p> <p>Major public realm improvements introduced in Fort Road adjacent to the site, including traffic calming, crossings to the recreation ground and Fort and a number of cycle parking areas also connecting roadside footpaths to Mariner’s Wharf and Marine Gate flats and a small public viewing point at the southern tip added.</p> <p>A link to the Fort from the riverside boardwalk was added to the proposals, including wayfinding signage, to encourage pedestrians to walk between the Fort and the waterfront. Also, signage to the town centre</p> <p>To inform residents of local activities, information packs are to be provided to all new residents and information boards for visitors about protecting local environment – e.g. Castle Hill Nature Reserve and the River Ouse etc.</p> <p>The applicant has agreed to make a financial contribution to the Improvements to children’s play area and public realm in recreation ground proposed.</p> <p>The extent of green roofs, green walls and landscaping areas has been increased and PV panels added to roofs to increase the overall sustainability of the proposals.</p> <p>Secure by design/Crime prevention measures increased, through additional lighting and crime prevention measures being incorporated into the design.</p> <p>By providing a mix of uses on site, including working space, restaurants, cafes, a ‘private’ gym for residents and the hotel and office workers, outside leisure space, links to other facilities and sustainable transport initiatives, the need to travel by private car is reduced.</p> <p>A Site Waste Management Plan (SWMP) will be required by condition and shall be in full accordance with the Site Waste Management Plan Regulations 2008.</p> |
| 8.17 | <p><u>Archaeology</u></p> <p>An Archaeology and Heritage Assessment (Desk Based Analysis DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.</p> <p>The DBA places the proposed development site within an area of moderate archaeological interest and historic context and confirms that the application site lies in an area of known medieval and post-medieval significance.</p> <p>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</p>  |

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|      | <p>requirements given in the NPPF (the Government’s planning policies for England).</p> <p>Therefore, subject to conditions, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF</p>   |
| 8.18 | <p><u>Planning Obligations</u></p> <p>In order to ensure compliance with policy CP1 the scheme will require a review mechanism at agreed intervals to assess whether the ability to provide affordable housing changes in the future, this will be written into the S106.</p> <p>The applicant has agreed to provide a commuted sum in order to provide offsite play space in accordance with Policy DM16 of the Local plan Part 2 which will be required in agreement with the councils play space co-ordinator</p> <p>The applicant will be required to provide a public area management plan in order to ensure the longevity of the public areas.</p> <p>The proposal would be subject to a local labour agreement to be agreed by the council.</p> <p>Officers seek to resolve Highways issues where appropriate by S106 agreement. The highways S106 requirements are as follows:</p> <p>Parking management within the development</p> <p>Temporary parking provision</p> <p>On site highway works</p> <p>Offsite highway works</p> <p>Travel Plan to include provision of car club.</p> |
| 8.19 | <p><u>Human Rights Implications</u></p> <p>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</p>  |
| 8.20 | <p><u>Conclusion</u></p> <p>For the reasons laid out in this report the scheme is considered to offer public benefits and is recommended for approval subject to legal agreement and planning conditions,</p>  |

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| <b>9.</b> | <b>Recommendations</b>  |
| 9.1       | <p><b>1:</b> Subject to no adverse comment being received from the Health and Safety Executive then application granted subject to S106 agreement and conditions as listed below</p> <p>Heads of Terms for legal agreement:</p> |

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|  | <ul style="list-style-type: none"> <li>• Transport contributions and improvements</li> <li>• Commuted sum for play space</li> <li>• Viability review mechanism</li> <li>• Public space management plan</li> <li>• Local Labour agreement</li> </ul> <p><b>2:</b> Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 4<sup>th</sup> of January 2023 or a time frame agreed with the LPA, the Planning Applications Committee grant the Head of Planning delegated authority to <b>REFUSE</b> the application for the following reason(s):</p> <p>The application fails to provide the necessary highways mitigations by reason of failure to successfully complete a Section 106 Agreement, which would be to the detriment of road users and highways capacity. The development would therefore be contrary to Policies T1 of the Newhaven Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.</p> |
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| <b>10.</b> | <b>Conditions:</b>   |
| 10.1       | <p><b>Phasing Plan</b> The proposed development shall be carried out in accordance with the phasing plan set out in 1570-P-143 P6 DRAFT CONSTRUCTION PHASING PLAN. Unless otherwise agreed in writing by the LPA.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note and in the interests of ensuring the delivery of the development in accordance with Paragraph 69 of the National Planning Policy Framework.</p>   |
| 10.2       | <p><b>Discharge of conditions in accordance with each phase</b> Conditions 3-36 of this permission hereby approved shall be discharged for each individual phase of the development. Where relevant this shall be agreed with the relevant statutory consultee for that condition.</p> <p>The phases of the development will be those agreed in the phasing plan required by condition 2 of this permission. These details shall thereafter be retained unless otherwise agreed in writing by the LPA.</p> <p>Reason: in the interests of ensuring that each condition appropriately discharges the condition for each relevant phase and in the interests of ensuring the delivery of the development in accordance with LPP1 &amp; LPP2 and Paragraph 69 of the National Planning Policy Framework</p> |

