

Planning Applications Committee 1 July 2020



Working in Partnership



Time: 5.00pm

PLEASE NOTE: This will be a 'virtual meeting', held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.

Instructions for members of the Committee and Officers to join the meeting have been circulated separately.

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, 23 June 2020

Agenda

1 Introductions

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 Minutes (Pages 5 - 10)

To confirm and sign the minutes of the previous meeting held on 10 June 2020 (attached herewith).

5 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 posted on the Council's website prior to the start of the meeting to update the main reports with any late information.

6 Petitions

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

7 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

- 8 LW/20/0058 - Bybuckle Court, Marine Parade, Seaford, East Sussex, BN25 2PZ** (Pages 11 - 18)

Planning applications within the South Downs National Park

- 9 SDNP/20/00069/HOUS - 26 Shirleys, Ditchling, Hassocks, East Sussex, BN6 8UD** (Pages 19 - 28)
- 10 SDNP/19/05763/HOUS - Astley, 5 Ashcombe Lane, Kingston, Lewes, East Sussex, BN7 3JZ** (Pages 29 - 44)

Non-planning application related items

11 Date of next meeting

To note that the next meeting of the Planning Applications Committee which is scheduled to commence at 5:00pm on Wednesday, 22 July 2020 will take place in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

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: 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.

Public participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the Committee by an Officer.

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 meeting while the matter is being considered (unless he/she has obtained a dispensation).

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

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

Other participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

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 remote meeting held (via Microsoft Teams) on 10 June 2020 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sean MacLeod (Minute No 130 to 135 and Minute No 137 to 139), Imogen Makepeace and Laurence O'Connor

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)
Jennifer Norman (Committee Officer, Democratic Services)
Leigh Palmer (Interim Head of Planning)
Peter Sharp (Head of Regeneration)
Joanne Stone (Solicitor, Planning)
Sara Taylor (Regeneration Officer)

130 Introductions

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

131 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Sylvia Lord and Nicola Papanicolaou.

132 Declarations of interest

Councillor MacLeod declared a predetermination in relation to agenda item 8 (planning application LW/19/0513).

133 Minutes

The minutes of the meeting held on 29 May 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

134 Petitions

There were none.

135 Written questions from councillors

There were none.

136 LW/19/0513 - 11 Station Road, Denton, Newhaven, East Sussex, BN9 0NH

A written representation against the proposal was read aloud by the Committee Officer on behalf of Mr Myron and Mrs Maureen Tlumak. Written representations for the proposal were read aloud by the Committee Officer on behalf of Mr Scott Currie (Architect) and Mr Carl Goddard.

Resolved:

That planning application LW/19/0513 for refurbishment of existing building to provide 2 x 1 bedroom flats and additional new build to provide 3 x 2 bedroom flats (AMENDED SCHEME - Increased set back from western boundary, revisions to window arrangements, additional screening) be refused for the following reasons:

- 1) Overdevelopment of the site;
- 2) Overbearing;
- 3) Street scene; and
- 4) Highways.

(Councillor MacLeod declared a predetermination in relation to the application. He therefore left the meeting for this item and did not take part in the consideration, discussion and voting thereon.)

137 LW/19/0857 - 3 Bramber Avenue, Peacehaven, East Sussex, BN10 8LR

A written representation against the proposal was read aloud by the Committee Officer on behalf of Ms Tracey Loughrey-Hill. Written representations for the proposal were read aloud by the Committee Officer on behalf of Mr Simon Bareham (Agent) and Ms Hannah Chatfield.

Resolved:

That planning application LW/19/0857 for Section 73A retrospective application for the conversion from HMO and manager's flat to 18 self-contained flats (including manager's flat) be approved, subject to the conditions set out in the report and supplementary report, and amendment to condition 1 to include details of a smoking shelter that respects the healthy outside enjoyment of the neighbouring household.

138 Newhaven Local Employment and Training Technical Guidance Note

The Committee considered the report which detailed the proposed Newhaven Local Employment and Training Technical Guidance Note (TGN).

The Head of Regeneration summarised the contents of the report. He highlighted that the TGN was a pilot programme to assist in securing local labour agreements as part of development proposals in Newhaven, and that the TGN enabled training and employment initiatives at both the construction and operational stages of development.

The Head of Regeneration further highlighted that the purpose of the TGN was to assist in maximising the benefits of development, particularly larger development proposals that come forward in the Newhaven area, as Newhaven was a focus of regeneration for Lewes District.

The Committee emphasised the importance of the TGN being specifically tailored to the Newhaven area and other local areas throughout Lewes District, not copying that of initial pilot programme of Eastbourne Borough or other local authorities, but acknowledging that Officers should take Best Practice examples of what has worked elsewhere. It further emphasised its support of small, local businesses, as well as employing local people where possible.

The Committee expressed its gratitude to Officers for the inclusion of the provision that candidates who complete a pre-employment training programme would be guaranteed an interview by the prospective employer associated with the development. The Committee requested that Armed Forces be included in any such programmes to support ex-service personnel.

The Committee queried whether or not Newhaven Town Council would lose CIL (Community Infrastructure Levy) fees as a result of the pilot programme. Officers responded that despite Eastbourne Borough not being permitted to collect CIL fees for flats during its TGN pilot programme, local authorities within Lewes District would not lose CIL fees as a result of the programme.

The Committee sought clarification on details surrounding the stakeholders as mentioned in the report. Officers clarified that the stakeholders who were consulted included the Newhaven Enterprise Zone Employment and Skills Task Group, which comprised of a variety of representatives within Lewes District. Representatives included officers from the Job Centre Plus in Newhaven, the East Sussex College Group as a local FE College, Sussex Community Development Association and East Sussex County Council. Newhaven Town Council, the Chamber of Commerce and a social housing provider were also consulted on an informal basis.

The Committee enquired whether areas just outside the Newhaven boundary could be included in the TGN. Officers explained that the proposed TGN covered development sites within Newhaven wards only, but that did not preclude a resident outside of the Newhaven boundaries gaining employment within the areas covered by the TGN.

The Committee queried how long Officers anticipated the pilot scheme to be in place before the effectiveness could be measured before being rolled out to other areas within Lewes District, and requested that Officers provide further

briefings as to the progress of the pilot programme. Officers agreed to provide local employment and training progress updates at future meetings of the Committee.

The Committee enquired as to whether the pilot programme could be applied retrospectively to previously approved planning applications within Lewes District. The Council's Solicitor explained that it was not possible to retrospectively apply standards of the pilot programme to applications which had already been granted planning permission.

The Committee queried whether it would be possible to retrospectively impose employment conditions of the pilot programme to planning applications which had already been granted planning permission, yet sought amendments to the original applications. The Council's Solicitor clarified that the Council would not impose additional s.106 requirements following a section 73 application to vary planning permission as a matter of law, the principle of development had already been established. A TGN and employment training plan could only be required in connection with new planning applications received following the implementation of the pilot programme.

The Committee thanked Officers for all of their hard work in bringing the pilot programme forward and the consideration given to various communities within Lewes District, including the Armed Forces and those furthest from the jobs market. It further expressed its support of increasing the skill sets of local people and ensuring residents of Lewes District continue to benefit in the future from the programme.

