

LW/20/0565
Seaford East

Page 9

Further officer comments –

Due to a letter sent via email on Sunday 28 March, not being sent directly to the case officer, nor flagged as urgent nor highlighted as relating to the committee on 31 March, the matters raised were missed by officers and not reported to the committee.

For the benefit of all members, the officer presentation will include all the information from the previous presentation along with the new information regarding the impact of the proposed development on the adjacent property. This will include the officer's assessment of the representations made within the surveyor's letter and the officer's opinion that the impact of the proposed development on the windows of the neighbouring property is not considered to reduce daylight or sunlight to a level that would detrimentally impact on the amenity or light being received within the room to a level that would justify refusal of the permission.

Committee members who considered the matter on 31 March will be advised to consider whether this new material factor together with all the other material considerations would have led them to reach a different conclusion from before. In reaching this decision, the committee will not be restricted from taking into account all of the relevant material considerations raised in the presentation, committee report, and those material factors raised by the public speakers and within the debate. As always, it is a matter for each individual committee member as to what weight they attach to each of those factors in reaching their decision whether or not to accept the officer's recommendation.

Equally, it is for each individual member to assess whether they wish to refer to all the material considerations they are taking into account, or whether they wish to focus on the new information in the debate. As agreed with the Chair, I will advise the committee in these terms.

Further representations have been received and a letter and petition has been sent to the Committee Chair. Matters raised in these further comments and officer responses are below:

1. Letter from Rights of Light Surveyor was not considered by officers and not made available to the Committee:

Officers comment - The letter noted above was not sent directly to officers and was only brought to their attention after the committee had finished. It is for this reason that the application has been brought back to the Committee, taking into consideration the matters raised in the letter.

Supplementary report to the Planning Applications Committee
on 21 April 2021

2. The impact of the proposed new house on the two windows in the ground floor living room and the patio of number 5 has not been considered properly, officers and Councillors did not visit number 5 as requested.

Officer comment - As has been explained in the officer's further report to this committee, the two windows in question are narrow secondary windows to the living room which currently face the side wall of the existing bungalow. A drawing prepared by the applicant using the same 25° angle method set out in the BRE guidance recommended by the Rights of Light Surveyor shows that daylight to the windows is *currently* restricted by the existing bungalow – specifically by the roof of the garage which dissects the 25° at approximately 3m distance. The same method shows that the 25° angle meets the side wall of the proposed new house *further* away than in the current situation, at 5m distance. In other words, the situation will not, in the opinion of officers, be worsened. A site visit to view the room and windows was not considered to be necessary as photographs clearly showing the windows, layout and lighting to the room had been obtained. A drawing will be shown to the Committee and its implications explained. Regarding daylight to the patio area outside the living room, this will not be affected as the rear wall of the proposed new houses does not extend beyond the rear wall of number 5.

3. The existing bungalow is not derelict and could be adapted to add rooms in the roof, so there is no justification for it to be demolished.

Officer comment - The application to demolish the bungalow and build two new houses on the site is considered on its own merits, not what could be achieved as an alternative. There are no national or local policies that seek to retain un-listed buildings or for an application of this type, to demonstrate that the building has reached the end of its useful life.

4. The application has not been properly considered against the Seaford Neighbourhood Plan.

Officer comment - Paragraph 8.1.1 of the original report (appended) considers the proposal in relation to policy SEA18. Paragraphs 8.2.1 and 8.2.2 consider the design of the proposal and the impact on the Chyngton Way Area of Established Character, in response to policies SEA2 and SEA5. It should be noted that the property is *not* noted in policy SEA5 as making a contribution to the Area of Established Character.

5. The garage to one of the proposed properties does not meet ESCC Highway standards. There is not enough parking for the development.

Officer comment - It is recognised that the garage to house 1 does not meet ESCC Highway standards for size of a domestic garage. However, the proposal does provide 2 off-street car parking spaces per dwelling. Considered against the ESCC Parking Calculator, the scheme would generate demand for 4.6 spaces, allowing for visitor parking. There are no parking restrictions in the area and most if not all of the properties in

Supplementary report to the Planning Applications Committee
on 21 April 2021

Chyngton Way have off-street parking with crossovers. As there are large gaps between each crossover, there is capacity for on-street parking. It is not considered that lack of on-site visitor parking and dimensions of the garage could be justified as a reason for refusal.

