

Report to	Planning Committee
Date	10 August 2017
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/17/00387/FUL
Applicant	River Oak Homes Ltd.
Application	Building comprising 22 no. dwellings and two ground floor office units (comprising total 170sqm) with associated parking and landscaping and construction of acoustic boundary fence at east boundary, (this is a partial amendment of development approved under SDNP/15/01303/FUL) also including the relocation of bicycle store to basement level and subdivision of 1 no flat within approved flatted complex to create one additional flat.
Address	Land at South Downs Road, Lewes, East Sussex

Recommendation: That planning permission be granted subject to:

- i) a legal agreement and**
 - ii) the conditions set out at section 10.1 of this report.**
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Executive Summary

The application proposes an alternative use of an approved (in 2016 – SDNP/15/01303/FUL), but as yet unbuilt three-storey B1 office building of 2182sqm. This forms part of a mixed development including 79 dwellings on a larger vacant site which continues westward to Mayhew Way.

The current proposal is for 22no flats on three floors with 170sqm of offices at ground floor. The proposal is also to subdivide an approved three-bedroom flat (flat 26) in another of the approved residential blocks towards the south-west corner with Mayhew Way, into two smaller flats. The site lies at the edge of a commercial area where it meets the residential suburbs. It was land-filled during the 1960s & 70s.

The proposal involves very minor physical change to the approved building, mainly minor fenestration changes and new balconies. The current application has been amended since its submission by the addition of a 3m timber acoustic fence along the eastern boundary and retention of offices at ground floor.

As the site is allocated for employment use, the loss of the approved B1 space can only be allowed if it is demonstrated through sufficient market evidence and financial assessment that there is no realistic demand. The assessment and review carried out by surveyors on behalf of SDNPA and the applicant supports such a change and that the current proposal if allowed, could not deliver a proportion of affordable housing.

In terms of the traffic assessment there is predicted to be less trip generation associated with the proposed use than the approved. The site is located close to the town centre and open space, which meets sustainability objectives. It adjoins an ambulance servicing and repair premises which presents a risk of noise to occupiers of some of the proposed flats. A 3m high acoustic fence at the boundary and acoustic glazing and ventilation would provide mitigation.

The application is placed before Committee given previous consideration of development on this site.

1. Site Description

- 1.1 The application site comprises part of a 1.2ha development site for which planning permission was granted in 2016 for a mixed development of 79 dwellings and a three storey office block, all as yet unbuilt. The application relates mainly to the approved L-shaped office block which would be constructed to the eastern side of the site. Another part of the application is for proposed subdivision of one of the approved flats (flat 26) in a block forming part of the larger permission SDNP/15/01303/FUL at the south western corner with Mayhew Way.
- 1.2 The site lies approximately 0.5km to the north-east of Lewes Town Centre, at the corner of Mayhew Way and South Downs Road. It is bounded by houses and flats to the north and by two-storey commercial buildings to the east, including an Ambulance Fleet Management & Maintenance Workshop and yard close to the eastern boundary. On the south side of South Downs Way are offices. To the west is the tree-lined Blakes Walk and beyond this is Mayhew Way and Malling Field, which is a large public park alongside the River Ouse.
- 1.3 The site is currently vacant, largely overgrown and fenced with chain-link. Its last known use was for landfill purposes, which ceased in 1979. It is approximately 0.8m below South Downs Road but 0.5m – 1m higher than the ambulance service building to the east. Levels reduce slightly toward the rear (northern) boundary. The rear of the site also lies within flood zone 2. It is visually prominent, close to the corner South Downs Road/Mayhew Way and is visible from Malling Hill to the east and over a longer distance from the Drove to the north-west.

2. Relevant Planning History

- 2.1 **SDNP/15/01330/FUL** Construction of 79 residential dwellings (C3) and 2182sqm GIA of commercial (B1) floor-space with associated parking, landscaping and open spaces. Approved 9th March 2016 with legal agreement relating to 5no affordable flats, future management of site and trees in Blakes Walk following Committee resolution of August 2015.
- 2.2 **SDNP/12/01557/FUL** for mixed development of 53 dwellings (36no. houses and 17no. flats), predominantly of three storeys, and 3no. three-storey, commercial blocks providing 2653m² B1 (office) use. Refused. The refusal dated 17 April 2013 was for two reasons: inappropriate design and size, also a lack of affordable housing provision.
- 2.3 **An appeal against refusal SDNP/12/01557/FUL** was dismissed in March 2014. The Inspector examined the design-based refusal. He acknowledged that due to the high cost of developing the site, (such as remediation of historic landfill), a mixed use including housing was needed to enable an amount of commercial development to be provided, although the site having been allocated only for commercial use in the 2003 Local Plan. He found that it would provide significant commercial space and housing in a sustainable location. He also noted that the lapsed 2006 permission for a far more intense development of 125 dwellings and 3060sqm commercial space.
- 2.4 **LW/07/0325**; Approval of reserved matters for 3062m² of B1 commercial office floorspace and 125 residential units following LW/05/1049; Approved 16 August 2007 (expired 16 August 2010).
- 2.5 **LW/05/1049**; Outline application for mixed use scheme including B1 commercial and residential units; Approved 3 January 2006 (expired 3 January 2009).
- 2.6 **In 1965 and 69** consents were granted for raising land level by controlled tipping. (N/65/2329/5865 & N/69/7095)