Resolved:

- 1) That the Committee endorse the Newhaven Local Employment and Training Technical Guidance Note (TGN), as set out in Appendix 1 and subject to:
 - a) Local employment and training progress updates as and when appropriate to the Planning Applications Committee
 - b) A review of the CIL and local employment and training monitoring fees to be undertaken during the Local Plan Review to ensure monies requested from developers do not deter development in Newhaven; and
- 2) That Cabinet be recommended to adopt the Newhaven Local Employment and Training Technical Guidance Note (TGN) in accordance with Resolution 1 a) and b) and as set out in Appendix 1.

139 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee which is scheduled to commence at 5:00pm on Wednesday, 1 July 2020 in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

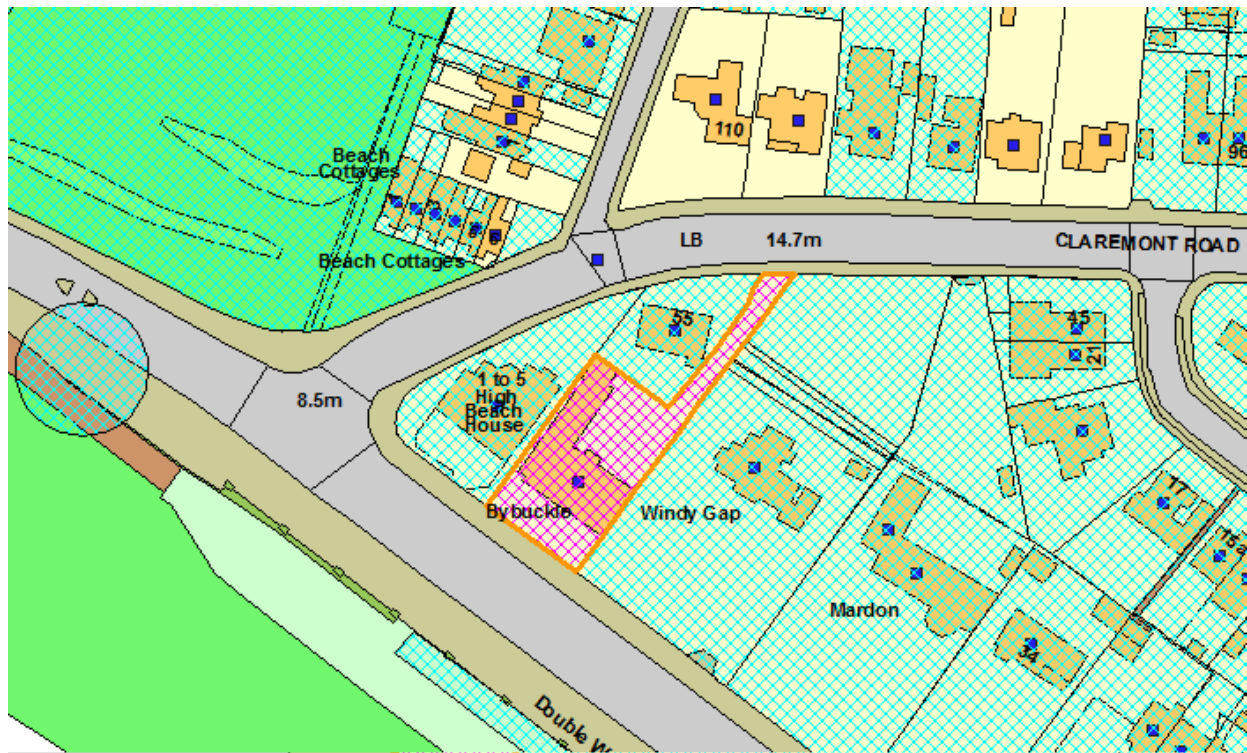
The meeting ended at 7.43pm.

Councillor Sharon Davy (Chair)

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Agenda Item 8

APPLICATION NUMBER:	LW/20/0058		
APPLICANTS NAME(S):	Mr Jim Lord	PARISH / WARD:	Seaford / Seaford West
PROPOSAL:	Planning application for change of use from a nursing home to residential flats (six dwellings)		
SITE ADDRESS:	Bybuckle Court, Marine Parade, Seaford, East Sussex, BN25 2PZ		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The site refers to a two-storey property on the northern side of Marine Parade within the planning boundary of Seaford. The property is currently in occupation as a care home.

1.2 The site has an existing vehicular access to the rear from Claremont Road, with existing car park.

1.3 The application proposes the conversion of the building to self-contained flats, 2 x two bed and 2 x one beds at ground floor and 2 x two beds at first floor. The only external changes to the building will be to replace windows and doors and to render the building.

1.4 This application is being presented to the Committee as the applicant is a serving District Councillor.

2. RELEVANT POLICIES

LDLPP1: – CP1 – Affordable Housing

LDLPP1: – CP14 – Renewable and Low Carbon Energy

LDLPP2: - DM1 – Planning Boundaries

LDLPP2: - DM25 – Design

LDLPP2: - DM26 – Refuse and Recycling

SNP: - SEA2 – Design

SNP: - SEA6 - Development on the Seafrost

SNP: - SEA17 - Brownfield Development

3. PLANNING HISTORY

None relevant to this application.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – No objection subject to conditions

Access and Visibility

The property is served by an existing access from Claremont Road, an unclassified road subject to a 30mph speed limit. The access width measures 5.8m at the edge of the carriageway and measures 4.7m wide at a point 6m back from the edge of the carriageway. The access can therefore accommodate two-way traffic. The access driveway measures approximately 34m in length and 3.9m wide however, being straight with good visibility, conflict between vehicles exiting and entering the site is unlikely.

Manual for Streets advises that a visibility splay of 2.4m x 43m is required either side of an access onto a road subject to a 30mph over highway or under the applicant's control.

Due to the boundary walls either side of the access visibility at a point 2.4m back from the edge of the carriageway is limited. However, the access has an established use and having checked the police crash records appears to function without issue. With this in mind and since this proposal is unlikely to result in an intensification in use of the access, an objection due to substandard visibility cannot be justified.

Parking and Turning

According to East Sussex County Council's Parking Guidance at Non-Residential Developments a care home with 16 bed requires 4 parking spaces for visitors and staff and 1 space for resident staff. Therefore there is an existing parking demand of 5 parking spaces.

The submitted plan indicates that the development will be provided with 6 on-site parking spaces. East Sussex County Council's parking guidance requires perpendicular parking spaces to measure 2.5m x 5m or 3m x 5m if adjacent to a wall and parallel spaces to be 2m x 6m. All the proposed parking spaces are substandard in size although it is noted that there is space within the site for spaces of the correct dimensions to be provided. It is also noted that the parallel parking space nearest to the building cannot be used conveniently. Therefore there is only on-site provision of 5 spaces.

The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces. At this site the total parking demand is for 7 parking spaces, 5 of which would be allocated. There is therefore a shortfall of 2 parking spaces. However, if the on-site parking spaces remain unallocated then the parking demand for this development is 5 spaces. With this in mind the parking provision is acceptable, especially as the site is accessible and residents would therefore not be reliant on travel by private car. I would however recommend that the parking spaces within the site remain unallocated.

The submitted plan indicates that there will be 8 cycle parking spaces. East Sussex County Council's parking guidelines advise the provision of either 3 cycle parking spaces if communal or 6 cycle parking spaces if allocated. The number of cycle parking spaces is sufficient however they are required to be covered, safe and convenient for users.

