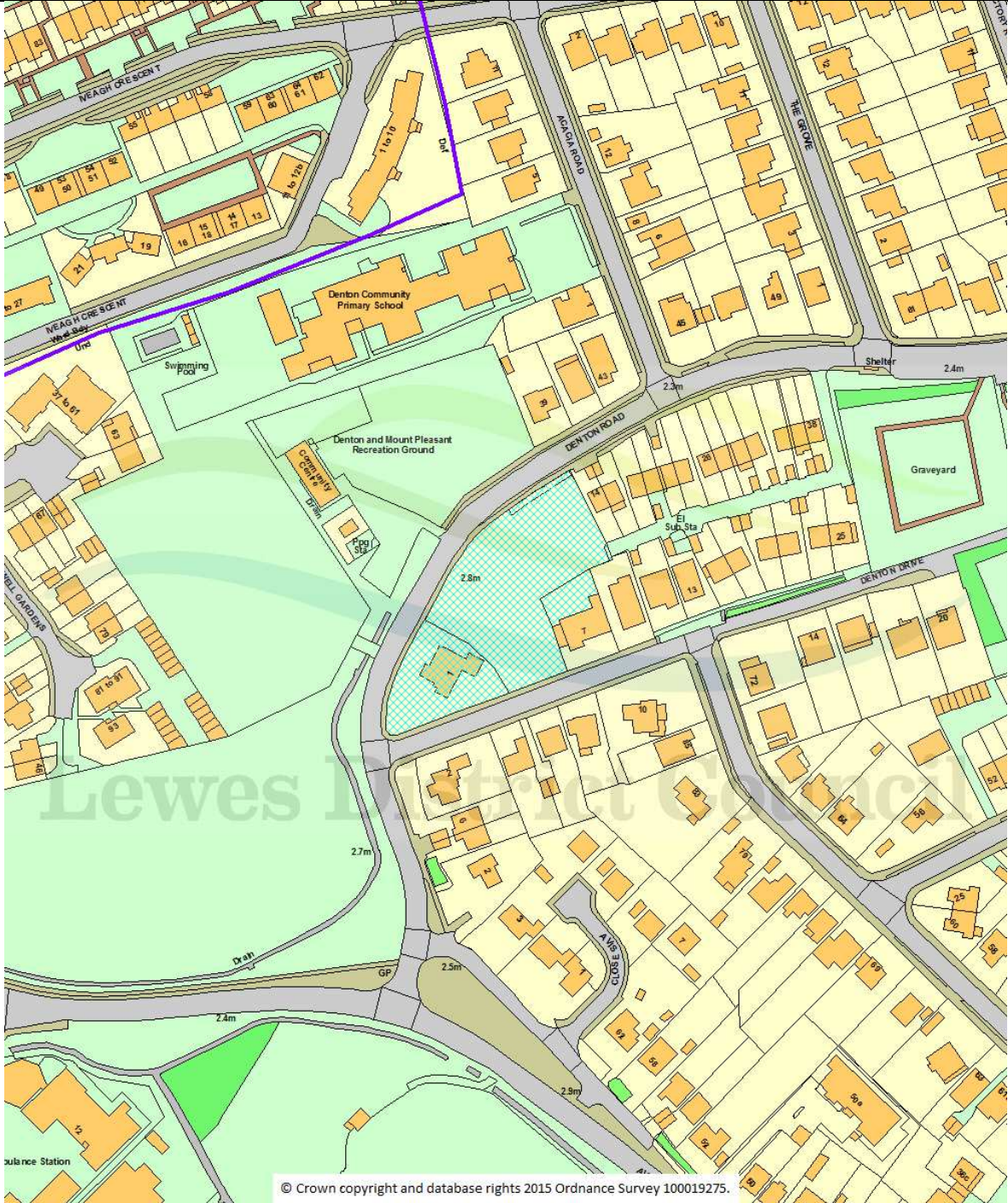


APPLICATION NUMBER:	LW/17/0462	ITEM NUMBER:	8
APPLICANTS NAME(S):	DMH Stallard LLP	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Variation of Planning Condition for Variation of condition 1 relating to planning approval LW/16/0892 to amend the boundary line around the site		
SITE ADDRESS:	Land Rear Of 1 Denton Drive Newhaven East Sussex		
GRID REF:	TQ4502		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is some 2231 square metres in area situated on land between Denton Road and Denton Drive. The land slopes upwards both from north to south and from west to east.

