

Report to	<b>Planning Committee</b>
Date	<b>12 March 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Lewes District Council</b>
Application Number	<b>SDNP/18/05444/FUL</b>
Applicant	<b>Quantum</b>
Application	<b>Redevelopment of 'former auction rooms' into ten residential units comprising two no. two-bed split-level apartments, four no. three-bedroom houses and four no. four-bedroom houses.</b>
Address	<b>Garden Street Auction Rooms, Garden Street, Lewes, BN7 1TJ.</b>

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**Recommendation: That planning permission be granted subject to:**

- 1) The completion of a legal agreement to secure the following, the final form of which is to be delegated to the Director of Planning:**
    - **an affordable housing contribution should financial matters change upon completion of the development; and**
    - **Submission of details concerning the off-site highways works for the alterations to the retaining walls.**
  - 2) The conditions as set out in paragraph 10.1 of this report.**
  - 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 12<sup>th</sup> March 2020 Planning Committee meeting.**
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### **Executive Summary**

The site is situated on the corner of Garden Street and Southover Road and is allocated under policy PL1 B (Site 3) of the Lewes Neighbourhood Plan for the residential development of 10 dwellings.

The proposed scheme is for 10 dwellings and associated landscaping and car parking provision, with a new vehicular access from the southern end of the site onto Garden Street together with a new pedestrian access created on the western boundary which also links the site with Garden Street.

The key planning considerations in the determination of this application have been identified as the impact upon the designated heritage assets and the proposals failure to deliver affordable housing in accordance with policy SD28 of the South Downs Local Plan.

The application site falls within the Lewes Conservation Area specifically within Character Area 7.1 'Southover' as identified within the Lewes Conservation Area Character Appraisal of April 2007. The site is set low beside the railway bridge and the elevated Southover Road and the site was identified as occupying a peripheral location within its Character Area by the Conservation Officer. In fact Section 9 of the Appraisal made a number of recommendations which included this site being identified as one of three sites where new development might be possible without causing harm to the Conservation Area.

Therefore, the report has considered the impact of the proposed development upon the character of the Conservation Area as well as the setting of nearby listed buildings and has identified the key impact of the development as its presence within the foreground of the famous views of Lewes Castle and the ridge (which fall within Character Area 3) as seen from the road bridge leading to Lewes Station (to the east of the application site).

The Conservation Officer has identified that the proposed modern buildings would be prominent by virtue of their presence in the foreground of this panorama, but that they would present similarly faceted massing and equally complex elevations as already characterise this view of the Castle. Therefore, on this basis the Conservation Officer has raised no objections to the proposed development on heritage grounds. On balance the proposal will preserve and enhance the special architectural, historic interest and character of the Conservation Area in accordance with policy SD15 of the South Downs Local Plan.

The recommendation report has also identified that the proposals would give rise to less than substantial harm to the setting of nearby listed buildings and specifically Lewes Castle. Having applied Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the National Planning Policy Framework (NPPF) it is considered that the benefits of the proposed development would outweigh the less than substantial harm to the setting and significance of any designated heritage asset. Therefore, the proposed development would accord with policy SD13 of the South Downs Local Plan.

In terms of affordable housing the application was supported by a viability appraisal which was the subject of independent assessment on the behalf of the South Downs National Park Authority (SDNPA). In addition to this assessment the SDNPA appointed an independent quantity surveyor (QS) to undertake an assessment of the build cost assumptions adopted by the developer in their viability appraisal. The assessment of the QS tested the cost assumptions of the developer in their viability appraisal and found them to be reasonable and as such it has been demonstrated that the proposed development with the provision of affordable housing would not be viable.

Therefore, despite the proposals conflicting with the specific requirements of policy SD28 of the South Downs Local Plan having regard to the evidence submitted in support of the scheme from a viability point of view (as allowed for in exceptional circumstances under the explanatory text accompanying the policy) there is enough evidence to recommend an approval in this respect. However, it is intended for an Affordable Housing Review Mechanism to be incorporated as part of the S106 Agreement to require the review of the developments viability upon completion of the development or the expiration of a period of three years from the date of this agreement. This mechanism will secure either on site provision or a financial contribution.

The officer's report also gives consideration to a number of other matters which have been addressed including design, landscape, ecology, surface water drainage, highways, parking, housing mix and the impact of the development upon neighbouring uses.

It is recommended that planning permission be granted subject to the completion of a S106 Agreement.

The application is placed before committee due to the nature of the development and its allocation in the Lewes Neighbourhood Plan and local interest.

## **I. Site Description**

- I.1 The application site is situated to the south of Southover Road and to the east of Garden Street, with the railway line and station platform running along the north-eastern boundary of the site (**Appendix I**). The site measures approximately 1,570.69 sqm (0.157ha) in area and is currently occupied by two warehouse buildings previously in B8 use.
- I.2 The site access is situated in the north-western corner of the site and features a ramped access due to the significant increase in levels from the southern boundary to the northern boundary of the site. The boundaries of the site feature a mixture of treatments ranging from close boarded fencing, brick walls and picket fencing.
- I.3 The site features limited planting with a band running along the northern boundary before wrapping round to the east of access and a single evergreen tree situated on the northern boundary.

- 1.4 To the south of the application site is Tanners Brook which features two storey terraces of traditional design. To the north of the site Southover Road features larger detached dwellings as well as Lewes District Council's offices. To the west of the application site is Southover Grange Gardens.
- 1.5 The site falls within the Lewes Conservation Area and is situated within the Southover Character Area which is characterised by development of various designs and a broad and varied palette of materials ranging from traditional to more contemporary.

## **2. Relevant Planning History**

- 2.1 SDNP/13/04916/FUL: Removal of corrugated iron wall cladding and replacing with sweet chestnut rain screen cladding and insulation. Approved 16.12.2013.
- 2.2 SDNP/18/03011/DINPP: Demolition of existing buildings prior to separate residential application to follow. Formal Permission Required 30.05.2018.
- 2.3 SDNP/18/00653/PRE: 10 new homes. Advice Issued 09.10.2018.

