

Report to **Planning Applications Committee**
Date **2 September 2020**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/20/00676/LIS**
Applicant **Mr Andrew Holloway**
Application **Construction of 3 no. new dwellings with associated landscaping and parking within the curtilage of a Listed Building and including alterations to the Listed Building and demolition of outbuildings.**

Address **The Lewes New School
Talbot Terrace
Lewes
BN7 2DS**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

The proposed development is not considered to be harmful to the setting of the listed building or its special architectural features and historic fabric. Accordingly approval is recommended.

1 Site Description

1.1 The application site is occupied by a school situated on a corner plot at the junction between Talbot Terrace and Pelham Terrace. The site lies within a Conservation Area and two of the school buildings are Grade II Listed. The site, currently known as Lewes New School, was historically known as Pells County Primary School and dates back to 1896.

2 Proposal

2.1 The application seeks listed building consent for the construction of three dwellinghouses on land within the curtilage of the existing school building, which is listed. Alterations are to be made to the listed building as well as demolition of outbuildings, new landscaping and parking.

2.2 Vehicular access to the new dwellings is proposed to come off Pelham Terrace with refuse storage and cycle parking on the left and two areas of landscaping, allowing the driveway to sweep past the corner of the main school building at which point there are to be five car parking spaces. Following demolition of an extension attached to the rear of the school building, the doorway opening is to be blocked up.

2.3 The new dwellings would be 11m behind the main school building and would form a terrace row of three properties. Gaps are proposed on both ends of the terrace between the remaining grounds of the school and the properties in St. John's Hill, the rear elevations of which would be just over 9m from the end of the proposed terrace. The back gardens of the new houses would measure approximately 10m.

2.4 The terrace would have gables front and rear, and three ridgelines going front to back, with a connecting element towards the rear of the roof slopes, in the valleys.

2.5 Houses 1 and 2 are proposed to be two storey, but with a higher eaves level enabling a third story of accommodation within the pitched roof space. House number 3 is to be two storey, the first floor largely contained within the pitched roof space, thereby having slightly lower eaves than would normally be expected. House 3 would, however, have a larger front to back dimension than houses 1 and 2.

2.6 Each house would comprise living room and kitchen dining room on the ground floor, house 3 having an additional study at the front. Two bedrooms and a bathroom are proposed at first floor level. Houses 1 and 2 would have a third bedroom together with dressing room and en-suite at second floor level.

2.7 Houses 1 and 2 would have a floor area of approximately 175 square metres whilst house 3 would have a floor area of some 111 square metres.

2.8 Houses 1 and 2 are to be constructed of light buff brick whilst house 3 is to be finished in grey brick. All would feature pre-weathered timber cladding on the rear elevations at first floor level, and each is to have a plain clay tile roof. Fenestration is proposed to be light grey aluminium.

2.9 The existing brick boundary walls are proposed to be retained on the east and south boundaries whilst the west boundary would have a new brick planter and a timber boundary fence.

An application for planning permission for the development has been submitted in tandem (ref. SDNP/20/00675/FUL, also on this agenda).

3 Relevant Planning History

SDNP/13/01648/FUL - Extension of boundary mesh fencing. Approved 25 June 2013.

SDNP/13/01657/LIS - Extension of boundary wire mesh fencing. Approved 25 June 2013.

LW/11/0832/NP - Not Proceeded With.

LW/11/0120/NP - Not Proceeded With.

LW/07/0680 - Conversion of redundant wc block into school offices replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 6 August 2007.

LW/07/0675 - Conversion of redundant w.c. block into school offices, replacement of existing windows with 'French' doors & replacement of pitched roof with flat. Approved 7 August 2007.

LW/07/0583 - Retention of a temporary office. Approved 23 July 2007.

LW/05/2409 - Renewal of temporary planning permission LW/04/2263 for the retention of a temporary office. Approved 6 February 2006.

LW/04/2263 - Renewal of temporary planning permission LW/01/1588 for the retention of a temporary office. Approved 17 December 2004.

LW/01/1686 - Not Proceeded With.

LW/01/1589 - Part Retrospective Listed Building application for flood damage repairs plus addition of new temporary office on site of previous destroyed Temporary office. Approved 16 October 2001.