Sustainability

There are a wide range of services and bus stops and a railway station within 1km of the site. The site location is therefore highly sustainable.

Conclusion

I have no objection to this application subject to conditions.

Planning Policy Comments – No objections.

The Seaford Neighbourhood Plan (SNP) was 'made' on 24th February 2020, having been subject to a successful Referendum. It is now part of the development plan for the area and its policies carry full weight.

The policies of the Neighbourhood Plan of particular significance to this development proposal are: SEA2 Design SEA6, Development on the Seafront and SEA17 Brownfield Development.

Policy SEA2 Design requires that development should be of high design quality and, as with SEA6 Development on the Seafront, that regard should be had to the General Design Guidelines¹ for Seaford. There are 10 criteria of the policy which new development is required to satisfy. Ultimately, it will be for the case officer to assess whether the quality of the proposals meets these requirements.

Criterion d) requires that the design of new development makes an efficient use of land and incorporates a high quality layout, design, energy efficiency and uses durable and

sustainable materials. It is advised that the case officer request from the applicant any further information required in order to satisfy this criteria, and that such details are provided to the satisfaction of the case officer.

It is also advised that further information pertaining to SuDS is submitted to the satisfaction of the case officer to attend to the requirements of criteria j).

It is not entirely clear as to whether the proposed scheme will comply with Policy SEA17. Details pertaining to the respect for local character and residential amenity should be provided to the satisfaction of the case officer. Highway safety of the proposed development does not appear to have been attended to within the application enclosures, therefore it would need to be clarified that the resulting development would be appropriate in highway terms to avoid conflict with this policy.

Summary

It is advised that the case officer seek further information to fully satisfy the requirements of Neighbourhood Plan Policies SEA2, SEA6 and SEA17. Should the requirements of these policies be satisfied, subsequent to the case officer's assessment, it is not considered that any conflict between the proposed details and development plan policies exists.

Main Town Or Parish Council – No objections.

It should be noted that the applicant is a Town Council member and a member of the Planning and Highways Committee but left the Council Chamber during the consideration of this application

It was RESOLVED to SUPPORT the application.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

No neighbour representations received.

6. PLANNING CONSIDERATIONS

Principle of development:

6.1 In accordance with the National Planning Policy Framework 2019 there is a presumption in favour of sustainable development. The site is within the Seaford Planning Boundary and is therefore considered a sustainable location within walking distance of amenities and public transport links.

6.2 Policy DM1 of the Lewes Local Plan Part 2 states that within the planning boundaries new development will be permitted provided that it is in accordance with other policies in the development plan.

6.3 The residential home is still operational; however there is no policy objection in principle to the loss of the home and the conversion to residential. The proposal, therefore, is acceptable in principle providing the development would be designed to a high standard, respect the character of the area, and would provide a good standard of accommodation for future occupiers in accordance with the National Planning Policy Framework, Lewes District Local Plan Part 1 and Part 2 and the Seaford Neighbourhood Plan.

Impact on amenity of surrounding properties:

6.4 The proposal is to convert the existing building, there are no new windows on the rear elevation, some windows are changed with doors and a new window is proposed to the front elevation facing Marine parade. Given there are no properties opposite on marine parade there would be no additional overlooking from the property than already exists. The properties at first floor are orientated so that the living accommodation is to the front overlooking the sea, therefore at the rear are bedrooms and bathrooms. As such it is not considered there would be any additional overlooking to properties to the north than already exists.

6.5 It is not considered that the change of use of the property to self-contained flats would create any additional impacts on surrounding properties to warrant the refusal of the application.

Impact of proposed development on amenity of future occupiers:

6.6 The proposal is for 6 self-contained flats;

Ground floor units

Flat 1 - 64.3m² - 2 bed 4 person

Flat 2 - 43m² - 1 bed 2 person

Flat 3 - 74m² - 2 bed 4 person

Flat 4 - 48m² - 1 bed 2 person

First floor units

Flat 5 - 68m² - 2 bed 4 person

Flat 6 - 64 m² - 2 bed 4 person

6.7 The DCLG Technical Housing Standards - Nationally Described Space Standards 2015 recommend a minimum floorspace of 50m² for a 1 bed 2 person unit and 70m² for a 2 bed 4 person unit.

6.8 Whilst the above standards are not contained in Lewes adopted policies, it is required that new development provides a good standard of accommodation for future occupiers. It is considered that all new build properties should be at least meeting these recommended standards, however it should be appreciated that this proposed is to convert the existing building therefore there are limitations to the proposed floorplan.

6.9 The two first floor units are undersized, these measurements do not include the external balconies and given the outside amenity space provided it is considered that the proposal is acceptable and will provide a good standard of amenity for future occupiers.

6.10 The ground floor flats are again limited by the restrictions of the existing building dimensions. Flat 1 is labelled as 2 bed, 4 person but really this is a 3 person occupancy as one room is not a double bedroom size, the other is dominated by an ensuite but on balance this does provide a beneficial use to the occupiers and as such is considered acceptable. The two one beds are marginally undersize and would have good outlook. The properties facing Marine Parade would also have access onto the amenity space.

6.11 On balance it is considered the proposal would provide a good standard of amenity for future occupiers and it would be difficult to sustain a refusal on the marginal size of some of the units below the DCLG standard.

Design issues:

6.12 Policy DM25 of the Lewes Local Plan Part 2 states development will be permitted where the siting, layout and density of the proposal responds sympathetically to the characteristics of the site, and the scale, form and massing are compatible with the existing buildings.

6.13 Policy SEA2 of the Seaford Neighbourhood Plan requires development to have regard to the General Design Guidelines for Seaford and give consideration to a number of criteria including that the design makes an efficient use of land and incorporates a high quality layout, building design and will contribute positively to the landscape and townscape character.

6.14 The building already exists; the only alterations are replacement of windows/door and the rendering of the building. The building is already a white render; the proposal to render in grey will potentially improve the appearance giving a more modern feel to the property. There is no objection to this given the setting which is varied in character between brick and render facing properties.

6.15 It is not considered necessary to see the materials prior to the development commencing. However there is a lack of information regarding the landscaping and layout of the site. Doors would provide access for the ground floor flats to the amenity space at the front of the building however there is no details of how this would be divided up or what boundary treatments would be in place. Therefore this is requested by condition.

6.16 Equally at first floor level there is no detail regarding a privacy or boundary screen between the two balconies. This is requested by condition to prevent a temporary screen being installed out of keeping with the property given this is the streetscene elevation.

Impacts on highway network or access:

6.17 The property has an existing access which has been in use for the care home, the visibility splays are not ideal however given the access is existing Highways have raised no objection to the proposal.

6.18 The application proposes 5 car parking spaces, which according to the Residential Parking Demand Calculator is a shortfall of 2 spaces on the demand created by the proposed 6 flats if spaces are allocated. However if unallocated the parking demand is reduced to 5 and therefore is met by the proposal. This can be controlled by condition.

6.19 It is considered that the proposal is therefore acceptable in terms of Highway safety and car parking provision. The location close to public transport, and the provision of cycle parking should encourage more sustainable methods of transport.

