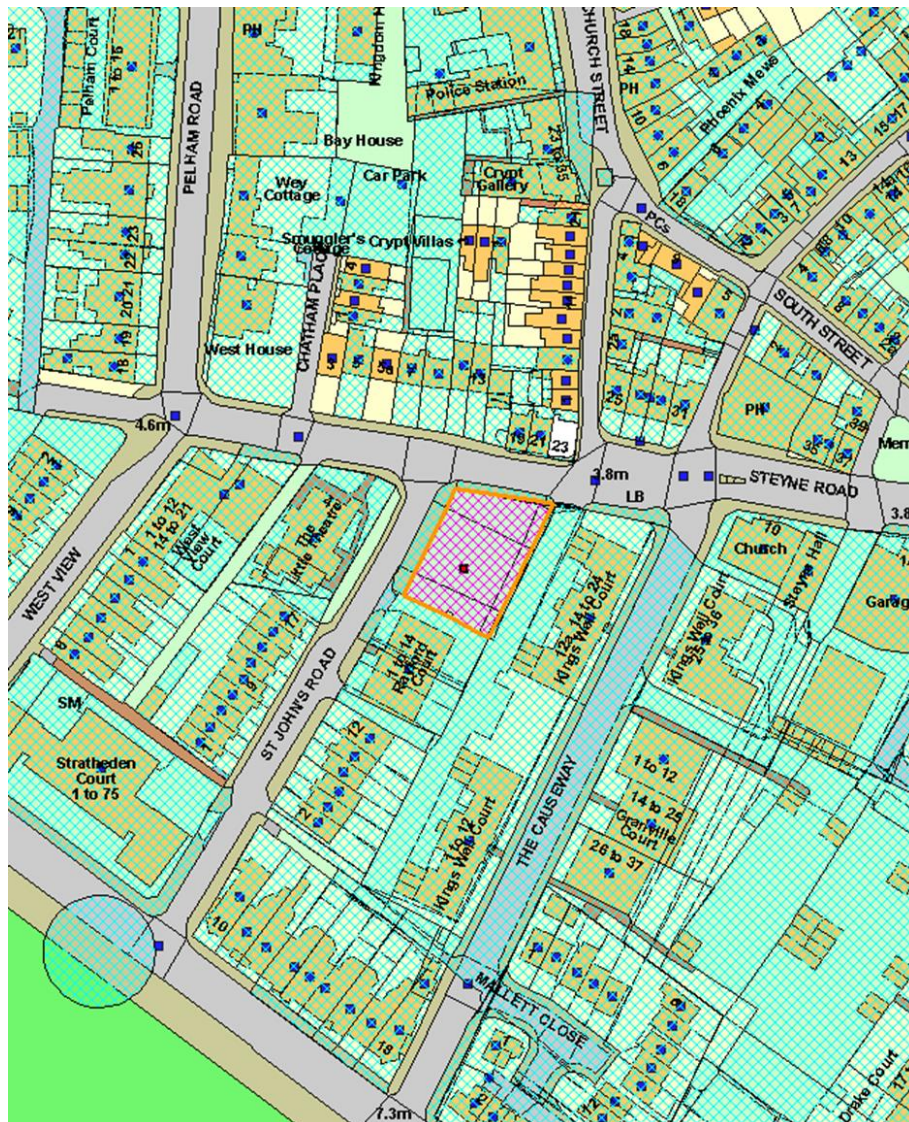


**Report to:** Planning Applications Committee  
**Date:** 6 October 2021  
**Application No:** LW/19/0656  
**Location:** 6 Steyne Road, Seaford  
**Proposal:** Re-development of site to create 13 apartments - Amended Plans (30/10/20 and 20/11/20) and a reduction from 14 units to 13 units.  
**Ward:** Seaford  
**Applicant:** Lewes District Council  
**Recommendation:** Approve subject to conditions and a S106 Agreement.  
**Contact Officer:** **Name:** Andrew Hill  
**E-mail:** [andrew.hill@lewes-eastbourne.gov.uk](mailto:andrew.hill@lewes-eastbourne.gov.uk)

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

**Map Location:**



## 1. **Executive Summary**

- 1.1 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of reducing trips, providing an energy efficient building and site landscaping. It would provide social gains by facilitating a net gain of 13 high quality and sustainable dwellings in an easily accessible area. It would provide economic benefits by generating footfall to Seaford town centre and supporting local businesses.
- 1.2 The building is considered to be of a suitable design and compatible with the site itself as well as the wider surrounding area. The development is considered to represent an appropriate and more efficient reuse of this brownfield site.
- 1.3 It is therefore recommended that the application is approved subject to relevant conditions and a S106 agreement.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

- 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 Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP1 – Affordable Housing
- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP9 – Air Quality
- LDLP: – CP10 – Natural Environment and Landscape;
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM20 – Pollution Management
- LDLP: – DM23 – Noise
- LDLP: – DM25 – Design
- LDLP: – DM33 – Heritage Assets
- LDLP: – DM35 – Footpath, Cycle and Bridleway Network

## 2.3 Seaford Neighbourhood Plan

SNP: – SEA2 Design

SNP: – SEA 17 – Brownfield Development

SNP:- SEA 3 - Conservation Areas

### 3. **Site Description**

- 3.1 The application site is a corner plot on the southern side of Steyne Road and adjoining the junction with St. John's Road. On the opposite corner is The Little Theatre. To the east side lies The Causeway and to the south the neighbouring building comprises 14 flats known as Rayford Court. The site is adjacent to the Seaford Town Centre Conservation Area, the boundary of which is on the opposite/northern side of Steyne Road. The application site is close to the seafront.
- 3.2 The site lies within the planning boundary of Seaford town.
- 3.3 Around 2009 the site comprised a single storey building, and concreted forecourt previously used as a motorcycle repair workshop and second-hand car showroom. Since this time residential development of the site has been approved in principle (see Relevant Planning History) but the site has remained vacant, buildings cleared, and undeveloped for in excess of 5 years.

