

Planning Applications Committee 12 July 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); Councillor Paul Keene (Deputy-Chair);

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

Quorum: 5

Published: Friday, 30 June 2023

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 7 June 2023 (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 outside the South Downs National Park

8 LW/22/0739 - Seaford Football Club, Bramber Road, Seaford, BN25 1AE (Variation of condition) (Pages 9 - 16)

9 LW/22/0740 - Seaford Football Club, Bramber Road, Seaford, BN25 1AE (Advertisement consent) (Pages 17 - 22)

10 LW/22/0659 - 35 Heathfield Road, Seaford, BN25 1TJ (Pages 23 - 34)

11 LW/23/0100 - Land to the North of Clearview, Nursery Lane, Wivelsfield Green (Pages 35 - 52)

12 LW/23/0140 - Bramble Lodge, Nursery Lane, Wivelsfield Green (Pages 53 - 62)

Non-planning application related items

13 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 August 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

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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 7 June 2023 at 5:00pm

Present:

Councillor Lucy Agace (Chair);
Councillors Paul Keene (Deputy-Chair), Ian Alexander, Graham Amy, Roy Clay, Becky Francomb, Wendy Maples (Substitute), Isobel Sharkey and Stella Spiteri

Officers in attendance:

Marc Dorfman (Senior Planning Specialist), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), Elaine Roberts (Committee Officer, Democratic Services), James Smith (Principal Planner) and Joanne Stone (Principal Planning Solicitor)

1 Election of Deputy Chair

That Councillor Paul Keene be elected Deputy Chair of the Planning Applications Committee for the remainder of the 2023/2024 municipal year.

2 Minutes

The minutes of the meeting held on the 19 April 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

3 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Christoph von Kurthy, Sean MacLeod and James Meek. It was declared that Councillor Wendy Maples would be acting as Substitute for Councillor Meek for the duration of the meeting.

4 Declarations of interest

Councillors Ian Alexander, Graham Amy and Paul Keene each declared a personal and non-prejudicial interest in Agenda Item 10 (planning application LW/23/0179) as they were patients of the Quayside GP Practice.

5 Urgent items

There were none.

6 Petitions

There were none.

7 Written questions from councillors

There were none.

8 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).

9 LW/22/0427 - Fingerpost Field Recreation Ground, The Broyle, Ringmer

Councillor John Whitlock spoke on behalf of Ringmer Parish Council. Barry Giles (Immediate Neighbour) and Andrew Smith (Local Resident) spoke against the proposal. Councillor Johnny Denis spoke in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/22/0427 for the construction of a skate park be approved, subject to the conditions set out in the report and supplementary report.

10 LW/23/0179 - 5-8 and 10 Newhaven Square, Newhaven, BN9 9QP

There were no registered speakers for this item.

Resolved:

That planning application LW/23/0179 for 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 be approved by the Head of Planning, subject to no additional material matters being introduced through public representations prior to the expiry of the statutory consultation period on 16 June 2023, the conditions set out in the report and supplementary report, and an additional condition in respect of lighting and further crime-detering measures on the application site.

11 Date of next meeting

It was noted that the next meeting of the Planning Applications Committee was 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.

The meeting ended at 6:08pm.

Councillor Lucy Agace (Chair)

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Agenda Item 8

Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/22/0739 and LW/22/0740
Location: Seaford Football Club, Bramber Road, Seaford BN25 1AE
Proposal: Amended description - Vary condition 1 of planning permission LW/10/0783 to permit up to 22 floodlit matches. Restriction on latest time of use to remain the same at 21:50 hours.

Applicant: T. Webster, Chairman, Seaford Town Football Club
Ward: Seaford South
Recommendation: Grant variation of condition.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The proposal as amended to restrict the number of floodlight matches to a maximum of 22 rather than remove the restriction altogether, is considered to be an acceptable outcome that meets relevant national and local plan policies as well as allowing the club the flexibility it needs to facilitate projected need.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 4. Decision making 8. Promoting healthy and safe communities
2.2	<u>Lewes District Local Plan:</u> CP11 – Built and Historic Environment & Design, Amenity DM15 – Provision for Outdoor Playing Space DM25 – Design and Amenity
2.3	<u>Seaford Neighbourhood Plan:</u> Nothing specific to this proposal, although policy SEA7 seeks to protect open spaces and parks from development proposals.
3.	Site Description
3.3	The football ground is located on the eastern half of Crouch Gardens, a public park in Seaford, with access from Bramber Road. The park is surrounded by residential properties in Bramber Road (nos. 1-17, 29, 31-33, 37, The Gables, The Orchards), Mercread Road (nos. 17-22 consec), Diamond Jubilee Close (nos. 1-6 consec), Cornfield Road 1, 5-9, Stoneleigh), Bainbridge Close (1-6 consec.) and Heathfield Road (17-29).
3.4	The western half of the park includes Seaford Bowls Club, a play area and a community garden.
3.5	Seaford Town Council own the Park.
4.	Proposed Development
4.1	The club originally applied to vary condition 1 of LW/10/0783 to entirely remove the limit on the number of floodlit games but to retain the hours of use of the lights. This was not considered to be an acceptable arrangement, as this could result in unlimited use of the lights. The Club has now agreed to a maximum of 22 floodlit fixtures. However, it is anticipated that there will be fewer floodlit league matches than this, but

	it allows for the flexibility needed to accommodate cup competitions, which are of course an unknown quantity.
5.	Relevant Planning History:
5.1	LW/89/1175 - Erection of eight floodlight standards – approved 31 January 1990. Temporary permission until 31 December 1994.
	LW/02/0042 - Erection of flood lights, (eight columns) to football pitch – refused 13 March 2002 on grounds of amenity regarding light spillage, noise and disturbance arising from players and spectators.
5.2	LW/04/1355 - Erection of floodlights to football pitch – approved 20 October 2004, subject to conditions restricting number of floodlit games and latest time for use – up to 21:30 for matches, 21:00 for training, during which only 4 lights allowed to be used. No use on Sundays or public holidays.
5.3	<p>LW/10/0783 - Amend condition one of application LW/04/1355 to extend the maximum of five competitive evening games to twelve per football season and extend the period of illumination from 2130hrs to 2150hrs – approved 14 October 2010.</p> <p><i>Condition 1- The floodlights hereby approved shall be used for up to a maximum of twelve competitive evening games per football season (August - June). On each of those evenings when games are played the floodlights shall not be illuminated after 9.50pm. The Club shall provide advance written notification to the local planning authority of the dates when the 12 evening games are to be played.</i></p> <p><i>Condition 2 - The floodlights hereby approved shall not be used for any purpose on Sundays, Bank or Statutory Holidays.</i></p> <p><i>Condition 3 - A maximum of four floodlight columns only shall be used on training sessions. On each of those evenings when training takes place the floodlights shall not be illuminated after 9pm.</i></p>
6.	Consultations:
6.1	<p>Seaford Parish Council:</p> <p>In view of the Council’s ownership of the Crouch and its involvement in the discussions leading up to the submission of the applications it would not be appropriate for the Council to make any formal response.</p>
6.2	<p>ESCC Highways:</p> <p>On this occasion I do not consider it necessary to provide formal Highway Authority comments and advise you to consult the minor planning</p>

	application guidance (2017) as we were not consulted on the original application.
6.3	ESCC Rights of Way: no response
6.4	Environmental Health Noise Pollution: no response
7.	Other Representations:
7.1	<p><u>Neighbour Representations:</u></p> <p>64 representations of support</p> <p>32 objections on the following issues: (Officer response – OR – in red)</p> <p>Lights often on until after 10pm</p> <p>OR – One complaint received by Planning Enforcement in August 2022, which resulted in this application. The timing condition will be retained on the new planning permission.</p> <p>Lights are intrusive to local residents.</p> <p>OR – The lights have been in place for over 19 years.</p> <p>Noise, bad language</p> <p>OR – This is a management issue for the club</p> <p>Parking, traffic generation</p> <p>OR - The increase in the permitted number of floodlit games is unlikely to increase the number of traffic movements.</p> <p>Site is open space not a football ground and should not be used exclusively for that purpose, club should move</p> <p>OR – The club has been established on this site for many years and plays an important role in the community.</p> <p>No requirement by the FA for the club to increase the number of evening fixtures</p> <p>OR – The recently established Under 23 league plays mid-week evenings, which is the key reason for the increase in number of floodlit matches. The club is bound by the rules of the Southern Combination Football League.</p> <p>Access to The Crouch is limited when matches are being played</p> <p>OR – This has always been the case. Access to the rest of the park will not be affected.</p> <p>Effect on wildlife, especially birds</p> <p>OR – As noted above, the floodlights have been in place for over 19 years.</p>
7.2	<u>Other Representations:</u>

	None.
8.	Appraisal:
8.1	The key consideration is the impact of the increase in the maximum number of games on the amenity of the residents who live close to the football ground.
8.2	<p>As noted in the planning history, the floodlights have, in one form or another, been in place at The Crouch since 1989, albeit restricted to a lower permitted number of matches.</p> <p>The type of bulb has been changed on a number of occasions, the latest being October 2019. Rear cowls were fitted to make the lighting more directional to the pitch.</p>
8.3	<p>The club has confirmed the following maximum number of floodlit matches required will be 22:</p> <p>Men's 1st Team - Most other league games with kick-off at 2pm to avoid use of floodlights, but last season, there were 2 floodlit matches .</p> <p>The team plays in 3 cup competitions, so there is a need to allow for floodlit cup matches. Anticipated number of evening fixtures 5.</p> <p>Women's Team – Team plays on Sunday afternoons, normally with 2pm kick-off However, the team folded this year but are regrouping for next season & the league normally has 7-8 opponents in it. Anticipated number of evening fixtures 2.</p> <p>Seaford Veterans – ad hoc use of The Crouch and normally play elsewhere. Anticipated number of evening fixtures 2.</p> <p>Under 18 team – no evening matches, only play Sunday with 11:00 kick-off.</p> <p>Under 23 league (formerly Reserve League which played on Saturdays). All home games played mid-week with floodlights. There are 10 league opponents and 2 cup competitions. Anticipated number of evening fixtures 13.</p>
8.4	<p>From the above, it is anticipated that floodlights will no longer be required for Saturday league games as the kick-off time is now 2pm during winter months. Only 3 midweek floodlit games were played in the last season.</p> <p>The main change has been the new under 23 league, which now plays mid-week.</p> <p>A maximum of 22 floodlit matches will accommodate all of the club's regular league requirements and includes flexibility for up matches.</p>
8.5	<u>Conclusions:</u>

