

Planning Applications Committee 9 October 2019



Working in Partnership



Time and venue:

5.00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

Membership:

Councillor Sharon Davy (Chair); Councillor Steve Saunders (Deputy-Chair); Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Imogen Makepeace, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Monday, 30 September 2019

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 18 September 2019 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

6 Written questions from councillors

To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

Planning applications outside the South Downs National Park

7 LW/19/0517 - Land adjacent to The Rough and Vernons Road, Newick, East Sussex (Pages 9 - 16)

Non-planning application related items

8 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 30 October 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park: Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park: The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation: There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 18 September 2019 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Laurence O'Connor and Nicola Papanicolaou

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)

Jennifer Norman (Committee Officer, Democratic Services)

Joanne Stone (Solicitor, Planning)

45 Minutes

The minutes of the meeting held on 28 August 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

46 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Isabelle Makepeace and Tom Jones. Councillor Jim Lord declared he was acting as substitute for Councillor Jones for the duration of the meeting.

47 Declarations of interest

There were none.

48 Urgent items

After consultation with the Council's Solicitor, the Chair read aloud the following statement to all those who were present at the meeting:

"By reason of special circumstances, the chair is of the opinion that agenda item 4a (*Tree work application SDNP/19/04289/TCA to remove three cherry trees*) be considered by the Committee as a matter of urgency.

The special circumstances is that the six week period for the Council to consider the Section 211 TCPA 90 Notice expires on 4 October 2019, which

is before the next scheduled meeting of the Planning Applications Committee on 9 October 2019. Until this week the Specialist Advisor (Arboriculture), had been attempting to agree a solution and considered it likely that the objection would be withdrawn. This would have enabled him to have dealt with the application under delegated powers, but unfortunately this has not been possible.”

Resolved:

That agenda item 4a (*Tree work application SDNP/19/04289/TCA to remove three cherry trees*) be considered by the Committee as a matter of urgency, following consideration and discussion of planning applications LW/19/0398 and LW/19/0436.

49 Tree work application SDNP/19/04289/TCA to remove three cherry trees

Resolved:

That tree work application SDNP/19/04289/TCA to remove three cherry trees, be approved. The Committee requested that the Parish Council be asked to plant replacement trees elsewhere on the park.

50 Petitions

There were none.

51 Written questions from councillors

There were none.

52 LW/19/0398 - 16 - 28 Cripps Avenue, Peacehaven, East Sussex, BN10 8AL

Sarah Sheath spoke for the proposal. Councillor Dawn Paul spoke on behalf of Peacehaven Town Council.

Resolved:

That planning application LW/19/0398 for erection of 31 residential dwellings, consisting of a mix of one, two and three bedroom units be approved, subject to the conditions set out in the report and supplementary report, and:

1. A S106 Agreement to secure the affordable housing and necessary highway works including a contribution of £5,000 is sought towards a Traffic Regulation Order to implement parking restrictions at the junction of the access with Cripps Avenue/Pelham Rise together with a bus stop clearway on Pelham Rise and provision of real-time information signs to be installed at both the Pelham Rise bus stops [north and southbound] to the north of the site; and

2. Should the applicant fail to complete or make reasonable efforts to complete the legal agreement within six weeks, the Committee authorise Planning Officers to refuse the application under delegated powers if Officers are of the opinion that significant progress has not been made.

53 LW/19/0436 - Twin Oaks, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT

Resolved:

That planning application LW/19/0436 for demolition of existing redundant outbuildings/storage and erection of ancillary accommodation to existing dwelling be approved, subject to the conditions set out in the report.

54 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 9 October 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

