

Planning Applications Committee 11 October 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, 29 September 2023

Agenda

1 Minutes (Pages 5 - 6)

To confirm and sign the minutes of the previous meeting held on 6 September 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 D10 of the Constitution).

An e-petition with 98 signatures has been received in objection to Agenda Item 12 - Planning Application LW/23/0276 (Land at 1 South Coast Road, Peacehaven).

6 Written questions from councillors

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

7 Officer update (*to follow*)

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

Planning applications within the South Downs National Park

8 SDNP/23/02127/HOUS - 50A North Way, Lewes, BN7 1DJ (Pages 7 - 12)

9 SDNP/23/02873/FUL - Land Opposite 40 Nevill Road, Lewes, BN7 1PQ (Pages 13 - 28)

10 SDNP/23/02859/HOUS & SDNP/23/02684/LIS - Southease Place Cottage, Church Lane, Southease, East Sussex, BN7 3HX (Pages 29 - 34)

Planning applications outside the South Downs National Park

11 LW/22/0796 - Street Record, Cliff Gardens, Seaford (Pages 35 - 42)

12 LW/23/0276 - Land at 1 South Coast Road, Peacehaven (Pages 43 - 80)

13 LW/23/0268 - 2 Norlington Villas, Norlington Lane, Ringmer, BN8 5SH (Pages 81 - 96)

Non-planning application related items

14 Tree Preservation Order No. 6 2023 - Crouch Gardens, Bramber Road, Seaford (Pages 97 - 110)

Report of Head of Planning

15 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 8 November 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park:

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically

identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park:

The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

Information for the public

Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation:

There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Democratic Services team **by 12:00pm two working days before the meeting**. More information regarding speaking at a meeting of the Planning Applications Committee can be found on the Council's website under [Speaking at Planning Committee](#).

Information for Councillors

Disclosure of interests:

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

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

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

Councillor right of address:

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

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

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

Democratic Services

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01273 471600

Also see the [Council website](#).



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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 6 September 2023 at 5:00pm

Present:

Councillor Lucy Agace (Chair);
Councillors Paul Keene (Deputy-Chair), Ian Alexander, Graham Amy, Roy Clay and Isobel Sharkey

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), James Smith (Principal Planner) and Joanne Stone (Principal Planning Solicitor)

38 Minutes

The minutes of the meeting held on the 9 August 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

39 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Becky Francomb, Christoph von Kurthy, Sean MacLeod, James Meek and Stella Spiteri.

40 Declarations of interest

Councillors Roy Clay and Paul Keene each declared a personal and prejudicial interest in Agenda Item 9 (planning application SDNP/21/02127/HOUS) as they both knew the Applicant in a personal capacity.

41 Urgent items

There were none.

42 Petitions

There were none.

43 Written questions from councillors

There were none.

44 Officer update

A supplementary report was circulated to the Committee the day before the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

45 LW/23/0417 - Land west of A275, South Common, South Chailey

Prior to presentation of the application, the Senior Planning Specialist highlighted that following the publication of the Officer update, a petition of approximately 219-220 signatures in objection to the application had been received by Planning Officers.

Councillor Robin Penfold spoke on behalf of Chailey Parish Council. John Kay (CPRE Sussex), David Baker (Immediate Neighbour) and Isabelle Linington (Local Resident) spoke against the proposal. Helen Ball (Planning Director/Agent) spoke for the proposal. Councillor Dr Mark Slater spoke in his capacity as the Lewes District Ward Councillor.

Resolved:

That outline planning application LW/23/0427 with all matters reserved except access for the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, sustainable drainage systems and vehicular access point be deferred, so that Officers could negotiate with the Applicant regarding the withdrawal of the application.

46 SDNP/23/02127/HOUS - 50A North Way, Lewes, BN7 1DJ

Prior to the presentation of the application, the Council's Principal Planning Solicitor explained that due to the declarations of interest by two of the six members of the Committee present at the beginning of the meeting, the Committee would be inquorate for this item and the application would therefore stand adjourned to the next scheduled meeting of the Committee.

47 Date of next meeting

It was noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 11 October 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 6:20pm.

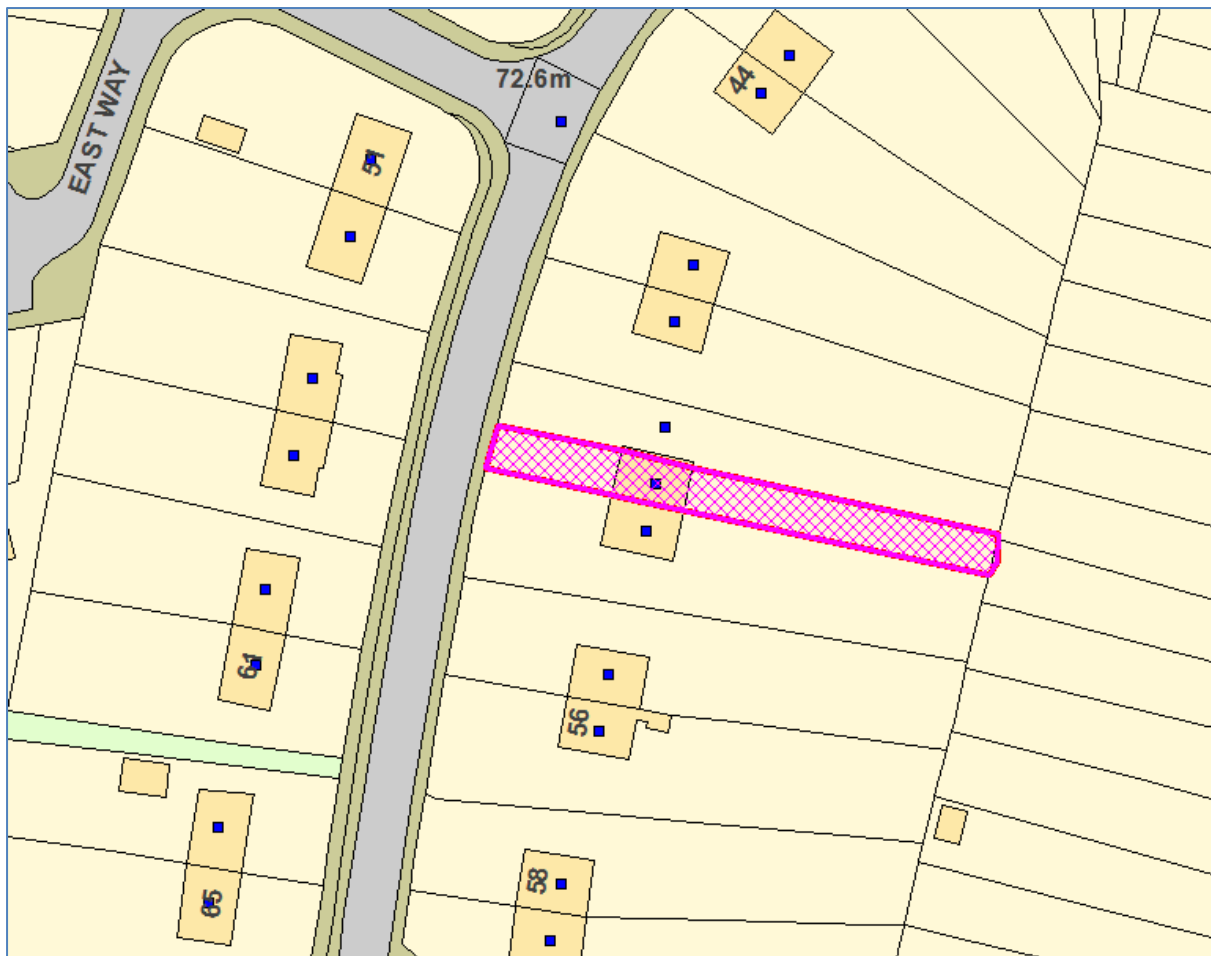
Councillor Lucy Agace (Chair)

Agenda Item 8

Report to: Planning Applications Committee
Date: 11 October 2023
Application No: SDNP/21/02127/HOUS
Location: 50A North Way, Lewes, BN7 1DJ
Proposal: S.73 retrospective application for erection of outbuilding to front.
Applicant: Ms I Makepeace
Ward: Lewes Priory
Recommendation: 1. It is recommended that the application be approved subject to the conditions set out below.
Contact Officer: **Name:** Chris Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan:



1	Executive Summary
1.1	A detached outbuilding has been built in the front garden of the property and this application seeks planning approval retrospectively.
1.2	The development is, in this particular case, considered acceptable in terms of design, impact on the street scene, and the effect on neighbour amenity.
1.3	Approval is recommended subject to a condition requiring planting to be maintained at a height of at least 2m along the front boundary, in order to screen views of the cycle storage from the street.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change
2.2	<u>South Downs Local Plan 2019</u> Core Policy SD1 - Sustainable Development Core Policy SD2 - Ecosystems Services Strategic Policy SD5 - Design Strategic Policy SD9 - Biodiversity and Geodiversity Strategic Policy SD19 - Transport and Accessibility Strategic Policy SD20 - Walking, Cycling and Equestrian Routes Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings
2.3	<u>Lewes Neighbourhood Plan</u> LE1 – Natural Capital LE2 – Biodiversity PL2 – Architecture and Design AM1 – Active travel networks

3.	Site Description
3.1	The application site is occupied by a dwelling located on the eastern side of North Way, a short distance south of the junction with East Way.
3.2	Originally a semi-detached house, the property was extended in the late 1990s and granted permission for a vertical sub-division in order to form two dwellings in 2008.
3.3	The property is not listed, and the site is not in a Conservation Area, although it is within the South Downs National Park.
3.4	The property lies within the Planning Boundary of Lewes.

4.	Proposed Development
4.1	<p>The application seeks planning permission retrospectively for the construction of a timber storage unit in front of the house, which is used to store bikes.</p> <p>The storage unit is positioned 9.2m in front of the principal elevation to the house and 1.15m back from the edge of the public footway along the eastern side of North Way. The shed has a green roof and measures 2.2m in height at each end, owing to the slope of the roof matching the sloping of natural ground level, which drops away from the front boundary to the house itself.</p> <p>Having a square footprint, the shed is approx. 2m wide and 2m deep.</p>

5.	Relevant Planning History:
5.1	LW/08/0126 - Sub-division of existing house into two x two-bedroom houses. Approved 20 June 2008.
5.2	LW/97/1001 - Two storey side extension. Approved 5 August 1997.

6.	Consultations:
6.1	Lewes Town Council Support

7.	Other Representations:
7.1	<p>Representations have been received from 46, 51, 53 and 57 North Way, in support of the application for the reasons summarised as follows:</p> <ul style="list-style-type: none"> • Encourages cycling. • Well designed • Unobtrusive

	<ul style="list-style-type: none"> • Green roof • Should be in every front garden. • More accessible and convenient than keeping bikes in the house or back garden
7.2	<p>A letter in support has also been received from 50A North Way, summarised as follows:</p> <ul style="list-style-type: none"> • Bicycle is stored securely near top of path so easy to use. • Protects bike from weather. • Ease of access permits frequent use of bike and less use of van. • Shed looks nice with green roof. • Shed cannot be seen from street.
7.3	<p>Friends of Lewes - Neutral.</p> <p>The Friends of Lewes are concerned about the proliferation of small structures and storage facilities within gardens to the front of properties, which could have an adverse impact on the street scene.</p> <p>However, the Society appreciates that in this case the existing building for cycle storage is currently hidden from view by a substantial established hedge. The Society would therefore like to suggest that if this retrospective application is approved, that a planning condition is required in order to ensure that the existing hedge is retained in order to continue to screen the structure.</p>

8.	Appraisal:
8.1	<p><u>Key considerations</u></p> <p>The main considerations for this application are:</p> <ul style="list-style-type: none"> • Visual impact • Impact on neighbour amenity • Ecosystem services
8.2	<p><u>Visual Impact</u></p> <p>As part of a sustainable transport strategy aiming to reduce emissions, pollution and congestion, cycling is encouraged throughout the district and is a green alternative to fossil fuel powered private vehicles.</p> <p>The design Supplementary Planning Document (SPD) adopted by the South Downs National Park in 2022, states at paragraph C.8.1.22:</p> <p>Cycle parking in residential development should be designed to make it at least as convenient and attractive for residents to use cycles as a car when making local journeys. Storage should be as near to the street as possible. This could be integrated into the main building, in garages or in bespoke standalone storage, if located discreetly. The design of storage</p>

	<p>structures should be high quality and consistent with the overall design concept for the site/development.</p> <p>In this case the position of the bike shed is convenient and near to the street and as a standalone structure it is considered to be located discreetly due to the mitigating factors including the ground level dropping away from street level, the modest proportions and height of the shed, the green roof, and the screening offered by existing vegetation and hedge on the front boundary, which filters and obscures views of the shed.</p> <p>In this particular instance the development is considered to be compliant with the Design SPD and policy SD5 of the Local Plan, as well as policy PL2 of the Lewes Neighbourhood Plan.</p> <p>However, it is remarked that building structures in front of a house, thereby breaching the building line, can in many cases detract from the principal elevation of a property and have an adverse visual impact on the street scene, which can potentially become cluttered and lose the consistency, uniformity and attractive qualities of an uninterrupted residential façade characterised by open front garden spaces. As stated above this is not the case with this proposal.</p>
8.3	<p><u>Impact on neighbour amenity</u></p> <p>The cycle shed is likely to be used only when retrieving and putting away bicycles. It is not a habitable space and is considered unlikely to adversely affect residential amenity by way of loss of privacy. In addition, the modest size of the shed and the distance away from neighbouring houses means it would not cause overshadowing or have an overbearing impact.</p>
8.4	<p><u>Ecosystem services</u></p> <p>The planning statement submitted by the applicant conveys that the shed is built from recycled materials including English larch and salvaged aluminium. The roof is a living sedum roof (a green roof), and a water butt collects rainwater runoff. The use of the shed is for sustainable purposes.</p> <p>These measures are considered to meet the requirements of policies SD2 and SD9 of the Local Plan.</p>
8.5	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>

9.	Recommendations
9.1	It is recommended that the application be Approved subject to the conditions set out below.

10.	Conditions:
10.1	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
10.2	<p>Front Boundary Planting</p> <p>Planting to a height of at least 1.8m shall be maintained along the front boundary of the site until the storage shed hereby permitted is removed from the site.</p> <p>Reason: In the interests of visual amenity and safeguard the character of the street scene.</p>

11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	PLANS	05.07.2023	GARDEN PLAN
	PLANS	05.07.2023	PLANS AND ELEVATIONS
	PLANS	16.06.2023	BLOCK PLAN
	PLANS	16.06.2023	LOCATION PLAN

12.	Appendices
12.1	None.

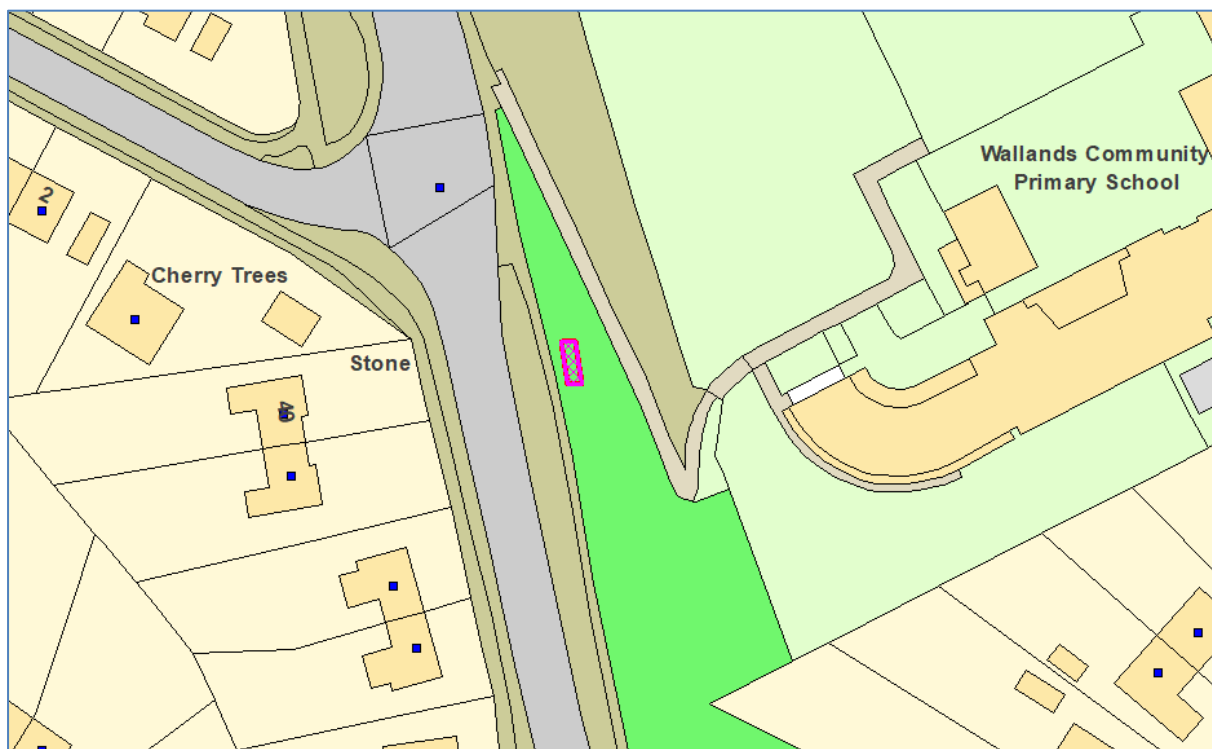
13.	Background Papers
13.1	None.

Agenda Item 9

Report to: Planning Applications Committee
Date: 11th October 2023
Application No: SDNP/23/02873/FUL
Location: Land Opposite 40 Nevill Road, Lewes, BN7 1PQ
Proposal: S.73 retrospective application for installation of an 18m high 5G telecom pole, along with associated equipment cabinets.
Applicant: Mr C Wilson
Ward: Lewes Priory
Recommendation: 1. It is recommended that the application be approved subject to the conditions set out below.
Contact Officer: **Name:** Chris Wright
E-mail: christopher.wright@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL liable.