### Pre-application advice in 2018

- 2.4 The case officer identified that the principle of introducing residential development on the site would likely be acceptable in accordance with emerging Lewes Neighbourhood Plan and the submitted SDNPA Local Plan. However, further consideration of the proposed design and layout would be required to ensure that the proposed development enhanced this key site in the centre of Lewes.
- 2.5 The proposed were the subject of consideration by the Design Review Panel on the 20<sup>th</sup> April 2018 with the following comments raised by the panel:
- The Panel all agree that this site could take a modern design.
  - The Panel observed that this is a relatively unique site. The sheds that currently occupy it are only there because they fit conveniently. The site itself is very nodal and a substantial pivot point within Lewes.
  - The panel agreed that this might result in a 'sculptural' building design and as such this would greatly benefit from a 3d model to demonstrate how this would work from several angles.
  - The Panel noted that the Downs made for a striking backdrop when looking east from the site but that views of and from the railway station were also important. Much more analysis of key views is needed.
  - The Panel suggested that this site can probably take a contemporary development, but suggested that the Applicants consider a more thorough townscape analysis of surrounding streets, put more consideration in to the views and highlighted that the way the development turns the corner will be crucial.
  - The panel noted that the large amounts of glazing and the 'see through building' concept could in effect result in views of a great deal of internal clutter.
  - The Panel suggested a figure ground analysis and that they need to see more working out. They suggested considering the similar site at the south end of Garden Street; ideas need to be ruled out as much as they need to be presented to demonstrate that all possibilities have been considered.
  - The Panel raised a concern that this is a very nodal site, but they do not address the corner well. They suggested it might be worth doing a study of locations in Lewes where developments turn a corner.
  - The Panel noted that, due to the railway running alongside the site there are effectively streets on all sides of the site, so to the development should address all sides accordingly.

- The Panel noted that the landscape here is largely a townscape, (although neighbouring mature trees also important landscape elements) but wondered whether there could be potential to put in some landscape elements like a skygarden.
- The walls to the site and opposite the site along Southover Grange Gardens are key landscape elements that should be respected and referenced
- The Panel noted that, due to its close proximity to the centre of Lewes and easy access to the Lewes train station, this site could have the potential to be a cars free development.
- The Panel suggested that moving away from the concept of 9 or 10 separate buildings and merging units would create more opportunities for choosing where to create gaps in response to important views.

### 3. Proposal

3.1 The application seeks full planning permission for the demolition of the existing warehouse buildings and the erection of 10 no. dwellings consisting of 4 semi-detached pairs and one detached building subdivided into two flats.

3.2 The proposals were supported by a viability assessment which identified that the provision of affordable housing would make the development unviable. The South Downs National Park Authority commissioned an independent assessment of the viability assessment which advised that the proposed development with the inclusion of affordable housing would not be viable based upon the costs submitted and returns assumed. Therefore, the proposed housing mix for the development is as follows:

<u>Dwelling Size</u>	<u>Market Housing</u>	<u>Affordable Housing</u>
1 bed	0	0
2 bed	4	0
3 bed	2	0
4 bed	4	0

3.3 The proposed dwellings are of a contemporary design with the application identifying the use of cedar shingle, flint and mathematical tiles as the primary elevation treatment. The proposals will be between three and four storeys in height with each of the dwellings featuring integrated car ports at ground floor level and roof terraces to provide private amenity space. A car barn containing four no. parking spaces will be provided along the north-eastern boundary to serve the flats along with a bin store which will be located in the eastern corner of the site.

3.4 The application site is situated within the Lewes Conservation Area, specifically Area 7.1 (Southover) and the scheme has been designed to complement the existing character of the area and avoid any adverse impacts upon any designated heritage assets.

### 4. Consultations

4.1 **Conservation Officer:** No objection. - I am sufficiently convinced by argument of design quality and on balance raise no heritage objection.

4.2 **Design Officer:**

- Contemporary design appropriate in this town centre location.
- The juxtaposition of opposing curves does have the disadvantage of creating awkward left over space and an overcomplicated build.

4.3 **Ecology:** No objection, subject to condition.

4.4 **Environment Agency:** No objection, subject to conditions.

4.5 **Environmental Health:** No objection, subject to conditions.

4.6 **Highways (East Sussex County Council):**

- An objection was originally raised due to insufficient information having been submitted in support of the application to allow the Highway Authority to fully assess the traffic impacts of the proposal. It was also identified that there was insufficient on-site parking provision to serve the development.
- This objection was subsequently withdrawn following the submission of additional information and no objection raised subject to appropriate conditions.

4.7 **Lead Local Flood Authority (Drainage):**

- An objection was originally raised due to the information submitted by the applicant in support of this planning application has not satisfied the Lead Local Flood Authority and does not assure them that surface water and local flood risk have been adequately taken into account.
- This objection was subsequently withdrawn following the submission of additional documentation. Therefore no objection has been raised, subject to conditions.

4.8 **Lewes Town Council:** Objection:

- Concerns in regards to the scale and dimensions of the buildings, and the practicable usability of areas as the planned garages and many other design features. This was seen as potentially a case of style over function.
- There is also believe to be a storm drain in the area and there was no obvious plan to address this.
- The application ignores Lewes aspiration for more affordable housing and misses several opportunities for improved sustainability measures.

4.9 **Southern Water:** No objection, subject to conditions.

**5. Representations**

5.1 25 letters of objection from 14 addresses have been received and these have been summarised below:

General Comments

- Overdevelopment of the site.
- Not energy efficient.
- Policy PL1B requires noise assessment and mitigation.

Design

- Not in keeping with the surrounding area.
- Density is inappropriate.
- Not sympathetic to the Conservation Area.
- Too high.
- Mass and scale is excessive.
- Will dominate the immediate locality of the site.
- Black tiles inappropriate.
- Not safely accessible to all members of the community.
- Materials not in keeping.
- The amount of glazing would appear alien.
- Buildings appear too commercial rather than residential.
- Proposal is boring but in Lewes it is offensive.
- Fails to accord with Lewes Neighbourhood Plan Policy PL1A.

### Heritage

- Proposal identifies no measures for the recording of the WWI huts.

### Housing mix

- There is no mention of affordable housing.
- Fails to deliver Lewes low cost housing.

### Highways and Parking

- Insufficient parking is provided on site.
- Will give rise to an increase in traffic and pose a danger to pedestrians.
- Will give rise to increase pressure on existing parking provision.
- The proposed access will struggle to cope with the number of vehicles generated by the development.

### Drainage/surface water

- There is a history of flooding in the area and the proposed development will increase this risk.
- 10 more dwellings connected to the drainage system will increase flooding.

### Residential amenity

- Will give rise to unacceptable overlooking.
- Would be overbearing.
- Bin store would have an unacceptable impact on residential amenity.

### Non-material considerations

- Proposed development would impact on views from neighbouring properties.

## **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan 2014-2033 and the Lewes Neighbourhood Plan (LNP) 2015 - 2033 (11<sup>th</sup> April 2019). The relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 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 wellbeing 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 The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 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 in National Parks.

### National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

### Relationship of the Development Plan to the NPPF and Circular 2010

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

### The South Downs National Park Partnership Management Plan 2014-2019

6.6 Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant Outcomes include: 1, 4, 5 and 9 as well as policies 1, 3, 9, 25, 37, 39 and 50.