	The proposal as amended at officer's request is considered to be acceptable and will allow the club to continue to function.
9.	Recommendations
9.1	Grant permission for the variation of condition 1 of planning permission LW/10/0783 to permit up to 22 floodlit matches. Restriction on latest time of use to remain the same at 21:50 hours.
10.	Conditions:
10.1	The floodlights hereby approved shall be used for up to a maximum of twenty-two (22) competitive evening games per football season (August - June). On each of those evenings when games are played the floodlights shall not be illuminated after 9.50pm. The Club shall provide advance written notification to the local planning authority of the dates when the 22 evening games are to be played. Reason: To help safeguard nearby residential amenity, having regard to policies CP10 and DM25 of the Lewes District Local Plan and the NPPF.
10.2	The floodlights hereby approved shall not be used for any purpose on Sundays, Bank or Statutory Holidays. Reason: To help safeguard nearby residential amenity, having regard to policies CP10 and DM25 of the Lewes District Local Plan and the NPPF.
10.3	A maximum of four floodlight columns only shall be used on training sessions. On each of those evenings when training takes place the floodlights shall not be illuminated after 9pm. Reason: To help safeguard nearby residential amenity, having regard to policies CP10 and DM25 of the Lewes District Local Plan and the NPPF.
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	3 November 2022	2201.LP01 - Site Location Plan
Existing Block Plan	3 November 2022	2201.BP01 - Existing Block Plan
Technical Report	13 March 2023	88 point lux level test
Photographs	13 March 2023	Photos of floodlights in operation
Technical Report	13 March 2023	Ground grading guidance handbook
Additional Documents	16 June 2023	Covering letter

12.	Appendices
12.1	None.
13.	Background Papers
13.1	None.

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Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/22/0740
Location: Seaford Football Club, Bramber Road, Seaford BN25 1AE
Proposal: Advertisement Consent for non-illuminated panels on pitch side of crowd barriers
Applicant: T. Webster, Chairman, Seaford Town Football Club
Ward: Seaford South
Recommendation: Grant advertisement consent.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is NOT CIL Liabile.

Site Location Plan



1.	Executive Summary
1.1	The advertisements are considered to be appropriate in the context of the football ground and are compliant with local plan policy DM31. Approval is recommended. Objections raised by local residents have been taken into consideration as far as they relate to amenity and safety.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 4. Decision making 12. Achieving well designed places
2.2	<u>Lewes District Local Plan:</u> DM31 – Advertisements
2.3	<u>Seaford Neighbourhood Plan:</u> Nothing specific to this proposal.
3.	Site Description
3.1	The football ground is located on the eastern half of Crouch Gardens, a public park in Seaford, with access from Bramber Road. The park is surrounded by residential properties in Bramber Road (nos. 1-17, 29, 31-33, 37, The Gables, The Orchards), Mercread Road (nos. 17-22 consec), Diamond Jubilee Close (nos. 1-6 consec), Cornfield Road 1, 5-9, Stoneleigh), Bainbridge Close (1-6 consec.) and Heathfield Road (17-29).
3.2	The western half of the park includes Seaford Bowls Club, a play area and a community garden.
3.3	Seaford Town Council own the park.
4.	Proposed Development
4.1	Advertisement Consent (retrospective) sought to retain various non-illuminated advertisement boards fixed to the pitch side of the crowd control barriers, and a fascia signs to the football stand. It is understood that the boards were installed on 21 st March 2020 without the benefit of advertisement consent.
5.	Relevant Planning History:
5.1	None relating to this proposal.

6.	Consultations:
6.1	<p>Seaford Parish Council:</p> <p>In view of the Council's ownership of the Crouch and its involvement in the discussions leading up to the submission of the applications it would not be appropriate for the Council to make any formal response.</p>
7.	Other Representations:
7.1	<p><u>Neighbour Representations:</u></p> <p>60 representations of support 16 objections, on the following issues: (Officer response – OR – in red)</p> <p>Adverts should be taken down after each match. OR – The adverts are secured to the crowd control barriers. It would be unreasonable to ask for them to be removed at the end of each match and re-attached at the next.</p> <p>Adverts are a visual intrusion and unsightly. OR – The advert panels are of a consistent size and set within the frame of the crowd control barriers. They face the pitch and are not illuminated.</p> <p>Signs have blown off in high weather OR – The club is aware of this issue. If consent is approved, the boards will be secured with scaffolding bolts.</p> <p>Adverts turn the open space into a commercialised area to earn money for the club, which is not appropriate in a peaceful open space, assumes the club owns the space which is not the case, illegal and a breach of local byelaws OR – These are not matters that can be considered under Advertisement Regulations</p>
7.2	<p><u>Other Representations:</u></p> <p>None.</p>
8.	Appraisal:
8.1	<p>At present, there are approximately 50 non-illuminated advertisement signs fixed to the pitch side of the 'crowd control' type barriers around the pitch, plus one across the pitch facing fascia of the stand.</p> <p>Some of the signs are 730mm high x 1550mm wide, others are 760mm high x 3050 wide. The fascia sign is 500mm high x 9150mm. The signs are made from composite aluminium.</p>

	As well as providing the club with an income, a number of signs are from its sponsors.		
8.2	Policy DM31 relates to advertisements and states that: <i>‘Advertisements and signs will be permitted where they are sympathetic to the character and appearance of the location and/or the host building, having regard to size, design, colour, materials, construction, siting, level of illumination, and cumulative impact with other advertisements in the vicinity. Advertisements and signs will not be permitted where they would be detrimental to public safety or to the amenities of the area.’</i>		
8.3	The advertisements are not illuminated, do not protrude above the fence panels and are consistently sized depending on the location relating to the sides of the pitch. Views of them are limited and they are not visible from the wider public realm or other parts of the park. Once the signs have been fixed more securely, they will no longer be a hazard to public safety.		
8.4	<u>Conclusions:</u> The advertisements meet the relevant criteria set out in policy DM31 and approval is recommended subject to standard condition as set out below.		
9.	Recommendations		
9.1	Grant Advertisement Consent.		
10.	Conditions:		
10.1	This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed, and any damage repaired unless further consent to display has been given by the Local Planning Authority. Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.		
11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Design & Access Statement	3 November 2022	Design & Access Statement
	Existing Elevation(s)	3 November 2022	2000.S03 - Existing Football Stand + Pitch Barrier Elevations

	Existing Layout Plan	3 November 2022	2200.S01 - Existing Site Layout Plan
	Location Plan	3 November 2022	2200.LP01 - Site Location Plan
	Existing Block Plan	3 November 2022	2200.BP01 - Existing Block Plan
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

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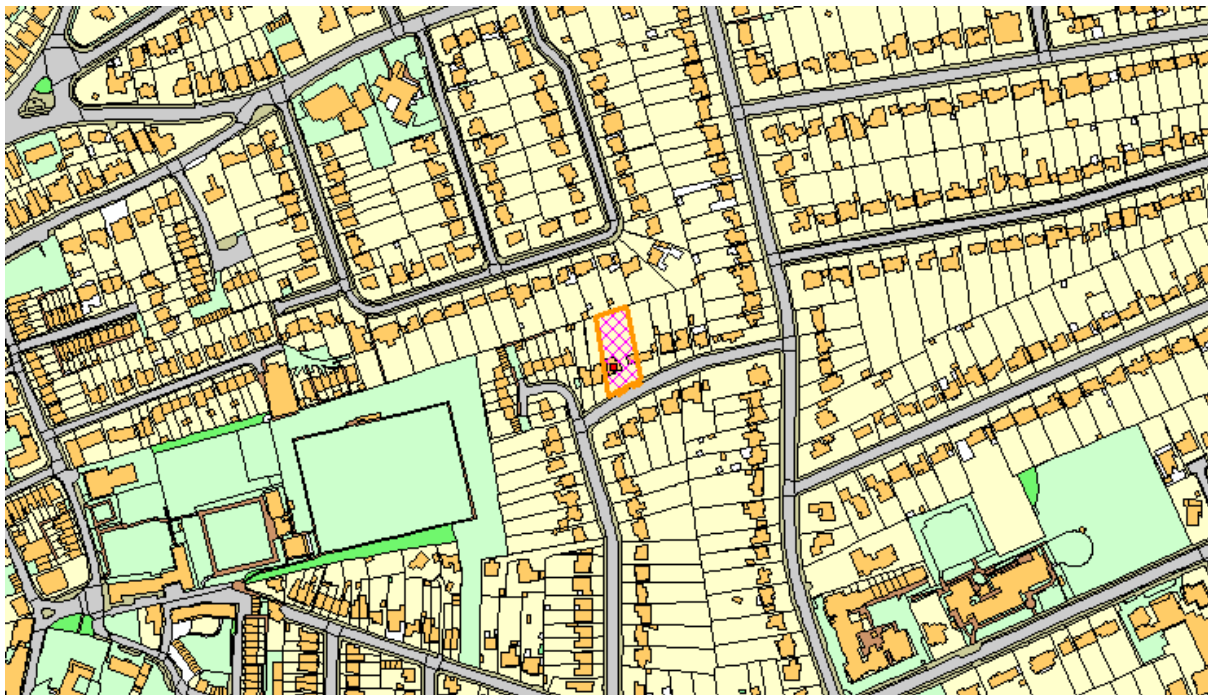
Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/22/0659 (Revised 3-3-23)
Location: 35 Heathfield Road, Seaford, BN25 1TJ
Proposal: Erection of 1-no. single storey dwelling and associated hard and soft landscaping within the rear garden area of 35 Heathfield Road.