3. Proposal

- 3.1 The application proposes an alternative use of an approved, as yet unbuilt three-storey office of 2182sqm building. The proposal is for 22no flats and ground floor offices. These would comprise: 1no one bed, 18no two-bedroom and 2no. three-bedroom flats and 170sqm

offices. Part of the application is also to subdivide flat 26, which is an approved three-bedroom flats in an approved block towards the south west corner with Mayhew Way, into two smaller flats, becoming a two-bed flat and a separate one-bed flat.

- 3.2 The proposal involves very minor external change compared with the approved scheme; some windows have been reduced, divided or re-sited in minor ways. The most significant change is the addition of balconies to the south and west elevations and the addition of a 3m high acoustic fence at the eastern boundary. The resulting building is similar in appearance and quality to other approved flats in the wider development.

4. Consultations

- 4.1 **Design Officer:** Recommends the provision of additional amenity space for flats.

- 4.2 **County Archaeologist:** Acceptable subject to conditions.

- 4.3 **ESCC - Ecologist:** Acceptable

Some increased impact on reptiles could be offset by a contribution to the management of local wildlife sites.

- 4.4 **ESCC - Highways:** Acceptable subject to conditions for the provision of parking, including cycle parking, the new access and turning space.

- 4.5 **ESCC - Landscape Officer:** Acceptable.

The previously agreed landscape management plan should be revised to reflect the proposed use. Also notes further consideration needed of potential conflict between trees at the eastern boundary and new residential windows.

- 4.6 **Environmental Health:** Acceptable

Conditions recommended for land remediation, provision of acoustic fence and details and provision of acoustic glazing. Also recommends provision of electric car charging points and financial contribution towards local car club scheme to assist in air quality management area nearby.

- 4.7 **LDC – Regeneration and Investment:** Object

Insufficient employment space; residential development was previously allowed only to cross-subsidise commercial floorspace. Space for new employment floorspace to meet identified needs is hard to find. Robust viability testing of current proposals is needed.

Lack of affordable housing; The independent review on behalf of SDNPA for the current planning application highlights that affordable housing can be provided. Lewes has highest housing need in the District.

- 4.8 **Environment Agency:** Acceptable

Recommends conditions including land remediation, provision of proposed drainage and adherence to submitted flood-risk management plan

- 4.9 **Natural England:** No objection

- 4.10 **Southern Water (SW):** No objection

This is subject to the submission and agreement of foul and surface water drainage details, in consultation with SW and that management arrangements are in place for sustainable drainage.

- 4.11 **Sussex Police:** No objection.

5. Representations

- 5.1 **Friends of Lewes:** Prefer housing use of the site, will improved overall development

- 5.2 **Lewes Town Council:** No response

5.3 **Neighbours:** 7 letters of objection (including local Councillor):

- Loss of local employment without benefit to community
- Additional traffic, parking and congestion
- No affordable housing despite local need
- Flood risk and drainage pressures worsened
- Does not contribute to National Park
- Buildings too tall, out of keeping
- Loss of wildlife
- Site previously land-filled, gas trench and 10m buffer exists
- Previous public inquiry already refused other development

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area the Lewes District Local Plan Joint Core Strategy, which was adopted in 2016 and saved policies of the Lewes District Council Local Plan 2003.

6.2 The emerging South Downs National Park Local Plan Consultation Draft is at an early stage of preparation and is currently afforded limited weight.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and NPPF which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight. The purposes of designation are therefore given considerable weight in the NPPF and 2010 Circular is therefore relevant to this application.

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

7. Planning Policy

The statutory development plan in this area is the Lewes District Council Joint Core Strategy 2016 and saved policies of the Lewes District Council Local Plan 2003.

