

Planning Applications Committee 7 June 2023



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 Lucy Agace (Chair);

Councillors Ian Alexander, Graham Amy, Roy Clay, Becky Francomb, Paul Keene, Christoph von Kurthy, Sean MacLeod, James Meek, Isobel Sharkey and Stella Spiteri

Quorum: 5

Published: Thursday, 25 May 2023

Agenda

1 Election of Deputy Chair

To elect a Deputy Chair of the Planning Applications Committee for the remainder of the 2023/2024 municipal year.

2 Minutes (Pages 5 - 10)

To confirm and sign the minutes of the previous meeting held on 19 April 2023 (attached herewith).

3 Apologies for absence/Declaration of substitute members

4 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.

5 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

6 Petitions

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

7 Written questions from councillors

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

8 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 outside the South Downs National Park

9 LW/22/0427 - Fingerpost Field Recreation Ground, The Broyle, Ringmer (Pages 11 - 18)

10 LW/23/0179 - 5-8 and 10 Newhaven Square, Newhaven, BN9 9QP (Pages 19 - 30)

Non-planning application related items

11 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 12 July 2023, 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

Telephone: 01273 471600

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 19 April 2023 at 5:00pm

Present:

Councillor Sharon Davy (Chair);
Councillors Laurence O'Connor (Vice-Chair), Graham Amy, Roy Clay (Substitute), Jim Lord, Sylvia Lord, Milly Manley (Minute No 119 to Minute No 126), Nicola Papanicolaou, Steve Saunders and Richard Turner

Officers in attendance:

Marc Dorfman (Development Management Lead, Planning First), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), Ella Rigluth (Assistant Planning Officer, Planning First), Elaine Roberts (Committee Officer, Democratic Services), James Smith (Principal Planning Officer, Planning First) and Joanne Stone (Principal Planning Solicitor)

110 Minutes

The minutes of the meeting held on the 15 March 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

111 Apology

The Committee noted Councillor Turner's acceptance of the complaint regarding his comments about the Business Manager of Seaford Learning Trust during the consideration of planning application LW/22/0275 on 15 February 2023 and further noted Councillor Turner's written apology to the Business Manager concerned.

112 Apologies for absence/Declaration of substitute members

Apologies were received from Councillors Christoph von Kurthy and Imogen Makepeace. It was declared that Councillor Roy Clay would be acting as Substitute for Councillor Makepeace for the duration of the meeting.

113 Declarations of interest

Councillor O'Connor declared a personal and non-prejudicial interest in Agenda Item 10 (planning application LW/23/0018) as he was a Lewes District Council appointed trustee of Wave Leisure and there was a possibility of a gym being part of the provision and Wave Leisure ran a gym nearby.

On the same application, for the purposes of transparency, Councillor O'Connor also declared that until the submission of the planning application on 6 January 2023, when he stepped down, he was secretary of the Friends of Peacehaven & Telscombe Library who have stated that they want a larger library within the development.

As Vice-Chair of the Peacehaven & Telscombe Neighbourhood Plan, Councillor O'Connor was involved in discussions about former proposals for this site which were not pursued. Whilst he had previously expressed a view on the redevelopment of this site, Councillor O'Connor retained an open mind on the application being considered this evening.

Councillor Saunders declared a personal and prejudicial interest in Agenda Item 10 (planning application LW/23/0018), as he worked for the company that did work for Morrisons. He therefore left the room for the duration of this item and did not take part in any consideration, discussion or voting thereon.

114 Urgent items

There were none.

115 Petitions

There were none.

116 Written questions from councillors

There were none.

117 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).

118 LW/21/1000 - Land west of Oxbottom Lane, Newick (Outstanding drainage matters)

Councillor Robin Penfold spoke on behalf of Chailey Parish Council. Cathy Wickens (Local Resident), Andrew Smith (Near Neighbour) and Matt Hobbs (Near Neighbour) spoke against the proposal. John Brindley (Agent/Director of CMYK), Fay Goodson (Reside Developments) and Rob Wilson (Paul Basham Associates) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/21/1000 for the redevelopment of the site to provide 21 dwellings along with parking, open space and all necessary infrastructure, be refused for the following reason:

The proposed scheme by reason of its location outside of the settlement boundary, would unacceptably impact on the semi - rural character of the A272 corridor between Newick and North Chailey, which is characterised by ad hoc development and strong countryside open spaces. The proposed scheme would take away one of these countryside open spaces of landscape character, contrary to the LP Part 1 Policy 10, LP Part 2 DM 1 and NPPF Section 15.

119 LW/23/0018 - Meridian Centre, Meridian Way, Peacehaven

Ed Kemsley (Agent/Director of Peacock + Smith) and Mary Campbell (Local Resident) spoke for the proposal.

Resolved:

That planning application LW/23/0018 for demolition of the Meridian Centre (excluding Community House) and site levelling works; erection of a food store and separate commercial and retail floorspace (Use Class E) together with associated rear servicing yards and plant equipment; library (Use Class F1(d)); external alterations to Community House, including entrance lobby; creation of a town square; resurfacing works and associated car and cycle parking; external garden centre and trolley bays; and structure, be approved subject to a s106 agreement set out in paragraph 8.11 and conditions set out in Section 10 of the report, along with additions and amendments set out in the supplementary report.