Site Location Plan:



1	Executive Summary
1.1	The application seeks to regularise the siting and appearance of the existing 5G telecoms mast, which has been constructed with a different appearance and location to that set out in the Prior Approval application ref. SDNP/22/03133/PA16.
1.2	The siting and appearance of the mast is considered to be acceptable on the verge alongside the A275 and the applicant has agreed to paint the mast a dark green colour, reducing its visual impact on distance views.
	Government policy is very clear that it is beyond the remit of local planning authorities when considering the health impact of mobile phone masts to set health safeguards different to those set out by the International Commission guidelines for public exposure.
1.3	Approval is recommended subject to conditions, one of which is to ensure the mast is painted dark green within 3 calendar months of the decision notice.
1.4	The siting and appearance of the mast has previously been held to be acceptable under application SDNP/22/03133/PA16, which is approx. 3m north of its current position.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 10. Supporting high quality communications 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change
2.2	<u>South Downs Local Plan 2019</u> Core Policy SD1 - Sustainable Development Core Policy SD2 - Ecosystems Services Strategic Policy SD5 – Design Strategic Policy SD6 – Safeguarding Views Strategic Policy SD9 - Biodiversity and Geodiversity Development Management Policy SD44 – Telecommunications and Utilities Infrastructure
2.3	<u>Lewes Neighbourhood Plan</u>

LE1 – Natural Capital LE2 – Biodiversity HC3 A – Heritage Protection of Landscape and Townscape PL2 – Architecture and Design Appendix 5 – Key Views to be Protected
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3.	Site Description
3.1	The application site comprises grass verge on the eastern side of Nevill Road (A275), on the opposite side of the road to 40 Nevill Road and a short distance southeast of the junction with Highdown Road. Behind the site is dense tree planting and vegetation, and further east, Wallands Community Primary School and nursery school
3.2	The site is within the South Downs National Park. It is not in a Conservation Area.

4.	Proposed Development
4.1	The application seeks planning permission retrospectively for a 5G mast and associated equipment cabinets.
4.2	The mast was previously considered under application ref. SDNP/22/03133/PA16 and would normally constitute permitted development subject to the outcome of an application to ascertain whether Prior Approval is required for the siting and appearance.
4.3	However, the mast has been constructed between 2.7m and 3.2m further south of the location shown on the plans submitted with the Prior Approval application and now requires regularisation by way of this planning application.
4.4	In addition, the mast as built is not to the same design as shown in the Prior Approval drawings, the antennas at the top being of a different appearance, and the thicker part of the mast being higher up the pole.
4.5	The plans submitted show an 18m high street pole (RAL 7035 - a light grey) with three equipment and transmission cabinets 1.5m away. The plan states that the tallest trees to the east of the site are 13m in height.
4.6	The base of the antenna is just above the adjacent tree height, and comprises a 4.7m antenna, featuring slotted discs and various stacked cylinders, topped with a GPS module. The height of the overall structure does not exceed 18m above ground level.
4.7	The applicant has agreed that in the event the application is approved, the mast will be painted a dark green colour (such as RAL 6005 Moss Green).

5.	Relevant Planning History:
5.1	SDNP/22/03133/PA16 - 5G telecoms installation: H3G street pole and additional equipment Cabinets. Prior Approval Not Required 10 August 2022.
5.2	The previous application was to ascertain whether Prior Approval would be required under the Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 16.

6.	Consultations:
6.1	<p>Lewes Town Council</p> <p>Strong Objection</p> <ol style="list-style-type: none"> 1. The mast is incongruous for the area. 2. The protected view has not been met. 3. The proposal is within a conservation area. 4. There will be an impact on the street scene. 5. Significant concerns regarding the local school and nursery 6. Impact on wildlife. 7. Concerns if the mast were to fail creating any radiation leakage. 8. This application is not in accordance with the South Downs Local Plan of which the following policies need to be taken into account. <p>Development Management Policy SD54: Pollution and Air Quality</p> <ol style="list-style-type: none"> 1. Development proposals will be permitted provided that levels of air, noise, vibration, light, water, odour or other pollutants do not have a significant negative affect on people and the natural environment now or in the foreseeable future, taking into account cumulative impacts and any mitigation. 2. Development proposals that by virtue of their location, nature or scale could impact on an existing AQMA, as shown on the Policies Map, will be required to: <ol style="list-style-type: none"> a) Have regard to any relevant Air Quality Action Plan (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP; and b) Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA. 3. Development proposals will be required to provide mitigation measures where the development and/or its associated traffic could lead to a declaration of a new or extended AQMA. 4. Development proposals will be permitted where they follow best practice methods to reduce levels of dust and other pollutants

	<p>arising during a development from demolition through to completion.</p> <p>Development Management Policy SD44: Telecommunications and Utilities Infrastructure</p> <p>2. To protect and provide for the social and economic wellbeing of National Park communities supporting local jobs, affordable homes, and local facilities.</p> <p>Provide infrastructure without harm to the National Park special qualities. Ensure all new dwellings are served by superfast broadband or equivalent. Removal, reduction in prominence and undergrounding of telecommunications/ utilities infrastructure where feasible.</p> <p>Members referred to previous comments regarding a rejected application of a similar mast proposed elsewhere in the district where Lewes District Council refused permission to construct a 12 metre mast in an application in Peacehaven, July 2022, It said the proposal was "incongruous, overbearing and overly dominant in the street scene and fails to integrate into, and take account of, the surrounding environment".</p>
6.2	<p>Council Arboriculturalist</p> <p>No objection subject to appropriately worded condition(s) in relation to any trees that may be impacted during/post development. Advise the following required: Arboricultural report to BS5837:2012, Arboricultural Impact Assessment, tree constraints plan, detailed landscaping scheme together with a long-term maintenance and management plan where applicable.</p>
6.3	<p>Council Conservation Specialist</p> <p>No Objection</p> <p>Subject to the following condition:</p> <p><i>The 5G mast to be painted or coated in a more appropriate rustic green shade selected from the RAL spectrum, to assist in concealing the mast's presence within the established trees alongside the site and in the immediate area.</i></p> <p>The mast does not project higher than the trees when observed from further afield and currently creates no interruption to views to or from Lewes due to the topography. It is more visible that necessary due to the existing colour.</p> <p>Once painted or coated with an appropriate colour this will significantly reduce the visual impact from the wider public realm and SDNP. If the correct shade is used, in summer months it will be a challenge to identify the structure from further afield.</p> <p>Autumn and winter may allow for the mast to be more visible when the tree growth has thinned and dissipated for those seasons.</p> <p>The existing mast is an alien object in the more rural setting of the outer boundaries of Lewes, especially when observed at close range. This</p>

	<p>cannot be disguised but the impact can be reduced as the mast is already sited in this position.</p> <p>The 3 proposed low level service cabinets (Bowler, Equipment and Transmission) will create a degree of visual ‘clutter’ to the immediate area, but the impact will be minimal.</p> <p>Once painted or coated in an appropriate shade (RAL 6005) to reduce the impact, the cabinets and mast, for the majority of the year, will have a neutral impact on the wider view paths and historic views to and from the town and therefore will have a neutral impact on the character and appearance of the conservation area.</p>
6.4	<p>Highway Authority</p> <p>No Objection</p> <p>The site is located on the grass verge on the A275, opposite number 40 Nevill Road in Lewes. The pole and cabinets would not interfere with a public footway or hinder any access point and they do not impede driver visibility. Although it would be difficult for service vehicles to park on the A275, vehicles could park on Highdown Road which is located a short distance from the site to the west. Service vehicles would only be stopping for a short period of time, and this is not expected to be frequent.</p>
6.5	<p>County Landscape Architect</p> <p>Objection</p> <p>The mast and associated utility box stand out as large and incongruous features in the local suburban townscape. The mast is prominent in views along Nevill Road on the approaches from north and south. It is also a dominant feature in views from Highdown Road on the approach to Nevill Road. The grey colour is a stark contrast to the trees which form a backdrop to the mast and utility box. There are other vertical structures along Neville Road in the form of street lights, however these are more slender and less intrusive than the mast.</p> <p>The mast is clearly visible from much the open access downland to the west of the Nevill estate. It stands out as an incongruous and urbanising vertical feature within the horizontal roofscape.</p> <p>NPPF 115 requires that technical equipment on the townscape/ landscape should be camouflaged where appropriate. In this case the grey colour of the mast is a stark contrast to the trees behind with no camouflage. It is recommended that if the planning authority is minded to approve the development that the mast is painted a moss green, RAL6005, or similar.</p> <p>It is recommended that the application is not supported as it does not demonstrate conservation and enhancement of the South Downs National Park.</p>
7.	Other Representations:
7.1	Friends of Lewes

	<p>The Friends of Lewes object to the installation of such a high pole at this location, which would be too prominent opposite the entrance to the Nevill housing estate. The Society would recommend that the applicant considers alternative locations for the erection of this 18m high 5g telecom pole, ideally at a more remote site.</p>
7.2	<p>One-hundred and seventeen representations have been received, objecting to the application for the reasons summarised as follows:</p> <ul style="list-style-type: none"> • Close to nursery and primary school • Long term effects not yet known • Impact on people with metal implants • New and relatively untested technology • Should not be in heavily populated areas • Dominates outlook from houses opposite • Affects protected and distance views • Visually and physically obtrusive • Visual and physical clutter • Degrades aesthetics of area • Large size • Height • Imposing and overbearing • Prominent and intrusive siting • Harmful to historic townscape • Detrimental to appearance and character of locality • No robust search for alternative sites • Not necessary • Connectivity is already adequate • No use to local people • Only serves customers on a specific network • Requires more power than 4G • Harmful to those with electro-hypersensitivity • Harmful to humans, animals and insects • People's health will deteriorate • Council should not just accept the ICNIRP certificate submitted • Local planning authority may not have the knowledge, skill or competence to assess the radiation impact • Will the radiation be monitored?

	<ul style="list-style-type: none"> • It has been discovered that the power output of certain 5G masts might have output orders of • Magnitude in excess of the ICNIRP guidelines of 1mw/cm² (for time averaged 6 or 30 minutes) in the near field. • 5G utilises beam waves, which are collimated microwave signals. Such 5G beams of energy can go for long distances at a high power intensity - distances much greater than 50m exclusion zones as often referred to - since the power of 5G beams, which are not isotropic, does not drop off in the near field in accordance with the inverse square law of physics, as does 2G, 3G and 4G radiation. • Neighbouring school may experience reduce intake of new pupils • Public exclusion zone extends 29.15m in front of the antenna and 3.48m below it • Must be 500m or more from residential properties
7.3	<p>The objections received include 40 copies of a template circulated with the following headings:</p> <ul style="list-style-type: none"> • Appearance • Negative impact on the local neighbourhood • Siting • Poor choice of location • Proximity to the school • Health and Safety • Environment • Equality • Errors in the application
	<p>Three representations have been received in support of the application for the reasons summarised as follows:</p> <ul style="list-style-type: none"> • The mast does not spoil the view from the Downs • Mast is comparable in its visual intrusion to streetlights • Blends in with natural surroundings • The side of an A road is not a protected place • The infrastructure is badly needed • Connectivity in the Nevill Estate is poor • Allows development of the local economy • Numerous benefits for the local community • Better connectivity for remote working, online education and other digital services • Enhance coverage for residents and visitors to the South Downs

	<ul style="list-style-type: none"> • Improved safety for walkers and horse riders • Poor connectivity in rural areas and small town necessitates more travel and a higher carbon footprint • There is no scientific evidence of any safety issues • Unfounded, unscientific and alarmist concerns have been raised regarding health and biodiversity despite large volumes of research to the contrary • Large number of objections following a standard template supplied by a local campaign than opposes 5G in any location • 5G masts use similar frequencies to analogue TV transmissions • 5G masts use similar frequencies to domestic wi-fi • Decision should be based on rational grounds
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8.	Appraisal:
8.1	<p><u>Key considerations</u></p> <p>The main considerations for this application are:</p> <ul style="list-style-type: none"> • Visual impact • Impact on neighbour amenity • Ecosystem services
8.2	<p><u>Planning Policy</u></p> <p>National Planning Policy Framework</p> <p>Paragraphs 117 and 118 of part 10 “Supporting high quality communications” sets out the national position for support of telecoms proposals subject to evidence that other sites have been explored and that the proposals meet ICNIRP guidelines, and clearly states that decisions should be based only on planning grounds and in respect of health safeguards should not deviate from the ICNIRP guidelines for public exposure.</p> <p>117. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:</p> <ol style="list-style-type: none"> a. the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and b. for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure,

when operational, will not exceed International Commission guidelines on non-ionising radiation protection;

or

- c. for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

118. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

South Downs Local Plan

Development Management Policy SD44 “Telecommunications and Utilities Infrastructure”

1. Development proposals for new telecommunications and/or utilities infrastructure will be permitted where:
 - a. The identified need cannot be met using existing infrastructure or other appropriate structures;
 - b. They are of an appropriate design that would not have an adverse impact on the special qualities;
 - c. They make use of all available technologies and suitable mitigation designed to minimise the impact on the landscape and general amenity;
 - d. They minimise other relevant environmental impacts; and
 - e. They remove, reduce in prominence, or move underground related existing infrastructure, where feasible.
2. All new residential dwellings should be served by a superfast broadband connection, or an equivalent alternative technology, installed on an open access basis. All other non-residential buildings proposed to be regularly occupied must also be provided with this standard of connection when available, unless it can be demonstrated through consultation with relevant service providers that this would not be deliverable.

The supporting text goes on to say, “Access to superfast broadband is an issue within the National Park, which currently has more ‘not-spots’ than ‘hot spots’ and as such the key sectors of farming, forestry and tourism are notably disadvantaged by slow and unreliable internet connections.”

“The visual impact of telecommunications infrastructure will generally be lower when it can be located in close proximity to existing buildings, where this would not damage the setting of buildings that contribute to the special qualities.”

Strategic Policy SD6 “Safeguarding Views” states that:

1. Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.
2. Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:
 - a. Landmark views to and from viewpoints and tourism and recreational destinations;
 - b. Views from publically accessible areas which are within, to and from settlements which contribute to the viewers’ enjoyment of the National Park;
 - c. Views from public rights of way, open access land and other publically accessible areas; and
 - d. Views which include or otherwise relate to specific features relevant to the National Park and its special qualities, such as key landmarks including those identified in Appendix 2 of the Viewshed Characterisation & Analysis Study, heritage assets (either in view or the view from) and biodiversity features.

Lewes Neighbourhood Plan

Policy HC3 A “Heritage Protection of Landscape and Townscape” states that:

1) Development proposals that obscure or result in the loss of the positive characteristics of significant views of and within the town as shown in Appendix 5 will not be supported.

When considering planning applications that could affect one or more of these views, priority will be given to sustaining:

- The visual significance of Lewes Castle
- The visibility of the open countryside setting from within the built-up area
- The historic character and form of streetscape within the Conservation Areas
- The roofscape of the Conservation Areas from within the town and in the countryside setting.

One of the significant views in Appendix 5 is view no. 11, from the Nevill Estate. The arrow on the map is looking eastwards from the recreation ground next to the A275 Nevill Road, but the general consensus is that this view is from the higher ground as the Nevill Estate rises up the hillside and from the top of the hillside near to the Dew Pond.

8.3	<p><u>Justification for siting</u></p> <p>The applicant has stated that the industry site database was checked to see if other suitable sites were available. The site was chosen as it offers reduced visual impact on the area of adopted highway identified and the installation of new 5G mast infrastructure in an urban setting requires a highly considered balance between the need to extend practical coverage reach and minimising visual amenity intrusion.</p> <p>In the location specified there are no other masts available that could support the additional equipment required to extend the reach across the target area and prospective “in fill” masts are limited. In this location there is a need for a new base station in order to provide effective service coverage.</p> <p>The applicant’s submission states that the chosen site must be near to Clare Road, Gundreda Road, Fitzjohns Road, Christie Road and Mildmay Road, which is<u>are</u> shown edged in yellow. The yellow <u>area</u> measures approx. 145 m x 223 m and covers approx. 32800 square metres (just under 3.3 hectares).</p> <p>Four other sites were looked at including Clare Road, Gundreda Road and Christie Road. However, these were found to be unsuitable due to the pavements being too narrow; restrictions to the movement of pedestrians and hampering accessibility; highway safety due to visibility at a junction; or being directly outside residential driveways.</p> <p>The applicant states that copies of the proposals were sent to Wallands Community Primary School but no response was received or issues raised (at that time), although it is understood the school objects to the mast.</p> <p>Your officers consider that the applicant has looked at alternative sites and agree with the conclusion that the siting alongside a busy classified road on a wide grass verge, where there is other street furniture including lampposts, signage and traffic lights, is appropriate.</p> <p>Some of the objections received refer to planning decisions on other applications, some of which are outside of the Lewes District area. However, it is important to note that each case must be considered on its merits and for the reasons given above the siting of the mast and cabinets is considered to be acceptable.</p> <p>Members are also advised that the Prior Approval decision ref. SDNP/22/03133/PA16 allows the siting of the mast in this locality already, but in a position which is approx. 3m north of its current siting. <u>The suitability of the current design and position of the mast must therefore be considered in the light of the fallback approval.</u></p>
8.4	<p><u>Visual impact</u></p> <p>The comments from local residents are noted, as are the objections from Friends of Lewes and Lewes Town Council.</p> <p>The mast can be seen from the hillside through the Nevill Estate up to the Dew Pond, but it is part of a much wider and panoramic view and possibly stands out more if an observer is specifically looking for it. The mast is off to the left of views directly towards Lewes Castle with the Cliffe chalk face</p>

	<p>backdrop, but the mast does stand out in contrast to the trees behind due to its light grey colour.</p> <p>The council's Conservation Specialist as well as the County Landscape Architect both suggest that if the mast is painted a dark green colour it will blend into the townscape and its appearance would be reduced and better integrated into its surroundings, whilst at the same time reducing its impact on distance views from the hillside.</p> <p>The applicant has agreed to paint the mast a dark green colour, and a condition can be imposed to ensure this is done within a reasonable time frame. This would help to reduce the impact of the mast on the view to be protected set out in Appendix 5 of the Lewes Neighbourhood Plan.</p> <p>Regrettably the mast as erected lines up with the path to a property on the opposite side of the road, but taking into consideration the wider context of the locality, the mast is located on a wide verge alongside a busy classified road, which also features lampposts and signage as well as nearby traffic lights. Once painted a dark green colour the visual impact of the mast in the locality would be reduced and officers consider that the application can be approved on that basis.</p>
8.5	<p><u>Health implications</u></p> <p>The applicant has submitted a Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection public exposure guidelines.</p> <p>The equipment is stated as being in full compliance with the public exposure guidelines.</p> <p>The objections from many local residents are noted and while the views expressed are acknowledged, government and policy guidance are very clear that local planning authorities cannot impose their own guidelines that go beyond compliance with the ICNIRP requirements. Some objections refer to cases where applications have been refused or withdrawn due to the potential health impact of 5G masts and also call into question the veracity of the ICNIRP guidelines. However, refusal of planning permission on these grounds would be contrary to central government policy and guidance.</p> <p>The applicant has also submitted a copy of the Mobile UK Briefing Note: 5G and Health, which sets out common concerns and how research has concluded that 5G telecoms that are compliant with the ICNIRP guidelines and do not pose a risk to human health.</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>