7. RECOMMENDATION

7.1 There is no objection in principle to the loss of the care home and provision of self-contained flats. It is not considered there would be any additional impacts on the surrounding properties from the change of use and the proposal would provide a good standard of amenity for future occupiers. Therefore the proposal is acceptable and it is recommended that planning permission is granted subject to conditions.

The application is subject to the following conditions:

1. This decision relates solely to the following plan(s):

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	4 February 2020	2019/0110
Proposed Floor Plan(s)	4 February 2020	2019/0111-
Proposed Elevation(s)	4 February 2020	2019/0112
Proposed Elevation(s)	4 February 2020	2019/0113-

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

2. The external materials shall be as stated in the design and access statement, windows/doors: Grey upvc, render: grey coloured, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the appearance of the building and character of the area.

3. Prior to the occupation of any part of the development hereby approved a plan showing details of landscaping and layout of those parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority this shall include all hard surfacing materials, boundary treatments and planting, thereafter the development shall be carried out in accordance with the approved details in full prior to the occupation of any part of the development.

Reason: To ensure a satisfactory appearance of the site within the street scene.

4. Prior to the occupation of the first floor flats hereby approved, details of a privacy/boundary screen between the two balconies shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the screen/boundary treatment shall be installed prior to the first occupation of either flat.

Reason: To protect the amenity of the occupiers of the units and in the interests of the appearance of the building.

5. The development shall not be occupied until a parking area has been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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

6. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. The development shall not be occupied until a covered, safe and secure cycle parking area has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority, and the area 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

8. The car parking spaces shall remain unallocated unless agreed in writing by the Local Planning Authority.

Reason: To enable car parking to meet the demand created by the units to prevent impacts on the highway network.

9. Prior to the first occupation of the development hereby approved, a minimum of one electric vehicle charging point shall be installed in an operational condition. The charging point shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In accordance with Policy CP14 of the Lewes District Joint Core Strategy and the Lewes District Council Electric Vehicle Charging Points - Technical Guidance Note (2018).

10. No development shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of the dwelling, and 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.

11. Hours of operation at the site during any demolition, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries or collections shall be made at the site outside of these specified times.

Reason: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

Application Details

	Existing	Proposed	Gain/Loss
Residential - Flats - Market Housing			
1 Bedroom		2	
2 Bedrooms		4	
Parking - Cars -			
Unit	6	6	
Parking - Bicycles -			
Unit	0	8	

Report to: **Planning Applications Committee**
Date: **1 July 2020**
By: **Director of Planning**
Local Authority: **Lewes District Council**
Application Number: **SDNP/20/00069/HOUS**
Applicant: **Mr & Mrs May**
Application: **Remodelling to form a two-storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage.**

Address: **26 Shirleys
Ditchling
Hassocks
East Sussex
BN6 8UD**

Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.

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

Executive Summary

The development relates to the remodelling of an existing three-bedroom bungalow into a four-bedroom, two storey dwelling, which is on a site located outside of but adjacent to the defined development boundary where development should be resisted unless other material considerations dictate otherwise.

1 Site Description

1.1 The application site is an existing single storey, detached dwelling located on the eastern side of Shirleys, Ditchling, a private residential street comprised predominantly of large detached dwellings, set within substantial plots. There is no uniformity to the design for the properties, with each being of different appearance and constructed using a variety of materials.

1.2 No. 26 is unique in that it is the only bungalow style dwelling in the immediate vicinity. A front dormer window gives a false impression of a first floor but, in reality, it serves a high ceiling entrance hall. All other buildings in the immediate vicinity are a minimum of two storeys. The application property is finished in render with some brickwork to the front. It has metal crital style windows throughout and a clay tile roof.

1.3 This application has been 'called-in' to committee by Cllr Jones due to the particular circumstances of the case and the character of the surrounding area.

2 Proposal

2.1 The proposal is to convert the existing 3 bedroom bungalow into a 4 bedroom two storey dwelling. This would include the erection of single storey front, side and rear extensions, and raising the ridge height of the existing roof to create a first floor. The existing detached rear garage/outbuilding would be demolished as part of the works, and a rear patio area created.

3 Relevant Planning History

SDNP/19/03651/HOUS - Remodelling to form a two storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage - Refused

E/58/0141 - Planning and Building Regs application for proposed garage - Approved

E/54/0006 - Planning and Building Regs application for proposed bungalow - Approved

4 Consultations

Parish Council Consultee

The Parish Council made no comment on this application.

SDNPA Planning Policy

In the South Downs Local Plan, paragraph 7.91 sets out the purpose of policy SD31, which is to protect the limited supply of small and medium-sized homes in the National Park, and to avoid adverse impact on character and appearance of both settlements and the countryside. It is noted that the proposal is not likely to have adverse impacts on character and therefore the key matter is with regard to the protection of small and medium-sized homes.

The Strategic Housing Market Assessment (SHMA) and the Housing and Economic Development Needs Assessment (HEDNA) identified that supply of small to medium sized homes is a key matter, and this has informed the development of policies in the SDLP including Policy SD27 Mix of Homes which requires a higher % for 2 and 3 bedroom dwellings as part of addressing this - the supporting text of policy SD31 in paragraph 7.91 states that policy SD31 is consistent with Policy SD27 seeking to protect the limited supply of small and medium-sized homes in the National Park.

The existing dwelling in this application, a three bedroom bungalow, would be considered a medium sized dwelling. The development proposals of this application would present a sizeable extension (approximately 115% or 150% depending on approach to calculation) and would result in a loss of a small-medium home. Consideration has been given to the submissions from the applicant/agent and given the exceptional circumstances outlined, a pragmatic approach, and some flex in the 30% is justified in order to facilitate a substantial overhaul to create a healthy and workable environment but still within the scope of being a medium sized dwelling.

The Park has subsequently clarified that 'an increase of over 30% might be acceptable for the site, but that the current proposal is considered excessive.

5 Representations

In total 59 letters of support have been received from local neighbours, local residents and further afield. Their comments can be summarised along the following points:

- o The existing dwelling does not fulfil the needs of the current residents as it is not large enough
- o The family are unable to move within the village, due to property prices of larger dwellings, and they would be forced to move out of the village
- o The Ditchling Neighbourhood Plan highlights the need and desire to keep young families in the village
- o Current property is in a poor state of repair and suffers from damp, which is detrimental to the health of the occupants
- o Existing property is not in keeping with neighbouring properties

- o Unfair to refuse this development when similar schemes have been allowed in neighbouring properties
- o The proposal would improve the family life of the occupants
- o The bungalow was all the existing residents could afford when they purchased it, with the intention of developing it later
- o That the 'exceptional circumstances' provision of the relevant planning policies should be applied in this instance

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. Other plans considered:

- Ditchling, Westmeston & Streat Neighbourhood Plan

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:

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 SD2 - Ecosystems Services
- Strategic Policy SD5 - Design
- Strategic Policy SD27 - Mix of Homes

- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

8 Planning Assessment

8.1 Strategic Policy SD5: Design of the South Downs Local Plan states that development proposals will only be permitted where they adopt a landscape led approach and respect local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. Furthermore, proposals should utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials etc. Similarly, Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings states that proposals should respect the established character of the local area, and not be overbearing or of a form which would be detrimental to the amenity of nearby residents.