120 LW/22/0418 - Land west of A275, South Common, South Chailey

Councillor Robin Penfold spoke on behalf of Chailey Parish Council. Alison Hutchinson (Immediate Neighbour) and John Kay (CPRE Sussex) spoke against the proposal. Helen Bell (Agent/Planning Director - Gladman Developments) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That outline planning application LW/22/0418 with all matters reserved except access for the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, and sustainable drainage systems and vehicular access point, be refused for the following reason:

The proposed scheme by reason of its location outside of the settlement boundary, would unacceptably impact on the rural character of the open countryside to the west of the A275 on the southern approach to the South Chailey settlement, which is characterised by a strong and stark break between the village and open landscape comprising traditional fields, hedgerows, tree boundaries and small woods. The proposed scheme would cause a loss these intrinsic qualities of this village and rural area, contrary to the LP Part 1 Policy 10, LP Part 2 DM 1 and NPPF Section 15.

121 LW/22/0071 - Land rear of 45 Allington Road, Newick

Councillor Chris Armitage (Chair) spoke on behalf of Newick Parish Council. Anthony Turk (Newick Village Society) spoke against the proposal. Tondra Thom (Agent) spoke for the proposal.

Resolved:

That planning application LW/22/0071 for the rection of 4-no. bungalows, creation of new vehicular and pedestrian access via Allington Road, and associated landscaping be approved, subject to a s106 agreement as set out in paragraph 8.14 (with the addition of offering the Biodiversity Gain area of land to either the parish or the Newick society to own and manage if this is wanted, and if not wanted then to approve as reported) and conditions set out in Section 10 of the report, and the following additional condition:

10.21 Public Bench

The “public bench” on the south side of Allington Road will be retained and relocated locally, details of its location to be known and fully implemented prior to the first occupation of any of the units hereby approved.

Reason: To support good design and walking infrastructure.

122 LW/21/0915 - Land south of 61A Allington Road, Newick

Councillor Cathy Wickens (Vice-Chair) spoke on behalf of Newick Parish Council. Tim Barnard (Immediate Neighbour) spoke against the proposal.

Resolved:

That planning application LW/21/0915 for demolition of outbuilding and erection of 1 no. 4-bedroom dwellinghouse with associated driveway and parking, be refused for the following reason:

By reason of the scheme’s location and siting, the proposed narrow access and egress would impede safe and convenient access for construction purposes, for the future occupants and the public that cross the access point on Allington Road. This would be contrary to LP Part 1 CP 11 points 4 and 5 and LP Part 2 policy DM25 Design.

123 LW/21/0880 - Burtenshaw Farm, Spithurst Road, Barcombe

Councillor Randi Sokoloff spoke on behalf of Barcombe Parish Council. Anne Livesey (Neighbour) spoke against the proposal. Matt Wells (Applicant) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/21/0880 for change of use from agricultural land to a natural burial ground be approved, subject to the conditions set out in Section 10 of the report and the following additional condition:

Prior to any development on site a "Natural Burial Management Plan" will be submitted, (including details of facilities for visitors and mourners; car park numbers and management; burials per week (with a maximum of 100 per annum) and hours of operation for both visitors and mourners) to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate community facilities and good design standards are provided by the burial establishment before it becomes operational, in accordance with LP Part 1 CP 7 Infrastructure and LP Part 2 DM 25 Design.

124 Current Appeals and Reasons for Refusal

The Committee received a report detailing the current appeals and reasons for refusal.

Resolved:

1. That the dropping of some reasons for refusal, based on advice from the Council's expert statutory advisors and/or external and independent expert witnesses, be noted; and
2. That the cases which would progress to appeal on the revised/reduced refusal grounds, be noted.

125 Summary of Planning Appeal Decisions received

The Committee received a report which detailed the summaries of the Planning Appeal decisions received from January 2023 to March 2023 (8 decisions in 2 months) and April 2022 to March 2023 (32 decisions in 12 months).

Resolved: That the report be noted.

126 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 7 June 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