Material alterations to 35 Heathfield Road to include erection of attached garage and provision of a driveway with vehicular access onto Heathfield Road - Revised Plans.

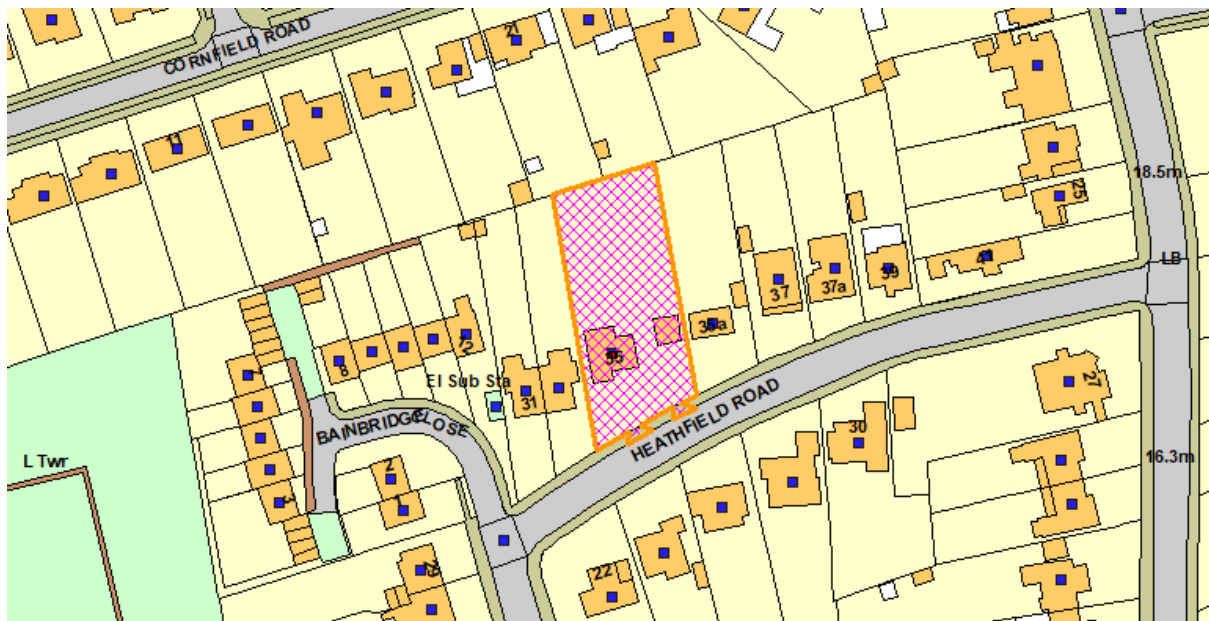
Applicant: Mr S Rigden
Ward: Seaford
Recommendation: Refuse planning permission.
Contact Officer: **Name:** Marc Dorfman
Email: marc.dorfman@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme would be CIL Liabile.

Site Location Plan 1.



Site Location Plan 2.



1.	Executive Summary
1.1	The application is brought to Planning Committee at the discretion of the Head of Planning as the proposal raises several key issues/themes.
1.2	The application is for a “tandem” new dwelling and access in the garden of an existing house. It is located within the settlement boundary of Seaford, (Seaford East). The site with the existing host house is wide and large and in principle could be designed to take further development.
1.3	The report sets out the general and specific policy background to a proposal for a tandem backland development (one dwelling behind another). The report notes that LLP2 DM30 explains that “tandem backland development is rarely satisfactory” because of issues of amenity and character.
1.4	<p>The officer assessment of the 3 tests for LLP2 DM30 Backland Development, finds that on:</p> <p>“Neighbouring amenity and disturbance” - the scheme fails.</p> <p>“Development impact” – the scheme could be supported.</p> <p>“In keeping with character and appearance” – the scheme fails.</p>
1.5	<p>Key “planning weight” issues for this application:</p> <p>The importance of delivering new homes, (in the context of Lewes’s out of date Local Plan for housing delivery)</p>

	<p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes's under supply of new homes. So overall minor positive planning weight.</p> <p>Using land effectively</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes's under supply of new homes. So overall minor positive planning weight.</p> <p>Ensuring development is well designed and located and respects local character.</p> <p>This is of significant planning importance for this application and the assessment in this report is that the scheme clearly does not comply. Overall, significant adverse planning weight.</p>
1.6	Officers consider that the scheme would be unacceptable and would not, overall, meet the 3 tests set out in LLP 2 DM30 Backland Development. It is therefore recommended that the application is refused for the reasons set out in paragraph 9.
2.	Relevant Planning Policies
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 home</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: - DM27 – Landscape Design</p> <p>LDLP2: - DM30 – Backland Development</p>
2.3	<p><u>Seaford Neighbourhood Plan 2019:</u></p> <p>SEA2 Design</p>
2.4	<p><u>Seaford General Design Guidelines 2018</u></p> <p>2.3 General Guidelines for Buildings</p> <p>GB01. Building Alignment</p>

	<p>GB06. Outbuildings</p> <p>3.2 Seaford East</p>
3.	Site Description
3.1	<p>The site is an unusually wide plot (15m) located on the north side of Heathfield Road, Seaford. This section of Heathfield Road runs east/west.</p> <p>At the front of the plot is a detached double garage and a detached 2 storey house, front drive, and front garden.</p> <p>A pathway between the two buildings leads to a rear large and deep garden with a range of mature plants and trees. The garden is well screened to the north and east, less so to the west. The garden to the west and east gives onto Heathfield neighbour gardens and to the north, rear gardens of Cornfield Road.</p> <p>Heathfield Road is a suburban residential street with a mixture of 2 storey detached and semi - detached homes, built mainly in the Edwardian era. Parking in the road is unrestricted, but most properties have on-site parking.</p> <p>The site and street are not in a conservation area, nor in a Seaford Neighbourhood Plan “area of established character.”</p>
4.	Proposed Development
4.1	<p>Full planning permission is sort for the demolition of an existing detached double garage to the side of an existing detached 2 storey house. This would provide a new walking and car access route to the rear garden where a new single storey 3 bed dwelling, (“L” shape), would be built directly behind the original host house. The proposed new bungalow would be an uncomplicated design with a part pitch and part gable roof .</p> <p>The site slopes up from south (Heathfield Road) to north (Cornfield Road), so the proposed new bungalow would be sunk into the ground, mainly at the northern end to lower its height with regard to neighbouring gardens, to mitigate intrusion and ensure no overlooking from the new home into other properties. However, the proposed new home’s pitched roof would still be seen projecting above neighbour garden boundaries.</p> <p>The application also proposes the development of a new single storey side garage for the host house and increased hard landscaping to the front of the property, (some loss of the existing garden) to provide car access to the host house. To provide good access to two proposed homes, the “flint and brick” front wall would have to be part demolished.</p> <p>The rear garden would be reduced and then shared between the existing house and the proposed new rear single storey dwelling.</p> <p>Overall, 50% of the plot’s garden would be lost to development/hardscape, including the loss of 25 trees, 2 groups of trees and 2 hedgerows.</p>

5.	Relevant Planning History
5.1	<p>S/57/0125 + S/58/0042: In 1957 and 1958 planning approval was granted for no. 35A Heathfield Road. This has been built, with a large gap between No. 35A Heathfield Road and No 35 to the west of No 35A.</p> <p>S/64/0481 + S/64/0525: Outline application for an additional dwelling and garage at 35 Heathfield Road in 1964, this was refused.</p> <p>LW/88/0167: In 1988 planning was approved for the replacement of the double garage at 35 Heathfield Road.</p>
5.2	<p><u>Pre - Application and Post Application Officer Advice</u></p> <p>PREAPP/21/0170</p> <p>Application for “Backland” tandem new single storey house in the rear garden of No 35 with a new rear garden drive. Support for the “Backland Development” scheme.</p> <p><i>“... The orientation of the proposed dwelling in relation to the host property and its neighbours is favourable... unlikely to unacceptably harm the amenities of neighbours by introducing unacceptable overshadowing onto neighbouring properties.</i></p> <p><i>“The loss of the mature trees in the rear garden is regrettable, but this could be mitigated by a scheme of soft landscaping to the boundaries of the site to maintain the leafy appearance of the plot.</i></p> <p><i>“...the access to the new property would be shared with the host property, with the existing double garage at the host property demolished to allow access....the existing garage does not make a positive contribution to the streetscape, and its loss is not considered to be detrimental to the street scene and character of the area.</i></p> <p><i>“Concerns about the loss of parking at the host property, and the relative lack of parking at the donor property. Any subsequent application should demonstrate how the proposals will mitigate the loss of parking to the host property.</i></p> <p><i>“Overall...no objection in principle to a new dwelling in this location.... encourage the use of materials which mirror those in the surrounding area and the retention / planting of trees to the boundaries to minimise the impact of the development upon neighbours...”</i></p> <p>2022 Review of PREAPP/21/0170 and submitted Planning Application</p> <p>The review concluded that the 2021 PREAPP had not taken into account “character and appearance” policies as set out in NPPF, Lewes Local Plan, Seaford Neighbourhood Plan and Seaford Design Guidelines. Concern that the proposal would be intrusive in a quiet rear garden zone and would harm the character of the landscape setting contrary to the Lewes LP, Seaford NP, and Seaford Design Guidelines. Important to make “efficient use of</p>

	land,” (and the site is a large plot), and to support the development of new homes - but not at the unacceptable expense of neighbour amenity, local character, and good design. This consideration would lead to an officer recommendation to refuse the Backland Development scheme.
5.3	<p>The Applicant submitted, (June 2023) examples of 11 “Backland Development” schemes in the vicinity of the application site, to support the case for 35 Heathfield – a “tandem backland” scheme.</p> <p>On reviewing these schemes, this officer found the following:</p> <ul style="list-style-type: none"> - It is clear that a number of these are similar to the 35 Heathfield proposal. - However, 5 cases are from the 1960’s, 1 from 1984 and 2 from 2008/9 – so all before the current Local and Neighbourhood Plans were in place. - A 2019 scheme gives directly onto a main road, so is a Backland Development, but, not a “tandem” scheme as proposed at 35 Heathfield. - Two permissions at 15 Heathfield Road in 2018 were granted for 2 new tandem homes – one bungalow and one large 2 storey home. The 2 storey home gives onto a rear public recreation ground and not a secluded, private rear garden zone similar to the 35 Heathfield Road situation. <p>Notwithstanding the above officer review, all application proposals must be considered on their own merits against current planning policy and other material planning matters.</p>
6.	Consultations:
6.1	<p><u>Seaford Town Council</u></p> <p>Support the proposed development.</p> <p>STC held a Council meeting to consider the application at which objections and comments of support were considered. Should the application be approved by LPAC, STC recommended that:</p> <ul style="list-style-type: none"> Permitted development rights be removed Noise dampening material used for the proposed new rear drive – way Adequate boundary landscaping required to maintain neighbour privacy and mitigate against unacceptable intrusion.
6.2	<p><u>Arboriculture</u></p> <p>No objection. Note the general importance of trees. Should the scheme be approved “replacement planting...to act in a screening capacity.”</p>
6.3	<u>Ecology and Biodiversity</u>