7.1 The relevant policies include:

- CP1 Affordable Housing
- CP2 Housing Type, Mix and Density
- CP4 Economic Development & Regeneration
- CP8 Green Infrastructure
- CP12 Flood Risk, Coastal Erosion & Drainage
- CP13 Sustainable Travel

- CP14 Renewable and Low Carbon Energy

The relevant saved policies include:

- EI Planning For Employment
- LW3 Malling Brooks business area
- RES19 Provision of outdoor spaying space
- ST3 Design, form and setting of development
- ST5 Access for people with limited mobility
- ST11 Landscaping of development

- 7.2 Policy CP4 and saved policy EI deal with employment land. These variously seek to promote and increase employment opportunities, including development of sites allocated for employment, such as the current application site, which remains allocated as such under saved policy LW3.
- 7.3 Policy CP4 safeguards existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. This will include, among other things a demonstrated lack of developer or tenant/occupier interest or where a site is otherwise unlikely to perform an employment role in the future. Evidence should include as a minimum: 12 months active and continuous marketing with appropriate market levels, terms and with no unreasonable barriers; details of numbers and types of interested parties and reasons for not pursuing their interest.
- 7.4 Saved policy EI is similar, stating that proposals would be refused if they would result in loss of land for business and industrial uses unless there is no likelihood of a future, viable employment use. Its accompanying text allows for flexibility, particularly where exceptional situations arise on individual sites. This accords with para 22 of the NPPF, which contemplates re-allocation of sites where there is no reasonable prospect of achieving development where need and market signals indicate.
- 7.5 Policies are based on an Employment Land Review 2012, updated in 2015, which considered future need within Lewes town. This recommended a modest provision (1.0 – 1.25 hectares) of additional office land and similar amount of industrial land primarily for qualitative reasons; the need for modern, flexible types of accommodation. This preceded the approval of development of new business space at Malling Fields, (under construction). Indications are that the 2017 employment review will identify the continued need to safeguard existing allocations such as at the application site.
- 7.6 It is noted that the Joint Core Strategy policies SP1 & SP2, which identify the amount of housing up to 2030, were recently quashed by a High Court ruling and therefore have no effect within the National Park. Quashing was due to the ‘in-combination’ effects of developments near the protected habitat of the Ashdown Forest, particularly due to nitrogen levels associated with increased traffic. As such a comparison must be considered between the traffic implications of the approved employment use (the fall-back position) and the proposed residential flats. This is also included below, under the heading ‘Comparative traffic implications’.

8. Planning Assessment

- 8.1 The main issues in this case are:
- a) Re-deployment of employment space
 - b) Build Costs and Affordable Housing
 - c) Comparative traffic implications
 - d) Relationship to neighbours
 - e) Suitability for residential use
 - f) Other matters

Re-deployment of employment space

- 8.2 In consideration of employment need, viability and developer or tenant/occupier interest, the applicant asserts that:
- a) There is no realistic market interest in the development as approved, despite active marketing.
 - b) The build costs of the development are greater than assumed in an independent peer review of development costs, carried out on behalf of SDNPA. Some employment floorspace has recently been added back into the proposal, reducing profits further. A greater amount of employment floorspace or a proportion of affordable housing could not be provided.

Market Interest

- 8.3 The applicant states that since the most recent grant of permission in March 2016, the site has been marketed by its local commercial sales and lettings agent and information regarding this marketing has been provided. This has been by direct marketing to companies with floorspace requirements equivalent to all or part of the building; by inclusion in its commercial property website and a site signboard. Terms have been both for purchase and rental, the latter being below regional norms but higher than rents achieved for small office space in the town, the difference funded by the developer. They conclude: 'we have been unable to secure any significant interest in the site from office occupiers', although specific enquiries and register of interest is not included.
- 8.4 The commercial agent also refers to local and national marketing of the previously approved scheme, between 2007 and 2009, which appears to have been unfruitful, and to the high abnormal costs of development of this land-filled site.
- 8.5 The Regeneration and Investment Manager points to the qualitative need for modern office space in Lewes. He also refers to the District's inward Investment Service, 'Locate East Sussex', which has highlighted consistent levels of demand for office space in Lewes. However, the recent peer review on behalf of SDNPA concludes that the office scheme as approved is a potentially risky proposition, finding little evidence to suggest that it would be commercially successful.
- 8.6 In summary, the picture which emerges is that marketing has been reasonable in scope and duration and has led to no evidence of significant interest. Part of the reason may be that rental value sought, although cross-subsidised by residential development and regionally low, is still higher than that achieved locally. However the lower rental sought is already, according to the applicant, not economically viable. On examination of this, the peer review agrees that the approved office development is potentially risky, with little evidence to show that the Lewes commercial market could support a large office development.
- 8.7 The implication is therefore that market signals suggest that the approved office development is unlikely to proceed. In accordance with para 22 the NPPF, (which states: 'applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities') an alternative use should therefore be contemplated.