8.2 The current property is in a poor state of repair and in need of modernisation to bring it up to a reasonable habitable standard. The exterior is finished in render with a part brick façade at the front. All the windows are of metal crital type, and the roof is clay tiled. From the road, the property has a tired/dated appearance, and internally it suffers from water increase, condensation and damp. It is proposed to transform the property into a large two storey dwelling, with four bedrooms. To achieve this, the footprint of the building would be enlarged with extensions built to the north (side) elevation and rear elevation, and an infill extension to the existing front porch area. To create the new first floor the existing roof would be completely remodelled, with the ridge height being raised by approx. 1.85m, gable ends created on the existing front projection and on the south (side) elevation, and a cat-slide roof on the north (side) elevation. The eaves height on the south elevation would be raised from 2.2m to 5.2m at its highest point. The overall effect of these proposed works would be of an entirely new, large, modern dwelling of brick/weatherboard construction.

8.3 Shirleys is a private road consisting entirely of large detached dwellings set within generous plots. The existing property is unique in that it is the only single storey dwelling in the immediate vicinity, and is surrounded by substantial two storey dwellings of varying designs and finishes. The neighbouring property, immediately adjacent to the application site to the north, benefitted from planning permission in 2018 for a similar scheme, to convert it from a chalet bungalow into a two storey dwelling. The construction work for this scheme is currently ongoing.

8.4 The conversion of the application property into a two storey dwelling would therefore bring it in line with the majority of other properties in Shirleys. The lack of uniformity and materials within the street means that the proposed design of the development, and the use of brick and ground floor and weatherboard and first floor, would respect the character of the area. It would not be overbearing or of a form detrimental to the immediate vicinity, and would allow the property to sit comfortably within the streetscene. Furthermore, the effect on the amenity of neighbouring properties would be minimal. The size of the individual plots means that the potential for overlooking is reduced, and the inclusion of the catslide roof to the proposed north

elevation lessens the impact on the adjacent property. There has been widespread support for the proposal from residents of the street, including from the immediate neighbour to the north. Therefore the proposed extension and alterations to the property are compliant with Policy SD5 and the amenity element of Policy SD31 of the South Downs Local Plan.

Extension of Residential Dwelling

8.5 The extension of residential dwellings within the South Downs National Park is governed by Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. One of the main drivers of this policy is to prevent the loss of small/medium size dwellings across the park through over-extension of existing dwellings. The National Park has a higher than average proportion of large dwellings and so it is necessary to protect the existing stock of small/medium size dwellings, where possible. This is also echoed in the accompanying text of Policy DSI: Development Strategy, of the Ditchling Neighbourhood Plan, which states that the village "has a preponderance of large expensive houses, giving few opportunities for the young, the less affluent, and the elderly, to find homes within their means".

8.6 To help prevent the loss of small/medium size dwellings, Policy SD31 limits residential extensions to an increase of no more than approx. 30% of the floor area of the existing dwelling. For the purposes of the South Downs Local Plan, the National Park has defined small and medium sized dwellings as those properties that have 1-3 bedrooms. Therefore the existing property is defined as a medium sized dwelling.

8.7 The existing floor area of the property is approx. 133sqm. This includes the detached garage/outbuilding to the rear. The total floor area of the proposed works would be approx. 352sqm, This is an increase of approx. 164%. This is obviously significantly over the 30% allowed by Policy SD31. Furthermore, the proposed works would see the property converted from a three-bedroom to a four-bedroom dwelling.

8.8 However, Policy SD31 does allow for extensions above the 30% "where it can be clearly demonstrated that there will be no harmful intrusive impact on the landscape and that there is an enhancement in the appearance of the host dwelling", or where extensions "are needed to accommodate exceptional family needs, for example, arising from a disabled or elderly member of the family".

8.9 It has already been demonstrated that the proposal would not impact on the local landscape and that it would enhance the appearance of the existing building. It is accepted that, in this instance, a proposed increase above 30% is probably necessary to bring the existing building up to a modern, habitable standard, in line with the exceptions in the policy text. Notwithstanding this, it is felt that the increase proposed in this application, 164% on the existing floor area, is excessive, and could be reduced significantly and still be well above the 30% allowed by Policy SD31. An increase of up to 60-70% may be acceptable in these specific circumstances. The comments of the SDNP Policy Team echo this, and they agree that an extension above 30% is justified in this instance.

8.10 This was discussed with the applicant/agent, and the opportunity to submit an amended scheme to reduce the floor area was given. However, no amended scheme has been forthcoming, and so the application has been assessed against the 164% increase in floor area.

8.11 Despite the justification in increased floor area, the proposal also includes the addition of an extra bedroom, changing the property from a three bed to a four bed dwelling. This is contrary to one of the primary drivers of Policy SD31. As discussed, both the South Downs Local Plan and Ditchling Neighbourhood Plan highlight the lack of 1-3 bedroom dwellings, and the need to preserve and enhance the stock of small/medium sized properties. The conversion of the application dwelling to a substantial four-bedroom house would further erode the stock of properties available to those wishing to purchase homes of this size, a problem specifically highlighted by the Neighbourhood plan as being of concern in Ditchling.

8.12 This problem is further highlighted in correspondence received from the applicants and agent, and in a large number of the representations received from local residents. They all state that the existing property was the only one of this size available for the current occupiers to purchase when they were looking to buy a property in the village, due to the limited number of small/medium houses in the village. It could be argued that, by allowing this conversion to a large, four-bedroom dwelling, the opportunity to purchase a medium sized property would be reduced for future buyers. This is contrary to Policy SD31.

8.13 This application is an identical submission to a previously refused application determined in November 2019. The applicants have resubmitted the same proposal without any amendments. The original application was refused on the grounds that the proposed additions to the property were too large, and therefore not compliant with Policy SD31. The supporting documents for this application state that the proposal has been resubmitted as they believe that the 'exceptional circumstances' provision should have been applied in the original application. The applicant and agent have provided additional statements to support this, and the majority of neighbour letters highlight a similar theme.

8.14 The main thrust of this argument is that the size of the applicant's family has increased since the property was purchased, and that the property no longer suits the needs of a family of their size. Their belief is that if the property is not developed in line with the amount submitted, then the family would be forced to move out.

8.15 This would not fall within the allowances of 'exceptional circumstances', as laid out in the supporting text of Policy SD31. The examples listed in the local plan are for dependents with additional care needs, such as elderly or disabled relatives, and that robust evidence should be submitted to justify the additional need. Redeveloping a dwelling, to allow a growing family to remain in it, is a common reason for submitting a proposal and could not be justified as exceptional.

8.16 An allowance above 30% has already been agreed as acceptable for this property, and this has been confirmed by the comments from the SDNP Policy Team. However, they are very explicit that this increase should ensure that the property remains "within the scope of being a medium sized dwelling", i.e. a three-bedroom property.

8.17 Much has been made in the submissions from the applicant, agent and local residents that the current occupiers are a young family, with ties to the village, both applicants having grown up in the vicinity. The South Downs Local Plan and Ditchling Neighbourhood Plan both highlight a desire to support young, working families, and to try and prevent them from having to leave their local area, by providing opportunities that would encourage them to stay. There can be some sympathy for the applicants in this respect. Ditchling does have a large proportion of large, expensive dwellings, which can make it difficult for younger families to purchase in the area.

However, by converting the property on the scale proposed, the applicants would be adding to this issue by creating another large, four-bedroom dwelling, and removing the existing three-bedroom dwelling from the mix of housing stock locally, contrary to Policy SD31 and Policy SD27: Mix of Homes.