	Insufficient information. No ecological assessment of the site. Should permission be granted, the loss of 25 trees, 2 groups of trees and 2 areas of hedgerow and the double garage would need further consideration in case these supported protected and notable animal species.
6.4	<u>Flood and Drainage</u> No comment
6.5	<u>Highways</u> No comment
6.6	<u>Contamination and Pollution</u> No objection. Should the scheme be approved suggest an “unsuspected contamination” condition.
6.7	<u>Southern Water</u> No objection
7.	Other Representations:
7.1	<u>Neighbour Representations – Support</u> <ul style="list-style-type: none"> - The scheme is the same as 15 Heathfield tandem developments. No 35 is the only other plot where such a development could go. - Neighbouring amenity has been considered – the proposed home will be “sunk down” at the northern end of the garden. - Loss of trees and hedges can be mitigated by new planting. - There is little evidence of local wildlife like badgers and hedgehogs. - There is room for an additional new drive in the street.
7.2	<u>Neighbour Representations – Objections</u> <ul style="list-style-type: none"> - Loss of landscape character, trees, and hedges - Potential loss of wildlife habitat - Development out of keeping, out of character from street and area pattern - Overdevelopment - Highway hazard/parking problems - Overlooking and overshadowing - Neighbour intrusion to an area for tranquil gardens - Noise and disturbance

	<ul style="list-style-type: none"> - Drainage problems - Overbearing design
8.	Appraisal:
8.1	<p><u>Principle:</u></p> <p>The key planning issues for this application are.</p> <ul style="list-style-type: none"> a) the importance of delivering new homes, (in the context of Lewes's out of date Local Plan for housing delivery); b) of using land effectively and c) of ensuring development is well designed and located and respects local character
8.2	<p><u>General Policy Context</u></p> <p><u>National Planning Policy Framework (NPPF) Chapter 11 "Making Effective Use of Land"</u> expects development and housing in particular to be maximised. This should also take into account (para 124) the "desirability of maintaining an area's prevailing character and setting (including residential gardens)". NPPF goes on to suggest that guidance to achieve this balance should be in "character assessments and design guides" (para 125).</p> <p><u>LLP1 Strategic Objective 8</u> takes its cue from the NPPF..." maximise opportunities for reusing suitable previously developed land in sustainable locations without adversely affecting the character of the area".</p> <p><u>LLP1 CP11 High Quality Design</u>, asks that development "respect and positively contribute to character and distinctiveness....and respond sympathetically to local context".</p> <p><u>LLP2 DM25 Design (1)</u> asks that development "responds sympathetically to the characteristics of the site, its relationship with its immediate surroundings". (4) And "existing trees and tree groups that contribute positively to an area... should be retained."</p> <p><u>Seaford Neighbourhood Plan SEA2 Design</u> also asks for development to "contribute to local character and distinctiveness... and have regard to the local setting.... And landscape features" (p32).</p> <p><u>Seaford Design Guidelines</u> (2.3 p26) ask that development "harmonise with adjoining properties and maintain the character of the general streetscene and the character and value of private spaces, (including rear gardens)". Guidelines explain...." Residents are entitled to a reasonable level of privacy inside their homes and outside in their private gardens"and.."in principle trees should be protected because they play an important role in defining the local character, and are valuable in protecting the appearance of an area".</p> <p>At GB01 Seaford Guidelines supports the importance of maintaining..." a consistent building line at the front of the property, in relation to neighbouring buildings".</p>

8.3 Specific Policy Context for Assessing the Application

LLP 2 - Backland Development DM30

The preamble to DN30 is important, it clearly explains that “Tandem” development, (one house behind another) ...”is rarely satisfactory due to the difficulties of access to the house to the rear and the disturbance and loss of privacy suffered by the house at the front”. This is important because there are many other small sites in residential areas, including in gardens, which can be used for housing schemes but would not be tandem developments.

The Policy DM30 then sets 3 tests to be met for the support of Backland Development:

- (1) safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on neighbour amenity, (noise, light or other)

Assessment: The application site is wide and has sufficient space for an additional access route to the rear of the site. But the design would require some demolition of the frontage wall to increase car access for two homes and the introduction of regular walking, cycling and car trips passed two homes and into the rear gardens of a currently quiet and private zone. Comments by the Town Council and the applicant to investigate “low noise surfaces” for the access demonstrate this amenity concern and at 15 Heathfield Road acoustic barrier fencing and harsh landscaping has been introduced to combat this amenity harm. **Overall, it is considered that this test is not met.**

- (2) mass and scale of the development will not have an overbearing impact on, or result in the loss of privacy to existing homes and gardens.

Assessment: The proposed scheme has done much to reduce its impact on neighbours and the rear garden tranquil zone. The proposed house is single storey. Windows are sufficient for good internal light, but not extensive. There would be no neighbour overshadowing. The rear of the development is proposed to be sunk to ensure no overlooking of neighbour properties. However, the roof of the proposed new home would be seen but no higher than a garden outbuilding. In winter months house lights would shine in the normally dark garden zone. **Overall, it is considered that this test could be met, subject to lighting conditions.**

- (3) the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity.

Assessment: The proposed scheme would result in a significant loss of garden to the front and rear. At the rear, a considerable number of trees would be lost, (though there would be some replanting). And though it is accepted that many of the trees are low category species, this does not take

	<p>away from the importance of their cumulative function within the overall rear garden landscape setting. This landscape setting would be significantly punctured by an incongruous large building that had no relationship to the character, setting and distinctiveness of the local area, (either its garden form or building alignment). A review of the “site location plans” at the front of this report, demonstrates how out of place a house in the rear garden of No 35 would be, (compared for example, to the “principle” of the two garden location opportunities of the western end of Heathfield Road, No 27 and No 41, Site Location Plan 2). <u>Overall, it is considered that this test is not met.</u></p>
8.4	<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.</p> <p>The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.5	<p><u>Conclusions:</u></p> <p>a) The importance of delivering new homes, (in the context of Lewes’s out of date Local Plan for housing delivery)</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes’s under supply of new homes. <u>So overall minor positive planning weight.</u></p> <p>b) Using land effectively</p> <p>In this application we are only dealing with one new home, which would not contribute significantly to Lewes’s under supply of new homes. <u>So overall minor positive planning weight.</u></p> <p>c) Ensuring development is well designed and located and respects local character.</p> <p>This is of significant planning importance and the application is clearly considered not to comply. <u>Overall, significant adverse planning weight.</u></p>
9.	Recommendation
9.1	<p>Refuse planning permission.</p> <p>a) The proposed tandem backland single storey dwelling house would harm the appearance of the rear garden landscape setting by significantly reducing the rear garden and introducing an incongruous substantial new dwelling into what is clearly a distinctive, tranquil private garden character zone.</p>

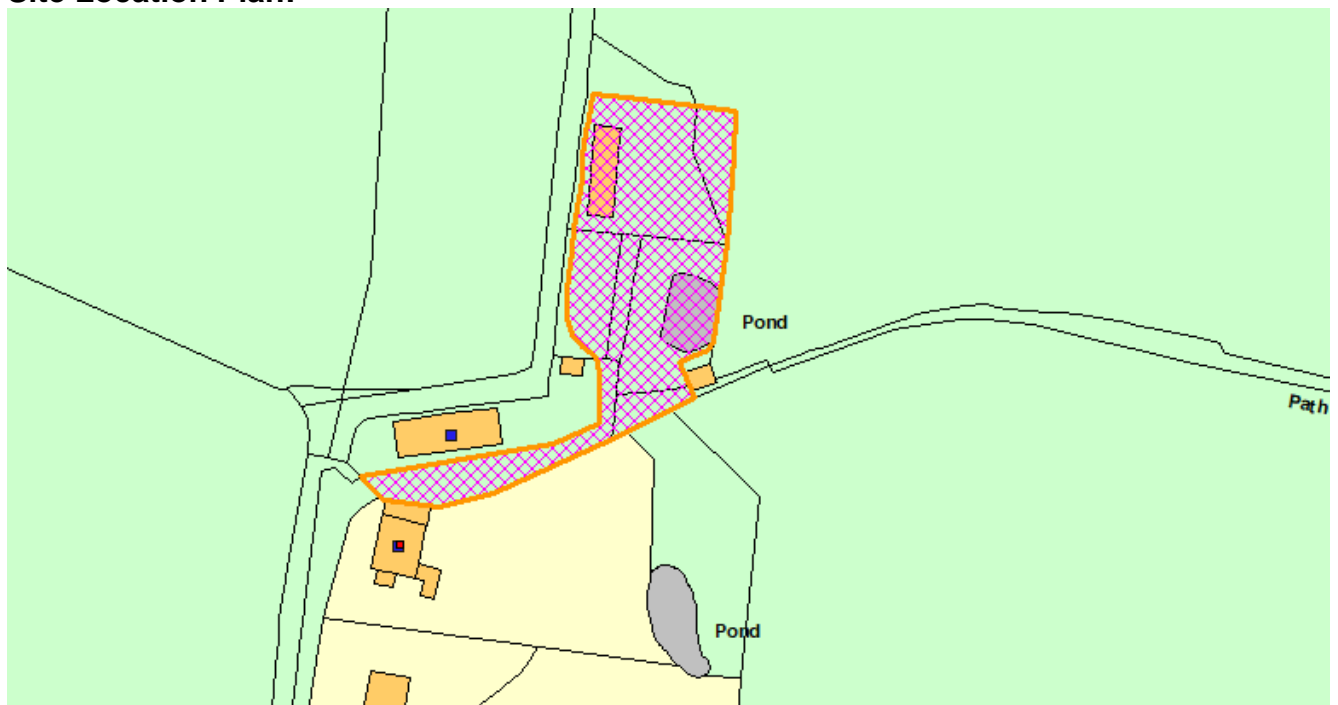
	<p>b) The proposed new wider access would require the demolition of part of the existing front flint and brick wall which it is considered would harm a distinctive element of the street pattern and design of this part of Heathfield Road</p> <p>c) The scheme would introduce regular car, cycle, and walking access to the rear private garden zone. This would significantly change the existing experience of neighbour amenity and be likely to harm that amenity and risk neighbour security.</p> <p>The above adverse design and environmental impacts would be contrary to:</p> <ul style="list-style-type: none"> - Local Plan Part 1 Strategic Objective 8; CP11 High Quality Design - Local Plan Part 2 DM25 Design; DM30 Backland Development - Seaford Neighbourhood Plan SEA2 Design - Seaford General Design Guidelines 2.3; GB01 and 3.2 																																										
10.	Plans:																																										
10.1	This decision relates solely to the following plans																																										
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11.	Appendices
11.1	None.
12.	Background Papers
12.1	None.