Build Costs and Affordable Housing

- 8.8 The SDNPA peer review of development costs (site and development value and build costs), differs with the applicant's assessment in respect of the unit build costs (£/sqft) and consequent amount of profit. The peer review, using national cost data published by the Royal Institute of Chartered Surveyors (RICS), concluded that build costs would be approximately 12.5% less than those of the applicant and consequently there would be a greater profit and an ability to fund affordable housing. The review however recommended a more detailed independent cost assessment, the results of which might affect this conclusion.
- 8.9 As recommended a further assessment has been undertaken using a detailed 'elemental' examination of the proposals by a national consultancy (including substructure, superstructure, finishes, labour etc.), and comparisons of costings for completed and

approved schemes in Lewes, Brighton and Shoreham. This concluded that build costs were much closer to, in fact slightly greater than those originally assumed by the applicant.

- 8.10 The conclusions of this examination are supportive of the applicant's contention that anticipated profit does not provide for either a greater proportion of employment space under policies CP4 & EI or for provision of affordable housing under policy CPI, which requires a 40% provision. Mindful of this, the advice at NPPF para 173, (which refers to the importance of ensuring that planning obligations, including affordable housing, do not threaten viability of delivery of development) and the remediation needed at this former landfill site, it is considered that there is a reasonable case to exclude these requirements in the interests of achieving a deliverable development.

- 8.11 However it is considered reasonable and consistent with policies and the NPPF that a review mechanism should be built into any planning permission here, such that if the 22 flats in this particular building have not been provided and the office space has not been constructed to a shell which is ready for tenant's fitting out, within two years of the date of this planning permission, then a further independent assessment be carried out. This would re-examine whether profits have increased; if they have that a proportion of this increase, say fifty percent, should be provided for the purposes of affordable housing. The costs of review to be borne by the applicant.

Comparative traffic implications

- 8.12 In light of the Court ruling at 7.6 above, consideration is needed as to whether additional traffic would be generated by the proposed development; if so whether this in-combination with other development, would cause a significant effect on Ashdown Forest and if so then, whether there is some overriding public interest which would be served by development. Also whether mitigation of the effect can be secured.

The number of trips which would be generated by the approved BI commercial use of the floorspace has been examined by the applicant's transport consultant. He concludes a significant reduction, for instance, predicted peak hour vehicular movements would reduce from between 46no. and 56no. in the peak hour for the approved development, to 25no. for the current proposal with up to 300 fewer vehicular movements during the day. This analysis has been reviewed and accepted by the County Highway Authority. Whilst the recommendation by Environmental Health for a car club contribution would not be necessary to make the development acceptable, the applicant has agreed to provide two electric charging bays and a planning condition can be used to this effect.

- 8.13 Whilst this doesn't examine the likely destinations of those trips or types of vehicles, the quantum change suggests that it is unlikely that the in-combination impact will be greater than the approved development and is thus considered acceptable.
- 8.14 The original development included provision by means of a legal agreement, of bus stops and a pedestrian improvement at the junction of Mayhew Way, along with and future management and maintenance of the site and trees at Blakes Walk. A legal agreement is needed to re-apply these to the current application. Other requirements of that agreement for education are not required for the current proposed development due to the introduction of Community Infrastructure Levy (CIL) in April 2017.

Relationship to neighbours

- 8.15 The proposal involves no change in the footprint or size of the approved commercial building. It is separated from neighbouring houses to the north by some 40m distance and by the intervening three-storey flats and houses which would be built under the existing permission. To the north east it is separated from other houses by a distance of over 50m across an intervening commercial yard and domestic garage court. As such the proposal is unlikely to harm neighbouring amenities or privacy.
- 8.16 To the east the site adjoins the two storey ambulance repair and servicing building and its rear yard. Beyond this a yard for post office vehicles. The building facade facing the application site contains only windows to offices, staff changing and rest rooms and kitchen, but there are loading doors to the front and rear. The building operates from 6am until

10pm weekdays and 3pm at weekends.

- 8.17 The proposed acoustic fence is required in order to minimise the risk of noise to residents of the proposed flats, along with acoustic glazing and ventilation in some parts of the building, details of which can be required by condition. A minor change to the proposal is needed to ensure that the acoustic fence does not project forward of the ambulance building, in the interests of the streetscene, and this can be dealt with by way of an appropriately worded planning condition

Suitability for residential use

- 8.18 The proposal provides for housing in a sustainable location with existing housing to the north, although for the reasons summarised at 8.9 - 8.10 above it does not provide a proportion of affordable homes. The proposal is for predominantly two-bedroom flats, with 3no. one-bedroom and 1no. three-bedroom units. Each of the upper floor units would have a balcony or roof garden and ground floor units would have a small front garden; these contributing a planted and domestic character to the streetscene.
- 8.19 Given the proximity of Malling Field recreation ground some 80m to the west, it is considered that this would make a degree of provision for outdoor amenity.
- 8.20 The proposal includes 36 parking spaces and within the building two large secure cycle stores. The Highway Authority considers that this is sufficient.