### 4. **Proposed Development**

- 4.1 The application seeks planning permission for development of the site with 13 apartments within a four-storey building in the main, with part of the fourth floor recessed, and with a smaller recessed fifth storey on the corner. The building would accommodate parking and cycle parking (2 spaces per dwelling in secure storage) on the ground floor.
- 4.2 The scheme would comprise nine 2-bedroom flats with minimum floor areas of 70 square metres; two 1-bedroom flats with minimum floor areas of 51.4 square metres; and two 3-bedroom flat with a floor area of 96.2 square metres, meeting the National Described Space Standards.
- 4.3 The original submission proposed a pastiche design. Following input from officers, having due regard to the site's history, its surroundings, and its prominent location, it was considered that the opportunity existed for a contemporary design which created a more 'landmark' building and which responded to the proximity to the town centre and the prominence of the corner junction.
- 4.4 The building would be rectangular in footprint, set back from the surrounding highway with a soft landscaped area of defensible space to the St John's Road and Steyne Road frontages. The main pedestrian access to the building will be from Steyne Road, with vehicular access from St Johns Road (to the west) and the access road (to the east). The car parking will be 8 spaces in the undercroft, with 5 spaces under

the over sailing first floor. The main bulk of the building will appear as three storeys, with recessed built elements above third floor level creating a fourth floor, and a small recessed fifth floor to the north, with elevations which are asymmetrically articulated in a contemporary manner. The principal elevation would be on the north, with a slightly reduced width over the original scheme, and with a recessed upper storey.

## 5. Relevant Planning History

- 5.1 **APPEAL/10/0010** - Construction of six x three bedroomed houses, six x two bedroomed flats with associated car parking below a deck level and access (demolition of existing building) – Dismissed
- 5.2 The Inspector mentioned that " This street marks the old boundary of the town, first circumscribed by the river then shingle bank which took its place. The reclaimed land is now fully developed, but the sweep of the road indicates the route of the river, and the large, elegant houses are testament to its original desirable location, facing out to fine views of the sea. This consequently has a much more open feel to it, compared to the narrow, crowded streets around the High Street and retains its air of understated gentility. The houses are larger and more imposing in distinct contrast to the cottages that occupy the adjacent lanes."
- 5.3 In considering the bulk and massing the Inspector stated that "The ridge height of the block would be comparable with or marginally lower than nearby buildings but the bulk and massing would be greater and would in my opinion be very imposing on the Steyne Road street scene"
- 5.4 The Inspector also mentioned that the garage building that at that time occupied the site "mediates between the generally smaller buildings of the Conservation Area and the more imposing buildings towards the seafront. Redevelopment would almost inevitably lead to a larger building on this site". The Inspector also accepted that due to potential of flooding that this "necessitate raising the floor levels of the development but I do not consider that this justifies the harm to the street scene which would result from the bulk or mass of the proposal" and concluded by stating "I consider that the height mass and intensity of development on this corner would be imposing and over dominant on the street scene and would detract from the open setting of the Conservation Area and the listed buildings along Steyne Road"
- 5.5 **LW/09/1058** - Construction of six x three bedroomed houses, six x two bedroomed flats with associated car parking below a deck level and access (demolition of existing building) - Refused
- 5.6 **LW/12/0693** - Demolition of existing building and erection of 6 x 3-bedroom houses with parking and associated landscaping - Approved
- 5.7 **LW/14/0902/CD** - Discharge of conditions 7, 8 & 9 relating to planning approval LW/12/0693 – Approved

- 5.8 **S/72/0192** - Change of use from girl guide headquarters to light engineering industry. Demolished. - Refused
- 5.9 **S/60/0282** - Twelve Flats - Refused
- 5.10 **S/51/0033** - Re-positioning of petrol pump. - Approved
- 5.11 **SV/51/0032** - Advertisement Application for illuminated sign. Permission expires 18/05/1954. - Approved

## 6. **Consultations**

### 6.1 External Consultations:

#### **ESCC Archaeology**

No objection

Although the application site lies in an Archaeological Notification Area, it is not believed that any significant archaeological remains are likely to be affected by these proposals.

#### **ESCC HIGHWAYS**

Objection [12 Dec 2019]

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, layout, off-street parking, road layout, surface water drainage and on-site turning facilities and would not therefore give rise to increased hazards to highway users.

2. The proposal does not provide for adequate parking facilities within the site (the proposed parking spaces are too small to adequately accommodate a parked vehicle which would result in additional congestion on the public highway causing [further] interference with the free flow and safety of traffic on the C30 [Steyne Road] and would therefore be contrary to paragraph 105 of the National Planning Policy Framework.

#### **Comments on amended plans**

No objection 5 Aug 2021

#### **Executive Summary**

This HT401 is issued in response to the additional information including Road Safety Audit Stage 1, Technical Note 1 and additional plans received from Lewes District Council on 15th November 2019 and additional information including amended plan P-347-02 A and revised Design & Access Statement dated 21st June received from Lewes District Council on 5th July 2021.

I am satisfied that the impact of this development [13 residential units total] can be accommodated on the highway network provided the mitigation measures are carried out.

Thus, my objection to the proposed development dated 23rd October 2019 is removed and I do not object to the proposal subject to highway conditions and a section 106 Agreement to secure the Traffic Regulation Order Contribution.

## Response

The revised proposal indicates that the number of residential flats has now been reduced from 14 to 13 in total. The proposal now includes an additional access point to serve the development by retaining and altering an existing access onto Steyne Road. The parking area has been revised to provide for 13 car parking spaces.

### 1. Access/Visibility

The site lies within a 30mph speed limit whereby the visibility splay distances should be 2.4 metres x 43 metres which is in accordance with that recommended in Manual for Streets. The amended plan No. P347-02 does not show the visibility splays from the revised access direct onto Steyne Road. The proposed vegetation on the northern boundary of the site would affect the visibility from this proposed access point and around the corner of the footway into St. Johns Road. Therefore 2m x 2m pedestrian visibility splays are required to be provided to the west of the access onto Steyne Road and across the corner of the site at the junction of Steyne Road with St. Johns Road as well as at the new proposed access onto St. John's Road. These splays can be included as a condition with any grant of consent.

A stage 1 Road Safety Audit (RSA) has been satisfactorily carried out/signed off by the Auditor for the proposed new access direct onto St Johns Road.

However, the Road Safety Audit raised a problem regarding the visibility to the north being restricted by parked vehicles. It recommended that in order to maintain visibility to the north [in addition to the pedestrian visibility splay] the existing parking restrictions will need to be extended on the eastern side of St. Johns Road to the south across the proposed access and to the southern end of adjacent access serving Rayford Court. This would require a £5,000 contribution from the applicant for the existing Traffic Regulation Order to be amended and would need to be secured through a s106 agreement.

It should be noted that the access proposals now effectively create an in and out arrangement. Whilst this is not normally accepted by this Authority given the previous garage/forecourt usage a strong highway objection would be difficult to justify in this instance particularly as both of the access points are wide enough to accommodate a two-way flow of traffic.