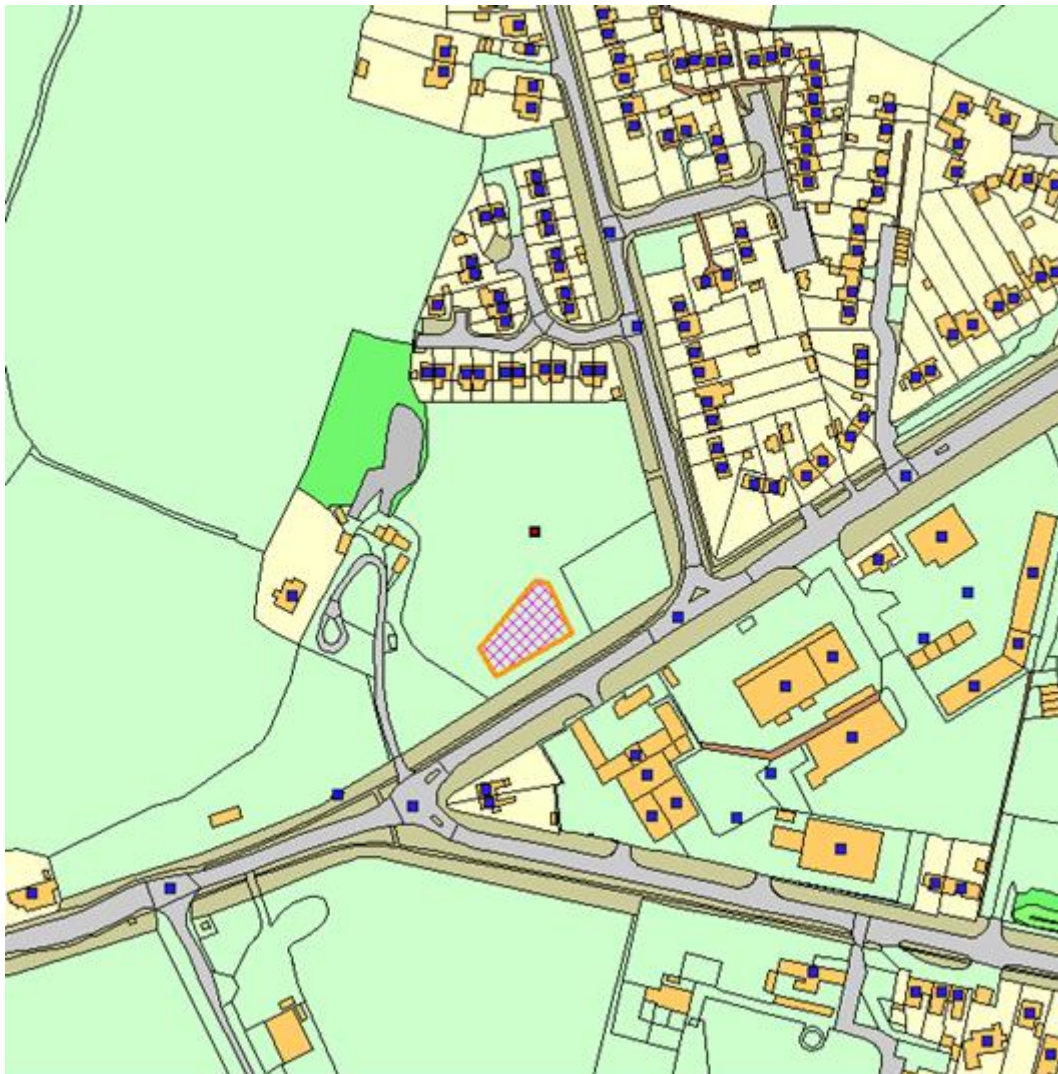
The meeting ended at 9:55pm.

Councillor Sharon Davy (Chair)

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Report to: Planning Applications Committee
Date: 7 June 2023
Application No: LW/22/0427
Location: Fingerpost Field Recreation Ground, The Broyle, Ringmer
Proposal: Construction of Skate Park.
Applicant: Ringmer Parish Council
Ward: Ouse Valley & Ringmer
Recommendation: Grant Planning Permission subject to conditions.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The proposed skate park is to replace the facility that was lost due to a housing development closer to the centre of Ringmer. Funding was secured via s106 to provide a replacement. The application has been considered against relevant national and local planning policies and on balance is considered to be acceptable.
1.2	The applicant is Ringmer Parish Council. The Council's Scheme of Delegation requires the application to be determined at committee.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 16. Conserving and enhancing the historic environment
2.2	<u>Lewes District Local Plan:</u> LDLP1: – CP10 – Natural Environment and Landscape; LDLP1: – CP11 – Built and Historic Environment & Design LDLP2: – DM1 – Planning Boundary LDLP2: – DM15 – Provision for Outdoor Playing Space LDLP2: – DM24 – Protection of Biodiversity and Geodiversity LDLP2: – DM25 – Design
2.3	<u>Ringmer Neighbourhood Plan:</u> 7.5 Outdoor play facilities for children 7.6 Outdoor facilities for young people & adults 7.9 Community assets
3.	Site Description
3.1	The application site is located on the north side of The Broyle, approximately 1.5km north-east of Ringmer. The site comprises a small park/recreation ground, owned by Lewes District Council and managed by Ringmer Parish Council (the applicant), covering an area of approximately 0.9ha. It is a designated Asset of Community Value. The park is bounded to the south by The Broyle, to the east by Broyle Lane, to the north by rear of properties on Elphick Road, and to the west by the garden of a property further to the west. The site is served by public transport routes from Ringmer.
3.2	The park is surrounded by a mature hedge. The entrance is from Broyle Lane. There is a play area in the south east corner, laid out with basic play equipment. The proposed skate park will be located adjacent to the play area.