6.7 Other relevant guidance and evidence documents

- South Downs Integrated Landscape Character Assessment (2011)
- Lewes Conservation Area Character Appraisal (April 2007)

6.8 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect listed buildings, conservation areas or their setting, significance, character or appearance.

6.9 Section 66 (1) states that “in considering whether to grant planning permission for development which affects a listed building or its setting the local authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

6.10 Section 72 (1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7. Planning Policy**

7.1 The following policies of the South Downs Local Plan 2014-2033 are most relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding views
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD16: Archaeology
- SD19: Transport and Accessibility

- SD20: Walking, cycling and Equestrian routes
- SD21: Public Realm, Highway Design and Public Art
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Homes
- SD46: Provision and Protection of Open Space
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy

7.2 The following policies of the Lewes Neighbourhood Plan are most relevant:

- Policy LE2
- Policy HC3 A
- Policy HC3 B
- Policy PL1 A
- Policy PL1 B (Site 3)
- Policy PL2
- Policy PL3
- Policy PL4
- Policy AM1
- Policy AM3
- Policy SSI

## 8. Planning Assessment

### Principle of development

- 8.1 In the determination of this application the development plan consists of the South Downs Local Plan (2014-33), the Lewes Neighbourhood Plan (April 2019) and the Lewes District Local Plan 2003. It will first be necessary to establish the principle of the proposed development.
- 8.2 The application site is situated within the settlement boundary of Lewes as defined by policy SD25 of the South Downs Local Plan (SDLP). However, the application site is allocated for residential development specifically in the Lewes Neighbourhood Plan through policy PL1 B (Site 3). Therefore, the principle of development is considered to be established subject to the proposals accordance with policy PL1 B of the Lewes Neighbourhood Plan and relevant development plan policies, unless material considerations indicate otherwise. Consideration of the proposals compliance with relevant development plan policies is set out below.

### Design

- 8.3 The application site was previously in use as auction rooms and the site features two warehouse buildings constructed from corrugated iron with corrugated asbestos/fibre glass roof. The site is currently operated as storage in association with the Gorringes auctioneers who operate from North Street, Lewes.
- 8.4 The application proposes the demolition of the existing warehouses and the construction of 8 no. dwellings and 2 no. split level apartments. The 8no. semi-detached dwellings would be of three and four storeys, with car parking at ground floor level and roof terraces providing private amenity space.
- 8.5 The proposed development would have a significant presence within the street scene. However, due to the levels of the site a maximum of three storeys of the proposed



dwelling would exceed the height of the existing street and boundary wall and be readily visible within the street scene.

- 8.6 Policy SD5 of the South Downs Local Plan identifies that development will only be permitted where it adopts a landscape-led approach and respects the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area.
- 8.7 The proposals are contemporary in design and feature a significant level of glazing on the primary and rear elevations. The level of glazing proposed would assist in reducing the sense of scale, mass and bulk of the proposed dwellings. Some concerns have been raised in representations concerning the glazed element of the proposals but architectural features consisting of curved projections forward of the primary elevation, featuring louvres, have been incorporated into the design which provide screening and interrupt the presence of the glazing within the street scene.
- 8.8 There are a number of examples within close proximity to the site of significant levels of glazing present on dwellings. Most notable are the glass balustrading present on the southern elevations of The Grapevine, Southover Road and Watergate House, Watergate Lane both of which are located to the north of the application site. Significant glazing is also present on The Prospect, St Martins Lane which features glazing the full width of the Southern elevation. The Depot is also situated to the east of the application site adjacent to Lewes Station which is of a contemporary design and features significant glazing. Therefore, the extent of glazing proposed in this development is not considered to result in unacceptable harm to the character of the locality.
- 8.9 The proposed palette of materials have been informed by the contextual analysis undertaken in support of the planning application. The materials proposed are blue and black tiles which are similar in appearance to those present on Bartholomew House and western red cedar shingles, copper cladding and flint work. Whilst, the cedar shingles will be a new material in the wider Conservation Area they do reflect the wooden influences present on The Depot Cinema whilst they will have a similar appearance to the tile hanging present throughout the immediate locality and the colour of the timber (once aged) will appear grey which would reflect the colour palette present on the dwellings to the south of Priory Street. Full details of the elevation treatments have not been provided at this time and as such a condition has been included requiring the submission of a schedule of materials and samples prior to the development progressing above slab level.
- 8.10 Therefore, the materials proposed are informed by and reflect those present throughout this area of the Lewes Conservation Area.
- 8.11 The site by virtue of its topography and shape provides challenges in terms of development. To the south of the application site is Tanners Brook a residential street featuring two storey terraced dwellings of a traditional design with brick elevations and quoins. These dwellings are at a lower level than the application site and a significantly lower level than Southover Road which is located to the north of the application site.
- 8.12 The allocation in the Lewes Neighbourhood Plan (PLIB - Site 3) identifies that development of the site should maximise the opportunity to improve townscape to Garden Street and Southover Road; that massing of the development should not disrupt views out toward the chalk ridge on the other side of town beyond the Ouse River; and that provision should be made for easy access from the site on foot and by bicycle.
- 8.13 In order for the site to be developed in accordance with PLIB Site 3 (1) it is essential that the development has a presence within the street scene to the north, whilst not dominating the existing residential development to the south. The proposed development has been successful in this regard with the dwellings reducing in height to the south and located to achieve appropriate separation distances between the proposal and the existing dwellings to the north of Tanners Brook. The proposal is also of sufficient scale to ensure that the development will have a presence within the street scene when viewed from the north without appearing overly dominant or giving rise to any unacceptably adverse impacts upon Grange Gardens.

