

Planning Applications Committee 29 January 2020



Working in Partnership



Time and venue:

5.00 pm 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: Tuesday, 21 January 2020

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 8 January 2020 (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/19/0242 - The Sussex Coaster, 80 - 82 South Coast Road, Peacehaven, East Sussex, BN10 8SJ (Pages 9 - 32)**
- 8 LW/19/0714 - 342 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7EW (Pages 33 - 40)**
- 9 LW/19/0534 - 4 Firle Grange, Seaford, East Sussex, BN25 2HD (Pages 41 - 46)**
- 10 LW/19/0809 - 36A and 36B The Rough, Newick, East Sussex (Pages 47 - 58)**
- 11 LW/19/0518 - 363 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HH (Pages 59 - 70)**

Planning applications within the South Downs National Park

- 12 SDNP/19/05065/FUL - Foxhole Farm House, Foxhole Farm, Seaford Road, Newhaven, East Sussex, BN9 0EE (Pages 71 - 80)**

Non-planning application related items

- 13 Enforcement monitoring from 1 October 2019 to 31 December 2019 (Part A) (Pages 81 - 82)**
Report of Director of Regeneration and Planning
- 14 Enforcement monitoring from 1 October 2019 to 31 December 2019 (Part B) (Pages 83 - 92)**
Report of Director of Regeneration and Planning
- 15 Summary of appeal decisions received from 1 October 2019 to 31 December 2019 (Pages 93 - 100)**
- 16 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 19 February 2020 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, 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 Committee and Civic Services Manager 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.

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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 8 January 2020 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Sylvia Lord, Sean MacLeod, Emily O'Brien (as substitute), 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)

86 Minutes

The minutes of the meeting held on 20 November 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

87 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Christoph von Kurthy and Imogen Makepeace. Councillor Emily O'Brien declared she was acting as substitute for Councillor Makepeace for the duration of the meeting.

88 Declarations of interest

There were none.

89 Petitions

There were none.

90 LW/19/0493 - Nursery, 29 Glynn Road, Peacehaven, East Sussex, BN10 8AT

Mrs J Goodchild, Sarah Clark and Mrs J Liggett spoke against the proposal. Valerie Wild, Kathryn Andrews and Rachele Salmon spoke for the proposal.

Resolved:

That planning application LW/19/0493 for change of use to full nursery use, extension of opening hours and commercial use of property at evenings and weekends be approved, subject to the conditions set out in the report and supplementary report and with condition 2 in the supplementary report amended to cover measures to be implemented to protect local residents from noise pollution and further condition to allow training and maintenance of the building to only take place between the hours of 9am to 1pm on no more than two Saturdays in any calendar month. The Committee wished it to be noted that no maintenance or training shall take place on Sundays or bank holidays. The Committee also added an informative on additional hedge planting to existing boundaries.

(Note: Councillor Saunders briefly left the room during the discussion and debate of this application. Based on advice given by the Council's solicitor, Councillor Saunders therefore did not participate in the discussion or voting thereon.)

91 LW/19/0665 - Seahaven Maritime Academy, East Quay, Newhaven Port, Newhaven, BN9 0BNResolved:

That planning application LW/19/0665 for Section 73a retrospective application to retain a three sided framework to afford weather protection to the training area be approved, subject to the conditions set out in the report and supplementary report and amending condition 1 in the report to require the two opaque panels to be replaced with cladding to match that used in the walls of the structure as opposed to being painted.

92 SDNP/19/04830/FUL - Reed Court, 38 Boughey Place, Lewes, East SussexResolved:

That planning application SDNP/19/04830/FUL for replacement of existing single-glazed timber framed windows with double-glazed, PVCu units be approved, subject to the conditions set out in the report.

93 Written questions from councillors

There were none.

94 Date of next meetingResolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 29 January 2020 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

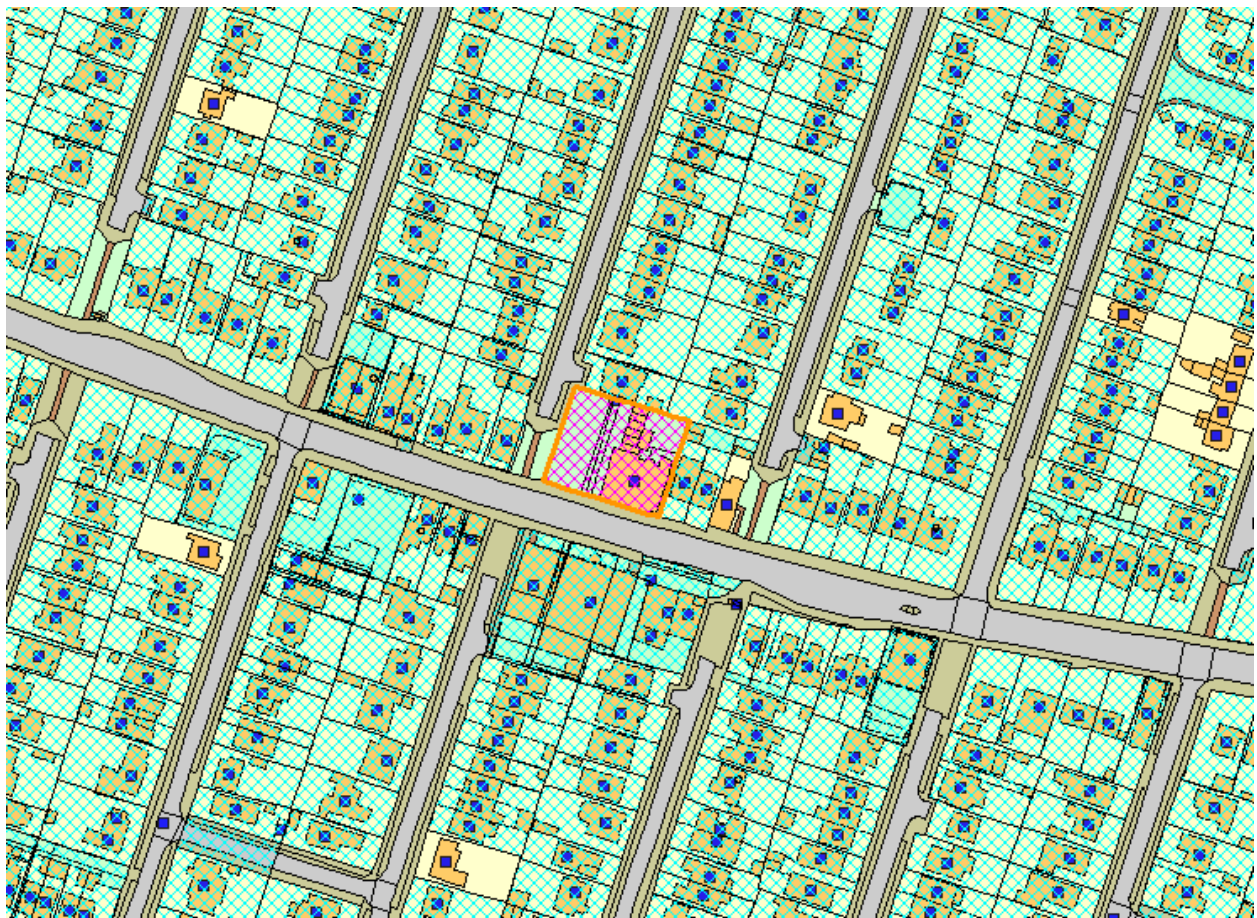
The meeting ended at 6:45pm.

Councillor Sharon Davy (Chair)

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Agenda Item 7

PPLICATION NUMBER:	LW/19/0242		
APPLICANTS NAME(S):	Eden Luxe Construction Ltd	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for proposed demolition of public house and re-development to provide seventeen residential units (10no. 1-bed flats and 7no. 2-bed flats), commercial office space (112 square metres) and associated parking and landscaping (Amended Plans) (Amended Description).		
SITE ADDRESS:	The Sussex Coaster, 80 - 82 South Coast Road, Peacehaven, East Sussex, BN10 8SJ		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site lies on the northern side of South Coast Road at the corner junction with Vernon Avenue. The site is presently occupied by a two storey building previously used as a public house, which has various additions, and a large surface car park alongside the southern end of Vernon Avenue. The side elevation of the existing pub building lies adjacent to the public footway along South Coast Road, unlike other neighbouring buildings which are set back.

1.2 The site is bound on two sides by residential properties, and on the opposite corner of Vernon Avenue there is a security business's office and residential flats. On the opposite side of South Coast Road there is a 24 hour petrol station and shop and a home improvements/conservatory showroom.

1.3 The building is not listed and the site is not situated in a Conservation Area.

PROPOSAL

1.4 The application seeks full planning permission for the demolition of the existing buildings and re-development of the site with a four storey building comprising 17 flats, office space on the ground floor, and parking provision to the rear with access off Vernon Avenue.

Office-

At ground floor level and fronting the corner with Vernon Road and the A259
Office space covering 112 square metres
Bin storage, W.C. and staff rooms indicated on plans

Flats-

Seventeen flats comprising 10 x 1-bed flats and 7 x 2-bed flats
Ground floor: One 1-bed and one 2-bed flat, adjacent to 78/78A South Coast Road.
First floor: Four 1-bed flats and two 2-bed flats.
Second floor: Four 1-bed flats and two 2-bed flats.
Third floor: Comprising a recessed attic storey - One 1-bed flat and two 2-bed flats.

1.5 In terms of floor area, the smallest 1-bed flats would be 50 square metres and the smallest 2-bed flats would be 64 square metres.

1.6 None of the residential units are proposed to be affordable, due to financial viability of the scheme. The applicant's viability assessment was reviewed by an independent assessor on the behalf of the local planning authority and concluded that the main issues are the base build cost which together with the Community Infrastructure Levy (CIL) liability, would render the scheme unviable with affordable housing.

Car parking-

1.7 Based on the amended site plan there would be 22 car parking spaces behind the building and two of these (9%) would have electric vehicle charging points.

1.8 The vehicular access to the site is proposed to be from the bottom of Vernon Avenue, and the existing vehicular access directly onto South Coast Road is proposed to be blocked up.

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: – CP4 – Economic Development and Regeneration

LDLP: – CP9 – Air Quality

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP:- DM25 – Design

LDLP:- DM1 – Planning Boundary

3. PLANNING HISTORY

LW/08/0716 - Section 73A Retrospective application for the continued use of land within the licensed area of The Sussex Coaster as a pub garden including paving and seating. - **Approved**

LW/09/1150 - Continued use of land within the licensed area as a pub garden (renewal of temporary planning approval LW/08/0716) - **Approved**

E/55/0460 - Proposed change of use from licensed club to fully licensed public house. - **Refused**

EV/63/0013 - Various illuminated signs at 80-82 South Coast Road. - **Approved**

EV/70/0009 - Internally illuminated wall sign. - **Refused**

E/70/0118 - Planning and Building Regulations application for demolition of garage and beer store and erection of office, staff bedrooms, kitchen and beer store. Building Regs Approved. - **Approved**

LW/83/1493 - Retention of front extension to Public Bar granted for temporary period under LW/78/1217. - **Approved**

E/62/0042 - Planning and Building Regulations application for a proposed conversion of club premises to licensed public house at The Premier Club, 82, South Coast Road. Building Regulations Approved. - **Approved**

E/71/1109 - Planning and Building Regulations application for an extension to existing Public Bar. B Regs Rejected. - **Refused**

E/56/0616 - Proposed change of use from licensed club to fully licensed public house and use of adjoining land as a car park. - **Approved**

EV/65/0023 - Double sided projecting illuminating swing sign 3'3" x 2' advertising Watneys Ales. Restrictive Planning Condition No. 4. - **Approved**

E/65/0643 - Planning and Building Regulations Applications for formation of new kitchen on first floor. Building Regs. Approved. - **Approved**

E/72/1181 - Planning and Building Regulations Applications for alterations and additions to provide garage, store, kitchen and dining room with two staff flats over. Building Regs. Rejected. - **Refused**

E/61/0870 - Planning and Building Regulations applications for erection of lock-up garages, formation of paved terrace and access at The Premier Club, 82 South Coast Road. Building Regs approved. - **Approved**

E/61/0720 - Planning and Building Regulations applications for erection of lock-up garages, resiting of car park access and use of plots to east of Club for the display and sale of used cars at The Premier Club, 82 South Coast Road. - **Refused**

LW/85/0755 - Section 32 retrospective application for retention of retractable awnings over existing ground floor windows to South Coast Road and car park entrance. - **Approved**

E/65/0480 - Planning and Building Regulations Applications for covered sun terrace. Building Regs. Approved. Commenced. - **Approved**

LW/78/1147 - Planning Application for conversion of garage into preparation room. - **Approved**

LW/78/1217 - Front extension to public bar. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

District Services – No objection - Advised that refuse and recycling areas must be accessible to dust carts and the communal space may be used for this purpose.

ESCC Highways – No objection subject to the imposition of conditions

Executive Summary

This HT401 is issued as a result of amended plan No. 9003/P/30 revision 11 which follows extensive discussions with the agents. The revised plan [revision 11] now includes:-

- the closure of the existing vehicular access;
- revised acceptable layout of the proposed access;
- together with provision of bollards on the public highway and;
- relocation of the existing street light [position to be agreed and;
- provision of a widened footway across the site frontage on Vernon Avenue.

I confirm that the proposal is now acceptable as shown on the above amended plan. I do not object to the proposed development and recommend highway conditions.

Response

1. Trips/Access

This application is for demolition of the existing Public House and erection of a block of 18 flats. It is understood that the Public House which operated as a public house and restaurant [with 30 covers] and as a music venue for up to 200 attendees which it is understood from Lewes District Council could be brought back into use. The Transport Report suggests that the existing use generate approximately 229 trips a day. The proposed development of 18 flats would generate approximately 54 - 72 vehicular trips a day which is significantly less than the existing use. Whilst I appreciate that the use as a music venue may not have operated every day the use as a public house with 30 covers for restaurant use would still have generated slightly more traffic than that propose.

It is noted that this proposal would generate vehicle trips on the network in the AM peak whereas the existing use would not have generated vehicles in the AM peak. However, a new vehicular access would be created onto the minor road, Vernon Avenue, to serve this development. The existing vehicular access onto the A259, which is situated close to a pedestrian crossing, is shown to be closed off. Given the location of the existing access and the nature of the South Coast Road, the closure of this vehicular access onto the A259 is welcomed.

The new access is shown to be 6m wide with a nominal junction radius on the southern side, which is acceptable in this direction given vehicles will be entering and leaving the access to the north only. The northern radius is annotated as being 6 metres but is actually shown as 3 metres, however, 3 metres would be acceptable here

2. Mitigation - Off Site Highway Works

The following works are required in order for the proposal to be acceptable to the highway authority and would normally be secured through a section 106 agreement. However, it is understood that due to the size/viability of the site no s106 is required therefore the following points are to be included as conditions of any planning permission.

- The existing lamp post [currently within centre of proposed access] is shown to be relocated to a position to be agreed with the County Council.
- Two new additional bollards are also to be provided and positioned within the public highway to the south of the proposed new access on Vernon Avenue. This is at the request of the County Council in order to ensure vehicles do not drive south over the public highway to join the A259 here.
- The plans also show widening/improvement to existing footways either side of the new access which would need to include dropping kerbing and tactile paving [to be agreed].

Conditions

1. No development shall be occupied until the existing access onto the A259 shown on the submitted plans have been stopped up and the kerb and footway reinstated in accordance with details to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

2. Prior to occupation of the development hereby permitted, the new access onto Vernon Avenue shall be in the position and laid out as shown on the submitted plan [number 9003/P/30 revision 11] and constructed in accordance with the attached HT407

form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The new access [onto Vernon Avenue] shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

4. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans 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

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans 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

7. Prior to commencement of the new access onto Vernon Avenue the applicant shall reposition the existing street lamp and position new bollards in accordance with plans and details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and which shall be in position prior to commencement of the new Access onto Vernon Avenue.

Reason: In the interests of road safety.

8. Prior to commencement of development the applicant shall submit details of improvements to the existing footway on Vernon Avenue [including informal crossing points/dropped kerbs which shall be approved by the Local Planning Authority in consultation with the Highway Authority and the works shall be completed prior to occupation of the development.

9. Prior to the commencement of 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 consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

10. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

11. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Informatives

1. This Authority's requirements associated with this development proposal [Access, repositioning street light, new bollards, improvements to public footway on Vernon Avenue and closure of existing access onto A259] will need to be secured through a 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.

2. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

3. 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)

4. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

LDC Policy Team - This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained 'saved' policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF) and the NPPF itself. In addition, the emerging Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

The application is for full planning permission for a mixed office and residential development. From a planning policy perspective, the following issues should be considered when determining the above planning application:

- Loss of community facility (Core Policies 4 and 7);
- Affordable Housing; and
- Electric Vehicle Charging Point.

