

Supplementary report to the Planning Applications Committee
on 16 February 2022

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Additional conditions:

Prior to any construction above foundation level, a scheme for landscaping and surface treatment of all parts of the site, to show retained trees, soft landscaping and permeable surfacing shall be submitted to and approved in writing by the Local Planning Authority.

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 season 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.

Prior to the first occupation of any part of the development hereby permitted, an electric vehicle charging point shall be provided for each commercial unit 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.

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In response to comments received following publishing of the main agenda, and for clarification, the below additions are made.

The following paragraph to be added to section 4, Proposed Development:

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- 4.4 The application also includes construction of a proposed detached double garage with studio accommodation above, in the south-east part of the site in front of the proposed dwelling.

Representations have been received from Montfort, The Avenue, raising concerns as to the use of the accommodation above the garage being used as an Air B n B.

The recommended condition 15 is therefore suggested to be amended as follows:

15. The accommodation over the double garage hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the new dwelling hereby permitted, and shall not be used or occupied separately, occupied as a holiday let, or severed thereafter.

Reason: To safeguard the amenities of the local area and to ensure that the outbuilding is used only in connection with the approved dwelling.

Officer Notes:

The previously approved scheme also featured a detached double garage with studio accommodation over, in front of the proposed dwelling. The garage was approved to be 4.7m from the south boundary of the site, where there is a line of trees within the curtilage of the neighbouring property to the south.

The garage proposed in the current application would be approx. 1.35m from this line of trees.

As such a specific condition is recommended to secure tree protection measures for this line of trees, and also for the vegetation along the access track on the approach to the development site.

The condition will also require details of measures to safeguard the protected tree adjacent to the site access (TPO No. 5 of 2001 – a Corsican Pine). This tree is within the back garden of the neighbouring property to the south of the application site, Fir Cottage.

The recommended condition 10 is to be amended as follows:

10. Prior to the commencement of the development hereby approved (including **site** clearance, any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. **The details submitted for approval shall include measures to protect the row**

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of trees lying south of the proposed double garage, the protected Corsican Pine tree adjacent to the site access (TPO No. 5 of 2001), and the planting alongside the access track.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of **working** within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist
- l) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

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Following the publishing of the main agenda, the below additional condition is recommended in order to safeguard the access track.

21. No development shall take place, including any site clearance, until a photographic survey and report providing details of the condition of the existing access track, has been submitted to and approved in writing by the local planning authority. Any damage arising from deliveries and construction associated with the development hereby permitted shall be repaired and made good, to the satisfaction of the local planning authority, following cessation of construction works.

Reason: In the interests of highway safety and residential amenity.

Representations from Montfort, The Avenue, has queried the steps to the south side of the proposed dwelling, and whether they may be used as a viewing platform. The steps could be on the northern side of the proposed dwelling. Concerns in respect of privacy and security are raised.

The following additional conditions are recommended in respect of hours of construction and deliveries, and these are in line with the previous approval of 2019:

22. Construction work associated with the approved development shall be restricted to between the hours of 0800 to 1800 Monday to Fridays and works shall not be carried out at any time on Saturdays, Sundays or Bank/Statutory Holidays, and no personnel associated with the construction of the dwelling shall access the site outside of these hours.

Reason: In the interests of residential amenity and those using the surrounding lanes, bridleways and footpaths.

23. No deliveries shall be taken at the site or material removed from the site outside the hours of 08.00 to 18.00 but not between the hours of 08.30 -09.30 and 15.00- 16.00 to avoid school drop off and pick up times, nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenities of the neighbours and those using the surrounding lanes, bridleways and footpaths, and to avoid congestion during school drop off/pick up times.

The following Informative is suggested:

The applicant is hereby advised that the proposed development would lie within a Source Protection Zone and the applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

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Representations from Montfort, The Avenue, highlight the risk of increased flooding to properties down the hill should the development go ahead within a satisfactory sustainable drainage strategy.

As such condition 14 is recommended to be amended as follows:

14. **No development shall take place** until details of the surface water drainage as outlined below have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details:
- a) Assessment into the catchment served by the surface water pipe, its capacity and condition to accommodate surface water runoff from the development should be undertaken as part of the detailed design. If capacity is not available, an alternative outfall to the watercourse should be investigated.
 - b) Hydraulic calculations indicating pre and post development runoff rates should be provided along with detailed design drawings of drainage features including the proposed green roof.
 - c) 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: In the interests of sustainable development and to minimise flood risk.

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Lewes

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Part 2 of the report, "Relevant Planning Policies" is to be amended with the following paragraph:

2.3 Lewes Neighbourhood Plan

LE2	-	Biodiversity
HC3A/B	-	Heritage Protection
HC4	-	The Working Town
PL2	-	Architecture and Design
AM1	-	Active Travel Networks
AM3	-	Car Parking Strategy

A statement of support for the application has been submitted by the architect of the scheme and distributed to Members.