- 8.14 The proposals would appear appropriate in scale given their siting and the established character of the locality. Whilst, the scale of the development on plan appears significant the proposal by virtue of the topography of the site is of an appropriate height and mass to ensure that the development meets the objectives of PLIB Site 3 (1) of the Lewes Neighbourhood Plan without having an unacceptably adverse impact upon the established character of the locality.
- 8.15 PLIB Site 3 (2) identifies the importance of views to the east from Southover Road and the need for the massing of the development not to interrupt views of the chalk ridge. The layout as proposed fails to completely preserve views of the chalk ridge and by virtue of the developments scale and siting will restrict views to the east. However, some separation is retained between the northern most block and the central block which will retain limited views to the east. This separation will provide stepped access for pedestrians into the development reflecting the twittens which characterise the Lewes Conservation Area and providing glimpses out towards the chalk ridge.
- 8.16 The extensive glazing will assist in mitigating the mass of the development. The proposed development of the site for 10 dwellings in accordance with the objectives of PLIB Site 3 (1) is unlikely to be possible whilst retaining views of the chalk ridge and ensuring adequate amenity for future occupiers of the site. Therefore, it is considered that whilst only partial views of the chalk ridge are retained the proposed development meets the objectives of PLIB Site 3 (1) whilst partially according with PLIB Site 3 (2) of the Lewes Neighbourhood Plan.
- 8.17 The development has also incorporated a pedestrian access as well as a vehicular access which will provide level access for bicycles. Therefore, the proposal would accord with PLIB Site 3 (3) of the Lewes Neighbourhood Plan and policy SD5 (b) of the South Downs Local Plan.
- 8.18 The proposed development will be at a density of approximately 66dph which is in accordance with the scale of the allocation within the Lewes Neighbourhood Plan which allocates the site for a development of 10 dwellings. Development to the south of the site on Tanners Brook is at a density of approximately 58.33dph whilst development to the north-west on St. Swithuns Terrace is at a density of approximately 60.87dph. Therefore, the proposed development at 66dph, given the location of the site and the density of surrounding development, is not considered to result in unacceptably adverse harm to the spatial pattern and character of the locality of the site and would be in accordance with the allocation under policy PLIB Site 3 of the Lewes Neighbourhood Plan.
- 8.19 The application was accompanied by a Landscape and Visual Appraisal (LVA) which assessed the proposals landscape impact concluding that the development would bring noticeable changes to views within the immediate locality of the site. However, the LVA concludes that the wider impact on landscape and townscape character would be small and that the development would make a positive contribution consistent with the ongoing evolution of the station character area. Therefore, the proposal will not result in unacceptably adverse harm to the established landscape and townscape character.
- 8.20 Given the above conclusions there is a coherence to the design and a clear narrative which establishes the overtly contemporary design which has been brought forward by the applicant. Therefore, on balance the scheme as proposed would constitute sensitive development in terms of its scale, massing, form and materials which would appear in keeping with the established character of the townscape. The proposed development would therefore accord with the requirements of policy SD4 and SD5(a) and (f) of the South Downs Local Plan and policies PL1 A and PL2 of the Lewes Neighbourhood Plan.

#### Residential Amenity

- 8.21 Policy SD5 (k) of the South Downs Local Plan identifies that development should have regard to avoiding harmful impacts upon, or from, any surrounding uses and amenities.
- 8.22 The southernmost dwelling of the proposed development will be situated approximately 15.57m from the rear elevation of 1 Tanners Brook. The southernmost unit, of the

development, will not feature any windows on the southern elevation and as such will not give rise to any unacceptably adverse overlooking. Concerns have been raised by local residents in regards to the overbearing impacts of the proposed development. However, given the siting, height and separation distance between the proposed dwellings to the north of the existing dwellings (on Tanners Brook) the proposals would not give rise to any unacceptably adverse overlooking or overshadowing impacts on the existing dwellings.

- 8.23 It is acknowledged that the proposed development would interrupt existing views to the north of the existing residential development to the south of the application site but the protection of private views are not a material consideration in the determination of this planning application.
- 8.24 The proposed development by virtue of its design will have a presence within the street scene of Southover Road, with the northernmost plots projecting approximately 6.77m above street level. The northernmost dwellings will face towards 6 Southover Road but will be sited approximately 18.87m away. This separation distance, in conjunction with the scale of the development, is considered sufficient so as to avoid any unacceptably adverse overbearing, overshadowing or overlooking impacts.
- 8.25 The proposed dwellings will be sited within close proximity to one another by virtue of the sites dimensions and the scale of the allocation. The proposed dwellings at their closest point will be sited approximately 8.43m apart between rear and primary elevations. Given the orientation of the dwellings this will give rise to some direct overlooking between the proposed dwellings. However, this will be a relationship of which future occupiers are aware at the time of purchasing the properties and as such the impact upon the residential amenity of future occupiers is considered acceptable with options available to future occupiers to mitigate this impact.
- 8.26 Lewes District Council Environmental Health officers have been consulted in relation to the proposals and no objections have been raised. Therefore, on the basis of the above consideration the proposed development is deemed to accord with policy SD5 (k) of the South Downs Local Plan and will not give rise to any unacceptably adverse harm to the residential amenities of existing properties or future occupiers of the site.

#### Heritage and Listed Buildings

- 8.27 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.28 Paragraph 192 of the NPPF advises that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to the local character and distinctiveness.
- 8.29 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.
- 8.30 The only listed building within the immediate vicinity of the application site is Lewes Train Station which is situated to the north-east of the site. This listing incorporates the platform and railway line which is situated immediately to the north of the application site.
- 8.31 The proposed development by virtue of its design and location will be visible from the platform and as such will give rise to less than substantial harm to the setting and significance of the station and associated platform. During early negotiations the design was amended to take account of this impact with the height of the eastern most units reduced.
- 8.32 There are a number of listed buildings situated within the wider locality and these are predominantly situated to the north and west of the application site. However, with the

exception of the Castle Keep the proposed development would not give rise to any harm to the setting or significance of any other listed buildings.

- 8.33 The proposal will give rise to some harm to the setting of the Castle keep with views to the north from the eastern end of Tanners Brook being impacted. Tanners Brook is a residential cul-de-sac with no through route for vehicles or pedestrians. By virtue of the roads character the view of the castle keep from Tanners Brook is not significant in terms of the wider appreciation of the heritage asset. The proposals will also be present in views of the Castle Keep from the railway bridge to the east. However, by virtue of the siting of the development this will not directly obstruct views of the Castle Keep. Therefore, whilst the proposed development will have an impact upon these views this impact is deemed to be less than substantial to the setting and significance of the Castle Keep.
- 8.34 The proposed development would constitute an enhancement in comparison to the existing commercial units which are not considered to make a positive contribution towards the setting or significance of any nearby designated heritage assets.
- 8.35 Having identified less than substantial harm to the setting and significance of the designated heritage assets it is necessary to weigh this harm against the public benefits of the proposal as identified under paragraph 196 of the NPPF. In accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 193 of the NPPF great weight has been attributed to the preservation of the designated heritage asset given its importance.
- 8.36 However, in this case the harm when weighed against the public benefits of the scheme namely the delivery of 10 high quality dwellings on an allocated site which make a key contribution towards housing provision and the enhancements to the character of the locality which outweighs the less than substantial impact that the development would have upon the setting and significance of the designated heritage assets.
- 8.37 Therefore, on balance the proposed developments impact upon listed buildings is deemed to be acceptable and is in accordance with policy SD13 (1)(b) of the South Downs Local Plan and HC3 A and HC3 B of the Lewes Neighbourhood Plan.

