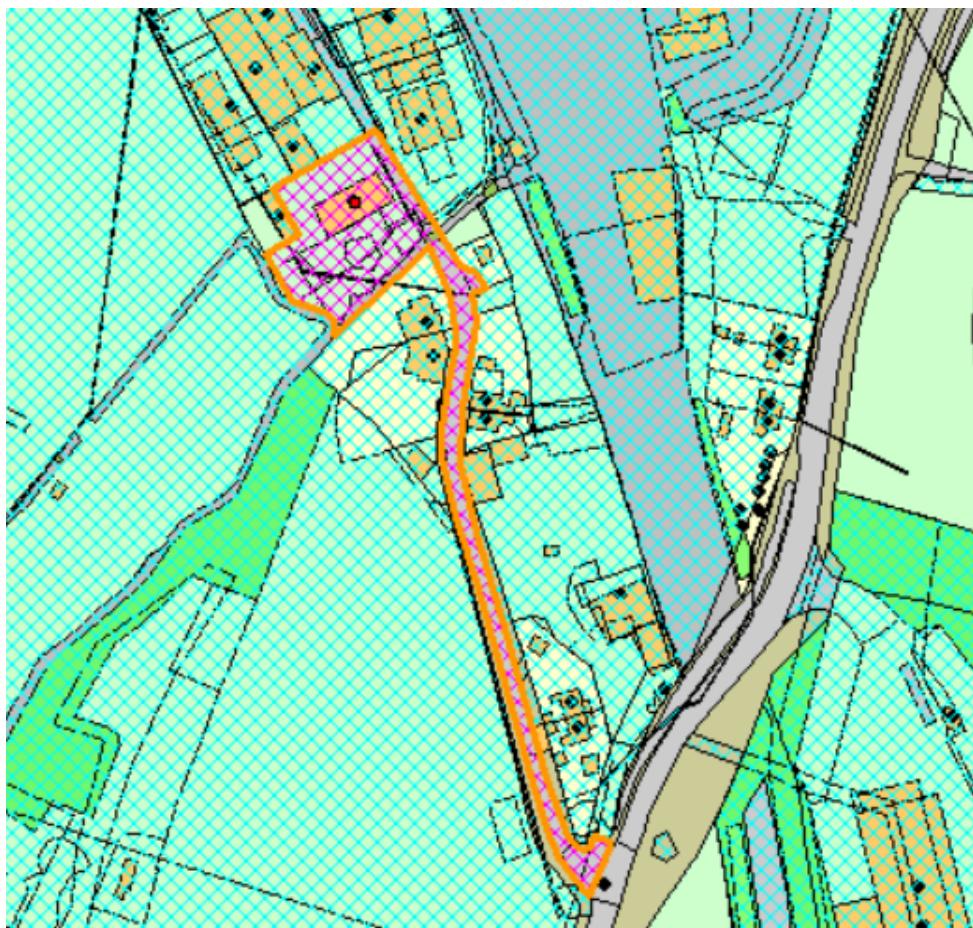


**Report to:** Planning Applications Committee  
**Date:** 16 February 2022  
**Application No:** LW/21/0415  
**Location:** 33 Bluebell Business Estate, Railway Lane, Sheffield Park, North Chailey, East Sussex, TN22 3HQ  
**Proposal:** Demolition of B1 use building and construction of new B1 use building on two floors with provision for parking.  
**Applicant:** Mr M Baker  
**Ward:** Chailey  
**Recommendation:** Grant planning permission.  
**Contact Officer:** Name: Tom Bagshaw  
E-mail: [tom.bagshaw@lewes-eastbourne.gov.uk](mailto:tom.bagshaw@lewes-eastbourne.gov.uk)

**IMPORTANT NOTE:** This scheme is not CIL Liable as the development does not create net additional floor space of 100 square metres or more.