The application site is located in Peacehaven and within the planning boundary where the principle of development is generally acceptable. The development proposal comprises of 16 net dwellings (18 gross) and 107sqm of B1a (office) floorspace.

The site's current use is a public house (The Sussex Coaster) and associated car park. However, according to the Applicant's Planning Statement (paragraph 5.30) the pub has been permanently closed since 7th June 2018. Core Policy 7 (CP7) (Infrastructure) seeks to protect, retain and enhance existing community facilities and services; in this case the proposal would result in the loss of a pub. Bullet point 2 of CP7 is therefore relevant in the consideration of this proposal.

The Applicant has submitted evidence of marketing of the site, as well as discussions with the Town Council to ascertain if there is any demand for alternative facilities that could be provided on site. Both exercises were unsuccessful. Instead, the proposal includes an element of B1a (office) floorspace. A B1a use is generally considered compatible with both the proposed residential use and existing mix of uses along the South Coast Road.

Affordable Housing

Core Policy 1 (CP1) (Affordable Housing), as amended by national planning policy, requires 40% affordable housing on developments of 10 or more units. A development such as the application site would ordinarily be required to deliver seven affordable homes. However, the Applicant has submitted evidence, as required by CP1(2), showing that the development cannot deliver any affordable housing on viability grounds.

Electric Vehicle Charging Points

The Council's Electric Vehicle Charging Points (EVCP) Technical Guidance Note sets out what is now expected from new development (outside the South Downs National Park) in terms of EVCP. The Note has been produced to help deliver the aims of LPP1, in particular Core Policy 9 (Air Quality) and Core Policy 13 (Sustainable Travel).

For developments of 11 or more flats the Note states that "at least one dedicated bay with Fast EV Charging Unit to service the development" should be provided. The application proposal includes one EVCP. However, it is not clear firstly, if this is a fast charging point rather than a standard charging point and secondly, whether it will be located within a parking space designated as an EV Charger Space (paragraph 4.6 of the Planning Statement) or within a visitor parking space (paragraph 01.6 of the Sustainability Statement). The dedicated parking space would appear preferable to ensure accessibility to future occupiers and visitors. These two points should be clarified and secured appropriately.

Summary

The application scheme proposes a mixed use development in a relatively sustainable area of Peacehaven. From a planning policy perspective, provided that the determining officer is satisfied that sufficient evidence has been submitted with regards to the loss of

community facility and non-provision of affordable housing, and that the proposal is otherwise compliant with policies within the Development Plan, then it should be recommended for approval.

LDC CIL Team –

There is concern that the Viability Assessment has overplayed the CIL contributions - the CIL Forms submitted show that the pub was in use in 2018 and the floorspace would therefore be permissible for off-set. This brings the CIL liability down from £160k (allowed for in the VA) to £69k. This would allow for £91k contributions towards off-site provision of affordable housing.

ESCC SUDS – No Objection, subject to conditions.

Site investigations indicate that infiltration rates are poor, and there is a risk that discharge of surface water runoff may lead to ground stability issues as a result of dissolution features in the subsurface. This response is made on the understanding that Southern Water has agreed to allow the applicant to discharge surface water runoff into the foul sewer.

The proposals to discharge surface water runoff will provide a betterment over the existing situation, as it is indicated that the site already discharges runoff to the foul sewer and the proposals will restrict the discharge rate to 1.0 l/s for all rainfall events. As the drainage strategy has now changed, we will require the submission of additional hydraulic calculations to confirm this.

The applicant has undertaken a CCTV survey to establish the condition of the on-site sewer system that will act as a discharge point for surface water runoff. This survey indicated a number of defects in the system, particularly between MH1 and MH2, these will require improvement works to be carried out prior to completion of the development.

The Drainage Strategy indicates that maintenance will be carried out privately, with a long term maintenance regime to be agreed with the landowners. We request further clarification on the specific maintenance arrangements at the detailed design stage.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests that conditions are imposed in order to manage surface water runoff from the development.

Southern Gas Networks – No objection

Information as to the location of gas pipes.

Sussex Police – No objection.

No major concerns with the proposals, subject to following guidance as to mitigating against any identified local crime trends. The segregation of the office space and residential areas is noted positively.

Main Town Or Parish Council – Last night 30th April 2019, Peacehaven Town Council Planning & Highways Committee met & discussed Planning application LW/19/0242 Sussex Coaster.

37 Residents from the locality attended the meeting and spoke against this proposed planning application.

The concerns by local Residents were reiterated at last night's Planning meeting during Public Question time.

- o This proposal is not an acceptable form of development in this area of Peacehaven.
- o The plans need to change to incorporate entrance and exit on to the A259 and not Vernon Avenue, is it possible for the plans to be amended and resubmitted to Peacehaven Town Council Planning & Highways.
- o Although other developments granted for this type of building up to 4 storeys have set up precedence within Peacehaven, this particular planning application is not comparable to this area and does not create a "sense of place" in this area. Within this "sense of space" this proposed development is an overbearing structure, loss of visual and natural light on to the Coastal view and impact of even more vehicles on to the A259.
- o The key design features in size, scale and siting of this proposed development IS OVERLY BULKY, LOSS OF STREET SCENE AND WOULD CAUSE UNDUE DOMINANCE, LOSS OF LIGHT AND PRIVACY TO NEARBY RESIDENTS.
- o Please can you respond to this proposed development as it is more than 10 units and where is the affordable housing provision associated with this scheme, as yet to be agreed.
- o Peacehaven Planning Committee would like to see the Transport statement relating to this application and what dates and times was the traffic data taken?
- o Has there been an onsite visit by Lewes District Planning Committee and if so what date and time of day did they visit?

Peacehaven Town Council Planning & Highways Committee at the meeting last night unanimously proposed Refusal of Planning Application LW/19/0242 Sussex Coaster.

- 1) Back garden development - building another property the confines of the existing one or large extension to property.
- 2) Out of keeping with street scene-impairment of the street scene, changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue, unfriendly
- 3) Blind or blocking corners-either with fence, bushes or trees causing hazard to drivers and pedestrians, health and safety
- 4) Loss of privacy-over-looking, causing loss of privacy or light, too close
- 5) Poor design-down to developer- does not fit in with local surroundings
- 6) Inadequate local infrastructure-including A259, surgeries, school
- 7) Effect on local character-surrounding area included
- 8) Density of layout & over development -too large for plot
- 9) Absence of car parking facilities-provision for pedestrians, wheelchairs and prams
- 10) Increase of traffic & congestion-is there an alternative
- 11) Exacerbate existing parking problems
- 12) Parking & Highway safety-turning space is applicable
- 13) Listed building or tree(s) with protection orders
- 14) Local drainage needs to be improved-not really for us, but sometimes there is a problem if the drain goes under the neighbours garden or path
- 15) Could prejudice further development-not really down to us, but would depend on how the developer acts.

No further comments received following re-consultation on amended plans.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Since the amended plans were submitted in September 2019, 49 additional objections have been submitted. These largely reiterate previous objections and do not raise any new material planning considerations.

A petition containing 112 signatures has been submitted, objecting to the application with the following preamble:-

Loss of amenities
Out of character
Over development
Parking
Increased traffic flow
Loss of privacy

Representations have been received from 9 Tollgate; 103 Malines Avenue; 69 Phyllis Avenue; 178a Roderick Avenue North; 107A Horsham Avenue North; 62 Capel Avenue; 28A Arundel Road; 27 Cinque Foil; 36 and 42 Southdown Avenue; 39 Bramber Avenue; 16 Sunview Avenue; 28 and 63 Cornwall Avenue; 96 Keymer Avenue; 3 Jay Road; 17A, 21, 23, 27, 29, 38A, 40, 48 and 56 Vernon Avenue; 5 Fairfield Sutton Avenue; Sussex Square [Brighton]; 107 Queensway [Brighton]; 5 Meadow Vale [Brighton]; 24 Furze Hill Court [Hove]; 22 Crouch Lane [Seaford]; Dale House London Road [Pyecombe], objecting to the application for the following reasons:-

The pub should remain so the community has somewhere to go a socialise
The pub is needed more than the new flats
18 new flats will not make much impact on housing availability
Should be run as a community pub like The Bevendean in Brighton
Pub should have become a restaurant like The Lounge
Effect on town centre viability
Contextual significance
Historical significance
Over development
Large building
Not an attractive building
Out of character
Harmful to outlook
Loss of open space
Overbearing building/structure
Overlooking, loss of privacy
Loss of light
Overshadowing
Noise and disturbance
Inadequate access
Parking issues
Insufficient parking
Overspill parking and increased traffic in local streets
Traffic on A259
Traffic generation
Highway hazards
Heavily congested area
Lack of infrastructure
Schools, dentists' and doctors' surgeries are all over-subscribed
Will add to pollution
Smell/fumes
Insufficient information
Will devalue property

Objection received from Cllr Enever, local County Councillor for the area, concerned with traffic generation in Vernon Avenue and impact of the development on properties to the north.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport; and sustainable building design.

PRINCIPLE

6.2 The current use of the land is a public house and this constitutes both a business use as well as a potentially important resource for the local community. That being said, the pub has been marketed for sale for a considerable time and this has been evidenced by for sale boards on the front elevation.

6.3 Core Policy CP4 "Encouraging Economic Development and Regeneration" states that the local planning authority should safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. This will include:

- i. A demonstrated lack of tenant/occupier interest.
- ii. A demonstrated lack of developer interest.
- iii. Serious adverse environmental impacts from existing operations.
- iv. Where the site is otherwise unlikely to perform an employment role in the future.
- v. Where the loss of some space would facilitate further/improved employment floorspace provision.

Where these circumstances can be demonstrated, a mixed use alternative development would be preferred, such that an element of employment use is retained.

6.4 The applicant has submitted a Planning Statement, which at Appendix B sets out how the premises have been marketed since September 2016, firstly as tied to the owner (Enterprise Inns) then from March 2017 on an untied basis and marketed by Fleurets. With no deals agreed, Enterprise Inns then advertised the site for sale, by Fleurets, in February 2018. A temporary operator was found briefly at a low weekly rate and business rates were reimbursed by Enterprise Inns.

6.5 The marketing information submitted indicates that the current use of the site is not viable, and notwithstanding the objections received, potential public house operators have had the opportunity to continue the current use of the site but no deals have been reached. Furthermore, the current planning application incorporates over 100 square metres of office/commercial floor space, which could be used by local businesses and which would retain a reasonable amount of employment space at the site.

6.6 In principle therefore, the proposed development is considered to meet the requirements of Core Policy 4 of the Local Plan.

6.7 The application site is within the Planning Boundary of Peacehaven and located in a mixed use area where there are a mix of commercial premises and residential uses along South Coast Road, and where the side streets are predominantly residential in character. In principle the residential development of this site is acceptable and compliant with

retained policy CT1 and Spatial Policy 2 of the Joint Core Strategy, the site constituting an unidentified previously developed (brownfield) site within the existing Planning Boundary and the scheme providing much needed additional housing.

6.8 The inability of the applicant to provide affordable housing at a level of 40%, in accordance with both national planning policy and Core Policy 1 of the Local Plan, is deeply regrettable. However, the financial viability case put forward by the applicant has been scrutinised independently on behalf of the Council and has been found to be defensible, and that allowing for the required CIL contribution the scheme could not provide affordable housing in addition to CIL. Provision of affordable housing would, in this instance, render the scheme as a whole financially unviable, which would result in zero new homes entering the market and adding to the housing supply.

6.9 However, the Council's CIL Team is of the view that the Viability Assessment has overplayed the CIL contributions - the CIL Forms submitted show that the pub was in use in 2018 and the floorspace would therefore be permissible for off-set. This would reduce the CIL liability down from £160k (allowed for in the Viability Assessment) to £69k. This would allow for £91k contributions towards off-site provision of affordable housing.

6.10 The scheme has been independently tested in terms of the viability (sales values and build costs) and has been found to be acceptable and within industry norms. Under the CIL regulations and due to the offsetting falling from the existing floorspace of the buildings to be demolished being taken off the new floor space then there is financial headroom as a result. This headroom can be offered as a contribution towards off site delivery of affordable housing and should be secured by a S106 agreement.

6.11 In view of this it is recommended that a S106 Agreement is secured in order to make a contribution towards affordable housing off-site.

6.12 Both of the commercial units proposed on the ground floor are considered to be an acceptable size for this location and have sufficient space for office and storage as well as displays and customer areas, thereby ensuring their future viability and usability.

DESIGN

6.13 Buildings which front South Coast Road, the main A259 route into and out of Peacehaven, are generally taller than the properties that characterise the residential areas set further back off the side roads, which are mainly characterised by bungalows and houses. This is particularly true of the northern side of the A259 where, throughout the length of Peacehaven, there are a variety of two, three and four storey buildings.

6.14 Whilst the buildings immediately next to this site are two storey, there are taller buildings within the same street view, and therefore the scale of the proposed development is not considered to be incongruous.

6.15 The attic storey would be set well back from the elevations below and the development seeks to follow existing building lines and include suitable boundary walls and planting creating a setting for the new building and visual coherence with neighbouring buildings. The bulk and massing has been stepped down at the side and to the rear in order to blend in with the scale of neighbouring buildings and the development proposes to use light coloured materials and finishes along with detailing including a bay projection and various balconies in order to create visual interest.

6.16 Overall the design and appearance is considered acceptable in this location and although the building would be taller and more bulky than neighbouring buildings, there are

existing developments of this scale in Peacehaven and the applicant has taken steps to ensure an attractive frontage and minimise the contrast between the development and existing neighbouring properties. Being on a relatively prominent corner location, the architecture also seeks to make an attractive feature in that the balconies and the entrance to the proposed office/commercial space would be at a diagonal to the main front and side elevations.

6.17 Subject to conditions requiring details of the final external materials and finishes, the proposed design is considered appropriate and of a satisfactory standard and meets the requirements of policies ST3 and CP11 of the Local Plan, as well as policy DM25 of the emerging Local Plan Part Two.

AMENITY

6.18 The proposed building would be larger in scale and bulk than existing neighbouring buildings, but it has been designed so that the height steps down at the side and rear in order to lessen any sudden changes in height and the space around the building is sufficient to prevent loss of light or overshadowing, especially to number 21 Vernon Avenue. This dwelling is located 11m to the north of the proposed development and abuts the northern boundary of the site. The applicant has used high-level windows to the rear elevations in order to prevent overlooking and there are no windows or other openings proposed on the easterly facing flank elevations, thereby precluding loss of privacy. The balconies and the roof terraces would predominantly front the A259, which is a busy public highway.

6.19 The proposed floor areas of each flat meet the national described space standards and future residents would benefit from private and useable outdoor amenity space as well as having adequate space for living and circulation in each flat.

6.20 Whilst it is accepted that the development would alter the outlook from adjacent residential dwellings and also result in some loss of sunlight during certain periods of the day and at different times throughout the year, it is not considered that the proposed development would have a demonstrable harm on either neighbours or future occupiers' amenity and living conditions to a level that would justify a refusal of permission.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.21 The application site is in a sustainable location with easy access to local shops and services and there is a petrol station and convenience store on the opposite side of the street, with a traffic-light controlled pedestrian crossing nearby. There are also bus stops within easy walking distance and these provide access to frequent bus services to Brighton and Eastbourne, with connections to mainline railway stations. The applicant is also proposing secure and sheltered cycle storage within the development. With these options close at hand there is no need for future residents to be solely reliant on private car use for all of their journeys.

6.22 The amount of car parking proposed meets highway authority standards and the highway authority raises no objection. The existing vehicular access onto the A259 is proposed to be blocked up, and this has come about through discussions with the highway authority. Although the pub use, along with potential food and entertainment activities associated with it, the level of traffic generated would be comparable with the proposed residential use except within the peak morning hours. In order to prevent additional traffic entering South Coast Road directly in the morning peak times, the applicant is proposing that the sole vehicular access in and out of the site is to the rear, off Vernon Avenue. This is acceptable to the highway authority, and although it will lead to a small increase in traffic

using Vernon Avenue, taking into account the site context this is not considered to give rise to a demonstrable harm to residential amenity and should not result in increased congestion or on-street parking owing to their being turning spaces within the application site and a sufficient amount of parking for the number and size of dwelling units proposed.

6.23 In view of this, the proposed development is considered to comply with policies CP11 and CP13 of the Local Plan.

SUSTAINABLE BUILDING DESIGN

6.24 In order to comply with policy CP14 of the Local Plan the application needs to demonstrate consideration and incorporation of energy efficient construction methods and renewable energy technologies in order to reduce local contributors to climate change. The application includes provision of two electric vehicle charging points in the rear car park, and this would help reduce emission generated by private car use. However, a minimum of 4 electric vehicle charging points should be incorporated into the scheme to meet policy requirements and for this reason a condition is recommended in order to secure the right amount and the correct type of charging points.