4.	Proposed Development
4.1	The proposal is for a skate park covering an area of 300m ² . It will be formed in-situ, using spray concrete, with steel edge protection and grass bunding, and will include classic features, offering challenges for both beginners and more experienced skaters.
4.2	Money to fund the facility was secured by s106 relating to a housing development in Ringmer, which including land formerly used as a skate park.
5.	Relevant Planning History:
5.1	None.
6.	Consultations:
6.1	<u>ESCC Archaeology:</u> 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 which are outlined in this response.
6.2	<u>East Sussex Highways:</u> No comment provided.
6.3	<u>Sport England:</u> The area identified for development of the skate park is not capable of being used as a playing pitch or part of one and does not impact on the ability of the field to accommodate a junior football pitch. Sport England does not wish to raise an objection to this application
7.	Other Representations:
7.1	<p><u>Neighbour Representations and officer responses:</u></p> <p>8 objections were received from local residents on the following grounds:</p> <p>Concern that the skateboard park will attract children from further afield which will put additional pressure on the already damaged hedges and fences. PC should repair fences if application is approved.</p> <p>OR: The PC is responsible for maintaining the recreation ground. A landscape plan to include maintenance of the boundary hedges will be secured by condition.</p> <p>Noise</p> <p>OR: There are already noise-generating uses taking place on the recreation ground, and it is close to a busy main road. The additional noise generated by the skate park is not expected to lead to undue loss of amenity for neighbouring properties, which are located some distance away.</p> <p>Traffic/increased demand for parking</p> <p>OR: Most of those using the facility will be younger people coming by bus, foot, or dropped off by parent/carer. There is capacity in Broyle Lane for drop-off or longer stay parking if required.</p>

	<p>Potential for antisocial behaviour, who will 'police' this?</p> <p>OR: Any park/recreation ground has the capacity for anti-social behaviour. The site is overlooked by residential properties to the north and east, and the PC has committed to creating gaps in the hedges.</p> <p>No toilet facilities in the area – will hedges be used as a public urinal?</p> <p>OR: Again, many parks do not have toilets. The facility is currently well-used.</p> <p>Wildlife will suffer as a result of constant noise.</p> <p>OR: Noise- generating activities already take place in the recreation ground.</p> <p>Concern about the process by which the site was chosen, lack of transparency by PC.</p> <p>OR: Not a matter than can be taken into consideration</p> <p>Safeguarding – no proper surveillance, potential criminal activity, drug use, child exploitation, potential for vandalism</p> <p>OR: As noted above, this is a well-used public facility and there is nothing to suggest that the skateboard park will increase any chance of the above activities.</p> <p>Money should be used elsewhere.</p> <p>OR: The money is ring-fenced to replace the loss of a previous facility</p> <p>Skate Park should be on village green.</p> <p>OR: This site was not considered suitable by the PC through their public engagement exercise.</p> <p>Parking should be provided for emergency services as skateboarding is a dangerous activity</p> <p>OR: Emergency service vehicles can be accommodated on Broyle Lane close to the access.</p> <p>12 expressions of support</p> <p>Urgent need for replacement skateboard in Ringmer since original was demolished for a housing development.</p> <p>Perfect location as can easily be reached on foot</p> <p>S106 money was put aside for a new skateboard park, needs to be developed as soon as possible.</p>
8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations are the visual appearance, impact on the heritage assets on the site, impact on the amenity of local residents, and safeguarding.</p>

	<p><u>Principle:</u></p> <p>The proposed Skate Park is to replace a facility that was lost due to a housing development in another part of Ringmer. The developer made a contribution to a new skate park as part of a s106 agreement. The skate park will be located within an existing, long established park/recreation area.</p>
8.2	<p><u>Design and visual impact</u></p> <p>The proposed skatepark will extend 1.2m above ground level. However, it will be edged with grassed bunds to reduce visual impact. A condition has been recommended to secure a landscape plan.</p>
8.3	<p><u>Impact on residential amenity:</u></p> <p>The site is an existing recreation ground, including an area with play equipment. The facility is also used informally for football and sports, all of which will generate noise to some degree. The nearest properties to the north and west are nearly 90m away from skate park. It is considered therefore that any additional noise impact will be minimal and will not lead to excessive loss of amenity to local residents. In this regard the proposal complies with the amenity aspects of policies CP11 and DM25.</p>
8.4	<p><u>Impact on heritage asset</u></p> <p>The County archaeologist is satisfied with the Desk Based Assessment submitted by the applicant and has recommended conditions to comply with policies CP11 and DM33.</p>
8.5	<p><u>Safeguarding</u></p> <p>Concerns have been raised about safeguarding. It should be noted that most parks and recreation grounds of this type are unlit and un-supervised. In this respect, Fingerpost Field Recreational Ground is no different to most if not all the similar facilities throughout the District Council. The site is overlooked from residential properties on the north and east boundaries, and the Parish Council has committed to reducing the height of the boundary hedges and to remove some sections of the hedge to provide visual links and sight lines into the park. Details of the works to the hedge will be secured in the landscape condition.</p>
8.6	<p><u>Human Rights Implications:</u></p> <p>None.</p>
8.7	<p><u>Conclusions:</u></p> <p>It is accepted that a replacement skatepark needs to be provided to replace the one lost due to residential development. Ringmer Parish Council has carried out a considerable amount of work prior to making this application on this site. The facility will benefit the younger residents of the community on a site which is already used extensively for play and informal sports activities. On balance, it is recommended that the application is approved, subject to conditions.</p>

