



Appeal Decisions

Hearing held on 9 November 2022

Site visit made on 10 November 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal A Ref: APP/P1425/W/21/3288519

83 - 89 (Odds) Sutton Road, Seaford BN25 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against Lewes District Council.
 - The application Ref LW/21/0660, is dated 3 August 2021.
 - The development proposed is redevelopment of the site to form 37no. retirement apartments including communal facilities, access, car parking and landscaping.
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Appeal B Ref: APP/P1425/W/22/3299056

83-89 (Odds) Sutton Road, Seaford BN25 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against Lewes District Council.
 - The application Ref LW/21/0967, is dated 15 December 2021.
 - The development proposed is redevelopment of the site to form 36 no. retirement apartments including communal facilities, access, car parking and landscaping.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for redevelopment of the site to form 36 no. retirement apartments including communal facilities, access, car parking and landscaping at 83-89 (odds) Sutton Road, Seaford BN25 4QH in accordance with the terms of the application, Ref LW/21/0967, dated 15 December 2021, subject to the attached Schedule of Conditions.

Preliminary Matters

3. While I note the description of development stated within the Appeal forms, in the interests of certainty I have used the description from the application forms in the header above, updating the number of dwellings in the description for Appeal B to reflect a reduction in the number of proposed dwellings during the application process as discussed during the hearing.

Main Issues

4. The main issues for both appeals are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of the neighbouring occupiers of No 81 Sutton Road (No 81) and the properties to the rear of the site with regard to privacy, outlook, light and noise; and
- whether the proposal would make adequate provision for refuse collection.

Reasons

Character and appearance

5. Sutton Road is largely characterised by two and three storey detached dwellings with generous separation distances, moderate set back from the pavement and deep rear gardens that give the area a pleasant spacious feel.
6. The detached dwellings in the area are traditional in style with some examples of historic vernacular architecture with details such as finials, swept garage doors as well as a range of roof styles that result in an attractive character. However, there are also examples of more modern dwellings with less architectural detailing and articulation but nevertheless with pitched roofs and traditional materials that provide a pleasing traditional contribution to the character of the area.
7. The schemes for both appeals consist of a building with a single floorplate that extends across the majority of the width of the site. Although the recessed elements between the different sections of the building would break up the massing of the wide frontage, they would nonetheless be two storey with pitched roofs. Therefore, whereas the existing dwellings are separated such that there are views from the street to the rear between the buildings, the proposed building would largely obstruct those views. Consequently, the proposed schemes would diminish the spacious feel of the area.
8. The rear of the existing dwellings are largely undeveloped and given their significant depth, have a spacious feel which can be seen from the neighbouring properties at No 81 and to the rear.
9. The proposals would also both have a large element projecting a significant distance to the rear of the site. This would result in a building with a footprint significantly larger than many others in the area. The proposed two-storey height that would occupy a large part of the depth of the site would reduce the spacious feel in this area. However, areas to either side of the projection would remain undeveloped. Therefore, while the rear projection would be seen from the neighbouring properties, given the significant distance to the neighbouring houses, the proposal would not appear unduly incongruous from these views. As such, while the rear projection of the proposals would adversely affect the spacious quality at the rear of the existing properties, this effect would be limited and localised.
10. The Homeshore building opposite the site does also have a large footprint with a significant projection to the rear but appears to be an anomaly in an otherwise fairly consistent pattern of detached dwellings in large plots. As such,

while the proposals would depart from the prevailing pattern of development, they would not be unduly out of character. In addition, the site lies adjacent to playing fields which terminate the run of detached housing along this part of Sutton Road. As such, a departure in the prevailing pattern of development would not appear out of keeping in this particular location.