6. Access off the roundabout is dangerous.

Officer comment - It should be noted that ESCC Highways have assessed the application and have not raised objections to the access to either of the proposed houses. See section 6.2 and paragraph 8.4.2 of the original report.

7. Concern about street trees along Chyngton Way.

Officer comment - There are two street trees outside 3 Chyngton Way; neither of these will be affected by the development.

8. Comments about the applicant running a business from the property and his business vehicles being parked on the street, and use of existing drive to store a skip and building materials.

Officer comment - So long as the applicant's business use is ancillary to the residential use of the property, there is nothing to prevent him from running it from there. As there are no parking restrictions in the area, there is nothing to prevent the applicant from parking his vehicles on the street. How the applicant uses his drive is not a planning matter.

The residents of number 5 wish it to be noted that the site plan on the first page of the report shows that the existing property at number 3 extends to the joint boundary. This is in fact incorrect as shown on the application drawings and photos which will be shown to the committee.

LW/20/0633
Barcombe

Page 23

A number of additional comments have been received since the report on the committee agenda was completed. This includes a response from CGS Civils challenging the position of the Lead Local Flood Authority in regard to the submitted drainage concept. This supplementary report addresses additional material planning matters that have been raised.

Comments from Barcombe Parish Council:

- Formation of visibility splays will involve removal of the whole hedge;
- Road surveys will be carried out during lockdown and results are therefore unrealistic;
- Cumulative impact of traffic should be considered with other allocated sites in Barcombe;

Supplementary report to the Planning Applications Committee
on 21 April 2021

- A professional, reasoned argument should be provided to support the drainage scheme that has been put forward;
- If approved then suitable landscaping and design details should be required;
- The dark skies environment of Barcombe should be protected;

OFFICER COMMENT:

The ESCC Ecologist has reviewed the application and assessed ecological impact. The hedgerow in question is considered to be 'species poor'. Notwithstanding this, a raft of conditions are attached to the recommendation to ensure that cutting back/removal of the hedge is carried out responsibly and the loss of the hedge is mitigated by species rich hedgerow planting that would connect with the surrounding hedgerow network (see conditions 18-20).

ESCC Highway comments are based on their own records as well as those provided by the applicants. The proposed access is designed to allow for safe two-way vehicle movements. It is understood the allocated site at Hillside Nursery may be required to share this access and its capacity to support this would be assessed if and when a fresh application for that site is received.

The drainage scheme has been assessed by professionals working for the Lead Local Flood Authority and they have raised no objections to the overall concept, subject to conditions for further details to be provided to demonstrate that the drainage scheme has sufficient capacity to prevent additional risk of surface water flooding (see conditions 21-23).

Detailed layout, landscaping and design plans would be provided at the reserved matters stage (should outline permission be approved) and will be thoroughly assessed by the ESCC Landscape Architect and Ecologist as well as the Council's Speciality Advisor for Conservation Areas and Listed Buildings.

Condition 8 has been attached to ensure that any use of external lighting is strictly controlled

Comments from Councillor Linington & Nigel Saxby

- Notification of the meeting was not provided with sufficient time for objectors to provide additional comments;
- Application should be deferred to allow it to be determined at a public meeting;
- Inconsistency in figures quoted for new housing in Barcombe in para. 7.1 of officer report;
- ESCC Highways recommended a condition that 'frontage development' be incorporated on highway safety grounds to draw attention to

Supplementary report to the Planning Applications Committee
on 21 April 2021

development. This condition was omitted from recommendation. Frontage development would result in breach of policy BA02 as this requires development to be set back from the road;

- Reports submitted by drainage consultants have not been taken into account, including anecdotal records of flooding;
- The site may be subject to a designation protecting it from development and this should be investigated prior to a decision being issued.

OFFICER COMMENTS:

Committee notification is provided by Democratic Services. Notification is provided as soon as the committee agenda is confirmed and this was carried out in line with the standard process for planning committee.

The meeting on 21st April is a public meeting, albeit it will be performed online due to COVID 19 restrictions. The Council has a statutory obligation to issue planning decisions in a timely manner. Under regulations made under section 78 of the Coronavirus Act 2020 local authorities in England have express powers to hold public meetings virtually by using video or telephone conferencing technology.

The figure quoted in para. 7.1 is incorrect. It is quoted correctly in para. 8.2.1 of the report (30-100 dwellings). It should also be noted that policy SP2 of LLP1 states that Barcombe should accommodate a **minimum** of 30 additional dwellings between 2010 and 2030.