LW/01/1588 - Addition of new temporary office on site of previous destroyed temporary office. Temporary Permission Expires 31/10/2004. Approved 10 October 2001.

LW/01/0016 - Section 73A Retrospective application for the retention of two temporary classrooms and one temporary office installed due to flood damage to school. Temporary Permission Expires 31/08/2001. Approved 14 February 2001.

LW/00/2175 - Not Proceeded With.

N/68/6694 - Proposed prefabricated timber classroom unit. LDC No Objections.

N/68/6843 - Proposed demountable staffroom. LDC No Objections.

N/63/5389 - Improvements to sanitation & provision of staff room. LDC No Objections
22/07/1963.

4 Consultations

Parish Council Consultee

Members agreed with concerns expressed by neighbours regarding the paucity and late delivery of information to neighbours. The detail provided suggests a development that is far too high, would adversely impact on the Conservation Area and therefore is inconsistent with Conservation Area policy and the Neighbourhood Plan Policy HC3A. They shared concerns re loss of parking in an already problematic area and compromise to future use of the residual site for public purposes. Members acknowledged statements made in the application regarding attempts made to find continuation for alternative use, however they **STRONGLY OBJECTED** to this application.

LE - Design and Conservation Officer

No Objection

[6 August]

A recess should be left to show there was a door there and the materials being used to fill the door in. I'm assuming it will be exposed brick so it should match the rest of the brick in the building.

[17 April]

I'm happy to accept the letters have demonstrated the use of the buildings is still viable following the construction of the three homes.

[27 March]

The application seeks consent for the construction of three dwellings within the curtilage of Lewes New School, a Grade II listed building within the Lewes Conservation Area. The school comprises two main buildings that are protected by the listing and two outbuildings which are not curtilage listed but do fall within the curtilage. The proposal includes the demolition of the non-original outbuildings and an extension to the listed building. Lewes New School is currently not in use and the application does not include the listed buildings within the proposal.

The design of the three new houses is thought to have been carefully considered. The materials, built form and massing make reference to the surrounding Conservation Area and adjacent listed building while not appearing pastiche. The only amendment requested to the design of the houses is for a darker colour brick to be used instead of the buff brick. The principle of different colour bricks is thought to enhance the scheme and create some visual variation between the three dwellings. The darker brick in grey is considered to reflect the material and colour palette characteristic of the Conservation Area. However, the buff brick is not thought to be as prevalent throughout the town. It is suggested a grey brick lighter than the dark grey brick should be used.

The new houses are not thought to be highly impactful to views within the Conservation Area. They are set back within a built-up, largely residential block. Where visible they are thought to not appear incongruous within the residential setting but still be readable as contemporary houses.

The outbuildings and extension proposed to be demolished are not considered to be of interest or add to the significance of the listed building. Their removal is considered to have a neutral to minor positive impact to the listed building and its setting.

New dwellings at this location and their design in this application are considered to be acceptable. However, the application does not consider potential future uses of the listed buildings. Paragraph 192 of the NPPF states that in determining applications, the desirability of sustaining and enhancing the significance of heritages and putting them to viable uses consistent with their

conservation should be taken into account. Until a viable use is found for the listed buildings it cannot be judged if the division of the plot for the construction of three dwellings could impact that viable use. While that use is unknown the construction of three dwellings has the potential to harm that future use and long term conservation of the listed buildings. A plan for the whole site should be created, which may incorporate the construction of three dwellings within the plot, and must foremost include the optimal viable use for the listed buildings. Until a holistic approach to the site is formed the current application for the construction of three new dwellings cannot be supported.

5 Representations

The applicant responded to the initial objection from the Design and Conservation Specialist on 15 April 2020, stating:

I have attached two letters giving some more information on the current and future use of the former school buildings.

The first is an update on the various activities that have been taking place at the site since the school closed two years ago. As you will see it has been popular with a number of different users within the D I use class, and demonstrates that the buildings are not at risk from the ceasing of the specific school use. None of these users rely on the part of the playground that is proposed for redevelopment, and so even if the sale of the remainder of the buildings does not proceed, they have a sustainable future along these lines.

