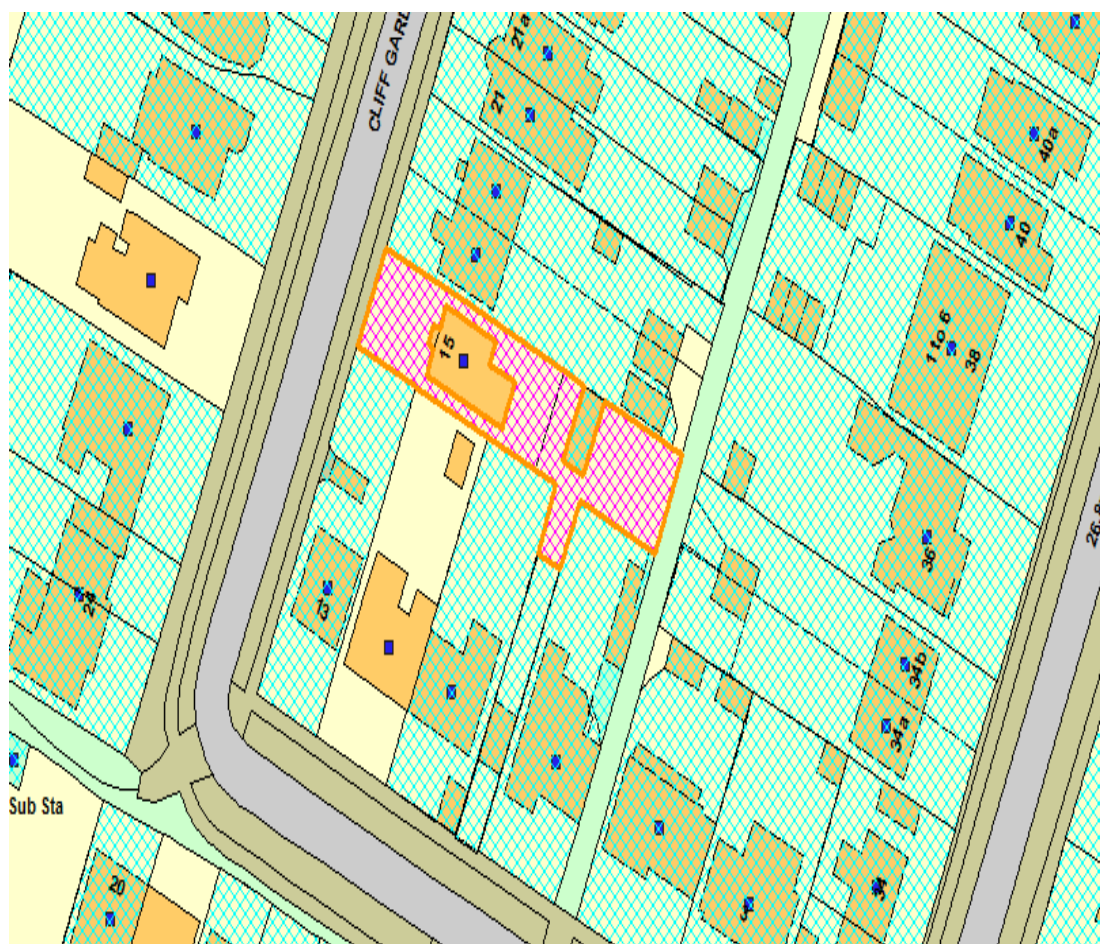


APPLICATION NUMBER:	LW/18/0773		
APPLICANTS NAME(S):	Mr Piers Turner	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning application for proposed 1 bedroom single storey detached dwelling (re-application after refusal of LW/18/0198)		
SITE ADDRESS:	15 Cliff Gardens Telscombe Cliffs East Sussex BN10 7BX		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The site consists of a plot of land to the rear of 15 Cliff Gardens. The plot is 18.1m by 10.3m in size and covers an area of 186m². The site is accessed from an access road to the south of the site.

1.2 None of the surrounding properties are listed or located in a conservation area. The site lies outside of the South Downs National Park and it is within the Planning Boundary for Telscombe Cliffs. The area is predominantly residential in character and generally comprises of detached and semi-detached bungalows.

1.3 The applicant is seeking planning permission for a single storey flat roofed detached one bedroom dwelling house.

1.4 The dwelling is proposed to have Cedar Cladding on some of the elevations and smooth render on the remaining elevations. The applicants have proposed a bike store that would be approx. 2m by 1.5m and approx. 1.75m in height with a pitched roof. The proposal provides for one parking space at the entrance of Cliff Gardens which would be approx. 5.85m by 3.14m in size.

1.7 Following the previously refused proposal the applicants have reduced the size and height of the dwelling to be single storey and have introduced trees and planting down the access path and around the boundary of the property.