The condition recommended by ESCC Highways was not considered to meet the test for conditions set out in para. 55 of the Revised NPPF and para. 003 of the Planning Practice Guidance for the Use of planning conditions. This is due to the condition not being necessary (layout is a reserved matter), precise (it is poorly defined) or reasonable (it does not allow for scope for other measures to draw attention to the development to be investigated prior to a reserved matters application being submitted). As such, it was omitted. Should there be no other option than for an element of frontage development to be incorporated, this will be assessed at the Reserved Matters stage in conjunction with Conservation, Landscape and Highways Officers. Any potential visual impact would then be weighed against the benefit of providing new affordable housing on this allocated site.

The drainage schemes submitted are conceptual and a significant amount of further detail would need to be submitted to the LLFA prior to any commencement of development. This includes a thorough assessment of the capacity of the existing watercourse to accommodate the run-off from the development (controlled by the attenuation pond) and details of any

Supplementary report to the Planning Applications Committee
on 21 April 2021

improvements required. The LLFA hold comprehensive records of flooding and these were used to inform their response. The positioning of the sewage pumping station has not been agreed as this is a reserved matter but neither the LLFA or Southern Water have objected to its inclusion.

This site allocation was tested at examination in 2019 and found sound (i.e. justified, effective and consistent with national policy) by the Inspector on behalf of the Secretary of State.

18 further letters of objection have been received via the online comments service. These are summarised below:-

- Need warden assisted housing or small bungalows;
- Should be built in a town;
- Loss of wildlife and rural character;
- Impact on glow worms, nightingales and white throated sparrow;
- Will make road unsafe;
- Site is not large enough for this many houses;
- Infrastructure will not cope;
- Road is subject to severe flooding;

OFFICER COMMENT:

The majority of these comments are addressed in the officer report. The site has been allocated as part of the Local Plan. The type of houses provided have not been confirmed as this is a reserved matter, all that would be confirmed at this stage should permission be granted is that up to 26 dwellings can be built.

1 additional letter of support has been received stating that the development would be a good use of the land.

AMENDMENTS TO PLANNING CONDITIONS:

The wordings of the following conditions have been altered. Amendments are shown in bold type, removals are struck through.

CONDITION 14: The completed access shall have maximum gradients of 4% ~~(1 in 25)~~ **5% (1 in 20)** from the channel line **for the first 5 metres into the site** ~~or for the whole width of the footway/verge whichever is the greater~~ and ~~41% (1 in 9)~~ **10% (1 in 10) thereafter.**

Reason: The condition originally recommended by ESCC Highways was not consistent with the drawings provided. The new wording has been provided by ESCC Highways directly.

Supplementary report to the Planning Applications Committee
on 21 April 2021

CONDITION 27: The development shall incorporate an appropriately sized children's play area that is integral to the overall design and layout of the development, is sited in safe, open and welcoming locations which are overlooked by dwellings and well used pedestrian routes, is provided with seating for accompanying adults, is additional to any incidental amenity space; and is properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the ~~completion of the final dwelling~~ **occupation of the 5th unit** of the development.

Reason: The applicant has stated that the revised deadline allows time required for ROSPA to certify play equipment. The revised wording has been agreed with planning policy.

LW/20/0849
Seaford Central

Page 65

Further representation from a neighbour asks that a condition be added to the planning permission if granted restricting the use as personal to the applicant only. This is based on his concerns that the property could be sold on to make a profit, which allegedly happened following another application for a children's home in the District, with which the applicant was involved.

Officer comment - There is no justification for a personal condition based on previous business decisions made by the applicant with which the objector disagrees.

A letter of support has been received from ESCC Looked after Children's Services in which states:

"I can confirm that there is a national shortage for this type of therapeutic residential provision for children, and very limited local resources. This can mean that children from our community and in the care of East Sussex County Council are at times placed in residential accommodation which is at a significant distance from their homes and family networks. Clearly if it were possible, a much better option would be for our children to remain local and within their communities. This site could potentially offer a very helpful resource and enable our local children to maintain their existing education provision if their travel arrangements are viable."

LW/20/0737
Peacehaven East

Page 77

Neighbour/objector has sent in additional photographs showing the applicant and surveyor walking along the existing raised land.

Also raises a number of issues that have already been covered in the report.

Supplementary report to the Planning Applications Committee
on 21 April 2021

Officer response – The fence will be continued along the back of the pergola on the raised patio therefore there will be no overlooking between the 2 properties.