

APPLICATION NUMBER:	LW/07/0337	ITEM NUMBER:	3
APPLICANTS NAME(S):	The Rt Hon Lord Monk Bretton	PARISH / WARD:	Hamsey / Barcombe & Hamsey
PROPOSAL:	Outline Planning Application for Erection of a detached dwelling and garage and relocation of electricity sub-station (resubmission of LW/06/0957)		
SITE ADDRESS:	Land Adjoining The Malthouse Village Hall, Malthouse Way, Cooksbridge, East Sussex, BN7 3PT		
GRID REF:	TQ 4013		



1. SITE DESCRIPTION / PROPOSAL

1.1 Outline planning permission is sought for the erection of a new dwelling on land at the rear of The Malthouse. A separate application for the conversion of the Malthouse to residential units is reported elsewhere on this agenda. This application is accompanied by a site location plan which shows the position of the dwelling fronting Malthouse Way with a separate detached building at the rear to be used as a garage and to enclose a resited substation.

2. RELEVANT POLICIES

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

LDLP: – H02 – Listed Buildings

3. PLANNING HISTORY

LW/96/1836 - Advertisement application for two non-illuminated pole mounted display boards and two non-illuminated flagpoles - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Building Control – Not received

Environmental Health – Request a contaminated land desk top study to ascertain the history of the transformer station and its maintenance and accident record.

South Downs Joint Committee – The site lies within the built-up area boundary for Cooksbridge where the principle of residential development is established. No objection.

The South Downs Society – The proposed changes appear to deal with previous criticisms and the Society has no objections to the current design. However, the entrance to the communal car park area could be improved with some new tree planting. We wish to ask for a condition to be added to the permission to encourage the applicant to restore some semblance of the original rural character of the area.

Design & Conservation Officer – This is an outline application without design details for a new house within the gap formed by the rear of the Malthouse, a Grade II Listed Building and the houses in Malthouse Way. This gap has an effect on the character of the space forming the setting of the Listed Building which needs to be considered. It is at present a large gap in which part of the space is used as car parking associated with the village hall, and the remainder houses a sub station and a grass area with trees which have a great positive contribution to the character here.

The proposal includes the re-siting into an enclosed structure of the sub station which might be considered a benefit of the proposal. However other

elements of the scheme may be considered as a disbenefit here. The proposed close boarded fence is alien to the character of this area, and may well be a negative feature depending on height and details.

Equally the location of the proposed house is set well forward on the site and will be in front of the established building line of Malthouse Way. It is also close to the entrance to the site as it exists, cutting into this space at one corner, which is unfortunate, as is the proposed roof treatment which seems to echo the malthouse rather than the adjacent housing to which it could better relate.

The proposed sub station roof and the adjacent garage could also be a better integrated solution rather than having two different roof forms as shown. With one end hipped this could be a difficult building to elevate in a satisfactory manner.

Comments on Amended Plans received showing replacement of closeboard fence with a hedge, the dwelling set 0.5m further back, roof design amended to be un-hipped and a revised roof configuration of the garage/substation building: this is better now and my objections are mostly overcome.

Main Town Or Parish Council – Object on the basis of overdevelopment of a sensitive area which presently provides a break between the Listed Malthouse building and the residential area. Not enough consideration has been given to the traffic infrastructure knock-on effect that is going to occur when vehicles from residents and visitors to Malthouse Way, and possibly new residents from the Malthouse conversion, will all be using this short section of highway for entering and exiting the A275, with the hazard of parked vehicles on the highway. We would like to suggest that, in light of these problems, the area in this application could provide some car parking spaces for local residents as a planning gain from the previous application to convert the Malthouse.

Natural England – The only area of the site that offers a potential reptile habitat is very small - just the edge strips. A full reptile survey/translocation does not need to be undertaken as long as the habitat is managed on site to deter reptiles and protect them from killing and injury before work commences.

ESCC Highways – No objection.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 19 letters of objection received - loss of buffer between malthouse and houses in Malthouse Way; harmful impact on setting of Listed Building; loss of car park; increased parking on Malthouse Way which will lead to increased hazards to road users; overdevelopment; visually harmful to area; out of keeping with its neighbours; loss of privacy; overshadowing; slow worms habitat in car park would be lost; substation should not be moved closer to Bouverie Cottage; increased noise and disturbance; loss of ash tree

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are the impact of the development on the setting of the listed building and on the character of the area, the impact on residential amenity and parking/traffic implications.