The existing footway will need to be reinstated across the existing accesses/forecourt that are to be formally closed off as part of this proposal with full height kerbs provided. This will also include remedial works required to the back of the footway. These will all aid to connect the site to the bus stops and local facilities.

### 2. Parking Provision

The applicant is now providing for 13 car parking spaces as shown on amended plan No. P-347-02A which are now shown to be to recommended dimensions. The 13 parking spaces are acceptable provided that they are all unallocated. The flats would need to be sold without an allocated parking space. The parking as shown on plan No. P-347-02A is therefore acceptable.

Secure and covered cycling facilities are shown to be provided within the development with provision for 34 cycles in a double rack, which in accordance with ESCC requirements and thus acceptable.

### 3. Demolition/Construction

A Construction Traffic Management Plan will need to be provided and be agreed through a condition of any grant of consent. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the whole of the demolition/site clearance and construction phases. Deliveries should also avoid local school pick up/drop and peak network times.

### 4. Travel Plan Issues

Although the size of the development does not warrant a Travel Plan or Travel Plan Statement, I would still wish to see a Travel Plan Pack provided with each dwelling upon occupation. This should provide information on bus/train stops and timetables, walking distances etc and preferably bus/train taster tickets for each dwelling. This would help to reduce the reliance on the private motor car. This can be secured by way of a condition of any planning permission.

### 5. Mitigation Measures

A Section 106 agreement would be required to include provision of:-

A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St. Johns Road.

### Conditions

In addition to the mitigation measures above I recommend that any consent shall include conditions (These are attached to the draft decision - see end of report).

### **Lead Local Flood Authority**

No objection - the revised development plans show an area previously proposed as communal garden space has now been replaced by permeable paving, which will allow surface runoff to infiltrate into the ground. The applicant has provided sufficient information to assure us that the underlying soil is compatible with the use of infiltration systems and therefore this is acceptable to us.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely.

1. 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.

### **Planning Policy**

The application follows previous planning permission for the demolition of an existing building in B2 (General Industrial) use, and the erection of six houses (LW/12/0693). The principle of loss of employment land and developing for residential use at this site is therefore established.

The site is a brownfield site within the planning boundary; retained 'saved' policy CT1 (Planning Boundary and Key Countryside Policy), replaced by LPP2 policy DM1, where development is generally considered acceptable in principle, subject to its conformity with other development plan policies.

Core Policy 1 (CP1) (Affordable Housing) requires developments of 10 or more dwellings to provide 40% affordable housing, unless robust financial evidence is submitted to the council which demonstrates it is not financially viable. The proposal does not include any affordable housing contribution. The applicant states that a viability report will be submitted, however this was not available on the date these comments were made.

The site is located within Flood Zone 3 and adjacent to areas of low to high risk of surface water flooding. Proposals must be in accordance with Core Policy 12 (Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability) (CP12), to the satisfaction of the Environment Agency and Lead Local Flood Authority.

The site is, in part, adjacent to the Seaford Town Centre Conservation Area and in close proximity to two groups of Grade II Listed Buildings. The Seaford Town Centre Conservation Area Appraisal also notes a number of 'Unlisted Buildings of Merit in the Townscape' on the opposite side of the road. Consideration should therefore be given to the proposal's compliance with Core Policy 11 (Built and Historic Environment and High-Quality Design), DM25 (Design) and DM33 (Heritage Assets).

Seaford Neighbourhood Plan policies considered relevant to this application are SEA2: Design, SEA3: Conservation Areas, and SEA19: Windfall Development as an 'unidentified' site (6 or more dwellings)

The application is located adjacent to the boundary of the Town Centre Conservation Area. Although policy SEA3 does not directly apply, the Design and Access Statement does state that the external building materials specified are sensitive to the proximity of the Conservation Area.

The design of all developments within the Plan area will have regard to the General Design Guidelines for Seaford and be subject to other relevant development plan policies. Development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:

c) the site provides good access to public transport to help reduce car dependency and reduce car use - The application site is in close proximity to the town centre and its bus and rail links and meets this criterion.

d) the design makes an efficient use of land and incorporates a high-quality layout, building design, energy efficiency and durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the landscape and townscape character and local distinctiveness of Seaford - There is a range of building types in this area; the application does not conflict with Seaford Neighbourhood Plan policy on design. An Outline Energy Statement indicates that carbon emissions have been reduced further than planning policy requirements.

e) the design incorporates public and private spaces which are clearly defined and designed to be attractive, well managed and safe. There should

be suitable private outdoor amenity space for new dwellings, so passers-by respect the boundaries and residents feel their personal space is protected, and adequate, appropriately designed external storage space for bins and recycling facilities as well as for bicycles - There is a small, east-facing communal garden and communal amenity space with areas of landscaping providing a buffer to the road and defensible space. Each flat has a minimum of 2 cycle storage spaces allocated in a secure storage unit (34 spaces in double racking) and a secure space is provided for refuse bins with access from both Steyne Road and the access way.

g) where appropriate the design is informed by an Ecological Impact Assessment (EclA), in line with BS42020:2013 and CIEEM guidelines, has regard to the mitigation hierarchy in NPPF paragraph 175a, and provides a net gain in biodiversity - New high-level brick nesting boxes have been included within the brickwork soffit wall lines for swallows and bats, which will add habitat benefits.

The Seaford Neighbourhood Plan Design Code should also be referred to in decision making:

GP05 Turn the corner - all facades for overlooking the street or public space should be treated as primary facades, there should be some form of street contact e.g. windows or private space at street level, at least one of the perimeter walls should be a low wall.

GP08 - Make Buildings Overlook Streets - the main entrance to the building should face the street to encourage natural surveillance and form connections between neighbours and buildings.

The proposal is considered to meet the criteria set out above. The north and west elevations fronting onto Steyne road and St. John's Road are treated as primary facades with ground floor windows, the main pedestrian entrance is on Steyne Road, and defensible garden space is provided between the development and the street.

### **Sussex Police (Secured by Design)**

No objection or major concerns - Subject to compliance with Secured by Design and details pertaining to access and vehicle access controls; specific lighting to the entrance lobby; postal arrangements; security grille to the bike store window; underground parking lighting; and counter terrorism considerations.

### **Southern Water**

No objection subject to conditions and infomatives.

### **Environmental Health**

Submitted detail is a Phase 1 Desk study and Phase 11 Site investigation report prepared by Leap Environmental Ltd (Report ref: LP2271 dated 10 August 2020).