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| 10.3 | <p><b>Grading Details</b> of the Site No development shall commence, including any works of demolition, until details of earthworks have been submitted to and approved in writing by the LPA. These details shall include the proposed grading of land area including the levels and contours to be formed. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25 and DM27 and section 15 of the NPPF</p>   |
| 10.4 | <p><b>Archaeology</b> No development shall commence 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.</p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF</p>   |
| 10.5 | <p><b>SUDS</b> No development shall commence until details showing the following Sustainable Drainage details have been submitted and approved in writing by the LPA. The approved Details Shall thereafter be retained</p> <ol style="list-style-type: none"> <li>a. The details of the outfall of the proposed attenuation tank and its outfall. This should include cross sections and invert levels.</li> <li>b. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.</li> <li>c. The detailed design of the attenuation tank to be informed by findings of groundwater monitoring between autumn and spring. Details of measures which will be taken to manage the impacts of high groundwater on the drainage system be provided.</li> <li>d. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should cover the following: <ol style="list-style-type: none"> <li>i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.</li> <li>ii. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.</li> </ol> </li> </ol> |

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|      | <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the National Planning Policy Framework.</p>   |
| 10.6 | <p><b>Technical Highways Scheme</b> No development shall commence until such time as a technical highway scheme specific to the phase [ where applicable: layout of the new accesses, closure of existing access, street lighting, road signage, drainage, crossing points, footway provision/enhancement, barriers, raised tables, highway parking] and details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designer’s Response has been submitted to for approval to the Local Highway Authority. The approved highway scheme shall be completed subject to any works that logically would be completed in a further phase prior to first occupation of the phase of the development hereby permitted.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2.</p> |
| 10.7 | <p><b>Air Quality Assessment</b> No development shall take place, including any demolition, ground works, site clearance, until an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <a href="https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf">https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf</a> has been submitted to and approved in writing by the LPA.</p> <p>Reason: Reason: Reduce harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1 and LPP2 and having regard to the NPPF.</p>  |
| 10.8 | <p><b>Construction Management</b> No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.</p> <p>The CEMP shall be written in accordance with the latest Institute of Air Quality Management guidance documents, BS 5228 Parts 1 &amp; 2 and shall be approved in writing by the LPA prior to commencement of any works on site</p> <p>The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>• the anticipated number, frequency and types of vehicles used during construction,</li> </ul>   |

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|      | <ul style="list-style-type: none"> <li>• means of reusing any existing materials present on site for construction works,</li> <li>• the method of access and egress routing of vehicles during construction,</li> <li>• the parking of vehicles by site operatives and visitors, including a workers' travel plan</li> <li>• the loading and unloading of plant, materials, and waste,</li> <li>• the storage of plant and materials used in construction of the development,</li> <li>• the erection and maintenance of security hoarding,</li> <li>• flood management during construction both on and off site [or via separate document]</li> <li>• the provision 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),</li> <li>• details of public engagement both prior to and during construction works.</li> <li>• address noise impacts arising out of the construction.</li> <li>• address vibration impacts arising out of the construction.</li> <li>• address odour impacts arising out of the construction.</li> <li>• dust mitigation measures,</li> <li>• includes details of the use of protective fences, exclusion barriers and warning signs.</li> <li>• provides details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.</li> <li>• details of any external lighting.</li> </ul> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.</p> |
| 10.9 | <p><b>EV Charging</b> Details and location of the parking spaces equipped with active EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active and passive ECVPs. The details shall include:</p> <ol style="list-style-type: none"> <li>a) Location of active and passive charge points</li> <li>b) Specification of charging equipment and electricity supply availability.</li> <li>c) Operation/management strategy (charging strategy, occupation period restrictions)</li> </ol> <p>The electricity supply should be already confirmed by UK Power Networks or other supplier so that the supply does not need to be upgraded at a later date. The development shall be completed in accordance with the</p>  |



