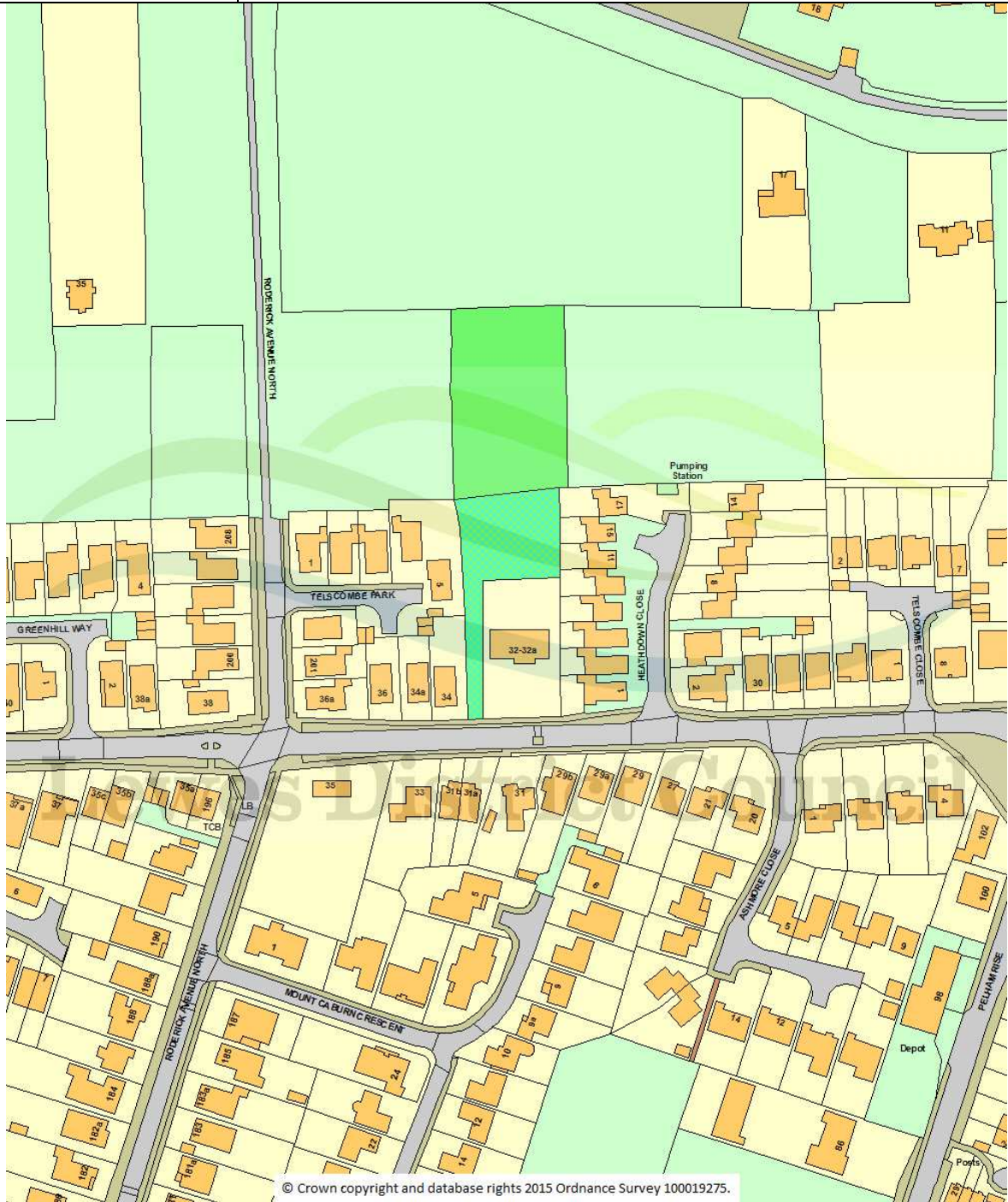


<b>APPLICATION NUMBER:</b>	LW/17/0641	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Benjamin Allen Bespoke Homes	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven North
<b>PROPOSAL:</b>	Planning Application for Erection of 2 x three bedroom detached houses with attached single garages (resubmission of application LW/16/0686)		
<b>SITE ADDRESS:</b>	32 Telscombe Road Peacehaven East Sussex BN10 8AG		
<b>GRID REF:</b>	TQ 41 02		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application relates to a plot of land to the rear of 32 Telscombe Road, a detached bungalow that was built in the 1970s situated on the northern side of Telscombe Road. The plot lies within the defined Planning Boundary of Peacehaven and measures 29m deep and 33m across. The plot is bounded to the east by the back gardens of nos. 11, 15 and 17 Heathdown Close, which are two storey houses. To the west the site is bounded by 5 Telscombe Park and 34 Telscombe Road, both of which are detached bungalows. There is open countryside to the north side of the plot but this is not land within the South Downs National Park.