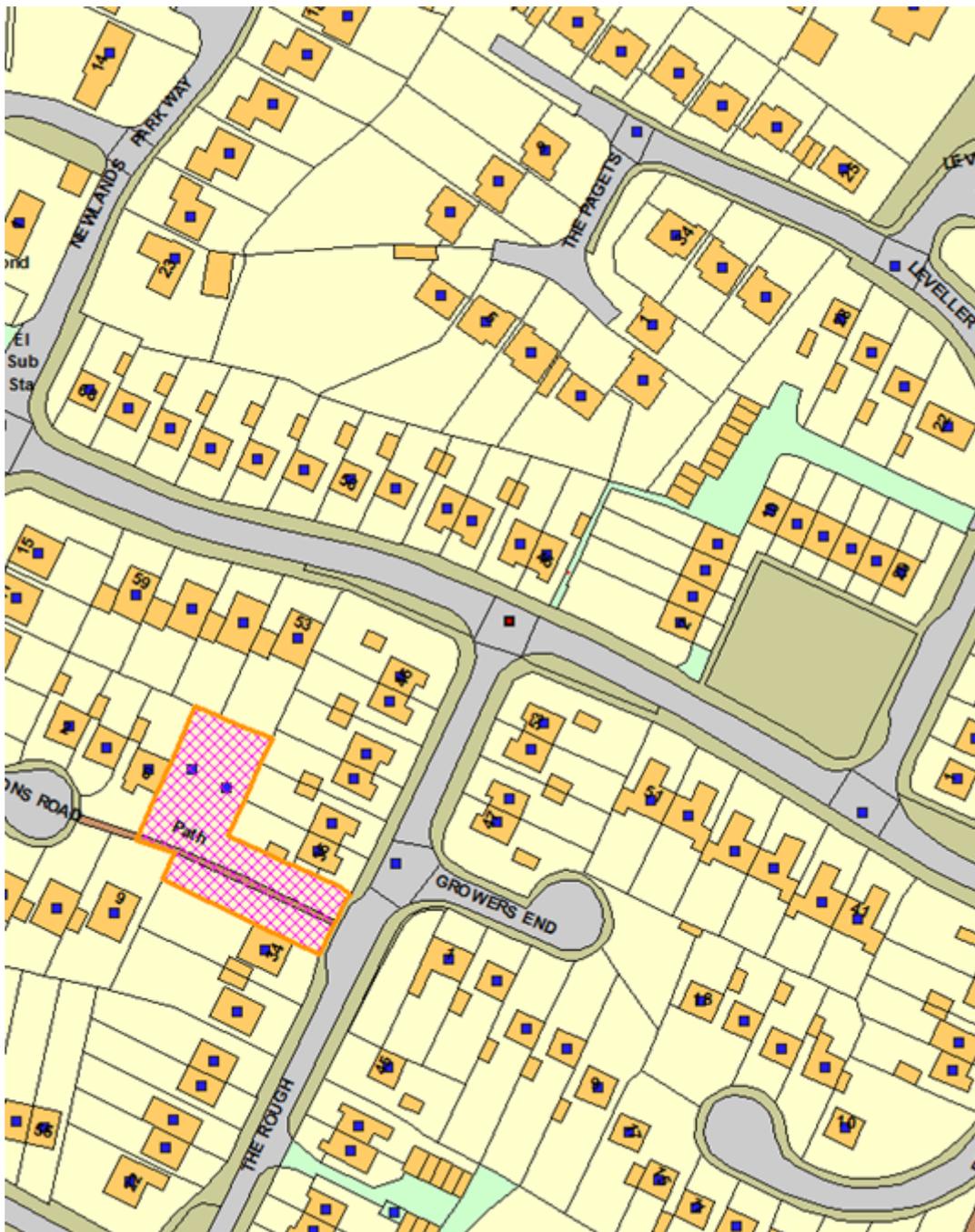
The meeting ended at 6.05pm.

Councillor Sharon Davy (Chair)

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Agenda Item 7

APPLICATION NUMBER:	LW/19/0517		
APPLICANTS NAME(S):	West Construction	PARISH / WARD:	Newick / Newick
PROPOSAL:	Approval of Reserved Matters Application for REM - approval of reserved matters - LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048.		
SITE ADDRESS:	Land adjacent to The Rough and Vernons Road, Newick, East Sussex		
GRID REF:			



1 SITE DESCRIPTION / PROPOSAL

Site Description

1.1 The application site comprises a back land plot to the rear of 36-40 The Rough and 6 Vernons Road within the village of Newick.

1.2 Outline planning permission has been granted for a pair of semi-detached three bedroom houses with integral garages within the plot (ref. LW/18/0048).

Proposal

1.3 Outline planning permission has been granted for "one pair of semi-detached three bedroom houses with integral garages and parking spaces" on 18 June 2018. All matters are reserved. No indicative drawings of the scale/elevations were submitted.

1.4 A Site Plan was submitted R18:NK:01 showing the footprint: set back from no. 6 Vernons Road and projecting beyond the rear building line set by no. 6 Vernons Road. Five car parking spaces were proposed opposite the new houses along with a turning area. The subsequent application for approval of reserved matters was refused on 3 July 2019 (LW/19/0263) due to the:

1.5 Height and enlarged footprint compared to surrounding properties, and the bulk. Inadequate size of external amenity space for future occupiers of the 3-bedroom homes together with inappropriate location of refused storage facilities that would hamper access to the back gardens.

1.6 The current application seeks approval of the Reserved Matters including the elevations (external appearance); internal layouts (scale); parking spaces; and the final access location. Reserved Matters including the Landscaping will remain outstanding.