Agenda Item 11

Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/23/0100
Location: Land to the North of Clearview, Nursery Lane, Wivelsfield Green
Proposal: Demolition of existing outbuilding, construction of a two-storey 4-no. bed dwelling house.
Applicant: Mr L Malins
Ward: Wivelsfield
Recommendation: Subject to no adverse comments being received from NatureSpace/LDC Ecology, then the application be delegated to the Head of Planning to approve subject to conditions.
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 ward councillor at the time the scheme was submitted requested it be called in and the request was made on sound planning based grounds.
1.2	The existing building has extant permission for conversion to residential use. The proposed development would provide a replacement dwelling outside of the settlement boundary. This is a form of development that is supported in the Local Plan, where it can be demonstrated that it would be sympathetic to the surrounding environment.
1.3	It is considered that the proposed development would be visually sympathetic and would also facilitate the remediation of an untidy site. It is also considered that gains in biodiversity and sustainability could be achieved against the site in its current form but also above those offered by the approved scheme to convert the existing building.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2– Achieving sustainable development; 5 - Delivering a sufficient supply of homes 4 – Decision-making; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport 11 – Making effective use of land 12 - Achieving well-designed places; 14 – Meeting the challenge of climate change, flooding, and coastal change; 15 – Conserving and enhancing the natural environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP10 – Natural Environment CP11 – Built and Historic Environment & Design CP12 – Flood Risk, Coastal Erosion and Drainage CP13 – Sustainable Travel CP14 – Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u>

	<p>DM4 - Residential Conversions in the Countryside</p> <p>DM5 - Replacement Dwellings in the Countryside</p> <p>DM20-Pollution Management</p> <p>DM23-Noise</p> <p>DM24-Protecting Biodiversity and Geodiversity</p> <p>DM25-Design</p>
2.4	<p><u>Wivelsfield Neighbourhood Plan (WNP)</u></p> <p>1 – A Spatial Plan for the Parish</p> <p>5 – Design</p> <p>6 – Green Infrastructure and Biodiversity</p>

3.	Site Description
3.1	<p>The application site is located outside of the settlement boundary, the nearest settlement being Wivelsfield Green, the edge of which is approx. 450 metres to the southwest of the site. The site lies at the end of a rural lane, which also forms the route of a public bridleway. The lane terminates approx. 125 metres to the south of the site, at which point it continues as a track. At this point, the bridleway also splits into public footpaths heading north, east and west. The site can be clearly viewed from the footpath heading east and can be seen through trees and hedgerow from the footpath which heads north.</p>
3.2	<p>The site is occupied by a single-storey building that is constructed in blockwork and has a low profile hipped roof which is surfaced with tiles. The building was originally constructed to accommodate pigs but has been in continued use as a storage facility associated with the adjacent builders yard for some time. The building incorporates a number of openings including full height metal shutter doors and uPVC window units. The builders yard area is somewhat cluttered, with a mix of materials and machinery being stored on externally.</p>
3.3	<p>There are a number of buildings close to the site including a recently completed barn structure directly to the north. To the south there are sporadic groups of dwellings lining the eastern side of Nursery Lane. The lane extends southwards until it meets Strood Gate which forms part of a relatively dense residential development and marks the edge of the Wivelsfield Green settlement boundary.</p>

3.4	Other than its rural setting and the proximity to public footpaths, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.
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4.	Proposed Development
4.1	<p>The proposed development involves the demolition of the existing building (for which approval for a conversion to residential use has already been approved) and the erection of a detached 1½-storey four bed dwelling measuring 12.4 metres in width by 7.85 metres in depth.</p> <p>The proposed dwelling would be positioned slightly to the east of the footprint of the existing building. The ground level slopes downwards from west to east and the land on which the dwelling would be positioned would be terraced to account for this, with the ground floor of the building. Base of the proposed building set approx. 1.1 metres lower than the existing building.</p> <p>The roof of the proposed dwelling would have a barn hipped form, with the main eaves' height being approx. 3.7 metres above ground level, the raised eaves on the northern and southern sides of the building set at approx. 5 metres above ground level and the ridge height at approx. 7.35 metres. The western and eastern (front and rear) roof slopes would each have 3 x pitched roof dormers incorporated into them.</p> <p>A garden area would be formed to the rear (east) of the dwelling with 2 x car parking bays provided to the front and accessed from the existing track that passes along the western site boundary.</p>

5.	Relevant Planning History:
5.1	<p>LW/21/0507 - conversion of existing workshop / builders' yard to form a 3 bed dwelling– Approved Conditionally 23rd September 2022 (same application site)</p> <p>LW/22/0168 - To regularise the use of the existing barn – Certificate of Lawful Existing Use granted 23rd August 2022 (same applications site)</p>

6.	Consultations:
6.1	<p><u>Wivelsfield Parish Council:</u></p> <p>The Parish Council acknowledges that the 'barn' was granted approval under LW/22/0168 and that a three bedroom conversion of the existing building was subsequently also approved (LW/21/0507).</p>

However, it maintains that:

1. Had appropriate and timely enforcement action been taken, when the barn was first constructed without planning consent, we would not now be looking at a conversion of a building in the countryside, but rather an application for building in the countryside, contrary to paragraph 80 of the NPPF.
2. The barn stands outside the planning boundary and its development is therefore contrary to policy DM1 of the Lewes Local Plan Part 2 (LLP2) and Policy 1 of the Wivelsfield Neighbourhood Plan.
3. The proposal fails to meet any of the criteria laid down in LLP2 Policy DM3 which gives circumstances in which development outside of the development boundary may be permitted.
4. In seeking to replace the existing building, it also conflicts with policy DM4 of the LLP2 which says that conversion of agricultural or other rural buildings will be permitted if:
 - a. the building is of sound construction and capable of conversion without significant rebuilding
 - b. The proposed alterations will not materially change its appearance,
5. Policy DM4 goes on to say that if a building's 'conversion would be likely to result in the need for a replacement structure, then the proposal is unlikely to be acceptable' This application is therefore clearly contrary to Policy.
6. The proposed building, by virtue of its increased height and overall appearance, will detrimentally affect the distinctive rural character of the area and encroach upon this valued countryside location.
7. Furthermore, the addition of one home will not make sufficient difference to the District's housing numbers to justify this intrusion into the countryside.

As a result of the above, the Parish Council considers the proposal to be in conflict with the Lewes District Local Plan Part 2, Wivelsfield Neighbourhood Plan and National Planning Policy Framework and asks that you refuse the application.

NatureSpace:

We are not satisfied that the applicant has fully assessed the potential impacts to great crested newts and/or their habitat..

OFFICER COMMENT: Additional surveys have now been carried out and have been reported to NatureSpace, see para. 8.8 of this report. A response is awaited, and permission is sought for this matter to be delegated back to officers to resolve, should members be minded to recommend approval.

LDC Ecologist:

Prior to determination of the application advice should be sought from a suitably qualified ecologist. Confirmation should be provided as to whether

	<p>the 2021 survey information remains valid and to establish whether the new proposals require any alterations to the proposed mitigation, compensation and enhancement measures. Any required further surveys should be submitted.</p> <p>OFFICER COMMENT: A condition can be used to secure full details of biodiversity enhancements and a method statement to ensure wildlife and habitat is protected during construction works.</p>
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7.	Other Representations:
7.1	<p>Two letters of objection have been received. Relevant planning content provided is summarised below: -</p> <ul style="list-style-type: none"> • It is a greenfield site and is being overdeveloped; • The planning notice was torn down; • The design and access statement is false and misleading; • Proposed building larger than existing; <p>OFFICER COMMENT: The majority of matters raised are addressed in the main body of this report. A new notice was issued and displayed following receipt of the complaint regarding the original one being removed. The planning assessment is based on the plans provided and observations of the case officer. All statements made in the design and access statement are tested as part of this assessment.</p>

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 within the wider rural setting; • The quality of the environment provided within the dwelling;