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|       | <p>approved details and retained in perpetuity. Prior to occupation, the application shall submit confirmation that the charging points are operational.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2.</p>  |
| 10.10 | <p><b>Existing Highway Survey</b> No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2</p>  |
| 10.11 | <p><b>Landscaping</b> Prior to above ground works commencing details, including materials, of all hard landscaping, including the footpath, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>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 comply with National Policy Guidance contained in the National Planning Policy Framework.</p>  |
| 10.12 | <p><b>Contamination</b> No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <ol style="list-style-type: none"> <li>a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</li> <li>b. The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,</li> </ol> |

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|       | <p>maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 174, 183 and 184].</p>  |
| 10.13 | <p><b>Ecological Design Statement</b> No development shall commence until an Ecological Design Strategy (EDS) addressing mitigation of impacts, compensation for the loss of habitat, and enhancement of the site for biodiversity in line with the recommendations in the Ecological Appraisal Summary (AECOM, July 2022) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> <li>• description and evaluation of features to be managed.</li> <li>• purpose and conservation aim and objectives for the proposed works.</li> <li>• ecological trends and constraints on site that might influence management.</li> <li>• detailed design(s) and/or working method(s) to achieve stated aims objectives.</li> <li>• extent and location /area of proposed works on appropriate scale maps and plans.</li> <li>• type and source of materials to be used where appropriate, e.g. native species of local provenance.</li> <li>• prescriptions for management actions, together with a plan of management compartments.</li> <li>• (timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</li> <li>• details of the body or organisation responsible for implementation of the plan.</li> <li>• details of initial aftercare and long-term maintenance (including an annual work plan capable of being rolled forward over a five-year period.</li> <li>• details for monitoring and remedial measures.</li> <li>• details for disposal of any wastes arising from works so as to not attract foraging animals.</li> </ul> <p>All ecological measures and/or works with respect to the protection of badgers, birds and great crested newts shall be carried out in accordance with the details contained in the Ecological Appraisal Summary (AECOM,</p> |

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|       | <p>July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>The EDS shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policies CP10 and DM24 of Lewes District Local Plan Parts One and two.</p> |
| 10.14 | <p><b>Materials</b> no development above slab level shall commence until, details of all facing materials to be utilised in the development hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials, plant enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with these approved details.</p> <p>Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM25 of the LPP2 and the National Planning Policy Framework</p>  |
| 10.15 | <p><b>Lighting Design Strategy,</b><br/>No development above slab level shall commence until a "lighting design strategy" has been submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>• 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 unacceptable harm the amenity of residential properties and to improve security and visual surveillance around the site.</li> </ul>   |

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|       | <p>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.</p> <p>Reason: to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the openness of the countryside in accordance with DM25 and para 177 of the National Planning Policy Framework.</p>   |
| 10.16 | <p><b>Visibility Splays</b> The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2</p>   |
| 10.17 | <p><b>Photographic Survey</b> Prior to occupation of the proposed development, evidence (Including photographs should be submitted showing that the drainage system has been constructed as per the agreed detailed drainage designs should be submitted to and approved in writing by the LPA.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the National Planning Policy Framework.</p>   |
| 10.18 | <p><b>Parking Provision</b> The development shall not be occupied until a parking plan in accordance with the details shown in the Transport Assessment Rev G (Mayer Brown) has been agreed in writing by the LPA and the areas relevant to that phase of the development implemented . Thereafter, the parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2</p> |
| 10.19 | <p><b>Contamination Verification</b> Report No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall</p>  |

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|       | <p>include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 174, 183 and 184].</p> |
| 10.20 | <p><b>Sustainability Assessment</b> No dwelling shall be occupied until the sustainability features for that dwelling as set out within the Energy Statement (SRE, 2019) has been implemented in accordance with the approved document.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP08, CP09, CP14 and LPP2 policy DM24 and Section 15 of the National Planning Policy Framework</p>  |
| 10.21 | <p><b>Archaeological Evidence Statement</b> Prior to occupation of the proposed development an archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase shall be submitted and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 4.</p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the National Planning Policy Framework.</p>   |
| 10.22 | <p><b>Retail Tenure Plan</b> Prior to occupation of the proposal a retail and commercial floorspace plan shall be submitted to and approved in writing by the LPA, which set out the use classes and configuration of the non-residential floorspace. These details shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of ensuring the viability and vitality of the retail offer in accordance with policy CP6 of LLP1 and the National Planning Policy Framework</p>   |