6.25 The applicant has also submitted a Sustainability Statement which sets out the various elements to be incorporated into the development such as energy efficiency in the building fabric; eco-labelled white goods; and methods of reducing household water consumption. This is considered acceptable but it does not touch on heating and ventilation systems or on measures such as solar or PV panels. In view of this a condition is recommended in order to secure these additional details.

7. RECOMMENDATION

7.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions and subject to the completion of a S106 Agreement as follows:

Heads of Terms

£91,000 financial contribution towards off-site affordable housing provision.

7.2 Should the legal agreement not be completed within 6 months of the committee decision the application shall be refused under delegated powers.

The application is subject to the following conditions:

1. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, 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 and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

2. The highest part of the development hereby permitted (the flat roof to the attic storey) shall not exceed 5080mm in height above the ridgeline of 21 Vernon Avenue and 3400mm in height above the ridgeline of 78/78A South Coast Road, in accordance with the approved plans.

Reason: In the interests of visual amenity and neighbour amenity, and to ensure compatibility with the street scene and roofscape, and in order to comply with 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 2019.

3. The development hereby permitted shall not be occupied 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, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, 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 2019.

4. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including 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 2019.

5. Prior to the first residential occupation of the development hereby permitted, the car parking area shall be provided in accordance with the approved plans. The parking area shall be retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, 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 2019.

6. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any amendment or replacement thereof), prior to the commencement of any building or engineering operations for the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- 1) the temporary arrangements for access and turning for construction traffic together with reinstatement as necessary at the end of each construction period;
- 2) the size and frequency of vehicles (contractors and deliveries);
- 3) the routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- 4) the temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- 5) a contractors' parking and Travel Plan;

- 6) facilities for the loading and unloading of plant and materials;
- 7) the location(s) for storage of plant and materials used during construction;
- 8) the location(s) of any site huts/cabins/offices
- 9) details of temporary lighting during construction;
- 10) details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- 11) details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- 12) details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- 13) details of off-site monitoring of the CEMP; and
- 14) assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, 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 2019.

7. The development hereby permitted shall not be occupied until details of the hard and soft landscaping associated with the development have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as managing and mitigating flood risk, in accordance with retained policy ST3 and Core Policies 10, 11 and 12 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 2019.

8. The lower sills of the high-level windows on the rear elevations of the development hereby permitted shall be no less than 1.7m in height above internal finished floor level unless otherwise agreed in writing by the local planning authority. The high-level windows shall be retained as such thereafter.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with retained policy ST3 and Core Policy 11 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 2019.

9. 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 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 2019.

10. 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.

11. Prior to the first occupation of the residential units on the first floor of the development hereby permitted, above the commercial units on the ground floor level, a scheme for protecting the occupants of those residential units from noise generated and associated with the commercial uses on the ground floor shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in full before any part of the noise sensitive development above the commercial units is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines to minimise noise in residential dwellings. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise, prior to those residential units on the first floor being occupied.

Reason: In the interests of the residential amenities of future occupants of the residential units 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 2019.

12. Notwithstanding the areas delineated as roof terraces for the top floor flats as shown on the approved drawings, the flat roofs of the development hereby permitted shall not be used as external amenity space and shall only be accessed for maintenance purposes or in the event of emergency.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with retained policy ST3 and Core Policy 11 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.

13. Prior to the first occupation of the residential units hereby permitted, a minimum of 4 electric vehicle charging points (20%) shall be provided and made ready for use, in accordance with details of the number, location and type of electric vehicle charging points, which shall be submitted to and approved in writing by the local planning authority.

Reason: In order to reduce local contributors to climate change, to reduce emissions, and to encourage the take up of more sustainable forms of transport in accordance with policies CP13 and CP14 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

14. Notwithstanding the Sustainability Statement submitted, no construction shall take place above ground floor slab level until details of both the measures and consideration given to renewable and low carbon energy, heating and ventilations systems, including renewable energy technologies and installations, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In order to promote sustainable development and reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

15. No development shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to 1.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

16. No development shall take place until evidence that the public surface water sewer has enough capacity to accommodate runoff from the application site, and support the detailed design of the drainage system, has been submitted to and approved by the local planning authority. In the event the public sewer is utilised, its condition and capacity to accommodate runoff from the site shall be assessed and details submitted to and approved in writing by the Local Planning Authority. Evidence of understanding of the drain's outfall and any potential impact on the flood risk of downstream areas shall be included. Any required improvements to the condition of the drain shall be carried out prior to construction of the outfall and completed prior to the first occupation of the development hereby permitted.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

17. Prior to the first occupation of the development hereby permitted, a maintenance and management plan for the entire drainage system shall be submitted to, and approved in writing by, the local planning authority, in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

18. Prior to the first occupation of the development, evidence (including photographs) shall be submitted to and approved by the local planning authority, to show that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to manage surface run-off and reduce the risk of flooding both on and off site, in accordance with policy CP12 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

19. No development shall be occupied until the existing access onto the A259 shown on the submitted plans has been stopped up and the kerb and footway reinstated in accordance with details to be submitted to and approved in writing by the local planning authority.

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

20. Prior to the first occupation of the development hereby permitted, the new access onto Vernon Avenue shall be in the position and laid out as shown on the submitted plan [number 9003/P/30 revision 11].

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

21. The new access [onto Vernon Avenue] shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety and in order to comply with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

22. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents of, and visitors to, the development hereby permitted.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

23. The development shall not be occupied until the turning spaces for vehicles have been provided and constructed in accordance with the approved plans and the turning spaces 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 and in order to comply with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

24. No works to construct the new access onto Vernon Avenue shall commence until the applicant has repositioned the existing street lamp and placed new bollards in accordance with plans and details that shall first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of road safety and in order to comply with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

25. No development shall take place above ground floor slab level until details of improvements to the existing footway on Vernon Avenue [including informal crossing points/dropped kerbs] have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.

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

26. Prior to the commencement of 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, and approved in writing by, the local planning authority.

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 CP12 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

27. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction and in order to comply with policies CP11 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

28. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

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. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

4. The new access onto Vernon Avenue shall be constructed in accordance with form/diagram HT407 which may be obtained from East Sussex County Council as the local highway authority.

5. This Authority's requirements associated with this development proposal [Access, repositioning street light, new bollards, improvements to public footway on Vernon Avenue and closure of existing access onto A259] will need to be secured through a 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.

6. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

7. 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)

8. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

9. The applicant is reminded of the Control of Asbestos Regulations 2012 when carrying out the works, including demolition of the existing building.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	2 September 2019	9003-P-31
Survey Plan	8 August 2019	9003-P-02
Location Plan	2 September 2019	9003-P-01

Proposed Block Plan	2 September 2019	9003-P-30
Proposed Floor Plan(s)	2 September 2019	9003-P-32
Proposed Elevation(s)	2 September 2019	9003-P-33
Proposed Elevation(s)	2 September 2019	9003-P-34
Proposed Section(s)	2 September 2019	9003-P-35
Proposed Elevation(s)	2 September 2019	9003-P-38
Other Plan(s)	2 September 2019	9003-P-39
Other Plan(s)	2 September 2019	9003-P-40
Street Scene	2 September 2019	190830
Additional Documents	21 October 2019	Ambiental Letter
Flood Risk Assessment	23 October 2019	4489_FRA_SWDS V3 Amended

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Agenda Item 8

APPLICATION NUMBER:	LW/19/0714		
APPLICANTS NAME(S):	Boon Homes & Rental Ltd	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning application for proposed to demolish existing bungalow and garages and construction of a block of 4 flats with associated car parking, covered bicycle shelter and refuse/recycling area		
SITE ADDRESS:	342 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7EW		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located on the north side of South Coast Road, Telscombe Cliffs, close to the junction with Ambleside Avenue. The site is long and relatively narrow and is also accessed from the rear from Ambleside Avenue via what appears to be an unadopted road which serves the existing dwelling as well as numbers 1-3 The Yard. On the site at present is a bungalow with two garages at the rear.

1.2 To the west of the site is a large two storey property that has been extended to the side and rear and which is in use as a care home. To the east is another substantial two storey property with single storey extensions to the rear. This is in use as at least 6 flats.

1.3 The site is within the planning boundary. There are no other designations on the site.

1.4 Planning permission is sought to demolish all of the buildings on the site and to construct a two-storey block on footprint of the existing bungalow, to provide 4 flats, 3 x 2 bed 3p and 1 x 1 bed 2p. Three off-street parking spaces will be provided at the rear of the site, on the footprint of the former garages, using the same existing access road. One space is shown to have an electric car charging point. A cycle store will be provided, details of which have been supplied with the application, in a gated space to the rear of the parking spaces. This will also accommodate refuse and recycling bins.

1.5 The remaining area will be the garden to flat 2. Flat 1 will have access to the existing front garden, flat 3 will have south facing balcony.

1.6 The building will have a part pitched roof and part flat roof, finished with plain concrete tiles (to the pitched section), the ground floor will be finished with painted render and the first floor clad with horizontal timber effect cladding. PV panels are proposed on the flat roof area over the rear two flats. All doors and windows will be uPVC and the balcony, stainless steel with glazed infill panel. The first floor will be set back by 2.3m at the rear with a flat roof over the living room and kitchen of flat 2, set back 1.8m half way along the west facing elevation above the garden stores to flats 1 and 2 and also by 1m along the east facing elevation above the main entrance to the flats. All flats meet the Nationally Described Space Standard.

2. RELEVANT POLICIES

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

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

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – T01 – Travel Demand Management

LDLP: – DM25 – Design

3. PLANNING HISTORY

LW/19/0374 - Conversion of bungalow to 1 No. two bedroom flat and 4 No. one bedroom flats to include single storey rear extension, addition of first floor and new roof, with associated car parking, access, bicycle shelter and refuse & recycling area - **Withdrawn**

LW/77/0711 - Planning and Building Regulations application for an extension at rear of bungalow. Building Regs Approved. Completed. - **Approved**

E/64/0545 - Planning and Building Regulations applications for erection of private garage. Building Regs approved. Completed. - **Approved**

LW/75/0744 - Planning and Building Regulations applications for porch. Building Regs approved. Completed. - **Approved**

E/57/0318 - Planning and Building Regulations Application for erection of a bungalow at Plots 083 and half 081. Building Regulations Approved. Completed. - **Approved**

E/58/0767 - Planning and Building Regulations Applications for proposed garage at rear. Building Regulations Approved. - **Approved**

LW/90/1308 - Alteration of flat roof to pitched roof on rear of property. - **Approved**

LW/05/1346 - Outline application for the erection of small bungalow in place of two garages (resubmission of LW/04/0959) - **Refused**

LW/04/0959 - Outline application for the erection of a bungalow in place of two garages - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – In regards to the proposal my concern would be around parking, ensuring that adequate parking is provided for, in order to prevent the residents parking on South Coast Road.

Main Town Or Parish Council – The committee considered the application and it was proposed by Cllr Clarkson, seconded by Cllr Sharkey and unanimously recommended to OBJECT to the application due to the following reasons:

- i. Overdevelopment
- ii. No access for emergency services, delivery vehicles or bin refuse
- iii. Out of keeping with the street scene
- iv. Not enough car parking spaces allowed within the proposed application, which is exacerbated with no off-street parking available nearby, in a heavily built up residential area

5. REPRESENTATIONS FROM LOCAL RESIDENTS

One objection received from the Telscombe Residents Association.

We have been asked by some of the Residents of Telscombe Cliffs to write as the Telscombe Residents Association, to object to this latest application, for the following reasons:

Inadequate Access - the plans show a proposal for 3 car park spaces now at the rear of the property, but there still appears to be inadequate access within the car park space to allow for turning. The access to the rear of the property is via a narrow shared path and it has not been ascertained who, if anyone, owns this path.

Lack of Infrastructure - with new developments in the towns of Telscombe Cliffs and Peacehaven, we are already at capacity with just two doctors surgeries nearing capacity, schools at or near capacity, an overcrowded main road in and out of the town, and very limited parking on an already congested road (Ambleside Avenue), it feels to the residents of Telscombe Cliffs that our Town is becoming a "dumping ground" for 5 for the price of one developments such as this, and with vehicles parked on the grass verges already, contravening any bye-laws, life could become quite a misery for near neighbours

Loss of Light, overlooking, loss of privacy - the current building is a bungalow, and adjacent neighbouring properties have fenced gardens adjacent to the site. Whilst it is appreciated that the overall height of the development has been reduced, our residents and near neighbours are concerned that there will be no privacy at all as their gardens and living rooms are in direct line of site of the proposed flats - this is unacceptable, especially if young children live in the neighbouring properties.

Overdevelopment the proposed development is for 4 flats - with up to 11-12 extra people living in what was a modest family bungalow. In addition, the waste and recycling areas abut existing family homes and gardens - not a pleasant prospect for the existing occupants of the neighbouring houses.

Noise and Disturbance - the proposed development would be sited right next to a Nursing Home for the elderly - with parking for 3 vehicles, bicycle stores (do they include motorbikes) and the possibility of multiple occupancy in some of the flats, this could prove noisy and disturbing to any vulnerable residents in the Nursing Home.

In summary, we, as the Telscombe Residents Association representing the views of our members and residents of Telscombe Cliffs, are totally against yet another large development of flats, albeit somewhat reduced from the first application, and we would object in the strongest terms.

6. PLANNING CONSIDERATIONS

Principle of development

6.1 The site is within the planning boundary and the use of the site to provide a net gain of 3 dwellings is welcomed.

Design

6.2 The existing bungalow sits between two large, two-storey properties. The proposed new building aligns with the eaves of its neighbours with a lower ridge line, but similar pitch to number 340. The pitched roof is welcomed as being more in keeping with the streetscene. The overall design is simple and contemporary and the use of the chosen materials is considered appropriate; there are examples of horizontal cladding elsewhere on more contemporary buildings close to the site.

Amenity

6.3 Windows in the first floor east facing elevation serve bathrooms and will be fitted with obscure glazing so there will be no overlooking conflict with number 340. On the west

facing elevation, there are five windows - three are secondary windows and two serve kitchens. The plans are annotated to indicate that 'glazing to first floor side elevations to have obscure glass with no openings less than 1700mm above finished floor level'. It is considered that this measure will satisfactorily address any concerns over mutual overlooking. With regard to overshadowing, it is considered that there is sufficient distance between the site and number 344 for this not to be an issue. The single storey units to the rear of 340 are within 1m of the boundary fence and already have limited daylight; the proposed new building is unlikely to bring about any perceptible additional loss of daylight.

6.4 In addition, and at the request of officers, a flat roof has been added to the first floor rear in place of the originally proposed pitched roof. This is to reduce the impact of the new building on the residents of properties to the rear of 340 South Coast Road.

6.5 The new flats meet the nationally described space standard and will offer a good standard of accommodation. Three of the flats have direct access to private amenity space. The fourth, a one bed unit, does not have any external amenity space, however this is not considered to be a viable reason for refusal, given that it is less likely to be occupied by a family and that the site is in close proximity to Howard Park.

6.6 An area for the storage of refuse and recycling bins is indicated at the rear of site.

Parking

6.7 The application was accompanied by a Transport Report, which demonstrated the following:

- using the ESCC Residential Demand Calculator, the proposal would generate the demand for 3.1 vehicles.
- a parking survey in the vicinity revealed a 'parking stress' equating to 59.3%, which is below the point at which an increase in on-street parking can be considered 'severe'.
- the site is in a sustainable location with good public transport services and links to pedestrian and cycle routes.

6.8 Based on this, it is considered that the proposed provision of three car parking spaces is satisfactory. Details of a cycle store have been submitted. Conditions have been recommended to ensure that the car parking spaces and the cycle store are provided prior to occupation and retained thereafter for use by the occupiers of the flats.

Sustainability

6.9 The Design and Access Statement indicates a number of measures to mitigate climate change, including the installation of PV solar panels (also shown on the submitted plans). Elsewhere in the submission, electric car charging points are specified.

Conclusion

6.10 The proposal will result in a net gain of three new-build residential units in a sustainable location within the planning boundary. The design of the proposed new building is acceptable and will enhance the street scene. In all respects, the proposal meets relevant national and local planning policies..

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED

The application is subject to the following conditions:

1. No development shall take place above ground floor slab levels until details and samples of all external materials including the fenestration, hard surfaces, roof materials, details of balustrades to balconies and external finishes to the walls 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 and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. No development shall take place above ground floor slab levels 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 the first occupation 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 ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. No development shall take place above ground floor slab levels until details of the hard and soft landscaping to the common parts of the scheme 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 and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. Details of the siting and design of the external electric car charging points to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

5. No part of the development shall be occupied until the car parking area has been constructed and provided in accordance with the approved plans for the occupiers of the flats. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interests of amenity and highway safety and to ensure adequate car-parking provision for the development

6. No part of the development shall be occupied until the cycle store has been provided in accordance with the approved plans. The store shall thereafter be retained for that use and shall not be used other than for the parking cycles.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport

policies including 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.

7. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amendment or replacement thereof, prior to the commencement of any building or engineering operations for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- a) The temporary arrangements for access and turning for construction traffic;
- b) The size of vehicles (contractors and deliveries);
- c) The routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- d) The temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- e) A contractors' parking and Travel Plan;
- f) Facilities for the loading and unloading of plant and materials;
- g) The location(s) for storage of plant and materials used during construction;
- h) The location(s) of any site huts/cabins/offices;
- i) Details of temporary lighting during construction;
- j) Details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- k) Hours of construction and hours of deliveries;
- l) Details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- m) Details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- n) Details of off-site monitoring of the CEMP; and
- o) Assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

8. All glazing in the first floor east elevation of the development hereby approved shall be in obscured glass (obscurity level 4) and be permanently fixed shut except for any fanlights which can be openable, and all glazing in the west elevation of the development hereby approved shall be in obscured glass (obscurity level 4) up to a level of 1.75m above finished internal floor level and be permanently maintained as such.

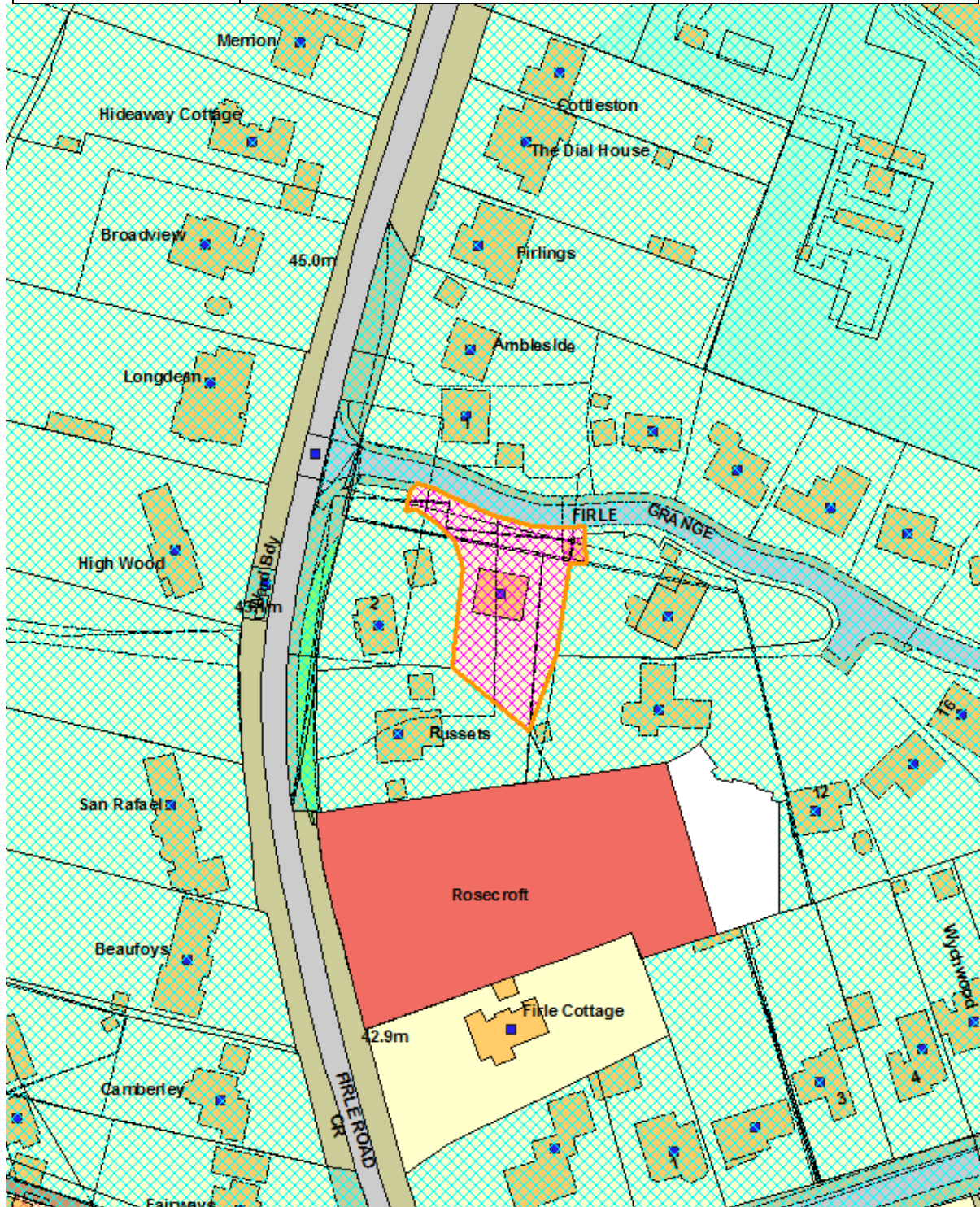
Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	1 October 2019	Transport Report
Design & Access Statement	1 October 2019	
Survey Plan	1 October 2019	Renewable Energy Scheme
Planning Statement/Brief	1 October 2019	Electric Vehicle Charging
Other Plan(s)	1 October 2019	1252/14 Street elevations
Existing Elevation(s)	1 October 2019	1252/15
Existing Floor Plan(s)	1 October 2019	1252/15
Existing Elevation(s)	1 October 2019	1252/16
Existing Floor Plan(s)	1 October 2019	1252/16
Technical Report	1 October 2019	Biodiversity and landscape checklist
Other Plan(s)	1 October 2019	1252/11 Cycle store
Location Plan	1 October 2019	1252/09
Proposed Block Plan	1 October 2019	1252/09
Proposed Elevation(s)	12 December 2019	1252/13A
Proposed Floor Plan(s)	12 December 2019	1252/12B

Agenda Item 9

APPLICATION NUMBER:	LW/19/0534		
APPLICANTS NAME(S):	Mrs R Charles	PARISH / WARD:	Seaford / Seaford North
PROPOSAL:	Planning application for single storey side and 2-storey rear extensions, rear outdoor covered area and front entrance porch and change to associated facing materials		
SITE ADDRESS:	4 Firle Grange, Seaford, East Sussex, BN25 2HD		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached, 2-storey dwelling, and lies in the north-western part of Seaford, within the Planning Boundary and outside of the South Downs National Park.

1.2 There are two protected trees in front of the house, TPO (No. 6) of 1989 and one of these within its curtilage. The application site is within a designated Area of Established Character as defined in the Local Plan 2003. The application site is not Listed or located in a Conservation Area.

PROPOSAL

1.3 The application seeks planning permission for a two storey rear extension, a single storey side extension, a front entrance porch and the re-finishing of the external facing materials from facing brick to a cream white weatherboard cladding and white painted timber detailing to both the house and the detached garage in front.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – DM25 - Design

LDLP: – DM1 – Planning Boundary

3. PLANNING HISTORY

TW/18/0061/TPO - 1x Sycamore (G2 of the order) reduce by 1m back to old pruning as tree is very close to dwelling - **Approved**

LW/94/0926 - Erection of three detached houses and associated works (amendment to application LW/94/0078F for revised house types). - **Withdrawn**

LW/94/0078 - Erection of three detached five bedroom units and associated works. - **Approved**

LW/93/0605 - Retention of developers signboard with two flag poles. - **Refused**

LW/93/0491 - Demolition of existing building and erection of three, five bedroom detached houses and one, four bedroom detached house, all with detached double garages. - **Refused**

LW/92/1365 - Erection of four, four bedroom detached residential units and associated works. - **Refused**

LW/92/0368 - Approval of reserved matters LW/90/1467cc for erection of 13 detached 4 & 5 bedroom houses and associated works – **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Objection on the grounds that the character of Firle Grange is based on the high quality design and layout of the properties and the predominant use of red brick. The proposed use of cream coloured boarding to clad the property would be an inappropriate innovation which would have an adverse impact on this existing character and would therefore be detrimental to the amenity of the area.

District Services – No objection

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Representations have been received from 1, 5 (Highdown), 6, 8, 11, 12 Firle Grange, objecting to the application for the following reasons:-

Cream weather boarding cladding is out of character with other properties in Firle Grange.
Out of keeping.

The extensions are cumbersome and large.

Eyesore.

Trees will only partially mask the elevations.

The trees should be preserved.

Size and mass.

Ratio of house-front to green would be lost.

Violation of aesthetic and community harmony.

Removal of an established hedge.

Noise.

Deliveries and contractors parking on the grass verge and obstructing access.

Considerable traffic.

Narrow road.

Noise and traffic from building work.

Contrary to the design guidance contained in the emerging Seaford Neighbourhood Plan.

The burning of waste on site will not be permitted.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include design and appearance of the development; the impact on amenity; and sustainable building measures.

The Proposal

6.2 The two storey element of the rear extension would be 6.5m in width and 3m deep, stretching a little more than half of the width of the existing house. This would provide an enlarged kitchen and dining room on the ground floor and on the first floor an enlarged bedroom and en-suite. The extension would have a gable and pitched roof, stepped down 500mm below the ridge of the main roof.

6.3 Alongside this a single storey flat roof extension is proposed, and this would continue across the width of the existing house and would create a seating area.

6.4 The side extension would be single storey, set back 3.3m from the front wall of the existing house and being 3.3m across at its widest point, narrowing towards the rear due to the angle of the site boundary. A gap of 300mm is to be retained between the side extension and the boundary of the site. The side extension would provide for a lobby, utility area and boot room.

6.5 The proposed porch would be 2.1m across and would project 900mm from the existing front elevation. The design is to be an open-sided sheltered area with a gable front, supporting at each corner on posts.

6.6 The alterations to the external materials would affect the front elevation, whilst one side elevation, part of the other side elevation, and the rear elevation would remain facing brick, as existing. The two existing garage doors would be replaced with a single double-width garage door.

Design and Appearance-

6.7 The emerging Seaford Neighbourhood Plan identifies the Firle Road area, including Firle Grange, as an Area of Established Character (policy SEA5) although very little weight can be attributed to the Plan at this stage. As such when planning applications are considered, the existing character of the area in terms of spaciousness, building heights, building size and site coverage, building lines, boundary treatments, trees and landscaping shall be retained. Furthermore, in addition to retained policy ST3 and policy CP11 of the Local Plan Part One, policy DM25 "Design" of the emerging Local Plan Part Two, can also be given significant weight in decision making, owing to the imminent adoption of the plan.

6.8 The extensions which are proposed in this instance could normally be considered permitted development in the most part. For example, there is more than 7m between the rear of the two storey extension and the site boundary opposite, and the side extension would be single storey. Notwithstanding that much of the works could be carried out as permitted development, in respect of their scale and siting, it is noted that design and form of the proposed extensions would be in keeping with the style of the recipient property, such as the proposed pitched roofs and gables, and again, with the exception of the proposed external finishes, the massing, form and design of the extensions would not have a significant visual impact on the wider street scene. However, the proposed change of external materials from facing brick to cream weatherboarding would materially alter the appearance of the whole dwelling, and this in itself requires planning permission and is considered to be the element of the proposed development that is likely to have the most significant visual impact.

6.9 The comments and objections from neighbouring residents are acknowledged and it has been observed that whilst all dwellings in the close are traditional in form and style, there are differences in the materials and finishes used, albeit that they are mainly of darker colouring than the cream weatherboard proposed at the application site.

6.10 The application site is in a position on its own, the first property on the right as one enters Firle Grange, and it is not viewed alongside the facades of any neighbouring dwellings. Neighbouring dwellings are arranged in a row along the left side of Firle Grange, and the next neighbouring property to the application site has its back garden and rear elevation adjoining, the principal elevation facing eastwards and grouped in a crescent facing landscaping and a short spur in the road.

6.11 Turning to the external materials and finishes, there are examples of yellow and white painted render to some properties in Firle Grange, and to the west, along Firle Road, there are examples of properties with fully white-painted render elevations, various designs of tile hanging and exterior timbers. In this wider context it is not considered that the proposed weatherboarding of the application site would stand out as being incongruous to the extent that material harm to visual amenity would occur.

Amenity-

6.12 In terms of the impact on neighbouring residents it is noted that the design, scale and siting of the proposed extensions would not overshadow neighbouring occupiers and there are no windows proposed which would give rise to overlooking or loss of privacy.

6.13 Notwithstanding the plans submitted, the applicant would not be able to add any additional windows to the upper floors as permitted development in the future, unless they were obscure glazed and non-opening below 1.7m above internal finished floor level, sufficient to preclude the need for any restrictive conditions and safeguarding neighbour amenity from future changes.

Sustainable Building Measures-

6.14 The use of modern materials will help improve the energy efficiency of the building in accordance with policy CP14 of the Local Plan, and the applicant's agent has agreed the provision of an electric vehicle charging point either within the detached garage or on the front wall of the house, adjacent to the surface parking area and driveway.

7. RECOMMENDATION

7.1 On balance it is considered that in view of the variety of external finishes in the wider locality, and the position of the application site in relation to neighbouring houses in Firlie Grange, that the proposed development can be approved without significant harm to visual amenity or the character of the area.

The application is subject to the following conditions:

1. 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 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 2019.

2. The development shall incorporate an electric vehicle charging point and an electric vehicle charging point shall be retained at the property thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 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 dwelling hereby permitted, measures to reduce carbon energy use; facilitate renewable energy installations; and lower household water consumption, shall be put in place in accordance with details that shall first be submitted for the written approval of the local planning authority. These measures shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and 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>

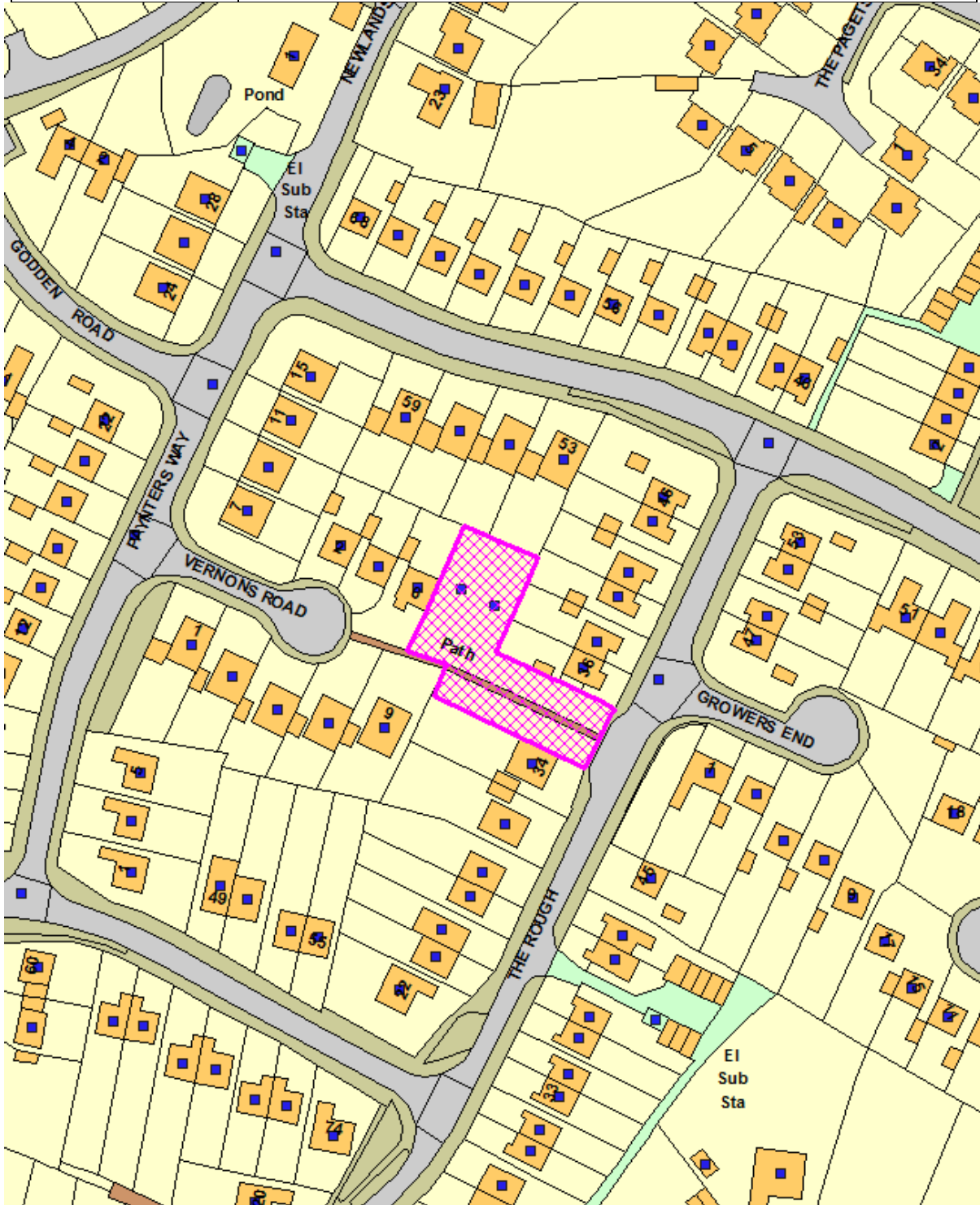
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Block Plan	30 July 2019	1:500
Planning Statement/Brief	30 July 2019	
Location Plan	30 July 2019	1:1250
Existing Floor Plan(s)	31 July 2019	01
Proposed Floor Plan(s)	31 July 2019	02
Existing Elevation(s)	31 July 2019	03
Proposed Elevation(s)	31 July 2019	04
Existing Elevation(s)	31 July 2019	05
Proposed Elevation(s)	31 July 2019	05
Proposed Floor Plan(s)	31 July 2019	06
Proposed Floor Plan(s)	31 July 2019	07
Existing Floor Plan(s)	31 July 2019	08
Proposed Floor Plan(s)	31 July 2019	08
Proposed Section(s)	31 July 2019	08
Proposed Section(s)	31 July 2019	09
Proposed Section(s)	31 July 2019	10
Proposed Section(s)	31 July 2019	11

Agenda Item 10

APPLICATION NUMBER:	LW/19/0809		
APPLICANTS NAME(S):	West Construction	PARISH / WARD:	Newick / Newick
PROPOSAL:	Approval of reserved matters application for the layout, scale, landscaping, appearance and access following Outline Consent LW/18/0048 (Part retrospective)		
SITE ADDRESS:	36A and 36B The Rough, Newick, East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The site, which previously formed a small pocket of greenspace, has been cleared and building work commenced in the form foundations and a modest amount of brick courses above slab level. This work has ceased following enforcement action.