9.	Recommendation
9.1	That planning permission is granted subject to conditions.
10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Lighting</p> <p>No external lighting or floodlighting shall be installed on any part of the development hereby approved without the prior written approval of the local planning authority.</p> <p>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 Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two and paras. 170, 175 and 180 of the NPPF.</p>
10.3	<p>Archaeology 1</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with policies CP11 and DM33 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.4	<p>Archaeology 2</p> <p>The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with policies CP11 and DM33 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.5	<p>Landscape Scheme</p> <p>No works shall commence on site until a details of the grass bunding, additional planting and details of the proposed works to the boundary hedging, including partial removal to provide views into the site, together</p>

	<p>with a forward maintenance plan, have been submitted to and approved by the Local Planning Authority and the works carried out as approved.</p> <p>Reason: In order to maintain visual amenity around the skateboard park and to provide a level of surveillance from the public realm, in accordance with 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>
10.6	<p>Construction Management Plan</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> • the anticipated number, frequency and types of vehicles used during construction, • the method of access and egress and routeing of vehicles during construction, • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials, and waste, • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Unexpected land contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted 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 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</p>

	workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.		
11.	Plans:		
	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Design & Access Statement	15 September 2022	Design and Access Statement
	Planning Statement/Brief	15 September 2022	Planning, Design and Access Statement
	Proposed Section(s)	15 September 2022	FI 02 - Proposed Cross Sections
	Proposed Floor Plan(s)	15 September 2022	FI 01 - Proposed Floor Plan
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

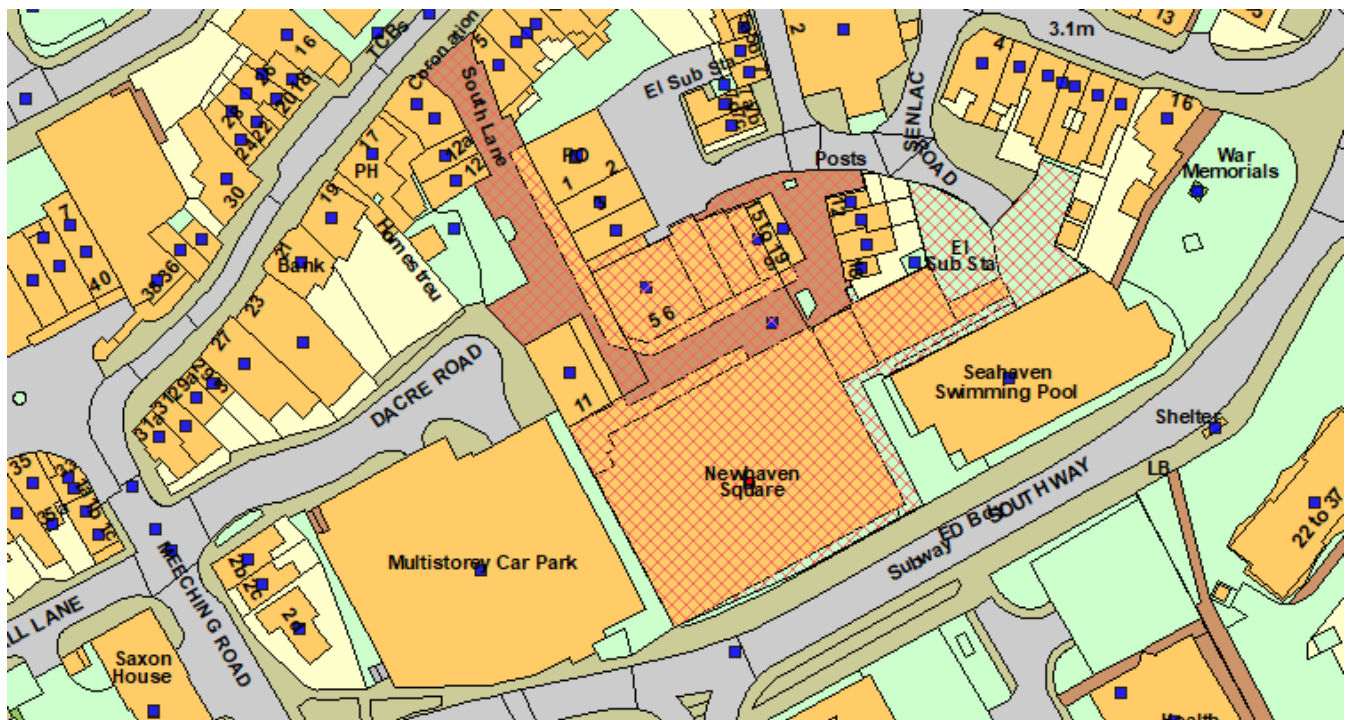
Agenda Item 10

Report to: Planning Applications Committee
Date: 7 June 2023
Application No: LW/23/0018
Location: 5-8 and 10 Newhaven Square, Newhaven, BN9 9QP
Proposal: Alterations and extensions to existing Co-operative and Peacocks buildings and external works to facilitate creation of a health, wellbeing and cultural hub to accommodate Quayside GP Practice and Wave Leisure Centre.