#### Conservation Area

- 8.38 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.39 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.
- 8.40 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.41 The application site is situated within the Lewes Conservation Area which covers an area of approximately 147.8 hectares. Lewes Conservation Area by virtue of its size features development of varied designs and styles as well as a wide variety of materials. Given the scale of the Conservation Area (CA) the Lewes Character Appraisal breaks the Conservation Area down into smaller areas for the purposes of assessment. The application site is located within area 7.1 'Southover'.
- 8.42 Area 7.1 features a number of listed buildings the most notable of which are Lewes Station which is situated to the east of the application site with the platform running along the north-eastern boundary of the site and Southover Grange which is located further to the west. The Character Appraisal also identifies buildings of townscape merit which excludes Tanners Brook immediately to the south of the application site but does identify Dorset Road and the residential development at the southern end of Garden Street as being buildings of merit.

- 8.43 The Character Appraisal identifies that this area of the Conservation Area is a result of 19th century development with a grid pattern of streets with the area predominantly characterised by long terraces or cottages with concealed back gardens. The appraisal also identifies that materials are varied but predominantly consist of red and grey brick, mathematical tiles, handmade clay tiles and natural slate. The appraisal also highlights the interesting and varied townscape within this area.
- 8.44 The Lewes Character Appraisal was published in April 2007 and subsequently planning permission was granted in 2015 for the contemporary redevelopment of the Harvey's Depot adjacent to Lewes Train Station. This approval and subsequent development has introduced contemporary development within Area 7.1 in close proximity to the application site.
- 8.45 Therefore, the contemporary design of the proposals will reflect the established character of the 'Southover' area and as such the proposed development has taken into consideration the relevant area appraisal and respects the overall settlement layout and established landscape setting. The proposed development has drawn inspiration from the established character of the area reflecting existing materials already present within Area 7.1 as well as maintaining the historic pattern of roads, paths and thoroughfares. The incorporation of the pedestrian access reflects the historic character of Lewes and the narrow Twittens which are present throughout the Conservation Area.
- 8.46 Having applied the requirements of Section 72 (1) the proposals are deemed to preserve and enhance the special architectural, historic interest and character of the conservation area. Therefore, the proposed scheme will not give rise to any harm to the character of the Conservation Area and would be in accordance with policy SD15 of the South Downs Local Plan.

#### Housing Mix

- 8.47 The application sets out the proposed housing mix as 2 no. 2 bed flats, 4 no. 3 bedroom houses and 4 no. 4 bedroom houses. However, the floor plans show that some of the three bedroom units feature the same internal layout as that of the four bedroom units, with one of the bedrooms simply shown as a study. Therefore, the proposed housing mix would be as follows based upon the floor plans submitted in support of the application 4 no. 2 bedroom properties; 2 no. 3 bedroom properties; and 4 no. 4 bedroom properties.
- 8.48 Policy SD27 of the South Downs Local Plan relates to the mix of homes and identifies that planning permission will be granted for residential development that delivers a balanced mix of housing that accords with the relevant broad mix. In this case applying the housing mix specified by SD27 (1) (a) and (b) would call for the following housing mix (assuming a 50% provision of Affordable units):

Dwelling Size	No. of Dwellings
1 bedroom	2
2 bedroom	4
3 bedroom	3
4 bedroom	1

- 8.49 However, as covered later in the report the applicant has provided a viability appraisal which has illustrated that the provision of affordable housing as part of this development would make the development unviable. Therefore, a policy compliant housing mix for a 100% market development would be as follows:

Dwelling Size	No. of Dwellings
1 bedroom	1
2 bedroom	4
3 bedroom	4
4 bedroom	1

8.50 Therefore, the housing mix (as shown on the submitted plans) fails to reflect the broad mix specified by policy SD27 (1) with an under provision of 1 bedroom units (-1) and 3 bedroom units (-2) and an over provision of four bedroom units (+3) and no evidence has been provided in support of the proposals to justify the deviation from the mix. SD27 (2) identifies that planning permission will be granted for an alternative mix provided that robust evidence has been provided demonstrating that a different mix of dwellings are required to meet local needs; or it is demonstrated that site specific considerations necessitate a different mix to ensure National Park Purpose 1 is met.

8.51 Paragraph 7.34 of the South Downs Local Plan identifies that new housing developments should focus upon providing smaller and medium sized dwellings to reflect the National Parks duty to foster the well-being of local communities. The housing mix of the proposed development provides an adequate level of two bedroom units which accords with the housing mix as specified by policy SD27 and will marginally under provide in terms of one and three bedroom units due to incorporating a higher proportion of four bedroom units. However, on balance given the size of the site and the low level of the shortfall the proposals conflict with policy SD27 is not considered to result in an unacceptable housing mix which would justify refusal of the application.

Affordable Housing

8.52 Policy SD28 of the South Downs Local Plan identifies that new development will be permitted that maximises the delivery of affordable housing to meet local need and provided that as a minimum schemes for 10 dwellings provide 4 affordable units, 2 of which should be affordable rented tenure.

8.53 The applicant has submitted a viability appraisal to demonstrate that the provision of affordable dwellings as part of this development would make it unviable. Paragraph 7.64 of the South Downs Local Plan which identifies that;

8.54 'In exceptional cases where viability is a genuine barrier to delivery, the Authority will require the applicant to demonstrate this by submitting a robust viability appraisal.'

8.55 The LPA have undertaken robust assessment of the viability appraisal and also commissioned a quantity surveyor (QS) to carry out independent assessment of the build cost assumptions. The quantity surveyor advised that the construction costs adopted by the applicant in their viability appraisal were reasonable and as such it the independent assessment has concluded that with affordable housing taken into consideration the development becomes unviable.

8.56 However, in this case it is recommended that the Section 106 agreement utilises a review mechanism to test the viability of the development three years from the date of the Section 106 agreement and again upon completion of the development. This approach will guarantee that the LPA can be content that if affordable housing is viable then either on-site provision or financial contributions would be secured in accordance with paragraph 7.67 of the supporting text in relation to policy SD28.

8.57 The absence of any affordable housing provision as part of this development is disappointing and in conflict with policy SD28 of the South Downs Local Plan and the Lewes Neighbourhood Plan and the general thrust of planning policy in a National Park. However, the applicant has provided evidence, which after independent scrutiny, demonstrates that the construction costs associated with the development means that the provision of affordable housing would make the development unviable. Therefore, despite the absence of

any affordable housing provision, the scheme as presented is not considered able, at this stage, to provide the necessary affordable homes in accordance with policy SD28 of the South Downs Local Plan.

