

APPLICATION NUMBER:	LW/17/1075	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr A Thomas	PARISH / WARD:	Seaford / Seaford South
PROPOSAL:	Planning Application for erection of self-contained dwelling		
SITE ADDRESS:	15B Heathfield Road Seaford East Sussex BN25 1TH		
GRID REF:	TQ 48 89		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is garden land forming part of 15B Heathfield Road, which is located behind 15 and 15A Heathfield Road. The site is accessed by a driveway which runs off Heathfield Road between 15A and 17 Heathfield Road. 15B is a bungalow. To the south are the long rear gardens of 37 and 39 Bramber Road (which are between 25-35m long), to the north is The Crouch Recreation Ground and to the west is the 'green' entrance to the recreation ground off Bramber Road.

1.2 The proposal is for a two-storey house, with two open parking spaces and private garden. The house would have three bedrooms. The eaves would cut through the upper floor windows, thereby creating 'skellings' to the first floor rooms. The first floor would only have two windows facing south (to two bedrooms) and one facing north (to the landing), with no windows facing west (facing the recreation ground entrance) or east (facing 15, 15A, 15B and 17 Heathfield Road).

1.3 15B would retain open space and its own private garden after the proposed subdivision of its plot.

1.4 The driveway to the plot is single width and has gravel surfacing. On the 15A Heathfield Road side it is open (where next to the adjacent driveway to 15A Heathfield Road), and then is bounded by a hedge about 3m high along the remainder of the driveway. 15A itself is separated from the driveway by its own garage. On the 17 Heathfield Road side the driveway is bounded by a close board fence, with the flank wall to no. 17 close to the front part of the driveway. 17 Heathfield Road has a blank flank wall with no windows or doors directly facing the driveway.

1.6 The proposal includes the provision of a new acoustic fence along the boundary of the driveway with 17 Heathfield Road.

2. RELEVANT POLICIES

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

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/17/0427 - Erection of 3 bedroom dwelling within the curtilage of 15B Heathfield Road, including part demolition of existing garage - **Refused**

LW/91/1003 - Outline application for one bungalow - **Refused**

S/73/0346 - Outline application for three dwellings with access road. Approved by ESCC. - **Approved**

S/73/0241 - Outline application for bungalow. - **Refused**

LW/87/0896 - Outline application for the erection of one dwelling. - **Refused**

LW/87/0442 - Outline for erection of two dwellings - **Refused**

S/69/0063 - Outline application for dwelling at rear of 041 Bramber Road. - **Refused**

LW/88/1497 - Outline application for erection of one bungalow and gargaes. - **Refused**

S/69/0357 - Outline application for two detached bungalows with garages - **Refused**

LW/76/1393 - Outline application for one dwelling at rear of 015a. - **Approved**

LW/96/0890 - Erection of detached bungalow with integral garage - **Approved**

LW/94/1445 - Outline Application for erection of bungalow. - **Approved**

APPEAL/88/1497 - Development Appeal - **Dismissed**

APPEAL/91/1003 - Development Appeal - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – Objection on the following grounds:

1. That the grounds for refusal of the previous application still applied.
2. The additional information on the likely traffic generation and noise levels did not alter the fact that the development would be unneighbourly and would cause an unacceptable level of general disturbance in the locality.
3. Also the amenities of the area were still adversely affected by the removal of the trees from the driveway. They should be replaced.
4. The proposals were still directly contrary to saved policy ST4 of the Local Plan and the granting of consent would make it more difficult for the District Council to resist similar schemes

4.2 Environmental Health – If LPA is minded to grant a planning permission, then an 'unsuspected contamination' condition should be imposed.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 The occupier of 17 Heathfield Road (next to the access) has commented that "I will not be submitting an objection to the above application. I have met with Mr Thomas (from 15B Heathfield Road) and we have agreed that instead of replanting the Leylandi hedge we would prefer to have an acoustic barrier erected because it will not require any maintenance and will be more effective at dealing with any concerns I expressed in my previous objection dated 04 June 2017. (LW/17/0427)". Officer's note: Those 'previous concerns' focussed on increased noise levels, with another property bringing double the volume of traffic.

5.2 The occupier of 15A Heathfield Road objects. In the objection, he has set out the planning history of the site, and highlighted that permission for 15A was granted only when trees were planted along the access drive, and a condition required that the trees were to be replaced if lost. The trees have since been removed, and therefore the access road is not in compliance with the original permission. To grant permission for a second property would not be appropriate as this would increase vehicular use of the access way which is not currently compliant for one property.

5.3 The occupier of 15A Heathfield Road goes on to say that he will build a fence between his garage and the pavement, along his side of the access way, and that cars would have to enter and leave the access very carefully and use mirrors to see around the blind corners. Also, the access is not wide enough for two cars to pass and is paved with loose gravel, generating excessive noise. Finally, some aspects of the Noise Assessment submitted on behalf of the applicant are factually wrong.

5.4 The occupiers of 37 Bramber Road object on grounds of:

- Backland development.
- The trees which were required along both sides of the access off Heathfield Road have been removed, which has caused noise and disturbance to adjoining properties.
- Overlooking of properties across the recreation ground and neighbouring gardens.
- The access has no passing areas, thus providing the opportunity for vehicles to have to back into Heathfield Road.
- The proposal is unnecessary given numerous other developments taking place.

5.5 Other more general objections raised are Loss of trees; Not sustainable: Out of Character; outside Planning Boundary; Over-development; Overbearing Building/Structure: Overlooking/Loss of Privacy; Parking Issues; Smell/Fumes: Traffic Generation.

