

Report to: Planning Applications Committee
Date: 14 February 2024
Application No: LW/23/0645
Location: Kings Court, East Grinstead Road, North Chailey, BN8 4DH
Proposal: Proposed conversion and extension of existing building used as offices and 2 residential flats to provide 9 residential flats.
Applicant: Mr B Ellis
Ward: Plumpton
Recommendation: The application is recommended for approval subject to conditions listed in this report and a unilateral undertaking from the Applicant to offer the homes to under 25's.
Contact Officer: **Name:** James Emery
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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan: (Below)



Figure 1- Site Location Plan - Showing the site in context of its surroundings.

1	Executive Summary and Relevant Planning Policies
1.1	<p><u>Reason for the Referral to Committee</u></p> <p>This application garnered an objection from the Parish council and eighteen objection comments.</p>
1.2	<p><u>Summary and Recommendation</u></p> <p>The application site is a brownfield site comprising a former Public House which has been closed for several years.</p> <p>It is located within the village of North Chailey and is sited wholly within the Planning Boundary.</p> <p>The proposed development would see residential conversion and extension of the existing building to provide a total of 9 residential flats.</p> <p>It is recommended that Planning Permission is granted, subject to conditions.</p> <p>The applicant has offered a Unilateral Undertaking that the proposed flats will be marketed for sale only to those under the age of 35 years old for an initial 6 months. If they are not sold during this time, they will be marketed on a wider basis.</p>
1.3	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment.</p>
1.4	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP4 - Economic Development & Regeneration</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP14 – Renewable and Low Carbon Energy.</p>
1.5	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM20 – Pollution Management</p>

	DM23 – Noise DM25 – Design
1.6	<u>Chailey Neighbourhood Plan (CNP)</u> HO1 Design HO2 Housing Mix HO3 Building Materials HO4 Building Height HO8 Housing Considerations
2.	Site Description
2.1	The site is brownfield, comprising a former Public House with residential above and small scale offices at ground floor level. It is located in the village of North Chailey, and is wholly within the established planning boundary. There are no Listed Buildings, Heritage Assets or protected trees within proximity of the site. It is at the junction of East Grinstead Road (A275) and Station Road (A272), located within a cluster of buildings, close to village amenities including a garage with an attached convenience store.
2.2	Being a brownfield site, the topography is flat and dominated by the existing building and tarmac carpark with a patch of grass to the north.
3.	Proposed Development
3.1	The application seeks permission for conversion and extension of the existing property to provide x9 residential flats in total. The development would see the loss of some ground floor office space. The works would comprise of several key elements: <ul style="list-style-type: none"> • Construction of a roof extension to the existing building to provide x2 no. residential units. • Construction of an extension to the north of the existing building accommodating x3 no. apartments. • Installation of patio doors and balcony on the first floor at the south-east corner of the existing building. • Retention of x4 no. 1 & 2 bedroom residential units that have already been approved under planning application nos. LW/18/0988 and LW/16/0283.

	<ul style="list-style-type: none"> • Reordering of the existing car parking area to provide parking for 12 no. cars together with secure covered cycle storage and refuse/recycling storage. <p>The layout of the development maintains the layout of the site, with proposed extensions in the roof space of the existing building and on the land to the north.</p> <p>The height of the existing building will not increase. The extension would have a roof height lower than the host property.</p> <p>The flats comprise: 7x one bed units 2x two bed units</p> <p>The units are arranged as 2 no. apartments per floor in the existing building and in the new roof extension and 1 no. apartment per floor in the side extension.</p> <p>The proposed exterior materials include dark stained timber cladding, red clay 'multi' bricks and a living green walls. The extension would have a contemporary design.</p>
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4.	Relevant Planning History:
4.1	<p>LW/18/0988 - Proposed Ground Floor Change of Use from A4 to C3 and refurbishment of ground floor to 1 x 1bed flat and 1 x 2 bed flat Status: APPROVED</p> <p>LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes Status: APPROVED</p> <p>LW/17/0079 - Nonmaterial amendment application relating to planning approval LW/16/0283 for alterations to Blocks C, D & E including revised glazing, infill timber cladding, amended levels and internal stair, and removal of two ground floor windows and rendering of the lower flank wall to the southern elevation of the public house. Status: APPROVED</p> <p>LW/16/0283 - Residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear. Status: APPROVED</p>