Other matters

- 8.21 The applicant has undertaken a flood risk assessment. Development is away from the area of greatest risk at the northern end of the site. The Environment Agency (EA) is satisfied with flood-risk and drainage considerations subject to floor levels being of the height proposed to minimise risk of water ingress, and the provision of a flood evacuation plan, as was secured with the existing approval and which could be extended to cover the proposed use of this building. Sustainable drainage methods including permeable paving would be as previously approved.
- 8.22 Site remediation works would be as previously approved, which is supported by the EA and Environmental Health officer. In terms of biodiversity the ecologist considers that an additional financial contribution is justified towards off-site wildlife conservation. However, the proposal does not increase the amount of building at the site, nor a greater displacement of flora or fauna. The wider development (SDNP/15/01303/FUL), includes a provision of new areas of planting and for the management of trees in Blakes Walk which forms the western boundary of the wider development. Accordingly it is not considered that further provision is justified here.
- 8.23 The site and its surroundings, such as Malling Recreation Ground and Blakes Walk, are undeveloped and largely unlit. In the interests of the wider area, the avoidance of light pollution and the promotion of dark night skies, a lighting condition is proposed to ensure that external lighting is carefully designed and controlled.

9. Conclusions

- 9.1 The proposal would deliver additional dwellings and a small office provision in a sustainable location. The assessment of costs, viability and market interest are considered to support the applicant's assertion that the originally approved development is unlikely to take place and according to paragraph 22 of the NPPF, that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 9.2 The assessment and that costs of the development at this site do not provide for a proportion of affordable housing under policy CP2. Under paragraph 173 of the NPPF, it is not recommended that provision is sought here. However a mechanism to review this should be built into any grant of planning permission, using a s.106 agreement.
- 9.3 Assessments support the contention that the proposal will not generate greater trips or related air quality implications than the approved development.

- 9.4 A legal agreement is required to ensure that the development is subject to the relevant provisions of the s.106 agreement attached to planning permission SDNP/15/0103/FUL, which includes travel plans and highway works (bus stops and tactile-paved crossing in Southdowns Road, Mayhew Way), ongoing site management and maintenance responsibilities, including at Blakes Walk. This would include the viability review mechanism. Other requirements of that agreement for education are not required for the current proposed application due to the introduction of Community Infrastructure Levy (CIL) in April 2017.
- 9.5 Conditions similar to those of the 2016 should be applied, but including the provision of the acoustic fence, glazing and ventilation.

10. Recommendation

- 10.1 It is recommended that planning permission be granted subject a legal agreement for travel plans and highway works, ongoing site management and maintenance responsibilities, including at Blakes Walk and a viability review mechanism, and subject to the following conditions.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".
Reason: For the avoidance of doubt and in the interests of proper planning.
 3. No construction shall commence until details of all roads, footpaths and external parking areas within the development have been submitted to and agreed in writing, by the South Downs National Park Authority in consultation with the Highway Authority. The details shall include:
 - a) Annotated cross section drawings to show the depth and type of construction and drainage features, including the permeable base, and
 - b) A technical report to explain and confirm the drainage capacity to meet the needs of sustainable drainage and strength of the construction to meet and withstand the needs of vehicles (including servicing and delivery vehicles), pedestrians and other users to adoptable standard, and
 - c) Samples of the proposed surfacing materials, and
 - d) Details of street lighting

Development shall only be implemented in accordance with those details.
Reason: To ensure that the road and footpath design is sufficiently robust to meet the needs of pedestrians and vehicles and to provide for sustainable drainage; also to ensure a suitable standard of appearance
 4. No construction shall commence until a plan showing the provision of two electric car charging points within the development, has been submitted to and approved in writing by the South Downs National Park Authority and this shall be provided prior to the occupation of the housing and office building hereby approved.
Reason: To ensure that appropriate levels of vehicular and bicycle parking provision are provided for dwellings and offices and retained and the provision of electric car charging facilities in the interests of sustainable development.
 5. No dwelling or office shall be occupied until and cycle parking spaces have been constructed and access to it has been provided, and any associated surfacing and drainage has been completed. The vehicle and cycle parking provision must thereafter be permanently maintained for the purposes of vehicle and cycle parking respectively.

Reason: To ensure that appropriate levels of vehicular and bicycle parking provision are provided; also to support accessibility by non-car modes

6. Before the construction of the housing and office building hereby approved commences, the new vehicular access to South Downs Road shall be completed and the associated roads and paths to the building, shall also be completed to base course level, together with the associated surface water and foul sewers and main services.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large retained.