**Map Location:**



## **1. Executive Summary**

- 1.1 The application is called in to planning committee as Chailey Town Council have objected to the proposal.
- 1.2 The proposed development is considered to meet all relevant local and national planning policies.
- 1.3 Approval is recommended, subject to conditions

## **2. Relevant Planning Policies**

### **National Planning Policy Framework**

- Achieving well designed places
- Building a strong, competitive economy

### **Lewes District Local Plan**

- LDLP: - CP10 – Natural Environment and Landscape Character
- LDLP: - CP4 – Encouraging Economic Development and Regeneration
- LDLP: - SP1 – Provision of Housing and Employment Land
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design

### **Chailey Neighbourhood Plan**

- Policy ECO5 - Encouraging Employment and Tourism

## **3. Site Description**

- 3.1 The site is currently occupied a use class B1 industrial use and is situated in an area with an industrial character. This existing building is industrial in its character and a moderate size building with a mono pitch frame, the exterior of the buildings is covered in metal cladding.
- 3.2 The site abuts the settlement boundary however falls outside and is in the neighbourhood area of Chailey.

## **4. Proposed Development**

- 4.1 The application seeks planning permission for the erection of a two storey Use Class B1 unit in to replace an existing single storey B1 unit.
- 4.2 The proposed unit would be 6.3 metres in height to the eaves; 7.3 metres in height to the roof ridge; 24 metres in width; and 12 metres in depth.
- 4.3 It would result in a total floor area of 576 (an increase of 371).

## **5. Relevant Planning History**

- 5.1 LW/90/0840 - Application under Section 53 to determine whether a change of use from general industrial use (B2) with timber as the prime raw material to any other general industrial use (B2) would constitute development requiring planning permission. - PD

## 6. Consultations

### Chailey Parish Town Council Comments:

*Members of Chailey Parish Council made a site visit on Wednesday 20th October to application site LW/21/0415. Their outcome is as follows:*

1. *East Sussex SUDS (responsible for flood defences) has Objected to the Application – has not demonstrated that safe access and egress will be available, nor how surface-water flows will be managed.*
2. *The resident at the neighbouring house and garden has made a detailed Objection: size (more than double existing building) and on two storeys; siting of refuse bins; surface water flows directed into the Pellingbrook river between their two properties; no provision made for screening and concern about floodlighting/overlooking; increase in traffic.*
3. *Southern Water has expressed concern about land drainage and access to their sewer.*
  - A. *The existing building is decrepit, stands some distance from the Pellingbrook river and is single storey.*
    - *The Application will overstep its footprint by a wide margin and be much closer to the river (and the resident's house).*
    - *In the absence of the Architect we assumed the building would be similar in size and height to nearby buildings; both by propinquity and by height it would affect the resident's light and overlook, the more so in that the Design and Access Statement refers to clearance of brambles and scrub adjoining the river bank.*
    - *There is considerable evidence of flooding at this 'choke-point' where the Pellingbrook (which gathers water over a large area as far as Scaynes Hill and including a lake) narrows drastically before disgorging into the Ouse. The resident opposite the Application has made considerable efforts to strengthen the riverbank on their side but evidence of flooding can be seen. It is understandable that Southern Water has expressed concern as well as ESCC SUDS.*
    - *The Application shows a Security Fence: it is not clear how vehicles can extricate themselves from the parking shown. More importantly, the refuse containers are housed along the*

*riverbank in this narrow cul-de-sac, and it is certainly not clear how they can be reached by the bin collectors!*

*B. The current building is dilapidated so demolition for a new building is warranted. The main issue is the new building's positioning.*

*The proposal is for a double-height building, probably like several new properties neighbouring, which adds to the issue of overdevelopment.*

*The boundary of the property is uncertain but there appears to be a line of old fencing continued by the deposition of large concrete flagstones that perhaps prevent inadvertent driving vehicles into danger by slipping off the property down onto the stream bank. The opposite bank has had recent major strengthening by the owners of the cottage (perhaps water authorities). The bank on the side of the industrial park has a number of mature trees and assorted undergrowth that one imagines is very important for the bank's integrity and these should not be damaged. Higher on the site behind the supposed current fencing line, there are areas of scrub chiefly of bramble with some laburnum(?) which could be cleared to enlarge an area for car parking and dustbins. However, the plans suggest that the existing gate to this area, will be removed and a security fence replaced. That means the bins are less accessible to the dustmen.*

*Southern Water is concerned about its pumping station which is quite separate on the other side of the main drive to the industrial centre.*