2 RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

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: – 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

LW/18/0048 - One pair of semi-detached three bedroom houses with integral garages and parking spaces - **Approved**

LW/18/0050 - One pair of semi-detached two bedroom bungalows with integral garages and parking spaces - **Withdrawn**

LW/18/0080 - Modification of agreement dated 26 April 1968 pursuant to s37 of the Town and Country Planning Act 1962 to remove restrictive covenant regarding use as a play area - **Approved**

LW/19/0263 - Application in respect of reserved matters including; finished floor levels, boundary treatment confirmation, final design of floor plans and elevations, driveway surfacing, cycle parking, bin storage, CEMP, re-positioning of part of the public footpath within the site. In relation to application LW/18/0048 - **Refused**

LW/19/0517 - REM - Approval of reserved matters - LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048. -

E/68/1076 - Residential development comprising one hundred and seventy dwellings. File missing, details from register. Plotted from sheets - **Approved**

E/70/0355 - One hundred and seventy dwellings and new road - amended elevations at site off Church Road - **Approved**

4 REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town or Parish Council – Objection

No difference between this application and the previous refused application LW/19/0263. The plans are poorly prepared and difficult to view/interpret.

The Council agreed with the rationale outlined in the report attached to the previous application LW/19/0263.

ESCC Highways – No objection [19 Sept]

This application is for two new dwellings with access from The Rough which already has Outline Planning permission under LW/18/0048, thus the principle has already been approved. The access width is shown to be 4.5m wide for a distance of 6m from its junction with The Rough which is acceptable to the highway authority as it provides for a two way flow of traffic. Two car parking spaces for each dwelling is to be provided together

with 2 additional visitor spaces for the development along with a turning area. This provision is in accordance with ESCC's car parking requirements and is therefore acceptable.

There is a footway across the site on the east to west axis which runs alongside the proposed access road. This footway forms part of the **adopted public highway** which should and will remain as such with this proposed development and will need to remain open to the public during the construction of the development. The creation of the two visitor car parking spaces and turning space will therefore require formal crossovers of this public footway in addition to the access onto The Rough itself and can be secured by condition.

5 REPRESENTATIONS FROM LOCAL RESIDENTS

Representations have been received from 6 Vernons Road; 36, 38, 40, 42, 44 The Rough; 52, 53 Oldaker Road; and 20 Birkbeck Road (Sidcup) , objecting to the application for the following reasons:-

- The houses are too large for the plot
- Over development
- Large and bulky
- Footprint is too large
- Not in keeping with existing homes
- Does not follow building line
- Projects 3m behind 6 Vernons Road
- Loss of sunlight
- Floor levels are high
- Overbearing impact
- Overlooking
- Loss of privacy
- Intrusive
- Parking issues
- Anti-social
- Bungalows should have been built
- Location of refuse and recycling - obstruction when cars parked contrary to policy DM26
- Garden size insufficient
- Flood risk/surface water run-off onto neighbouring properties
- Reduction in property values
- Loss of trees
- Loss of open space
- Building works started before planning permission was granted
- Garages are too small

6 PLANNING CONSIDERATIONS

6.1 In principle the acceptability of there being two houses (two storeys) has previously been established at outline planning stage (LW/18/0048). However, at that time neither the height nor the scale of the proposed dwellings was known and there were no indicative plans submitted. Since this time, and notwithstanding the decision to refuse the recent application for approval of reserved matters (LW/19/0263) the applicant has commenced development and the footings / foundations of the dwellings have been laid.

6.2 The main issues in the determination of the current application are that the revisions to the proposal address the two reasons provided for the refusal of application LW/19/0263.

6.3 The works have begun on site and the footings/foundations have been laid. The footprint of the dwellings is larger than that indicated at the Outline application stage because the front walls of the homes now line up with the front elevation of 6 Vernons Road, where as the outline application showed the properties to be set back. The enlarged footprint of the dwellings was cited in the previous report for application LW/19/0263 and the current plans do not address this issue. However it is not considered that such alignment would prejudice the amenity of the wider area or adjacent occupiers.

6.4 The current plans show that the dwellings have been reduced in height by 500mm. The ridge line would now sit below that of 6 Vernons Road and would not be as markedly above the height of 36 The Rough as shown in the previous application LW/19/0263. This goes some way to addressing the issue of the height. In addition, the roof design has been amended with hipped ends as opposed to gable ends, and this has help create spaces between neighbouring dwellings at roof level and also addressing the issue of bulk, cited in the previous decision LW/19/0263.

6.5 The representations received, which are raising objections to the proposal on the grounds of height, are noted. However, a condition can be imposed to ensure that the works are carried out in accordance with the drawings submitted, meaning that the height of the new dwellings will not exceed the height of 500mm below 6 Vernons Road (in accordance with the drawings submitted). The comments received in respect of the new dwellings projection 3m behind 6 Vernons Road are noted, but the plans submitted at outline planning stage also showed this projection and that application was approved.