Comments have also been received from Flat 3, Royal Sussex Court, Mountfield Road, Lewes, raising the following points:

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- As job architect for the existing building it was not intended to be a temporary structure.
- The HER consultation report submitted is based on an application for change of use rather than the proposed re-development of the site.
- Both The White Hart and Pelham House are within 30m of the application site.
- No objection to a contemporary dwelling in the centre of Lewes, but objections lodged against the current application.
- The retaining wall to the north-east boundary should be protected as it may be unstable.

For clarification in relation to the number of bedrooms in the dwellings, each dwelling would have three bedrooms and an additional room for home-working, which could be used as a bedroom. For planning policy purposes each dwelling would have 4 bedrooms.

Policy SD27 of the South Downs Local Plan does not preclude 4-bedroom dwellings and paragraph 8.14 of the main agenda report sets out that a flexible approach can be taken depending on site-specific considerations.

In this instance the scale and siting of the proposed development is considered acceptable, and there is no strong planning reason to reduce the size of the dwellings. The proposed houses would be in keeping with their surroundings.

During the pandemic there has been an increase in working from home, and the spaces provided within the proposed development accord with the objectives of policy HC4 of the Lewes Neighbourhood Plan. It is noted that nearby buildings, for example, in St. Andrew's Place at the bottom of the hill, are partly in business use. Each of the home-working rooms within the proposed development would have their own accesses, separate to the entrances with residential parts of the dwellings. These spaces would be appropriate for example, to run a consultancy or professional business and be used for home-working.

In relation to the number of car parking spaces, each property would benefit from an electric vehicle charging point. The site location is also sustainable near to the town centre and close to the mainline railway station. Future residents would not need to be dependent of private car use for their daily journeys.

Policy SD22 of the South Downs Local Plan requires development proposals to provide an appropriate level of private cycle and vehicle parking to serve the needs of that development, in accordance with the relevant adopted parking standards for the locality.

The East Sussex County Council Parking Calculator states that in the Lewes Priory Ward, for 4-bedroom dwellings, 1 space should be provided for each

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dwelling, along with 1.26 unallocated for residents and visitors. This makes a total parking demand of 3.26 car parking spaces.

Whilst the provision of 1 space per dwelling (allocated) accords with this requirement, there is a lack of unallocated spaces for visitors and residents.

It is important to consider that a reduced provision for off-street car parking can help development come forward on otherwise constrained sites, and helps to encourage the use of alternative and more environmentally friendly ways of travelling, such as walking and cycling.

The proposed development include provision for cycle parking.

The proposed development is in line with policy AM3 of the Lewes Neighbourhood Plan "Car Parking Strategy", which states that greater use of electric vehicles will be supported and the need for car use should be reduced where possible.

In this case the provision of two car parking spaces strikes a balance between providing for future occupiers whilst also encouraging use of alternate methods of transport.

In terms of the impact of vehicular journeys to and from the site, it is noted that the proposed scheme would likely result in fewer vehicular movements than the continued use of the site as office space, and although St. Andrew's Lane is narrow and relatively quiet, the proposed development should not have a significant impact on pedestrian and cycle use or the character of this historic street.

Mulberry Tree

The Mulberry tree within the raised garden area to the eastern part of the site is to be retained as set out in paragraph 8.25 of the main agenda report.

The recommended condition no. 12 requires details of the measures for the protection of trees to be retained to be submitted and approved in writing by the local planning authority.

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Lewes

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Part 2 of the report, "Relevant Planning Policies" is to be amended with the following paragraph:

2.3 Lewes Neighbourhood Plan

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|-----|---|------------------------|
| AM1 | - | Active Travel Networks |
| SS1 | - | Historic Streets |

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Officer Note

Policy SS1 of the Neighbourhood Plan states that the network of historic streets and twittens (passageways) across the two conservation areas will be protected and enhanced. Development proposals that would have an unacceptable detrimental impact on the existing historic network will not be supported.

In this case, whilst it is accepted that the passageway promotes permeability and connectivity, it is not an historic twitten or passageway, and did not exist before the redevelopment of Chandler's Wharf, approved in 2011.

Chandler's Wharf is private land and should be accessed only by residents.

A question has been raised as to whether the gates can be left open on a timer during the day, and locked only in the evening and overnight for the use by Chandler's Wharf residents. This is not the proposal before Planning Committee and negotiations would need to take place privately with the applicant in this regard.

Condition 15 is proposed to be amended by taking out the reference to **highway safety**, as follows:

15. Prior to the first residential occupation of the dwelling, the path linking between Morris Road and Chandlers Wharf shall be constructed and completed in accordance with the details approved on 15 October 2020 under application ref. SDNP/20/029889/DCOND, and in accordance with the submitted magnetic gate closer details by GCG to ensure silent operation, and the plan indicating the position of each of the two gates.

Residents of Chandlers Wharf shall be given access to the linking passage, and the means to unclosethe gates by way of a key/code/keycard/fob. Such access shall be maintained thereafter.

Reason: In the interests of **security and amenity** having regard to **policy SD5** of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.