1.2 Access to the plot is via a strip of land between 32 and 34 Telscombe Road and 5 Telscombe Park.

1.3 The site has an overall area of 1330 square metres and has a Group Tree Preservation Order (TPO No. 17 of 1992) protecting predominantly Sycamore, Willow, Poplar, Pine and Hawthorn.

1.4 There is a long planning history of applications for development of this backland site, starting in the late 1980s.

1.5 Most recently, application LW/16/0686 for the erection of 2 three-bedroom detached houses with single garages was refused planning permission on 17 October 2016 for the following reason:-

1.6 The proposed development is backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32 and 34 Telscombe Road and 5 Telscombe Park and will have a detrimental impact on neighbour amenity. The proposal is thereby contrary to retained policies ST3 and ST4 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and National Planning Guidance contained in the National Planning Policy Framework 2012.

1.7 Prior to the above, on 1 June 2009 planning permission was refused for the erection of two x three bedroom detached houses (ref. LW/09/0316), the reason for refusal being as follows:

1.8 The proposal would constitute backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32a and 34 Telscombe Road and 5 Telscombe Park. The proposal would thereby be contrary to Policy ST4(a) and (c) of the Lewes District Local Plan.

1.9 And earlier still, an outline application for the erection of one dwelling was refused and dismissed at Appeal on 10 October 1989 (ref. LW/89/0031). In this decision the Planning Inspector stated as follows at paragraph 7:

1.10 I consider that the use of the access by vehicles and pedestrians passing to and from the new dwelling would materially affect conditions within the gardens of nos. 34 and 32a Telscombe Road and 5 Telscombe Park to the extent that residents of these properties would be unable to enjoy reasonable peace and quiet. Whilst the retention of the screen fences alongside the access and additional planting would afford some

measure of privacy, this would not effectively reduce the disturbance from noise and general activity close to the dwellings and alongside their gardens.

1.11 The recurring theme is therefore the impact of the access usage on the amenities of adjoining residents.

## PROPOSAL

1.12 The application seeks planning permission for the erection of two detached 3-bedroom houses which will have a traditional design with pitched roof, front porch and bay window and two half-dormer windows cutting through the eaves line on the front elevations. The new houses will have a floor area of approximately 126 square metres and will have back gardens just under 11m in length. The properties will have a mono-pitch garage attached to the side with surface car parking in front, along with a turning head. The plot is proposed to be accessed via a 46m long driveway which will be between 6.9m and 8.8m wide with a 3.7m wide tarmac roadway down the middle and 2.2m and 1.2m wide buffer strips for planting on either side.

1.13 The front, principal elevations of the dwellings will be 15m from the nearest part of 5 Telscombe Park, and the rear elevations will be some 20m from the rear neighbouring properties in Heathdown Close, which backs onto the application site.

1.14 A similar planning application for a single dwelling within the plot has been submitted in tandem with this planning application, ref. LW/17/0642.

## 2. RELEVANT POLICIES

**LDLP: – CT01** – Planning Boundary and Countryside Policy

**LDLP: – ST03** – Design, Form and Setting of Development

**LDLP: – ST04** – Design, Form and Setting of Development

**LDLP: – SP2** – Distribution of Housing

**LDLP: – CP11** – Built and Historic Environment & Design

**LDLP: – CP13** – Sustainable Travel

## 3. PLANNING HISTORY

**E/49/0257** - Planning and building Regulations Applications for proposed addition of kitchen and larder. Building Regulations Approved. Completed. Demolished. – **Approved**

**E/60/0831** - Retention of one caravan on existing site at Pax, 32, Telscombe Road. – **Approved**

**E/61/0988** - Outline application to erect one bungalow on part plot 255, Telscombe Road. – **Refused**

**E/69/0708** - Outline application for demolition of existing dwelling and erection of one detached dwelling on site of 'Pax'. - **Refused**

**E/70/0169** - Outline application for demolition and re-building of existing bungalow and erection of two bungalows and garages. - **Refused**

**E/71/0477** - Outline application for detached bungalow. – **Refused**

**E/72/1158** - Planning and Building Regulations Applications for demolition of sub-standard dwelling and erection of bungalow and garage. Building Regs. Approved. Completed. – **Approved**

**E/72/1534** - Detached bungalow on site of 32. To be Approved after expiration of statutory period for public representation 31/08/1972.. - **No Decision**