6.6 The location of the refuse and recycling enclosures can easily be revised and a planning condition can be imposed in order to secure the details and ensure provision. The drawings submitted with the current application show the refuse and recycling storage facilities to be in front of each dwelling and adjacent to the side boundary of each plot.

6.7 In respect of the back garden amenity areas, each property would have a 10m long back garden and this is usually acceptable. The Government's Technical Housing Standards - Nationally Described Space Standard document is silent on the requirements for private amenity space. As such a somewhat pragmatic and flexible approach should be taken and the amount of back garden space that would be provided is comparable with that of other existing dwellings nearby.

6.8 The integral garages to each property would have internal dimensions of 5.3m x 3m. The minimum internal dimensions set out by East Sussex County Council (as the highway authority for the area) within document "Guidance for Parking at New Residential Development", require 6m x 3m and garages must be 6m back from the highway so that there is sufficient room to park a car in front. The internal layout plans submitted do not meet this requirement.

6.9 Condition 12 of application LW/18/0048 required space details for the integral garages to the development. These garages measure 5.3m x 3m internally, which is insufficient to meet the standards required by East Sussex County Council as the local highway authority, which would be a minimum of 6m x 3m. The applicant has acknowledged this and the integral garages would in fact be used as storage and incidental purposes in relation to each dwelling. The applicant has demonstrated adequate off-street car parking provision in front of each dwelling without the need to take the integral garages into account. As such the applicant has met the requirements of condition 12 and the details submitted can be approved. ESCC Highways have confirmed that the off street parking provision meets their requirements and therefore have not objected to the substandard size of the garages.

6.10 In view of the above, whilst the reasons for the refusal of the previous application have not been fully overcome, the applicant has amended the details insofar as it is possible and the amendments can be seen to address a large part of the previous reasons for refusal.

7 RECOMMENDATION

7.1 On balance approval of the application is recommended.

The application is subject to the following conditions:

1. Notwithstanding condition 11 of application LW/18/0048, the two car parking spaces on the opposite side of the access road to the new dwellings shall be available for public use by visitors to the development hereby permitted and for no other purpose.

Reason: To provide car parking space for both residents and visitors to the development and in the interests of local amenity having regard to policies ST3 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and to comply with the National Planning Policy Framework 2019.

2. Prior to the first residential occupation of either dwelling, the new access onto The Rough and the two new accesses across the public footway [running east to west] shall be constructed in the positions and laid out as shown on the submitted plan [number 101- 1D received on 19th September 2019] and constructed in accordance with the relevant standards set out by the highway authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

3. Prior to the first residential occupation of the development hereby permitted, the northern edge of the public footway crossing the site east to west shall be made good with kerbing provided along the length of the new access road and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

4. Prior to the first residential occupation of either new dwelling pedestrian visibility splays of 2 metres by 2 metres shall be provided either side of the proposed 2 new accesses across the public footway [running east to west across the site] in accordance with the approved plan 101-1D. These visibility splays shall thereafter be kept free of all obstructions.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway [public footway] in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

5. Prior to the first residential occupation of either new dwelling the parking areas shall be provided in accordance with the approved plan [No.101-1D] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles by residents and visitors to the development hereby permitted.

Reason: In the interests of highway safety and amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan [No. 101-1D] and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

7. The development shall not be occupied until covered and secure cycle parking areas have been provided in accordance with the approved plan (plan no. 101-1D) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

8. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

9. Prior to the occupation of the development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

10. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, to the approval of the local planning authority, in order to prevent contamination and damage to the adjacent roads

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

11. The development hereby approved shall be carried out in accordance with the drawings submitted, and the dwellings shall not exceed a height of 500mm below the ridge height of 6 Vernons Road (in accordance with the drawings submitted).

Reason: To ensure the development accords with the approved plans and respect the amenity of the area and that of nearby residential occupiers in accordance with policies ST3 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

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 applicant is hereby reminded that, notwithstanding conditions 11 and 12, the conditions attached to the outline planning consent LW/18/0048 remain extant and shall be complied with. As such further details must be submitted for approval before construction can continue on site.

3. This Authority’s requirements associated with this development proposal will need to be secured through a Section 171 Legal Agreement between the applicant and East Sussex County Council The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	2 August 2019	101/1C
Proposed Elevation(s)	2 August 2019	101/2A
Proposed Floor Plan(s)	2 August 2019	101/3
Location Plan	26 July 2019	101/4
Street Scene	26 July 2019	101/5A
Street Scene	26 July 2019	101/6A
Design & Access Statement	26 July 2019	