11. The scheme subject of Appeal A would include a centre element with two gable ends facing the street that would have an eaves height greater than the eaves of the elements either side. The roof pitch of the gables in the central element would also be significantly higher than the roof pitch of the side elements. Together with the pairs of windows in the gable ends at second floor, the central element would have a three-storey appearance that would unacceptably dominate the street scene and appear discordant.
12. In addition, the façade across the front elevation would lack articulation particularly in the gable end features. This would reinforce the appearance of a three-storey height and would appear lacklustre compared with the more articulated dwellings in the surrounding area.
13. While the primary building of the Homeshore development has windows at eaves height, the building is set at a lower ground level than the pavement. In addition, this building does not have prominent gable ends facing the street and therefore does not appear overly dominant on the street scene. As such, the presence of this building does not mitigate against the harmful effect that the proposal subject of Appeal A would have on the character and appearance of the area.
14. Turning to the scheme subject of Appeal B, the eaves height of the central element would be similar to that of the rest of the building. In addition, the roof pitch of the central element would be lower compared with that of Appeal A and the number of second floor windows had been reduced. The scheme subject of Appeal of Appeal B would therefore appear as a two-storey scheme, and in keeping with the wider street scene in this respect notwithstanding the effect that the recessed elements would have on the spaciousness of the area.
15. Furthermore, Appeal B includes architectural articulation in the form of tile hanging and chimney stacks that would add visual interest and further contribute to the harmonious integration of the development into the street scene.
16. I note the Council's concerns with respect to the proposed windows in the gable ends between bargeboards. While examples of windows in this arrangement are not common in the surrounding area, during my site visit I did observe such windows in The Downs building further along the street. In addition, while the proposals would not include the level of architectural detailing present in the more historic dwellings in the area, the Appeal B scheme would have sufficient articulation to assimilate with the surroundings harmoniously. As such, this particular feature would not result in harm to the character of the area.
17. The proposals include car parking at the front of the site. The existing dwellings have hardstanding on driveways in front of the dwellings with space for a number of vehicles to park. As such, while I note landscaping in the wider street scene, the proposal would not significantly increase the extent of

hardstanding. While the number of vehicles parked on the site would be likely to be greater than existing, the proposals also include some landscaping at the front of the site which would partially screen views of the vehicles. Accordingly, the proposed hardstanding and parking at the front of the site would have a harmful effect on the character and appearance of the area, though the effect would be limited.

18. Given the age of future residents of the schemes, which could be controlled by condition, as well as the limited increase in vehicular trips, it is unlikely that any increase in activity levels on or around the site resulting from the proposals would have an adverse effect on the residential character of the street.
19. Consequently, the proposals would harm the character and appearance of the area. Therefore, they would conflict with Core Policy 11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 May 2016 (CS) and Policy DM 25 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020 (DMP) which together seek development that responds sympathetically to the site and its local context and contribute towards local character and distinctiveness through high quality design.
20. The schemes would also conflict with Policy SEA2 of the Seaford Neighbourhood Plan 2017 – 2030 February 2020 (SNP) which requires, among other things, that the design has regard to the distinctive and attractive characteristics of Seaford.
21. The scheme subject of Appeal A would have an unacceptable impact on the character and appearance of the area. Therefore, the harm arising from the conflict with the development plan policies would be significant.
22. The effect of the scheme subject of Appeal B on the character and appearance of the area would be limited and localised. As such, the harm arising from the conflict of the Appeal B scheme with the development plan policies would be limited.

Living conditions

23. The closest neighbouring property to the site is No 81 which lies adjacent to the site. Both proposals would project further to the rear than the existing buildings and would therefore be visible from the rear windows and garden of No 81.
24. The rear windows and patio area close to the house at No 81 would be seen at an oblique angle from the part of the proposals closest to the boundary. Therefore, given the angle of views to the habitable windows of No 81, the scheme would not unduly affect the living conditions of these neighbouring occupiers in this particular respect.
25. In addition, given the significant distance from the windows of the proposed rear projection to the boundary, the proposal would not result in an unacceptable effect on the privacy of the occupiers of the garden on No 81.
26. There is a roof light on the roof of No 81 facing the site. Since the proposed roof light on the elevation facing No 81 would be sloping upwards and at high level, there would be unlikely to be direct views to No 81 from this window. The rooflights elsewhere on both schemes would also be sloping upwards and at high level such that there would not be undue harm to the privacy of

neighbouring occupiers to the rear as result of these windows. Therefore, there would not be undue harm from the roof lights of the proposal to the neighbouring occupiers with respect to privacy.