6. PLANNING CONSIDERATIONS

6.1 This is an application for a house in a backland position, behind development fronting onto Heathfield Road. As indicated above, access is off Heathfield Road by a gravelled driveway about 50m long, between 15A and 17 Heathfield Road. The access already serves a bungalow (15B Heathfield Road) in this backland position which was given planning permission in 1994 (LW/94/1445L).

6.2 The history of the site is summarised in the 'Planning History' section of this report. The key point is that a sequence of refusals in the 1980's and in 1991, all on grounds that the access was inadequate, were reversed in 1994 when permission was eventually granted for a bungalow. Permission was granted because trees which had been planted adjacent to the access had become established, and were considered to soften the impact of vehicles along the driveway to the then proposed bungalow. As an objector to the current application has pointed out, a condition on LW/94/1445 required that the trees were to be "retained to the satisfaction of the Local Planning Authority".

6.3 The trees have since been removed. It is understood that their removal took place about two years ago, after discussions between occupants of the bungalow at 15B and the occupier of 17 Heathfield Road. The reasons for their removal are understood to be loss of light caused by the trees to no.17 and their maintenance requirements. The trees were leylandii and were thus fast growing.

6.4 An application last year (LW/17/0427) for a house on the plot was refused, essentially on grounds that noise and disturbance would be caused by use of the access by the extra dwelling (because the trees mentioned above have been removed) and that traffic hazards could arise in Heathfield Road given that the access was single width only.

6.5 The current application, unlike the previous application, is supported by a technical Noise Assessment, which concludes that "no adverse effect" would arise from the extra dwelling. The Assessment indicates that this conclusion 'takes account' that it is proposed to install a 2m high acoustic barrier along the boundary of the driveway with 17 Heathfield Road. This is the material difference to LW/17/0427, which contained no such fence proposal.

6.6 The Council's EHO has considered the report, and advises that ".....Having reviewed this document and the evidence presented with regard to relevant British Standards, WHO Guidelines for Community Noise, the Planning Policy Guidance and the suggested No Observed Effect Level of 45 dB (LAeq 16hr) I am satisfied that there is no reason to object to this proposal given the limited number of vehicles movements along the drive plus the provision of an acoustic fence".

6.7 The number of vehicle movements associated with a single dwelling can generally be around six to ten per day, but this of course varies according to factors such as car ownership, the proximity of the dwelling to shops, employment and services, and the travel habits of individual occupiers.

6.8 The number of vehicle movements along the driveway from the two dwellings (15B plus the proposed house) could therefore be expected to be in the order of 12-20 per day. With the acoustic fence adjacent to no 17, and the hedge and 15A itself set away from the driveway, it is considered that the use of the driveway with the extra house would not cause undue noise and disturbance to neighbours and would be acceptable in planning terms.

6.9 As indicated in the 'Representations' section, the adjacent occupier has indicated that a fence would be erected to bound the 'open' part of the driveway towards the front. This does not alter the conclusion above that the use of the driveway by the extra dwelling would be acceptable.

6.10 On the plot itself, as indicated above there would be limited first floor windows. The south facing windows would be some 38m to 37 Bramber Road and 12m to the boundary between the two properties (between which there are trees). The north facing window would look over The Crouch Recreation Ground.

6.11 The height of the house would be about that of the bungalow at 15B Heathfield Road, as it would be set on slightly lower land. Although the house would be visible in the locality, it is not considered that it would be unduly prominent, including from the entrance to the recreation ground off Bramber Road.

6.12 Although the refusal of LW/17/0427 referred to highway hazards arising in Heathfield Road from the additional use of the driveway by the extra dwelling, it is not considered that, in isolation, it is a sustainable reason for refusal. The number of instances where conflicting traffic movements cause highway hazards along Heathfield Road is likely to be very low. Heathfield Road itself is a generally quiet residential road.

6.13 The site is in a sustainable location with easy access by foot to local shops and services in Seaford town centre.

6.14 Overall, it is considered that the proposal would comply with Retained Policies ST3 and ST4 of the LDLP and CP11 of the JCS, and is therefore recommended for approval.

7. RECOMMENDATION

That planning permission be granted.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A-C of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Prior to the commencement of development, a 2m high acoustic barrier shall be erected along the boundary with 17 Heathfield Road, in accordance with details (position and length of barrier and its design and appearance) which shall have been first submitted to and approved by the Local Planning Authority. The acoustic barrier shall thereafter be retained in place.

Reason: To help safeguard the living conditions of occupiers of 17 Heathfield Road from vehicular noise along the driveway to the approved house, having regard to Retained Policy ST3 of the Lewes District Local Plan (within the Joint Core Strategy).

5. 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.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. 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, an amendment to the 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 National Policy Guidance contained in the National Planning Policy Framework 2012.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	27 December 2017	TA 1020-181217-01A
Existing Elevation(s)	27 December 2017	TA 1020-210417-03
Existing Elevation(s)	27 December 2017	TA 1020-210417-05
Proposed Elevation(s)	27 December 2017	TA 1020-181217-14A
Proposed Elevation(s)	27 December 2017	TA 1020-181217-16A
Proposed Elevation(s)	27 December 2017	TA 1020-181217-15A
Proposed Elevation(s)	27 December 2017	TA 1020-150517-13
Existing Floor Plan(s)	27 December 2017	TA 1020-210417-04
Proposed Floor Plan(s)	27 December 2017	TA 1020-150517-11
Proposed Floor Plan(s)	27 December 2017	TA 1020-181217-12A
Proposed Roof Plan	27 December 2017	TA 1020-181217-10A
Survey Plan	27 December 2017	TA 1020-150517-02
Noise Detail	27 December 2017	NOISE ASSESSMENT
Planning Statement/Brief	27 December 2017	PLANNING STATEMNT PAD V2

Transport Assessment

27 December
2017

TRANSPORT STATEMENT