	<ul style="list-style-type: none"> • Impacts upon residential and environmental amenity; • The ‘fallback’ position provided by the scheme approved under LW/21/0507; • 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 site is occupied by an established rural building that was originally constructed as a barn but is currently in use as a store associated with the builders yard in which it is located.</p> <p>Permission was granted under LW/21/0507 for the building to be converted to a 3 bedroom single-storey dwelling, in compliance with LLP2 policy DM4, which encourages the sympathetic conversion of residential buildings to residential use, where they are in a suitable location.</p> <p>LLP2 policy DM5 allows for the replacement of existing dwellings in rural locations subject to the following criteria:-</p> <ol style="list-style-type: none"> 1) the scale, form, height, and massing of the replacement dwelling is compatible with its rural location and the surrounding form of development; 2) the replacement dwelling is located in the same or similar position of the existing dwelling, unless an alternative location would result in clear landscape, highway access or local amenity benefits. <p>Whilst the conversion approved under LW/21/0507 has not yet been implemented, with the permission valid until 23rd September 2025, it is a material consideration in the determination of this application given it represent a ‘fallback’ position if the application is not approved.</p> <p>It is therefore considered appropriate to assess the merits of the scheme against the DM5 criteria listed above which, it is noted, allows for the footprint of the new building to be different to that of the existing building and for a larger building to be constructed provided it is sympathetic to its surroundings.</p> <p>Although the Wivelsfield Neighbourhood Plan is generally resistant to residential development outside of the settlement boundary, it does state that ‘proposals for housing development outside the boundaries will only be granted if they are consistent with the countryside policies of the development plan.’ As demonstrated above, the proposed development meets this test.</p> <p>The principle of the proposed development is therefore considered to be acceptable subject to the assessment against all relevant local and national planning policies which will be carried out in the main body of this report.</p>

8.3

Visual Impact and Design

The site is located amongst an established cluster of buildings, including residential properties to the south, and is itself occupied by a building. It is therefore considered that the development of the site would not result in the presence of an isolated dwelling in the countryside, such development being resisted as per para. 80 of the NPPF. This is of importance given the proximity of the site to two public footpath routes.

The existing building is a blockwork construction with a tiled roof. It is considered that the building does not possess any distinguishing characteristics of a typical rural/agricultural structure and in its current form, is an unsightly feature that is clearly visible from two public footpaths. The scheme approved under LW/21/0507 does not significantly alter the form of this building although timber cladding and render would be applied to the exterior walls and new fenestrations be installed.

The footprint of the proposed dwelling would be approx. 18 m² smaller than that of the existing building, with the width of the frontage reduced by approx. 5 metres, although the depth would be marginally increased by approx. 1.3 metres. The footprint would also be positioned further towards the east of the site. Given that this would allow for the dwelling to be positioned on lower lying land and allow for additional landscaping to the frontage it is considered the adjustment in position is acceptable, particularly as the distance maintained between nearby buildings would remain consistent and the building would also remain within the area partially enclosed and developed as a builders yard rather than transferring it into open countryside.

Although the footprint of the proposed dwelling is reduced, the height is increased to allow for rooms to be formed in the roof. It is considered this increase in height would be mitigated as a result of the building would be positioned on lower lying land. It is also considered that the barn hipped roof form of the proposed dwelling is more consistent with the appearance of surrounding rural buildings than the roof form of the existing building. It is considered that the proposed dormers incorporated into the front and rear roof slopes would not overwhelm the roof form due to their modest size, spacing and pitched roof design.

Windows and openings are generally relatively small, this being an important attribute given that excessive glazing can appear overly domestic in a rural environment as well as result in distracting glint and glare. Where there is a greater concentration of glazing at ground floor level on the dwelling frontage, existing and proposed landscaping would provide a sympathetic screen that would minimise its impact on the surrounding rural environment.

The proposed dwelling would not require the formation of any significant new access or utility infrastructure as these facilities are already present on the site. The proposed garden area would be in an area where there is an existing degree of enclosure provided by the fenced builders yard area. Conditions will be used to ensure the boundary treatment used for the garden area is post and rail timber fencing that is sympathetic to the rural environment. Permitted development rights for erection of fencing will also

	<p>be removed so as to prevent the possibility of overly domestic boundary treatment such as close boarded fencing being introduced at a later date.</p> <p>The development of the site would allow the existing building yard to relocate. The yard includes an unsightly outdoor storage area and it is considered that its replacement with an appropriate form of landscaped residential development would improve the visual quality of the site and the way that it contributes towards the character of the surrounding area.</p> <p>Based on the assessment made above, it is considered that the proposed new dwelling would be appropriately positioned and appear sympathetic to the surrounding rural environment. It is therefore considered to be compliant with LLP2 policy DM5.</p>
8.4	<p><u>Impact upon residential amenity:</u></p> <p>Although there are dwellings nearby, the separation distances between the proposed dwelling and neighbouring properties is considered to prevent any potential for loss of residential amenities as a result of overlooking, overbearing or overshadowing impact,</p>
8.5	<p><u>Living Conditions for Future Occupants</u></p> <p>Para. 119 of the NPPF states that planning decisions 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' Para. 127 advocates the use of design policy, guidance and codes as a means to create better spaces to live and work in. Lewes District Council does not currently have an adopted design code and, in these circumstances, national documents should be used to guide decisions on applications as per para. 129 of the NPPF. These national documents are the National Design Guide (2019) and the National Model Design Code (2021).</p> <p>Para. 126 of the National Design Guide states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' Para. 181 of the National Model Design Code Part 2 states that internal space standards help to ensure that new homes contribute to the health, family function and wellbeing of residents. Both documents suggest the enshrinement of the DCLG nationally described space standards (2015 - as amended 2016) in local design guides and, whilst they are not currently included within local policy, they are considered to be an important tool in guiding assessment of living conditions.</p> <p>The proposed dwelling would provide 166.5 m² of Gross Internal Area (GIA). This comfortably exceeds the 124 m² minimum GIA for a two-storey, four bedroom, eight person dwelling as set out in the national space standards. As such, it is considered that ample living space would be provided. The additional space has allowed for a study to be included</p>

	<p>at ground floor level. The provision of facilities for working at home is encouraged in the Council's Sustainability in Development Technical Advice Note (TAN).</p> <p>All habitable rooms would be provided with clear glazed windows. The dwelling has multiple aspects and a number of individual rooms, including all ground floor rooms, are dual aspect. It is therefore considered that there would be good levels of access to natural light and ventilation throughout the day. The proposed garden area is considered to be of a good size. It is considered that there is a suitable level of natural surveillance of the site and access routes to prevent the development from appearing unacceptably secluded and from creating an environment that is susceptible to crime and anti-social behaviour. It is therefore considered that suitable living conditions would be provided for future occupants.</p>
8.6	<p><u>Highways and Access</u></p> <p>The site is located at the end of Nursery Lane, a narrow country lane which is also a public bridleway. Due to its reduced width and lack of footway, combined with its use for amenity purposes, users of the lane are considered to be vulnerable to excessive vehicle movements on the lane.</p> <p>It is considered that the development of a single dwelling on the site would not generate a significant level of trips and it is likely that traffic would be reduced when compared to the current level of traffic generated by the builders' yard facility. The cessation of the builders yard use would also likely result in a reduction in movements of large commercial vehicles on the lane.</p> <p>The site is served by an existing access track, the course of which would be realigned slightly by straightening it where it currently passes to the east of the existing building. The new section of track would be positioned over the footprint of the existing building. Two car parking bays would be provided and this is considered sufficient to serve a four bedroom dwelling, as per ESCC Highways Standing Advice. It is considered that additional capacity for visitor parking would be available on the access track or nearby hard surfaced areas and, therefore, the potential for unsightly or hazardous parking along the public bridleway would be avoided.</p>
8.7	<p><u>Sustainability & Drainage</u></p> <p>The Council's Sustainability in Development (TAN) encourages the reuse of buildings as a sustainable form of development. The proposed development would result in the demolition of an existing building. However, in this instance it is considered that there are arguments to support the removal of the building on sustainability grounds. The existing building requires significant improvements, including provision of new external materials, in order to be converted to residential use, as evidenced by application LW/21/0507. The existing building does not include a significant amount of internal waste material and largely comprises blockwork and tiles which can be reused or recycled as</p>

	<p>aggregate. A condition for a site waste management plan will be attached to any given approval to ensure this would be the case. A short statement is included with the submitted application, but it is considered that more information is required.</p> <p>The proposed dwelling would be constructed in energy efficient materials, would provide facilities for the mounting of solar panels, electric car charging. It is stated that a ground or air source heat pump would be installed as would rainwater harvesting equipment and water efficiency measures.</p> <p>Whilst the site is located outside the settlement boundary the shops, services and public transport connections in Wivelsfield Green are all within approx. 800 metres to 1 kilometre walking distance although it is accepted that these facilities are limited and trips to destinations further afield are likely to require the use of a car.</p> <p>The site is located in Flood Zone 1 and, therefore, is not susceptible to flooding from tidal or fluvial sources. Government mapping also shows risk if surface water flooding is low. It is noted that the site level is being reduced to allow the proposed dwelling to be dug into the slope and, whilst the impermeable area of the site would remain similar to existing levels, it is considered that the change in topography as well as the introduction of a residential use justify the need for a sustainable drainage system on the site. A condition will be used to obtain such details. An informative will also be used to draw the attention of the applicant to standard requirements and licensing arrangements set out by the Environment Agency for the use of any sewage management facilities, including septic tanks, should a connection to the public foul network not be made.</p>
8.8	<p><u>Ecology</u></p> <p>Although in a rural location, a large part of the site is currently built over or hard surfaced. The activities associated with the builders' yard also means there is regular disturbances, movement of vehicles and machinery and storage of materials that may be detrimental to wildlife.</p> <p>The proposed development presents to opportunity to achieve biodiversity net gain through habitat creation and enhancement in the form of native planting, the installation of bat and bird boxes. A condition can be used to secure a comprehensive landscaping and ecological enhancement scheme. Particular attention would be given to the existing hedgerow on the western boundary which is identified as being defunct and species poor. Additional planting could improve the species mix and strengthen connectivity with the surrounding hedgerow network,</p> <p>Buildings such as the one presently occupying the site can provide potential roosting space for bats. The Preliminary Ecological Appraisal (PEA) accompanying the application includes a bat roosting assessment which concludes that the good condition of the building means that it</p>