27. Given the distance from the proposed building to the rear dwellings, there would not be an undue breach of privacy to the occupiers of these houses. While the rear elevation of the proposals would be fairly close to the rear boundary and rear gardens, the evidence indicates that the rear windows would either be to non-habitable rooms or obscure-glazed. Moreover, this can be secured via a suitably worded condition. As such, the proposal would not have a harmful effect on the privacy of neighbouring occupiers to the rear of the site.
28. Turning to outlook, as discussed above, the proposal would be visible from the rear windows and garden of No 81. However, as I observed during my site visit, there is outlook in other directions and an oblique angle from the windows of the rear elevation of No 81 to the proposed building, as well as a significant distance to the proposed rear projection. Therefore, the proposals would not unduly affect the outlook of the neighbouring occupiers of No 81.
29. The rear projection of the proposed schemes would project above the boundary fence of two of the neighbouring properties. However, the rear gardens of these properties have an 'L' shape such that the part adjacent to the site boundary would be unlikely to be used frequently. In any event, from my observations during the site visit, there is outlook in other directions such that there would not be an undue effect on the outlook of the occupiers of the gardens of the properties to the rear of the site.
30. With regard to light, the Council confirmed during the hearing that, given the findings of the Daylight and Sunlight Report, it considers that the proposal would not result in a harmful effect on the living condition of neighbouring occupiers in terms of daylight and sunlight as defined by BRE.
31. However, there were concerns regarding light pollution from the proposed schemes, in particular from within the building. I note that the light from the flood lights on the sports field to the other side of the site may reach the garden of No 81. However, the occupiers of windows of the proposed development would be likely to draw their curtains when the sun sets to protect their own privacy.
32. In addition, given the distance from the proposals to the boundary, and the orientation of the rear projection, the light from the schemes would be unlikely to cause disturbance to the occupiers of No 81 from within the house. Similarly, the distance from the rear elevation of the proposals to the properties along Mill Drive is significant such that the occupiers of the dwellings would be unlikely to be unduly affected in terms of light pollution. External lighting could be controlled by a suitably worded condition. Therefore, the proposal would not result in an unacceptable effect on the living conditions of neighbouring occupiers in terms of light.
33. I note concerns regarding the noise generated by future occupiers and their visitors using the garden. Sutton Road is a busy highway that is used by a range of vehicles including lorries. As I observed during my site visit, the rear of the dwellings along Sutton Road are fairly quiet in comparison to the street but the background noise of passing vehicles can nonetheless be heard.

34. However, given the age of the future occupiers and the nature of the proposals as retirement homes, it is unlikely that future occupiers or their visitors would generate undue amounts of noise. As such, the proposals would not harm the living conditions of neighbouring occupiers in this respect.
35. Consequently, the proposed developments would not harm the living conditions of the neighbouring occupiers of No 81 and the properties to the rear of the site with regard to privacy, outlook, light and noise. Therefore, they would not conflict with DMP Policies DM25 and DM30 which together seek, among other things, development that would result in no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.