The report para 28 highlighted the need for additional investigation and remediation of the site (if needed based on the additional investigation) because of some underground buried tank.

So, if LPA is minded to grant a planning permission, then considering the sensitive uses of the site, I recommend land contamination conditions.

Further to receipt of the air quality assessment numbered 2423W-SEC-00001-0 (July 2021) submitted by Southdowns Environmental Consultants, I would recommend approval of the above planning application subject to a Construction Environmental Management Plan (or Dust Management Plan) shall be written and in accordance with Section 9.13 of the Southdowns Air Quality Assessment (2423W-SEC-00001-0) dated July 2021.

### **Environment Agency**

We request that the following conditions be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

#### **Flood risk**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: SouthdownHomesLtd/6SteyneRd/FRA, August 2019), drawings (No's. P347-03, P347-04, P347-07 and P347-08), and the following mitigation measures detailed therein: The ground floor is to be used for parking, access foyer, stairs/lift, utilities and refuse/recycling only (drawing P347-03), with all habitable residential accommodation restricted to the first floor (drawing P347-04) and above, as stated within paragraph 6.1 of the FRA; The finished ground floor level (parking/foyer/facilities) shall be set no lower than 4.30mAOD (metres above Ordnance Datum), and the finished first floor level (habitable/residential accommodation) shall be set no lower than 7.40mAOD, as specified in Paragraph 7.2 of the FRA and elevation drawings No. P347-07 and P347-08;

Flood resilient/resistance measures (construction, fixtures and fittings) are to be incorporated up to first floor level as detailed in Paragraph 7.5 of the FRA; and

Residents are to sign up to the Environment Agency's Flood Warning system (as per Paragraph 8.2 of the FRA), and a flood evacuation plan is to be implemented (Section 9 of the FRA), as approved by the Local Planning Authority.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and its future occupants, ensure the safety of the structure and its owners/occupants during a flood event, and to ensure that the proposed development is resilient to future climate change projections, in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

## Verification report

Prior to any part of the permitted development/each phase of development 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.

Reason - The site rests upon the Culver Chalk, designated as a Principal Aquifer by us. Whilst the risk/impact to end users of controlled waters is deemed to be low, every effort should be made to ensure no further deterioration of the controlled waters. The condition ensures that the site does not pose any further risk to human health or 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 170 of the NPPF.

## Previously unidentified contamination

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.

Reason - To ensure that the development does not contribute to, 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 170 of the NPPF.

## Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons - The submitted planning application indicates that boreholes have been installed at the development site to investigate groundwater resources. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the above planning conditions are imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

### **Seaford Town Council**

#### **Objection to the original scheme -**

1. Over development bringing the building too close to the adjoining pavement in Steyne Road.
2. The block would be out of character and scale with other neighbouring properties along Steyne Road.
3. The block would have an adverse impact on the adjoining Conservation Area, in particular properties 19 to 23 Steyne Road.
4. The original proposals for development of six houses would be far more appropriate and in keeping with the character of the area.
5. The objections submitted by the highway authority are supported

#### **Objection to the amended scheme –**

1. Design and bulk out of context with surroundings
2. Height and massing would have a seriously adverse impact on the properties immediately opposite in Steyne Road and in the Conservation Area and contrary to SEA 3 Conservation Areas and Section 3.5 of the Design Guidelines relating to Seaford Seafront.
3. Applicant has failed to take the objections to the original scheme into account and that the approved schemes for surrounding developments would be far more appropriate as it would achieve the necessary 'scaling down' between adjacent blocks of apartments in St Johns Road and the more modest scale of development in Steyne Road.

#### **Additional Comments –**

The Town Council's view is that the proposals give far too much consideration to extracting the maximum number of 'dwellings' from the site and the relationship of the building to Rayford Court and very little, if any, consideration to the impact on the character of the neighbouring Conservation Area.

The recent planning history clearly points towards a modest town house development as being appropriate for the site as a 'scaling down' from the mass and scale of Rayford Court to the smaller scale pattern of development in Steyne Road itself i.e the scheme for six dwellings approved under LW/12/0693.

This was in line with the main points of the Inspectors decision in the 2010 appeal. She was considering a scheme similar in scale and massing to the current application. She based her decision to dismiss the appeal largely on how this would impact on the adjoining Conservation Area and listed buildings in the locality.

She referred firstly at para 15 to the Conservation Area Appraisal the relevant section of which states in relation to Steyne Road: -

" This street marks the old boundary of the town, first circumscribed by the river then shingle bank which took its place. The reclaimed land is now fully developed, but the sweep of the road indicates the route of the river, and the large, elegant houses are testament to its original desirable location, facing out to fine views of the sea. This consequently has a much more open feel to it, compared to the narrow, crowded streets around the High Street and retains its air of understated gentility. The houses are larger and more imposing in distinct contrast to the cottages that occupy the adjacent lanes."

She goes on to explain in para 16: -

The ridge height of the block would be comparable with or marginally lower than nearby buildings, but the bulk and massing would be greater and would in my opinion be very imposing on the Steyne Road street scene.

She went on to say in para 17 regarding the site as it then stood, prior to it being cleared: -

At present the site mediates between the generally smaller buildings of the Conservation Area and the more imposing buildings towards the seafront. Redevelopment would almost inevitably lead to a larger building on this site. I appreciate that flood risk concerns necessitate raising the floor levels of the development, but I do not consider that this justifies the harm to the street scene which would result from the bulk or mass of the proposal.

She concluded that: -

I consider that the height mass and intensity of development on this corner would be imposing and over dominant on the street scene and would detract from the open setting of the Conservation Area and the listed buildings along Steyne Road

The scheme rejected on this appeal and the current proposals are similar as regards scale and massing. Different policies now apply to the issues raised in the current application, but they are, if anything, stronger than the policies which applied in 2010.

Firstly, Part 16 of the National Planning Policy Guidance now makes particular reference to the need to protect heritage assets such as Conservation Areas and their settings. The Heritage Statement submitted by the applicants gives a detailed description of the area but very little in terms of the assessment of the level of impact on Steyne Road. It does not comply therefore with the requirements of Local Plan policy DM 33.

What is required but strangely missing from the documents posted is a Conservation and Design Report from a designated officer. Without the benefit of this District Council members will not have an objective view on this crucial issue.