The second is a letter from the potential purchaser of the remainder of the school buildings. They are a well-known Lewes-based spiritual and community organisation, and currently occupy a Listed building on Station Street. They have actively been looking for larger premises in Lewes for several years. As the letter states, they are happy with the sub-division of the site in terms of future usage (in fact it will help to make their purchase more viable), and see no problems with the proposed adjoining residential use.

I trust that this information is helpful in easing concerns that the sub-division of the site, and redevelopment of part of it for residential use, may have the potential to make the remaining buildings unviable and therefore harm them in conservation terms.

Lewes Conservation Area Advisory Group - Objection

Major concern over use of existing listed buildings, which will be redundant. The proposal ignores these and only covers the outbuildings to be demolished. Proposed entrance appears unsafe. Proposed new dwellings will also be higher than the existing buildings. Under this proposal the viability of listed buildings would be compromised. Therefore Group believes that this PA must be opposed in principle and for any proposal to be acceptable, it should include recommendations for use of the Listed Buildings. In addition Group sees this proposal as overdevelopment. One member reminded the Group that this site flooded in 2000.

Friends of Lewes - neither in support nor objecting to the application, stating:

Friends of Lewes do not object to the principle of developing this site. However, it comments that the number and height of the houses proposed risk over development of the site. It considers that development should be limited to two houses no more than two storeys high.

Cllr J. Norman objects to the application, writing as follows:

I am writing to lodge my objections to the proposed development of Lewes New School. My concerns are as follows:

Firstly, creating a new entrance to allow access to Pelham Terrace would reduce the amount of parking spaces allocated to residents and visitors alike who already have difficulty in parking. With the loss of further spaces it creates a big problem especially in the summer when the Pells Pool opens. The junction at St Johns Hill, Brook Street and Pelham Terrace is a very busy

thoroughfare both during the day and night. Having an entrance where visibility would be restricted is hazardous as the turning space into Pelham Terrace would be quite tight. This is a real safety issue particularly when so many children use this area.

Secondly, the issue of security comes up. The residents of St Johns Hill are constantly plagued by anti-social behaviour. We have already put in a gate to stop people walking round the back of the houses from Pelham Terrace. Having an open driveway encourages people, especially at night, to access the school grounds which, in turn, allows them to get round the back of the houses. This new development would do nothing to help reduce petty crime in this area.

Thirdly, you state in the planning application that the new development is in keeping with the area. That is not so as the materials proposed are not in keeping with the listed buildings already there, and certainly does not enhance the surrounding area.

Lastly, having dedicated parking spaces would potentially increase the noise and air pollution at the back of our houses which we residents feel is unacceptable.

Representations have been received from Croeso, Tan Eglwys and 24 Toronto Terrace; 9 Pelham Terrace; 3, 4, 5, 7, 8, 11, and 12 St John's Hill; raising objections to the application which are summarised below:

The character of the setting of the listed building will be changed

Contrary to Lewes Neighbourhood Plan

Piecemeal development

Contrary to Conservation Area policy

Pells School (listed) is central to the character of the local area and its future is of prime importance

The development may limit the future uses of the building

The playground is part of the setting of the listed building and its loss would be detrimental

Adverse impact on views from Pells Pond

Not in keeping with local neighbourhood

Discordant and inharmonious

Height and scale

Overpowers existing houses

Inadequate Heritage Statement

Increased risk to pedestrians in Pelham Terrace

Loss of on-street car parking spaces (possibly 3 to 5)

Potential security breaches and vandalism

Opportunities for crime and anti-social behaviour

Flood risk is not adequately addressed

Lack of consultation

Negative impact on enjoyment of property

Noise and pollution

Loss of sunlight and daylight

May facilitate more houses behind St. John's Hill

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- Lewes Neighbourhood Plan

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Development Management Policy SD13 - Listed Buildings

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

8 Planning Assessment

Principle of Development

8.1 Strategic policy SD25 "Development Strategy" states that the principle of development in Lewes is supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land.

8.2 A key issue is whether the sub-division of the site and the separation of the land, which includes the school playground, could prejudice the continued viable use of the listed main school building, the longevity and maintenance of which requires a continued viable use in order to protect and safeguard the listed building.