1.2 The site has a frontage of some 71m to Denton Road, following the curve of the street in between 14 Denton Road and 1 Denton Drive, the former being a two storey dwelling and the latter being a single storey dwelling on the corner plot at the junction with Denton Drive.

1.3 The site is 53m across at its widest point and has 21m frontage to Denton Drive, adjacent to 7 Denton Drive, which is a detached bungalow.

1.4 The site is currently empty and comprises scrubland with some tree planting to the Denton Road boundary.

1.5 The application site is within the defined Planning Boundary for Denton/Newhaven. There are no listed buildings on the site and it is not in a Conservation Area.

PROPOSAL

1.6 On 2nd February 2017 planning permission was granted at Planning Applications Committee for the development of the site by way of 9 dwellings with associated access and landscaping.

1.7 Following this decision the applicant is now seeking to alter the red edge boundary of the approved scheme following intervention from the residents of 7 Denton Drive, by way of applying for a VARIATION OF CONDITION 1 to substitute an amended drawing to replace the previously approval location and block plans.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP7 – Infrastructure

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

P/60/0025 - Outline application for use of land for residential development. - **Approved**

P/71/0046 - Outline application for erection of three semi-detached split-level dwellings. - **Refused**

P/71/0047 - Outline application for eight houses in two blocks. - **Refused**

P/71/0097 - Outline application for the erection of dwellings and extension of service road between Denton Road and Denton Drive. - **Approved**

P/72/0042 - Outline application for six houses, one chalet and two bungalows. - **Approved**

LW/89/1367 - Outline application for erection of six detached houses. Restrictive Planning Condition No 7. - **Approved**

LW/92/1363 - Application for Certificate of Lawfulness of use as private, commercial motor vehicle retail, vehicle and agricultural machinery repairs, maintenance, motor body repairs, breaking and storage. - **No Decision**

LW/92/1550 - Renewal of Outline Application LW/89/1367 for the erection of six detached houses. - **Approved**

LW/08/0411 - Erection of 10 new terraced houses comprising of eight x three bed and two x four bed & four new apartments comprising of two x two bed & two x one bed - **Withdrawn**

LW/08/1151 - Erection of nine x three bedroom houses and four apartments (two x two bed and two x one bed) - resubmission of planning application LW/08/0411 - **Withdrawn**

LW/16/0892 - Erection of 9 dwellings with associated access and landscaping. - **Approved**

LW/17/0462 - Variation of condition 1 relating to planning approval LW/16/0892 to amend the boundary line around the site -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Newhaven Town Council – Objection

4.1 To object to this application because it is understood that the owner of 7 Denton Drive is still in disagreement with the boundary on this new application. The owner of 7 Denton Drive is particularly anxious that the trees at the rear of her garden should be retained and kept on her property. The retention of the trees also fits in with the emerging Neighbourhood Plans desire to keep green fringes on new developments.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Two representations have been submitted by 7 Denton Drive, objecting to the application for the following reasons:-

- The red edge does not correctly reflect the boundary of 7 Denton Drive.
- The developer should not be permitted to build on land within the boundary of 7 Denton Drive.

- The trees on the site are within the boundary of 7 Denton Drive and should not be enclosed by the red edge plan.
- Drainage issues.

6. PLANNING CONSIDERATIONS

6.1 The content of the proposed development is identical to the previously approved planning application LW/16/0892 with the exception of the minor alteration proposed to the red edge boundary; as such the acceptability of the development of the site as proposed has previously been established.