#### Highways and Parking

- 8.58 East Sussex County Council as Local Highway Authority (LHA) have been consulted in relation to the proposed development. A number of concerns were raised by the LHA in their original consultation response and revised information was provided by the applicant in the form of a Transport Report and Road Safety Audit.
- 8.59 Negotiation has continued between the LHA and the applicant primarily concerning visibility splays; parking provision and vehicle tracking. Revised information in relation to these matters has now been provided which adequately demonstrates that the refuse vehicle used by the Lewes District Council waste operators will not encroach into the existing on street parking bays located adjacent to the proposed access when entering and leaving the site.
- 8.60 Concerns have been raised by the LHA in regards to the originally proposed garages on site, namely that by virtue of their enclosed nature future residents of the site would potentially use these for storage rather than parking of vehicles. Therefore, it was requested that the garages instead take the form of car ports in order to restrict this potential loss of parking provision. Revised plans have been submitted by the applicant which show the garages as car ports and these amended drawings have overcome the outstanding highways objection.
- 8.61 ESCC as LHA have formally confirmed that they no longer have any objection to the proposed development on highways grounds. Therefore, the proposed development is deemed to accord with policies SD19, SD21 and SD22 of the South Downs Local Plan, policies AM1 and AM2 of the Lewes Neighbourhood Plan. Nor will the proposals give rise to unacceptable impacts on highway safety or result in residual cumulative impacts on the road network which are severe and as such the development would be in accordance with paragraph 109 of the NPPF.

#### Ecology and Biodiversity

- 8.62 The application was accompanied by a preliminary ecological appraisal which has been considered by the LPA's ecological advisor. In this case it has been advised that the information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.
- 8.63 Therefore, subject to the inclusion of appropriately worded conditions the proposed development is deemed to accord with policy SD9 of the South Downs Local Plan.
- 8.64 Policy SD2 of the South Downs Local Plan identifies that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. By virtue of the age of the application when it was submitted an ecoservices system statement was not provided and as such the applicant has not demonstrated the measures which will be incorporated to secure compliance with policy SD2.
- 8.65 However, given that this application was submitted on the 23<sup>rd</sup> October 2018, approximately 8 months prior to the adoption of the South Downs Local Plan in this instance it is considered acceptable for this information to be secured through the use of an appropriately worded condition.
- 8.66 Therefore, subject to the proposed condition the development is deemed to accord with policy SD2 of the South Downs Local Plan.

#### Surface Water Drainage

- 8.67 The application site falls primarily within flood zone 2 (approx. 88% of the site) with a small portion along the southern boundary of the site located within flood zone 3 (approx. 2% of the site). However, a Sequential Test Report (May 2018) was undertaken to support the preparation of the Lewes Neighbourhood Plan. This sequential assessment concluded that there were no alternative sites located within Flood Zones 1 or 2 which were available and

would meet the objectives of the Lewes Neighbourhood Plan. This assessment further concluded that flood resilient design would need to be evaluated in a site specific flood risk assessment.

- 8.68 The application was accompanied by a Flood Risk Assessment (AEL-4800-FRA-942992) which was considered by East Sussex County Council Drainage Engineers with an objection being raised due to insufficient information having been provided in support of the proposals. However, a revised consultation response was provided on the 15th November 2019 raising no objection in principle subject to the imposition of conditions.
- 8.69 The applicant proposes for surface water runoff to be discharged through the existing culvert on the southern boundary of the site. This culvert is a 150mm pipe and as such it will be necessary for the applicant to undertake additional survey work downstream of the culvert to ensure that the culvert is capable of accepting these flows. Further hydraulic calculations are also required in regards to the surface water discharge rate with the variable rate of 0.5l/s proposed by the applicant being confirmed as acceptable. Similarly, additional information in regards to the resilience of the permeable paving against ground water ingress is required.
- 8.70 Therefore, subject to the inclusion of appropriately worded conditions the proposed development would accord with policy SD49 of the South Downs Local Plan and PL3 of the Lewes Neighbourhood Plan.

#### Climate Change

- 8.71 Policy SD48 of the South Downs Local Plan concerns climate change and the sustainable use of resources. The policy identifies that the authority will encourage all new development to incorporate sustainable design features and require all new development proposals to achieve the minimum standards of energy and water efficiency.
- 8.72 As has already been identified above by virtue of when the application was submitted documentation pertaining to the requirements of policy SD48 was not provided in support of the application.
- 8.73 The Sustainable Technical Advice Note in support of policy SD48 was published in November 2019 and the consultation draft of the supplementary planning document (SPD) was published in January 2020. Both of these documents identify that the proposed development would constitute a large residential development (10 units or above) and establishes the Climate Change mitigation and adaptation measures which the South Downs National Park Authority will seek to secure.
- 8.74 In this case the measures sought would consist of energy efficiency CO2 reductions of 19%; on-site green energy CO2 reductions of 20%; at least 1 unit certified as passive house; EV charging points; use of greener materials and timber grown in Britain; and water use of no more than 110 litres. Additional measures in regards to tree cover and SuDS are identified but these measures have already been covered through the inclusion of appropriately worded drainage and landscaping conditions.
- 8.75 The consultation draft of the Supplementary Planning Document identifies that the use of a suitably worded planning condition to secure the outstanding detail would be appropriate. Therefore, a condition has been incorporated as part of this recommendation and subject to the inclusion of an appropriately worded condition the development would accord with policy SD48 of the South Downs Local Plan.

#### Dark Night Skies

- 8.76 The scheme incorporates glazing on the primary and rear elevations of the units which would potentially give rise to light spill which may impact upon Dark Night skies. However, the application site is situated within the centre of Lewes and as such is unlikely to give rise to such significant levels of light pollution that it would fail to conserve the intrinsic quality of dark night skies in the South Downs National Park. However, in order to mitigate against a potential impact a condition has been included which requires the use of low transmittance glazing.



8.77 Similarly, inappropriate external lighting could give rise to impacts which would fail to accord with the requirements of policy SD8 of the South Downs Local Plan. As such, Condition 16 has been incorporated which requires the application to submit for approval an external lighting scheme.

8.78 Therefore, subject to the proposed conditions the development would accord with policy SD8 of the South Downs Local Plan.

## **9. Conclusion**

9.1 The principle of residential development at the density proposed is established by virtue of the sites allocation under policy PLI B (Site 3) of the Lewes Neighbourhood Plan. Although the development fails to fully accord with PLI B (Site 3) (2) (the need for the massing of the development not to interrupt views of the chalk ridge) it is considered that the successful redevelopment of the site would always result in some impact and loss of views to the east. Therefore, given that views will be partially retained by virtue of the design and layout it is considered that on balance the proposed development meets the aims and objectives of policy PLI B (Site 3) of the Lewes Neighbourhood Plan.