Also, since the application was submitted, the Local Plan Part 2 and the Seaford Neighbourhood Plan have been adopted and now apply with full weight to the proposals. Local Plan policies DM 25 and DM 33 apply to the application but there is no indication as to how this development will conserve or enhance the Conservation Area. It would in fact dominate this

section of Steyne Road and overwhelm the existing delicate quality and character of the Victorian houses immediately opposite.

The Seaford Design Guidelines have also been adopted along with the Neighbourhood Plan and have given added weight to the issue of impact on the scale and character of the Conservation Area. The Guidelines were treated quite lightly in the Planning Policy response, but it is a Design and Conservation issue more than a Policy issue which is why a specific Conversation and Design assessment is needed.

The Guidelines clearly at SF01 in respect of new building in the Seafront area: -

New proposals and extensions in this area should respect the well-established scale, size, rhythm and material palette of the surrounding existing development; and

New developments should be sympathetic with the existing building style and form and should respect the existing scale, height and material of the surrounding developments.

This scheme may match the scale of Rayford Court to the south and while the amenities of the residents of Rayford Court have to be protected it's clear that the priority should be the match to the scale and character of Steyne Road, and this is where the scheme fails.

The proposals therefore contravene paras 202/203 of the NPPF, policies DM25 AND DM 33 of the Lewes Local Plan Part 2 and the Design Guidelines of the Seaford Neighbourhood Plan

## **7. Neighbour Representations**

7.1 A letter has been received from Seaford Little Theatre (4 Steyne Road) objecting to the application for the following reasons: Over massing of the site, Seaford has enough flat developments and not all are sold, a perfectly acceptable scheme has already been approved.

7.2 Representations have been received from 34 local residents including Housemartins Property Management (11 High Street) on behalf of 1-24 Kings Well Court; 10 St. John's Road; Flats 14, 16, 22 King's Well Court, The Causeway; no address given; and 6, 11, 13 and 19 Steyne Road, objecting to the application for the following reasons:

North elevation is close to pavement and opposite a terrace of Victorian houses which have no front gardens and are built up to the pavement.

The street scene will appear narrow and create a tunnel effect. Will cause a visual break interrupting the natural flow of the street scene and create two areas of affecting the sense of openness.

Large footprint out of scale with the area.

Large and imposing structure that will overpower this part of Steyne Road.

Long boundary with St John's Road means the bulk and massing will be particularly dominating when seen together with the north elevation.

Height exceeds Kings West Court and is considerably greater than Seaford Little Theatre.

In front of building line set by Kings West Court and Seaford Little Theatre, which sits well back.

Height and siting will have an overbearing influence on the street scene and current openness of the conservation area of Steyne Road.

Little space for planting on the Steyne Road frontage.

Height and site placement will infringe on the privacy of surrounding properties and lead to overlooking.

Loss of daylight and overshadowing, contextual significance, drainage, flooding, highway hazards, inadequate access, loss of light, noise and disturbance, out of character, over development, overbearing building/structure, overlooking, loss of privacy, parking issues, smell/fumes, traffic generation, misleading photo images, no images to show relationship with Kings West Court and 19-23 Steyne Road, which are next to the site, the proposed development is higher than these buildings and will be overbearing, harm to street scene, insufficient information, lack of infrastructure, properties in the vicinity damaged by previous pile driving, bins and recycling would be better for disabled people sited near the Steyne Road entrance so collections can take place at the same time as Rayford Court, entrance labelled as access road is actually a private drive, development should be scaled back, the access road is in fact part of a freehold private development and forms part of the boundaries of 1-24 Kings Well Court.

The side gate in the boundary wall directly opposite the garage block of 12a-24 Kings Well Court cannot be granted.

Bin collection via the access to Kings Well Court will not be permitted.

Site likely to flood

## **8. Appraisal**

### **8.1 Key Considerations**

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.

### **8.2 Principle of the proposed use**

8.2.1 Policy SP1 of the Lewes District Local Plan part one makes a commitment for a minimum of 6,900 net additional dwellings to be

provided in the plan area. Since 2016, the figure for the South Downs National Park has been disaggregated and a revised figure of 5,494 net additional dwellings (equivalent to 274.7 dwelling per annum) is applied for land outside of the SDNP.

- 8.2.2 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.
- 8.2.3 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. The Lewes District Council cannot show a 5-year housing land supply identified as required by para. 74 of the NPPF. However, the main policies remain up to date that the Seaford Neighbourhood Plan, because it is less than 2 years old is afforded protection by para.14 of the NPPF, and, therefore, all relevant policies, as well as other applicable criteria set out in the NPPF, will be applied in the assessment of this application.
- 8.2.4 Policies CP2 of the Lewes District Local Plan part one sets out a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located and to maximise opportunities for re-using suitable previously developed land and to plan for new development in the highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive. This is echoed in para. 120( C) of the NPPF which maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.
- 8.2.5 From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.
- 8.2.6 Seaford Neighbourhood Plan was adopted on 24 February 2020. Although the application site is not allocated for housing, the proposed development would be in accordance with policy SEA17 of the neighbourhood plan, which states the redevelopment of brownfield or previously developed land will be supported, subject to respecting local character, residential amenity and highway safety.
- 8.2.7 In accordance with policy CP1 of the Local Plan, schemes of more than 10 residential units should provide at least 40% affordable housing. The applicant has submitted a viability assessment which shows that this is not viable (this is discussed later within the report).

8.2.8 The proposal, to redevelop the site for housing is therefore considered to be acceptable in principle and will therefore be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework as well as development plan policies relating to design, carbon reduction, landscaping, pollution control and ecological enhancements.

### 8.3 Affordable Housing

8.3.1 The proposal constitutes a major development and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This would equate to 5.2 units for this scheme.

8.3.2 A Financial Viability Report was submitted by the applicants stated that viability issues would mean that the scheme could not provide affordable housing and remain viable. The Council appointed an independent Consultant to assess and evaluate the submitted report and information and to advise the Council.

8.3.3 Following various assessments of the data including an amended viability report from the applicant, the Council's consultant considered that there was some room for negotiation and that something could be achieved on the site. The applicants have confirmed their agreement to provide 1 Unit discounted by 30% against the market value in accordance with the new "First Homes" principles.

8.3.4 The First Homes criteria are the minimum requirements a housing unit must meet in order to qualify as a First Home. The national standards for a First Home are that:

- a) a First Home must be discounted by a minimum of 30% against the market value;
- b) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London); and,
- c) the home is sold to a person who meets the First Homes eligibility criteria.