9.	Recommendations
9.1	It is recommended that the application be Approved subject to the conditions set out below.

10.	Conditions:
10.1	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
10.2	<p>Painting/Coating within 3 calendar months</p> <p>Within a period of 3 calendar months from the date of this decision notice, the telecoms mast and associated equipment cabinets hereby permitted shall be painted on coated in the colour Moss Green (RAL 6005). The mast and cabinets shall be maintained as such thereafter.</p> <p>Reason: In order to reduce the visual impact of the mast and associated equipment and assist in integrating the development into its surroundings in the interest of visual amenity.</p>
10.3	<p>Arboricultural Assessment</p> <p>Within a period of 3 calendar months from the date of this decision notice, the following shall be submitted to the local planning authority for approval in writing:</p> <ul style="list-style-type: none"> • Arboricultural report to BS5837:2012 • Arboricultural Impact Assessment, • Tree constraints plan, • Detailed landscaping scheme together with a long-term maintenance and management plan where applicable <p>Reason: In the interests of amenity and the landscape character of the area.</p>

11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
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	PLANS	07.07.2023	DRAWING REGISTER, LOCATION PLAN, PROPOSED SITE PLAN, PROPOSED ELEVATIONS
	DOCUMENTS	07.07.2023	5G SITE SPECIFIC SUPPLEMENTARY INFO AND PLANNING JUSTIFICATION STATEMENT
	DOCUMENTS	07.07.2023	DECLARATION OF CONFORMITY WITH INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

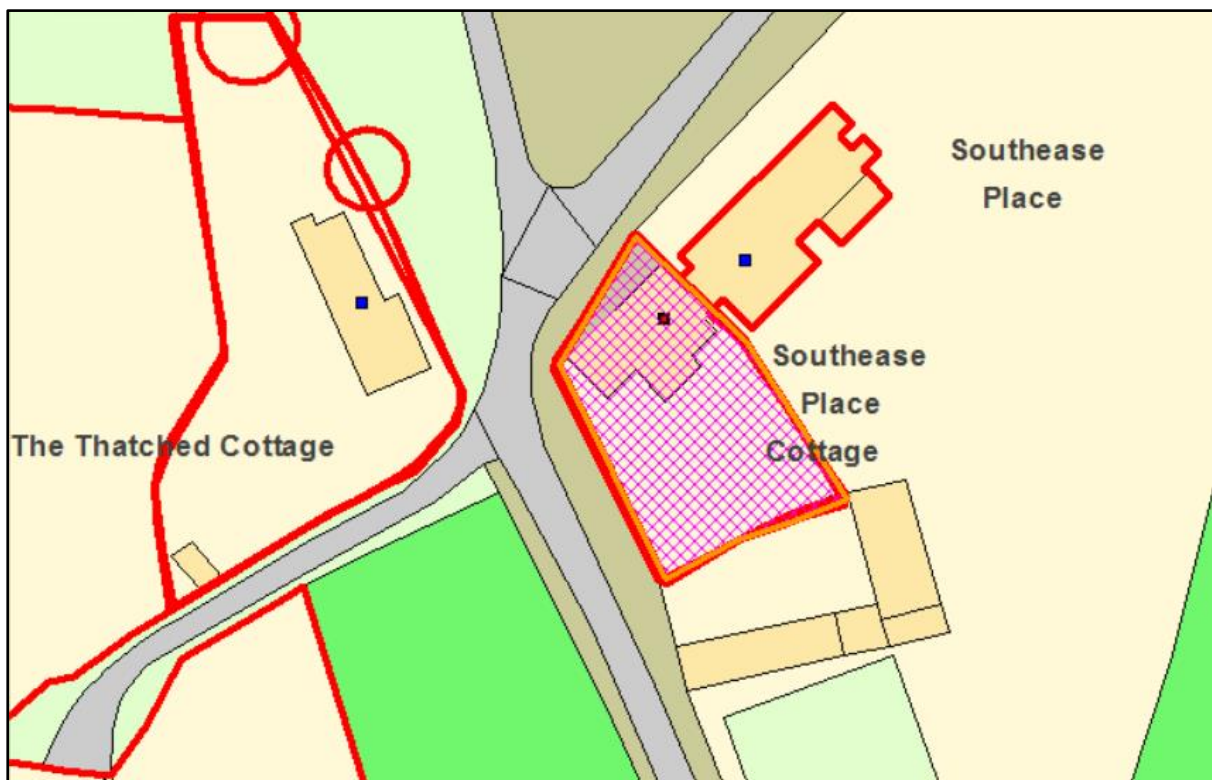
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Report to: Planning Applications Committee
Date: 11th October 2023
Application No: SDNP/23/02859/HOUS & SDNP/23/02684/LIS
Location: Southease Place Cottage, Church Lane, Southease, East Sussex, BN7 3HX
Proposal: S73a retrospective application for addition of freestanding air source heat pump to side of property.
Applicant: Mr G Williams c/o Stephen Langer Associates Ltd
Ward: Kingston
Recommendation:

1. Subject to the content/findings of an independent acoustic report then the application be delegated to the Head of Planning to grant planning permission and Listed Building Consent subject to the conditions set out below.

Contact Officer: **Name:** Larissa Brooks
E-mail: larissa.brooks@lewes-eastbourne.gov.uk

Site Location Plan:



1	Executive Summary
1.1	An Air Source Heat Pump (ASHP) has been installed on the southwest elevation of the property and this application seeks planning approval retrospectively.
1.2	The ASHP complies with the MCS Planning Standards, thus, if it was not within the curtilage of a listed building, it could be installed without planning permission under Schedule 2, Part 14, Class G of the GDPO.
1.3	The Design and Conservation Officer has no objections to the proposal.
1.4	A neighbour has complained of excessive noise being emitted from the ASHP, so, although not strictly necessary, your Officer deems it pertinent to address the complaints within this application.
1.5	Approval is recommended subject to conditions.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 12. Achieving well-designed places 16. Conserving and enhancing the historic environment
2.2	<u>South Downs Local Plan 2019</u> Core Policy SD1 - Sustainable Development Core Policy SD2 - Ecosystems Services Strategic Policy SD5 - Design Strategic Policy SD7 – Relative Tranquillity Strategic Policy SD12 – Historic Environment Development Management Policy SD13 – Listed Buildings Development Management Policy SD15 – Conservation Areas Development Management Policy SD51 – Renewable Energy

3.	Site Description
3.1	The site is a two-storey cottage located south of Southease Village, opposite a small village green and Church of St Peter.
3.2	The property is within the curtilage of the Grade II listed Southease Place, as well as being within the Southease Conservation Area and South Downs National Park.

4.	Proposed Development
4.1	<p>The application seeks planning permission retrospectively for the installation of an ASHP. The unit is 86x85x34cm (HxWxD).</p> <p>The ASHP (brand name Aerona) is mounted on a concrete base with rubber damped feet. The heat pump is on the southwest elevation of the cottage, located 2150mm from the flint wall perimeter wall at the nearest point.</p>
5.	Relevant Planning History:
5.1	SDNP/20/02270/HOUS - Infill extension, replacement side lobby, removal of existing dormer window, two new dormer windows, three new roof lights, replace garage door with a new window and roof space conversion (Approved)
6.	Consultations:
6.1	Lewes Town Council No comment received.
7.	Other Representations:
7.1	<p>One representation received from resident of The Thatched Cottage, in objection to the application for the reasons summarised as follows:</p> <ul style="list-style-type: none"> • Lack of information and no evidence that the ASHP is sustainable) • Excessive noise
8.	Appraisal:
8.1	<p>The development requires planning permission and listed building consent as the host property is a listed building.</p> <p>Therefore, the main considerations for this application are:</p> <ul style="list-style-type: none"> - Impact on the listed building - Impact on neighbour amenity
8.2	<p><u>Impact on the listed building</u></p> <p>The Design and Conservation Officer was consulted and had no objection to the installation of the ASHP due to its positioning behind a 180cm flint wall and a line of 7m tall mature trees, meaning the ASHP is not easily visible from the public realm.</p>

	<p>The visual impacts of the development would be further mitigated by the installation of acoustic housing.</p> <p>The applicant contends that the siting of the machinery has been chosen to mitigate the visual intrusion of the development.</p>
8.3	<p><u>Impact on neighbour amenity</u></p> <p>The neighbour representation states that the noise is a nuisance, and this has caused conflict between the neighbours.</p> <p>The applicant property and its neighbours are located in an area where background noise is low and therefore for them the noise impacts of this development are more acutely felt.</p> <p>Members should be aware that in terms of noise disturbance it is not necessarily the noise at the host property that is the issue but the noise levels as a sensitive receptor. In this case these sensitive receptors would be windows to habitable rooms within neighbouring residential properties.</p> <p>It is therefore recommended that condition (s) are imposed to have the applicant install a timber cladded acoustic enclosure for the ASHP and that this enclosure should reduce the noise impacts to these sensitive receptors.</p> <p>The Design and Conservation Officer is agreeable to these condition (s), and it is thought this will further soften any visual impact the ASHP has on the listed building and its setting.</p>
8.5	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>

9.	Recommendations
9.1	<p>Subject to the content/findings of an independent acoustic report then the application be delegated to the Head of Planning to grant planning permission and listed building consent subject to the conditions set out below.</p>

10.	Conditions:
10.1	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
10.2	<p>Removal of ASHP</p> <p>The air source heat pump must be removed when it is at the end of operational life.</p> <p>Reason: In the interests of preserving the character and appearance of the listed building and its setting.</p>
10.3	<p>Timber Cladded Acoustic Enclosure</p> <p>If deemed necessary by the Acoustic Report within two months from the date of this decision the air source heat pump shall be housed in a timber cladded acoustic enclosure, details of which shall be submitted to and approved by the Local Planning Authority. The cladding shall not be varnished and shall be either left to weather or stained black.</p> <p>Reason: In the interests of neighbouring amenity and to preserve the character and appearance of the listed building and its setting.</p>
10.4	<p>Plant Noise:</p> <p>The measures approved 10.3 (Timber Cladded Acoustic Enclosure) shall demonstrate that noise from all plant and machinery associated with the Air Source Heat Pump shall at all times remain at least 5dB(A) below background levels (or a threshold agreed by the Local Planning Authority) when measured at any nearby sensitive location, such as residential habitable room windows.</p> <p>Reason: To ensure that occupiers of nearby residential properties do not suffer a loss of amenity by reason of noise nuisance from equipment and machinery.</p>

11.	Plans:
11.1	This decision relates solely to the following plans:

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>

	APPLICATION DOCUMENTS	07.07.2023	AIR SOURCE HEAT PUMP NOISE LEVEL CALCULATION FORM
	PLANS	07.07.2023	PLANS AND ELEVATIONS
	APPLICATION DOCUMENTS	07.07.2023	GRANT HEAT PUMP COMMISSION CERTIFICATE
	PLANS	07.07.2023	SITE LOCATION AND BLOCK PLAN

12.	Appendices
12.1	None.

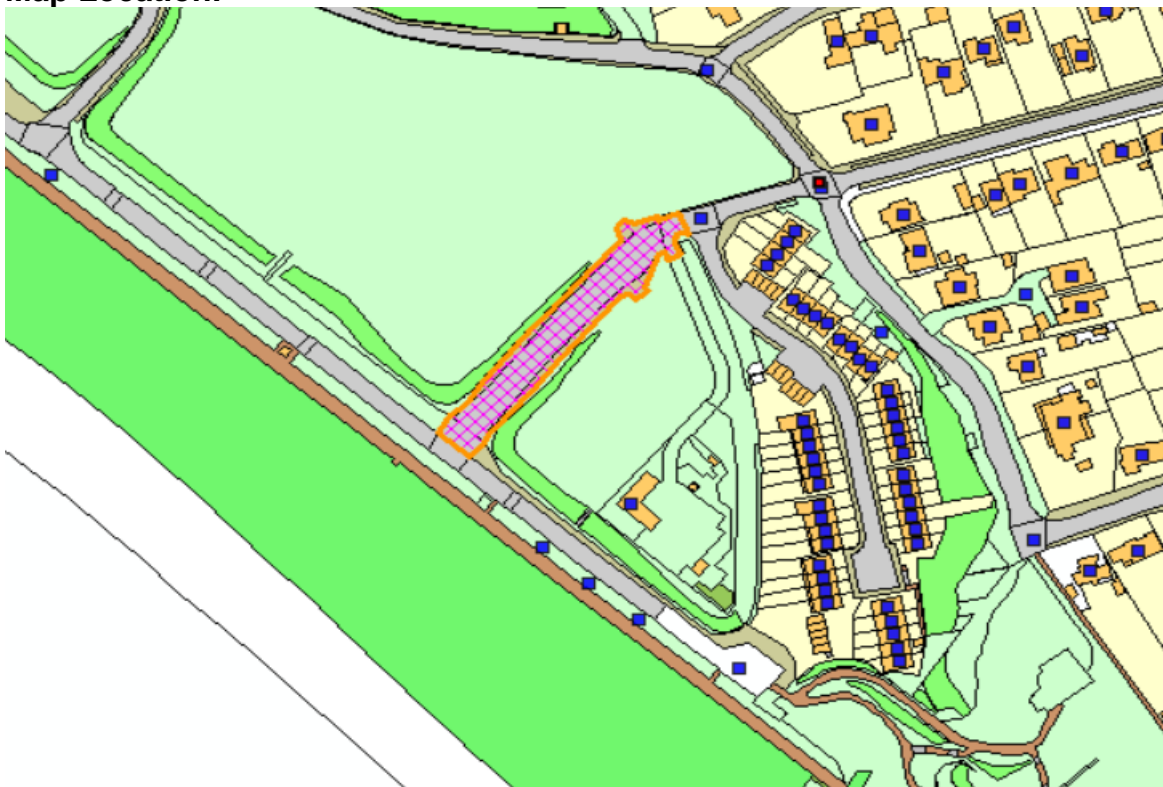
13.	Background Papers
13.1	None.

Report to: Planning Applications Committee
Date: 11 October 2023
Application No: LW/22/0796
Location: Street Record, Cliff Gardens, Seaford
Proposal: Change of use of a private street to a climate change educational beach garden featuring 7 no. planters of which 3 no. include fishbone sculptures, surfacing of C National cycleway, creation and surfacing of footpath containing 3 no. 'Big Buoy' benches.
Ward: Seaford Central
Recommendation:

1. To approve.
2. Having resolved to approve the application, to delegate authority to the Head of Planning to make an application to the Department of Transport under the s.249 Highways Act 1990 as set out in paragraph 10.3 of the report.

Contact Officer: James Emery
Name: James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**

- 1.1.1 The application concerns the southern end of Cliff Close, close to the seafront in the Town of Seaford.
- 1.1.2 The application site is currently an unpaved roadway which is open to vehicular traffic, to the east of the application site is a terrace of residential dwellings, with open land to the north, south and west.
- 1.1.3 The proposed development is seeking full planning permission for stopping up the roadway to form a climate change educational beach Garden featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.
- 1.1.4 This application is coming before the committee as the application would require a legal 'Stopping Up' Order under s.249 of the Highways Act. If the Committee resolves to approve the application, delegated authority to make the application for a Stopping Up' Order is sought on the basis the Order is required to improve the amenity of the area.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework
 - 2 Achieving sustainable development.
- 2.2 Lewes District Local Plan Part 1 – Joint Core Strategy:
 - CP4 Economic Development and Regeneration
 - CP11 Built and Historic Environment and Design
- 2.3 Lewes District Local Plan Part 2:
 - DM25 Design
- 2.4 Seaford Neighbourhood Plan:
 - SEA2 Design

3. **Site Description**

- 3.1.1 The application site is currently an unpaved roadway which is open to vehicular traffic, to the east of the application site is a terrace of residential dwellings, with open land to the north, south and west.

4. **Relevant Planning History**

- 4.1 *none*

5. **Proposed Development**

- 5.1 The proposed development is seeking full planning permission for stopping up the roadway to form a climate change educational beach Garden

featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.

5.2 Although unsurfaced and privately maintained the public have right of access. This section of highway would need to be stopped up, it is suggested that this will be done under the s.249 of the highways act to remove rights for motor vehicles and people on horseback.

5.3 The proposed bridge shall have a width of approx. 3.1m, with a length of 12.4m. It is to be 2.35m high above the roadway with railings 1.1m high above the bridge deck level.

6. Consultations

6.1 Main Town Or Parish Council:

6.1.1 The Town council responded that, as landowners they gave their support to this project at a Full Council meeting in January 2022. The subsequent letter of support from Seaford Town Council is used as a piece of supporting documentation by the applicant.

6.2 ESCC Archaeology

6.2.1 No archaeological recommendations.

6.3 ESCC Highways:

6.3.1 No objection, subject to conditions.

6.4 Sussex Police

6.4.1 No Objection.

6.5 East Sussex Fire and Rescue Service

6.5.1 No comment received.

6.6 South-East Coast Ambulance Service:

6.6.1 No comment received.

6.7 LDC Contaminated Land

6.7.1 No objection, subject to an informative regarding site clearance.

7. Neighbour Representations

7.1 A total of one letter of objection have been received, the points raised are summarised below.

- Impact upon road safety.
- Loss of access to the beach for emergency vehicles.
- Suitability of the materials.
- Alternative locations would be better.

Neighbour representations are addressed in the assessment below.

7.2 Sixteen letters in support have been received, all of which offering that the proposed development would enhance the seafront location.

8. **Appraisal**

8.1 Principle of Development

8.1.1 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. Underlining that there is to be a presumption in favour of sustainable development.

8.1.2 Para. 192 of the Revised National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

8.1.3 Policy CP4 of the Lewes District Joint Core Strategy aims to support development which supports the provision of sustainable tourism, including recreation, leisure, cultural and creative sectors, and having particular regard to the opportunities provided by the South Downs National Park, both within and outside the National Park boundary.

8.1.4 Policy CP5 of the Lewes District Joint Core Strategy recognises the need to promote and achieve a sustainable tourism industry in and around the district.

8.1.5 The application would accord with the above as it would see the development of a pedestrianised and cycle-friendly climate change garden which would be enjoyed by pedestrians and cyclists alike, representing an important extension of the national cycle infrastructure.

8.1.6 It is therefore considered that the principle of the development is acceptable subject to compliance with relevant local and national planning policies, against which the development will be assessed in the main body of this report.