Applicant: Lewes District Council and Eastbourne Borough Council
Ward: Newhaven South
Recommendation: Approve subject to conditions subject to no additional material matters being introduced through public representations prior to the expiry of the statutory consultation period on 16th June.

Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	The application has been brought to committee as the applicant is Lewes District Council, in line with the Council's scheme of delegation.
1.2	The proposed development would facilitate the adaption of the buildings to allow it to accommodate an appropriate and valuable town centre/community use in a sustainable location and with sustainability enhancements.
1.3	The quality of the internal environment would be improved in both buildings as would the way in which they engage with the street scene and the wider surrounding area, to the benefit of the overall viability and vitality of the town centre.
1.4	It is considered that the proposed development would not prejudice any future mixed use residential redevelopment of the site and, instead, is likely to remove barriers to such development by way of improving the sustainability of the existing buildings , in particular access no natural light which is currently a significant constraint.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 7. Ensuring the vitality of town centres 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP4-Economic Development & Regeneration CP6-Retail and Town Centres CP7-Infrastructure CP9-Air Quality CP11-Built and Historic Environment & Design CP12-Flood Risk, Coastal Erosion & Drainage CP13-Sustainable Travel CP14-Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u>

	DM20-Pollution Management DM23-Noise DM25-Design
2.5	<u>Newhaven Neighbourhood Plan</u> D1 – Promoting Good Design D2 – Design and Climate Change T1 – Congestion Mitigation and Sustainable Movement TC1 – Regeneration of the Town Centre H5 – Housing Sites in the Town Centre

3.	Site Description
3.1	The application site incorporates 5-8 Newhaven Square (former Peacocks), part of a two-storey L-shaped building accommodating a parade of shops at ground floor level with office space above. The units had previously accommodated a clothes store but are currently vacant the building faces out on to a pedestrianised precinct. Unit 10 (former Co-op) is opposite units 5-8, to the south, and is a large 2.5-storey building which was previously occupied by a supermarket but is currently vacant and surrounded by scaffolding. The unit includes a two-storey eastern extension which includes a raised section below which the pedestrianised Chapel Street crosses.
3.2	The buildings fall within Newhaven Town Centre and forms part of the primary retail frontage. Unit 10 backs on to the elevated gyratory road which forms part of the route of the A259 and encapsulates the town centre. It is also connected to the neighbouring building to the east, which houses the Seahaven Swim and Fitness Centre. To the east is the Dacre Road multi-storey parking facility.
3.3	Unit 10, together with Seahaven Swim and Fitness Centre and the Dacre Road and Lower Place car parks combine to form housing site H5 in the Newhaven Neighbourhood Plan, which identifies the potential for mixed use development to deliver a minimum of 110 dwellings. The wider town centre is identified on the Neighbourhood Plan as an area for regeneration under policy TC1.
3.4	The site falls within an Air Quality Management Area. The site is located in Flood Zone 1 and is therefore not identified as being susceptible to tidal or fluvial flooding. However, flood zone 3 extends up towards the edge of the site to the south and east. The area to the east of the site is also identified as being susceptible to surface water flooding.
3.5	There are no other specific planning designations or constraints attached to the site or the immediate surrounding area.

4.	Proposed Development
4.1	<p>The proposed development involves a package of external works comprising the following: -</p> <p>Unit 10</p> <ul style="list-style-type: none"> • Removal of sections of the central gable roof to allow for open courtyard areas to be formed and accessed from the building; • Upward extension above the existing two-storey extension attached to the east of the building to allow for the formation of a plant room to serve the new use of the building and provision of an external staircase to provide access; • Installation of new windows and doors at ground floor level on the northern elevation of the building; • Installation of new windows at ground floor level on the eastern elevation; • Installation of solar panels on the south facing roof slope as well as new windows on the southern elevation of the section of building which is raised above Chapel Street; • Installation of new windows and doors at ground floor level on the western elevation; • Landscape planting flanking the eastern and southern elevations including climbing plants on the southern elevation; <p>Units 5-8</p> <ul style="list-style-type: none"> • Reconfiguration of roof lights and additional ground floor windows on north elevation; • Infill of 3 x first floor windows and revisions to shopfront glazing at ground floor level on south elevation; • New shopfront window and revisions to existing shopfront glazing on south elevation; <p>The proposed works are being applied for to allow the conversion of the buildings for use as a health, wellbeing and cultural hub. This does not represent a change of use in planning terms owing to the incorporation of a number of distinct ‘town centre’ use classes into one category, use class E, as per the Town and Country Planning (Use Classes)(Amendment) (England) Regulations (2020). The proposed uses would fall under sub-categories E (d) and E (e)</p>
5.	Relevant Planning History:
5.1	<p><u>Both Sites</u></p> <p>LW/78/0308 - Outline for redevelopment for shops, offices, community facilities, public conveniences, car park, access roads and pedestrian</p>