Refuse collection

36. Refuse collection from the four existing dwellings is carried out on-street. The schemes propose that refuse collection would continue to be carried out on-street as there is insufficient space within the site for a refuse vehicle to reverse into the site and exit in a forward motion.
37. As I observed during the site visit, the highway onto which the proposal would front, is a busy single lane carriage way that forms a primary route to Seaford town centre.
38. Currently, as described during the hearing, the refuse vehicles move slowly along the street while collecting refuse from around eight bins of the existing properties. The proposal would result in up to around 10 bins being wheeled to refuse trucks on the street. Therefore, although the number of dwellings on the site would increase significantly, when compared to the eight bins being collected from the existing properties, the increase in time taken to collect the bins would be limited albeit this would be one location, rather than four locations as is the current arrangement. Furthermore, it is likely that the bins would be collected on different days for refuse and recycling, reducing the number of bins collected at any one time.
39. I acknowledge concerns regarding the visibility between the proposed site access and the nearby bus stop. I also note the arrangements for refuse collection from the Homeshore development opposite the site. However, although Sutton Road is a busy route through the area, the speed limit along this part of the road is 30mph. As such, the slowing or temporary stopping of refuse vehicles would be unlikely to result in an unacceptable effect on highway safety or congestion. In addition, given the limited increase in the number of bins being collected on the site, the proposal would not result in an unacceptable impact on highway safety or a severe impact on residual cumulative impacts on the road network.
40. Consequently, the proposal would make adequate provision for refuse collection. Therefore, it would not conflict with DMP Policy DM26 which requires, among other things, that adequate refuse and recycling facilities are provided to serve the development.

Other Matters

41. I acknowledge local concerns regarding parking provision and highway safety, in particular that the proposal would result in an increase of on-street parking. Given the nature of the proposed developments and the average age of future

occupiers, it is unlikely that many would be reliant on the private vehicle for access to services and facilities. Seaford town centre is a reasonable walking distance away and there are bus stops in close proximity to the site with roughly three services an hour that go to larger towns and cities. I also note concerns regarding the design of the parking area at the front of the site as well as drainage and visibility. However, I see no reason why suitably worded conditions could not address these issues. As such, the proposal would be unlikely to result in a severe impact on highway congestion or an unacceptable effect on highway safety.

42. I also note local concerns regarding the effect of the schemes on local healthcare services. While the proposal would result in an increase of around 33 dwellings on the site, it is likely that a proportion of future occupiers would have come from within the district thereby not significantly increasing demand for local healthcare services. As such, it is likely that the increased use of local healthcare services would be limited such that this reason does not carry substantial weight against the proposals.
43. The Ecology Report confirms that no bat roosts were found at the buildings on the site but that the site was considered to provide opportunities to bats, birds and hedgehogs. It adds that compensatory planting, and enhancements to the biodiversity value of the site for these species are possible through the provision of bat and bird boxes. As such, any substantial harm with respect to ecology, biodiversity and wildlife could be adequately mitigated through suitably worded conditions.
44. Local concerns regarding the need for retirement homes in the area and evidence regarding nearby vacant dwellings are also noted. However, there is little substantial evidence before me in this respect to form a basis for resisting the proposals.
45. Concerns regarding drainage and the effect on neighbouring occupiers during the construction phase could also be adequately mitigated against via suitably worded conditions. Risk of structural damage to neighbouring buildings. is dealt with by other legislation.

Planning obligation

46. A signed and dated Unilateral Undertaking (UU) was submitted by the Appellant. In order to address a discrepancy with respect to the red line including highways land, a Deed of Variation (DoV) was also executed by the parties. I attribute full weight to the UU and associated DoV.
47. The UU includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following matters.
48. Affordable Housing: The UU requires an affordable housing financial contribution of £59,344 to be paid to the Council on or prior to the occupation of the development. The Council confirmed that the reason for refusal relating to affordable housing would be addressed by the UU being signed and dated. I consider the obligation in this respect is fairly and reasonably related to the developments proposed and as such passes the statutory tests.