*If the new building was built on the footprint of the current building, I suspect that a double-height structure in reality, would not be too troubling to the neighbouring residential property as long as there was no flood lighting and restriction of noise outside of the normal working day. The proposed use of the new building is stated as various.*

*If the proposed building was built closer to the stream as proposed, it would be more of a nuisance to the neighbouring residential property.*

*In view also of the SUDS objection, we think the plan as proposed should be opposed. However, modification of the plan to keep further from the bank and over the current building's position, would help. Even more so, if the back of the new building was single storey as is the current building. If the new*

*building was on the footprint of the current building, I think even a double storey building might be acceptable.*

*Conclusion: We recommend the Parish Council strongly oppose the plan in its current form.*

**Environment Agency:**

*We have reviewed the application and have no objection to the proposal as submitted.*

**LEBC Regeneration:**

*On behalf of Regeneration, we are supportive of the above application. The proposals will result in net additional employment floorspace, which will help to create new jobs and opportunities within a more rural part of the district. We would like to see a commitment from the applicant in terms of creating training opportunities (e.g. apprenticeships, etc) during both the construction and operational phases of the development, as well as a commitment to sourcing as much local labour / suppliers as possible to maximise the benefit of the development locally. This is in keeping with the Council's focus on community wealth-building.*

**Southern Water:**

*Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.*

*The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.*

*Southern Water requires existing access arrangements to the wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access.*

*It is possible that a sewer now deemed to be public could be crossing the development site.*

*Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.*

**Lead Local Flood Authority:**

*Initial response 21.09.2021:*

*The site is located in Flood Zone 2 and 3. The access route to the proposed development is also located within Flood Zone 2 and 3 where flood depths may prevent safe access and egress to and from the development.*

*The proposed development is likely to result in an intensification of use at the site, with a greater number of site users present at*

*any one time. We therefore object to the proposed development as the applicant has not demonstrated that safe access and egress will be available.*

*Flood depths from the Environment Agency have been submitted, however, it is not clear how the flood depths relate to the proposed site levels and what depths of flooding will be experienced on site. It may be necessary to incorporate flood mitigation measures into the proposed development.*

*It is not clear how surface water runoff from the proposed development will be managed and whether existing drainage systems at the site will be utilised. We request that the existing drainage system is CCTV surveyed to ensure it is in usable condition before we can remove our objection.*

*We note that the site is at risk of surface water flooding during the 1 in 1000-year surface water flood event. We request that an exceedance flow route plan is submitted to demonstrate how surface water flows during this event will be managed, to avoid flooding of the proposed buildings and existing neighbouring buildings.*

*Updated response 20.01.2022:*

*We have previously submitted comments in relation to this planning application (dated 21/09/21) however the Local Planning Authority have requested that matters relating to drainage are dealt with through an appropriately worded condition.*

*The site is entirely impermeable and therefore the proposed development will not increase surface water runoff from the development. There is likely to be a surface water drainage system serving the existing buildings at the site. We request that a CCTV survey is carried out on any existing drainage system where it is proposed to be reused.*

*We note that our previous comments highlight a fluvial flood risk to the development site arising from the nearby Pellingford Brook, a designated Main River. The Local Planning Authority should therefore consult the Environment Agency to ensure that they have no objection to the proposed development.*

*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*

## **7. Neighbour Representations**

- 7.1 We consulted 11 properties and put up a site notice adjacent to the site and 1 objection was received regarding:

- SUDS
- Overdevelopment
- Noise and disturbance
- Traffic
- Light pollution
- Overlooking
- Bulk and massing
- Flooding

## 8. Appraisal

### **Principle**

- 8.1 Paragraph 81 of the National Planning Policy Framework states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 8.2 Core Policy 4 - Encouraging Economic Development and Regeneration seeks to support the appropriate intensification, upgrading and redevelopment of existing employment sites for employment uses.
- 8.3 Spatial Policy 1 -Provision of housing and employment land states that In the period between 2012 and 2031, in the region of 74,000 square metres of employment floorspace (B1, B2 and B8) will be provided in the plan area. 60,000 square metres of this floorspace will be as industrial space (B1c, B2 and B8), and 14,000 square metres will be as office space (B1a).
- 8.4 Policy ECO5: Encouraging employment and tourism states that proposals to encourage tourism will be strongly supported and business development in Chailey will be encouraged where:
- it is in keeping with the character of the area and the amenities of neighbouring properties and minimises visual impact through sensitive siting and design.
  - it minimises the impact of the proposal on the wider character of the area; and
  - it will not cause or exacerbate any severe traffic problems and will promote sustainable transport.