9.2 The proposed development would fail to deliver any affordable housing in conflict with policy SD28 of the South Downs Local Plan and PLI A of the Lewes Neighbourhood Plan. However, sufficient viability evidence has been provided in support of the application which provides justification for a decision other than in accordance with policy SD28 as is identified in the supporting text for the policy. The proposed housing mix is also considered to be substantially in accordance with the requirements of policy SD27 of the South Downs Local Plan with only a shortfall in provision of 1 no. one bedroom property and 2 no. three bedroom dwellings.

9.3 Other than the above conflicts the proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval.

## **10. Reason for Recommendation and Conditions**

10.1 That planning permission be granted subject to a S106 legal agreement to secure the following:

- 1) The completion of a legal agreement to secure the following, the final form of which is to be delegated to the Director of Planning:
  - An affordable housing contribution should financial matters change upon completion of the development; and
  - Submission of details concerning the off-site highways works for the alterations to the retaining walls.
- 2) The conditions as set out in paragraph 10.1 of this report.
- 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 12<sup>th</sup> March 2020 Planning Committee meeting.

### **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) and 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.

### Materials

3. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, chimneys and rainwater goods of the proposed building(s), garage doors and surfacing have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

### Landscaping, ecology and trees

4. No development above slab level shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i) Written specifications (including cultivation and other operations associated with plant and grass establishment;
  - ii) Planting methods, tree pits & guying methods;
  - iii) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - iv) Retained areas of trees and hedgerows;
  - v) Manner and treatment of existing frontage ditches and ha-ha feature;
  - vi) Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
  - vii) Details of the siting, specifications and management of the Sustainable Urban Drainage systems.
  - viii) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
  - ix) A timetable for implementation of the soft and hard landscaping works.
  - x) A landscape plan with services shown.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

5. No development above slab level shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of: long term objectives and management responsibilities; the management regime of the landscape scheme; measures to enhance ecology through the provision of landscape species, bird and bat boxes. The measures shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance flora and fauna

### Levels

6. No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by

the Local Planning Authority. These shall show how the buildings are proposed to be set into the topography of the site, in comparison to existing levels. These details shall show how spoil from excavations is intended to be used on site, including in the creation of the public open space.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

#### Drainage

7. No development shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to 0.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. This shall include details of the outfall of the permeable pavement and how it connects into the culverted watercourse (including cross sections and invert levels) as well as details of how impacts on high groundwater on the hydraulic capacity and structural integrity of the permeable paving will be managed.

Reason: To ensure satisfactory provision of surface water drainage.

8. Prior to the occupation of the first dwelling or construction of the outfall, a survey of the condition of the culverted ordinary watercourse which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the culvert shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: To ensure satisfactory provision of surface water drainage.

9. Prior to the occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure the satisfactory provision of surface water drainage.

10. Prior to the commencement of development details shall be submitted and approved by the local planning authority which identify the measures which will be undertaken to protect the integrity of the public sewer which crosses the site.

Reason: To ensure the integrity of the public sewer system is preserved during and after development.

11. No development shall commence until a drainage scheme detailing the proposed means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include a maintenance plan with management responsibilities. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the drainage system has been implemented in accordance with the agreed details, which shall be retained thereafter.

Reason: To ensure satisfactory provision of foul water drainage

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

Reason: To prevent preferential pathways for contaminated movement which poses a risk to groundwater quality.

### Flood Risk

13. (a) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref. AEL-4800-FRA-942992, 11 October 2018) and the following mitigation measures it details:

- Finished floor level of the Ground Floors shall be set no lower than 7.1m above Ordnance Datum (AOD), as detailed in Section 3.1 of the FRA.
- The Lower Ground Floors shall be used as garage space only, with all habitable accommodation restricted to Ground Floors and above (Section 3.1), and an access/egress point made available from the Ground Floors (Section 3.1).
- Water resilient building materials and interior design considerations are incorporated into the development during construction, as detailed within Section 4.1 of the FRA.
- Owners and occupants of the development shall sign up to the Environment Agency's Flood Warning Service, and be made aware of the safe access and egress route as outlined in Section 3.2 of the FRA.

(b) The development layout shall conform to the submitted Site Plan drawing (1543\_PA\_001, 16/11/2018) to ensure that the development is kept to the higher parts of the site, and away from the main river culvert on the Southern boundary of the site.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, ensure the structural integrity and prevent blockage of the existing culvert and reduce the risk of flooding.

### Boreholes and Ground Source Heat pumps

14. Investigation boreholes / ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

Reason: To avoid the risk to penetrative methods which can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

### Dark night skies

15. All windows shall be fitted with low transmittance glazing and shall be permanently retained in that condition thereafter.

Reason: Having regard to South Downs Local Plan Policy SD8.2 Development proposals must demonstrate that all opportunities to reduce light pollution have been taken, and must ensure that the measured and observed sky quality in the surrounding area is not negatively affected.

16. No development shall commence above slab level until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the type and location of all external lighting to be installed throughout the site. All external lighting on the dwellings shall be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage.

Reason: To conserve dark night skies.

### Construction and climate change mitigation

17. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) Design stage SAP data;
- b) Passive house certificates;
- c) Site Waste Management Plan;
- d) Design stage BRE water calculator;
- e) Product specifications;
- f) Grown in Britain or FSC certificates;
- g) Sustainable material strategy;
- h) Building design details;
- i) Layout or landscape plans demonstrating that the dwelling has:
  - Reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
  - Reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations;
  - EV charge point for every home;
  - 5% of dwellings and at least one dwelling are passive house certified;
  - Predicted water consumption no more than 110 litres/person/day;
  - Separate internal bin collection for recyclables;
  - SWMP and at least 50% of construction waste diverted from landfill;
  - Private garden compost bin and evidence demonstrating:
    - Sustainable drainage, enhanced green infrastructure and GI linkage and adaptation to climate change
    - Selection of sustainable materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change in accordance with policy SD48 of the South Downs Local Plan.

#### Construction Management Plan

18. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works;
  - b. The arrangements for public consultation and liaison during the construction works;
  - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
  - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - e. The parking of vehicles of site operatives and visitors;
  - f. Loading and unloading of plant and materials;
  - g. Storage of plant and materials used in constructing the development;
  - h. The erection and maintenance of security hoarding, where appropriate;
  - i. Wheel washing facilities;

- j. Measures to control the emission of dust and dirt during construction;
- k. A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
- l. Working hours.
- m. The anticipated number, frequency and types of vehicles used during construction.
- n. The method of access and egress and routing of vehicles during construction.