8.2 Seaford Neighbourhood Plan:

8.2.1 Policy SEA6 (Development on the Seafront) of the Seaford Neighbourhood Plan recognises the importance of fostering appropriate development on the seafront in Seaford.

8.2.2 It outlines that a key aspiration of the Neighbourhood Plan is to support development which would enhance amenity use of the seafront (*Criterion e*), particularly by improving opportunities for walking and cycling (*Criterion f*).

8.2.3 Neighbour comments regarding alternative locations for the development are notes, however as outlined above, it is a stated objective of the Neighbourhood Plan to support enhancement of the

seafront for pedestrians and cyclists. By virtue of the fact that the proposed works would support the enhancement of walking and cycling opportunities, it is considered that the proposals are wholly in compliance with the aims and objectives of the above-mentioned policy.

8.3 Design and Appearance

- 8.3.1 This application would see the existing unmade road stopped up and replaced with a climate change educational beach garden featuring 7x decorative planters, surfacing of National cycleway C and creation of a footpath containing 3 x 'Big Buoy' benches.
- 8.3.2 It is considered that appearance of the application site and the street scene would be significantly enhanced by conversion to a climate beach garden in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policies SEA2 and SEA6 of the Seaford Neighbourhood Plan.
- 8.3.3 The external materials used would comprise a mixture of steel 'Big Bouy' benches and timber planters and benches, with metals finished in black paint. These materials and finishes have been chosen to blend with the streetscape and reflect the marine heritage of the town in accordance with Policy DM25 (Design) of the LDLP Part 2.
- 8.3.4 It is considered that the proposed materials used for the planters and benches are suitably durable materials that would tolerate exposure to the surrounding elements, particularly the sea air, without deteriorating significantly in appearance in accordance with Polices DM25 (Design) of the LDLP Part 2, and policy SEA2 of the Seaford Neighbourhood Plan.
- 8.3.5 Neighbour comments regarding loss of access to vehicles (particularly emergency vehicles) are noted, however, in response to consultation requests - the works are supported by ESCC Highways, and the Emergency Services have not objected to the proposed development.
- 8.3.6 Likewise, neighbour comments regarding materials are noted. In response a pre-commencement condition is sought to ensure that the final proposed materials and colours are suitable for the location.

8.4 Impact on Neighbouring Residents

- 8.4.1 The proposed works would not result in the introduction of any unacceptable increase in noise and disturbance, loss of light, overshadowing or overlooking to near neighbours in accordance with Policy DM25 of the Lewes District Local Plan Part 2, and policy SEA2 of the Seaford Neighbourhood Plan. This is because the development is sited some distance from residential properties and would see the use of the site convert to pedestrian and cycling uses.
- 8.4.2 Comments from residents regarding the impact upon parking during the course of works are noted, however it is considered that due to the essential nature of the works and the prevailing public safety

implications it is necessary for the works to proceed. Parking is a matter that the management of the site will have to take into account and address whilst the works are taking place.

8.5 Other Matters

8.5.1 It is noted that a Stopping Up order under s.249 of the Highways act will be required to facilitate the works. An informative is suggested to reiterate this fact.

9. **Human Rights Implications**

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

10. **Recommendation**

10.1 It is considered that the proposed development is in accordance with the aims and objectives of Policy DM25 of the Lewes District Local Plan Part 2, Policy SEA2 of the Seaford Neighbourhood Plan and Policy CP11 of the Lewes District Joint Core Strategy.

10.2 It is recommended that the application is approved.

10.3 If the committee resolve to approve the application, they are also asked to resolve that the proposal improves the amenity of the area, which involves the public ceasing to have a right of way with vehicles over a highway and to delegate authority to the Head of Planning to make an application to the Department of Transport under the s.249 Highways Act 1990 to remove rights for motor vehicles and people on horseback.

The application is subject to the following conditions:

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

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

10.5 (2). *The development shall not be brought into use until revised plans and details incorporating the recommendations given in the Stage 1, 2 and 3 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.*

Reason: In the interests of road safety.

- 10.6 (3). *Prior to commencement of development details of the reconstructed cycleway should be submitted to and agreed by the Local Planning Authority in consultation with the Highway Authority.*

Reason: In the interest of highway safety and for this benefit and convenience of the public at large.

- 10.7 (4). *Before the development hereby approved is commenced on site, details/samples of the material and colour of external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.*

Reason: To ensure a satisfactory development in keeping with the locality having regard to DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

Informatives:

- 10.8 (1). *The applicant is advised that the existing public highway to be incorporated into the development must be formally stopped up to remove the highway rights for motor vehicles and horseback riders. This process must be successfully completed prior to any highway land being enclosed within the development. In order to commence the process, the applicant will need to contact the Highway Land Information Team (01273 482316).*

(2). If any part of the development requires alterations to the adjoining highway the applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

(3). All waste material arising from any site clearance, demolition, preparation, and construction activities should be stored, and removed from the site and disposed of in an appropriate manner.

11. Appeal

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

12. Background Papers

- 12.1 None.

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Agenda Item 12

Report to: Planning Applications Committee
Date: 11th October 2023
Application No: LW/23/0276
Location: Land at 1 South Coast Road, Peacehaven
Proposal: Scheme of 10 No. C3 residential dwellinghouses, and flexible C2/C3 supported housing accommodation, comprising of 22 No. residential flats, including 2 No. staff flats, plus ancillary facilities.

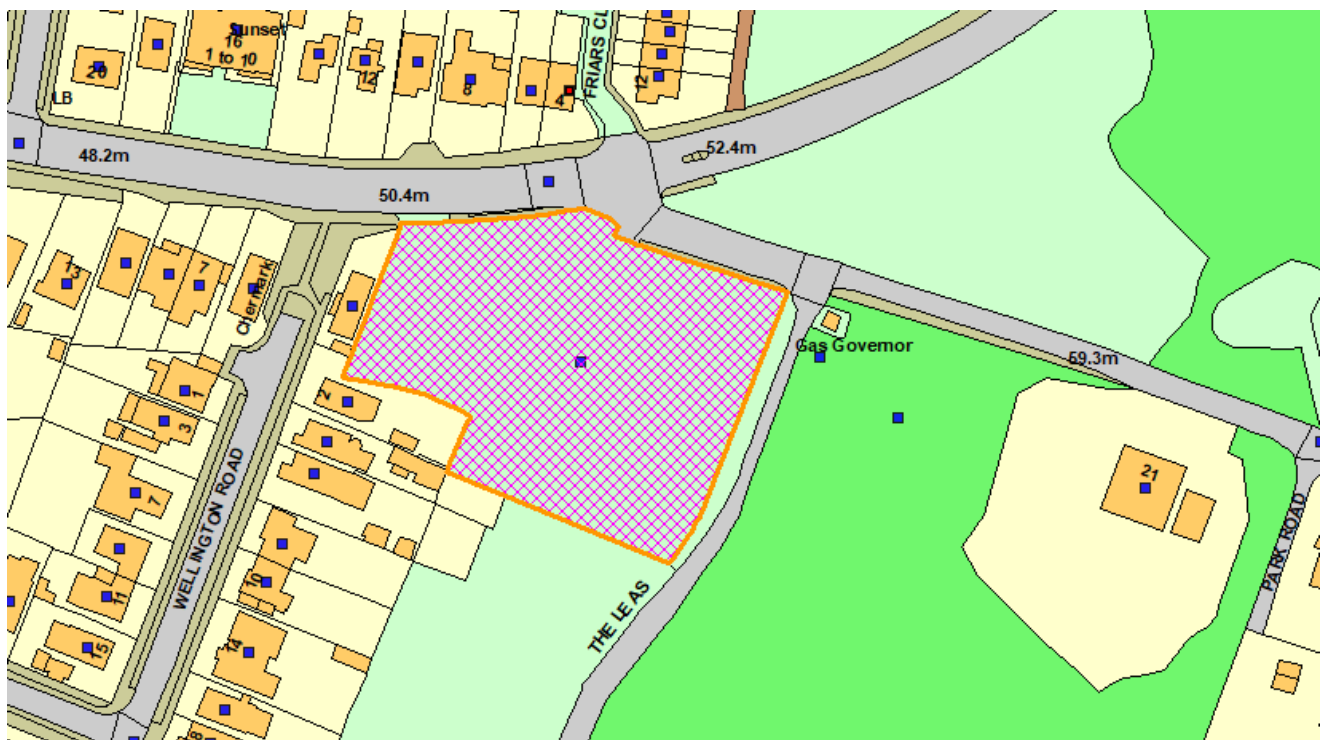
Applicant: JKC Management Ltd
Ward: Peacehaven East

Recommendation:

1. Once the Applicant has demonstrated a method of drainage that is supported by ESCC SuDS team and that a policy compliant number of affordable units can be delivered then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions.
2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

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

IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan:



1.	Executive Summary
1.1	The proposed development represents the provision of much needed housing, accessible to a wide section of the community, on a brownfield site in a sustainable location. In addition, it presents an opportunity for remediation works to be carried out on what is currently a contaminated site which is in a sensitive location, overlying a secondary aquifer.
1.2	<p>Scheme proposes 32 units of accommodation.</p> <p>At least 10 would be C3 residential dwelling houses (two storey in height under a pitched roof) and 22 units (to be blended between C3 residential and C2 Care Home) being located in a single block with stepped elevations up to four storeys under a flat roof.</p> <ul style="list-style-type: none"> • 4 x 2 Bedroom units • 3 x 3 Bedroom units • 3 x 4 Bedroom units • 22 x 1 Bedroom units <p>It is considered that the proposed development would be carried out at an appropriate density and would integrate well with the surrounding built environment whilst not adversely impacting upon the adjoining rural areas or the setting of the nearby South Downs National Park.</p>
1.3	It is considered that the design and layout of the development would ensure that there are no unacceptable impacts upon the amenities of neighbouring residents.
1.4	There is adequate on-site parking, the proposed access arrangements are suitable, and the proposed development would not generate unacceptable levels of traffic, with this likely to be reduced when compared against traffic generated by the former use of the site.
1.5	Further information on drainage arrangements and affordable housing are required and these would be secured prior to any decision being issued if members are minded recommending approval.
1.6	<p><u>Social Benefits</u></p> <p>The proposal offers significant social benefits by providing much needed housing to serve a broad section of the community. A policy compliant affordable housing provision/contribution would be secured by legal agreement.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.7	<p><u>Economic Benefits</u></p> <p>The proposed development would provide short-term economic benefits in the form of construction jobs with longer term benefits associated with on-site employment, jobs associated with ongoing maintenance of the site</p>

	<p>and increased local spend in the local economy as a result of the increase in population.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance;</p>
1.8	<p><u>Design and Built Environment</u></p> <p>The proposal would introduce gateway buildings on the edge of Peacehaven, occupying a site that is currently vacant and becoming unsightly, thereby improving the setting of the town and</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.9	<p><u>Remediation</u></p> <p>The proposed development would utilise a brownfield site and facilitate remediation works that would remove contaminants and thereby improve the surrounding environment and the security of controlled waters.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.10	<p><u>Transport</u></p> <p>The proposal would maintain and enhance existing bus service infrastructure, deliver suitable access for vehicles and pedestrians, would support electric vehicle charging and provide cycle parking and would not impose undue stress on the surrounding highway networks.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p><u>Sustainability</u></p> <p>The proposal would incorporate a number of measures to deliver a sustainable and energy efficient form of development.</p> <p>This would carry <u>limited positive weight</u> in the planning balance.</p>
1.12	<p><u>Water issues</u></p> <p>The development would allow for the provision of a new and more effective drainage system, subject to approval by the LLFA and Environment Agency.</p> <p>This would carry <u>limited positive weight</u> in the planning balance.</p>
1.13	<p><u>Ecology and Biodiversity</u></p> <p>The development allows for the introduction of 10% biodiversity net gain on the site, through the provision of a suitable landscaping and ecological enhancement plan.</p>

	This would carry <u>neutral weight</u> in the planning balance.
1.14	<p><u>Landscape Impact</u></p> <p>The development would be positioned on the urban edge of Peacehaven and would be adjacent to open countryside and within the setting of the South Downs National Park. The SDNPA and the ESCC Landscape Officer both consider the development to be acceptable in this location, subject to a well landscaped edge being established.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>
1.15	It is therefore recommended that the benefits of the development significantly outweigh any harm and that the application should therefore be approved subject to the conditions attached to this report and a Section 106 legal agreement to secure affordable housing and highway improvements/contributions.
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 homes</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP1-Affordable Housing</p> <p>CP2-Housing Type, Mix and Density</p> <p>CP7-Infrastructure</p> <p>CP8-Green Infrastructure</p> <p>CP9-Air Quality</p> <p>CP10-Natural Environment and Landscape</p> <p>CP11-Built and Historic Environment & Design</p> <p>CP12-Flood Risk, Coastal Erosion & Drainage</p> <p>CP13-Sustainable Travel</p> <p>CP14-Renewable and Low Carbon Energy</p>

2.3	<u>Lewes Local Plan Part 2 (LLP2)</u> DM20-Pollution Management DM22-Water Resources and Water Quality DM23-Noise DM24-Protection of Biodiversity and Geodiversity DM25-Design DM27-Landscape Design
2.4	<u>Emerging Peacehaven Neighbourhood Plan</u> PT1 - High Quality Design PT2 - Innovation and Good Management PT3 - Landscaping PT5 - Sustainable Design PT6 - Housing design PT7 - Adaptable housing PT8 - Low-cost housing PT9 - Housing mix PT10 - Reusing the Existing PT11 - Promoting All-Inclusive Travel PT13 - Enhancing public transport in the Neighbourhood Plan Area PT17 - Protection of Biodiversity and Habitats PT18 - Biodiversity Net Gain PT19 - Urban Greening PT20 - Drainage Management PT21 - Renewables PT22 - Net Zero PT23 - Air Quality PT27 - Local Labour Agreement PT32 - Statement of Community Engagement PT36 - Design and placemaking principles

3.	Site Description
3.1	The site is brownfield land, the plot having previously been occupied by motel/café which was demolished in 2009. Up until the late 1990's the site also accommodated a petrol station. Since the clearance of the site, it has been enclosed by a mix of timber hoarding and metal palisade fencing and

	left undisturbed, despite two planning applications for redevelopment being submitted. As a result, the site has become overgrown in places. The levels of the site remain similar to when it was previously occupied, with a raised, flat area adjacent to South Coast Road, behind which there is a slope down to a larger, flat area of land towards the southern end of the site.
3.2	The site falls within the settlement boundary, with the eastern boundary representing the eastern edge of Peacehaven. The western side of the northern boundary flanks the A259 (South Coast Road) with the remainder being edged by The Highway, which is a narrow rural lane which is also a bridleway. The eastern boundary is flanked by a public footpath which connect The Highway with the public footpath that runs along the clifftops between Brighton to the west and Newhaven to the east, which will form part of the King Charles III England Coast Path.
3.3	To the north of the site, on the opposite side of South Coast Road, is mixed residential development which includes dwellings facing onto the road or set back on cul-de-sacs such as Friars Close and low-rise blocks of flats (two and three-storey). The western boundary, and part of the southern boundary flank rear gardens of bungalows on Wellington Road. To the east and south is grassland and scrub which forms part of the rural landscape adjacent to the cliffs to the south.
3.4	The site falls within an Archaeological Notification Area. Other than this, the site is not subject to any specific planning designations although it is noted that there are contaminants present as a result of the former petrol station use. It is also important to note the proximity to the edge of the South Downs National Park, approx. 500 metres to the north, and to the Brighton to Newhaven Cliffs SSSI which is approx. 200 metres to the south.

4.	Proposed Development
4.1	<p>The proposed development would comprise the following: -</p> <ul style="list-style-type: none"> • 10 x two-storey dwellings located on the western part of the site and positioned around the access road and parking area. 9 of the dwellings would be terraced with a single detached dwelling in the north-western corner of the site. The mix provided would be 4 x 2 bed dwellings, 3 x 3 bed dwellings and 3 x 4 bed dwellings; • A four-storey block of flats comprising a mix of C2 and C3 accommodation. There would be 20 flats for older people in total, with an additional 2 flats provided for staff accommodation. All flats would be 1 bedroom. The top floor of the flats would include a plant room and a solar battery room along with two of the flats A communal lounge and staff room would be provided at ground floor level; • Parking for 24 cars, including 2 disabled bays;

	<ul style="list-style-type: none"> • Formation of a gated communal garden for occupants of the flats (with each dwelling having its own private garden area); <p>The existing dropped kerb access from South Coast Road would be used to allow for vehicular and pedestrian access. Separate pedestrian access to the development would be provided directly from the footway on South Coast Road, where a new path would be formed running parallel with The Highway.</p>
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5.	Relevant Planning History:
	E/56/0016 - Proposed installation of two additional Petrol Pumps – Approved 30 th January 1956
	E/72/2023 - Alterations to Service Station and construction of Motel – Approved 5 th March 1973
	LW/77/0128 - Pump canopy over 3 new pumps, petrol interceptor and fire cabinet – Approved 12 th March 1977
	LW/78/0639 – Planning application for garage – Approved 25 th May 1978
	LW/96/1779 - Removal of service station facilities and erection of a single storey extension to shop – Approved 23 rd January 1997
	LW/04/0921 - Demolition of existing buildings and erection of 74 residential flats comprising of 62 one-bedroom flats and 12 two-bedroom flats, contained within three buildings, two of three storeys and one of four storeys, with a communal garden square at the centre – Refused 5 th July 2004
	LW/06/0142 - Outline application for the erection of 24 residential units comprising one x one bedroom flat, four x two-bedroom flats, 10 x two-bedroom terraced houses and nine x three-bedroom terraced houses (the units are two storeys with some rooms in the roof) – Approved 18 th May 2006
	LW/10/1452 - Erection of 28 self-contained flats and 4 terraced houses – Refused 4 th March 2011
	LW/12/0240 - Erection of twenty houses, five flats and associated parking and open space – Approved 2 nd May 2012
	LW/14/0103 - Erection of 26 dwellings with associated car parking and access - Withdrawn
	LW/15/0462 - Redevelopment of previous fuel service station and motel into 21 new 3 bed plus 5 new 2 bed houses along with 36 car parking spaces for social housing use – Resolution to approve but not proceeded with due to failure to sign section 106 legal agreement

6.	Consultations:
6.1	<p>Peacehaven Town Council</p> <p>There was a discussion about the application, the Committee expressed concerns over the location, lack of net biodiversity gain, lack of affordable housing, overdevelopment, height, effect on the road, construction vehicles, public transport provision, road safety, and drainage.</p>

