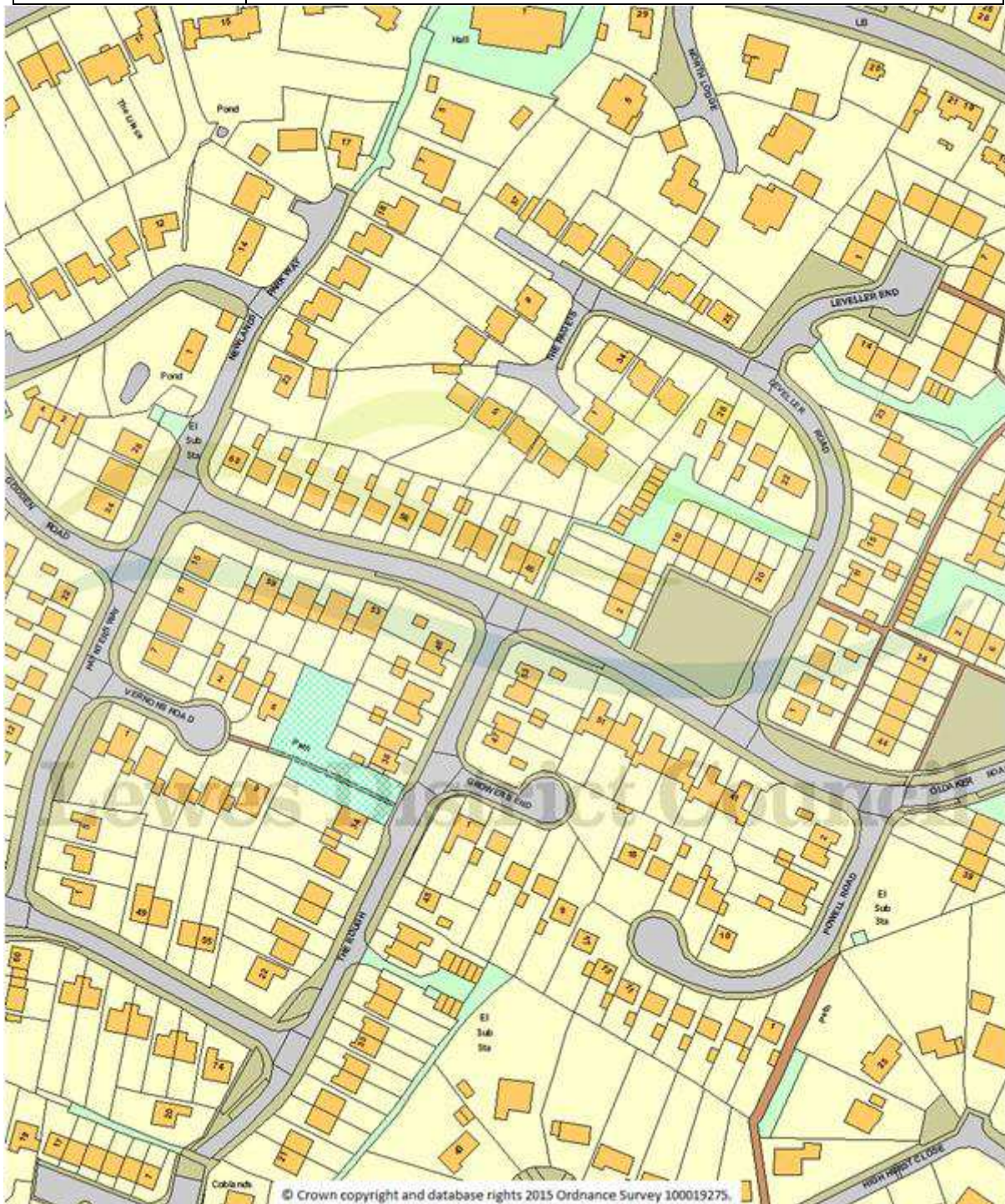


<b>APPLICATION NUMBER:</b>	LW/18/0048	<b>ITEM NUMBER:</b>	<b>9</b>
<b>APPLICANTS NAME(S):</b>	Ms S Berry	<b>PARISH / WARD:</b>	Newick / Newick
<b>PROPOSAL:</b>	Outline Planning Application for one pair of semi-detached three bedroom houses with integral garages and parking spaces		
<b>SITE ADDRESS:</b>	Land Adjacent To The Rough And Vernons Road Newick East Sussex		
<b>GRID REF:</b>	TQ 41 21		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1. The application site is a 0.05 hectares (0.12 acres) area of land The Rough and Paynters Way/ Vernons Road in Newick. The land is bound to the west by 6 Vernons Road, to the north by Nos. 53 and 55 Oldaker Road, to the east by Nos. 36-40 the Rough and to the south by 34 The Rough and 9 Vernons Road. A footpath linking Vernons Road with The Rough is aligned along the southern part of the plot.