7. The residential and office building hereby approved shall not be occupied until the redundant sections of the existing access to South Downs Road shown on the submitted plans, has been stopped up and the kerb and/or footway reinstated in accordance with details which shall first be submitted to and approved in writing by the South Downs National Park Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large retained

8. The office accommodation, hereby permitted, shall only be used for BI(a) office uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: to safeguard the commercial use of the premises and in the interest of residential amenities of the neighbours

9. There shall be no deliveries or departures of goods to or from the BI(a) office development, hereby approved, other than between 7:30 and 18:30 Monday to Friday, 9:00 to 17:00 Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interest of residential amenities of the neighbours

10. No construction shall commence until samples of the materials to be used in the external surfaces (including ground coverings) for mixed use (residential and office) building hereby approved and have been submitted to and agreed, in writing, by the South Downs National Park Authority. The materials shall be implemented and maintained as agreed.

Reason: To safeguard the landscape character of the South Downs National Park.

11. Prior to the occupation of the residential and office building hereby approved, No dwelling or office shall be occupied until the boundary treatment serving that dwelling or office has been implemented and this, including the acoustic fence shall be permanently maintained in good condition after occupation.

Reason: In the interest of the control of noise and to safeguard the landscape character of the South Downs National Park

12. Full details of all such lighting for each phase of development, including lighting levels, intensity and measures to minimise light pollution, shall be submitted to and agreed, in writing, by the South Downs National Park Authority and shall only be implemented in accordance with those details. Thereafter no other external lighting shall be installed within the development, without the prior written approval of the South Downs National Park Authority.

Reason: To minimise the risk of light pollution to safeguard the landscape character of the South Downs National Park

13. All new electricity and telephone lines shall be laid underground unless otherwise agreed, in writing, by the South Downs National Park Authority.

Reason: To safeguard the landscape character of the South Downs National Park

14. Notwithstanding any information contained in the current application, details of the size, height, angle and materials of any solar panels, shall first be submitted to and approved in writing by the South Downs National Park Authority, and shall only be implemented in accordance with those details.

Reason: To minimise the visual impact and reflection (where possible), of the solar panels to safeguard the landscape character of the South Downs National Park and to ensure that the proposal makes an appropriate contribution to reducing carbon emissions

15. Prior to the commencement of the development hereby approved, detailed drawings, showing the existing and proposed ground levels and proposed finished ground floor levels of all buildings, shall be submitted to and approved in writing by the South Downs National Park Authority. No other raising of ground or floor levels shall be carried out without the prior written approval of the South Downs National Park Authority.

Reason: Further changes in levels may materially affect the impact of the development and risk of flooding. To accord with the National Planning Policy Framework 2012.

16. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Document Ref: RMA-C1328, Issue 3, Dated 26th January 2015) and Design & Access Statement (Document Ref: AA4791, Dated August 2014) and the following mitigation measures detailed therein:

- a) Finished floor levels are set no lower than 6.0 metres above Ordnance Datum (AOD).
- b) Limiting the surface water run-off generated by the 1 in 100 year return event critical storm (plus an allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the South Downs National Park Authority.

Reason: To reduce the risk of flooding to the proposed development/future occupants and to reduce the impact of flooding on the proposed development and future occupants.

17. Prior to the occupation of the development hereby approved, a flood risk management plan shall be submitted to and approved in writing by the South Downs National Park Authority. The plan shall include the identification of preferred site access routes(s) and means of escape during a flood event and how information is to be communicated to residents and occupiers of the office building.

Reason: To ensure the management of risks associated with a flood event, in order to reduce the impact of flooding on the proposed development and future occupants.

18. Prior to the commencement of development for any phase of development (approved under condition 2 above), details of the surface water drainage (which shall be a sustainable drainage system – SUDS, in accordance with the HOP Drainage Strategy Report ref: 11797 – 08/DSP, and with measures to safeguard water quality, mindful of contamination remediation works) and foul drainage system (also in accordance with the aforementioned Drainage Strategy Report, including details of any outflow connection, shall be submitted to and approved in writing by the South Downs National Park Authority. None of the dwellings or office accommodation shall be occupied until the surface water and foul drainage systems, relevant to that phase, have been constructed in accordance with the details approved under this condition, unless otherwise agreed, in writing, by the South Downs National Park Authority.

Reason: To ensure the provision of adequate drainage, to minimise the increased risk of flooding and minimise the risk of pollution of surface water.

19. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the South Downs National Park Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the surface water drainage scheme does not result in the mobilisation of contaminants or pollution of groundwater from contaminated surface water run-off, in accordance with Saved Policy ST30 the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

20. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the South Downs National Park Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to the South Downs National Park Authority and simultaneously to the Environment Agency and Environmental Health office of Lewes District Council, and approved, in writing, by South Downs National Park Authority:
- i) A preliminary risk assessment identifying:
 - a) All previous uses
 - b) Potential contaminants associated with those uses
 - c) A conceptual model of the site indicating sources, pathways and receptors
 - d) Potentially unacceptable risks arising from contamination at the site.
 - e) A programme of water quality monitoring pre and post construction
 - ii) A site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The site investigation results and the detailed risk assessment ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the South Downs National Park Authority. The scheme shall be implemented as approved as part of the development hereby approved.