8.3.5 In addition, to qualify as a First Home, there should be a section 106 agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale, The price cap of £250,000 (or £420,000 in Greater London), however, applies only to the first sale and not to any subsequent sales of any given First Home.

8.3.6 The Council's consultant has confirmed that this would be an acceptable compromise and outcome.

8.3.7 Therefore, this will be secured through a section 106 agreement.

#### 8.4 Design and Impact upon Character of Surrounding Area

- 8.4.1 The surrounding area is largely residential with buildings of a variety of sizes and forms, storey heights, and a large number of purpose-built blocks of flats. The proposed development would occupy a prominent plot, with elevations facing directly towards Steyne Road and St Johns Road and facing on to the rear of Kings Wall Court. Kings Wall Court is a three-storey clock of 12 flats, whilst to the south is Rayford Court, a four-storey block of 14 flats. Opposite, in Steyne Road is a terrace of two storey houses with basements and rooms on the roof, whilst immediately to the west is the Seaford Little Theatre. It is not uncommon to see 3,4 or 5 storey buildings in the immediate area to the south of the Conservation Area, and this is something that is not excluded in the design guidelines supporting 'low to medium density residential development with a profile of up to 5 storeys.
- 8.4.2 Policy SEA2 "Design" of the neighbourhood plan states that high quality design should be demonstrated, and that development should make efficient use of land and incorporate a high-quality layout, building design, energy efficiency and durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the landscape and townscape character and local distinctiveness of Seaford.
- 8.4.3 Policy DM25 of the Local Plan, "Design", states that development will be permitted where it contributes towards local character and distinctiveness through high quality design and subject to the following criteria:
- (1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
  - (2) Its scale, form, height, massing and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
  - (3) It incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
  - (4) Existing individual trees or tree groups that contribute positively to the area are retained;
  - (5) Adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
  - (6) Any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;
  - (7) There will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels;
  - (8) Major developments will promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;

(9) Residential developments of 10 or more dwellings should demonstrate how the 'Building for Life 12' criteria have been taken into account and would be delivered by the development.

- 8.4.4 At present this site mediates between the generally smaller buildings of the Conservation Area, located on the northern side of Steyne Road, the more imposing buildings towards the seafront, and the large blocks of buildings in the immediate vicinity of the site. The Inspectors comments in relation to bulk and massing and impact on the conservation area are noted. However, land on the south side of Steyne Road has been significantly altered by blocks of flats that are of a scale and massing that are significantly larger than that of the buildings within the conservation area, with West View Court, to the west, an example of a similar four storeys above a ground floor void.
- 8.4.5 The design of the development is contemporary, with strong articulation and relief in the elevations, which is accentuated by the contrasting materials and the asymmetry in the elevation. The fourth and fifth storey are only partial storeys, sitting back from the main elevation, adding gradual height without making the building appear overly large and out of scale with its surroundings, unlike other more regular formed blocks of flats in the area. This setting back helps to reduce the perceived mass of the building. The upper floors also create a focal point within the surrounding public realm, with the tallest parts of the building concentrated to parts of the site adjacent to street corners where it would be expected to bolder architectural features and also where the increased height would not disrupt the overall flow of the wider street scene in terms of building height. As such, it is considered that the proposed 4 and 5-storey elements of the building, whilst more visually prominent, would not appear too visually disruptive, or incongruous within the wider street scene.
- 8.4.6 Overall, it is considered that the scale and massing of the building would not appear overbearing or disruptive when viewed in context with the surrounding built environment. It is also considered that the building design responds well to surroundings, adding a contemporary, well designed built form that is well balanced and adding a lively and visually interesting buildings into the built environment. The overall height and bulk is considered to be broadly acceptable and provides a significant benefit in ensuring an efficient use of site by delivering a good number and mix of new residential units.
- 8.4.7 The site is not within but sits opposite to the Conservation Area. It is flanked immediately to the north by 19-23 Steyne Road, a terrace of three tall Victorian houses with a mix of brick and rendered facades and clay tiles roofs punctuated with pitch roof dormers windows (basement, ground and first floor with rooms in the steeply pitched roof). The sites to the south of Steyne Road have developed a different character, distinctly different to that of the conservation area. It is not considered that the current proposal would in itself be detrimental to the character or appearance of the Conservation Area that lies to the north. The building offers a contemporary solution that, through its articulation, overall design, scale and choice of materials, would create a building

that adds interest to the street scene without detriment to either the character or appearance of the conservation area.

8.4.8 There are other buildings in close proximity to the Conservation Area on the southern side of Steyne Road – Frenches Court, Kingswell Court, Rayford Court, West Court, that have established a scale, bulk and massing that is considered to be acceptable in close proximity to the conservation area. It is considered that this contemporary building would not have an undue impact on its general character.

## 8.5 Impact upon Amenities of Neighbouring Residents

8.5.1 The comments from neighbouring residents are noted in respect of overshadowing and overlooking.

8.5.2 The rear elevation (east) of the proposed building, would be approximately 13m to 19m from habitable room windows in the rear elevation of Kings Wells Court, with the proposed communal garden, parking, and the existing access road in between. On this elevation there would be largely bedroom windows, with the occasional living room and balconies angled away to prevent direct overlooking. It is considered that this arrangement would not give rise to a loss of privacy and overlooking, noise or general disturbance, for residents of Kings Well Court. The windows on the southern end elevation serves a study and can be conditioned to be obscure glazed to prevent overlooking into the kitchen windows of Rayford Court flats which abut the site to the south.

8.5.3 The proposed development is not likely to cause significant loss of light or overshadowing to the extent that refusal could be sustained. The greatest impact would be to the kitchen windows on the north elevation of Rayford Court, the block of 14 flats to the south of the development site. With a separation distance of 5m there is likely to be a reduction in natural light to these north facing windows. This 5m separation is considered sufficient to reduce the impact of loss of light and overshadowing, and this would not be sufficient reason to justify refusal of planning permission, particularly in view of the fact the rooms are non-habitable kitchens, and the layout of the street where buildings are situated side by side.

8.5.4 The two units on the upper floor have a small roof terrace which wrap around part of the accommodation. It is considered necessary to add a condition to require a glazed screen 1.7m high to be erected on the east facing part to ensure that there is no overlooking or privacy issues to the occupiers of King Wells Court.

8.5.5 In terms of floor areas, the proposed flats would have sufficient space for living and circulation which is in line with the nationally described space standards.