1.2 The site is located beside a tway that provides a link between The Rough and Vernons Road. It is flanked by fences serving the rear gardens of dwellings on Oldaker Road and The Rough on the northern and eastern boundaries respectively and the side boundary fence and flank elevation wall of 6 Vernon Road on the western boundary.

1.3 Surrounding development is predominantly residential and formed of a mix of detached and semi-detached two-storey dwellings, interspersed with bungalows. Site frontages are generally open and landscaped, whilst surrounding roads are bordered by grass verging and occasional street trees, generating a semi-rural character and appearance.

1.4 Due to the topography of the surrounding area, which slopes downwards towards the Ouse valley to the north, the site is at a raised level in comparison to those to the north on Oldaker Road.

1.5 The site has extant outline approval for the provision of a pair of semi-detached three-bedroom dwellings, granted under application LW/18/0048. This followed the allocation of the site for the provision of a pair of semi-detached bungalows or houses within the Newick Neighbourhood Plan (Policy HO5).

Proposed Development:

1.6 The application seeks approval of reserved matters (layout, scale, appearance, landscaping and access) following the approval of outline permission for a pair of semi-detached three bedroom dwellings occupying the site.

1.7 Two earlier applications for approval of reserved matters, LW/19/0263 and LW/19/0517, have previously been refused on account of the scheme being overly bulky, discordant with the appearance of surrounding development and the potential for overlooking and loss of light.

1.8 In response, the applicant has submitted a revised scheme incorporating the following amendments to the building:-

- o Reduction of roof ridge height from 8 metres to 7.5 metres;
- o Reduction in depth of flank walls (east and west elevations) from 10.1 metres to 9 metres;
- o Reduction of building footprint from approximately 75 sqm to approximately 68 sqm.
- o Obscure glazed bathroom windows to rear of dwelling;

1.9 The footprint of the dwellings on the submitted plan is similar in terms of area, orientation and position to the footprint shown on the indicative layout plan R18.NK.01B which formed part of the outline application.

1.10 The proposed development would provide a pair of semi-detached three bedroom dwellings, with an integral storage area provided at ground floor level. Due to the reduced footprint, there is no longer sufficient ground floor space to incorporate a garage that meets the minimum dimensions set out by ESCC Highways.

1.11 The development would be accessed via a block paved driveway served by a dropped kerb crossover formed on The Rough. Each dwelling would be provided with 2 x car

parking bays to the front. An additional 2 x visitor car parking bays would be provided to the south of the dwellings on the opposite side of the footpath. Cycle storage sheds would be provided within the rear garden space and bin stores would be provided to the front of the dwellings. Each dwelling would have direct access to private outdoor amenity space of approximately 85 sqm in area.

2. RELEVANT POLICIES

LDLP: – NNPEN2 – Protection/Enhancement of Wildlife

LDLP: – NNPEN3 – Footpaths and Trittens

LDLP: – NNPH51 – HO5.1-Housing Site

LDLP: – NNPH52 – HO5.2-Housing Types assoc with H05.1

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

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 - The erection of a pair of semi-detached houses following Outline Consent granted under LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 - **Refused**

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

Site of: 014 & 016 Church Road, 001-008 (inc) & 010-018 (inc) Marbles Road, 001-012 (inc) & 014-018 (inc) Powell Road, 001-0 - **Approved**

E/69/0482 - Layout of road, surface water and foul water.

Site of: 014 & 016 Church Road, 001-008 (inc) & 010-018 (inc) Marbles Road, 001-012 (inc) & 014-018 (inc) Powell Road, 001-009 (inc) Growers End, 032, 034, 038, 044, 046 & 045-053 (odds) The Rough, 001-007 - **Approved**

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

Site of: 014 & 016 Church Road, 001-008 (inc) & 010-018 (inc) Marbles Road, 001-012 (inc) & 014-018 (inc) Powell Road, 001-009 (inc) Growers End, 032, 034, 038 - **Approved**

APPEAL/19/0028 - The erection of a pair of semi-detached houses following Outline Consent granted under LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 - **Appeal In Progress**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – All councillors present who were able to vote (8) voted unanimously to object to the plans.

Cllr. D Marchant did not vote due to a conflict of interest declared earlier on in the meeting. The reasons for objection were as follows;

- The council can see no significant changes to the plans
- The clear guidance from the planning officer for the last application has not been followed
- Concerns regarding loss of light and privacy for neighbours
- No measurements that could be understood on the submitted plans

ESCC Highways – COMMENTS AS PER APPLICATION LW/19/0517 - ACCESS ARRANGEMENTS ARE UNCHANGED FROM THE PREVIOUS SCHEME.

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

Following public consultation, letters of objection have been received from 8 separate addresses. The contents of these letters are summarised below.

Would appear overbearing and cause overlooking and overshadowing due to difference in site level to properties to the rear;

The site is too small for the buildings proposed;
Similar to the previously refused scheme;
Site level is too high;
Work has commenced without permission being granted;
Building would be too high;
Footprint much larger than nearby homes;
Plans are vague and show no real detail of finished heights;
Out of keeping with the rest of the estate;

6. PLANNING CONSIDERATIONS

Principle:

6.1 The principle of providing two semi-detached three bedroom dwellings within the site has been established following the grant of outline permission under application LW/18/0048. The site is allocated for such a development by policy HO5 of the Newick neighbourhood Plan. Compliance with the Habitat Regulations (and CP10) is secured through the S106 agreement on the Outline permission, which contains the trigger for payment, which is prior to commencement

6.2 The application for reserved matters relates not to the principle of the development but to its layout, appearance and scale as well as access and landscaping arrangements.

6.3 The proposed scheme will therefore be assessed against relevant local and national policies that seek to prevent unacceptable harm to environmental, visual or residential amenity and to maintain highway safety.

Residential Amenity:

6.4 The site is located within a relatively densely developed residential area where buildings are generally within close proximity to others and gardens are subject to a degree of overlooking.

6.5 The proposed dwellings would have a ridge height of 7.5 metres, which is consistent with the ridge height of neighbouring dwellings (based on planning records) . The eastern flank elevation of the proposed building is approximately 16.1 metres to the west of the rear elevations of 36 and 38 The Rough. The rear elevation of the building is positioned approximately 24 metres from the rear elevations of properties at 53 and 55 Oldaker Road. This degree of separation is comparable with the relationship between existing buildings nearby, such as the distance between the side elevation of 53 Oldaker Road and 46 The Rough or the rear elevations of 2-6 Vernons Road and those of 55-59 Oldaker Road.

6.6 Whilst only 1.5 metres would be maintained between the western flank elevation of the dwellings and the eastern flank elevation of 6 Vernons Road, this would be a 'side to side' relationship, the flank elevation of 6 Vernon Road being windowless whilst the western elevation of the proposed dwellings contains only bathroom windows which would be obscurely glazed. The building would project approximately 3 metres beyond the rear elevation of 6 Vernons Way. This is consistent with the indicative layout plan, R18:NK:01B which was submitted with the outline application. Condition 4 of the approval of the outline application states that the development 'shall be in general conformity with drawing numbers R18.NK.03A, R18.NK.02A and R18.NK.01B'.

6.7 The footprint shown on plan R18:NK:01B also dictates the scale of the dwellings to an extent as it would not be possible to provide sufficient Gross Internal Area (GIA) for a single-storey dwelling on this footprint.

6.8 It is considered that the reduced ridge height of the dwellings, which is now comparable with neighbouring properties, combined with the degree of separation between the proposed dwellings and neighbouring properties would ensure that the dwellings do not appear overbearing towards those properties nor would they generate undue levels of overshadowing.

6.9 In regard to potential for overlooking, it is noted that sites to the north, on Oldaker Road, are at a lower level than the application site. It is considered that views from ground floor windows on the rear elevation of the proposed dwellings would be interrupted by suitable site boundary treatment and would therefore not be invasive. Views from first floor windows would be similar to views offered from the rear windows of dwellings on Vernons Road towards properties on Oldaker Road and Paynter Way and, owing to the distances maintained between buildings, it is not considered that these views would be intrusive. Furthermore, the outermost first floor windows on each dwelling would serve bathrooms and a condition will be used to ensure these are obscure glazed in order to reduce the potential for angled views towards adjoining plots.

6.10 It is therefore considered that the current application overcomes previous reasons for refusal associated with the potential for unacceptable overbearing, overshadowing and overlooking impact.

Living Conditions Future Occupants:

6.11 The proposed dwellings all exceed the minimum Gross Internal Area (GIA) standards for two-storey three bedroom dwellings as defined within the DCLG's Technical housing standards - nationally described space standard (2015).

6.12 All habitable rooms would be well served by clear glazed windows allowing for a good level of access to natural light and ventilation. The layout of each dwelling is considered to be clear and uncluttered, with awkwardly shaped rooms and overly long corridors avoided.

6.13 Each dwelling would have access to private rear amenity space of approximately 85 sqm area which is considered to be of a suitable size for a three bedroom family household and comparable in size to rear gardens serving neighbouring dwellings.

6.14 It is therefore considered that the proposed dwellings would provide good quality living conditions for future occupants.

Design and Visual Impact:

6.15 Unlike the previously refused schemes, the front elevation of the proposed dwellings would not project forward of the front elevation of 6 Vernons Close or the side elevation of 36 The Rough. As a result of this recessed position, it is considered that the presence of the dwellings would not appear disruptive when viewed from either end of the twitten. The two-storey scale of the proposed dwellings, including roof eaves and ridge heights and footprint size, is consistent with the scale of neighbouring dwellings, as are the individual plot sizes.

6.16 The proposed dwellings would have hipped roofing rather than the gable roofing which is prevalent within the surrounding area. This form of roofing allows for the visual gap between neighbouring dwellings to be enhanced as the roof slopes away from the nearest neighbouring buildings. Whilst the gap maintained between the dwellings and 6 Vernons Road is relatively narrow, the development within the surrounding area is characterised by dwellings with small gaps between them and, therefore, it is not

considered that the development would appear incongruous or cramped given the context of its setting.

6.17 There is space available to the front of the dwellings as well as to either side of the block paved access road for soft landscaping to be provided. A condition will be used to secure a suitable landscaping scheme that will provide a sympathetic setting to the development and help preserve a verdant character to the twitten.

6.18 It is therefore considered that the proposed development would be sympathetic towards the visual and spatial characteristics of the surrounding area.

Highways:

6.19 The proposed development would be accessed via a dropped kerb crossover taken from The Rough, which is a 30 mph limit non-classified residential road. Adequate visibility would be available at the crossover to ensure that motorists entering and leaving the site are aware of pedestrians and vehicles. The driveway serving the development would flank the twitten but would not present a danger to pedestrians using it as the driveway width is adequate to prevent vehicles encroaching onto the twitten. The width of the driveway is widened to 4.5 metres at the site entrance in order to allow for vehicles entering and leaving the site to pass whilst the remainder of the track is straight and level, with good visibility, ensuring motorists can see oncoming vehicles and pedestrians. The ongoing use of the twitten will therefore not be compromised.

6.20 Due to the requirement to reduce the building footprint, it is no longer possible for an integral garage to be provided within each dwelling, without compromising living space. It should be noted that the benefits offered by garages in terms of the parking of vehicles is limited, this having been identified by research work carried out by ESCC Highways which ascertained that only a third of garages surveyed were used for parking. As a result, ESCC Highways consider garages to only offer a third of a car parking space when assessing parking provision on a new development.

6.21 The proposed development would incorporate two bay parking spaces to the front of each dwelling as well as an additional two spaces available for use by visitors. One car parking space on The Rough would be lost as a result of the formation of the dropped kerb crossover. The overall quantum of parking provided for occupants and visitors is considered adequate to serve the development and offset the loss of one on-street car parking space on The Rough. Sufficient space is also provided to allow for vehicles to turn on site and, therefore, enter and leave the site in forward gear.

6.22 Bin storage would be provided to the front of each property. These stores would be approximately 28 metres from the site entrance. It is considered that this is a reasonable distance for refuse collection crews without requiring the refuse collection vehicle to enter the site.

6.23 Overall, the loss of the integral garage is considered to be adequately mitigated by the provision of 2 allocated parking spaces for each dwelling as well as additional visitor car parking spaces. The means of access is considered to be safe and functional and the development could be adequately serviced.

Sustainability:

6.24 The driveway serving the proposed development would be surfaced using permeable block paving, improving the drainage capacity of the development. A condition will be attached to any approval requiring rainwater harvesting equipment to be provided in order to encourage its use and to reduce surface water discharge.

6.25 A condition will also be used to ensure that each dwelling is provided with at least one functioning electric vehicle charging point on order to encourage the use of electric vehicles. A storage shed for bicycles will be provided at each property to encourage the use of this form of transport.

7. RECOMMENDATION

7.1 It is considered that the submitted reserved matters have suitably addressed the reasons for the refusal of the previous application, LW/19/0517 and that the proposed development would not result in any unacceptable adverse impact upon environmental, visual or residential amenities nor would it compromise highway and pedestrian safety.

7.2 It is therefore recommended that the application is approved, subject to the conditions attached to this report.

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- 1E] 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 acceses across the public footway [running east to west across the site] in accordance with the approved plan 101- 1E. 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.101-1E] 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. 101-1E] 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. 101-1E) 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 first floor level bathroom/wc windows in the northern and western elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, and thereafter permanently retained as such.

Reason: In the interests of the amenities of neighbouring residents in accordance with saved policy ST3 of the Lewes District Local Plan (part one) and policy CP11 of the Lewes District Joint Core Strategy.

12. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class[es A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: In order to control further development of the site in the interest of visual and residential amenities in accordance with saved policy ST3 of the Lewes District Local Plan and policy CP11 of the Lewes District Joint Core Strategy.

13. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity and the character of the surrounding area in accordance with saved policy ST3 of the Lewes District Local Plan and policy CP11 of the Lewes District Joint Core Strategy.

14. Prior to the first occupation of either of the dwelling hereby approved, a minimum of one functioning electric vehicle charging point shall be installed for use by the occupant of each dwelling and maintained in place thereafter.

Reason: In order to encourage use of more sustainable forms of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy and the Lewes District Council Electric Vehicle Charging Points Technical Guidance Notes.