21. Prior to occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the remediation strategy (approved under condition 20 above) and the effectiveness of the remediation shall be submitted to the South Downs National Park Authority and simultaneously to the Environment Agency and Environmental Health office of Lewes District Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan (approved under condition 20 above), 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 Environment Agency and Environmental Health office of Lewes District Council.
22. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the South Downs National Park Authority and simultaneously to Environment Agency and Environmental Health office of Lewes District Council as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to the South Downs National Park Authority and simultaneously to the Environment Agency and Environmental Health office of Lewes District Council, and approved, in writing, by South Downs National Park Authority.
23. 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 South Downs National Park Authority) shall be carried out until the developer has submitted,

and obtained written approval from the South Downs National Park Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: conditions 20 - 22

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. Furthermore the site overlies the alluvium and chalk which are designated as Secondary and Principal aquifers respectively. There is also a shallow groundwater table present which is in hydraulic continuity with the surrounding surface water. Controlled waters at this location are therefore considered to be at risk of potential pollution.

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the South Downs National Park Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the piling methodology prevents the potential for impacts to groundwater from either the piling technique or any contaminated.

25. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of South Downs National Park Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the surface water drainage scheme does not result in the mobilisation of contaminants or pollution of groundwater from contaminated surface water run-off.

26. The development, hereby permitted, shall not alter, obstruct or otherwise seal the existing gas venting trench along the north boundary with Cranmer Close and De Grey Close unless otherwise agreed, in writing, by the South Downs National Park Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

27. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which shall first be submitted to and approved in writing by the South Downs National Park Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded

28. Other than may be provided for in the Written Scheme of Archaeological Investigation approved under condition 26 no development shall take place until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework 2012.

29. Before development commences details of soft and hard landscape works (the 'landscaping scheme') shall be submitted to and approved by the South Downs National Park Authority in writing. These details shall include:

- a) Written specifications (including cultivation and other operations associated with plant and grass establishment):
- b) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

- c) Retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- d) Manner and treatment of any watercourses, ditches and banks;
- e) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation.
- f) Details of all external hard-surfacing.

This shall include a timetable for the implementation of all landscaping details.

Reason: To improve the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park.

30. The landscaping scheme approved under condition 28 shall be implemented in accordance with the timetable approved under that condition and thereafter shall be maintained. If within a period of five years after planting any tree or plant is removed, dies or becomes seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless otherwise agreed in writing by the South Downs National Park Authority.

Reason: To improve and mitigate the appearance of the site in the interests of visual amenity safeguard the landscape character of the South Downs National Park.

31. In the event of the death or destruction of any trees, shrubs or hedge (including buffer strips) within two years on the first occupation of the final phase of development then there shall be replanted in its place another tree, shrub or hedge of comparable size and species.

Reason: To safeguard the landscape character of the South Downs National Park.

32. Prior to the commencement of development an ecological design strategy (EDS) addressing the rescue and protection of reptiles on site, mitigation for loss of breeding bird habitat and enhancement of the site for biodiversity shall be submitted to and approved in writing by the South Downs National Park Authority.

- a) Purpose and conservation objectives for the proposed works.
- b) Detailed design and/or working methods to achieve stated objectives.
- c) Extent and locations/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing if development.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance.
- h) Details of monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason. To safeguard and enhance biodiversity in accordance with Saved Policy ST3 of the Lewes District Council Local Plan 2003 and the National Planning Policy Framework 2012.

33. Prior to the construction of the ground floor a scheme for protecting the proposed flats from noise road traffic and activities at the neighbouring ambulance workshop and the mail depot are submitted to and approved by the South Downs National Park Authority in writing. All works which form part of the scheme shall be completed prior to occupation of each dwelling and a sample of four properties shall have been tested to demonstrate compliance with the approved scheme and the results of the testing reported to and approved in writing by the Local Planning Authority before any flats are occupied.

- a) The scheme shall have regard to BS8233:2014 and the rigorous calculation methods and the findings of the acoustic reports dated 12 January 2017 and 12 April 2017.
- b) The scheme shall also ensure that the internal noise levels shall be meet the levels set out in Table 4 of BS8233:2014, where the time weighted period is reduced to 1 hour. This scheme shall include details of the means of ventilating these rooms so that the requirements of Part F of the Building Regulations are met and that future residents can cool their rooms without the need to open their windows having regard to predicted warmer summers as our climate changes.
- c) Calculations demonstrating adequate ventilation can be provided shall accompany the scheme.