8.5.6 Overall, and with the proposed conditions, it is not considered that the proposed development would not compromise the amenity of nearby or adjacent occupiers, to a degree that would justify refusal of permission.

8.5.7 It is therefore considered that the building has been designed to minimise overbearing impact towards neighbouring dwellings, to ensure any overlooking is consistent with existing levels in the surrounding densely developed area and minimises overshadowing impact.

#### 8.6 Living Conditions for Future Occupants

8.6.1 The Technical housing standards – nationally described space standard (2015) identifies minimum levels Gross Internal Area (GIA) suitable for new residential development, based on the type of unit and the number of bedrooms provided. All proposed flats meet or exceed the National Space Standards.

8.6.2 All habitable rooms would be served by clear glazed windows, allowing for the provision of natural light and ventilation. All rooms would be of a suitable size to support their intended function. Awkwardly shaped rooms and long corridors are avoided; ensuring internal space is used efficiently, is easily navigated and is adaptable to a variety of needs.

8.6.3 The area is not in an area identified as having an Air Quality issue. The applicant has submitted an Air Quality Assessment and the Council's Environmental Health Officer has confirmed that the findings are acceptable.

8.6.4 The development provides minimal external amenity space. Two of the units have access to a small roof terrace, and several have small balconies. Whilst it is regrettable that the development lacks quality usable external amenity space for the residents, it is not considered that this in itself is a reason for refusal.

#### 8.7 Impact upon Highway Network and Access

8.7.1 The development has been amended to incorporate two access points for vehicular traffic and retaining and altering an existing access onto Steyne Road. The parking area has been revised to provide for 13 car parking spaces.

8.7.2 A stage 1 Road Safety Audit (RSA) has been satisfactorily carried out/signed off by the Auditor for the proposed new access direct onto St Johns Road.

8.7.3 However, the Road Safety Audit raised a problem regarding the visibility to the north being restricted by parked vehicles. It recommended that in order to maintain visibility to the north [in addition to the pedestrian visibility splay] the existing parking restrictions will need to be extended on the eastern side of St. Johns Road to the south across the proposed access and to the southern end of adjacent access serving Rayford Court. This would require a £5,000 contribution from the applicant for the existing Traffic Regulation Order to be amended and would need to be secured through a s106 agreement.

8.7.4 The applicant has amended the scheme to show the provision for 13 car parking spaces as shown on amended plan No. P-347-02A which are now shown to be to recommended dimensions. The parking as shown on plan No. P-347-02A is therefore considered acceptable.

8.7.5 Secure and covered cycling facilities are shown to be provided within the development with provision for 34 cycles in a double rack, which in accordance with ESCC requirements.

8.7.6 A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St.Johns Road is required and this will be secured through the S106 agreement.

8.7.7 It is therefore considered that any potential harmful impacts upon highway safety and parking capacity of surrounding streets can be mitigated to an acceptable degree.

## 8.8 Sustainability and Accessibility

8.8.1 The applicant has submitted an Outline Energy Statement which is comprehensive and concludes that the proposed development would achieve a reduction of 20.5% carbon emissions compared to the Building Regulations requirements. This would be achieved through air-tight construction, a thermally efficient building fabric, advanced gas boiler systems, low-energy lighting and solar panels mounted on the roof. The statement also includes details of measures put in place to reduce water consumption and investigation of whether district heating, combined heat and power could be incorporated into the development. This is considered to be sufficient to meet the requirements of policy CP14 of the Local Plan.

8.8.2 In terms of meeting the requirements of policy DM24 of habitat enhancement and biodiversity, the Design and Access Statement submitted states that the currently demolished site and hard standings have little value for protected wildlife habitats, but the proposed development will include high-level brick nesting boxes for swallows/swifts and bats. The proposed landscaping scheme can also be used for the planting of indigenous species that could enhance the biodiversity of the site, as would the communal gardens. On a site such as this, these proposals are considered acceptable.

8.8.3 The application site is within walking distance of Seaford town centre, the seafront and the mainline railway station. The site is in a sustainable location where reliance on private car use for journeys would not be necessary. The proposals also provide alternative, for example 34 cycle parking spaces, and this is considered acceptable and meets the requirements of policy CP13. Electric vehicle charging points should also be provided and these can be secured by imposing a planning condition.

8.8.4 Amendments have been made to the scheme to address design concerns raised by the highway authority in respect of the size of the car parking spaces at the ground floor level beneath the residential upper floors.

### Drainage

8.8.5 Drainage of the site has not been identified as an issue. ESCC at the Lead Local Flood Authority has considered the application and is satisfied that the proposed development is capable of managing flood

risk effectively. The revised plans indicate that the communal garden that has been replaced with permeable paving will allow surface runoff to infiltrate into the ground. The developer has provided sufficient information to assure the LLFA that the underlying soil is compatible with the use of infiltration systems.

- 8.8.6 A condition will be attached to require photographic evidence that the drainage system has been constructed as per the detailed drainage designs.

#### Construction Phase

- 8.8.7 The site is located within a relatively densely populated area. To minimise disruption to neighbouring residents, a condition will be included to secure a Construction Management Plan that will need to include, but not be limited to, details of vehicle routing, management of deliveries, parking and access arrangement for contractors, positioning of scaffold, storage facilities for materials, measures to manage air, light and noise emissions and measures to prevent discharge of material onto the highway.

- 8.8.8 The Construction Management Plan would also require details of a named site manager to act as a liaison with neighbouring landowners and provide a response to any problems identified as a first port of call.

#### Archaeology

- 8.8.9 The site falls within an Archaeological Notification Area. The County Archaeologist is satisfied that no significant archaeological remains are likely to be affected by the current proposals.

#### S106 Legal Agreement

- 8.8.10 The provision of 1 Unit of accommodation discounted by 30% against the market value in accordance with the new “First Homes” principles.
- 8.8.11 A Traffic Regulation Order Contribution of £5,000 towards the administrative costs of altering the existing TRO to provide an extension to the existing parking restrictions in St.Johns Road is required and this will be secured through the S106 agreement.

#### Human Rights Implications

- 8.9 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.

### **9. Recommendation**

- 9.1 It is considered that this development makes the most efficient use of the site whilst providing a contemporary designed scheme that remains

financially viable and provides an element of affordable housing. Therefore, on balance, it is recommended that permission is granted subject to the conditions listed below and a Section 106 Legal Agreement as set out within the report.