1.2. The land is laid to grass with trees and hedges on site. The two trees are located at the entrance to the site and flanking 36 The Rough. The other Sycamore is located to the rear of number 38 and 40 The Rough.

1.3. The application site is within the Planning Boundary of Newick and in a predominantly residential area developed from the late 1960s and early 1970s. The land is not within an Area of Established Character or a Conservation Area, and there are no Listed Buildings within the site.

1.4. The land is owned by Newick Parish Council, the applicant for the planning application.

### PROPOSAL

1.5. The application seeks outline planning permission for the erection of one pair of semi-detached 3-bedroom houses with integral garage. The only matters for consideration at this stage being the principle of the development along with the means of access and parking provision. All other matters are reserved for future consideration.

1.6. The plans submitted show a footprint of 2no. semi-detached dwellings set approximately 25 metres away from the properties to the north of the site and over 16 metres from those to the east. Number 6 Vernons Road would be set just 1.6 metres away from the proposed dwellings to the west. Rear gardens proposed would be approximately 10 metres deep.

1.7. The proposed dwellings would be introduced through combination of parcels 2 and 3, with the public footpath forming part of the access road or being moved a few metres to run alongside it. Five parking spaces would be set along the existing footpath.

## 2. RELEVANT POLICIES

**LDLP: – NNPEN2 – Protection/Enhancement of Wildlife**

**LDLP: – NNPEN3 – Footpaths and Twittens**

**LDLP: – NNPH51 – HO5.1-Housing Site**

**LDLP: – NNPH52 – HO5.2-Housing Types assoc with H05.1**

**LDLP: – NNPH53 – HO5.3-Twitten assoc with H05.1**

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

**LDLP: – CP2 – Housing Type, Mix and Density**

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

**LDLP: – CP13 – Sustainable Travel**

**LDLP: – NNPCF2 – New Housing to Support the Social Core**

**LDLP: – NNPTC1 – Sustainable Modes of Transport**

**LDLP: – NNPH11 – HO1.1-New Housing Design**

**LDLP: – NNPH12 – HO1.2 -New Housing Materials**

**LDLP: – NNPH13 – HO1.3-New Housing Height**

**LDLP: – NNPH14 – HO1.4-New Housing Size**

**LDLP: – NNPH15 – HO1.5-New Housing Parking**

### **3. PLANNING HISTORY**

None

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

**4.1 Tree & Landscape Officer Comments – Recommends Condition**

4.2 Two similar schemes that will result in the loss of all existing trees, including two relatively large Sycamore trees located within the site. The fate of the two principle trees should be considered 'material considerations' when determining the planning application.

**4.3 ESCC Highways – No comment.**

**4.4 Environmental Health – no objections to the proposal but would recommend the conditions be attached to any approval.**

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

5.1 23 letters objecting this application have been received. The grounds for objection are:

- Historical Significance
- Contextual Significance
- Contrary to Policy
- Insufficient Information
- Loss of Open Space
- Out of character
- Overdevelopment
- Inadequate Access
- Parking issues
- Traffic Generation
- Highway Safety
- Impact upon the Twitten
- Overlooking

- Loss of Privacy
- Overshadowing
- Effect on Wildlife
- Loss of Trees
- Noise and disturbance
- Drainage issues
- Some property owners mentioned loss of rear access to their gardens

5.2 Also one letter in support of the proposed works has been received.

5.3 In addition a petition objecting this application has been received showing 112 signatures in support of retaining existing recreation use of the site.

## 6. PLANNING CONSIDERATIONS

6.1. The main considerations in the determination of the application include the principle of development and whether the site can accommodate the scale and type of the development proposed. The details will be reserved matters for subsequent approval, including the landscaping, scale and appearance of the development.