	<p>It was proposed that the Committee object to the application on the basis that it goes against LDC policy DM25 and the policies and design guide of the emerging Neighbourhood Development Plan. The application does not demonstrate a net biodiversity gain and there are concerns over the access to South Coast Road.</p>
6.2	<p>South Downs National Park Authority</p> <p>No material harm to the National Park</p> <p>The development would be located over 500m from the National Park boundary to the south of existing intervening residential development and the A259 South Coast Road. Permission was previously granted for 26 dwellings on the site, which has since expired.</p> <p>Although the site may be visible from rights of way within the National Park including Footpath 9, it would be seen within the context of existing built form.</p> <p>OFFICER COMMENT: The SDNP comments contain an erroneous reference to buildings being only 3-storeys high. They have confirmed that this does not affect the advice provided.</p> <p>.</p>
6.3	<p>Lead Local Flood Authority</p> <p>The site is not at significant risk of flooding from external sources and a Flood Risk Assessment is not required.</p> <p>Based on the information in the ground investigation report, the site historically had nine below ground fuel tanks with the applicant removing five. The site is indicated to overlie a Secondary 'A' aquifer and Principal Aquifer and is not situated within a Source Protection Zone.</p> <p>There are some issues with the proposed drainage strategy which need to be addressed in order to remove our objection. These should be incorporated into a statement on the proposed Drainage Strategy in accordance with our guidance on planning submissions.</p> <p>OFFICER COMMENT: The applicant has submitted additional information. This has been forwarded to the LLFA and their comments are awaited. <u>If members are minded approving the application, then no decision will be issued until the LLFA remove their objection.</u></p>
6.4	<p>Southern Water</p> <p>Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p>
6.5	<p>ESCC Highways</p> <p>This development site is sustainable in transport terms and therefore I have no objection to the proposals, subject to the imposition of the conditions and obligations recommended below.</p> <p>This application does make reference to a stopping up order (SUO) with the intention being to claim a potentially redundant strip of highway in</p>

	<p>order to allow a degree of road widening/realignment at the site access. This SUO was not highlighted in the pre-application response, but we have no objection from a highway perspective.</p> <p>I understand that the SUO will need to be secured prior to planning consent being granted, under powers contained within the Town & Country Planning Act 1990.</p>
6.6	<p>ESCC Landscape Officer</p> <p>The site and immediate surroundings would not be considered valued landscape in the context of the NPPF paragraph 174 a). The site is not countryside however, it is on the edge of the clifftop downland, an open landscape between Peacehaven and Newhaven. Proposed development on the site would need to have a high-quality positive frontage onto the open space.</p> <p>The redevelopment of this site offers an opportunity to provide new gateway buildings on the edge of the settlement and on the approaches along the A259.</p> <p>It is recommended that the proposed development can be supported as it would provide an opportunity to enhance local landscape character and views. This would be subject to satisfactory detailed designs for hard and soft landscape materials by condition.</p>
6.7	<p>ESCC Archaeology</p> <p>This site has already been subject to archaeological investigation (trial - trench evaluation, open area excavation, post-excavation assessment) in association with previous application LW/15/0462.</p> <p>For this reason, I have no further archaeological recommendations to make in this instance.</p>
6.8	<p>LDC Contaminated Land Officer</p> <p>I note that the applicant has submitted two ground investigation reports dated Nov 2016 and Feb 2017 prepared by Geo-environmental Ltd. Some contaminations have been detected at the site including ground gases at the site, but no remediation strategy and verification plan has been submitted with the application. The submitted report is also predated the new LCRM guidance issued in 2020 and updated in 2021.</p> <p>If LPA is minded granting a planning permission, then considering the sensitive uses of the site, I recommend attaching conditions and an informative.</p>
6.9	<p>LDC Air Quality Officer</p> <p>Further to review of the Air Quality Assessment prepared by Phlorum and received in support of the above application, I am satisfied that the operational and construction phases have been assessed appropriately and that levels of pollutants will be below the relevant air quality standards. The level of air quality mitigation is appropriate for a scheme of this size in an area of good air quality, and I would therefore recommend approval of this application in terms of air quality only.</p>

	<p>There do not appear to be any mechanisms in place to ensure that the recommendations of the air quality assessment, regarding construction dust are followed. It is recommended that a condition requiring a CEMP is included should the application be approved. Additionally, the AQA states "Air source heat pumps and solar panels are proposed to all dwellings on the site, with no reliance on natural gas. Electric car charging points will be provided to all houses to encourage use of electric vehicles. " This too should be conditioned.</p>
6.10	<p>LDC Coastal Project Specialist</p> <p>Advise that ESCC as LLFA are consulted regarding the proposed SuDS (soakaway) and for applicant to consult ESCC tools on SuDS if they have not already. Suggest the applicant also considers other appropriate SuDS systems, such as smart water butts. (Subject to any other comments/conditions imposed relating to contaminated land and comments from the EA and LLFA).</p> <p>A full-scale soakage test to BRE Digest 365 has not yet been undertaken and should be undertaken to inform the drainage strategy. The LLFA (as well as the EA) should also be consulted prior to finalising the drainage strategy for the site.</p> <p>LDC will seek a contribution of funding via Section 106 monies, for the maintenance of the Peacehaven undercliff coastal defences. The SMP policy for short (2005-2025) and medium term (2025-2055) is to hold the cliff base at the location of coastal frontage in front of the proposed development. Funding contributions would be used to maintain the existing defence structures in the policy unit area 4d08: Peacehaven.</p> <p>OFFICER COMMENT: Contributions for flood defence contributions will be sought where it is established there is a planning policy-based justification for them.</p> <p>As the new Local Plan develops policies relating to specific financial contributions will be scoped/researched and if appropriate recommended for inclusion. At this moment in time Community Infrastructure Levy is the mechanism whereby financial monies can be sought and infrastructure providers can bid for monies to be allocated towards key infrastructure,</p>
6.11	<p>LDC Ecology</p> <p>Additional information is required in regard to.</p> <ul style="list-style-type: none"> • The potential impact on and protection of habitats and species in the local area, including the adjacent grassland / scrub and nearby Peacehaven Heights LWS. • How a minimum 10% BNG will be achieved. It is recommended that this is evidenced through the application of the most recent version of the Biodiversity Metric. <p>OFFICER COMMENT: It is considered these matters could be addressed by suitable planning conditions.</p>
6.12	<p>Natural England</p> <p>No objection.</p>

	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
6.13	<p>LDC Tree Officer</p> <p>Further documentation is required to ensure that trees on adjacent land, in particular those properties within Wellington Road that border the site, are given material consideration.</p> <p>OFFICER COMMENT: Additional reports have been submitted as requested and a response is awaited. If a response is not received, then a condition can be used to secure tree protection plans.</p>
6.14	<p>Environment Agency</p> <p>No objection subject to conditions.</p>
6.15	<p>Sussex Police (Secured by Design)</p> <p>Vehicle and pedestrian access are directly off South Coast Road (A259), leading to a central car park. The dwellings are located around the car park. There is good observation from the dwellings over the parking area.</p> <p>There is good demarcation to the front boundaries of the houses and the side and rear boundaries of the block of multiple dwellings. The communal garden is gate and I ask it is also controlled.</p> <p>OFFICER COMMENT: Various recommendations are made as to how security measures could be incorporated into the scheme. The provision of suitable measures would be captured by a Secured by Design condition which will be attached to any approval and is listed in the schedule of conditions at the end of this report.</p>

7.	Other Representations:
7.1	<p>20 letters of objection have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Will create a wind tunnel effect; • The buildings are too high and imposing; • Chalk cliff location not suitable for foundations and drainage; • Will result in an increase in traffic; • The flats are on an area of the site that was never built over; • Overdevelopment of the site; • Harmful impact upon surrounding countryside including article 4 area around The Highway; • Will be in breach of covenants attached to the site; • Lack of suitable infrastructure; • Lack of clarity on the use of the flats; • Development will cause disturbance to nearby home workers; • Loss of green space; • Would result in noise and air pollution; • The southern end of the site floods in heavy rain and a suitable drainage system is needed; • Harm to views/outlook;

	<ul style="list-style-type: none"> • Insufficient parking facilities provided; • The adjacent footpath is used by the emergency services and must be kept open; • The site has been vacant for many years and is now home to wildlife, which would be harmed by the development; • Affordable housing should be provided; • Previous permissions on the site cannot be used to argue a precedent has been established; • Insufficient details have been provided as to how biodiversity net gain would be achieved; <p>OFFICER COMMENT: The adjacent footpath would not be impacted by the development. A Construction Management Plan will be required to provide confirmation that it would remain accessible throughout construction works on the site. Any potential breach of covenant is a civil rather than planning matter.</p>
7.2	<p>A petition objecting to the scheme has been signed by 98 people and formally submitted. The wording for the petition is provided in verbatim below:-</p> <p>At its proposed height of 4-stories the site will be over developed and negatively impact the adjacent neighbourhoods. With a number of properties becoming overlooked and losing their privacy from both a visual and audible perspective.</p> <p>The local area consists predominately of bungalows. No bungalows are proposed on the site. Previous buildings were 1-2 stories high, with a substantial proportion of the site being of level ground.</p> <p>The density of a similar sized area in adjacent roads i.e., Wellington Road and Cliff Avenue would amount to seven to ten dwellings. The site proposed is over developed at three to four times this, due to the number of houses and four-story block of flats being proposed.</p> <p>There has never been any development on the land abutting the Highway, as not to visually impact the surrounding neighbourhood and Article 4 area. If awarded this would effectively allow a 4-story block of flats to be built on the Highway.</p> <p>The flexible part of the building classification (C2/C3) opens up the development to other potential uses in future. Although the developer is proposing a small number of flats for disabled use – not one bungalow has been proposed. Bungalows being far more accessible for disabled persons. Hence questions should be raised as to the proposed motive of the development if planning was to be awarded. As such flexible (C2/C3) use will result in an increase in noise and disturbance from the development due to both its nature and density.</p> <p>As Peacehaven is becoming increasingly populated there are no new amenities such as police stations (demolished for housing), fire stations, ambulance stations, doctors' surgeries etc.</p>

	<p>Access to the A259 from local closes, avenues and the Highway is a problem and getting worse due to traffic. This could negatively impact highway safety.</p> <p>The amount of traffic (and air pollution) on the A259 coast road is also already too high, especially at peak times, and this development will add to the problem significantly.</p>
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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 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 sustainability of the development; • The delivery of new housing and the quality of accommodation provided; • Impact upon the character of the surrounding urban and rural environment; • Impact on residential amenity; • Impacts upon highway/pedestrian safety. • Flood risk, • 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 falls within the settlement boundary and, therefore, the principle of its redevelopment for housing purposes is acceptable. As can be seen from the site history, a number of schemes for residential redevelopment of the site have been awarded planning permission in recent years although none have been implemented to date and all have now lapsed. It should also be noted that the site is included in the 2022 Interim Land Availability Assessment where it is considered, under reference 19PT, to</p>

	<p>be suitable for residential development although the availability of the site and achievability of development were unknown.</p> <p>Para. 120 c) of the NPPF states that planning decisions should ‘give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;’ The proposed scheme responds well to this objective in two ways. Firstly, it is a brownfield site within an existing settlement, having previously accommodated a motel, café, and service station, with these buildings since being demolished. Secondly, as is evident in the response from the Environment Agency, the site suffers from contamination, primarily due to the former petrol station use, and the proposed development would provide an opportunity for remediation to be carried out which would be to the benefit of the site itself as well as the surrounding environment and water security.</p> <p>There is an increased emphasis on using site efficiently and delivering new housing in the District as a result of the current lack of a 5-year supply of housing land. This is set out in para. 125 of the NPPF which states that ‘where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.’</p> <p>The approach to determining applications for housing development where there is a lack of 5-year housing supply is crystallised in para. 11 d) of the NPPF which instructs a Local Planning Authorities to approve development proposals unless they would have a clear harmful impact upon protected areas or assets or if the harm caused by the development would significantly outweigh the benefits.</p> <p>The closest protected area/asset to the application site is the South Downs National Park, some 500 metres to the north, and the impact of the development upon the setting of the park will therefore be given careful consideration.</p> <p>It is therefore considered that the principle of the redevelopment of the site is acceptable and is encouraged by the NPPF. The acceptability of the scheme is subject to consideration against relevant development plan and national planning policies, with a degree of weight afforded to the emerging Peacehaven and Telscombe Neighbourhood Plan.</p>
8.3	<p><u>Housing Delivery</u></p> <p>Although the planning statement suggests that the development is not required to provide a contribution towards affordable housing this is not the case. All development of 10 or more C3 units require an affordable housing contribution as per para. 65 of the NPPF. The Council’s affordable housing policy sets the starting point for contributions at 40% of the residential units. Any reduction to this would need to be justified by a viability assessment demonstrating the development would not be viable</p>

	<p>with a 40% contribution, with this being subject to an independent assessment by specialists. If viability issues are accepted than the maximum feasible contribution would be required.</p> <p>The C3 units within the flatted element of the development would also be included in the calculation for affordable units. As the application does not make clear how many of the units would be C3 this would need to be confirmed in the section 106 legal agreement.</p> <p>Setting aside the need to include affordable housing, it is considered that the proposed development would provide a good mix of houses to serve a variety of household sizes, including 3 and 4 bed family units of which, unlike the general trend in the District, there is an identified shortage in Peacehaven (as identified in the 2021 Peacehaven and Telscombe Housing Needs Assessment). In addition, accommodation for older people would be provided, including specialist C2 units (where care would be provided by staff that live on-site). 6 of the units provided would be M4(3) wheelchair accessible units with the remainder being M4(2) wheelchair adaptable. It is therefore considered that the proposed development would serve a wide range of the community, including those with specific needs, as is encouraged by para. 92 of the NPPF and identified as a key component of the social objective of sustainable development set out in para, 8 b) of the NPPF.</p>
8.4	<p><u>Design and Visual Impact</u></p> <p>With a site area of approx. 0.4 hectares, the density of the proposed development would equate to approx. 55 dwellings per hectare. This falls within the suggested 47-57 dwellings per hectare density for new development in towns set out in LLP1 policy CP2. It is considered that ample space would be available for associated road and footpath infrastructure, street scene landscaping and private and communal gardens and that this is demonstrated in the submitted site layout. It is therefore considered that the development would not appear unacceptably cramped.</p> <p>The application site is in a prominent location on the eastern edge of Peacehaven, forming the gateway into the town when approaching from the east on the A259. The site has been derelict for over 10 years and its appearance is deteriorating. It is considered that the site, in its current condition, therefore appears as an unattractive and unwelcoming feature that is causing harm to the setting of Peacehaven.</p> <p>The proposed development therefore represents an opportunity to improve the setting of the town, but careful consideration must be given to the appropriateness of the design and scale of the development, given the prominence of the site as well as proximity to the rural landscape and the South Downs National Park.</p> <p>The proposed development would introduce a mix of 1.5, 2 and 3-storey buildings on the site. It is noted that there are numerous examples of buildings of these scale within both the immediate surrounding area and also within the linear development that follows the course of South Coast Road. This is recognised in the Peacehaven and Telscombe Design Code which identifies the 'coastal road' character area, which the site falls</p>

within, as having the highest concentration of taller, 3-4 storey buildings within the town, with a mixture of residential and retail, giving the area a more urban character.' The design guide goes on to state, under CB2, that residential houses can be a maximum of 3 storeys.'

The residential dwellings would be built to a fairly traditional pitched roof design that is consistent with the appearance of a number of neighbouring dwellings. The orientation of the dwellings, with some facing out onto, and engaging well with South Coast Road and set back dwellings positioned either perpendicular to South Coast Road, lining the access road, or facing out towards the road/parking area is similar to the arrangement of development opposite the site on Friars Close.

The proposed block of flats would be incorporate a more contemporary flat roof design, with the top floor being recessed from the building edges and finished in contrasting materials. Whilst it is noted that the Peacehaven and Telscombe Design Code suggests a maximum height of residential houses of three-storeys, but this does not apply to flats, and it acknowledges there are four-storey buildings within the surrounding area. It is considered that the significant setback of the top floor of the building from the main elevations would provide suitable articulation to the building, preventing it from appearing overly bulky and from the elevation walls appearing as an unacceptably overbearing edifice. It is also important to note that the block of flats would be positioned on lower lying land and be set back from South Coast Road and The Highway, thereby reducing visual prominence in the street scene. The flat roof design itself is consistent with that of other blocks of flats nearby and it is noted that the Peacehaven and Telscombe Design Guide regards flat roofs as acceptable for use on taller buildings.

Overall, it is considered that the design and layout of the development is acceptable, that it would engage well with South Coast Road as well as the internal street scene, would integrate with the visual and spatial character of the surrounding built environment and provide an attractive and well-defined gateway to Peacehaven, significantly improving upon the current visual characteristics of the approach to the town from the east.

It is clear that the site would be visible from many positions in the surrounding rural environment, including highly visible from the footpath passing directly to the east of the site and heading towards the clifftops. However, when viewed from the surrounding rural environment, the development would be seen in context with the existing townscape which, as is set out above, it would assimilate effectively within.

It is considered that the gateway nature of the site lends itself use for a bolder form of development that establishes a sense of place and provides a clear definition to the urban/rural interface. The ESCC Landscape Officer and the South Downs National Park Authority have both been consulted and both consider that the proposed development is appropriate for its setting, with no unacceptable harm upon the surrounding rural environment, including the setting of the nearby South Downs National Park.

8.5

Impact upon residential amenities:

It should be noted that the principle of residential redevelopment of the site has previously been accepted, see history section above.

The dwellings that would be most immediately affected by the proposed development would be the bungalows at 2a, 2 and 4 Wellington Road which would have two-storey dwellings positioned within relatively close proximity to the west, on lower lying land.

It is noted that the eastern elevation of 2a Wellington Road (flank elevation) is positioned close to the eastern site boundary and includes a number of windows. Based on planning records these windows serve a living room, kitchen, wc and bedroom although it was noted from the site inspection that there has been some reconfiguration/replacement of windows. The dwellings at 2 and 4 Wellington Road are set further back from the site boundary, with the rear gardens backing onto the application site.

It is noted that the relationship between dwellings in the proposed development and properties on Wellington Road is similar to that shown on plans previously approved under LW/12/0240 and with a motion to approve under LW/15/0462.

Unit 1 of the proposed scheme would be positioned to the side of the garden area at 2a Wellington Road. There would be no upper floor windows and openings in the elevation facing towards the neighbouring property and, therefore, no potential for unacceptably intrusive views, with outlook from ground floor windows being interrupted by site boundary treatment.

Units 2-4 of the proposed scheme would have first floor windows facing towards east facing windows at 2a Wellington Road, with a separation distance of approx. 9.5 metres maintained. Whilst this distance is limited it is noted that site boundary treatment of up to 2 metres high could be placed on the shared boundary and that this would screen views towards neighbouring windows.