6.2 The red edge plan indicates the land necessary to implement and access the proposed development. The red edge boundary does not have to follow lines of land ownership, provided that any third parties with an interest in that land are aware of a planning application having been submitted.

6.3 It necessarily follows that if the red edge encompasses land outside of the applicant's ownership, the consent of that owner will be needed in order for the development to be carried out. This is however a private matter between the land owners and the fact that a red edge boundary strays into a neighbouring property is not a reason in itself to refuse or approve planning permission, and the merits of the proposals will be fully assessed in the normal way.

6.4 In this instance the applicant has reduced the size of the red edge plan by moving it away from the back garden of 7 Denton Drive. This is acceptable and does not have a significant impact on the planning merits of the proposed development, the acceptability of which has already been established at the time the previous application, LW/16/0892, was approved.

6.5 It is noted that the neighbour's primary concern is the row of trees between the rear boundary of 7 Denton Drive and the application site. According to the Existing Site Survey Plan submitted (ref. 1521-P-002 P2), ten of these trees are within the curtilage of 7 Denton Drive and twelve of the trees are within the application site. These trees will be in the back gardens of four of the new dwellings proposed, units 4, 5, 6 and 7. The proposed Site Plan - Roof Level (ref. 1521-P-004 P2) shows that these trees will be retained as part of the proposed development, as a tree screen.

6.6 In the interests of the neighbour's concerns it is therefore considered that as well as varying condition 1 to include the revised red edge plans, an additional condition should be added to the decision notice in order to safeguard the tree screen and prevent its removal without the formal approval of the local planning authority.

7. RECOMMENDATION

In view of the above, approval of the application to vary condition 1 is recommended, along with an additional condition to safeguard the tree screen between the application site and the rear boundary to 7 Denton Drive.

The application is subject to the following conditions:

1. This decision relates solely to the following plan(s) relating to planning approval LW/16/0892:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	18 October 2016	
Transport Assessment	18 October 2016	
Design & Access Statement	18 October 2016	
Flood Risk Assessment	18 October 2016	
Location Plan	18 October 2016	001 P1
Proposed Block Plan	18 October 2016	001 P1
Existing Layout Plan	18 October 2016	002 P1
Proposed Floor Plan(s)	18 October 2016	003 P1
Proposed Roof Plan	18 October 2016	004 P1
Proposed Floor Plan(s)	18 October 2016	005 P1
Proposed Floor Plan(s)	18 October 2016	006 P1
Proposed Elevation(s)	18 October 2016	007 P1
Proposed Section(s)	18 October 2016	008 P1
Proposed Floor Plan(s)	18 October 2016	009 P1
Proposed Elevation(s)	18 October 2016	009 P1
Proposed Floor Plan(s)	18 October 2016	010 P1
Proposed Elevation(s)	18 October 2016	010 P1
Illustration	18 October 2016	011 P1
Technical Report	18 October 2016	BAT SURVEY
Biodiversity Checklist	18 October 2016	ECOLOGICAL APPRAISAL
Land Contamination	18 October 2016	PHASE 1 PART 1, 2 & 3
Technical Report	18 October 2016	REPTILE SURVEY

2. 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.

3. 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.

4. 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.

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 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.

6. Prior to any demolition or site clearance works necessary to implement the development hereby approved, until 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);
- hours of operation;
- 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.

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 shall take place until details of a Wheel Cleaning Facility have been submitted to and approved in writing by the Planning Authority. The approved facilities shall be installed at the site prior to the commencement of construction work and shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site and re-entering the public highway.

Reason: In the interests of the residential amenities of the neighbours and highway safety, having regard to retained policy ST3 and Core Policy 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. 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 policy ST3 of the Lewes District Local Plan, policy CP11 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. Prior to the occupation of the residential units hereby permitted, full details of the facilities for secure cycle storage shall be submitted to and approved in writing by the local planning authority. Each cycle parking facility shall provide Sheffield type stands allowing for secure storage of cycles by frame and wheel, together with details of a canopy or shelter over each cycle parking facility. The development shall be implemented in accordance with the approved details and the cycle parking facilities shall be retained thereafter for the use of residents of, and visitors to the development.