8.18 Policy SD2: Ecosystem Services requires development proposals to include elements that would help conserve and enhance ecosystem services, which are the goods and services that the natural environment provides. This application includes various features that would help develop ecosystem services locally, including the provision of rainwater butts to ensure efficient drainage and additional planting around the garden perimeter to provide support of local wildlife. Therefore the proposal is compliant with Policy SD2 of the South Downs Local Plan

8.19 As mentioned above, this proposal is an identical submission to a previously refused application. It is therefore a test of whether the 'exceptional circumstances' provision can be applied in this instance, and whether that is enough to justify a development on the scale submitted.

9 Conclusion

9.1 The proposed works would bring the property in line with the majority of dwellings in the street and immediate surroundings, in terms of height, bulk and appearance. Therefore there would be no detriment to the streetscene and no loss of residential amenity for any neighbouring properties, in accordance with Policy SD5: Design of the South Downs Local Plan. However, this must be weighed against the loss of a three-bedroom dwelling, and whether the circumstances warrant a conversion of the size proposed. It has been accepted that the property is in need of repair and remodelling to bring it up to a habitable standard. To this end, alterations above the 30% allowed by Policy SD31 have been accepted. This is reinforced by the comments from the SDNP Policy Team. However, a development on the size proposed, some 164% above the existing floorspace, is unacceptable and, despite discussions, no attempt to reduce this has been forthcoming from the applicants. This, coupled with the fact that the proposal includes the loss of a three-bedroom house, means that it is contrary to Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. This is supported by the comments from the SDNP Policy Team.

9.2 Whilst it is possible to sympathise with the situation of the applicants, being that the house no longer fulfils the need of their family, and is in need of substantial works to bring it up to a liveable standard, this does not qualify as an 'exceptional circumstance' as described in the supporting text of Policy SD31. The desire to remain in the village is also understandable, but by allowing the proposed development, there would be a further reduction in the number of small/medium houses in Ditchling, thus eroding future possibilities for families wishing to buy within the village, a problem highlighted by the adopted Neighbourhood Plan.

9.3 Therefore, whilst the development may be acceptable in terms of scale and setting, the loss of a medium sized home, with no exceptional circumstances in evidence, means that the proposal is contrary Policy SD31 and one of the main drivers of the South Downs Local Plan, that being the prevention of small/medium sized dwellings being lost through overdevelopment of existing properties, and Policy DSI: Development Strategy of the Ditchling, Street and Westmeston Neighbourhood Plan..

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The application has been assessed and determined on the basis of the plans noted below.
Reason: For the avoidance of doubt and in the interests of proper planning.

2. The proposed development would, by the overall increase in total floor area and bedrooms result in the loss of a medium sized dwelling, as defined by the South Downs Local Plan, be contrary to Policy SD3 I: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings of the South Downs Local Plan which aims to protect the limited supply of small and medium-sized homes in the National Park.

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

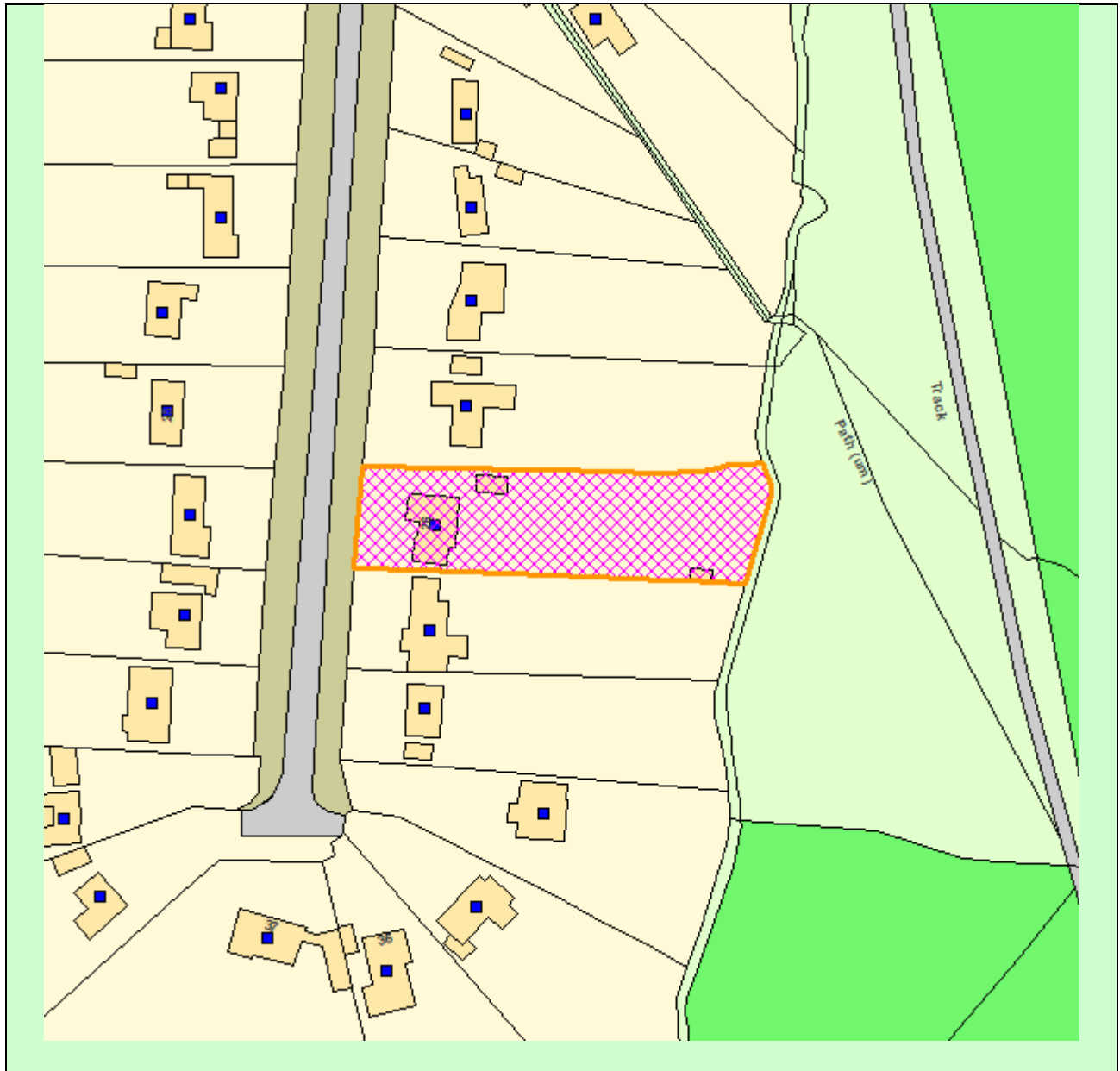
14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

15. Appendices

Appendix 1 – Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

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
Application Documents -	ECOSYSTEM SERVICES STATEMENT		16.01.2020	Not Approved
Plans - Location/Proposed Block	2019/62		09.01.2020	Not Approved
Application Documents -	COVERING LETTER		09.01.2020	Not Approved
Plans - Existing Elevations/Floor	2019/62		09.01.2020	Not Approved
Plans - Proposed Elevations/Floor	2019/62		09.01.2020	Not Approved
Plans - Proposed Street Scene/Floor/Roof Plan	2019/62		09.01.2020	Not Approved

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

Report to: **Planning Applications Committee**
Date: **1 July 2020**
By: **Director of Planning**
Local Authority: **Lewes District Council**
Application Number: **SDNP/19/05763/HOUS**
Applicant: **Mr & Mrs Sheffield**
Application: **Demolition of existing single dwelling and replaced with a four bedroom detached house.**

Address: **Astley
5 Ashcombe Lane
Kingston
Lewes
East Sussex
BN7 3JZ**

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.