<p>areas. Former Jolly Sailor to be retained – Approved Conditionally 28th March 1978</p> <p>LW/78/0792 - Construction of roads and footpaths to serve shops, offices, and car park development – Approved Conditionally 28th June 1978</p> <p>LW/78/1324 - Approval of Reserved Matters (LW/78/0308) Construction of shops, offices, car park, public conveniences – Approved 27th September 1978 (amendment approved under LW/79/0673)</p> <p><u>10 Newhaven Square</u></p> <p>LW/80/0914 – Shopfront – Approved 16th June 1980</p> <p>LW/95/1510 - Installation of new containerised plantroom – Approved 8th March 1996</p> <p><u>5-8 Newhaven Square</u></p> <p>LW/99/1928 - New Shopfront, erection of air conditioning units and internal alterations – Approved 26th January 2000</p>
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6.	Consultations:
6.1	None received at the time of drafting and if any received by the time of Planning Applications Committee, they will be reported via the addendum report.

7.	Other Representations:
7.1	None received at the time of drafting and if any received by the time of Planning Applications Committee, they will be reported via the addendum report.

8.	Appraisal:
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 main considerations relate to</p>

	<ul style="list-style-type: none"> • The principle of the development. • The visual impact of the proposed works; • The quality of the environment provided within the building; • Impact upon residential and environmental amenity; • The overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.
8.2	<p><u>Principle of Development</u></p> <p>The proposed works to the building would be made to support their conversion to use as a health, wellbeing, and cultural hub. The use itself does not require planning permission, for the reasons set out in para. 4.1. The particulars being assessed therefore relate only to the external works that are to be made to the buildings.</p> <p>Para. 86 a) of the National Planning Policy Framework (NPPF) states that planning policies should allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.</p> <p>LLP1 policy CP6 notes that encouraging a diverse range of appropriate uses in all town centres, and in Newhaven in particular, would help support the vitality and viability of the town centre. This is echoed in NNP policy TC1 which also highlights a need to create an outward looking town centre environment by having visible active ground floor frontages and to improve the public realm.</p> <p>The importance of good design in terms of functionality, adaptability and quality is set out in LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF and NNP policy D1 and these considerations will be central in the determination of this application.</p>
8.3	<p><u>Visual Impact and Design</u></p> <p>The most significant alterations included within the proposal would be made to unit 10 which is a large, deep, and imposing former supermarket building that includes large sections of relatively featureless and unengaging facades and has poor internal access to natural light due to the width and depth of the building as well as a lack of windows and openings.</p> <p>The proposed works would introduce new windows and openings on all elevations, making the building a significantly more welcoming presence when seen within the town centre street scene and providing improved natural surveillance of the town centre, which would act as a deterrent to crime and anti-social behaviour. It is considered that these benefits would</p>

	<p>combine to encourage members of the public to use this part of the town centre more frequently and to spend more time there.</p> <p>The proposed upward plant room extension would increase the height of a small part of the building by approx. 2.8 metres. This is not considered significant in terms of the overall proportions and bulk of the building and, for this reason, it is considered that the plant room extension would appear overbearing or overly dominant. The creation of a plant room would allow for unsightly plant and other apparatus to be enclosed and screened from view and would also provide a degree of sound insulation. It is therefore considered to provide a useful function in terms of the quality of the overall street scene.</p> <p>There is currently no meaningful landscaping around most parts of the site, which is dominated by built form. Although it not be practicable to incorporate landscaping along the building frontages due to the way that the interact with the pedestrian area, the proposed development does include planting along the eastern side of 10 Newhaven Square, where it would flank the pedestrian route on Chapel Street as well as the planting of climbing plants adjacent to the southern boundary, facing towards the A259, with this planting supplementing existing street trees.</p> <p>10 Newhaven Square is a large structure with a significant amount of floor space but with poor access to natural light due to its depth, lack of windows and proximity to neighbouring buildings. The proposed development would introduce new ground floor windows on all aspects In addition, sections of the central roof gable would be removed to create a series of open courtyards that would be accessible from the building interior. It is considered that these measures would enable a large increase in natural light permeability and, in the case of the courtyards, also provide pleasant, landscaped outdoor amenity areas, thereby significantly improving the quality of the environment within the building.</p>
8.4	<p><u>Sustainability:</u></p> <p>The proposed works would facilitate the delivery of new uses for 5-8 and 10 Newhaven Square, both of which are vacant, with 10 Newhaven Square being out of use for a sustained period of time.</p> <p>Para. 152 of the NPPF identifies the reuse of existing resources, including the conversion of existing buildings as a means to support a transition to a low carbon future and reuse of buildings is also the favoured approach to redevelopment of a site as set out in para. 3.7 of the LDC Technical Advice Note (TAN) on Sustainability in Development.</p> <p>In order to encourage buildings to be retained and reused in the long term it is important that ‘future proofing’ is incorporated into the design. The modifications that are proposed for the buildings would not only benefit the intended use as a health, arts and culture hub but would also open up the buildings to natural light, provide useful pockets of amenity space and improve the way in which they appear within the street scene and how they are interact with the surrounding environment. It is therefore</p>