**LW/80/0263** - Planning Application for three stables and food storeroom. - **Approved**

**LW/87/0404** - Two detached bungalows with garage. – **Refused**

**LW/87/1790** - Outline Application for seven dwellings. – **Refused**

**LW/87/2050** - Outline Application for one detached bungalow with garage. – **Refused**

**LW/87/2051** - Two detached bungalows with garages. – **Refused**

**LW/89/0031** - Outline application for erection of one dwelling. - **Refused**

**LW/08/0378** - Erection of two detached houses - **Withdrawn**

**LW/09/0316** - Erection of two x three bedroom detached houses - **Refused**

**LW/16/0686** - Erection of 2 three bedroom detached houses with attached single garages - **Refused**

**APPEAL/87/2051** - Development Appeal - **Dismissed**

**APPEAL/87/2050** - Development Appeal - **Dismissed**

**APPEAL/89/0031** - Development Appeal - **Dismissed**

**APPEAL/71/0477** - Development Appeal - **Allowed**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Peacehaven Town Council – Objection**

4.1 Refusal is recommended for the following reasons:-

- Inadequate access to accommodate emergency vehicles
- Access road is too close to neighbouring properties
- Development too dense for plot
- Back garden development
- Loss of privacy - over-looking neighbours, causing loss of privacy or light
- Over development

## **Environmental Health – No objection**

4.2 No objection subject to a condition in respect of unsuspected contamination.

## **District Services – Objection**

4.3 The concern with two properties being asked for the plot, the refuse would have to be presented at road side up the shared drive and this may cause access issues for the narrow access of the residents.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

5.1 Letters of representation have been received from 1, 4 and 5 Telscombe Park; 29, 34 Telscombe Road; 15 Heathdown Close, objecting to the application for the following reasons:-

- Out of character
- Unsuitable area
- Unsuitable appearance
- Over-development
- Highway hazards
- Inadequate access
- Access safety
- Narrow access
- Unlit access
- Access next to bus stop
- Access alongside neighbouring property
- Security concerns
- Damage, vandalism and waste tipping
- Speed humps at access point
- Parking issues
- Traffic generation
- Traffic on A259
- Lack of infrastructure
- Loss of light
- Overlooking, loss of privacy
- Overshadowing
- Noise and disturbance
- Dust, dirt, pollution and site traffic
- Smell/fumes
- Overbearing building/structure
- Loss of open space
- Loss of trees
- Loss of habitats
- Not sustainable
- Conservation significance
- Waste collection
- Drainage
- Effect on town centre viability
- Effect on wildlife
- Allowing one property will open the site to a second property

- Insufficient information

## 6. PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the application include the principle of development; design and the impact on protected trees; the impact on amenity; accessibility and sustainable transport.

6.2 The previous application, LW/16/0686, established that in principle the use of the land for housing is acceptable, and that the design and the impact on trees would also be acceptable. The main issue was the impact of the access to the site on the amenities of adjoining neighbours.

### Principle

6.3 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area. The proposal to provide two additional dwelling units is acceptable in this location in principle, and compliant with Spatial Policy 2 of the Joint Core Strategy which states that new housing on sites which are neither allocated nor should part of a Neighbourhood Plan be sited at currently unidentified infill developments within the planning boundaries.

### Design

6.4 In terms of the design, detailing, scale and external materials and finishes the proposal is considered acceptable. The neighbouring properties are a mixture of bungalows and two-storey houses and the housing type proposed would not be out of character with the locality. No harm to visual amenity is foreseen as a result of the proposed development.

6.5 It is noted that the proposals will result in the loss of trees within the site. However, these considerations have previously been established and accepted under previous planning applications, for example LW/09/0316, and are not held to be significantly harmful to justify a reason for refusal of planning permission.

6.6 The Arboricultural Impact Assessment submitted with the application indicates that 8 trees will need to be removed for arboricultural/safety reasons (Category U) and that of the remaining trees they are either of poor quality or with a limited life expectancy of less than 10 years. In all, ten trees are proposed to be removed.

6.7 The more densely planted area behind the application site will remain and will still be covered by the Tree Preservation Order.

### Amenity

6.8 The main issue that has led to the refusal of the previous application LW/16/0686 and previous schemes submitted in 2009 and 1989, is the impact of the development on the amenity of neighbouring residents in respect of the new driveway between 32 Telscombe Road, 34 Telscombe Road and 5 Telscombe Park.

6.9 The proposed access will be close to 32 and 34 Telscombe Road and also 5 Telscombe Park, the latter two properties having back gardens alongside the access route and elevations in close proximity to it. The existing bungalow in front of the plot, 32 Telscombe Road, will adjoin the proposed access route, with no space between.