8.3 This was an initial concern of the Design and Conservation Specialist. However, the applicant submitted additional information which demonstrates the current use of the listed building is not dependent on the grounds around it, and also that there is a prospective end use of the building notwithstanding that the proposed development may be approved. This end user, as detailed in their submission, indicates that the sub-division of the site would not prejudice the viability of its business. The listed building can therefore continue to be used, maintained and safeguarded as a heritage asset. Therefore in principle, the proposed development is considered to be acceptable.

Design and Appearance

8.4 Development Management Policy SD13: Listed Buildings states that:

1. Development proposals which affect a listed building or its setting will only be permitted and listed building consent granted where:
 - a) They preserve and enhance the significance of the listed building and its setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided; or
 - b) Harm to the significance of the listed building or its setting is considered to be outweighed by public benefits by the Authority, when appropriate mitigation measures will be expected, including archaeological investigation (including a written report) or recording.
2. Development proposals will be refused planning permission and/or listed building consent where they cause substantial harm to a listed building or its setting.

8.5 Policy HC3 B "Planning Application Requirements and Heritage Issues" states that:

- 1) Proposals for development will be supported where they demonstrate that the choice of design and use has sought to avoid or minimise harm to the significance of heritage assets.

8.6 The council's Design and Conservation Specialist raises no objections to the proposals stating that the demolition and removal of the additions to the listed building would not have a harmful impact on its significance and would have a neutral to minor positive impact.

8.7 This is subject to conditions in respect of a door to be blocked up on the rear elevation of the main school building, the materials of which should be agreed. The architrave around the

door opening and/or a recess within the door space, should be preserved in order to retain the legibility of this door opening in future.

8.8 It is acknowledged that several objections have been received as to the visual impact of the proposed development and the potential impact on the setting of the listed building.

8.9 The proposed dwellings would be set back within the site and largely enclosed by existing housing bordering the site, which directly fronts the streets. Views into the site would expose the new dwellings, but they are not considered to be overly incongruous or out of character, and would be sufficiently separated from the listed buildings, both of which would continue to benefit from space at the rear.

8.10 Taking into account the comments from neighbouring residents, consultation comments from the Design and Conservation Specialist, and after careful consideration of Local Plan policy, the proposed development is considered to be acceptable in terms of the impact on the setting of the listed building and the safeguarding of its special architectural qualities and historic fabric.

9 Conclusion

9.1 Having taken into account the comments of third parties and consultees, and assessing the proposals against the adopted Local Plan, it is concluded that the proposed development would not have an unacceptably harmful impact on the setting of the listed building or its special architectural features and historic fabric. It is therefore recommended that listed building consent be granted.

10 Reason for Recommendation and Conditions

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. 3 year time expiry listed building

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. The doorway that is to be exposed by the removal of the addition to the main listed school building shall be in-filled with facing brick to match existing, and the outline of the doorway shall be set within a reveal.

Reason: In the interests of safeguarding the character of the listed building and preserving and ensuring the future legibility of this historic opening in accordance with policy SD13 of the South Downs Local Plan, policy HC3B of the Lewes Town Neighbourhood Plan, and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