5.	Consultations
5.1	<p>Chailey Parish Council</p> <p>CPC resolved to object to the proposed development, citing the below reasons:</p> <ul style="list-style-type: none"> - The proposal is over development on a small plot. - The proposed extension is too large and domineering in comparison with the existing building and is not in keeping with its immediate surrounding, nor in keeping with the rest of the village. - The extension is three floors high, contravening the CNP which recommends apartments are no more than two floors high. <p>CPC further commented that they do not object to the upper floor of the Kings Head building becoming flats but do not see the requirement for an extra building. CPC would prefer to keep the ground level where CHEC is as a space for a local business. There is not adequate parking space for 9 cars which will result in people parking their cars on verges and side roads.</p> <p>LDC Waste Services</p> <p>Offered no comment on the proposed development.</p> <p>LDC Tree and Landscape Officer</p> <p>Offered no comment on the proposed development.</p> <p>ESCC Highways</p> <p>No comment – referred to standing guidance.</p> <p>Southern Water</p> <p>No comment.</p>
6.	Other Representations
6.1	<p>We consulted with 29 addresses.</p> <p>In response to these consultations 18 objections were received.</p> <p>Issues raised are summarised as follows:</p> <p>Impact to Neighbouring Properties Parking Issues Overshadowing Drainage Impacts</p>

	<p>Lack of Access Effect on Town Centre Disturbance during Works Highway Hazards Loss of Privacy Loss of Open Space Building in the Countryside</p> <p>OFFICER RESPONSE The below comments are noted and will be addressed in the below appraisal.</p>
7.	Appraisal
7.1	<p><u>Key Considerations</u> The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to: -</p> <ul style="list-style-type: none"> • the principle of the development. • the design and character of the development, • neighbour amenities, • impacts upon highway/pedestrian safety.
7.2	<p><u>Principle of Development</u> Core Policy 2 of the Lewes District Joint Core Strategy (LDJCS) requires the Council to maximise opportunities for re-using suitable previously-developed land.</p> <p>The proposed development is a brownfield site located within the Planning Boundary. The proposed density of 13.6 dwellings per hectare of the development is considered to accord with the density ranges set out in Core Policy 2.</p> <p>Officers recognise the objection from the Parish in terms Core Policy 4 of the LDJCS and policy ECO3 of the Chailey Neighbourhood Plan (CNP), however - the principle of the loss of this employment space has already been established by the approval of LW/18/0988.</p> <p>Para. 124 (c). Of the NPPF outlines that decision-makers should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.</p> <p>Additionally, Officers note the Parish objection which cites Policy HO4, which advises that new houses and extensions to existing dwellings should be no more than two storeys in height. However, given that the fact that the proposed design has a lower roof height</p>

	<p>than the existing building to which it attaches it is considered that the proposed design represents an acceptable deviation.</p> <p>In view of the above and given that the site is sustainably located within the Planning Boundary – there is no objection <i>in principle</i> to the delivery of additional dwellings, subject to compliance with other relevant Development Plan policies (policy DM1 of the LLP2).</p>
7.3	<p><u>Design and Character</u></p> <p>Comments from representors and the Parish Council regarding overdevelopment are noted, however - Core Policy 2 of the LDJCS requires a density of between 20 to 30 dwellings per hectare in villages (with lower density permitted on a case-by-case basis). The proposed density of this development equates to 13.6dph, which is under the density target, but given the limitation to provision of parking for a higher density - considered, on balance, to accord with the development plan.</p> <p>The proposed extension retains views of the host property and would not unacceptably harm its character. It is located on a corner plot, and therefore a contemporary design is considered to introduce visual interest to the site.</p> <p>Subservience is delivered by the lower roof height and set-back, allowing the extension to be read in juxtaposition to the host property, in accordance with Policy DM25 of the Lewes District Local Plan Part 2.</p> <p>Materially, the proposal seeks to incorporate traditional dark stained timber cladding, natural clay red-multi bricks and includes innovative green walls. The proposed materials would in their colour and finish reflect many of the materials found in the Kings Court development which the site abuts, albeit with the added interest of a contemporary design and green walls.</p> <p>Core Policy 2 of LDJCS outlines that smaller units (1 and 2 bed) are required throughout the district. Consequently, it is considered appropriate that all the units provide these most-needed units. Enabling downsizing or smaller homes.</p> <p>All the proposed units comply with the Nationally Described Space Standards and would be afforded acceptable access to ventilation and natural light. The units are in walking distance of the countryside for recreation and leisure.</p> <p>It is considered that the design and landscaping of the proposed development is in accordance with Policies DM25 of the Lewes</p>