The windows in the flank of 2a Wellington Road are secondary, in the case of the living room windows, serve a kitchen area which also has access to light from other windows and is not a primary habitable room, serve a wc and a bedroom.

Whilst the proximity of dwellings to these windows may result in some additional overshadowing in early mornings this should be seen in context with the function of the windows affected, the accessibility to natural light provided by over windows in the dwelling that would not be impacted upon and the impact boundary screening would have, it is considered that the presence of these dwellings would not generate undue levels of additional overshadowing.

2 and 4 Wellington Road, the distance maintained between these dwellings and those proposed would be greater than at 2a due to the site backing onto rear gardens. It is noted that the rear garden of 4 Wellington Road includes an annexe, approved under LW/16/0704 but there would be no direct window to window views from the proposed development towards this annexe. There would also be no windows directly overlooking the garden or windows of 2 Wellington Road.

Units 8 to 10 of the proposed development would overlook the far end of the rear garden of 4 Wellington Road, but this would impact on a small part of it, the views would be at a typical distance for neighbouring garden views within an urban environment and there would be no direct window to window views towards the dwelling itself.

In regard to overshadowing, the southern elevation of unit 4 would be positioned close to the rear garden of 2 Wellington Road, which is on lower lying land, but this would be a narrow elevation and would also be to the north of the neighbouring dwelling and garden, thereby reducing potential for overshadowing. There would be dwellings to the east of 2 Wellington Gardens but, with a separation distance of some 20 metres maintained, it is considered that these dwellings would not introduce undue overshadowing of neighbouring windows. All development would be positioned to the north of 4 Wellington Road, with good separation distances maintained.

It is considered that the proposed dwellings are of modest scale, consistent with the surrounding built environment and due to this, their orientation and the separation distances maintained between neighbouring dwellings, it is considered that they would not appear overbearing towards neighbouring properties.

The block of flats is of a more substantial scale but is positioned towards the eastern edge of the site, well away from existing neighbouring dwellings. There would also be a good degree of separation from the proposed dwellings within the scheme and the closest parts of the block to neighbouring residential properties would be stepped down to two-storeys in height so as to soften amenity impact towards the occupants of those properties,

There would be no internal roads, turning or parking areas within the development positioned adjacent to neighbouring properties and, therefore, it is considered that there would not be potential for unacceptable disruption and disturbance caused by moving and vehicles. Site landscaping will further soften impact upon neighbouring residents.

The residential use of the site, and the intensity of the use, is considered to be entirely compatible with the character of neighbouring residential development.

It is therefore considered that there would be no unacceptable harm towards neighbour amenities as a result of the proposed development.

8.6

Living Conditions for Future Occupants

Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para. 126 of the National Design Guide (2019) 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.’

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and measurements provided confirm that all dwellings and flats would have a GIA exceeding the minimum set out in the space standards.

Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day. It is noted that the two top floor flats would be adjacent to plant rooms and, in order to protect the amenities of the occupants of these properties, a condition will be used to ensure there is suitable sound proofing in these rooms and incorporated into the design of any plant installed in the rooms.

6 of the proposed flats would be provided as M4(3) wheelchair user dwellings with the remainder as M4(2) accessible and adaptable units.

LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area. There is a modest shortfall at units 6 and 10 where the rear gardens would be approx. 87% of the building footprint and a more marked shortfall at unit 7 where the garden area would be approx. 75% of the footprint. However, it is considered this shortfall is acceptable in this instance as the gardens concerned are considered to still be of a good size, are not unacceptably narrow or short and the site is within easy access of additional amenity space provided within the surrounding countryside.

	<p>The occupants of the flats would have access to a communal garden as well as to communal lounge facilities within the building.</p> <p>It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.</p>
8.7	<p><u>Impact on Landscape, Habitat and Ecology</u></p> <p>There are no significant trees or other landscape features within the site, noting that until fairly recently it was entirely covered by buildings or hard surfaced. However, it has become overgrown and does provide potential habitat. It is also noted that there are semi-mature bay and laurel trees adjacent to the site on the western boundary.</p> <p>The application is accompanied a Preliminary Ecological Appraisal (PEA). This included a phase 1 habitat survey carried out on the site. It notes the proximity of the site to the Brighton to Newhaven Cliffs SSSI (approx. 200 metres to the south) and the requirement to consult Natural England. This consultation has been carried out and no objection has been raised regarding potential impact upon the SSSI.</p> <p>The habitat survey identified potential habitat for nesting birds and reptiles in existing brush pile on site and has therefore recommended clearance works been not carried out in the bird nesting or reptile hibernating seasons. Full details of measures to protect wildlife would need to be incorporated into a Construction Environmental Management Plan (CEMP) that would be secured by condition.</p> <p>The PEA also recommends ecological mitigation and enhancement works including the installation of bat and bird boxes. 'bee bricks' and bee friendly habitat and planting of native hedgerow. Full details of such measures would be secured through a soft landscaping condition. These conditions would also require it to be demonstrated that a minimum 10% biodiversity net gain would be achieved.</p> <p>The LDC Ecologist has requested further information of how off-site ecological impact would be addressed and how 10% Biodiversity Net Gain could be achieved. It is considered that this could be dealt with by pre-commencement conditions, which are included in the schedule below.</p> <p>As stated earlier in this report, and by the ESCC Landscape Officer, there is an opportunity for sympathetic planting to enhance the appearance of the site as well as provide a defensible landscaped edge to the development, marking the transition to the rural environment to the east.</p>
8.8	<p><u>Transport Impact and Access Arrangements</u></p> <p>The vehicular access to the proposed development would be provided from South Coast Road, towards the western edge of the northern boundary, where there is an existing dropped kerb crossover in place. This existing crossover, which served the former petrol station/motel use, is</p>

wide and the proposed works would provide an opportunity to reduce its width and restore raised kerbing alongside the footway. A right-hand turning bay would be provided.

The internal access road would be flanked by a footway and there would be separate pedestrian only access from South Coast Road adjacent to The Highway, which would include step free access to the first-floor level of the flats. The footway to the front of the site would be increased in width to two metres and the dropped kerb crossover on South Coast Road, adjacent to the junction with The Highway, would be stopped up with a raised kerb restored.

The ESCC Highways Officer has raised no objections to the proposed development, noting that associated trip rates would be no greater than would have been associated with the previous use of the site and would be less than those generated by previously approved residential schemes for the site. The Highways Officer is also satisfied that the proposed junction has sufficient capacity to support the development without causing disruption on surrounding roads. The Highways Officer has noted that the site is in a sustainable location, close to bus stops and within approx. 1km walking distance of main shopping/service areas, with good quality footpaths in place and a generally level gradient.

The Highway Officer has confirmed that the quantum of parking provided marginally exceeds the anticipated parking demand for the development but that this is acceptable given the limited capacity for the surrounding highway network to accommodate overspill parking. Two disabled parking bays would be provided, and these would be positioned adjacent to the main entrance to the flats, ensuring minimal travel distance for disabled residents/visitors.

In order to encourage the use of more sustainable modes of transport, ESCC Highways have requested a contribution of £1,100 per dwelling towards bus services, improvements to bus infrastructure, distribution of a sustainable travel plan to all future occupants, secure and covered cycle parking, and footway improvements.

All of the residential houses would be provided with EV charging points with further potential explored for the Care Home element of the proposal.

8.9 Drainage and Wastewater

The site lies within Flood Zone 1 and is therefore not susceptible to flooding from tidal or fluvial sources. Flood Risk mapping shows surface water flood risk to be very low other than a very small area to the southern end of the site where it is low risk.

Given the site has historically been hard surfaced in its entirety, the proposed development would increase the permeable area of the site.

Para. 056 of the Planning Practice Guidance for Flood Risk and Coastal Change establishes a hierarchy of sustainable drainage methods. The most sustainable method identified is infiltration and the submitted

drainage strategy maintains that this form of drainage would be used to serve the development, with the design to provide suitable capacity for the anticipated 45% increase of severe rainfall events as a consequence of climate change. This would involve the use of an underground drainage system to channel surface water to soakaways.

The Lead Local Flood Authority (LLFA) have raised an objection to the scheme. The objection is not against the principle of the development of the site or of the proposed drainage strategy but is made due to insufficient technical details being provided to confirm measures in place to protect the controlled waters from contamination, the ability of surrounding geology to support infiltration and the capacity required for the soakaway. The applicant has since submitted further details to the LLFA and a response is currently awaited.

The Environment Agency have also stated that infiltration drainage would only be allowed where it is supported by the LLFA due to the previous use of the proposed development site as a petrol filling station presenting a high risk of contamination that could be mobilised by surface water infiltration which could pollute controlled waters which are particularly sensitive in this location as the site is located upon a secondary aquifer.

It is considered that a suitable drainage system would allow for more sustainable management of surface water generated by the site as well as incorporate measures to prevent discharge of pollutants into the surrounding water environment.

Foul water would be channelled to the southwestern corner of the site where it would connect with the existing sewer network on Wellington Road.

It is clear that for this scheme to be implemented then it needs to satisfy a range of criteria. One key element is drainage, both foul and surface water. It is important that the drainage of this site does not impact properties and plots near the site and/or the aquifer under the site.

In this regard no decision to approve will be issued until such time as the LLFA and EA have supported the schemes designed drainage solution.

8.10

Sustainability

The application is accompanied by a sustainability and energy report which identifies ways in which the sustainability and energy efficiency of the development would be optimised through a mix of construction methods, design, and provision of equipment.

It is stated that air source heat pumps would be used to provide hot water to the development. Electric heating would be installed. and emissions associated with this would reduce over time as the national grid decarbonises. Mechanical ventilation will be used to recycle height within buildings, reducing the need for additional heating. The buildings would be constructed using energy efficient materials and with a high level of air tightness, again reducing need for additional heating.

Solar panels would be installed on the roofing, providing a source of renewable energy, and the effectiveness of these panels would be enhanced through the provision of a large battery within the flat block,

	<p>which would store energy generated during sunny periods, allowing it to be used in hours of darkness where the solar panels themselves would no longer be generating power. Details of water efficiency measures are also included.</p> <p>Electric vehicle charging points and secure and covered cycle storage facilities would be provided, ensuring the use of more sustainable modes of transport is supported and encouraged. It is also noted that the site is within relatively close proximity of shops and services, reducing the need for car ownership among future occupants.</p> <p>The submitted statement includes a commitment to provide a site waste management plan for the construction phase, which would set out details of how waster would be reduced and, where unavoidable, there would be a priority to reuse or recycle it. A wider construction management plan would be used to identify measures to prevent noise, light and air pollution during the construction process. Both of these management plans can be secured by condition.</p>
8.11	<p><u>Environmental Impact</u></p> <p>The application site lies over a secondary aquifer and has known issues associated with contamination due to its former use as a petrol station and the presence of underground fuel tanks, some of which have already been removed.</p> <p>The proposed development presents an opportunity for remediation of the site, to the benefit of the surrounding environment and to water supply. As set out in para. 8.2 of this report, this form of development is specifically encouraged by the NPPF. A number of conditions will be used to ensure the development is carried out responsibly, allowing for contaminants to be appropriately managed. This approach is informed by comments provided by the Environment Agency and the LDC contamination officer, both of whom have raised no objection to the development.</p> <p>The application is accompanied by an Air Quality Assessment. This has been reviewed by the LDC Air Quality Officer, who is satisfied that the level of air quality mitigation provided within the development is appropriate to prevent harmful impact during the construction and operational phases of the proposed development.</p> <p>It is therefore considered that the proposed development offers the means to remediate contaminated land, providing an environmental improvement, and would not introduce any additional unacceptable pollution.</p>
8.12	<p><u>Planning Obligations</u></p> <p>Any approval granted would be subject to the following planning obligations: -</p>

	<ul style="list-style-type: none"> • Policy compliant affordable housing provision/contribution; • New access junction, right turn lane, new footway and ancillary works and bus stop infrastructure enhancement works at the ‘Seaview Road’ stops (secured by a s278 agreement); • Travel Plan including an audit fee of £4,500. • A payment of £1,100 per dwelling towards establishing new bus services in the Peacehaven area; • Undertaking for the new road to remain private in perpetuity. <p>Other than the highway works which would be secured by a s278 agreement, the remaining obligations would be written into a section 106 legal agreement.</p>
8.12	<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>
8.13	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver significant social and economic enhancements through the comprehensive redevelopment of the site</p>

9.	Recommendations
9.1	<ol style="list-style-type: none"> 1. Once the applicant has demonstrated a method of drainage that is supported by ESCC SuDS team and that a policy compliant number of affordable units can be delivered then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions 2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

10.	Conditions
10.1	<p>EXTERNAL MATERIALS:</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority. The development shall thereafter be carried out in accordance</p>

	<p>with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.</p>
10.2	<p>PLANT AND MACHINERY</p> <p>Prior to the first occupation of any of the flats, specifications, operating arrangements and sound mitigation measures for all plant and apparatus to be installed within or on the building shall be submitted to and approved by the local planning authority.</p> <p>Any plant/apparatus approved shall thereafter be installed and maintained in accordance with the approved details.</p> <p>Reason: In the interest of environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.</p>
10.3	<p>ACCESS ARRANGEMENTS</p> <p>No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.4	<p>VISIBILITY SPLAYS</p> <p>The access shall not be used until visibility splays of 2.4m by 70m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.5	<p>CONSTRUCTION MANAGEMENT PLAN</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the</p>

	<p>entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters: -</p> <ul style="list-style-type: none"> • The anticipated number, frequency and types of vehicles used during construction, • The method of access and egress and routeing of vehicles during construction, • The parking of vehicles by site operatives and visitors, • The loading and unloading of plant, materials, and waste, • The storage of plant and materials used in construction of the development, • The erection and maintenance of security hoarding, • Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. • Details of measures to prevent surface water flooding during construction works. • Site waste management plan • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities. • Details of the use of protective fences, exclusion barriers and warning signs. • Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel. • Details of any external lighting. • Site Waste Management Plan <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>
10.6	<p>CAR PARKING</p> <p>The development shall not be occupied until the parking areas shown on the approved plans have been constructed, surfaced, and marked out in</p>

	<p>accordance with the approved details, including the provision of disabled bays.</p> <p>The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF.</p>
10.7	<p>TURNING AND CIRCULATION SPACE</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.8	<p>CYCLE PARKING</p> <p>Prior to the commencement of development details of the proposed cycle parking shall be submitted to an approved by the Local Planning Authority in consultation with the Highway Authority and the approved cycle parking shall be provided prior to the re-development being brought into use.</p> <p>Reason: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.9	<p>ELECTRIC VEHICLE CHARGING POINTS</p> <p>Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each C3 dwelling as well as for 20% of all other spaces this will include the visitor parking bays and those used in connection with the C2 operation. These details shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13 and para. 112 of the NPPF</p>

10.10	<p>ECOLOGICAL METHOD STATEMENT</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for protected and notable species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. <p>The works shall be carried out strictly in accordance with the approved details.</p> <p>Reason: In the interest of protecting and preserving biodiversity in accordance with LLP1 policy CP10, LLP2 policy DM24 and para. 174 of the NPPF.</p>
10.11	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p>

	<ol style="list-style-type: none"> I. risk assessment of potentially damaging construction activities; II. identification of “biodiversity protection zones;” III. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); IV. the location and timing of sensitive works to avoid harm to biodiversity features; V. the times during construction when specialist ecologists need to be present on site to oversee works; VI. responsible persons and lines of communication; VII. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; VIII. use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address LLP1 Policy CP10.</p>
10.12	<p>LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:</p> <ol style="list-style-type: none"> I. description and evaluation of features to be managed; II. ecological trends and constraints on site that might influence management; III. aims and objectives of management; IV. appropriate management options for achieving aims and objectives; V. prescriptions for management actions, together with a plan of management compartments; VI. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); VII. details of the body or organisation responsible for implementation of the plan; VIII. ongoing monitoring and remedial measures.

	<p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: To ensure the long-term management of habitats, species, and other biodiversity features in accordance with LLP1 policy CP10, LLP2 policy DM24 and section 15 of the NPPF and the Biodiversity Net Gain Technical Advice Note.</p>
10.13	<p>EXTERNAL LIGHTING</p> <p>No external lighting or floodlighting shall be installed on the buildings, or the road and parking areas hereby permitted without the prior written approval of the local planning authority and/or in accordance with an external lighting strategy to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of LLP1 policies DM20 and DM24 of LLP2 and paras. 170, 175 and 180 of the NPPF.</p>
10.14	<p>LANDSCAPING and BIODIVERSITY NET GAIN</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"> • Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites); • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees • Details of any trees to be removed as well as compensatory planting; • Measures to protect retained trees, including those off site, during construction and to safeguard their long-term health; • Ecological enhancements and Biodiversity Net Gain, achieving a minimum of 10% above an agreed baseline level; <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</p>

	<p>replaced in the next planting season with others of similar 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>
10.15	<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>
10.16	<p>DRAINAGE SYSTEM MAINTENANCE/MANAGEMENT</p> <p>A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan shall cover the following:</p> <ul style="list-style-type: none"> • Details of who will be responsible for managing all aspects of the surface water drainage system. • Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. <p>These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.</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>
10.17	<p>DRAINAGE INSTALLATION</p> <p>Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: 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>
10.18	<p>LAND CONTAMINATION</p> <p>No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the</p>

development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways, and receptors.
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The previous use of the proposed development site as a petrol filling station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

The site investigation identified significantly elevated concentrations of hydrocarbons and benzo(a)pyrene. The sites hydrogeology needs to be fully characterised and deeper soil samples used to demonstrate how contamination varies vertically.

Remedial measures do not adequately address the risks to groundwater. The Ground Investigation Report (Table 4.1) states that the top of the chalk principal aquifer was encountered between 3.1m and 6.2 m below ground level, therefore there is the risk that construction works, and infiltration drainage could mobilise any contamination which could impact the Lambeth group and underlying chalk aquifer.