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| 10.23 | <p><b>Refuse and Recycling</b> Prior to occupation of the development hereby approved the provision of storage for refuse and recycling shall have been provided in accordance with approved plans. These areas shall thereafter be retained.</p> <p>Reason: In the interests of the amenities of the area, having regard to Policy DM26 and guidance within the National Planning Policy Framework.</p>  |
| 10.24 | <p><b>Sustainability Heating Systems</b> Prior to the first occupation of the properties they will be constructed in accordance with Details to be submitted to and approved in writing by the LPA / the Low Carbon Technology Heating Systems specified within the Sustainability and Energy Statement, prepared by SRE (2019) . The details as approved shall be implemented prior to the first occupation of the development.</p> <p>Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 186.</p> |
|       | <p><b>Vehicle Turning Spaces</b> The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2</p>   |
| 10.25 | <p><b>Cycle Parking</b> The development shall not be occupied until cycle 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 cycles.</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development</p>  |
| 10.26 | <p><b>Access Gradients</b> The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2.</p>  |

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| 10.27 | <p><b>Southern Water Capacity</b> Prior to the commencement of any of the phases hereby approved confirmation of the headroom capacity within the local sewage network shall be demonstrated to the satisfaction of the Local Planning Authority (in consultation with Southern Water). The period for approval for any headroom capacity within the sewage network shall only last for 24 months after the approval is given for that phase and if the development for that phase is stalled or is likely to take more than 24months to complete then a further approval is required.</p> <p>Reason: In the interest of ensuring that there is sewage capacity within the network to accommodate the new development.</p>   |
| 10.28 | <p><b>Bat Survey Compliance</b> All ecological measures and/or works with respect to the protection of bats and other species shall be carried out in accordance with the details contained in the Bat Survey Report (AECOM) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to avoid offences under wildlife legislation.</p>   |
| 10.29 | <p><b>Parking Spaces Sizes</b> The car parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 CP13 of the LPP1, policies DM20 and DM23 of the LPP2</p>   |
| 10.30 | <p><b>Unexpected Contamination</b> If, during development, contamination not previously identified is found to be present at the site then no further works to identified area(s) (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that risks from any 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 NPPF, para 174, 183 and 184].</p> |
| 10.31 | <p><b>External Lighting</b> No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the LPA.</p>  |

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|       | Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the LPP1, policies DM20 and DM24 of the LPP2 and para 174, 180 and 185 of the NPPF.  |
| 10.32 | <p><b>Hours of Work Construction</b> Work utilising heavy machinery shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of LPP2.</p>   |
| 10.33 | <p><b>PD Rights</b> Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking and re-enacting that Order with or without modification) no Change of Use shall be undertaken without the submission of a planning application.</p> <p>Reason: To protect the economic viability and vitality of the scheme and the high street with regard to Policy DM25 of the LPP2 and the NPPF</p>  |
| 10.34 | <p><b>Fire Safety Agreement prior to each phase</b> No development on any phase shall commence until agreement has been reached with respect to the fire safety strategy for the development in that ensuing phase. The fire strategy shall include materials used, the method of construction and means of escape at times of emergency.</p> <p>Reason: In the interest of mitigating the risk to life and property, in accordance with the Fire safety and high-rise residential buildings August 2021 Planning Practice Guidance.</p>                                     |
| 10.35 | <p><b>Southern Water Existing Infrastructure</b> Prior to the commencement of any phase of the development hereby approved the applicant shall demonstrate that any existing 'sewage' infrastructure shall be safeguarded from damage during the construction phase and also that on going access to the infrastructure is maintained for the lifetime of the development to the satisfaction of the Local Planning Authority (in consultation with Southern Water)</p> <p>Reason: - In the interest of maintaining the integrity of the existing sewage infrastructure.</p> |

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| <b>11</b> | <b>Plans:</b>  |
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|           | This decision relates solely to the following plans: |