	District Local Plan and Policies ENV1, HO1 and HO3 of the Chailey Neighbourhood Plan.
7.4	<p><u>Impact upon Neighbour Amenities</u></p> <p>Impact to neighbouring properties have been considered. In terms of overshadowing / overbearing, the extension is to the north of the host building, and as such would sit largely in its shadow.</p> <p>The development would not breach the 60-degree rule with regard to overshadowing of neighbouring properties. Likewise, the height of the proposed development is no higher than the existing building to which it is attached.</p> <p>Objections have been received in terms of loss of privacy. These have been considered, however as none of the new windows in the proposed development would introduce views towards neighbours' habitable rooms, it is unlikely to result in an unacceptable overlooking of neighbouring properties over the status-quo, in accordance with Policy DM25 of the Lewes District Local Plan Part 2.</p> <p>The development proposes sufficient vehicle parking, cycle parking and bin storage in accordance with the ESCC Highways guidelines.</p> <p>Objections have been received in respect of disturbance caused during the works phase. A condition is suggested to require a CEMP to appropriately deal with this objection.</p>
7.5	<p><u>Sustainability and Drainage</u></p> <p>Comments have been received regarding impacts to drainage. It is noted that the application site is a brownfield plot which is already connected to foul and surface water drainage system surrounding the site. The applicant proposes to utilise the existing foul and surface water drainage systems with the capacity extended. A condition is sought to ensure that there is sufficient capacity in the foul and surface water drainage network.</p> <p>The applicant proposes that all of the flats will achieve an EPC rating of 'B', to be achieved via, compliance with Building Regulations; incorporating high levels of thermal insulation, photovoltaic (PV) panels to the roof, low flow sanitary fittings, low energy light fittings and 'A' rated white goods.</p>

	<p>The thermal performance of the existing building will be enhanced by the introduction of new double-glazed windows as well as improved insulation to the roof and walls.</p> <p>This development largely concerns an existing building and carpark, it is noted that the site offers little opportunity for enhancement of biodiversity. The proposal would see the loss of a small grass area to the north, however, this would be offset by the use of planting to the boundary and the use of living green walls.</p> <p>It is considered appropriate to apply a condition requiring these to be installed prior to occupation of the development.</p>
7.6	<p><u>Access Transport and Parking</u></p> <p>Objections on terms of Highways impacts are noted, however -as the site is a brownfield site, the vehicular access will remain the same as per existing, with access to the A275 (East Grinstead Road) which forms the western boundary of the site.</p> <p>Likewise, objections in terms of Parking impacts are also noted. The proposal would see the existing car park reordered to provide parking for 12 no. vehicles together with secure cycle storage and refuse/recycling. Four EV charging points for electrical vehicles have been included in the car park. This would have no impact on the existing parking provision of neighbouring properties.</p> <p>The development complies with the ESCC Minor Planning Guidance (2019) which requires 1 parking space per flat. The application proposes vertical cycle parking for residents, in conformity with the ESCC Guidance.</p> <p>The site has good access to Chailey and Newick, which provide schools, Pubs, shopping facilities and a surgery.</p> <p>The site benefits from good pedestrian links via well-lit accessible footpaths.</p> <p>There is an existing bus service operating serving the village, with bus stops located adjacent to the site connecting it to neighbouring settlements as well as Haywards Heath and Uckfield and to the wider area of East Sussex.</p>

7.7	<p><u>Human Rights Implications</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
7.8	<p><u>Conclusion</u></p> <p>The proposed development represents an acceptable redevelopment of brownfield land which would integrate well with the surrounding development in terms of materials and form. This development would be achieved without unacceptable adverse impact upon the amenities of neighbouring residents.</p> <p>As well as being located within the planning boundary, it would deliver much needed smaller residential units within close proximity to village amenities and with acceptable road and bus links.</p>
8.	<p>Recommendations</p>
8.1	<p>Planning Balance:</p> <ol style="list-style-type: none"> <li data-bbox="443 987 1377 1294">1. Presumption in favour of sustainable development - Lewes' lack of a 5yhls means there is a very strong presumption in favour of housing development, when considering all LP policies together and the National Planning Policy Framework as a whole. Positive weight. There development would provide much-needed housing, supporting the social and economic development of the village of Chailey. <li data-bbox="443 1368 1377 1659">2. Interim Policy Statement on Housing Delivery - The proposal, overall, meets the IPSHD 8 criteria designed to assess suitable housing development outside settlement boundaries. (This is guidance and not policy, but the Authority's Local Plan housing policies are now considered out of date and the IPSHD was designed to guide decisions whilst the LP is brought up to date). Moderate positive weight. <li data-bbox="443 1733 1377 1944">3. Housing Mix and Density – the proposal is not fully policy compliant, it does not offer large homes However, on balance, officers argue the need for small homes in sustainable locations and the density is in accordance with those expected within a village setting. This outweighs the adverse impacts of the scheme. Minor negative weight.