Proposals to encourage the retention, improvement, or reuse of an existing employment provision for the community will be strongly supported subject to compliance with the requirements of Policy ECO4.

- 8.5 The proposal seeks to replace an existing B1 industrial unit with a two storey B1 industrial unit. The enhancement of B8 facilities is supported by the NPPF, the Local Plan Parts 1 and 2 and the Chailey Neighbourhood Plan. Therefore overall, there are no principle objections to the proposal and the enhancement of the industrial use is supported by the LPA on a principle basis.
- 8.6 LEBC Regeneration Team has voiced support for this scheme

### **Design and Character**

- 8.7 Chapter 12 of the NPPF refers to design. Paragraph 130 sets out that planning decisions should ensure that developments (*inter alia*) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive, and accessible.
- 8.8 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>52</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.
- and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.9 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:
- 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.

And that outside the planning boundaries, as defined on the Policies Map, dwelling extensions will only be permitted where there would be no harmful impact on the surrounding landscape

- 8.10 Chailey Parish Council have objected to the proposal on the grounds that it is out of keeping with its surroundings and would be an overdevelopment of the site.
- 8.11 The proposal seeks to replace an existing single storey use class B1 unit with a two-storey use class B1 unit which has a larger footprint.
- 8.12 The existing structure is 20 metres in width and 10 metres in depth. The proposed structure would be 24 metres in width and 12 metres in depth, thereby increasing the footprint of the structure by 88 metres squared.
- 8.13 The structure will be finished externally with facing bricks from ground level to a height of approximately 1.1 metres, and above these walls the building will be clad with corrugated insulated steel faced composite cladding.
- 8.14 The colour of the cladding is to be approved via condition. However, the applicant has indicated that they wish for the structure to be white, grey, or green.
- 8.15 The roof will also be clad with the same material as the walls but with a light grey finish and clear panels provided for natural light. All materials will be required as a condition to be discharged.
- 8.16 The site is situated outside of the planning boundary however within an industrial setting. The proposal would replace an existing structure on site and would not be considered to be of a size or scale that would result in any unacceptable increase in the harm to the setting or openness of the countryside. A condition will limit external lighting to minimize harm to the openness and tranquil setting of the countryside.
- 8.17 Although there is an additional storey and a greater footprint than the existing building, the proposed new structure would not unacceptably increase the bulk or massing to an extent that it would be out of character with its surroundings and the industrial nature of the area. The materials will be required by condition to be appropriate for the location and overall, the proposed building replacement is acceptable in terms of design and character.

### **Impact Upon Residential Amenity**

- 8.18 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that 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.

- 8.19 The site is situated in an industrial area and is surrounded by other existing industrial uses. There are no residential properties near the site and the use of the existing site is use class B1. The extension is not considered to be of a bulk, massing or location that results in any unacceptable impacts upon neighbouring residential amenity in terms of overbearing, overshadowing, overlooking, daylighting/sunlighting, noise and disturbance or overlooking.

### **Transport**

- 8.20 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users.
- 8.21 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.22 The proposed development would result in 10 parking spaces (an increase of 2), 4 light goods vehicles parking spaces (an increase of 4); 1 disability parking space (an increase of 1) and 4 cycle parking spaces (an increase of 4).
- 8.23 The total number of motor vehicle parking spaces therefore equates to 15 spaces. ESCC parking guidance for B1 uses requires 1 usable space per 40 metres squared of floor space (to be agreed on a site by site basis). The floor space of the unit would be 576 and therefore 15 spaces are required. Officers consider that the parking provision at the site would be adequate to accommodate the proposal.
- 8.24 The increase of approximately 6 new vehicles on site is not considered to detrimentally harm highways capacity or safety, nor would it result in an unacceptable parking layout.
- 8.25 The access arrangements would remain the same as the existing site and access to the parking spaces is considered acceptable. Therefore, the transport impacts of the scheme are acceptable.