	<p>would be difficult for bats to enter and that the fact it is frequently used adds a deterrent to bats.</p> <p>Concerns that the survey carried out for presence for Great Crested Newts nearby was not far reaching enough were raised by NatureSpace. In response, additional surveys have been carried out and these have been submitted to NatureSpace for comment. To date, no response has been received and so, if members are minded to recommend approval of the scheme, it is requested that delegated authority is given to officers to ensure that. If Great Crested Newts are present nearby, suitable mitigation measure are in place to safeguard their health and habitat.</p>
8.9	<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>
8.10	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development is appropriate for the rural setting, would integrate well with the existing pattern of development nearby as well as the rural environment, would provide good quality accommodation, remediate an untidy site, and would not have a harmful impact upon residential amenities, highway safety or biodiversity.</p>

9.	Recommendations
9.1	Subject to no adverse comments being received from NatureSpace/LDC Ecology then the application be delegated to the Head of Planning to approve subject to conditions,

10.	Conditions
10.1	<p>EXTERNAL MATERIALS:</p> <p>The external materials and finishes applied to the development hereby approved shall be in accordance with those listed in the application particulars. The development shall thereafter be maintained in accordance</p>

	<p>with those details 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>RENEWABLES AND CARBON REDUCTION</p> <p>Prior to the occupation of any individual unit hereby approved, solar panels and heat pumps shall be installed in accordance with details and specifications to be submitted to and approved by the Local Planning Authority. The installed panels shall be maintained in operational condition thereafter for the lifetime of the development.</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 DM25 and para. 152 of the NPPF</p>
10.3	<p>LANDSCAPING</p> <p>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: -</p> <ul style="list-style-type: none"> 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 e) site levels, groundworks and retaining wall details. <p>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.</p> <p>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.</p>
10.4	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Environmental Management Plan (CEMP) 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, • Measures to prevent surface water discharging onto the highway. • 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 if required, • Site managers contact details; • Site waste management plan • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise, dust and vibration from construction activities. • Details of any external lighting. • Measures to protect habitat and wildlife during construction works; <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>SURFACE WATER DRAINAGE</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and be devised by a chartered civil engineer, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, and para. 163 and 165 of the NPPF.</p>
10.6	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS</p> <p>Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.</p> <p>Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard</p>

	to policies CP10, CP11 and DM25 of the Lewes District Local Plan and para. 130 and 174.
10.7	<p>SITE WASTE MANAGEMENT PLAN</p> <p>No development (including demolition works) shall commence until, a Site Waste Management Plan (SWMP) is submitted to and approved by the Local Planning Authority. The plan shall include details of how all waste is to be reduced and reused and recycled where practicable as well as how any hazardous materials are to be identified and safely disposed of. Details of sourcing of new materials should also be provided.</p> <p>Reason: In the interest of sustainability and the control of hazardous materials in accordance with LLP1 policy CP14, LLP2 policy DM25 and para. 152 and 183 of the NPPF</p>
10.8	<p>UNEXPECTED 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The remediation strategy shall be implemented as approved and a verification report shall be submitted to the Local Planning Authority.</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 para 170, 174, 178 and 179 of the NPPF.</p>
10.9	<p>CAR PARKING</p> <p>The dwelling hereby approved shall not be occupied until the car parking spaces shown on the approved plans have been surfaced and laid out in accordance with the details provided on approved plan and shall be maintained in place thereafter for the lifetime of the development.</p> <p>Reason: In order to ensure the dwelling is served by suitable parking and access in accordance with policies CP11 and DM25 of the Lewes District Local Plan Part 2 and WNP policy 5.</p>
10.10	<p>ELECTRIC VEHICLE CHARGING POINTS</p> <p>Prior to the first occupation of the dwelling hereby approved, a minimum of 1 x functioning electric vehicle charging points shall be installed within the car parking area in accordance with details provided on the approved</p>

	<p>plans and submitted documents. The charging points shall be maintained in operational condition thereafter throughout the lifetime of the development.</p> <p>Reason: In order to encourage the uptake in ownership of electric vehicles in the interest of controlling emissions in accordance with LLP1 policy CP14, the Electric Vehicle Charging Points Technical Guidance Note and NPPF para. 112.</p>
10.11	<p>BIN AND CYCLE STORES:</p> <p>Prior to the first occupation of the dwelling hereby approved, bin and cycle storage facilities shall be provided in accordance with details shown on the approved plans.</p> <p>Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with LLP1 policies CP11 and CP13 and LLP2 policies DM25, para. 106 of the NPPF and WNP policy 5.</p>
10.12	<p>EXTERNAL LIGHTING</p> <p>No external lighting shall be installed to the building unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation of internal lighting or of sensor-controlled outdoor lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.</p> <p>Reason: In order to protect the night time tranquillity of the surrounding environment in accordance with LLP1 policy CP10, LLP2 policy DM20, para. 185 of the NPPF and WNP policy 5.</p>

11.	Plans:																					
11.1	This decision relates solely to the following plans: -																					
	<table border="1"> <thead> <tr> <th><u>Plan Type</u></th> <th><u>Date Received</u></th> <th><u>Reference:</u></th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>23/2/23</td> <td>18/135/LOC Rev C</td> </tr> <tr> <td>Proposed Block Plan</td> <td>23/2/23</td> <td>18/135/BLK Rev C</td> </tr> <tr> <td>Proposed Floor Plans, Roof Plan & Elevations</td> <td>23/2/23</td> <td>18/135/02 Rev E</td> </tr> <tr> <td>Proposed East Elevation</td> <td>23/2/23</td> <td>18/135/04 Rev B</td> </tr> <tr> <td>Proposed North & South Elevations</td> <td>23/2/23</td> <td>18/135/05 Rev B</td> </tr> <tr> <td>Proposed West Elevation</td> <td>23/2/23</td> <td>18/135/04 Rev B</td> </tr> </tbody> </table>	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>	Location Plan	23/2/23	18/135/LOC Rev C	Proposed Block Plan	23/2/23	18/135/BLK Rev C	Proposed Floor Plans, Roof Plan & Elevations	23/2/23	18/135/02 Rev E	Proposed East Elevation	23/2/23	18/135/04 Rev B	Proposed North & South Elevations	23/2/23	18/135/05 Rev B	Proposed West Elevation	23/2/23	18/135/04 Rev B
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Proposed West Elevation	23/2/23	18/135/04 Rev B																				

12.	Appendices
12.1	None.

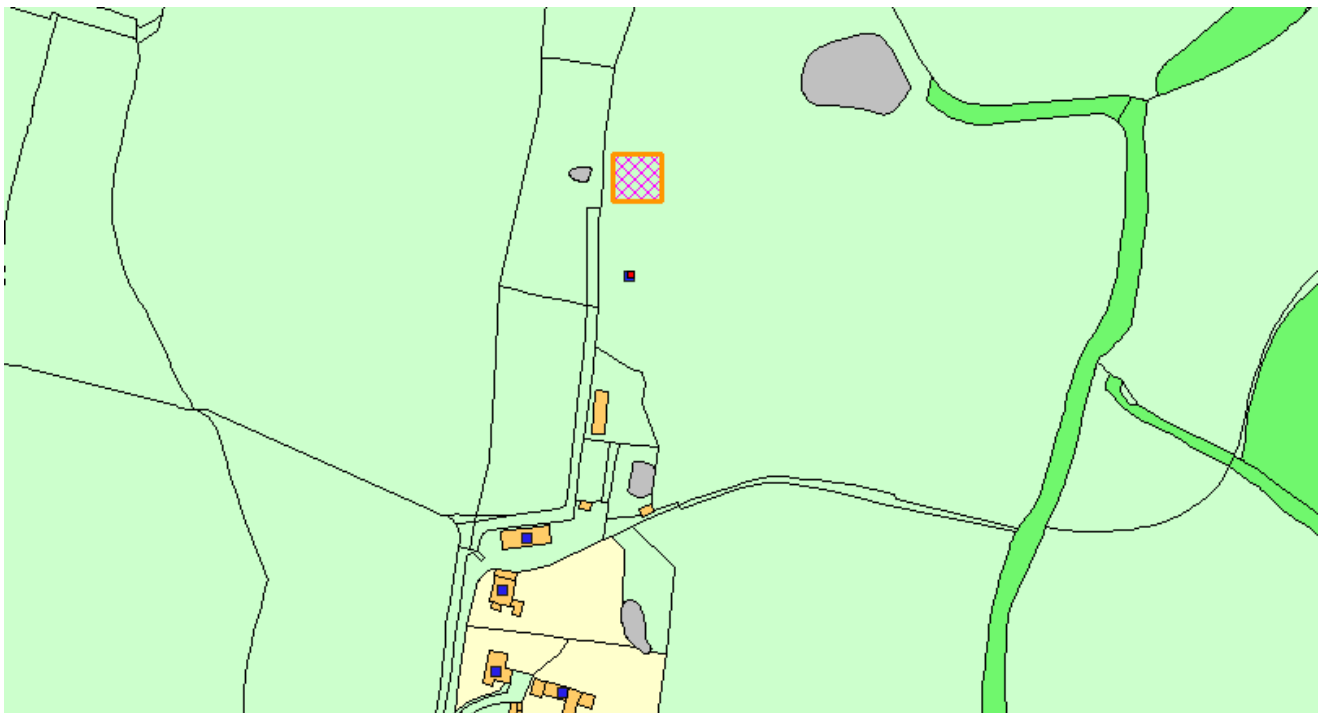
13.	Background Papers
13.1	None.