	<p>4. Design – the scheme is well designed and meets policy. Moderate positive weight.</p> <p>5. Impact on Landscape and Countryside – the proposal is located within the Planning Boundary, and the design is acceptable. Moderate positive weight.</p> <p>6. Transport, Access and Parking – the proposed scheme complies with applicable design standards. Moderate positive weight.</p> <p>7. Flood and Drainage Management – proper development will be achieved through compliance with conditions. Moderate positive weight.</p> <p>8. Ecology, Trees and Biodiversity Net Gain – There will be some loss of a grass area to the north of the site but the development will utilise innovative green walls and boundary landscaping. Moderate negative weight.</p> <p>9. Sustainability – The development represents an appropriate densification of an existing brownfield site which is sustainably located within the planning boundary. The resultant units will comply with applicable Building Regulations on sustainability. Moderate positive weight.</p> <p>The applicant has offered a Unilateral Undertaking that the proposed flats will be marketed for sale only to those under the age of 35 years old for an initial 6 months. If they are not sold during this time, they will be marketed on a wider basis.</p> <p>It is considered that the benefits of the proposal significantly outweigh the disbenefits and that planning permission should be approved.</p> <p>The application is recommended for approval subject to conditions listed in this report.</p>
9.	Conditions
9.1	<p>1.Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</p> <p>Reason: To enable the LPA to control the development in detail and to comply with Section 92 of the Town and Country Planning Act</p>

1990 (as amended).

2. Approved plans

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

- Location Plan & Block Plan (2305-P-100)
- Existing Site Plan (2305-P-101)
- Existing Basement Plan ((2305-P-102)
- Existing Ground & First Floor Plans (2305-P-103)
- Existing North & East Elevations (2305-P-104)
- Existing South & West Elevations (2305-P-105)
- Proposed Site Plan (2305-P-106)
- Proposed Ground Floor Plan (2305-P-107B)
- Proposed First Floor Plan (2305-P-108A)
- Proposed Second Floor Plan (2305-P-109)
- Proposed Roof Plan (2305-P-110)
- Proposed Sections AA & BB (2305-P-111)
- Proposed South and West Elevations (2305-P-112)
- Proposed North and East Elevations (2305-P-113B)

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

3. Construction Management Plan

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,
- Details of the construction and delivery hours.
- The method of access and egress and routing of vehicles during construction,
- Measures to control noise, dust, and light emissions during works.
- Measures to prevent discharge of dirt/mud onto the public highway • Measures to prevent flood risk both on and off-site during construction works.
- Parking arrangements for site operatives and visitors • The loading and unloading of plant, materials, and waste,
- Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.
- Details of any external lighting.
- 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP10 and CP12, LLP2 policies DM20, DM22, DM23 and DM25

4. Materials

No development above slab level shall be carried out unless and until details and/or samples of materials and finishes to be used for the external walls, roofs, doors and windows of the proposed buildings 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 and/or samples.

Reason: To protect the appearance of the area and to accord with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 of the LLP2.

5. Works of construction

Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to LLP1 policy CP11, LLP2 policies DM20 and DM23.

6. Car parking

The development shall not be occupied until the car parking spaces have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide adequate on-site car parking space for the development and to comply with policy CP13 of the LLP1.

7. Cycle parking and bin storage

The development shall not be occupied until cycle parking and bin storage areas have been provided in accordance with the approved plans 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, to meet the objectives of sustainable development and in the interest of environmental amenity in accordance with LLP1 policies CP11 and CP13, and LLP2 policy DM25.

8. Green Walls and planting

The development shall not be occupied until the green walls and planting have been provided in accordance with the approved plans and shall thereafter be retained.

Reason: In order that the development meets the objectives of sustainable development and biodiversity in the interest of environmental amenity in accordance with LLP1 policies CP11 and CP13, and LLP2 policy DM25.

9. Surface Water Drainage

The development hereby approved shall not be occupied unless and until the method of surface water drainage has been provided to the Local Planning Authority and carried out accordingly.

The proposed surface water drainage method shall consider the principles of sustainable drainage as far as practicable and once completed shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage in accordance with policy CP12 of the Lewes District Local Plan and para. 163 of the NPPF.

10. Ecological Enhancements

Ecological enhancement measures including (but not limited to) bird boxes, bee bricks and insect holes should be incorporated in the construction phase, and thereafter retained.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

11. Sustainability

No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10.	Informatives
10.1	None.

11.	Plans		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan & Block Plan	20/10/23	2305-P-100
	Existing Site Plan	20/10/23	2305-P-101
	Existing Basement Plan	20/10/23	2305-P-102
	Existing Ground & First Floor Plans	20/10/23	2305-P-103
	Existing North & East Elevations	20/10/23	2305-P-104
	Existing South & West Elevations	20/10/23	2305-P-105
	Proposed Site Plan	20/10/23	2305-P-106
	Proposed Ground Floor Plan	01/02/24	2305-P-107 B
	Proposed First Floor Plan	01/02/24	2305-P-108 A
	Proposed Second Floor Plan	20/10/23	2305-P-109
	Proposed Roof Plan	20/10/23	2305-P-110
	Proposed Sections AA & BB	20/10/23	2305-P-111
	Proposed South and West Elevations	20/10/23	2305-P-112
	Proposed North and East Elevations	01/02/24	2305-P-113 B
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		