### **Flooding**

- 8.26 Any submitted application should include details of how surface water generated by the development would be managed. It is recommended that rainwater harvesting infrastructure is incorporated to reduce/control discharge.
- 8.27 The site is situated within a flood zone 2 and partially a flood zone 3. The area surrounding the site is already paved over and the building itself would not be used for residential purposes. ESCC SUDS originally objected to the proposal however have since confirmed that conditions can be implemented to mitigate the flooding and drainage concerns. As the existing site is paved it is considered that a SUDS plan would satisfactorily resolve flooding and drainage issues on site and would mitigate risk to public health and safety.

- 8.28 Therefore, subject to conditions the proposal would not result in unacceptable increase in flood risk nor would it cause any risk to public health and safety.

### **Contamination**

- 8.29 The site is located within an area with known contaminants. A condition has been applied which requires the applicant to cease all works if contaminants are discovered on site and submit a remediation strategy to the LPA. Therefore, the proposal is not considered to result in any unacceptable impacts in terms of contamination subject to the above-mentioned condition.

### **Conclusion**

- 8.30 The application would not result in unacceptable harm to the character of the property, the street scene, or the surrounding landscape.
- 8.31 The proposals have been designed in such a way that they would not unacceptably harm the amenity of any neighbouring property in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 8.32 The existing site is paved and therefore there are not considered to be any unacceptable increase in flooding resulting from the scheme. Nonetheless, a SUDS plan will be required to lessen the extent of any potential flood risk.
- 8.33 The proposal is therefore considered to be acceptable.

## **9. Human Rights Implications**

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

## **10. Recommendation**

- 10.1 In view of the above the proposed development is acceptable and approval is recommended subject to conditions

### **Conditions**

1. **Approved Plans** The development hereby permitted shall be carried out in accordance with the submitted drawings:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	28 May 2021	Location and proposed block plan 1921/2
General	28 May 2021	Design and Access Statement
Other Plan(s)	28 May 2021	1921/3 Floor, Elevation and Section Plan
General	12 August 2021	Cover Letter

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

2. **External Materials** No development shall commence, until details/samples of all external materials, including paving, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.
3. **Restricted Use** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall be used only for B1 uses unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the B8 floorspace and the amenities of other users.
4. **Construction Management** 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.
  - Details of measures to manage flood risk, both on and off the site, during the construction phase.

Reason: In the interests of highway safety and the amenities of the area.
5. **Surface Water Details** Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to

and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to no greater than existing for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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

6. **Drainage maintenance plan** A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

7. **Floor risk during construction** The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

8. **Photographs of installed drainage** 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 the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

9. **Provision of parking** The development shall not be occupied until the parking areas have been provided in accordance with the approved plans/details and the area 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
10. **Size of Parking** The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).  
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
11. **Cycle Parking** The development shall not be occupied until a cycle parking area has been provided in accordance with plans and elevation which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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
12. **Refuse and recycling** No part of the development shall be occupied until the refuse and recycling storage facilities have been submitted to and approved in writing by the LPA. These details shall be installed and made permanently available for that use prior to occupation of the development.  
Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.
13. **Unidentified sewer protocol** Should any sewers be discovered during construction of the development hereby approved works shall cease immediately and Southern Water shall be notified. Works will not be permitted commence from this point until an investigation of the sewers has been undertaken, the sewers ownership has been established and clearance to commence the development has been confirmed in writing by Southern Water.  
Reason: in order to protect drainage apparatus.
14. **External Lighting Details** Prior to the occupation of the development hereby approved, details of all external lighting shall be submitted to and approved in writing by the Council. External lighting will be limited to lights used only for security and safety purposes If to be installed details of external lighting shall be submitted and approved  
Reason: To avoid unacceptable impacts upon the countryside in accordance with DM25.
15. **Contamination protocols** 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, a 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 Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

16. **Hours of work** No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework

Informatives:

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the

passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
  - carry out work to an existing party wall.
  - build on the boundary with a neighbouring property.
  - in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act.

## **11. Background Papers**

11.1 None.