2. RELEVANT POLICIES

LDLP: – CP11 – Built and Historic Environment & Design

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

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

LDLP: – T07 – Provision for Cyclists

3. PLANNING HISTORY

LW/18/0198 - Proposed 2 storey 2-bedroom dwelling - Refused

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – The committee considered the application. Following consideration it was proposed by Cllr Wright, seconded by Cllr Robinson and recommended to make no comment with regards to the application, as the committee were not in agreement if they would support or object the application

Environmental Health – I recommend two conditions which would help protect neighbouring residents from impacts associated with the construction of this proposed building. I request that an advisory comment is attached to any permission in respect of waste management.

1. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated at the site outside these specified times.

Reason: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. Dust Control. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

Waste management advisory comment. All waste material 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.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Below is a summary of the objections from 7 neighbours in relation to material planning considerations that have been received:

- Out of keeping with established layout
- Cramped and incongruous appearance
- Impact to neighbourhood amenity
- Precedent for further development
- Inadequate Parking provisions
- Loss of two existing parking spaces
- Noise and disturbance by way of the access
- Contrary to policy
- Inadequate access
- Over development
- Traffic on A259
- Emergency access
- Lack of infrastructure- healthcare
- Loss of garden for no.15
- Future development to create an additional floor
- Poor outlook for future occupier
- Loss of light
- Noise impact from occupants
- Loss of privacy to the North
- Increased intensity of land use

6. PLANNING CONSIDERATIONS

Principle of development

- 6.1 Due to the location of the dwelling within the planning boundary there is a presumption in favour of sustainable development and no objection in principle to the creation of new a dwelling provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the Lewes District Local plan 2003, the Lewes District Joint core strategy and the National Planning Policy Framework 2019.

6.2 The site is within the defined Planning Boundary, rather than infill development on an unidentified site which could be supported in principle in accordance with Policy SP2 of the Joint Core Strategy, the proposals are more accurately described as back land development.

6.3 In view of this, retained policy ST4 of the Local Plan applies to this development. This states that planning applications for backland and tandem developments will be refused unless proposals provide for: (a) safe and convenient vehicular access to the proposed new dwelling(s) without causing noise and disturbance to occupiers of other dwellings, and (b) design and landscaping measures which will afford sufficient levels of privacy and freedom from noise disturbance to the occupiers of the existing and proposed houses (c) no erosion of the essential elements of the character and appearance of the area. The plot of land is surrounded by residential back garden land and an unmade track on one side, which provides access to a small number of garages and parking spaces used by existing residents.

6.4 The layout of the existing surrounding development is primarily of homes which front the main streets of Cliff Gardens and Fairlight Avenue. In view of this, the construction of a new dwelling in this position will alter the character of the area from an otherwise tranquil and infrequently used garden setting to a residential use with comings and goings throughout the day and domestic activities thereby intensifying the use of the land and having some impact on neighbouring residents. The level of this impact to the character of the area and neighbours amenity will be assessed as part of this application.

Amendments from previous application Ref LW/18/0198

6.5 The previous application (LW/18/0198) was for a two storey dwelling house that would have been 1-1.2m from three of the four boundaries. The floor area was proposed to be 62 square meters. The overall height was proposed to be 4.7m. This application was refused on the basis of the scale, height and limited space around the building. It was also refused on the basis that the height, scale and parking would have an impact on amenity of the area.

6.6 The proposal in this application would have a footprint of 67m² but would have a garden space of 113m², The distance to the boundaries has also been increased.

Amenity of future occupiers

6.7 The proposed new dwelling would be a approx. 58.7m² in total internal floor space, the bedroom would be 11.7m². These both exceed the Nationally Described Space Standards. The property provides for windows on all sides providing for adequate natural light and ventilation to the property.

6.8 The site provides parking provision of one parking space, the East Sussex County Council's Highways parking calculator states that for a dwelling of this type and in this location there is a parking demand of 1.19 parking spaces. It is considered that the location of the development is not a town centre location with direct access to trains however it is within walking distance of a bus route that provides access to the mainline railway stations such as Newhaven Town the route provides access to small shops on this route within a reasonable distance. The availability and ease of access to these alternative options means that future occupiers of the new dwelling do not necessarily require a reliance on a private vehicle for all of their journeys. As such the proposed parking provision is considered acceptable.

Residential amenity

- 6.9 It is considered that the proposed new dwelling would not result in a significant loss of light or overshadowing to neighbouring properties due to its single storey design. It is also considered that the proposed development would not result in overlooking. The rear elevation of No.15 Cliff Gardens is approx. 9.3m away from the proposed new dwelling; the proposed new dwelling would be approx. 15.8m away from the nearest dwelling to the south. Both elevations would be screened by trees and a 2m boundary fence. To the north is garages and to the East an access road/ track this provides access to the rear of the properties on Cliff Gardens and Fairlight Avenue. The new dwelling by way of its single storey nature, the proposed boundary treatment, the distance between this and the neighbouring properties would not create a significant impact of overlooking or loss of privacy.
- 6.10 Objections have been raised on the basis of concerns that an additional floor will be built in the future causing additional impact, this is not being proposed as part of this application and cannot be considered as part of this application. It is considered appropriate to impose a condition to remove permitted development rights to prevent any extensions or additional windows that could impact the neighbours over and above the proposed.