49. Highway Contribution: The Council considers that the two closest bus stops to the site along Sutton Road need to be upgraded to include a raised kerb, bus stop clearway, shelter and real time information sign. A contribution of £24,000 is sought by the Council to install Real Time Passenger Information (RTPI) signs and the Council consider that off-site highway works to provide a Bus Stop Clearway should be secured by legal agreement.
50. The UU makes provision for a financial contribution of £30,000 towards bus stop infrastructure in the vicinity of the site as well as £750 as a highway administrative fee.
51. The financial contribution provided by the Appellant would exceed the amount sought by the Council for the RTPI signs and would allow the Council flexibility in how best to apply the contribution for other works. In addition, the increase in pedestrian trips to and from the site would be likely to be modest given the number of dwellings and bedrooms. Therefore, I consider that the financial contribution in this respect is fairly and reasonably related in kind and scale to the developments proposed and as such the UU passes the statutory tests in this respect.

Planning Balance

52. The Council's housing land supply position lies in the region of 2.7 years which amounts to a significant shortfall. In accordance with the Framework, the policies which are most important for determining the application are therefore out-of-date. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the 'tilted balance').
53. The proposal subject of Appeal A would contribute an additional 33 dwellings to the local housing supply and the scheme subject of Appeal B would contribute an additional 32 dwellings. While the contribution from the schemes to the local housing supply would be modest, given the significant shortfall I attribute moderate weight to the benefit of the provision of these dwellings. I am also mindful of the Government's objective of significantly boosting the supply of homes.
54. I consider that both schemes would conflict with CS Policy Core Policy 11, DMP Policy DM 25 and SNP Policy SEA2 and therefore with the development plan when considered as a whole.
55. The scheme subject of Appeal A would have an unacceptable effect on the character and appearance of the area such that I attribute significant weight to the conflict with the development plan policies. Having regard to the 'tilted balance', the benefits of the scheme are moderate and the identified significant harm resulting from Appeal A would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
56. The scheme subject of Appeal B would result in only a limited and localised harm, and I therefore attribute limited weight to the conflict with the development plan policies. Therefore, the harm resulting from Appeal B would not significantly and demonstrably outweigh the moderate benefits when assessed against the policies in the Framework as a whole. Consequently, with respect to Appeal B there are material considerations to warrant a decision

other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, Appeal B should therefore be allowed.

Conditions

57. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance and amended some of the wording of the conditions in the interests of precision and clarity.
58. Conditions regarding time limit, specifying plans and restricting the age of future occupiers are necessary in the interests of certainty.
59. Conditions requiring a Construction Environment Management Plan, external lighting and restricting hours of works are necessary to safeguard the living conditions of neighbouring occupiers. Conditions securing tree protection measures, cycle stores, retained trees and landscaping are necessary to safeguard the character and appearance of the area.
60. Conditions relating to car parking areas, obstructions and stopping up existing accesses are necessary for highway safety. A condition relating to ecological mitigation is necessary to safeguard biodiversity and a condition relating to sustainable urban drainage system is necessary to safeguard against flooding. Given the levels of Radon in the area, contamination conditions are necessary.
61. The suggested conditions relating to hedgehog houses and bat boxes, protection of reptiles, ecological design strategy and landscape and ecological management plan as well as hard surfaces, electric car charging, refuse, access, parking areas, turning areas, surface water drainage and mobility scooters are not necessary as the relevant provisions are contained in other conditions or building regulations. The suggested condition restricting permitted development rights is also not necessary as it does not relate to flats as proposed. These conditions therefore have not been attached.
62. The conditions regarding a Construction Environment Management Plan, tree protection measures, ecological mitigation, sustainable urban drainage and contamination need to be pre-commencement as they affect the early stages of construction.

Conclusion

Appeal A

63. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, Appeal A is dismissed.