### Principle of development

6.2. Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy, the retained policies of the Lewes District Local Plan 2003, and the recently adopted Newick Neighbourhood Plan.

6.3. The Newick Neighbourhood Plan has been brought into legal force, forming part of the statutory development plan for Lewes District. As such, the Plan is used when determining planning applications in the Newick Neighbourhood Area, which covers the entire parish. This complies with the statutory and legal requirements and basic conditions set out in the Localism Act 2011.

6.4. Paragraph 183 of the NPPF says that "[neighbourhood] planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need". It adds that "[parishes] and neighbourhood forums can use neighbourhood planning to ... set planning policies through neighbourhood plans to determine decisions on planning applications ...". Paragraphs 184 and 185 state: "184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.

6.5. The Newick Neighbourhood Plan (NNP) identified four sites for housing - under Policy HO2, Policy HO3, Policy HO4 and Policy HO5. It was put to a referendum on 26 February 2015 and duly made by the district council on 22 July 2015.

6.6. Housing Policy HO5 set within the Newick Neighbourhood Plan relates to the application site. HO5.2 states that 'this site shall consist of a pair of semi-detached bungalows or houses, each with no more than three bedrooms'. Therefore, 2no, semi-detached 3-bedroom houses as proposed is acceptable in principle and complies with the adopted Neighbourhood Plan designation.

6.7. The adopted NNP policy HO5.3 says 'the twitten between The Rough and Vernons Road shall remain open to the public but, subject to the agreement of East

Sussex County Council, may be diverted by a few metres to the south to allow the access road to the site to run alongside it. Any changes to the existing lay-by in The Rough, that are considered necessary by East Sussex County Council as a result of the access road, shall be carried out'. Consequently, Policy HO5 provides for housing delivery, having regard to the Framework. In so doing, the Policy contributes to the achievement of sustainable development.

6.8. Nevertheless, numerous objectors consider that this seems to conflict with policy EN2, as the residents of The Rough and Vernons Road are entitled to a small piece of green space as originally envisaged.

6.9. As shown during Neighbourhood Plan preparation process, the application site was protected from use unless and until another open space was provided, but that condition was met when The Manwaring Robertson Field became available as a public recreation space. This was followed by the statement that the land is unused and could be used for the construction of one large or two small dwellings. The Parish confirmed that funds received from sale of the land could be used by the Parish Council to enhance the sports or other communal facilities in Newick.

6.10. Furthermore, the applicant claims that by way of substitute open spaces are available within the locality. The King George V Playing Field has more recently acquired the immediately adjacent Manwaring Robertson Field which greatly increases the total playing field area. A skate board facility was provided on the Manwaring Robertson Field and the children's playground on the King George V Playing Field was upgraded. Additionally, a second children's playground would be provided at the end of the new housing development at Mantell Close as shown within the adopted Neighbourhood Development Plan (NP). Finally, the ongoing development of Reedens Meadow as a SANG would also provide a further recreational area for Newick residents.

6.11. Although numerous comments suggest that the application site has been used for recreational purposes serving as a local green space, the applicant demonstrated that there are other open green spaces within the locality. As the National Planning Policy Framework states, the aim of the planning system is to deliver sustainable development. This has been carried through in the Neighbourhood Planning Regulations, which require that neighbourhood development plans contribute to the achievement of sustainable development. Moreover, the site is within walking distance of the school and shops therefore located within a sustainable location.

6.12. The Independent Examiner considered the submitted Sustainability Scoping Report and Sustainability Appraisal, as well as representations received before approving the Newick Neighbourhood Plan. It was concluded that public consultation formed an essential part of the production of the Newick Neighbourhood Plan. Consultation was ongoing and transparent, and there were plentiful opportunities for comment, with comments duly considered and reported. The Examiner was satisfied that the consultation process was significant and robust.

6.13. Notwithstanding the objections from neighbouring residents, as shown already, the development of the site with two semi-detached dwelling is acceptable in principle and would help to meet housing need whilst the loss of open green space has been mitigated by the demonstration of other available recreational grounds within the Parish.

#### Access and parking

6.15. There is very limited parking space at the Village Green, where most of the shops are, including the nearby Post Office, three public houses and restaurant. It is desirable, therefore, for any new housing to be within walking distance of these facilities, thus mitigating increased vehicle use for short journeys within the village.