6.2 The supporting Design and Access Statement states that the dwelling would have three bedrooms and would be two storeys in height. It would respect the scale, design and form of existing dwellings in Malthouse Way, with the use of clay tiles and weatherboarding. The garage and substation building would be 4.2m to the ridge. The dwelling would be located on the eastern boundary of the site and its rear garden would be defined by a new hedge rather than a closeboard fence as was originally proposed. It would be 9m from the side of 1 Malthouse Way and would be separated by the double garage at no.1. It would be set back from the front building line of no.1, which has a projecting gable, and would be in line with nos. 2 and 3 Malthouse Way beyond.

6.3 It is considered that the position of the dwelling and the extent of separation between 1 Malthouse Way and the dwelling is not likely to result in any serious loss of residential amenity for the occupiers of no.1. Two windows in the side of no.1 face the site but these will not suffer any serious loss of light or outlook.

6.4 At the rear, the dwelling will face the end of the garden of Bouverie Cottage. There is a reasonable screen along the boundary and it is not considered that any undue overlooking or loss of privacy will arise. Consequently, it is not considered that the proposal will harm the residential amenities of existing residents.

6.5 The site lies within the Planning Boundary of Cooksbridge and the principle of residential development is therefore accepted. Concerns have been expressed that a dwelling within this area would harm the setting of the Grade II Listed Malthouse. However, the site is 30m from the Malthouse and adequate space will remain between buildings to ensure that the immediate setting of the building will not be unduly affected by the proposal. The Council's Design & Conservation Officer has no objection in principle to the development from a Listed Building point of view.

6.6 The site is already in use as a car park for the village hall and a parking area for new residents will be retained as part of the application for the change of use of the malthouse and the new dwelling. Objections have been raised that this will lead to extra parking in Malthouse Way and subsequent traffic hazards as a result of residents of Malthouse Way being unable to use the car park. However, while residents may have used the site for parking their cars in the past, this was an informal arrangement as the spaces were not allocated for this purpose. They were available in connection with the use of the malthouse as a village hall only and there is no objection therefore to the principle of development on this land. The Highway Authority has not

objected to the application for the conversion of the malthouse and any increase in parking along Malthouse Way is not considered to be a sustainable reason for refusal.

6.7 Objectors have referred to the presence of slow worms on the site, which are protected species. Natural England have visited the site and confirmed that it is an unsuitable habitat for slow worms. Consequently a reptile survey is unnecessary on this occasion and only minor habitat manipulation is required prior to work commencing.

6.8 The proposal will result in a single dwelling within the Planning Boundary which, subject to details of its design, will not have a harmful impact on residential amenity, the character of the area or the setting of the Listed Building. For these reasons, the application can be supported.

7. RECOMMENDATION

That permission is granted

The application is subject to the following conditions:

1. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might be reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
 - Refinement of the Conceptual Model, and
 - The development of a method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This will need to be approved in writing by the Local Planning

Authority prior to that remediation being carried out on the site and the development of the site shall be carried out in accordance with the approved method statement.

Reason: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan.

2. 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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: In the interest of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan.

3. 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 Policy ST3 of the Lewes District Local Plan.

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 and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan.

5. 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 first 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 of the Lewes District Local Plan.

6. 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. The boundary treatment shall be completed prior to first occupation of the dwelling or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan.

7. All trees, shrubs and hedges within the site, to be retained, shall be protected by 1m high fences for the duration of the building works at a distance equivalent to the outer most limit of the branches or half the height of the tree or whichever is the greatest or such other distance as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within the fenced area and no changes in ground level or excavations may be made within the exclusion zone of the tree, shrub or hedge without the prior consent in writing of the Local Planning Authority, in accordance with BS.5837 - Trees in Relation to Construction.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to [Policy ST12](#) of the Lewes District Local Plan.

8. 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.

9. Before the development hereby approved is commenced on site, details/samples of all surfacing 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.

10. 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-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.

11. No windows, doors or openings of any kind shall be inserted in the [east side](#) elevation of the development hereby approved, other than those expressly permitted by this consent.

Reason: To protect the privacy and residential amenity of neighbours having regard to [Policy ST3](#) of the Lewes District Local Plan.

INFORMATIVE(S)

1. You are advised to carry out slow worm habitat manipulation works, as described in the email from Natural England dated 4 June 2007, prior to the commencement of any development works 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	23 March 2007	
Location Plan	15 March 2007	1:1250
Block Plans	18 May 2007	05/728/08D

Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policy ST3 of the Lewes District Local Plan.