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| BLOCK PLAN- PROPOSED SITE            | 05 <sup>th</sup> July 2022     | 1570-P-003 P2 |
| SITE ELEVATIONS                      | 05 <sup>th</sup> July 2022     | 1570-P-004 P2 |
| ROOF PLAN - AS PROPOSED              | 05 <sup>th</sup> July 2022     | 1570-P-011 P2 |
| CAR PARKING FLOOR PLAN - AS PROPOSED | 05 <sup>th</sup> July 2022     | 1570-P-012 P2 |
| BLOCK A FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-101 P2 |
| BLOCK A FLOOR PLANS & SECTION        | 05 <sup>th</sup> July 2022     | 1570-P-102 P2 |
| BLOCK B FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-104 P2 |
| BLOCK B FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-107 P2 |
| BLOCK C FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-111 P2 |
| BLOCK D FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-113 P2 |
| BLOCK D ELEVATIONS                   | 05 <sup>th</sup> July 2022     | 1570-P-114 P2 |
| BLOCK E FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-115 P2 |
| BLOCK E FLOOR PLANS & SECTION        | 05 <sup>th</sup> July 2022     | 1570-P-116 P2 |
| BLOCK E ELEVATIONS                   | 05 <sup>th</sup> July 2022     | 1570-P-117 P2 |
| BLOCK F+G FLOOR PLANS                | 05 <sup>th</sup> July 2022     | 1570-P-120 P2 |
| BLOCKS F+G FLOOR PLANS & SECTION     | 05 <sup>th</sup> July 2022     | 1570-P-121 P2 |
| BLOCKS F+G FLOOR PLANS & SECTION     | 05 <sup>th</sup> July 2022     | 1570-P-122 P2 |
| BLOCK F+G ELEVATIONS                 | 05 <sup>th</sup> July 2022     | 1570-P-123 P2 |
| BLOCK F+G ELEVATIONS                 | 05 <sup>th</sup> July 2022     | 1570-P-124 P2 |
| BLOCK H FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-128 P2 |
| BLOCK H ELEVATIONS                   | 05 <sup>th</sup> July 2022     | 1570-P-129 P2 |
| BLOCK I FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-133 P2 |
| BLOCK I ELEVATIONS                   | 05 <sup>th</sup> July 2022     | 1570-P-137 P2 |
| BLOCK K FLOOR PLANS                  | 05 <sup>th</sup> July 2022     | 1570-P-150 P2 |
| GROUND FLOOR PLAN - AS PROPOSED      | 05 <sup>th</sup> July 2022     | 1570-P-151 P2 |
| FIRST FLOOR - AS PROPOSED            | 05 <sup>th</sup> July 2022     | 1570-P-152 P2 |
| SECOND FLOOR PLAN - AS PROPOSED      | 05 <sup>th</sup> July 2022     | 1570-P-153 P2 |
| THIRD FLOOR PLAN - AS PROPOSED       | 05 <sup>th</sup> July 2022     | 1570-P-154 P2 |
| FOURTH FLOOR PLAN - AS PROPOSED      | 05 <sup>th</sup> July 2022     | 1570-P-155 P2 |
| FIFTH FLOOR PLAN - AS PROPOSED       | 05 <sup>th</sup> July 2022     | 1570-P-159 P2 |
| NINTH FLOOR PLAN - AS PROPOSED       | 05 <sup>th</sup> July 2022     | 1570-P-160 P2 |
| TENTH FLOOR PLAN - AS PROPOSED       | 05 <sup>th</sup> July 2022     | 1570-P-163 P2 |
| BOUNDARY TREATMENTS                  | 05 <sup>th</sup> July 2022     | 1570-P-005 P1 |
| CONTEXTUAL SECTION 01 - THROUGH FORT | 05 <sup>th</sup> July 2022     | 1570-P-006 P1 |
| CONTEXTUAL SECTION 02 - ALONG RIVER  | 20 <sup>th</sup> December 2020 | 1570-P-007 P1 |
| SITE SECTIONS A - A B – B            | 20 <sup>th</sup> December 2020 | 1570-P-008 P1 |
| SITE SECTIONS C - C D – D            | 20 <sup>th</sup> December 2020 | 1570-P-009 P1 |
| SITE SECTIONS E - E F - F            | 20 <sup>th</sup> December 2020 | 1570-P-010 P1 |
| SITE SECTIONS G - G H – H            | 20 <sup>th</sup> December 2020 | 1570-P-013 P1 |
| STOREY HEIGHTS and TOPOGRAPHY        | 20 <sup>th</sup> December 2020 | 1570-P-103 P1 |
| BLOCK A ELEVATIONS                   | 20 <sup>th</sup> December 2020 | 1570-P-105 P1 |
| BLOCK B FLOOR PLANS and SECTION      | 20 <sup>th</sup> December 2020 | 1570-P-106 P1 |
| BLOCK B ELEVATIONS                   | 20 <sup>th</sup> December 2020 | 1570-P-108 P1 |
| BLOCK C FLOOR PLANS and SECTION      | 20 <sup>th</sup> December 2020 | 1570-P-109 P1 |
| BLOCK C ELEVATIONS                   | 20 <sup>th</sup> December 2020 | 1570-P-110 P1 |
| BLOCK C ELEVATIONS                   | 20 <sup>th</sup> December 2020 | 1570-P-112 P1 |
| BLOCK D FLOOR PLANS and SECTION      | 20 <sup>th</sup> December 2020 | 1570-P-118 P1 |
| BLOCK F+G FLOOR PLANS                | 20 <sup>th</sup> December 2020 | 1570-P-119 P1 |
| BLOCK F+G FLOOR PLANS                | 20 <sup>th</sup> December 2020 | 1570-P-125 P1 |
| BLOCK F+G FLOOR PLANS                | 20 <sup>th</sup> December 2020 | 1570-P-126 P1 |
| BLOCK H FLOOR PLANS                  | 20 <sup>th</sup> December 2020 | 1570-P-127 P1 |