6.16. The proposed site layout plan demonstrates provision of 5no. off-street car parking spaces. Also, the site entrance would be where the current lay-by is between Nos. 34 and 36 The Rough. Although this would result in the loss of two on-road parking spaces, the proposed parking bays 1 to 3 as shown on the submitted layout plan 18.NK.01B would be conditioned to be used by the public only.

6.17. Policy CF2 of the NNP supports the provision, or enhancement, of footpaths and the provision of play areas and/or allotments. It has regard to national policy, which recognises that supporting strong and healthy communities by providing a high quality environment forms an important part of sustainable development. This Policy contributes to the achievement of sustainable development and meets the basic conditions.

6.18. ESCC Highway Authority has commented that the applicant may have to apply to stop up part of the adopted public highway and dedicate another section of land to ensure an adopted public footpath is maintained between the two roads. This would be set as an informative.

#### Reserved Matters

6.20. The specific details relating to the reserved matters will be considered in subsequent applications for planning permission. The site layout plans submitted show that the site can accommodate a pair of semi-detached houses and that through careful design, loss of privacy and overshadowing of neighbours can be avoided.

6.21. Policy EN2 of the adopted NPP states that 'the protection and/or enhancement of wildlife opportunities, by retaining or providing wildlife corridors and stepping stones such as hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, will be supported'.

6.22. The Council's Arboriculture Specialist Advisor commented that this application 'will result in the loss of all existing trees, including two relatively large Sycamore trees located within the site. The fate of the two principle trees should be considered 'material considerations' when determining the planning application'. Those comments are acknowledged and would be further considered by reserved matters.

## **7. RECOMMENDATION**

The application is recommended for approval.

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

1. Details of the appearance, landscaping and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To meet the provisions of paragraph (1) of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. Applications for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission, and the

development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The Reserved Matters shall be in general conformity with drawing numbers R18.NK.03A, R18.NK.02A and R18.NK.01B submitted with the application hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and the character of the locality, and to create a satisfactory layout and appearance to the development with provision for safe vehicular access and off-street car parking, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

4. Development shall not begin until details of finished floor levels and ground levels in relation to the existing ground levels and the ground floor levels of the neighbouring dwellings 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 the National Planning Policy Framework 2012

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units 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.

6. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings excepting domestic gardens shall be submitted to and approved in writing by the Local details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of

open spaces within the development, and to enhance its setting within the immediate locality in accordance with (Insert relevant policies here).

7. 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 units 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.

8. 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.

9. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted 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/samples.

Reason: To ensure a satisfactory appearance to the development in keeping with the locality 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.

10. Parking bays 1 to 3 as shown on the submitted proposed layout plan 18.NK.01B should be open to use by the public, whereas spaces 4 to 5 shall be associated with the residential use proposed only. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in the interests of local amenity 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.

11. No part of the development shall be occupied until integral garage space details have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The garage areas thereafter be retained for that use and shall not be converted or used as habitable space.

Reason: To provide adequate off-street parking for the development in the interests of local amenity 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.

12. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport having regard to Core Policy 13 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No development shall take place until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local



planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of local amenity 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.

14. 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.

15. Prior to any site clearance works necessary to implement the development hereby approved, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall provide for:

- the size of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries);
- contractors' parking and Travel Plan;
- temporary site-security fencing;
- lighting;
- measures to control the emission of dust and dirt during construction;
- loading and unloading of plant and materials;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices.

The development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

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.

16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 Classes A to F 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.

17. The tway between The Rough and Paynters Way/ Vernons Road shall remain open to the public, subject to the agreement of East Sussex County Council.

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, policy HO5.3 of the Newick Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to ST3 of the Lewes District Local Plan.

19. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.

Reason: In the interest of residential amenities of the neighbours having regard to ST3 of the Lewes District Local Plan.

### **INFORMATIVE(S)**

1. Please note, there should be no bonfires on site.

2. Please note that you may have to apply to stop up part of the adopted public highway and dedicate another section of land to ensure an adopted public footpath is maintained between the two roads.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	20 March 2018	R18.NK.01B
Proposed Block Plan	24 January 2018	R18.NK.02A
Location Plan	24 January 2018	R18.NK.03A