This condition is required to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

10.19	<p>VERIFICATION</p> <p>Prior to each phase of development being occupied and/or brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF</p>
10.20	<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. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.21	<p>PILING</p> <p>Piling and using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways.</p> <p>The Ground Investigation Report states that piled foundation may be required in the vicinity of the former underground storage tanks. Therefore, this condition is required to ensure that the proposed redevelopment does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.</p>
10.22	<p>SUSTAINABILITY</p> <p>Prior to the first occupation of any part of the development, full details of all sustainability measures to be provided as part of the development, following the principles set out in the submitted Sustainability and Energy Report and Air Quality Assessment, shall be submitted to, and approved</p>

	<p>by the Local Planning Authority and the development carried out and maintained in full accordance with the approved details.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.</p>
10.23	<p>HOURS OF OPERATION:</p> <p>Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.</p> <p>Reason: In the interest of environmental and residential amenity and of safety and security in accordance with LLP1 policy CP11, LLP2 policy DM23 and para. 92 and 07 of the NPPF.</p>
11.	Informatives:
11.1	<p>STOPPING UP ORDER:</p> <p>A Stopping Up Order is required to obtain the necessary land for the proposed development frontage. Please see https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways for more information.</p>
11.2	<p>WASTE ON-SITE</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p> <ul style="list-style-type: none"> • excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution. • treated materials can be transferred between sites as part of a hub and cluster project. • some naturally occurring clean material can be transferred directly between sites. <p>Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear.</p> <p>If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>We recommend that developers should refer to:</p> <ul style="list-style-type: none"> • the position statement on the Definition of Waste: Development

	<p>Industry Code of Practice</p> <ul style="list-style-type: none"> The waste management page on GOV.UK
11.3	<p>WASTE TO BE TAKEN OFF-SITE</p> <p>Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:</p> <ul style="list-style-type: none"> Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2016 The Waste (England and Wales) Regulations 2011 <p>Developers should ensure that all contaminated materials are adequately characterized both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.</p> <p>If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.</p>

12.	Plans:		
12.1	<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
	Transport Assessment	2 May 2023	SGR/SCR/050722 V4 - Transport Statement
	Other Plan(s)	2 May 2023	9440/D1 - Site Plan Showing Below Ground Drainage Layout
	Proposed Floor Plan(s)	2 May 2023	3782.PL.401 Rev B - Proposed Typical M4(3) Flat Floor Plan
	Proposed Floor Plan(s)	2 May 2023	3782.PL.400 Rev A - Proposed Typical M4(2) Flat Floor Plan
	Proposed Elevation(s)	2 May 2023	3782.PL.300 Rev B - Proposed Flats Elevations
	Proposed Section(s)	2 May 2023	3782.PL.202 - Proposed Flats Sections
	Proposed Section(s)	2 May 2023	3782.PL.201 Rev B - Proposed Site Sections

	Proposed Section(s)	2 May 2023	3782.PL.200 Rev B - Proposed Site Sections
	Other Plan(s)	2 May 2023	3782.PL.157 Rev A - Proposed 4bed House Ground Floor, First Floor, Second Floor, Elevations, Section
	Other Plan(s)	2 May 2023	3782.PL.156 Rev A - Proposed 3bed House Ground Floor, First Floor, Second Floor, Elevations, Section
	Other Plan(s)	2 May 2023	3782.PL.155 Rev B - Proposed 2Bed House Ground Floor, First Floor, Elevations, Section
	Proposed Floor Plan(s)	2 May 2023	3782.PL.151 Rev C - Proposed 2nd and 3rd Floor - Flats
	Proposed Floor Plan(s)	2 May 2023	3782.PL.150 Rev D - Proposed Ground and 1st Floor Plans - Flats
	Proposed Layout Plan	2 May 2023	3782.PL.101 Rev C - Proposed Site Plan
	Proposed Roof Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
	Proposed Block Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
	Location Plan	2 May 2023	3782.PL.100 Rev C - Proposed Roof, Site Plan and Location Plan
	Sustainability Checklist/Energy Stmt	2 May 2023	22-E132-002 - Sustainability and Energy Report
	Other Plan(s)	2 May 2023	22/255/100 Rev A - Topographical Survey
	Justification / Heritage Statement	2 May 2023	11894.S v1 - Heritage Statement
13.	Appendices		
13.1	None.		

14.	Background Papers
14.1	None.

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Agenda Item 13

Report to: Planning Applications Committee
Date: 11th October 2023
Application No: LW/23/0268
Location: 2 Norlington Villas, Norlington Lane, Ringmer, BN8 5SH
Proposal: Erection of 2no dwellinghouses.
Applicant: HB & MC Stroude
Ward: Ringmer
Recommendation: Grant planning permission subject to conditions.
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

Site Location Plan:



1	Executive Summary
1.1	The proposed development as is considered to meet all relevant national and local planning policies and is considered to be acceptable.
1.2	Approval is recommended, subject to conditions.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> Delivering a sufficient supply of homes Promoting sustainable transport Making effective use of land Achieving well designed places
2.2	<u>Lewes District Local Plan</u> CP2 – Housing Type, Mix and Density CP10 – Natural Environment and Landscape Character CP11 – Built and Historic Environment & Design CP14 – Renewable and Low Carbon DM1 – Planning Boundary DM25 – Design DM26 Refuse and Recycling DM27 Landscape Design
2.3	<u>Ringmer Neighbourhood Plan</u> 4.8 Archaeological sites 4.10 Biodiversity 9.3 Materials 9.4 Housing Standards

3.	Site Description
3.1	The existing site comprises a large (640.2m ²), green and leafy plot which currently accommodates a two-storey semi-detached dwelling on the east side of Norlington Lane, on the fringe of, and just outside the planning boundary of Ringmer Village.
3.2	The plot is located on the edge of the settlement, enclosed by a mature hedge to the NW (front) and NE (side), with hedges and both hedges and close board fencing to the SE (rear) and SW (side) boundaries.

3.3	The site is located within an Archaeological Notification Area. It is not Listed, nor is it within a Conservation Area, or covered by any other designation. There are no TPO's on the site.
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4.	Proposed Development
4.1	<p>The proposal seeks permission for subdivision of the plot to retain the existing dwelling and erect a pair of two storey, semi-detached dwellings.</p> <p>The semi-detached dwellings would occupy a footprint 19.4m wide x 12.35m deep. They would have a gabled roof form which is 5.7m high to the eaves and 8.85m high to the ridge.</p> <p>The dwellings are each articulated with ground-floor box bay windows and gable roofed porches to the front, attached hipped roof garages to the sides, mono-pitched ground floor extensions to the rear and brick chimneys in the roofs. The ridge height of the proposed dwellings matches the height of the existing dwelling on the site. The gabled roof form of the proposed dwellings echoes the roof forms of the neighbouring dwellings.</p> <p>The proposed dwellings would be provided with private amenity space to the rear, off street parking for three vehicles each at the front and a garage to the sides of the property.</p> <p>Materials used in construction of the dwellings would comprise red/brown bricks, plain tiles, timber or UPVC windows and doors and an up and over garage door. With final details to be secured by condition.</p> <p>The current proposal represents a revision from the plans originally submitted, taking into account comments of the Parish Council</p>

5.	Relevant Planning History:
5.1	E/69/0967 - Outline Application for house and garage – Refused 02/12/1969.

6.	Consultations:
6.1	<p>Ringmer Parish Council</p> <p>RPC resolved to support the proposed development, subject to a reconsideration of the design philosophy including materials and form.</p>

7.	Other Representations:
7.1	<p><u>LDC Tree and Landscape Officer</u></p> <p>No objection, but to ensure the material planning consideration of trees requested documents: Arboricultural Impact Assessment (AIA), Tree protection plan (TPP); Arboricultural Method Statement (AMS).</p>

	<p><u>ESCC Highways</u></p> <p>East Sussex County Council Highways did not consider it necessary to provide formal Highway Authority comments and advised officers to consult the minor planning application guidance (2017).</p> <p><u>ESCC County Archaeology</u></p> <p>No objection, subject to conditions.</p> <p><u>Southern Water</u></p> <p>No objection.</p> <p><u>LDC Waste Services</u></p> <p>No objection.</p>
7,2	<p><u>Neighbour Representations</u></p> <p>Neighbour representations are summarised below. 16 Representations were received from 11 households in the close vicinity of the site and the wider area. Objections are summarised as follows:</p> <ul style="list-style-type: none"> • Building in the Countryside. • Drainage impacts. • Contrary to Policy. • Conservation significance. • Access. • Flooding. • Effect on Wildlife. • Loss of Trees • Loss of Light. • Highways Impacts. • Overdevelopment. • Public Access. • Outside the Planning Boundary.

8.	Appraisal:
8.1	<p><u>Principle</u></p> <p>The site is located outside the defined planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2, and as such will need to comply with all other applicable policies of the Local Plan in order to be found acceptable.</p> <p>Given the Council's failing on housing delivery, the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out 8 criteria, which would allow the Council to consider important housing schemes and balance both strong housing need, critical countryside quality and function and development infrastructure, during the process of the Authority rebuilding its 5-year land supply.</p>

Interim Policy Statement for Housing Delivery'(IPSHD)

Whilst this document is not adopted planning policy its aim is to direct appropriate development to acceptable locations; it is not a gateway to inappropriate speculative development.

IPSHD Assessment – 8 Criteria

Criteria 1 - Site to be contiguous for defined settlement boundary.

The site is contiguous with the Ringmer settlement boundary to the south and east of the site.

Criteria 1 is met.

Criteria 2 - Appropriate in size and character. (Have regard to settlement hierarchy and cumulative impact of extant permissions)

The site extends northwards, 'squaring off' the existing adopted settlement boundary.

Ringmer Neighbourhood Plan Policy 6.3 states that all new proposals within or extending the planning boundary should respect the village scale, (usually small schemes of 10-30 units). This is even more important when there are development proposals on the border of the South Downs National Park.

The site would be a modest addition to the settlement of two units and would appropriately respect the scale and character of the village.

Criteria 2 is met.

Criteria 3 - Sustainable and safe travel connections to settlement facilities

The site would be accessible via a range of transport options including walking, motor vehicle, cycle, and bus stops within walking distance.

Criteria 3 is met.

Criteria 4 No actual or perceived coalescence between settlements

Criteria 4 is met.

Criteria 5 - SDNP respected.

The site is located to the far north of Ringmer, away from the SDNP. The proposal comprises subdivision of an existing residential plot, retention of the existing dwelling and addition of two properties.

Due to the modest nature of the development, and its separation from the SDNP, it is not considered that the development will harm the setting of the SDNP.

Criteria 5 is met.

Criteria 6 - BNG respected and ecological impacts mitigated.

It is noted that the applicant has submitted a PEA with the application, which proposes appropriate mitigation on site.

Criteria 6 is met.

	<p><u>Criteria 7 - Efficient use of land, respecting character of settlement, (no arbitrarily low density).</u></p> <p>Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 30.7 dwellings per hectare (2 dwellings / 0.65Ha), which would be in accordance with Policy CP2.</p> <p>The proposal would be slightly over with the density expected inside a village settlement, however the disposition of the houses on the site and its boundaries are not considered to impact upon the surrounding landscape. As a residential garden, the site has close association with the settlement itself.</p> <p>Criteria 7 is met.</p> <p><u>Criteria 8 - Scheme deliverable, with necessary infrastructure</u></p> <p>The proposal is small in scale and entirely deliverable and viable with no need for significant improvements to on-site or off-site infrastructure.</p> <p>Criteria 8 is met.</p>
8.2	<p><u>Design</u></p> <p>Paragraph 130 of the NPPF outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.</p> <p>Policy DM25 of the Lewes District Local Plan (part 2), reiterates this and sets out that development will be permitted where the following criteria are met:</p> <ul style="list-style-type: none"> i. Its siting, layout, density, orientation, and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site; ii. its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines; iii. it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern, and appearance that will contribute positively to the character of the area; iv. existing individual trees or tree groups that contribute positively to the area are retained; v. adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity, and local climatic conditions;

vi. any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm

The proposal relates to the subdivision of an existing large plot, to retain the existing dwelling and erect a pair of two storey, semi-detached dwellings. The design of proposed dwellings has evolved to reflect the appearance, materials and form of the donor property and its neighbour to the south. The dwellings would fit well within the general pattern of development on this side of the village, bracketed by properties on Norlington Lane to the south and Byron Close to the east.

The ridge height of the proposed dwellings would match those of the neighbouring properties and the form of the roof is gabled, which references the roof forms of the neighbouring dwellings. The properties would be within the established building line on this side of Norlington Lane, and their northwest (front) to southeast (rear) facing orientation would mirror that of the neighbouring properties.

It is not considered that the form, height, and massing of the proposed dwellings would unacceptably harm the street scene, nor would they appear overly dominant.

The design and materials palette of the proposed new dwellings reflects those in the surrounding location, in accordance with policies DM25 of the Lewes District Local Plan and policies.

8.3

Amenity

Planning policies CP11 of LLP1 and DM25 of LLP2 seek to preserve the privacy of the occupants of neighbouring properties, likewise policy DM25 of the Lewes District Local Plan (part 2) requires that development should not unacceptably impact the amenities of neighbours in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.

The height and massing of the properties would not lead to any unacceptable impacts upon the neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlight as the siting and orientation of the proposed development is favourable in reference to neighbouring properties.

The proposed dwellings would be reasonably set away from the side boundary of the neighbour to the south by 4.0m, and between 6.4m to 15.4m from side and rear boundary of the neighbours to the east.

The orientation of properties is such that the rear windows in the proposed dwellings would overlook the flank wall of the neighbouring property at Byron Close, and the applicant has proposed to fit obscure glazing to the rear facing upper floor windows (serving the bathrooms) closest to the neighbour on Byron Close. The unobscured upper floor windows would offer oblique glimpses towards the neighbour on Byron Close but would not materially increase overlooking to an unacceptable degree.

Whilst the proposal would see the subdivision of a residential garden to provide two additional dwellings, the proposed use would be residential,

	<p>and so would be within keeping with the existing residential use of the garden. It is not considered that the development would lead to adverse impacts on neighbours through ongoing noise and disturbance. Temporary impacts during the course of the development would be limited by imposition of a condition requiring building works to be restricted to within the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays with no work permitted at any time on Sundays or Bank/Statutory Holidays.</p> <p>The access and hard standings are located towards the frontage of the site on Norlington Lane and are as such, it is not considered that neighbouring residents would be exposed to any unacceptable level of noise, light or air pollution.</p> <p>Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, 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.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.</p> <p>All habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility, and adaptability.</p> <p>The Nationally Described Space Standards set out the minimum floor space standard for residential units. The proposed dwellings each have a total Gross Internal Area of approx. 102m², which complies with the nationally described minimum space standard for the gross internal area (GIA) of a two storey 3b 5p dwelling of 93.0m².</p> <p>Each dwelling would have access to a private outdoor amenity area. The proposed garden sizes are considered to be acceptable in this instance as they are sympathetic to the characteristics of the development site, being comparable to those of surrounding properties.</p> <p>Overall, the amount of garden space provided across the development would be consistent with the low-density residential development in the surrounding area.</p>
8.4	<p><u>Transport and Parking</u></p> <p>The site is located on the fringe of the village – just outside the planning boundary, and as such, public transport options and services are available within Ringmer, with the nearest bus stop at Post Office Mews (9 mins walk). Nonetheless, the owners of the property are likely to be reliant on private motor vehicles. The ESCC guidance recommends that for a three-bedroom house, two car parking spaces should be provided. The site plan shows that that the properties will have one garage and one parking space at the front of each property which is acceptable in this regard. A condition will be attached to any permission requiring that the car parking spaces shown are provided.</p>

	<p>East Sussex County Council Highways were consulted and offered no comment on the proposed development. The access to the dwellings would be directly on to Norlington Lane, with one of the access points being shared with the donor property. The access points are within the 30mph speed limit of the village and would require visibility splays and construction of the access to be as per ESCC Guidance, this is to be secured by condition.</p> <p>The increase of car movements from the proposed dwellings would not be considered to unacceptably impact the highway in terms of increased traffic or congestion. Subject to conditions, the parking and access arrangement is considered to be acceptable and would not be considered to compromise highway or pedestrian safety without modification.</p>
8.5	<p><u>Drainage</u></p> <p>The submitted details of drainage systems are minimal and as such, condition/s would be attached to any permission requiring details of drainage to be submitted to the LPA and discharged in writing.</p> <p>Southern Water have raised no objections to the proposal and the site is not situated within an area prone to flooding.</p>
8.6	<p><u>Ecology</u></p> <p>The site does not fall within the Ashdown Forest 7km Zone or any other protected area. The proposal is for the erection of infill dwellings on a residential garden. The Technical Advice Note (TAN) for Biodiversity Net Gain states that there is an expectation for minor development (9 new dwellings or less) to incorporate 'some' biodiversity net gain.</p> <p>Notwithstanding the above, landscaping associated with the development can be utilised to provide biodiversity net gain. Habitat creation in the form of bee bricks, bat and bird boxes could also be provided in appropriate locations. This approach is in line with para.023 of the Planning Practice Guidance for the Natural Environment which states that 'planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity.</p> <p>Whilst the proposals will require the removal of a small number of specimens these are all low category trees and therefore their removal is not considered to be a constraint to the development of this site.</p> <p>The application was supported by a Preliminary Ecological Appraisal, which outlines that no adverse impacts are foreseen on statutory designated sites as a result of the proposed development. Protected and notable habitats are also not identified as an ecological constraint in the submitted PEA report.</p> <p>The site does host a hedgerow which is identified as being Habitat of Principle Importance given its age and species, and on the basis the majority of this hedgerow will be retained.</p>

	<p>In order to mitigate the proposed development of this site, the applicant proposes ecological enhancements. These include:</p> <ul style="list-style-type: none"> • Installation and maintenance of artificial bat bricks or bat tubes. • Installation and maintenance of artificial bird nest boxes; Planting of native species rich hedgerows and/or 'natural buffer strips' along the access roads and plot boundaries. • Creation of areas of species-rich meadow grassland within the Site. • Incorporation of dead wood habitat piles within areas of retained suitable habitat; • Incorporation of a 'Bee Brick' into the new building(s). <p>It is considered appropriate to ensure that implementation of these enhancements which will ensure biodiversity net gain are secured by condition.</p>
8.5	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>