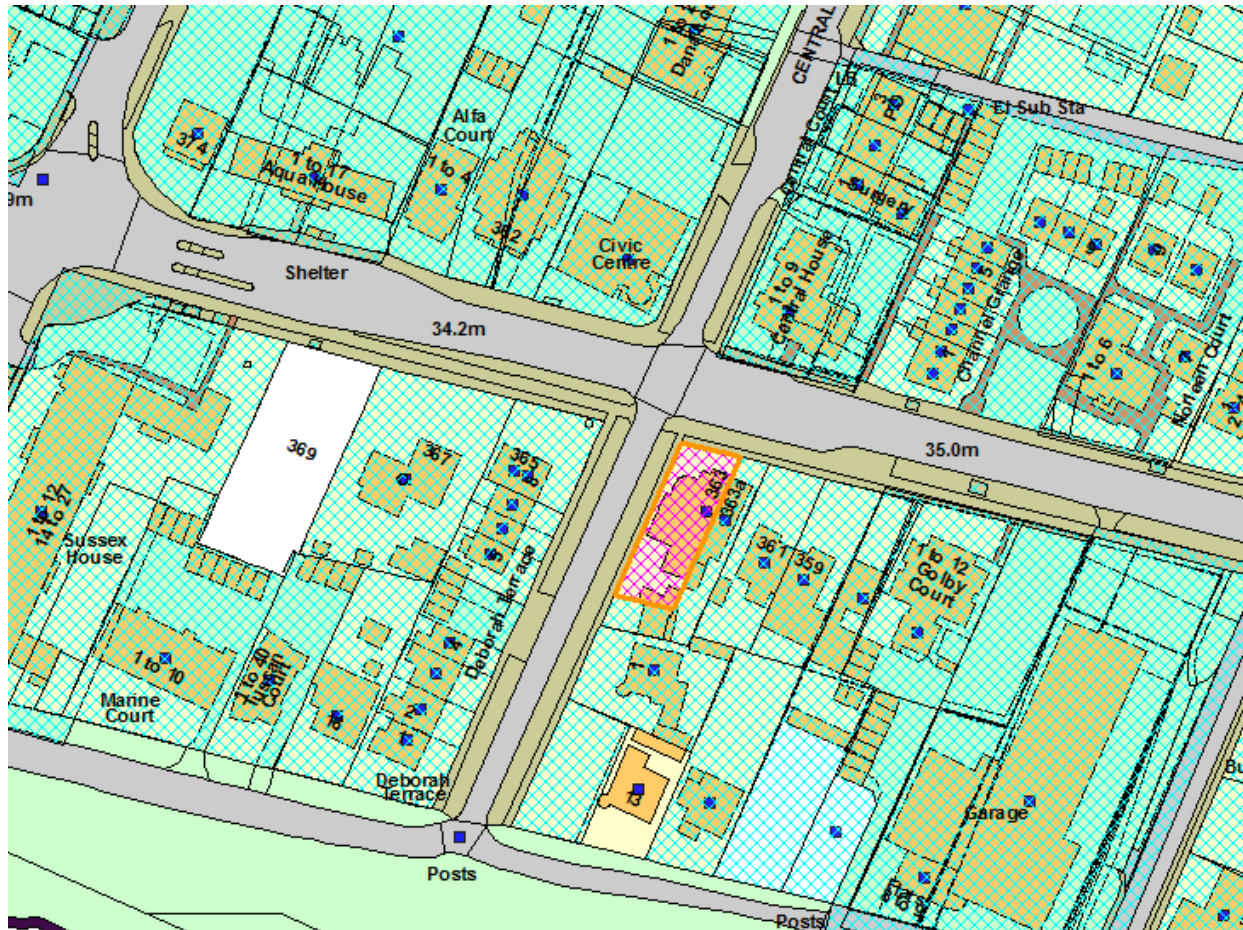
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	7 November 2019	R18:NK:03A
Proposed Layout Plan	7 November 2019	101/1E
Proposed Floor Plan(s)	7 November 2019	101/3A
Design & Access Statement	7 November 2019	
Planning Statement/Brief	7 November 2019	CEMP
Proposed Elevation(s)	3 January 2019	101/2C

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Agenda Item 11

APPLICATION NUMBER:	LW/19/0518		
APPLICANTS NAME(S):	Mr A. Sil	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning application for first and second floor extension to create four additional flats		
SITE ADDRESS:	363 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HH		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site comprises a two storey, semi-detached building on the southern side of South Coast Road and located on the corner of the junction with Central Avenue/Deborah Terrace. On the ground floor the building is in use as a restaurant and the upper floor is in use as office/storage space associated with the restaurant, and residential accommodation in the form of two flats. The adjoining premises comprise a fish and chip shop on the ground floor.

1.2 The building is not listed or located in a conservation area.

PROPOSAL

1.3 The application seeks planning permission for the construction of an extension to the first floor and the addition of a second floor level in order to create three additional 1-bed flats and one additional 2-bed flat.

1.4 There are currently 6 car parking spaces and the application proposed 2 more, making a total of 8 off-street car parking spaces.

1.5 The proposed extension to the first floor would be to the southern elevation, which has a frontage onto Central Avenue. The scale of the extension would be the same as per the previously refused application LW/18/0364 and it would form a 2-bed flat. However, the three south facing windows have been designed as triangular bay windows with one blank face and one glazed face, the latter directed at an angle towards the street.

1.6 At second floor level, the proposed additional storey, the siting of the south facing elevation is in approximately the same position as in the previous scheme, LW/18/0364, but again the windows have been design as bay windows with two faces, one of which is blank, the other glazed. In addition the west elevation and the front elevation (north) would be stepped back from the edge of the floors below and the new curved balcony above the existing balcony over the entrance to the restaurant has now been deleted from the scheme. The additional storey would provide 3 x 1-bed flats.

1.7 In total the proposed development would result in the site accommodating six flats and a restaurant at the site.

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: – DM1 – Planning Boundary

LDLP: – DM25 - Design

3. PLANNING HISTORY

LW/08/0775 - Extensions to west and south elevations to provide a new restaurant area to complement existing take away service. Re-configure existing first floor accommodation to create new first floor one bed apartment and associated soft and hard landscaping - **Approved**

LW/11/0305/CD - Discharge of conditions 5, 7, 8, & 13 relating to LW/08/0775 -

LW/11/1413 - New restaurant and associated facilities at ground floor, new first floor flat and extension to existing take away facility with flat over - **Approved**

LW/12/0469/CD - Discharge of conditions 2 and 3 relating to planning approval LW/11/1413 - **Approved**

LW/12/0728/CD/NP - Discharge of condition 4 relating to planning approval LW/10/1137 -

LW/13/0588 - Amendment to planning approval LW/11/1413 to reconfigure first floor to omit office and increase floorspace of proposed flat - **Approved**

LW/17/0862 - New 3m high advertising sign for restaurant - **Approved**

LW/17/0863 - New 3m high advertising sign for restaurant - **Approved**

LW/18/0364 - Build second floor and first floor extension to create three one bedroom flats and one two bedroom flat - **Refused**

LW/79/1559 - Illuminated double-sided projecting sign. Site plan inadequate, plotted from sheets. - **Approved**

LW/89/1751 - Section 32 application for retention of alterations to shop front and provision of ramp access for disabled persons. - **Approved**

LW/89/1726 - Change of use of first floor from residential to store and office in conjunction with shop below and chiropractors consulting room. Restrictive Planning Condition No. 3. - **Approved**

E/68/0400 - Change of use from grocery retail shop to fish restaurant - **Refused**

LW/86/1370 - Section 32 Application for continued use of taxi service from home. - **Not Proceeded With**

EV/66/0016 - Illuminated projecting perspex shop sign. - **Refused**

EV/57/0061 - Proposed retention of advertisement signs. - **Approved**

EV/66/0008 - Double sided, projecting illuminated sign. - **Refused**

LW/95/0805 - Change of use of part of taxi office to form part of hot food takeaway - **Approved**

LW/93/1229 - Change of use from retail to the sale of hot food and drink for consumption off the premises. - **Approved**

LW/93/1293 - Section 73(a) retrospective application for the retention of office for use as a taxi office. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – Previous comments based on application LW/18/0364, which are considered to still apply:

To protect the occupiers of the new flats, the applicant should submit a scheme in accordance with the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' as amended. If a suitable scheme is not provided, I suggest this be made a condition of any approval.

Southern Gas Networks – No objection

ESCC Highways – [9 December 2019]
No objection

Still concerned at the layout of the parking spaces as 2 vehicles in the front row would need to be moved in order for either of the two vehicles at the back to enter or leave those spaces. Although if managed correctly these spaces could work.

Also noted that the existing spaces are not allocated to either the two existing flats or for customers of the restaurant within the existing planning permission.

The parking survey which has been carried out is not extensive but it is noted that there are still parking spaces available on street.

Given that the public transport [bus services] through Peacehaven is frequent, and the results of the parking survey, the proposed development can be accepted provided that the on-site parking spaces are all unallocated spaces for both residents and customers as per the existing situation.

[13 September 2019]
Objection

Insufficient parking is being provided for these proposed 4 additional flats and 3 customer parking spaces would be lost for the existing restaurant use as a result of the proposed development.

The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority and the proposal would be likely to result in standing vehicles which would interrupt the free flow of traffic on the public highway and add to the hazards of highway users, resulting in severe highway impacts, and is contrary to Paragraphs 105 & 109 of the NPPF.

Southern Water Plc – No objection

Subject to an informative:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

Main Town Or Parish Council – Objection

- i. Gross overdevelopment
- ii. Out of keeping with the street scene
- iii. Lack of parking spaces for residents of the building and customers to the restaurant, creating further parking issues spilling out onto the already built up roads
- iv. Concerns for health and safety and lack of lifts

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Representations have been received from 2 Deborah Terrace and 1 Central Avenue, objecting to the application for the following reasons:

Little change since previous application, More light, More noise pollution, More traffic. Overdevelopment of a small site, Fire escapes for proposed residents, Unrealistic car parking proposals.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development and whether the revision to the scheme overcome the reasons for the refusal of the previous application, LW/18/0364. In addition, the application must address matters including sustainable building design.

Principle

6.2 The site lies within a defined Planning Boundary and constitutes a site that is already developed. In principle therefore, the provision of additional residential units in such a location is acceptable and compliant with policy SP2 of the Local Plan Part One.

6.3 However, the proposals must also overcome the reasons for the refusal of the previous application, and these are the key considerations in the determination of the current planning application.

Reason One

6.4 The proposed development will, by reason of the scale, including the height and depth, together with the additional bulk and massing, have an unduly dominant and incongruous appearance in contrast to the scale and character of neighbouring buildings, to the detriment of visual amenity and the wider street scene. For these reasons the proposals are contrary to the objectives of retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to the National Planning Policy Framework.

6,5 The applicant has sought to address this reason for refusal by deleting the second floor balcony from the front elevation and by setting back the front and side elevations of the top

floor from the edge and the ground and first floors below. The intention is to make the top floor appear more recessed and subservient and to reduce the additional bulk and massing of the second storey.

6.6 This is considered to be acceptable, notwithstanding the comments from both the Town Council and neighbour residents, who remain unconvinced by the revisions.

6.7 The applicant has been requested to submit longer, street elevations of the proposed development. These drawings indicate that the height of the development would be similar to the existing building opposite the application site, and also that there would be sufficient space between the additions to the southern elevation of the building and the bungalow dwelling to the south, on Central Avenue. This space, together with the stepping down of the proposed extensions, would help the development to integrate with the scale of the surrounding buildings and minimise any sudden changes in height and scale between adjoining buildings, which may otherwise appear discordant and harmful to the wider street scene.

Reason Two

6.8 The proposed development will, by reason of the siting close to the southern boundary of the application site, together with the increased height of the building and the position of windows in the south facing elevations, give rise to the overlooking of 1 Central Avenue, particularly the immediate back garden area, which is the sole private amenity space for the property, resulting in loss of privacy and a significant adverse impact on residential amenity. As such the proposals are contrary to the aims of retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

6.9 The applicant has sought to address this reason for refusal by re-designing the windows on the south facing elevations of the first and second floor additions proposed. From above, these bay windows would appear triangular with two faces culminating in a pointed apex. One side would be solid and the other would be glazed. The applicant has carefully designed these windows so that the glazed element faces away from the neighbouring property and directs outlook towards the public highway (Central Avenue) and would afford future residents a better outlook as well as preventing neighbouring properties from being overlooked.

Reason Three

6.10 The proposed development will not provide adequate provision for off-street car parking for future residents of the development and there is insufficient capacity within the application site to provide a sufficient amount of off-street car parking. This is indicative of the proposals being an overdevelopment of the site, of a scale that cannot be satisfactorily accommodated, leading to interruption of the free flow of traffic on the public highway, additional hazards for highway users and significant adverse effects on residential amenity due to increased customer, staff and resident parking on the public highway, particularly Central Avenue. For these reasons the proposals are contrary to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to the National Planning Policy Framework, particularly paragraphs 102, 108 and 109.

6.11 The proposed car parking arrangement between the current scheme and the previously refused scheme is almost exactly the same. The plans submitted show four cars parked in a row, the part behind the rear windscreen protruding out from the extension above (housing one new flat at first floor level) and including a fifth and sixth space in front

of the other four, meaning that those spaces would not be independently accessible at all times. In front of the building, with direct access off the A259, there would be two off-street parking spaces, therefore making a total of 8 spaces for the development overall.

6.12 Initially the highway authority was not convinced by this arrangement and raised an objection. However, the applicant has made reference to the existing situation (two flats and a restaurant) whereby there is no specific parking requirement as part of the planning approval and the existing spaces are unallocated. The applicant also conducted a parking survey of surrounding streets, which was submitted to the highway authority.

6.13 Following a revised consultation in mid-December, the highway authority has withdrawn its objection based on all of the car parking spaces being unallocated, meaning that they would be available to staff, residents and customers of the flats and the restaurant.

6.14 Whilst the parking arrangement is not ideal, it has been scrutinised by the Highway Authority and due regard taken of the existing situation. It must also be noted that the application site is in an accessible location with frequent bus services east and west, to Brighton and Eastbourne, and also that there is a national cycling route nearby, meaning that travel by private car is not the sole means of accessing the proposed development.

Sustainable Building Measures

6.15 The use of modern materials will help improve the energy efficiency of the building in accordance with policy CP14 of the Local Plan. However, the Environmental Considerations Statement appended to the Design and Access Statement submitted is light on details such as renewable energy, rainwater recycling, details of efficient heating and ventilation systems, and provision of electric vehicle charging points. In light of this, it is recommended that in order to comply with policies CP13 and CP14 of the Local Plan Part One, a condition should be imposed requiring further details of the above, for approval, before the development may be occupied.

Amenity

6.16 In respect of future occupiers' amenity it is noted that the three flats on the second floor would each be 1-bedroom and would have floor areas of 50 to 51 square metres. The layout of each flat, particularly the open-plan living room and kitchen arrangement, would ensure that there is natural light and an outlook from each room.

6.17 The proposed new flat on the first floor would be a 2-bedroom flat capable of accommodating 4 people. This flat would have a floor area of approximately 72 square metres.

6.18 The size of each flat complies with the overall floor areas set out in the Government's "Technical housing standards - nationally described space standard" document, which was first published in 2015.

7. RECOMMENDATION

7.1 In view of the above it is considered that the amendments made to the scheme have overcome the reasons for the refusal of the previous application. In respect of the proposed parking arrangement, there is no objection from the highway authority subject to all of the spaces being unallocated and therefore available for staff, customers or residents, at any given time. Accordingly approval is recommended.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, 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 and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

3. The highest part of the development hereby permitted (the flat roof to the top storey) shall not exceed 3800mm in height above the ridgeline of 1 Central Avenue or 480mm in height below the ridgeline of 1-9 Central House, in accordance with the approved plans.

Reason: In the interests of visual amenity and neighbour amenity, and to ensure compatibility with the street scene and roofscape, and in order to comply with 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 2019.

4. 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 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 2019.

5. Prior to the first residential occupation of any part of the development hereby permitted, a minimum of two electric vehicle charging points shall be provided in a convenient location adjacent to the parking area(s) and be ready for use. The electric vehicle charging points shall be retained thereafter and kept in good working order.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

6. Prior to the first residential occupation of the dwelling hereby permitted, measures to reduce carbon energy use; facilitate renewable energy installations; and lower household water consumption, shall be put in place, in accordance with details that shall be submitted to and approved in writing by the local planning authority. These measures shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

7. The development hereby permitted shall not be occupied 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, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, 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 2019.

8. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including 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 2019.

9. Prior to the first residential occupation of the development hereby permitted, the car parking areas shall be provided in accordance with the approved plans. The parking area shall be retained as such thereafter, unless otherwise agreed in writing by the local planning authority, and the spaces shall not be allocated to staff, customers or residents, but shall be unallocated.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, 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 2019.

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, 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 2019.

11. Prior to the first occupation of the additional residential units above the restaurant use on the ground floor, a scheme for protecting the occupants from noise and odours generated and

associated with the commercial use on the ground floor shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in full before any of the new residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines to minimise noise in residential dwellings and also the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (as amended). Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect future occupiers of the residential units from noise and odours.

Reason: In the interests of the residential amenities of future occupants of the residential unit 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 2019.

12. The flat roofs of the development hereby permitted shall not be used as external amenity spaces / roof terraces, and shall only be accessed for maintenance purposes or in the event of emergency.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with retained policy ST3 and Core Policy 11 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.

13. Prior to the commencement of 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, and approved in writing by, the local planning authority.