#### Conditions

The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	1 <sup>st</sup> November 2020	08590-P-L-(00)-001 Rev PL1
Proposed Site Plan	1 <sup>st</sup> November 2020	08590-P-L-(00)-020 Rev P3
Proposed Lower and Upper Ground Floor Plans	1 <sup>st</sup> November 2020	08590-P-L-(00)-025 Rev P3
Proposed First and Second Floor Plans	1 <sup>st</sup> November 2020	08590-P-L-(00)-026 Rev P3
Proposed NE and SW Elevations	1 <sup>st</sup> November 2020	08590-P-L-(00)-030 Rev P5
Proposed NW and SE Elevations	1 <sup>st</sup> November 2020	08590-P-L-(00)-030 Rev P5
Proposed Street Scenes	1 <sup>st</sup> November 2020	08590-P-L-(00)-035 Rev P3
Proposed Sections	1 <sup>st</sup> November 2020	08590-P-L-(00)-036 Rev P2
Transport Statement	1 <sup>st</sup> November 2020	9178 Issue B
Acoustic Assessment	1 <sup>st</sup> November 2020	P1400/02
Energy Statement	1 <sup>st</sup> November 2020	S2 P02
Drainage Strategy	1 <sup>st</sup> November 2020	9253 Issue B
Flood Risk Assessment	1 <sup>st</sup> November 2020	9253 Issue C
Arboricultural Assessment and Outline Method Statement	1 <sup>st</sup> November 2020	NJCL 689

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

1. No development shall commence until the two vehicular accesses serving the development have been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway

2. No development shall be occupied until the existing accesses/forecourt onto Steyne Road have been stopped up and the

kerb and footway reinstated, and the kerbing across St Johns Road at its junction with Steyne Road shall be altered and tactile paving provided in accordance with details to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the two proposed site vehicular accesses [onto St Johns Road and Steyne Road] and on the north-western corner of the site in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The development shall not be occupied until parking areas have been provided in accordance with the approved plan No. P-347-02A and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (plan no. P-347-02A) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding

8. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in

full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works, including the name and contact details for the site manager who can be contacted should issues arise, and where those details will be displayed for the public.

Reason: In the interests of highway safety and the amenities of the area.

9. No development shall take place, including any ground works or works of demolition, until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period including traffic (including a workers travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, and site illumination, and shall be implemented in full throughout the duration of the construction works, unless otherwise agreed in writing by the Planning Authority.

Reason – In the interest of the amenity of the area.

10. The development shall include all air quality mitigation measures as detailed at Section 9.2.4 of the air quality assessment submitted by Southdowns Environmental Consultants numbered 2423W-SEC-00001-0 (July 2021).

Reason – In the interest of the amenity of the area.

11. The Remediation Strategy and Verification plan delineated on the Ashdown site investigation report (Report ref: R 13777 dated 6 Sept 2019) must be fully implemented. Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework .

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

13. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: SouthdownHomesLtd/6SteyneRd/FRA, August 2019), drawings (No's. P347-03, P347-04, P347-07 and P347-08), and the following mitigation measures detailed therein: The ground floor is to be used for parking, access foyer, stairs/lift, utilities and refuse/recycling only (drawing P347-03), with all habitable residential accommodation restricted to the first floor (drawing P347-04) and above, as stated within paragraph 6.1 of the FRA; The finished ground floor level (parking/foyer/facilities) shall be set no lower than 4.30mAOD (metres above Ordnance Datum), and the finished first floor level (habitable/residential accommodation) shall be set no lower than 7.40mAOD, as specified in Paragraph 7.2 of the FRA and elevation drawings No. P347-07 and

P347-08; Flood resilient/resistance measures (construction, fixtures and fittings) are to be incorporated up to first floor level as detailed in Paragraph 7.5 of the FRA; and Residents are to sign up to the Environment Agency's Flood Warning system (as per Paragraph 8.2 of the FRA), and a flood evacuation plan is to be implemented (Section 9 of the FRA), as approved by the Local Planning Authority.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and its future occupants, ensure the safety of the structure and its owners/occupants during a flood event, and to ensure that the proposed development is resilient to future climate change projections, in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

15. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons - The submitted planning application indicates that boreholes have been installed at the development site to investigate groundwater resources. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

16. 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.

Reason - To ensure that risks from flooding or inadequate drainage for future users of the land and neighbouring land are minimised.

17. 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:

- 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 including details of the type, number and location of bat boxes and swallow/swift nest boxes which shall be installed before the building is occupied;

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.

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, policy CP1 of the Lewes District Core Strategy and policy DM25 and DM27 of the Lewes District Local Plan Part Two.

18. No part of the development hereby approved shall not be occupied until the access and car parking/turning space has been surfaced and laid out in accordance with the details shown on the approved plans and shall be maintained in place thereafter for the lifetime of the development.

Reason: In the interest of preserving the character of maintaining the movement of traffic and highway safety in accordance with policies CP10 and CP11 of the Lewes District Local Plan part 1, policy DM25 of the Lewes District Local Plan part 2 and paras. 102, 108 and 109 of the Revised National Planning Policy Framework.

19. Prior to the first occupation of any part of the development hereby permitted, an electric vehicle charging point shall be provided for each car parking bay and shall be maintained in an operable condition thereafter for the lifetime of the development.

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. 110 of the Revised National Planning Policy Framework and the LDC Electric Vehicle Charging Points Technical Guidance Note.

20. Prior to the first occupation of any part of the development hereby approved, the bin and 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.

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, DM26 and DM30 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

21. Prior to the installation of any external finishes to the building hereby approved, notwithstanding the materials/colours of materials shown on the submitted application a schedule of external materials and finishes (including balconies and window styles and colour) shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with these approved details. Those materials shall not include either render or grey bricks as external facing materials.

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 of the Lewes District Local Plan Part 2.

22. The proposed development shall incorporate the renewable energy/carbon reduction measures set out in the submitted Energy Statement Report and details to show that the 20.5% reduction of carbon emissions has been achieved shall be submitted to and approved in writing by the LPA within 6 months of the first occupation of the building.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the Revised National Planning Policy Framework, policies CP13 and CP14 of the Lewes District Core Strategy, policy D2 of the Newhaven Neighbourhood Plan.

23. No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of obscure glazed screen to the east and south facing roof terraces. The obscure glazed screens shall be installed before the residential units they serve are brought into use, and shall be installed in accordance with the approved details and retained in situ.

Reason: To enhance the general appearance of the development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

24. All glazing in the south elevation of the development hereby approved shall be in obscured glass and be permanently fixed shut and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

## 10. **Background Papers**

### 10.1 None.