Executive Summary

The proposed development is considered acceptable in principle and demonstrates a high standard of architectural and energy-efficient design that would neither be harmful to visual amenity or neighbour amenity. Accordingly approval is recommended.

1 Site Description

1.1 The application site is occupied by a detached family dwelling situated on the western side of Ashcombe Lane, to the north of the village centre. The property is traditional with pitched roofs and is not listed or situated in a conservation area. The site lies within the planning boundary of the village and is located in the South Downs National Park.

2 Proposal

2.1 The application seeks planning permission for demolition of the existing house and construction of a replacement dwelling in a contemporary style that would be highly energy efficient and eco friendly.

3 Relevant Planning History

3.1 There is no relevant planning history for the site. There is a property behind the application site, known as The Garden Cottage, which has the following planning history:

LW/99/1279 - Front porch extension. Approved 22 September 1999.
E/67/0302 - Planning and Building Regulations Applications for one bungalow with garage at rear of Astley. Building Regulations Approved. Completed. Approved 28 March 1967.
E/66/0559 - Outline Application for one detached bungalow or pair of semi-detached bungalows. Refused 22 August 1966.

4 Consultations

Parish Council Consultee

Objection

Kingston Parish Council would like to submit the following points in regard to the amended application.

The proposed building occupies a very prominent position that is clearly visible from the road when entering the village along Ashcombe Lane from the east. KPC is not opposed to the development but due to the position of the building it does have the following reservations:

KPC considers the development proposals will have a negative / adverse visual impact on the character of the village at its eastern entrance. KPC is particularly concerned that the appearance of the building, due largely to the proposed wholesale use of light-coloured brickwork as a facing material, will have a detrimental impact on the character of the local area. The proposed finish is neither in keeping nor complementary to both its location within a Sussex village and the immediately surrounding buildings that are predominantly tile roofed, with tile hung elevations above either rendered or brick faced walls.

KPC would prefer to see the incorporation of traditional tiles into the elevations, including the reuse of the existing roof tiles if possible, rather than the singular use of light coloured brick, which is not in keeping with any of the surrounding buildings. It is noted that the use of traditional materials does not preclude the design and construction of an environmentally sound building.

KPC notes that neighbours to the rear are concerned that the 'bulk' of the new building, due to the vertical elevations in place of the sloping roof of the original building, will have an overbearing effect on the enjoyment of their property.

KPC requests that a construction management plan is developed to deal with the issue of builders vehicles, parking and deliveries, which could cause disruption and obstruction to nearby residents.

5 Representations

A representation has been received from St Ronan's, Ashcombe Lane, in support of the application for the following reasons:

The proposed house seems well-designed, aesthetically pleasing, and eco-friendly. The current house is in a poor state of repair and not particularly well-suited to the growing family. A house this well designed is likely to add value to the neighbouring properties.

A representation has been received from Garden Cottage, Lockitt Way, objecting to the application for the following reasons:

- o The house is bigger and will give a sense of overbearing on the plot in which the bungalow behind the application site is situated.
- o The increased first floor area and height of the rear outline along with the closer proximity is contributing to this effect.

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:

- NPPF12 - Achieving well-designed places

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 SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD19 - Transport and Accessibility

- Strategic Policy SD25 - Development Strategy
- Development Management Policy SD30 - Replacement Dwellings
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 - Sustainable Drainage Systems

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

8 Planning Assessment

Principle of Development

8.1 The application site lies inside the Planning Boundary of Kingston village. Policy SD25 "Development Strategy" states that:

The principle of development within the following settlements, as defined on the Policies Map, will be supported, provided that development:

- Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- Makes best use of suitable and available previously developed land in the settlement; and
- Makes efficient and appropriate use of land.

Kingston near Lewes is one of the settlements listed.

8.2 Policy SD30 of the South Downs Local Plan "Replacement Dwelling" is relevant to the application and states that:

1. Development proposals for replacement residential dwellings outside settlement boundaries, as defined on the Policies Map, will be permitted where:

- The structure, constituting all new and existing development, does not result in a net increase of more than approximately 30% compared with the gross internal area of the existing dwelling; and
- The replacement dwelling is not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

8.3 The proposed dwelling would have a floor area of some 265 square metres whereas the existing house has a floor area of approximately 152 square metres. This is an increase of around 74%. Whilst this exceeds the floor area of the existing house, the proposed dwelling would occupy a similar footprint and position within the site, and the majority of the increased floor area would be a first floor level due to the upper floor rooms in the existing house being

accommodated within the roof space. The existing house is 4/5 bedroom and the proposed dwelling would be 4 bedrooms, so there would be no loss of a small/medium sized property as a result of the development, and would create a dwelling with the same number of bedrooms as the existing.

8.4 In view of the above, the proposed development is considered to be acceptable in principle.

Design and Appearance

8.5 Policy SD4 of the South Downs Local Plan states at paragraph 1 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 The parts of Policy SD5 relevant to this planning application state that:

1. 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. The following design principle should be adopted as appropriate:

- a. Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context....
- c. Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement patterns....
- f. Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing....
- i. Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users....
- k. Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

8.7 Rather than a traditional rectilinear footprint the proposed dwelling would have off-set front and rear elevations, these elevations being composed of walls on three planes, giving a zig-zag effect. The front and rear corners would follow the alignment and building line of both neighbouring properties and the foremost part of the principal elevation of the new dwelling would not breach the building line along Ashcombe Lane.

8.8 The design is highly sustainable and environmental whilst also being contemporary and innovative. This is considered to be an appropriate location for such a unique development and the scheme demonstrates a high level of architectural quality that is considered to enhance the street scene and, due to the position and scale, would not appear unduly dominant.

8.9 In response to the comments made by Kingston Parish Council, the applicant has amended the external materials to a light-coloured brickwork as opposed to the wholesale use of timber cladding. Options whereby the ground floor is finished in different materials, for example brick, and the upper floor finished in timber, have been discussed the design concept is stated as being about the holistic idea. In respect of the bulk, massing and height the applicant has responded as follows:

"Regarding the flank wall heights of the proposal we have reduced them in height since our pre-planning meeting, as per page 5 of the proposed drawing elevations. Reducing the height any further will make for very cramped internal living environments in two of the bedrooms. The height and mass of the building does not overshadow, or lose amenity or take light from either neighbour. The reason the family of five have decided on designing and building this ecological home is because the current house rooms are small and falling apart. The proposed house as shown in the elevations is located well against a large massed house and a slighter lower massed house giving its proposed form and mass."

8.10 The eaves height and overall roof height is shown on the plans to be at the same level or below the ridge height of the existing property to be demolished and the applicant has demonstrated by way of drawings submitted that the relationship of the new dwelling when viewed against the height and eaves level of neighbouring properties would be sympathetic.