Reason: In order to encourage the use of sustainable transport and minimise dependence on private car use in the interests of the environment and the amenity of the area in accordance with Core Policy 13 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.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme based on the submitted Phase 1 Desk Study Report (carried out by Phlorum Limited and dated January 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

11. Prior to the first residential occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing,

by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

12. 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.

13. No development shall take place until details of the means of providing surface water drainage, to include an assessment of the hydrological and hydrogeological context of the development, system and including :

1. Details of the existing surface water management including the connection to the wider drainage network and existing peak discharge rate.
2. A demonstration using the relevant hydraulic calculations of how the proposed drainage is expected to function during a critical storm duration for a number of rainfall events such as event with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios.
3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.
4. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development.

Reasons: In the interests of amenity and because contamination may be present at the site as a result of its historical uses and may be mobilised by the approved development, thereby posing a risk, and in accordance with Core Policies 12 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, in particular paragraph 109.

14. 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, C 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.

15. The residential units hereby approved shall not be occupied until the parking areas have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles used by occupants of and visitors to the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity 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.

16. The residential units hereby approved shall not be occupied until the cycle parking areas have been provided in accordance with the approved plans and these shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

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.

17. The semi-detached houses hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (Drawing No. 1521-P-003 Rev P1) and the turning space shall be retained thereafter for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity 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.

18. The development shall not be occupied until visibility splays have been provided either side of the vehicular access to Denton Road, measuring at least 2.4m (x) by 43m (y) in both directions. The visibility splays shall be kept clear of all obstructions exceeding 600mm in height above the highway, and retained as such thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to retained policy ST3 and Core Policy 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.

19. No development shall take place until details of the layout of the new access onto Denton Road, and the specification for the construction of the access, which shall include details of dropped kerbs and tactile paving, have been submitted to and approved in writing by the local planning authority in consultation with the highway authority, and the development hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT507.

Reason: To ensure the safety of persons and vehicles entering and leaving the access having regard to retained policy ST3 and Core Policy 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.

20. No development shall take place until details have been submitted to and approved by the local planning authority a scheme to incorporate tactile paving and dropped kerbs in order to provide crossing points to the recreation ground opposite the application site. The scheme shall include details of the timing of the works in relation to the implementation of the approved development, and shall be carried out in accordance with the approved details prior to the first occupation of the semi-detached houses hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access having regard to retained policy ST3 and Core Policy 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.

21. The line of 22 trees that forms a screen between the boundary of units 4, 5, 6 and 7 of the application site and the rear boundary of 7 Denton Drive shall not be removed without the written approval of the local planning authority and shall otherwise be retained for the lifetime of the development hereby permitted.

Reason: In the interests of visual amenity and the character of the area and in order to ensure the privacy and living conditions of neighbouring residents are safeguarded in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and to comply with 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. In respect of condition 12 the applicant is hereby advised that the surface water drainage scheme should ensure that the discharge of surface water from the application site onto the public highway, and the discharge of surface water from the public highway onto the application site, should be prevented.

4. In respect of condition 16, the applicant is hereby advised that the new access point on Denton Road shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

5. The applicant is hereby advised that in respect of condition 19, details of Form HT407 can be found by contacting East Sussex County Council as the highway authority for the Lewes District, on 01273 337 051.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	25 May 2017	1521-P-001-P2
Proposed Block Plan	25 May 2017	1521-P-001-P2
Existing Layout Plan	25 May 2017	1521-P-002-P2
Proposed Layout Plan	25 May 2017	1521-P-003-P2
Proposed Roof Plan	25 May 2017	1521-P-004-P2
Illustration	25 May 2017	1521-P-011-P2
Additional Documents	25 May 2017	SUPPORTING LETTER