|                                   |                                |               |
|-----------------------------------|--------------------------------|---------------|
| BLOCK H FLOOR PLANS and SECTION   | 20 <sup>th</sup> December 2020 | 1570-P-130 P1 |
| BLOCK H ELEVATIONS                | 20 <sup>th</sup> December 2020 | 1570-P-131 P1 |
| BLOCK I FLOOR PLANS               | 20 <sup>th</sup> December 2020 | 1570-P-132 P1 |
| BLOCK I FLOOR PLANS and SECTION   | 20 <sup>th</sup> December 2020 | 1570-P-134 P1 |
| BLOCK I ELEVATIONS                | 20 <sup>th</sup> December 2020 | 1570-P-135 P1 |
| BLOCK J FLOOR PLANS               | 20 <sup>th</sup> December 2020 | 1570-P-136 P1 |
| BLOCK J FLOOR PLANS and SECTION   | 20 <sup>th</sup> December 2020 | 1570-P-138 P1 |
| BLOCK J ELEVATIONS                | 20 <sup>th</sup> December 2020 | 1570-P-139 P1 |
| BLOCK K FLOOR PLANS and SECTION   | 20 <sup>th</sup> December 2020 | 1570-P-140 P1 |
| BLOCK K ELEVATIONS                | 20 <sup>th</sup> December 2020 | 1570-P-141 P1 |
| MARINA OFFICES FLOOR PLANS and    | 20 <sup>th</sup> December 2020 | 1570-P-146 P1 |
| ELEVATIONS                        | 20 <sup>th</sup> December 2020 | 1570-P-147 P1 |
| PROMONTORY CAFE PLAN and          | 20 <sup>th</sup> December 2020 | 1570-P-156 P1 |
| ELEVATIONS                        | 20 <sup>th</sup> December 2020 | 1570-P-157 P1 |
| MARINA FACILITIES and BOAT PARK   | 20 <sup>th</sup> December 2020 | 1570-P-158 P1 |
| LAYOUT                            | 20 <sup>th</sup> December 2020 | 1570-P-161 P1 |
| MARINA BERTH HOLDER FACILITIES    | 20 <sup>th</sup> December 2020 | 1570-P-162 P1 |
| SIXTH FLOOR PLAN - AS PROPOSED    | 20 <sup>th</sup> December 2020 |               |
| SEVENTH FLOOR PLAN - AS PROPOSED  | 20 <sup>th</sup> December 2020 |               |
| EIGHTH FLOOR PLAN - AS PROPOSED   | 20 <sup>th</sup> December 2020 |               |
| ELEVENTH FLOOR PLAN - AS PROPOSED | 20 <sup>th</sup> December 2020 |               |
| TWELFTH FLOOR PLAN - AS PROPOSED  | 20 <sup>th</sup> December 2020 |               |

|            |                   |
|------------|-------------------|
| <b>12.</b> | <b>Appendices</b> |
|            | None.             |

|            |                          |
|------------|--------------------------|
| <b>13.</b> | <b>Background Papers</b> |
|            | None.                    |