Appeal B

64. For the reasons given above, Appeal B should be allowed.

R Sabu

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
20081SF_PL_102_P1, 20081SF_PL_103_P1, 20081SF_PL_104_P1, 20081SF_PL_105_P1, 20081SF_PL_106_P1, 20081SF_PL_107_P1, 20081SF_PL_108_P1, 20081SF_PL_109_P1, 20081SF_PL_110_P1
- 3) No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide the following details:
 - the anticipated number frequency and types of vehicles used during construction; -the method of access and egress and routeing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors; -the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;
 - details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
 - measures to control the emission of dust, dirt, air pollution and odour during demolition and construction; - temporary lighting for construction and security;
 - means of safeguarding public rights of way - details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development;
 - facilities for site welfare.The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.
- 4) No development shall commence until the tree protection measures as set out in the Arboricultural Methodology Statement have been carried out in full.
- 5) No development shall commence until a detailed plan of the proposed ecological mitigation actions and biodiversity net gain, including any necessary species protection method statements as informed by a professional ecologist, have been submitted to and approved in writing by the Local Planning Authority. The plan shall include mitigation measures set out in the approved Ecological Assessment and demonstrate how a

net gain in the biodiversity of the site and adjoining area will be enhanced.

- 6) No development shall commence until details of implementation, management and maintenance of the sustainable urban drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for implementation and a management and maintenance plan, which shall specify arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime. The approved sustainable urban drainage scheme shall be implemented before the development is occupied. Thereafter, the sustainable urban drainage scheme shall be managed and maintained in accordance with the agreed management and maintenance plan.
- 7) No development above ground shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The development shall not be occupied until a cycle store for the provision of at least 4 cycles has been provided at the site and made permanently available for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.
- 9) The development shall not be occupied until car parking areas including car parking spaces for 17 cars, turning space and access have been provided in accordance with the approved plans for vehicles to enter and leave the site in a forward gear, such areas shall thereafter be retained for that use and shall not be used other than for the parking of vehicles in association with the development.
- 10) The development shall not be occupied until the existing accesses currently serving the development site have been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the local planning authority.
- 11) Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.
- 12) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its

- permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 13) The access shall not be used until the areas shown on the submitted plan (plan no number 536.0030.002 Rev C) are cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.
 - 14) No external lighting shall be installed to the property hereby approved unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.
 - 15) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: (a) A preliminary risk assessment which has identified: (i) all previous uses (ii) potential contaminants associated with those uses (iii) a conceptual model of the site indicating contaminants, pathways and receptors (iv) potentially unacceptable risks arising from contamination at the site. (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. (c) The site investigation results and the detailed risk assessment (b) 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. (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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 local planning authority. The scheme shall be implemented as approved.
 - 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
 - 17) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation 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.

- 18) At no time shall the development hereby approved, be occupied by persons other than:
- i) a person of aged 60 years or over;
 - ii) a person aged 55 years or older living as part of a single household with a person identified in i); or
 - iii) a person aged 55 years or older who were living as part of a single household with the person identified in i) who has since died.

END OF SCHEDULE

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Ms. Kimberley Ziya	Landmark Chambers
Matthew Shellum	Planning Issues Ltd
Mr. Ben Smith	Planning Issues Ltd - Design Director
James Rand	Paul Basham Associates

FOR THE LOCAL PLANNING AUTHORITY:

Marc Dorfman	Lewes District Council
Rita Burns	Lewes District Council
Joanne Stone	Lewes District Council – Legal team

INTERESTED PARTIES:

Councillor Brett	Local resident
Councillor Lambert	East Sussex Country Council
Geoff Johnson	Seaford Town Council
Bob Sinclair	Representative of residents of Mill Drive and Sutton Drove
Caralynne Ledingham	Local resident

DOCUMENTS

- Concluding Statement on behalf of Mill Drive and Sutton Drove Residents by Robert Sinclair
- Statement by Councillor Lambert
- Petition set up by Councillor Brett and Seaford Liberal Democrats
- Council's Waste Team Consultee Responses dated 20 May 2022 and 25 October 2021
- Statement by Mr and Mrs Naqvi
- Appellant response to the Statement by Mr and Mrs Naqvi
- Appellant agreement to pre-commencement conditions dated 11 November 2022 and 14 November 2022
- Unilateral Undertaking dated 10 November 2022
- Deed of Variation dated 23 November 2022