Visual Amenity

- 6.11 The proposal would be set back behind proposed hedging, trees and 2m high fences, with the entrance facing the access route.
- 6.12 Although the proposed new dwelling would be partially visible from the street scene and would be larger than the existing garage it is not considered to be oversized in comparison to the surrounding properties. The amended proposal with the flat roof would minimise the appearance of bulkiness and visibility. It is also considered that although dwellings in this area have pitched roofs there are outbuildings and garages with flat roofs. In addition there is no singular roof type in this area, there is a variety of hipped, pitched, with dormers and roof lights and even flat roofed properties on Fairlight Avenue. Therefore it is not considered that the proposed flat roofed building would prejudice the existing amenity currently enjoyed by neighbouring occupiers.

Other matters

- 6.13 Concerns have been raised by objectors about method of construction and the impact of large vehicles and delivery vehicles. This is a matter that can be dealt with through condition - a construction method statement to ensure that the method of construction is acceptable.
- 6.14 Concerns have also been raised regarding the provision of utility services to the site. This is not a planning concern and would be addressed by building control under a building control application and building control legislation, and that regarding boundaries and damage to foundations of boundaries as a result would be a private matter between parties and not a material planning consideration that can be taken into account in deciding the application.

Highways impacts:

- 6.15 The proposed dwelling provides a car parking space which would be approx. 5.85m by 3.14m. ESCC Highways Guidance sets out that parking spaces should be a minimum of 5m long and 2.5m wide, therefor the proposal exceeds this guidance. The guidance also

sets out that a 1 bedroom property should provide one allocated parking space which this proposal does.

6.16 The ESCC highways Guidance sets out that a singular vehicular access from an adopted highway should be a minimum of 2.75m wide this proposal exceeds that at 3.14m wide.

6.17 In amended plans the applicant has included provision for the bollards to be collapsible in an emergency to provide access for emergency vehicles. This addresses some of the concerns raised by neighbours.

6.18 It is considered that the proposed parking and access would not cause a significant impact to neighbours, the impact is minimised by locating the parking space by the road and not closer to the property and as such would have a similar impact to cars using driveways on this road as existing.

Summary

6.19 The proposal is considered to have safe and convenient vehicular access to the proposed new dwellings without causing noise and disturbance to occupiers of other dwellings over and above the existing impact of cars parking on driveways in this road and the provision of collapsible bollards allows access to emergency services. The design and landscaping measures will afford sufficient levels of privacy and freedom from noise disturbance to the occupiers of the existing and proposed houses by way of the single storey nature and proposed boundary treatment and natural screening.

6.20. It is considered that there would be no significant erosion of the essential elements of the character and appearance of the area, it is considered that a timber clad outbuilding or annex of the same style could be built under permitted development.

6.21 The proposal would not have a significant impact to the visual and residential amenities of the area or detrimentally impact on the amenities currently and on balance the impact to neighbours as a result would be in accordance with local and national policies and as such is recommended for approval.

6.22 On balance it is considered that the proposal would not cause a demonstrable harm to the surrounding area and would be in accordance with local and national planning policy, as such should be approved conditionally.

7. RECOMMENDATION

7.1. That planning permission is granted.

The application is subject to the following conditions:

1. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwelling or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to Policy ST3 Design Form and Setting of Development of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development having regard to ST3 Design Form and Setting of Development of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy T6

4. Before any work, including demolition, commences on site a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will detail:

- (i) the estimated volume of spoil to be removed from the site;
- (ii) a designated route or routes that vehicles may use when removing spoil from the site and all the routes of vehicles delivering construction materials
- (iii) vehicle wheel cleaning provisions;
- (iv) road cleaning provisions.
- (v) Location, number and size of any temporary buildings/structures needed for the demolition/construction phases
- (vi) Details of site compound including means of enclosure
- (vii) Details of height of stored materials
- (viii) Details of site hoarding
- (ix) Confirmation that at no times materials, plant and machinery shall be stored within the confines of the site, and additionally shall be kept clear of all public highways and rights of way

Upon approval the Method Statement shall be implemented to the satisfaction of the Local Planning Authority.

Reason:- In the interest of the amenities of the site and surrounding area, including in the interest of capacity of the local highway network to carry large vehicles and to comply with policy ST3

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies ST3 Design Form and Setting of Development

6. The parking space hereby approved must use permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding

7. No building shall be occupied until vehicle parking spaces have been laid out within the site ST3 Design Form and Setting of Development and these spaces shall be made permanently available for that use.

Reason: In the interests of and for the safety of persons and vehicles using premises and/or adjoining road having regard to **** of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated at the site outside these specified times.

Reason: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

9. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

1. 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.

2. Waste management advisory comment. All waste material 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>
Proposed Layout Plan	8 February 2019	06/A
Design & Access Statement		
Proposed Layout Plan		02/A
Location Plan		01/A
Proposed Block Plan		01/A
Proposed Floor Plan(s)		05/A
Proposed Elevation(s)		05/A

Proposed Layout Plan

04/A

Proposed Layout Plan

03/A