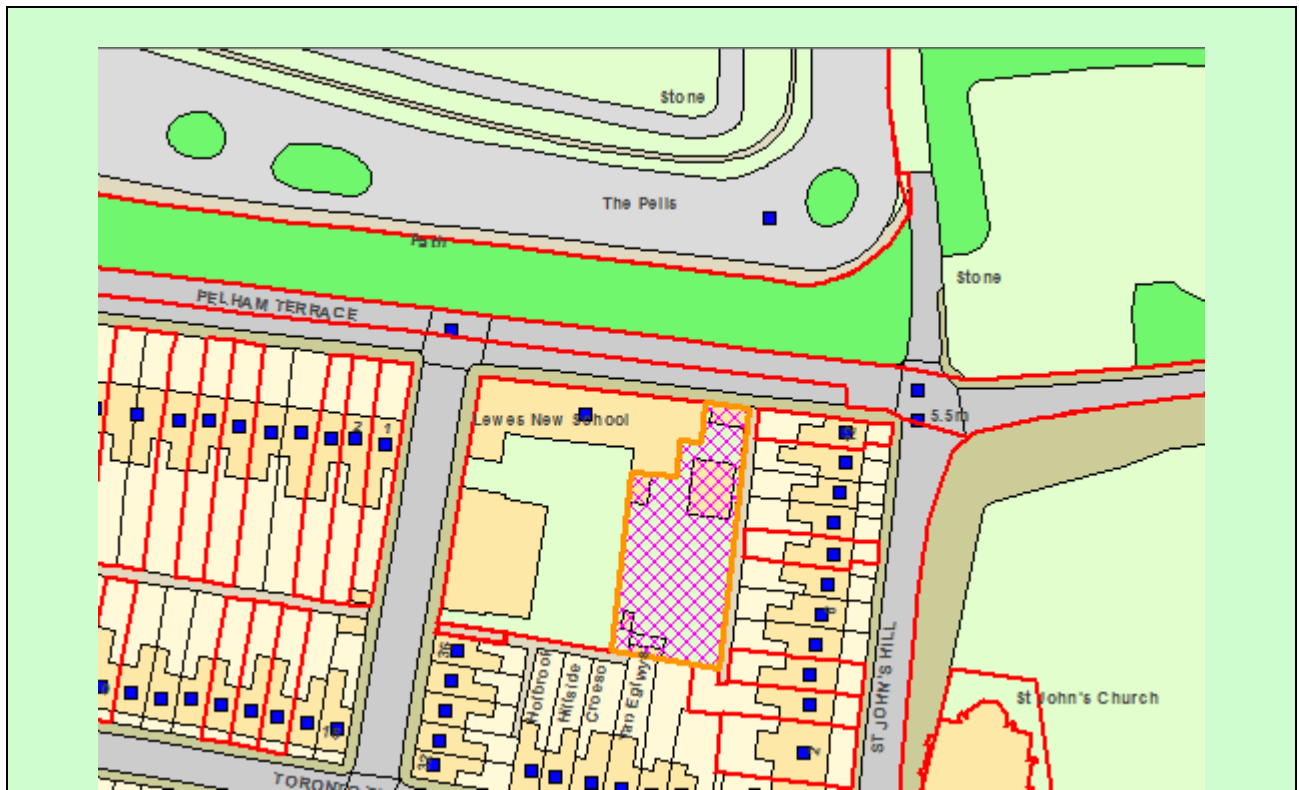
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

15. Appendices

15.1 Appendix 1 – Site Location Map

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed Site Layout/Block Plan	I004-BL-01 PI		13.02.2020	Approved
Plans - Existing Site Plan Topographical Survey	I004-EX-01 PI		13.02.2020	Approved
Plans - Existing School Buildings: Ground Floor Plan	I004-EX-02 PI		13.02.2020	Approved
Plans - Existing Elevation: North Building	I004-EX-03 PI		13.02.2020	Approved
Plans - Existing Elevations: Classroom Block	I004-EX-04 PI		13.02.2020	Approved
Plans - Proposed Ground Floor Plan	I004-GA-01 PI		13.02.2020	Approved
Plans - Proposed First Floor Plan	I004-GA-02 PI		13.02.2020	Approved
Plans - Proposed Second Floor Plan	I004-GA-03 PI		13.02.2020	Approved
Plans - Proposed Roof Plan	I004-GA-03 PI		13.02.2020	Approved
Plans - Proposed Site Elevations	I004-GE-01 PI		13.02.2020	Approved
Plans - Proposed North and West Elevations	I004-GE-02 PI		13.02.2020	Approved
Plans - Proposed South and East Elevations	I004-GE-03 PI		13.02.2020	Approved
Plans - Proposed Site Sections	I004-GS-01 PI		13.02.2020	Approved
Plans - Proposed Listed Building Alterations	I004-LB-01 PI		13.02.2020	Approved
Plans - Location Plan	I004-LOC-01 PI		13.02.2020	Approved
Application Documents -	Flood Risk Assessment		13.02.2020	Approved
Application Documents -	Heritage Statement		13.02.2020	Approved
Application Documents -	Residential/Dwelling Information Template		13.02.2020	Approved
Application Documents -	Planning, Design and Access Statement		13.02.2020	Approved

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