	<p>considered that the works would have a long term benefit in making the building more adaptable for use in a broad range of town centre uses in the future, including the potential for mixed residential use as per the objectives of the Newhaven Neighbourhood Plan.</p> <p>As well as improving access to natural light, which would result in a significant reduction in reliance on artificial lighting within the building, the proposed development also includes the installation of a large array of solar panels on the south facing roof slopes of 10 Newhaven Square. These panels would be capable of generating a high volume of renewable energy for use within the building. Roof mounted air source heat pumps are also proposed to assist with the heating of the building.</p> <p>Whilst the change of use of the building does not require permission in its own right, for the reasons set out in para. 4.1, the proposed works would facilitate the delivery of a new use within the buildings that would benefit the local community by providing healthcare, wellbeing and cultural facilities. These facilities would be in a sustainable location which can easily be accessed on foot or cycle from most parts of the town as well as by public transport, with the site being within close proximity to bus stops on major routes as well as Newhaven Town train station. Whilst the necessity of car use is considered to be reduced as a result of the attributes set out above, there are parking facilities adjacent that would provide ample space to meet parking demand generated by the development.</p> <p>The proposed landscaping provides the opportunity to introduce appropriate native species that would enhance biodiversity on the site and provide habitat. Planting would also allow for a degree of natural cooling around the building and adjacent streets and paths.</p>
8.4	<p><u>Housing Allocation</u></p> <p>As stated in para. 3.3, the site is identified as part of a housing allocation for 110 dwellings (in a mixed used format) within the Newhaven Neighbourhood Plan.</p> <p>It is considered that the proposed development would not impede the future redevelopment of the site for such purposes. Indeed, it is likely to offer some benefit in the form of improving the sustainability of the existing building, particularly through increased access to natural light, thereby reducing barriers that may be partially responsible for the lack of a residential scheme coming forward to date.</p>
8.5	<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</p>

	furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.6	<p><u>Conclusion.</u></p> <p>It is considered that the proposed works would facilitate the occupation of the buildings by a sustainable and valuable town centre use that would be of benefit to the wider community. It is considered that further benefits would be delivered in the form of the improvement of the appearance of the buildings, enhanced adaptability and creation of a better quality internal environment. It is also considered that the proposed works would not prejudice the future redevelopment of the site in the form of a mixed use residential scheme.</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to the conditions listed below.

10.	Conditions
10.1	<p>EXTERNAL MATERIALS:</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.</p>
10.2	<p>PLANT AND MACHINERY</p> <p>Prior to the first occupation of the buildings, details of any associated extraction/flue/filtration/ventilation systems to be installed or any other plant including siting, appearance and specifications shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit:</p> <p>Any apparatus approved shall thereafter be installed and maintained in accordance with the approved details.</p> <p>Reason: In the interest of visual, environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.</p>

10.3

LANDSCAPING

Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including quantity, species, and size
- d) details of biodiversity enhancements

All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of comparable size and species.

Reason: In the interest of visual amenity and biodiversity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM24 and DM27 and para. 130 of the NPPF.

10.4	<p>CONSTRUCTION MANAGEMENT PLAN</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters: -</p> <ul style="list-style-type: none"> • The anticipated number, frequency and types of vehicles used during construction, • The method of access and egress and routeing of vehicles during construction, • The parking of vehicles by site operatives and visitors, • The loading and unloading of plant, materials, and waste, • The storage of plant and materials used in construction of the development, • The erection and maintenance of security hoarding, • Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. • Details of measures to prevent surface water flooding during construction works. • Site waste management plan • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities. • Details of the use of protective fences, exclusion barriers and warning signs. • 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. • Details of any external lighting. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.</p>
10.5	<p>ASBESTOS SURVEY</p> <p>Prior to any demolition works, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</p> <p>Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers,</p>

	neighbours, and other offsite receptors in accordance with LLP2 policy DM20 and para. 174 of the NPPF.
10.6	<p>SUSTAINABILITY</p> <p>Prior to the first occupation of each building, a sustainability checklist, in accordance with the LDC Sustainability in Development Technical Advice Note, shall be provided to identify all measures to be taken to enhance the sustainability of the unit concerned. The buildings shall thereafter be maintained in accordance with the approved details throughout its use.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20, para. 152 of the NPPF and NNP policy D2.</p>

11.	Plans:		
11.1	This decision relates solely to the following plans: -		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	15/5/23	A-0900 Rev 2
	Proposed Site Plan	15/5/23	A-1023 - Rev 2
	Proposed Lower Ground Floor Plan	15/5/23	A-1024 - Rev 4
	Proposed Ground Floor Plan	15/5/23	A-1025- Rev 4
	Proposed Elevations	15/5/23	A-1200
	Proposed Sections AA, BB & CC	15/5/23	A-1300 - Rev 1
	Proposed Sections CC & DD	15/5/23	A-1301
	Landscape Proposals	15/5/23	
	Proposed Ground Floor Plan	15/5/23	A-1021
	Proposed First Floor Plan	15/5/23	A-1022
	Proposed Site Plan	15/5/23	A-1020
	Proposed Roof Plan	24/12/21	A-1023 Rev 3
13.	Appendices		
13.1	None.		

14.	Background Papers		
14.1	None.		