6.10 The applicant has submitted a Noise Assessment report with the application, which was carried out by Acoustic Associates Sussex Ltd., and this demonstrates that the levels of noise from the small number of vehicular movements that will be associated by two dwellings will not have a significant adverse impact on neighbouring residents' amenity. In addition to this the applicant is proposing to install acoustic fencing along both sides of the vehicular access, which will further reduce any sound or disturbance, as well as blocking the beam of headlights. It should be noted also that there will be significant buffer zones on both sides of the access driveway and these could be planted with trees and shrubs that will further reduce the impact on neighbour amenity and also help to maintain the "semi-rural" character of this strip of land. Both the landscaping and the provision of acoustic fencing can be secured by imposing appropriate planning conditions.

6.11 The concerns raised by neighbouring residents in respect of overlooking and loss of privacy have been taken into consideration as well. However, the proposed dwellings will be in a similar position within the plot as in previous planning applications, and overlooking and loss of privacy have not been cited as reasons for refusal historically. As such it would be unreasonable and inconsistent to introduce this as a reason for refusal now, because the applicant, in submitting the current application, has sought to address the single issue of the impact of the vehicular access on neighbour amenity.

#### Accessibility and Sustainable Transport

6.12 The application site is near to Telscombe Road, which is a bus route providing services to the south coast. The proposed development will also provide a minimum of 2 car parking spaces per dwelling which is considered acceptable and will address neighbour concerns in respect of parking issues.

6.13 In addition, notwithstanding the objections received from neighbouring residents, the access point onto the public highway will provide pedestrian visibility splays and the pole sign for the nearby bus stop is actually positioned in front of the driveway to the neighbouring property, 34 Telscombe Road, and will not align with the access to the proposed development.

## **7. RECOMMENDATION**

7.1 In view of the above, approval is recommended.

### **The application is subject to the following conditions:**

1. No development shall take place details and samples of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The overall maximum height of the ridges to the main roofs of the dwellings hereby permitted shall not exceed the annotated dimensions shown on the approved drawing no. 3 Revision A, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity, having regard to retained Policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a drawing/plan indicating the design, materials and height above ground level of the wall enclosures, fences and other boundary treatments within and around the perimeter of the application site. The boundary treatments shall be completed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the details of the shrub/tree species, height and planting density of the landscaping to the buffer zones on either side of the vehicular access route between the public highway and the new dwelling. The hard and soft landscape works shall be retained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the general appearance of the development and safeguard the amenities of adjoining residents, having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the new dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. No development, including clearance of the site, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.



Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. 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.

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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors), B and E, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. Prior to the first residential occupation of either of the new dwellings hereby permitted the acoustic fences detailed in the Noise Assessment by Acoustic Associates Sussex Ltd (ref. J2011 Issue 3) shall be provided in accordance with the Noise Assessment, including the details set out in Appendix 1, and the approved drawings, and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding the residential amenities of the residents of properties adjoining the application site from noise, disturbance and nuisance from vehicular traffic entering and leaving the development hereby permitted, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. Prior to the first residential occupation of the new dwellings hereby permitted the car parking and turning facilities shall be provided in accordance with the approved drawings and retained as such thereafter only for the parking of vehicles associated with the residents and visitors to the approved development.

Reason: In the interests of amenity and to provide for alternative methods of transport to the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

### **INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	19 July 2017	
Proposed Section(s)	19 July 2017	2 C PROPOSED SITE DETAILS
Proposed Layout Plan	19 July 2017	2 C PROPOSED SITE DETAILS
Proposed Elevation(s)	19 July 2017	3 A PROPOSED ELEVATIONS & SEC
Proposed Section(s)	19 July 2017	3 A PROPOSED ELEVATIONS & SEC
Proposed Floor Plan(s)	19 July 2017	4 B PROPOSED FLOOR PLANS
Proposed Elevation(s)	19 July 2017	4 B PROPOSED FLOOR PLANS
Tree Statement/Survey	19 July 2017	ABORI IMPACT
Technical Report	19 July 2017	BAT PLAN
Technical Report	19 July 2017	BAT SURVEY
Tree Statement/Survey	19 July 2017	CONSTRAINTS

Other Plan(s)	19 July 2017	OS MAP
Tree Statement/Survey	19 July 2017	REMOVAL
Technical Report	19 July 2017	REPTILE PLAN
Technical Report	19 July 2017	REPTILE SURVEY
Location Plan	19 July 2017	OS1 B
Proposed Block Plan	19 July 2017	OS1 B