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

Highways/access

19. No development shall take place until details of the new access and the specification for the construction of the access which shall include details of surface water drainage and gradients have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed.

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

20. The access shall not be used until visibility splays as shown on the submitted plan (plan no 7711/101 revision L) are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

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

21. No development shall commence until the existing access shown on the submitted plans has been stopped up and the kerb and footway reinstated in accordance with details to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

22. The development shall not be occupied until the parking areas [including car ports] have been provided in accordance with the approved plans [Plan Nos. 1543/PA/010C and 1543/PA/103] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

23. The development shall not be occupied until cycle parking 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 and to meet the objectives of sustainable development.

24. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

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

25. The completed access shall have a gradient of no more than 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

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

26. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and

details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

27. No development shall commence on site, including demolition, until a pre-commencement condition survey of the surrounding highway network [particularly for Garden Street] has been submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

#### Archaeology

28. No development shall not commence until the implementation of a programme of an archaeological survey, in accordance with a Written Scheme of Investigation, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take the form of trial trenches to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets

29. In the event archaeological remains are encountered, their details and proposed mitigation strategy for addressing these deposits and a means of recording them shall be submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with these details and the findings shall be submitted to the Hampshire County Council for inclusion within the Historic Environment Record.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved.

#### Contamination

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

31. Prior to the occupation of any part of the development hereby approved, a verification report demonstrating completion of the works shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

32. 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 local planning authority 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 and approved in writing by the Local Planning Authority.

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

#### Informatives

1. Due to the availability of and demand for on-street parking in the vicinity of the site the applicant should be made aware that on-street parking permits are not likely to be issued for this site. The applicant should be aware that in accordance with Article 23 of the Lewes Parking Order dated 28th December 2007, residents of this development are unlikely to be eligible for on-street parking permits.
2. This Authority's requirements [retaining walls] associated with this development proposal will need to be secured through a Section 106/278] Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence the s278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

#### **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.

#### **TIM SLANEY**

##### **Director of Planning**

##### **South Downs National Park Authority**

Contact Officer: David Easton

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email: [david.easton@southdowns.gov.uk](mailto:david.easton@southdowns.gov.uk)

Appendices I. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses



<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

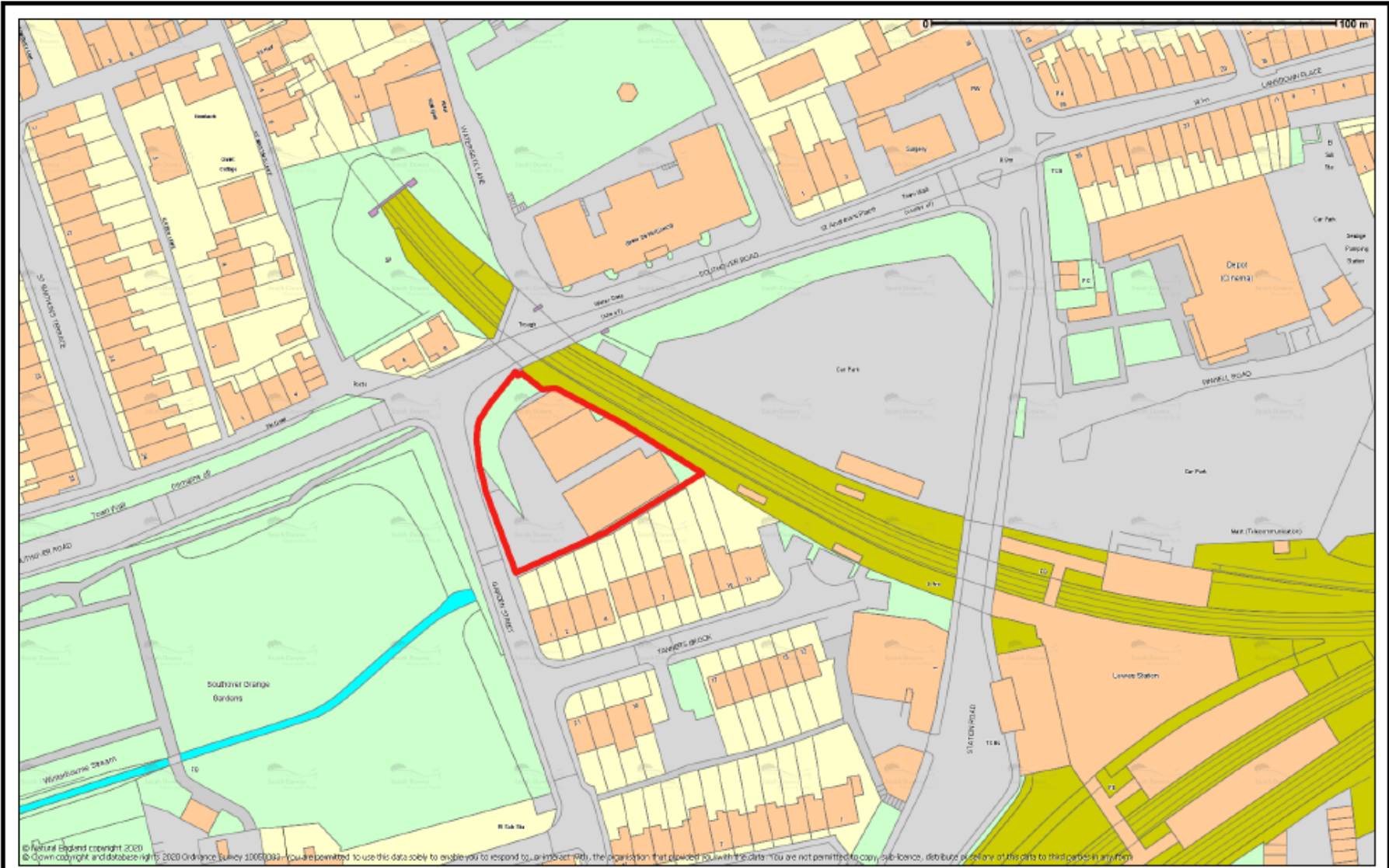
SDNP Local Plan 2019

[https://www.southdowns.gov.uk/planning/south-downs-local-plan\\_2019/](https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/)

Lewes Neighbourhood Plan 2019

<https://www.southdowns.gov.uk/wp-content/uploads/2019/04/Lewes-Neighbourhood-Plan-Made-Plan.pdf>

**Agenda Item 08 Report PCI9/20-47 Appendix I  
Site Location Map**



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