Reason: in order to safeguard occupiers and neighbouring land uses from noise.

34. The 3m high acoustic barrier shall be constructed at the eastern boundary between the ambulance workshop and the flats prior to the occupation of the dwellings and offices within the housing and office building hereby approved. Prior to its installation, details of the barrier including its extent forward (south) at the existing ambulance workshop building and acoustic design and performance shall be submitted to and approved in writing by the South Downs National Park Authority together with and a report demonstrating that it's installation has accorded with the detailed approved. Thereafter it shall be permanently retained and maintained in accordance with the approved details.

Reason: In order to safeguard occupiers and neighbouring land uses from noise.

35. An assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the South Downs National Park Authority together with a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment. The scheme shall be approved in writing by the South Downs National Park Authority and shall be fully implemented before the use commences. The scheme shall then be tested to confirm that it meets the predictions on completion, and a written report submitted to the Authority for its written approval.

Reason: In order to safeguard occupiers and neighbours land uses from noise.

36. Prior to the commencement of development a scheme for protecting the proposed dwellings from road noise shall be submitted to and approved by the South Downs National Park Authority. All works which form part of the scheme shall be completed before any part of the development is occupied. The scheme shall achieve the following:

- a) The Noise Rating associated with any mechanical ventilation systems within any (unoccupied) domestic living room or bedroom with windows open (during the day or at night) shall be no more than NR30, and
- b) The Noise level within any (unoccupied) domestic living room or bedroom with windows open shall be less than 35 dB LAeq, 16hr during the day and less than 30 dB LAeq,8hr at night, and
- c) The noise level due to road traffic within any (unoccupied) domestic bedroom with windows open shall not exceed 45 dBL AFMAX at night.
- d) The noise level due to road traffic shall be less than 50dB LAeq, 16hrs on balconies, terraces and in outdoor living areas during the day time.

Where the standards (a), (b) and (c) above cannot be achieved with windows open they shall be achieved with windows shut and other means of adequate background ventilation provided.

For the purposes of (a), (b), (c) and (d) above day is taken to be 07:00 to 23:00 hours and night the remainder.

Reason: Because of the proximity of the site to noise from South Down Road / Mayhew Way to protect the amenity of residents.

37. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the South Downs National Park Authority. The approved plan shall set out the arrangements for managing environmental effects of the development during the construction period, including:
- a) Hours of operation
 - b) Traffic management (including a workers' travel plan and the size and routing of vehicles and measures to avoid peak traffic flow times where possible)
 - c) Provision of parking for contractor's vehicles to prevent any on-street parking during construction, with space for loading and unloading.
 - d) The location of any construction compound
 - e) Wheel washing facilities to safeguard the highway network from deposition of mud and spoil
 - f) Measures to minimise construction noise and vibration, dust, air pollution and odour, including those effects from the decontamination of the land,
 - g) Temporary site security fencing including decorative displays;
 - h) Loading and unloading of plant and materials
 - i) Control of artificial illumination,
 - j) A scheme for recycling/disposing of waste resulting from demolition and construction work.

The CEMP shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality highway safety and for the benefit and convenience of the public at large.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice from the SDNPA Development Management Officer preceding the submission of the application.

TIM SLANEY
DIRECTOR OF PLANNING
South Downs National Park Authority

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Appendices 1. Site Location Map
2. Table of Plans
SDNPA Consultees Director of Planning and Legal Services

Background Documents [Planning application SDNP/17/00387/FUL](#)
Including application documents and consultee and public responses
[Planning application SDNP/15/01303/FUL](#)
Including approved plans and legal agreement
[Planning application SDNP/12/01557/FUL](#)
Including application documents and consultee, public responses and committee reports December 2012 and April 2013.
[Appeal decision 18 March 2014. SDNP/12/01557/FUL.](#)
[Lewes Joint Core Strategy 2016.](#)
[Lewes District Local Plan 2003](#)
[Written Statement](#)
[Saved policies - list](#)
[Proposals Map](#)
[East Sussex County Council - A new approach to development contributions.](#)
[East Sussex County Council - Residential Car Parking Standards 2012](#)
[Lewes District Council - The provision of outdoor playing space as part of new residential development 2002](#)
[Lewes District Council - The provision of kerbside recycling facilities as part of new residential development 2002](#)
[National Planning Policy Framework 2012](#)

Site Location Map



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Plans Referred to in Consideration of these Applications

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted: (to be included in report update)

Plan Type	Reference	Version	Date Plan Received	Status
Plans				
Plans				
Plans				
Plans				
Plans				
Plans				
Plans				
Plans				
Plans				
Documents				
Documents				
Documents				