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Agenda Item 12

Report to: Planning Applications Committee
Date: 12 July 2023
Application No: LW/23/0140
Location: Bramble Lodge, Nursery Lane, Wivelsfield Green
Proposal: Section 73a retrospective application for single storey moveable and temporary dwelling for accommodation whilst works are carried out to adjacent properties and buildings.
Applicant: Mr Malins
Ward: Wivelsfield
Recommendation: Approve temporary permission subject to conditions.
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 ward councillor at the time the scheme was submitted requested it be called in and the request was made on sound planning based grounds.
1.2	The building subject of the application is in-situ and the application seeks permission to retain this building for a temporary period, whilst works are carried out on the adjacent land to provide a new dwelling.
1.3	Whilst a permanent dwelling in this position would not be supported due to conflict with rural protection policies, it is considered reasonable to allow for a strictly controlled time limited permission in order for temporary accommodation to be provided for the future occupants of the dwelling permitted on the neighbouring site under LW/21/0507. Conditions will be used to ensure the building is removed and the land restored to its former condition upon completion of the new permanent dwelling.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2– Achieving sustainable development; 5 - Delivering a sufficient supply of homes 4 – Decision-making; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport 11 – Making effective use of land 12 - Achieving well-designed places; 14 – Meeting the challenge of climate change, flooding, and coastal change; 15 – Conserving and enhancing the natural environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP10 – Natural Environment CP11 – Built and Historic Environment & Design CP12 – Flood Risk, Coastal Erosion and Drainage CP13 – Sustainable Travel CP14 – Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u>

	<p>DM20-Pollution Management</p> <p>DM23-Noise</p> <p>DM24-Protecting Biodiversity and Geodiversity</p> <p>DM25-Design</p>
2.5	<p><u>Wivelsfield Neighbourhood Plan (WNP)</u></p> <p>1 – A Spatial Plan for the Parish</p> <p>5 – Design</p> <p>6 – Green Infrastructure and Biodiversity</p>

3.	Site Description
3.1	<p>The application site is located outside of the settlement boundary, the nearest settlement being Wivelsfield Green, the edge of which is approx. 520 metres to the south west of the site. The site lies at the end of a rural lane, which also forms the route of a public bridleway. The lane terminates approx. 190 metres to the south of the site, at which point it continues as a track. At this point, the bridleway also splits into public footpaths heading north, east, and west. The site can be clearly viewed from the footpath heading east and can be seen through trees and hedgerow from the footpath which heads north.</p>
3.2	<p>The site is occupied by a timber clad flat roof structure which is the subject of this application for temporary permission. The structure is positioned on a concrete base and has access to utilities. An informal garden area has been formed to the north.</p>
3.3	<p>The structure is at the northern end of a row of buildings comprising a storage building for which there is extant permission for conversion to residential use under LW/21/0507 and a recently erected timber clad barn structure approved under LW/20/0267. This line of buildings is positioned on the western edge of a hedgerow enclosed field, the southern boundary of which is flanked by the eastward heading public footpath referred to in para. 3.1.</p>
3.4	<p>Other than its rural setting and the proximity to public footpaths, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.</p>

4.	Development
4.1	The application seeks retrospective temporary permission for the structure occupying to allow it to be used to accommodate the future occupants of the dwelling approved under LW/21/0507. The proposal does not include any further modifications or additions to the building.
5.	Relevant Planning History:
5.1	LW/21/0507 - conversion of existing workshop / builders' yard to form a 3 bed dwelling– Approved Conditionally 23 rd September 2022
6.	Consultations:
6.1	<p><u>Wivelsfield Parish Council:</u></p> <p>At its meeting on 3rd April, Wivelsfield Parish Council resolved to object to the above retrospective application for a single storey moveable and temporary dwelling for accommodation whilst works are carried out to adjacent properties and buildings.</p> <p>It is the Council's understanding that this application is very belated, since residents report that people having been living in the temporary dwelling for around two years already. The work to 'adjacent properties' described as the reason for the application includes the building of a house on the former 'builders' yard' site, which the Parish Council also objects to on the basis that the builders' yard never had planning permission. The rural aspect of this area is being spoiled by these incursions into the countryside setting and the amenity of the public footpath has also been marred.</p> <p>OFFICER COMMENT: There is extant permission for the builders' yard storage building to be converted to residential use granted under LW/21/0507.</p>
7.	Other Representations:
7.1	<p>One letter of objection has been received. Relevant planning content provided is summarised below: -</p> <ul style="list-style-type: none"> • The planning notice was torn down; • The structure is not moveable; • There is no justification for the accommodation. <p>OFFICER COMMENT: A new notice was issued and displayed following receipt of the complaint regarding the original one being removed. The building has no foundations, and a condition will be used to require its removal as soon as the dwelling approved under LW/21/0507 is complete</p>

	or within 3 years, whichever is sooner. The justification for the temporary use will be assessed in the main body of this report.
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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 within the wider rural setting; • The justification of a temporary use; • The feasibility of restoring the land to its previous, undeveloped condition upon cessation of the use; • 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 site is positioned outside of the settlement boundary. Although the building is in-situ it does not currently benefit from planning permission and is therefore an unlawful structure. It can therefore not be regarded as an established rural building and the residential use of the site is not regularised.</p> <p>Residential development outside of the settlement boundary is strongly resisted in the local plan and the establishment of a permanent dwelling on the application site would not comply with any of the rural exception policies set out in LLP2. Although the Council is currently unable to demonstrate a five-year supply of housing land, and as a result the ‘tilted balance’ approach is applied in determination of applications for new housing. Even with the tilted balance adopted, the benefits of a single isolated dwelling outside of the settlement boundary would not outweigh the harm it would have upon the surrounding environment.</p> <p>Whilst the above would be applicable for any application for permanent use, it is considered that the principle of the provision of temporary accommodation can be accepted, on the understanding that is directly</p>

	<p>linked to approved operations being carried out on neighbouring land. It is noted that there are provisions for temporary structures associated with the carrying out of approved development set out in Schedule 2, Part 4, Class A of the Permitted Development Order although this does not extend to residential uses.</p> <p>Given there is an extant approval for the provision of a new dwelling on the neighbouring land it is considered there is justification for temporary accommodation being in place on neighbouring land. This justification would, however, fall away upon completion of the approved permission. As such, it is considered that the principle of a temporary permission with strictly regulated time conditions and provisions for the removal of the building and restoration of the land following the expiry of the temporary permission is acceptable in this instance.</p>
8.3	<p><u>Visual Impact and Design</u></p> <p>The building is a timber clad structure that is positioned on a concrete base. It is highly visible from the public footpath to the south. The building has been positioned to the north of existing structures, both of which have planning permission. Further expansion of permanent buildings northwards introduces a cluttered appearance, and this sense of clutter is exacerbated by the temporary appearance of the building itself, which is essentially a sizeable flat roofed hut. It is likely that a sustained presence of the building on the site would cause harm to the wider character of the rural environment, particularly as the fabric of the building would be likely to deteriorate over time.</p> <p>However, it is considered, on balance, that with the justification of the need for the building to accommodate future occupants of the dwelling being provided on the neighbouring site and with the ability for conditions to be used to ensure the removal of the building after a period of 3 years, or the completion of the approved dwelling whichever is the sooner, would allow for the needs of the future occupants to be served whilst also protect the character and quality of the surrounding rural environment in the medium to long term.</p> <p>It is considered that the building could easily be removed from its concrete base and the land restored to its former condition. A condition will be used to ensure that such works are carried out promptly, that the building and associate structures and materials are removed from site and that details of landscaping associated with site restoration are provided and adhered to.</p> <p>It is therefore considered that, whilst a permanent dwelling on the site would have an unacceptable impact upon the character of the surrounding area, there is suitable mitigation available to address the temporary harm caused by the temporary structure.</p>
8.4	<p><u>Impact upon residential amenity:</u></p>

	Although there are dwellings nearby, the separation distances between the proposed dwelling and neighbouring properties is considered to prevent any potential for loss of residential amenities as a result of overlooking, overbearing or overshadowing impact,
8.5	<p><u>Living Conditions for Future Occupants</u></p> <p>The temporary building is provided with utilities, has vehicular access, is of an appropriate size and is provided with a degree of natural surveillance from surrounding dwellings and the public footpath. It is therefore considered that a suitable environment is provided for temporary residential occupation.</p> <p>A condition can be used to ensure the building is only occupied by named individuals to ensure it will remain associated with future occupants of the neighbouring development and would not be used as a holiday let or as non-associated accommodation.</p>
8.6	<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>
8.7	<p><u>Conclusion.</u></p> <p>It is considered that although as permanent dwelling in this location would be contrary to the development plan, a temporary permission with conditions to remove the building and restore the land on cessation of use is acceptable.</p>

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

10.	Conditions
10.1	<p>TEMPORARY PERMISSION:</p> <p>The temporary accommodation hereby permitted along with all associated infrastructure shall be removed and the land restored to its former condition on or before 3 years from the date of this permission, or within 2</p>

	<p>months of the first occupation of the dwelling approved under LW/21/0507, whichever is earlier, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to control the use of the accommodation as a means to prevent the establishment of unfettered and unwarranted residential accommodation outside of the planning boundary in accordance with policy LLP2 policies DM1 and DM3 and WNP policy 1.</p>
10.2	<p>NAMED OCCUPANTS</p> <p>The permission for temporary accommodation shall ensure only for Mr Malines and the temporary accommodation hereby permitted shall only be occupied by Mr Malines and his dependants or occupants, whose names shall be provided to the Council within 1 month of the date of this permission, and by no other persons at any time, unless otherwise approved by the Council.</p> <p>Reason: In order to control the use of the accommodation as a means to prevent the establishment of unfettered and unwarranted residential accommodation outside of the planning boundary in accordance with LLP2 policies DM1 and DM3 and WNP policy 1.</p>
10.3	<p>EXTERNAL LIGHTING</p> <p>No external lighting shall be installed to the building unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation of internal lighting or of sensor-controlled outdoor lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.</p> <p>Reason: In order to protect the nighttime tranquillity of the surrounding environment in accordance with LLP1 policy CP10, LLP2 policy DM20, para. 185 of the NPPF and WNP policy 5.</p>
10.4	<p>LAND RESTORATION</p> <p>Within 6 months of the date of this permission, details of how the structure would be removed from site and all landscaping works associated with land restoration shall be submitted to and approved by the Local Planning Authority and the restoration of land required by condition 1 shall be carried out in adherence with these details upon expiry of the temporary permission.</p> <p>Reason: In order to protect the character of the rural environment in accordance with LLP1 policy CP10, LLP2 policy DM25 and para. 174 of the NPPF.</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	07/3/23	22/134/LOC
	Existing Block Plan	07/3/23	22/134/BLK
	Plans and Elevations of Existing Cabin	07/3/23	22/134/SK01
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

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