9.	Recommendations
9.1	Approval is recommended subject to conditions.

10.	Conditions:																		
10.1	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <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>Proposed Elevation(s)</td> <td>19 September 2023</td> <td>TA1483/15 Rev B - Proposed Re Elevation (Southeast)</td> </tr> <tr> <td>Proposed Elevation(s)</td> <td>19 September 2023</td> <td>TA1483/14 Rev B - Proposed Sid (Northeast)</td> </tr> <tr> <td>Proposed Elevation(s)</td> <td>19 September 2023</td> <td>TA1483/13 Rev C - Proposed Fr (Northwest)</td> </tr> <tr> <td>Street Scene</td> <td>19 September 2023</td> <td>TA1483/11 Rev A - Proposed St</td> </tr> <tr> <td>Proposed Block Plan</td> <td>27 April 2023</td> <td>TA1483/01 - Proposed Block Pla Location Plan</td> </tr> </tbody> </table>	<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>	Proposed Elevation(s)	19 September 2023	TA1483/15 Rev B - Proposed Re Elevation (Southeast)	Proposed Elevation(s)	19 September 2023	TA1483/14 Rev B - Proposed Sid (Northeast)	Proposed Elevation(s)	19 September 2023	TA1483/13 Rev C - Proposed Fr (Northwest)	Street Scene	19 September 2023	TA1483/11 Rev A - Proposed St	Proposed Block Plan	27 April 2023	TA1483/01 - Proposed Block Pla Location Plan
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	<p>Location Plan 27 April 2023 TA1483/01 - Proposed Block Pla Location Plan</p> <p>Sustainability Checklist/Energy Stmt 27 April 2023 Sustainability & Energy Statemen</p> <p>Additional Documents 27 April 2023 Preliminary Ecological Appraisal</p> <p>Planning Statement/Brief 27 April 2023 Planning, Design & Access State</p> <p>Design & Access Statement 27 April 2023 Planning, Design & Access State</p> <p>Additional Documents 27 April 2023 Archaeological Desk-Based Asses</p> <p>Tree Statement/Survey 27 April 2023 Arboricultural Survey</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
10.2	<p>External Materials</p> <p>Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.</p> <p>Reason: To safeguard the appearance of the building and the character of the area in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2 and policy 9.1 of the Ringmer Neighbourhood Plan.</p>
10.3	<p>Surface and Foul Water Details</p> <p>No above ground works shall commence until a comprehensive surface and foul water drainage scheme and maintenance and management plan, together with a timetable for implementation, have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. If this is not possible then arrangements for connection to the public sewer together with evidence of a connection agreement with Southern Water. The connection agreement would include an approved discharge rate and the drainage scheme would need to demonstrate that discharge could be maintained at below the approved level.</p> <p>Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in</p>

	<p>accordance with the approved details prior to the occupation of the dwelling hereby approved.</p> <p>Prior to submission of the scheme, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF</p>
10.4	<p>Hours of Work</p> <p>Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interest of residential amenities of the neighbours having regard to ^IN; of the Lewes District Local Plan</p>
10.5	<p>EV Charging</p> <p>Prior to the first occupation of any part of the development hereby permitted the electric vehicle charging points shall be installed and in accordance with the details provided and be in an operable condition.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 112 of the Revised National Planning Policy Framework, the LDC Electric Vehicle Charging Points Technical Guidance Note. And the LDC Sustainability in Development Technical Advice Note</p>
10.6	<p>Access and Visibility Splays</p> <p>The development shall not be occupied until a means of vehicular access and visibility splays have been constructed in accordance with the ESCC Highways Minor Planning Guidance (2017).</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to the provisions of the Joint Core Strategy</p>
10.7	<p>Cycle Storage</p> <p>Prior to the first occupation of any part of the development hereby approved, the cycle storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policies DM25 and DM30 of the Lewes District Local Plan Part 2 and para. 106 of the Revised National Planning Policy Framework</p>

10.8	<p>Ecological Enhancement Details</p> <p>The development shall not be occupied until ecological enhancement measures detailing the locations of ecological mitigation including (but not limited to) habitat creation, bird boxes, bee bricks and hedgehog holes have been submitted to and approved in writing by the LPA. These details shall be implemented prior to first occupation of the development. The approved provisions shall thereafter be retained.</p> <p>Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.</p>
10.9	<p>Sustainable Energy</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.</p> <p>Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.10	<p>Hard and Soft Landscaping</p> <p>Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:</p> <ul style="list-style-type: none"> - Details of all hard surfacing. - Details of all boundary treatments. - Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. - Ecological enhancements. <p>All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>

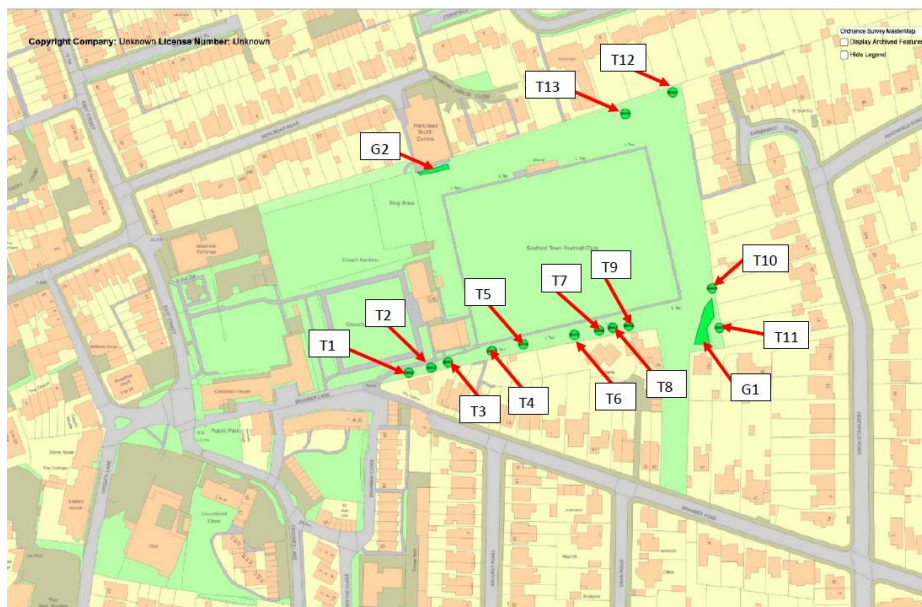
	<p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the Lewes District Local Plan part two, policy 4.10 of the Ringmer Neighbourhood Plan, the Biodiversity Net Gain Technical Advice Note (TAN) and para. 174 of the NPPF.</p>
10.11	<p>Removal of Permitted Development Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no works defined within Part 1 of Schedule 2, classes B and C inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.</p> <p>Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 and DM30 of the Lewes District Local Plan Part 2.</p>
10.12	<p>External Lighting No external lighting or floodlighting shall be installed on the buildings, or the road and parking areas hereby permitted without the prior written approval of the local planning authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside having regard to Policy CP10 of the Lewes District Local Plan part one, policy DM20 of the Lewes District Local Plan part two, policy 4.11 of the Ringmer Neighbourhood Plan and para. 180 of the NPPF.</p>
10.13	<p>Archaeology No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2018.</p>
10.14	<p>Archaeological Scheme of Investigation The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological</p>

	<p>investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2018.</p>
10.15	<p>Hedgerow Retention</p> <p>All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be by way of protective fencing in accordance with British Standard British Standard 5837 (2005).</p> <p>Reason In the interest of maintaining the character and appearance of the site and surrounding area and to comply with policies DM25.</p>
10.16	<p>Tree Pruning</p> <p>Any tree pruning works shall be carried out in strict accordance with BS3998:2010.</p> <p>Reason: Required to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with policy DM25</p>
10.17	<p>Protection of retained trees.</p> <p>(a) No retained tree shall be cut down, uprooted, or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).</p> <p>(b) If any retained tree* is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.</p> <p>*In this condition — 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.</p> <p>Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and to comply with policies DM25</p>

11.	Background Papers
11.1	None.

Report to:	Planning Applications Committee
Date:	11 October 2023
Title:	Tree Preservation Order No. 6 2023 - Crouch Gardens, Bramber Road, Seaford
Report of:	Head of Planning
Ward (s):	Seaford South
Purpose of report:	To report to Committee the objections and/or representations made in respect of the provisional Tree Preservation Order (No.6) 2023.
Officer recommendation(s):	To confirm without modification Tree Preservation Order (No.6) 2023.
Reasons for recommendations:	It is considered that the trees specified in this order are of high public amenity value as specimens and group value. The Council is under a duty to protect important trees where appropriate under Section 197 of the Town & Country Planning Act 1990.
Contact Officer(s):	Name: Leigh Palmer Post title: Head of Planning E-mail: leigh.palmer@lewes-eastbourne.gov.uk Telephone number: 07939 578235

Location Plan



1 Introduction

- 1.1 In accordance with The Town and Country Planning Act 1990, if it appears to a local planning authority that it is expedient in the interests of amenity to make

provision for the preservation of trees, they may for that purpose make an order with respect to such trees as may be specified in the order.

- 1.3 The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 provides for the procedure for making tree preservation orders. A tree preservation order comes into force on the date it is made, which in this case was 13 April 2023 and lapses after six months, unless the Local Planning Authority (LPA) have confirmed it.
- 1.4 The 2012 regulations state that the LPA shall not confirm an order which they have made unless they have considered the objections and representations made, after which they may confirm with or without modification, or not confirm the order.
- 1.5 The Order has been raised given the high amenity value that the trees possess as individual specimens and as a group.

A full assessment of the trees – groups of trees have been assessed in accordance with current best practice and are considered merit worthy for protection.

2 Site Description

- 2.1 Seaford Town Council own the Park.
- 2.2 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).
- 2.3 Crouch Gardens includes both passive and active recreational uses included Seaford Football Club, Seaford Bowls Club, a play area, and a community garden.

3 Representations

- 3.1 The Scheme of Delegations provide that The Director of Regeneration and Planning has delegated powers to deal with tree preservation orders except when objections to the making of the Order have been received then confirmation with or without modifications of the Order shall be referred to the Planning Applications Committee for determination.
- 3.2 There has been one short note of concern from Seaford Town Council and 23 letters of support in relation to the provisional order.

The Town Council objection was that the TPO was being sought on the premise of a risk threat by Seaford Football Club and their ambitions for the clubs development through the football pyramid.

The specimen trees and groups of trees have been independently assessed using best practice and they are considered merit worthy in and of themselves and help to provide high value amenity and ecological assets to the open public parkland area.

4 Information

- 4.1 The Committee's principal consideration should relate to the visual 'amenity' value of the tree. Consideration should be given to the desirability of preserving or enhancing the character or appearance of the area.
- 4.2 The size and height of trees, or the fear of it falling is not sufficient reason in itself to allow the lopping, topping or removal of important trees. Research by the centre for decision analysis and risk management (DARM) demonstrates that the overall risk to the public from falling trees is extremely low (about 1:10 million chances of an individual being seriously injured or worse) and broadly well within the Tolerability of Risk Framework (ToR). ToR is recognised internationally and by the UK's Health & Safety Executive (HSE) as way of assessing, quantifying, and managing risk.
- 4.3 The deposition of leaves, seeds and general tree dander is a natural consequence of nature and is not considered to be a material consideration in this case. The clearance of fallen leaves (needles), flowers, pollen etc is considered to be a routine part of ordinary household and garden maintenance.
- 4.4 No evidence has been submitted to corroborate that the trees are causing actual localised differential soil shrinkage or subsidence damage to nearby building structures.
- 4.5 It is reasonable for the tree (s) owner (Seaford Town Council) to expect permission to prune trees where considered necessary for safety reasons branches that are touching damaging boundaries, or about to touch through incremental growth building structures. A tree work application submitted in the normal way will be assessed so as to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

5 Material Considerations

- 5.1 It is considered that the trees both merit and qualify for a Tree Preservation Order.
- 5.2 It is considered that the protection of the trees meets the purposes to conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.
- 5.3 The relative risks to people and/or property is regarded to be statistically so small as to be practicably negligible and as a consequence is not considered to be a material consideration in this case.
- 5.4 The shedding of leaves, seeds etc is not considered to be a material consideration and is instead regarded as a consequence of the natural

environment. The clearing of material such as fallen leaves is considered to be a routine part of ordinary household maintenance.

5.5 With regards claims concerning potential harm or damage to property the Council can reconsider its position in the light of any evidence put forward that would support claims of this nature.

5.6 In deciding whether a tree merits a TPO, the LPA's main consideration should be the amenity value of the tree. Even if the tree's amenity value may merit a TPO the authority can still decide that it would not be expedient to make one.

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm a TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Summary

The relative visual amenity value of the tree (s) and groups of trees is considered to outweigh the reasons given against the imposition of the Order and for this reason the imposition of the TPO is considered to be justified.

6 Financial appraisal

6.1 There are no financial implications for the SDNPA or LDC at this time.

7 Legal implications

7.1 Once a TPO is confirmed there is no right of appeal to the Secretary of State. However, it is possible to apply to the High Court for a TPO to be quashed (section 284 and section 288, TCPA 1990). An application must be made within six weeks from the date of confirmation of the TPO. The challenge can only be made on a point of law, not on the merits of the decision.

8 Risk management implications

8.1 There are no identifiable risks to the South Downs National Park Authority or Lewes District Council at this time.

9 Equality analysis

9.1 An Equality Analysis is not constructive in this instance.

10 Sustainability and/or carbon reduction implications

10.1 It is considered that there are no relevant sustainability implications in accordance with LDC Sustainability Policy

11 Appendices

11.1 Appendix A - Draft Order

11.2 Appendix B - Amenity Assessment

12 Background Papers

12.1 None.

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Lewes District Council

Tree Preservation Order

Town and Country Planning Act 1990

Tree Preservation Order (No.6) 2023; Seaford Football Club, Crouch Gardens, Bramber Road, Seaford

The **LEWES DISTRICT COUNCIL**, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (No.6) 2023; Seaford Football Club, Crouch Gardens, Bramber Road, Seaford

Interpretation

- 2.(1) In this Order “the authority” means the **Lewes District Council**.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

- 3.(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

THE COMMON SEAL of **LEWES DISTRICT COUNCIL** was hereunto affixed in the presence of:

Authorised Signatory

Print Name

Job Title

Dated this Thirteenth day of April 2023

[CONFIRMATION OF ORDER

[This Order was confirmed by Lewes District Council without modification on the [] day of []

OR

[This Order was confirmed by the Lewes District Council, subject to the modifications indicated

[*state how indicated*], on the [] day of []

[Signed on behalf of the Lewes District Council.

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the Lewes District Council on the [] day of [] by a variation order under reference number [*insert reference number to the variation order*] a copy of which is attached]

[Signed on behalf of the Lewes District Council]

.....

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	[Sycamore]	[Adjacent to entrance path from Bramber Lane]
[T2]	[Horse chestnut]	[Adjacent to entrance path from Bramber Lane]
[T3]	[Swedish whitebeam]	[Adjacent to entrance path from Bramber Lane]
[T4]	[Horse chestnut]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T5]	[Sycamore]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T6]	[Horse chestnut]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T7]	[Swedish whitebeam]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T8]	[Sycamore]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T9]	[Sycamore]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T10]	[Sycamore]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T11]	[Horse chestnut]	[Adjacent to football pitch and rear of Bramber Road, southern boundary]
[T12]	[Ash]	[Adjacent to football pitch and rear of Cornfield Road, eastern boundary]
[T13]	[Sycamore]	[Adjacent to football pitch and rear of Cornfield Road, eastern boundary]

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[G1]	[3 x Sycamore & 4 x Swedish whitebeam]	[Adjacent to football pitch and rear of Heathfield Road, eastern boundary]
[G2]	[2x Sycamore & 1x Wild cherry]	[Adjacent to football pitch and Mercreed Youth Centre on northern boundary. Stem wounds and die back due to salt scorch]

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T.E.M.P.O Tree Evaluation Sheet

Evaluation by:		NJ	Sheet No.	1 of 1	Date:	19th December 2022					
Address/Site Details:		Seaford Football Club, Crouch Gardens, Seaford									
Tree Ref	Species	Amenity Assessment					Expediency	Total Score	TPO Y/N?	Notes	
		a - Condition	b - Longevity	c - Visibility	Sub total	d - other factors					
T1	Sycamore	3	4	4	11	Trees must have accrued 7+ points (& no zeros) to qualify	4	3	18	Y	Adjacent to entrance path from Bramber Lane
T2	Horse chestnut	5	4	4	13		4	3	20	Y	Adjacent to entrance path from Bramber Lane
T3	Swedish whitebeam	3	1	4	8		4	3	15	Y	Stem wound at 1.5m above ground level. Adjacent to entrance path from Bramber Lane
T4	Horse chestnut	5	4	5	14		4	3	21	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T5	Sycamore	5	4	5	14		4	3	21	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T6	Horse chestnut	5	4	5	14		4	3	21	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T7	Swedish whitebeam	3	2	4	9		4	3	16	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T8	Sycamore	3	4	4	11		4	3	18	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T9	Sycamore	3	4	4	11		4	3	18	Y	Adjacent to football pitch and rear of Bramber Road, southern boundary
T10	Sycamore	3	4	4	11		4	3	18	Y	Adjacent to football pitch and rear of Heathfield Road, eastern boundary
T11	Horse chestnut	3	1	4	8		4	3	15	Y	Adjacent to football pitch and rear of Heathfield Road, eastern boundary
G1	3 x Sycamore & 4 x Swedish whitebeam	3	2	4	9		4	3	16	Y	Adjacent to football pitch and rear of Heathfield Road, eastern boundary
T12	Ash	3	1	3	7		4	3	14	Y	Adjacent to football pitch and rear of Cornfield Road, eastern boundary
T13	Sycamore	3	4	3	10	4	3	17	Y	Adjacent to football pitch and rear of Cornfield Road, eastern boundary	
G2	2x Sycamore & 1x Wild cherry	1	2	4	7	4	3	14	Y	Adjacent to football pith and Mercreed Youth Centre on northern boundary. Stem wounds and die back due to salt scorch	

Part 1: Amenity assessment

- | | |
|---|---|
| <p>a) Condition</p> <ul style="list-style-type: none"> 5) Good (highly suitable) 3) Fair (suitable) 1) Poor (unlikely) 0) Unsafe 0) Dead <p>b) Longevity</p> <ul style="list-style-type: none"> 5) 100+ 4) 40 – 100 2) 20 – 40 (suitable) 1) 10 – 20 (just suitable) 0) <10 (unsuitable) | <p>c) Relative public visibility</p> <ul style="list-style-type: none"> 5) Very large trees, or large trees that are prominent features (V lge=200sqm+) 4) Large trees, or medium trees clearly visible to the public (lge=100-200sqm) 3) Medium trees, or larger trees with limited view only (Suitable, med=25-100sqm) 2) Small trees, or larger ones visible only with difficulty (Unlikely, small = 5-25sqm) 1) Young/v.small or not publicly visible regardless of size (prob unsuitable, <5sqm) <p>d) Other factors</p> <ul style="list-style-type: none"> 5) Principal components of arboricultural features, or veteran trees 4) Members of groups of trees that are important for their cohesion 3) Trees with significant historical or commemorative importance 2) Trees of particularly good form, especially if rare or unusual 1) Trees with none of the above additional redeeming features |
|---|---|

Part 2: Expediency assessment

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Known as an actionable nuisance

Part 3: Decision guide Any 0 Do not apply TPO 1 – 6 TPO indefensible
 7 – 11 Does not merit TPO
 12 – 15 Possibly merits TPO 16+ Definitely merits TPO

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