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 CP12 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

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 developer is advised to consider ways of reducing contributing causes of climate change including proposals for the implementation of the highest feasible standards of sustainable construction techniques and the use of low carbon and renewable energy installations within the development.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Street Scene	19 December 2019	17032-12
Location Plan	24 July 2019	17032-LP rev. A

Proposed Block Plan	24 July 2019	17032-BP rev. A
Proposed Floor Plan(s)	19 December 2019	17032-10 rev. C - Ground & First
Proposed Floor Plan(s)	19 December 2019	17032-11 rev. C - Second
Proposed Elevation(s)	19 December 2019	17032-11 rev. C
Design & Access Statement	26 July 2019	17302-DAS

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Report to **Planning Applications Committee**
Date **29 January 2020**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/19/05065/FUL**
Applicant **Mr Gary Lownds**
Application **Resiting and retention of mobile home for holiday accommodation**
Address **Foxhole Farm House
Foxhole Farm
Seaford Road
Newhaven
East Sussex
BN9 0EE**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

1 Executive Summary

1.1 This application relates to resiting and retention of mobile home for holiday accommodation.

2 Proposal

2.1 This application is closely related to a current Enforcement case against an unauthorised holiday let situated within a field to the north of the application site. The holiday let must be removed by January 2020.

2.2 The current application again seeks a new siting for the holiday let. This time the holiday let is proposed on land at the centre of the local cluster of stables, dwellings and holiday lets, behind an existing holiday let and on a natural dip in the land that is currently only used for parking.

2.3 The holiday let would be single storey, measuring just under 15m in length and 6.3m across. The structure would retain a gap of 2m to the north-western boundary; 4m to the south-western boundary; and 4.7m to the south-eastern boundary. Internally the cabin would comprise three bedrooms (one with an en-suite); bathroom; kitchen; utility room; and living room. The structure would be finished in timber and the roof covered in felt.

2.4 In terms of height, the cabin would be 2.3m to the eaves and 3.2m to the ridge. The pitched roof would have a relatively shallow gradient. The character and appearance of the structure would be as per the unauthorised cabin situated within the field to the north of the application site.

3 Relevant Planning History

SDNP/17/03101/FUL - Retention and relocation of mobile home for holiday let. Refused 25 September 2017. Appeal Dismissed by letter dated 8 February 2018.

SDNP/17/00052/CND - Variation of Condition 1 attached to planning approval

SDNP/13/04982/FUL. Refused 22 February 2017.
SDNP/15/05198/FUL - Retention of mobile home to be used as holiday let. Refused 9 December 2015. Appeal Dismissed by letter dated 21 June 2016.
SDNP/15/00981/DCOND - Discharge of conditions 2, 3, 4 & 5 relating to planning approval
SDNP/13/04982/FUL. Approved 20 May 2015.
SDNP/13/04982/FUL - Erection of a dwelling for equestrian worker and relocation of menage. Approved 3 February 2014.
SDNP/12/00846/FUL - Section 73A retrospective application for retention of a mobile home for one year. Approved 14 January 2013.
SDNP/12/00166/FUL - Erection of a dwelling for an equestrian worker. Withdrawn.
LW/08/0724 - Installation of a temporary dwelling for equestrian worker. Approved 26 September 2008.
LW/08/0701 - Temporary consent for mobile home for equestrian worker. Not Proceeded With.
LW/06/0819 - Non-compliance with agricultural occupancy condition attached to planning permission LW/78/0573. Approved 21 August 2006.
LW/96/0487 - Erection of five stables. Approved 10 June 1996.
LW/94/0183 - Construction of 15 stables and formation of exercise arena. Approved 8 April 1994.

3.1 The application is closely related to a current Enforcement case against an unauthorised holiday let situated within a field to the north of the application site, which is required to be removed by January 2020. (The current application seeks approval for a new siting for the building).

3.2 This follows a lengthy planning history (see above) where the building was originally put in place for an equestrian worker (SDNP/13/04982/FUL) and subsequently used as a holiday let without the benefit of planning approval. Application SDNP/15/05198/FUL sought to regularise this situation but was refused and dismissed at Appeal.

3.3 In 2017 a second application for the retention for the holiday let was submitted, but proposed a new location alongside a range of stables on the opposite side of the track to the field on which the structure was set (SDNP/17/03101/FUL). This application was refused and again dismissed at Appeal, the Inspector clearly not satisfied with the proposed location of the structure.

3.4 Throughout this period the holiday let remained in an open field to the north of the existing buildings.

4 Consultations

Parish Council Consultee

Comments awaited.

5 Representations

A representation has been received from Mr D. Campion of The Estate Office, Albion House, Lewes; on the behalf of Mr and Mrs Miles of Foxhole Farm House, objecting to the application for the following reasons:

- o The application site is The Stables and is not Foxhole Farmhouse.
- o Existing unauthorised cabin may not be removed.
- o Proposal is to add a new log cabin rather than move the existing one.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF06 - Building a strong, competitive economy
- NPPF - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD23 - Sustainable Tourism
- Strategic Policy SD25 - Development Strategy
-

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications following adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

8 Planning Assessment

8.1 The main considerations in the determination of the application include the principle of development; the appearance; impact on neighbour amenity; and sustainable building design.

Principle of Development

8.2 In the previous appeal decision, the Inspector concluded that this site is suitable for development associated with tourism and the visitor economy. Policy SD23 "Sustainable Tourism" of the South Downs Local Plan, states that:

1. Development proposals for visitor accommodation, visitor attractions and recreation facilities will be permitted where it is demonstrated that:

- a) The proposals will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities;
- b) The design and location of the development minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means, including public transport, walking, cycling or horse riding;
- c) Development proposals will not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area;
- d) Development proposals make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings is sensitive to the character and setting;
- e) Ancillary facilities are not disproportionately large in relation to the rest of the visitor facilities;
- f) Any proposal does not have an adverse impact on the vitality and viability of town or village centres or assets of community value; and
- g) Where proposals are located outside settlement policy boundaries as defined on the Policies Map, they:
 - i. Positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and
 - ii. Are closely associated with other attractions/established tourism uses, including the public rights of way network; or
 - iii. Are part of farm diversification schemes or endorsed Whole Estate Plans.

8.3 Along with the previous Inspector's agreement that the location is suitable for development relating to the visitor economy and tourism, it is noted that the application site is near to the public footpath network which provides walking across the South Downs and to nearby towns; and that the site is near to the cycle lane between Newhaven and Seaford, and Tidemills - being a designated Local Wildlife Site (LWS). Furthermore, there are bus stops along the A259 within easy walking distance of the application site, and, as well as the mainline railway stations in Seaford and Newhaven, the bus service provide access to the Seven Sisters visitor attraction, Friston Forest and Brighton. As such it can be concluded that the application site is near to attractions offered by the South Downs and also that onward travel from the proposed holiday let could be undertaken by means other than private car.

8.4 It is understood that the terms of the enforcement notice served on the existing holiday let in its current position cover the matter of restoring that land to its former use/condition so this can be kept separate from the decision made on the planning application for the holiday home in its revised position.

Appearance

8.5 Strategic Policy SD4: Landscape Character, states that-

Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape; and
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.

8.6 Strategic Policy SD5: Design, states that-

Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. Development should integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context.

8.7 Two of the main reasons the Inspector dismissed the previous Appeal were based on the siting of the holiday home, readily visible alongside a public footpath, and located near to a row of stable buildings with which the holiday let has an unsympathetic and discordant relationship due to the contrasting external materials and design detailing. The siting of the Appeal scheme was also farther up the hillside, thereby on raised ground and being prominently visible and failing to enhance or complement the character of the landscape.

8.8 The revised proposal seeks to locate the holiday nearer to other existing residential and holiday let buildings (known as Barn Owls), on lower ground level and farther away from the row of stable buildings.

8.9 The site is at lower level than surrounding buildings, accessible via a hard-surfaced ramp in between the existing holiday let and the back of the row of stables. From here the ground level dips and the building would be secluded and screened on two sides by existing buildings, and to the north and to the west by rising land formed by grassed embankments leading upwards to the row of stable buildings and to a relatively new bungalow dwelling, respectively. This latter property has raised objections to the application because the holiday let would be visible from the outlook of this property, albeit at lower ground level.

8.10 The revised siting of the holiday let means that it would no longer be adjacent from the public footpath leading up the hillside, and it would be in a far less prominent and raised position than the appeal scheme. The holiday let would no longer be seen alongside the row of stable buildings and as such it would have a less discordant and more sympathetic relationship with the appearance of the adjoining holiday let and cottages.

8.11 In addition, the applicant is proposing to enhance the setting of the holiday let by installing a timber gate across the front entrance and by reinstating elements of an existing flint wall boundary. These details of the boundary treatment and means of enclosure can be secured by imposing a planning condition.

8.12 This revised application is considered to have overcome the concerns expressed by the Inspector at the previous appeal where the cabin was proposed to be relocated alongside the stables, and on higher ground, to the north of the current application site. The amended scheme has taken into consideration the landscape context and sought to integrate the holiday let into its surroundings in a more appropriate location. For these reasons the proposed development is considered to comply with policies SD4 and SD5 of the Local Plan.

Amenity

8.13 Due to the siting of the proposed development adjacent to an existing B & B, together with the low height of the building and space around it, the proposed development is not considered likely to overshadow or overlook neighbouring properties and would not give rise to general disturbance. For these reasons it is not considered that the development would give rise to an adverse impact on neighbour amenity.

Ecosystems Services Statement

8.14 The applicant has submitted an Ecosystems Services Statement with the application in order to meet the requirements of policy SD2 of the South Downs Local Plan.

8.15 The holiday let is to have solar panels fitted to the roof; water butts positioned to collect all rainwater (this will improve water management of the site and would be designed to contain surface water runoff, without reliance on external water systems); and heating will be provided via a heat source pump. The parking space allocated for the unit will have a charging point for electric cars.

8.16 These measures will allow renewable energy which would reduce reliance on the fossil fuels and improve the resilience of the National Park to climate change in accordance with Policies SD45 and SD48.

8.17 The area of land where the current mobile unit is located is to be cleared and returned to pasture and be part of the overall equestrian business. The site is located within Flood Risk Zone I, which has the lowest flood risk.

9 Conclusion

9.1 The proposed development is acceptable in principle and is an appropriate site for development related to the visitor economy and tourism, as per the Inspector's views when determining the previous appeal. Notwithstanding the objections received from a neighbouring resident, the site is well secluded from the various public viewpoints along the nearby public footpath network and the scale of development is not considered likely to have an adverse impact on neighbour amenity.

10 Reason for Recommendation and Conditions

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The accommodation shall be used for holiday let only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: The permanent use of the buildings would be contrary to the policies of the Local Planning Authority regarding residential development in the countryside specifically SD1.

4. The owners or operators of the holiday let shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the premises are not used as a residential dwelling having regard to Policy SD23 of the SDNP Local Plan.

5. The holiday let accommodation hereby approved shall not be occupied continuously by the same person(s) for any single period of time exceeding 28 days.

Reason: In order to ensure that the accommodation is used as a holiday let benefiting tourism and the visitor economy and because the introduction of a permanent dwelling in this location would be contrary to planning policy, in accordance with policy SD23 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

6. Prior to the first occupation of the development as a holiday let, the measures set out in the Ecosystems Services Statement submitted, together with the provision of an electric vehicle charging point, shall be implemented in full and maintained as such thereafter.

Reason: In order to ensure that renewable energy, energy and water efficiency and conservation measures are incorporated into the scheme to mitigate local contributors towards climate change and in accordance with policies SD2 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

7. Prior to the first occupation of the development as a holiday let, all means of enclosure, boundary treatment (to include the design, height and materials) and soft landscaping, shall be implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure a satisfactory appearance and setting to the development in accordance with policies SD4 and SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	Block Plan Proposed		17.10.2019	Approved
Plans -	Location Plan		17.10.2019	Approved
Plans - Proposed Relocation of Cabin	GL/I		17.10.2019	Approved
Application Documents -	Design and Access Statement		17.10.2019	Approved
Application Documents -	CIL AOL		07.11.2019	Approved
Application Documents -	Ecosystems Services Statement		07.11.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Committee: Planning Applications Committee
Date: 29 January 2020
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 October 2019 – 31 December 2019. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A **total** of 66 complaints (28 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	34	(28 NP cases)
Other complaints – Untidy sites, adverts etc.	4	(0 NP cases)

During this period the total number of cases disposed of was:- (43 of which were National Park (NP))	130	(43 NP cases)
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No breach found	36	(17 NP cases)
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Compliance achieved	16	(13 NP cases)
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No action to be taken	35	(13 NP cases)
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2 Enforcement Action Authorised

2.1 Section 215 Notices	0	(0 NP cases)
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2.2 Breach of Condition Notices	0	(0 NP cases)
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2.3 Enforcement Notices	3	(0 NP cases)
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2.4 Prosecution Proceedings or Direct Action/Injunction	0	(0 NP cases)
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2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
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2.6 Planning Contravention Notices	1	(0 NP cases)
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3 Enforcement Notices Served etc.

3.1 Section 215 Notices	0	(0 NP case)
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3.2 Breach of Condition Notice	0	(0 NP case)
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3.3 Enforcement Notices	2	(1 NP case)
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3.4	Prosecution Proceedings/Court Action	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	0	(0 NP cases)

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 7 sites:-

3 LDC apps
4 SDNP apps

Submitted following enforcement officer investigation

- | | | |
|---|--|---|
| 1 | 12, Brighton Road, Newhaven – LW/18/0590 – Section 73A retrospective application for installation of one bike shed in the front garden area. | ✓ |
| 2 | 53 Hillcrest Road, Newhaven – LW/19/0750 – Section 73A retrospective application for the retention of a first floor balcony at rear of property. | ✓ |
| 3 | 38 Lewes Road, Newhaven – LW/19/0756 – Section 73A retrospective application for the garage on rear existing driveway. | ✓ |
| 4 | 3 Park Road, Lewes – SDNP/19/04733/HOUS – Works to the front of the property, replacement boundary wall and hedge, access alteration, erection of oak frame pergola and replacement of side door. | ✓ |
| 5 | Foxhole Farmhouse, Foxhole Farm, Seaford Road, Newhaven – SDNP/19/05065/FUL – Resiting and retention of mobile home for holiday accommodation. | ✓ |
| 6 | The Bull, 2 High Street, Ditchling – SDNP/19/05708/FUL – Section 73A retrospective application for a 400mm increase in levels to the West end of the car park at The Bull, Ditchling adjacent to the entrance to the pub and number 1 Lewes Road, Ditchling | ✓ |
| 7 | The Bull, 2 High Street, Ditchling – SDNP/19/05709/LIS – Retention of 400mm increase in levels to the West end of the car park at The Bull, Ditchling adjacent to the entrance to the pub and number 1 Lewes Road, Ditchling | ✓ |

5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
Director of Regeneration and Planning
02/01/2020

Agenda Item 14

Committee: Planning Applications Committee

Date: 29 January 2020

Department: Planning & Environmental Services

Subject: Enforcement Monitoring Reports (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 October 2019 – 31 December 2019

Address/Breach	Current Position	SDNP area
<p>BARCOMBE</p> <p>Station Masters House, Barcombe EN/17/0054</p> <p><u>Breach</u></p> <p>Alleged that the main property has been split into multiple and the annexe is being used as residential accommodation</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Following a site visit it was apparent that there are a number of separate units within the property. • Planning Contravention Notice served on the owners and occupiers to gather the relevant information. • Planning Contravention notices returned and a breach identified. Owners have been sent a letter giving options to resolve the issue. 	
<p>IFORD</p> <p>Iford Farm Shoot, Iford SDNP/18/00346/COU</p> <p><u>Breach</u></p> <p>Use of land for shooting for over the 28 day permitted rights</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 14 August 2018. • Enforcement notice appealed. • Awaiting appeal start date from the Planning Inspectorate. • Appeal started and Council preparing the statement of case. 	✓

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> • Appeal hearing was set for 7 January 2020 but has been postponed. Waiting new date from Planning Inspectorate. 	
<p>DITCHLING</p> <p>The Bull, 2 High Street, Ditchling – SDNP/17/00780/OPDEV</p> <p><u>Breach</u></p> <p>Level of car park, unauthorised seating area and erection of a store to the rear</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning and Listed Building applications refused. • Planning enforcement and the legal team drafting an enforcement notice relating to the unauthorised works to the pub. • Enforcement notice served on 14 October 2019 the owner has agree to work with enforcement and conservation to resolve the issues. • Seating has been removed. • New planning applications submitted for the raised car park, currently under consideration. • Owner is looking at the options to reduce the size of the store to the rear. 	✓
<p>LEWES</p> <p>The Volunteer, 15 Eastgate Street, Lewes SDNP/17/00131/OPDEV</p> <p><u>Breach</u></p> <p>Unauthorised smoking shelter</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission refused for the retention of the smoking shelter. • Appeal against the refusal of planning permission dismissed. 	✓

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> • Enforcement notice pending service. • Enforcement notice served and appeal lodged against the enforcement notice. • Awaiting appeal start date from the Planning Inspectorate. • Awaiting site visit date from the Planning Inspectorate. • Appeal dismissed and enforcement notice upheld, compliance date for the removal of the timber smoking shelter is 19.11.2019. • Smoking shelter has been removed and compliance achieved 19 November 2019. 	
<p>NEWHAVEN</p> <p>Foxhole Farm, Seaford Road, Newhaven SDNP/16/00444/BRECON</p> <p><u>Breach</u></p> <p>Unauthorised mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission for retention of mobile home refused and dismissed at appeal. • Enforcement notice served for the unauthorised mobile home. • Appealed lodged against the enforcement notice. • Awaiting appeal start date from the Planning Inspectorate. • Council has submitted the statement of case and now awaiting the site visit by the Planning Inspectorate. • Appeal dismissed and enforcement notice upheld. Compliance period to vacate the current tenants and 	<p>✓</p>

Address/Breach	Current Position	SDNP area
	<p>remove the mobile home from the land is 6 months. Compliance date 04.01.2020.</p> <ul style="list-style-type: none"> Planning application submitted for the resiting and retention of the cabin on the land in a new position. 	
<p>NEWHAVEN</p> <p>Land at The Highway, Newhaven EN/16/0148</p> <p><u>Breach</u></p> <p>Unauthorised residential use and storage of the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> Enforcement notice served on 10 August 2018. Compliance deadline for the use to cease and site to be cleared is 12 November 2018. Enforcement notice remains in breach, quotes are now being obtained for direct action to seek the removal of the residential use and items relating to this use. Council has prepared papers to seek an injunction from the Magistrates Court. Letter has been served on the occupier to update on the above. Court Action took place on 12.07.2019, the Court granted the Injunction and the occupier now has until 23 August 2019 to comply with the terms of the Injunction, which is to cease the use and remove the items from the land. Application to vary the injunction submitted to the Court, awaiting the Court's decision. 	

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> • The defendant has appealed both the 12 July 2019 hearing and the 14 August 2019 hearing. The Court has asked the Council to provide a transcript of the 14 August hearing to be sent to them to determine if the appeal is heard. • Awaiting further instruction from the Court . 	
<p>NEWHAVEN</p> <p>Land at Pevensey Road, Newhaven EN/17/0062</p> <p><u>Breach</u></p> <p>Unauthorised use of the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Use of land for the storage of a caravan and erection of timber buildings. • Drafting enforcement notice in conjunction with legal advice. 	
<p>NEWHAVEN</p> <p>Downland Caravan Park, Court Farm Road, Newhaven EN/19/0084</p> <p><u>Breach</u></p> <p>Breach of condition – 29 caravans permitted on site and 30 now in place</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 27.06.2019 to remove one caravan from the site. • If no appeal is lodged then the enforcement notice becomes effective on 02.08.2019. • Appeal lodged against the issue of the enforcement notice, awaiting start letter from the Planning Inspectorate. • Appeal start letter received and Council preparing their statement of case. 	

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> • Appeal statement submitted and site visit with Planning Inspectorate arranged for 06.01.2020. 	
<p>NEWHAVEN</p> <p>53 Hillcrest Road, Newhaven EN/19/0008</p> <p><u>Breach</u></p> <p>Unauthorised balcony to the rear of the property</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning applications to retain the balcony have been refused. • Enforcement notice drafted and sent to legal services. 	
<p>NEWICK</p> <p>Land at Jackies Lane, Newick – EN/16/0001</p> <p><u>Breach</u></p> <p>Unauthorised use of the land for storage</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • A number of opportunities given to the owner of the land to submit a planning application for the use and no application has been forthcoming. • Enforcement notice now in the process of being drafted and prepared. • Enforcement notice served on 4 November 2019 to seek the clearance of the land. 	
<p>NORTH CHAILEY</p> <p>Land at Wapsbourne Wood, North Chailey EN/17/0082 and other cases</p> <p><u>Breach</u></p> <p>Unauthorised use of the woodland and</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • 31 Planning Contravention Notices 	

Address/Breach	Current Position	SDNP area
erection of structures	<p>(PCN) served on all owners/occupiers of the woodland to establish what is taking place.</p> <ul style="list-style-type: none"> • Planning enforcement officer and Tree officer carrying out site visits to check information received on PCN's is as per the wood and to determine what action is required. • Drafting enforcement notices for the unauthorised uses and structures on the land. 	
<p>PEACEHAVEN</p> <p>Land at 18A Valley Road, Peacehaven EN/19/0154</p> <p><u>Breach</u></p> <p>Use of caravan for residential accommodation</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning application for the use of the caravan for seasonal residential use refused. • Planning appeal against the refusal of planning permission dismissed. • Enforcement notice drafted and sent to legal services. 	
<p>RINGMER</p> <p>Downsview Farm, Laughton Road, Ringmer – EN17/0149</p> <p><u>Breach</u></p> <p>Two unauthorised residential units</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Two unauthorised residential units found on site whilst dealing with another matter. • A Certificate of Lawful Use application for one of the units was submitted and refused due to lack of evidence to support the use had been continuous for at least 4 years. 	

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> • Enforcement notice served on 12.09.2019. • Effective date of the notice is 17.10.2019 unless an appeal is lodged beforehand. • Appeal lodged against the service of the enforcement notice. • Statement of case for the Council submitted to the Planning Inspectorate. 	
<p>TELSCOMBE CLIFFS</p> <p>16 The Esplande, Telscombe Cliffs – EN/16/0072</p> <p><u>Breach</u></p> <p>Unauthorised structure in the front garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice authorised and papers being drawn up for the service of the notice. • Planning application submitted so enforcement notice on hold. • The structure was removed from the planning application and application given 28 days to remove it. • Structure remains in situ so enforcement notice now being prepared to seek the removal. • Enforcement notice served on 24 October 2019, effective date is 26 November 2019. 	
<p>WESTMESTON</p> <p>Land at Clay Field Stables, Westmeston SDNP/18/00328/COU</p>		

Address/Breach	Current Position	SDNP area
<u>Breach</u> Unauthorised use of stables and land	<u>Current Position</u> <ul style="list-style-type: none"> • Occupiers of the land will not respond to letters and site visits so unable to confirm planning position. • Planning Contravention Notice drafted and being served on the owners of the land to establish the current uses. 	

Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
 Director of Regeneration and Planning
02/01/2020

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Report to	Planning Applications Committee
Date	29 January 2020
Title of Report	Summary of appeal decisions received from 1/10/19 to 31/12/19
Purpose of Report	To update Planning Applications Committee Members on appeal decisions received.
Recommendation: To note the outcome of appeal decisions.	

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority. These decisions will be reported by the SDNP.
- I.2 In summary, in the last 3 months there were:
- 11 appeal decisions, 8 of which were dismissed (73%) and 3 allowed (27%).
 - No award of costs. (2 Costs applications – both dismissed)
 - No Judicial Reviews.
- I.3 The Authority’s appeal performance in the financial year to date is 78% of appeals being dismissed (18 dismissed, 5 approved).
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

Key to Appeals Reporting

Appeal method All are through written representations unless otherwise specified **Allowed** A
Dismissed D

Planning Appeals			
Planning Application No	Site	Description of Development	Decision
LW/17/0930 APP/P1425/W/18/3208624	Pellingbrook, Lewes Road, Scaynes Hill RH17 7NG	1 x 6 bed dwelling.	D 2 Oct 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issues – accord with policies relating to location of residential development, and effect on character and appearance of area. • Site located in countryside and therefore does not accord with policy CT1. HDT figures indicate policy is up to date. Site is not isolated in that it sits amongst other dwellings but it is isolated in that it is located away from a settlement and all services. • Design is good but the existing character of the area is sparse and in an open rural area and therefore the development would be intrusive and out of character. It would therefore result in unacceptable harm to the character and appearance of the area. • The Inspector weighed up the benefits – create employment during building, increase housing stock but these did not outweigh the harm. 			
Planning Application No	Site	Description of Development	Decision
LW/19/0343 APP/P1425/W/19/3232379	3 Sherwood Road, Seaford BN25 3EH	Conversion of house into 3 flats.	A 10 Oct 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issues – effect on the character of the development on the character and appearance of the area. • Established residential area, chalet bungalow with roof dormers. No alteration to the external appearance of the building. • Considered that the change to the parking arrangement to the front of the dwelling would create a visually harsh environment, but there are no 			

restrictions to prevent this being provided to the front of the dwelling with its current use, and therefore does not consider that the proposal would result in detrimental harm to the area.

Planning Application No	Site	Description of Development	Decision
LW/18/0907 APP/P1425/W/19/3233039	8 Capel Avenue, Peacehaven BN10 8NB	Demolish existing bungalow and erection of a pair of semi - detached houses	A 8 Nov 2019 Delegated decision

Inspector's Reasoning

- Issue – effect on the character and appearance of the area
- Site located in a residential area, large plot both wide and deep, sufficient to accommodate the three dwellings without appearing overdeveloped or eroding the general openness of the site. Contemporary design would not appear incongruous within the varied street scene.
- Considered that the dwellings would be sympathetic to the local character and maintain a sense of place.

Planning Application No	Site	Description of Development	Decision
LW/17/0422 APP/P1425/D/19/3231482	1 The Denes, Laughton Rd, Ringmer BN8 5NG	Creation of a driveway by dropping the kerb.	D 14 Nov 2019 Delegated decision

Inspector's Reasoning

- Issue – effect on safety and convenience of users of the adjacent highway network.
- Semi-detached dwelling set back from Laughton Road. Concerned that there is insufficient room to enter the property and exist in a forward gear. A reversing vehicle would be dangerous to the occupants of the vehicle carrying out such a manoeuvre. Shares the highway authority's concerns.
- Would create a substandard access and no mitigation measures to alleviate concerns. Therefore contrary to both local and national policy.

Planning Application No	Site	Description of Development	Decision
LW/19/0106 APP/P1425/W/19/3234824	Land at r/o the Oaks, Lower Station Road, Newick BN8 4HU	Building 3x4 bed dwellings	D 29 Nov 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issue – effect on the character and appearance of the area. • Located in the countryside in ribbon development between settlements. Site enclosed by trees and vacant grassland. • Scale of buildings and proximity to each other together with shared courtyard exaggerates the visual effect of the built form which allows the presence of the buildings to be emphasised, and thus represents an intrusion into the countryside. Conspicuous from adjacent footpaths. • Considered to have harmful effect on the character and appearance of the countryside, contrary to policies CP2,CP10 and CPII of the JCS and CTI and ST3 of the LDLP, as well as to the NPPF which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. 			
Planning Application No	Site	Description of Development	Decision
LW/19/0282 APP/P1425/D/19/3233658	3 East Albany Road, Seaford BN25 1TU	2 storey rear extension	D 3 Dec 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issue - impact of the development on the living conditions of the occupiers of the neighbouring dwellings in terms of outlook. • Chalet bungalow in an established residential area. Proposal involves a 2 storey rear extension. • Considered that due to the fact that the extension has a greater height and massing than an existing fence which already blocks some light, it would create a harmful sense of enclosure, detrimentally impacting on the outlook and daylight received by the neighbours window. • Considered that the proposal would be harmful to the living condition of the occupiers of the neighbouring dwelling, contrary to ST3 and CPII of the LDLP. • Application for costs was dismissed, the Council having been considered to not have acted unreasonably in refusing the application, and that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated. 			

Appeal Reference	Site	Description	Decision
LW/19/0129 APP/P1425/W/19/3234681	Point House 104 Allington Rd, Newick BN8 4NH	Erection of 5 dwellings and two new vehicles access points	D 3 Dec 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issues – effect on the character and appearance of the surrounding area, and whether it is a suitable location for the proposed development. • Site located on edge of settlement outside the settlement boundary, site occupied by a single dwelling within large plot. 5 dwelling would represent substantial increase in built form making the site appear as part of the settlement rather than as a transitional part of the urban fringe. The effect of 5 dwellings would have an adverse effect on the transition from settlement to countryside. Effect would be relatively localised but this does not diminish the effect on vantage points from where it would be seen. • Policy HoI.6 of the NNP does not support development in gardens, but that does not mean that developments should be prevented where they represent sustainable development. • In terms of suitability of the location, the site is located outside of the settlement boundary and in the countryside, and as such is contrary to CT1. The benefits of the development are modest and do not outweigh the harm that has been identified. The site does not represent a suitable location for the development and would be harmful to the character and appearance of the area, and the benefits that would arise do not outweigh the identified harm. 			
Appeal Reference	Site	Description	Decision
LW/19/0087 APP/P1425/W/19/3231655	Marchants Lower Station Road Newick BN84HT	Erection of a 3 bed dwelling, garage and associated landscaping	D 12 Dec 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issues – principle of development, effect on the character and appearance of the surrounding area, and whether the site lies in an area of good accessibility. • Site located on corner of two roads, on the edge of a ribbon of development in the countryside. Previous scheme for a 6 bed dwelling dismissed on appeal. 			

- Council is able to show a 5 year housing land supply and therefore the principle of development does not accord with saved policy CT1 as the site is located outside of a settlement boundary. The development would result in the loss of openness in the garden on this prominent garden site and would harm the semi-rural character. The site is also located away from day to day services and facilities and occupiers would be dependent on a car and as such would not contribute to a sustainable pattern of growth and reduce the need to travel. Whilst making a small contribution to housing supply and having a limited social and economic benefit, these do not outweigh the adverse impacts.
- **An application for costs** was also dismissed, the Council having been considered to not have acted unreasonably in refusing the application, and that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.

Appeal Reference	Site	Description	Decision
LW/19/0030 APP/P1425/W/19/3235962	2 Bromley Road Seaford BN25 3ES	Erection of new dwelling to side of 2 Bromley Road	D 13 Dec 2019 Delegated decision
Inspector's Reasoning			
<ul style="list-style-type: none"> • Issues – effect on the character and appearance of the surrounding area, living conditions of occupiers of neighbouring and future occupiers, and highway safety. • Site located on corner of two roads in an established residential area. Proposed to construct a new dwelling in the back garden. • New dwelling occupies full width of the new plot, smaller than prevailing pattern of development. Openness of the area would be exacerbated by the siting and would be harmful to the character and appearance of the area. • The reduction in the size of the existing garden together with the small courtyard associated with the new dwelling would afford a poor level of amenity and would be harmful to the living conditions of the occupiers of the existing dwelling and those occupying the new dwelling and be detrimental to the visual amenities of the area, contrary to ST3 of the LDLP. • The inspector did not consider that the proposal, in view of the lack of objection from the highway authority, would increase highway hazards. 			

Appeal Reference	Site	Description	Decision
LW/19/0293 APP/P1425/W/19/3234597	15 High Hurst Close Newick BN8 4NJ	Alterations to existing dwelling and erection of new dwelling to rear	D 18 Dec 2019 Delegated decision

Inspector's Reasoning

- Issues – spatial character of the local area and appearance on the site and the wider street-scene, and the living conditions of 15 High Hurst Close specifically with regard to outlook.
- Area characterised by detached dwellings, substantial plot sizes, general sense of spaciousness. Proposal to construct a two storey chalet style dwelling in rear garden.
- New dwelling substantially larger than existing dwelling, with the subdivision of the garden resulting in smaller plot sizes than surrounding area. Due to cramped appearance, proximity to boundaries and small plot sizes the proposal would fail to respect the sense of spaciousness and fail to integrate with the wider street scene and cause harm to the character and appearance of the area. Contrary to CPI 1, ST3, ST4 of the LDLP and Ho1.6 of the NNP
- The design and location of the dwelling to the existing property would cause unacceptable harm to the living conditions of the existing occupiers, reduction in the size of the existing garden together with the small courtyard associated with the new dwelling would afford a poor level of amenity and would be harmful to the living conditions of the occupiers of the existing dwelling and those occupying the new dwelling and be detrimental to the visual amenities of the area, contrary to ST3 of the LDLP, and contrary to the NPPF in that it doesn't create a high standard of amenity. .

Appeal Reference	Site	Description	Decision
LW/18/0533 APP/P1425/W/19/3223445	Clearview Strood Farm Wivelsfield Green RH17 7RB	Change of use from ancillary accommodation to independent dwelling and changes to fenestration	A 31 Dec 2019 Delegated decision

Inspector's Reasoning

- Issues – whether there is conflict with development plan policies, impact on character and appearance of the area and whether the site would be

suitable with regard to reliance on private car.

- Large detached building used as ancillary accommodation. Site located in countryside, proposal would involve some alterations to the building including new rooflights and glazing.
- The proposal clearly conflicts with LDLP and Wivelsfield Neighbourhood Plan. Therefore need to identify whether there are other material considerations that indicate that a decision other than in accordance with policies should be made.
- Considered that the changes to the buildings appearance would be compatible with the immediate character of the area and that no harm would be caused, and would not appear out of place in the rural setting.
- In terms of reliance on a private vehicle, the site is appropriately sustainable and enough of the day to day needs of future residents could be achieved without reliance on the private car. Without any harm to the character and appearance of the area, being in a sustainable location, and the small scale of the development, the proposal despite conflicting with the policies it does not seriously undermine the objectives of policy and therefore the policy conflicts do not result in any harm and the proposal can therefore be approved.