8.11 The applicant has also submitted a Landscape Appraisal stating that there would be no harmful landscape or visual impact on the wider area and the proposed may benefit existing views. From a distance, for example from the hilltops surrounding Kingston, the proposed development is not likely to appear incongruous or unduly dominant owing to its scale and size and its position amongst a variety of existing dwellings.

8.12 Accordingly the proposed development is considered to meet the aims and objectives of policies SD4 and SD5.

8.13 In terms of the impact on dark night skies (policy SD8 of the South Downs Local Plan) the seven roof lights proposed are noted, and a condition is recommended in order to ensure measures to mitigate any additional light spilling out when it is dark, for example some form of tinting or electric blinds could be installed to mitigate this impact.

Amenity

8.14 The ground floor would comprise living accommodation totalling 118 square metres whilst the upper floor would comprise four bedrooms (two with en-suites) and a family bathroom, totalling 147 square metres. This is considered sufficient size for a 4-bedroom dwelling and it is noted that future residents would benefit from well landscaped front and rear gardens, in a style that is in keeping with the character of the replacement dwelling. At first floor level it is noted that the position and angles of the front and rear windows have taken into account the requirement to safeguard neighbour privacy, and the only windows proposed on the side elevations would be either secondary bedroom windows or en-suite/bathroom windows. A condition may be imposed to ensure that these are obscure glazed and non-opening in order to prevent overlooking of neighbouring properties.

8.15 The comments from the occupier of Garden House to the rear of the application site have been noted. This property is approximately 25m from the rear elevation of the existing house and would be 23m from the rear wall of the replacement dwelling. The back garden of the neighbouring property is some 12m in length, as would be the back garden of the proposed replacement dwelling. This would normally be considered adequate separation between the properties, then general guidance being that opposing properties should be at least 21m apart. It is noted also, that due to the angle of the wells to the rear elevation of the new dwelling, they would generally not be facing directly towards the neighbouring property to the rear. This would certainly mitigate any sense of overlooking and due to the gap between the properties and the fact that the height of the new dwelling would not exceed that of the dwelling to be demolished, it is unlikely that the development would cast a shadow across the neighbouring property. In view of this, whilst the additional accommodation at first floor level would no doubt add bulk and massing to the outline of the development, a refusal based on harm to neighbour amenity alone would be difficult to sustain.

Landscaping

8.16 The submitted plans indicate appropriate landscaping for the proposed development. However, a condition is recommended in order to secure the precise details of the species, planting density, age and height of all new tree and hedge planting in order to ensure that native and appropriate species are used to maximise biodiversity within the site.

Parking and Access

8.17 Although the highway authority has not provided any consultation comments on this proposal, it is known that the speed limit along this length of Ashcombe Lane is 30 mph and the plans submitted by the applicant indicate a good distance of visibility from the proposed new access to the development.

8.18 The new dwelling would benefit from a single garage, two surface car parking spaces, and a turning area. There is also adequate space within the site, or indeed the garage, to provide secure and sheltered cycle storage facilities.

Ecosystems Services

8.19 Policy SD2 of the South Downs Local Plan states that:

I. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:

- a) Sustainably manage land and water environments;
- b) Protect and provide more, better and joined up natural habitats;
- c) Conserve water resources and improve water quality;
- d) Manage and mitigate the risk of flooding;
- e) Improve the National Park's resilience to, and mitigation of, climate change;
- f) Increase the ability to store carbon through new planting or other means;
- g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;

- h) Support the sustainable production and use of food, forestry and raw materials;
- i) Reduce levels of pollution;
- j) Improve opportunities for peoples' health and wellbeing; and
- k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.

2. Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

8.20 The applicant has submitted an Ecoservices Statement, the specific details include:

Solar panels to the roof
Rainwater harvesting
Landscaping
High U values and energy efficient construction

8.21 These details are acceptable, however a condition is recommended in order to secure further enhancements, which may include bird/bat boxes, composting within the site and details of species selection in respect of the proposed landscaping. The development should then meet in full the requirements of policy SD2 as well as policy SD9 "Biodiversity and Geodiversity".

8.22 In terms of energy efficiency and conservation of resources, the application proposes:

High energy efficiency construction with composite windows and doors, high U-values and heat retention to improve the thermal performance of the house.
Using locally sourced materials to reduce embodied energy in the materials, that would be higher if the materials were to be imported from elsewhere.
Rainwater harvesting ground tanks for garden use and toilet flushing, reducing mains water consumption.
Extract heat recovery to reduce heating demand and electricity use.
Solar panels installed to the south-west roof pitch.

8.23 In addition to this a condition is recommended in order to ensure that the dwelling is fitted with an electric vehicle charging point.

Ecology and Biodiversity

8.24 Policy SD9 "Biodiversity and Geodiversity" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals:

- a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- b) Identify and incorporate opportunities for net gains in biodiversity;
- c) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks;

- d) Protect and support recovery of rare, notable and priority species;
- e) Seek to eradicate or control any invasive non-native species present on site;
- f) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of GI and Biodiversity Action Plan targets and enhance Biodiversity Opportunity Areas (BOA); and
- g) Comply with the mitigation hierarchy as set out in national policy.

8.25 Some considerable gain in biodiversity is created from new development proposals and the measures set out in the Ecosystem Service statement are considered sufficient to meet the requirements of policy SD9, as per the paragraphs above.

9 Conclusion

9.1 The proposed development is considered acceptable in principle and demonstrates a high standard of architectural and energy-efficient design that would neither be harmful to visual amenity or neighbour amenity. Accordingly approval is recommended.

10 Reason for Recommendation and Conditions

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 development hereby permitted shall be implemented in accordance with the Ecosystems Services statement submitted, together with the provision of an electric vehicle charging point, and shall be maintained as such thereafter.

Reason: In order to ensure the development mitigates for the increased resources used in its construction and operation, and to mitigate local contributors towards climate change and in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

4. Notwithstanding the Ecosystems Services statement submitted, the precise details of the location and number of items including bird and bat boxes, hedgehog domes, composting and fruit trees, for example, shall be submitted to the local planning authority by way of plans and written statements, for approval, and shall be put in place prior to the first residential occupation of the new dwelling hereby permitted.

Reason: In order to ensure that the development mitigates for the increased resources used in its construction and operation; to mitigate local contributors towards climate change; and to enhance the biodiversity of the site, in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

5. Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include appropriate planting to reinforce as well as boundary details such as fencing, boundary walls, and hedge planting reinforcement. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, 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: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with policies SD4 and SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

6. Prior to the first residential occupation of the new dwelling hereby permitted, an electric vehicle charging point shall be provided either within or on the side of the garage, adjacent to the parking area, and made ready for use by the new residents.

Reason: In order to reduce consumption of resources and mitigate local contributors to climate change in accordance with policy SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

7. The windows proposed at first floor level on the side elevations of the dwelling hereby permitted (secondary bedroom, bathroom, and en-suite windows) shall be obscure glazed and non-opening to a height of at least 1.7m above internal finished floor level, and maintained as such thereafter.

Reason: In order to safeguard the privacy and amenity of neighbouring residents in accordance with policy SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

8. Prior to the first occupation of the dwelling hereby permitted, full details of the proposed rooflights shall be submitted to and approved in writing by the local planning authority, and the details shall include measures or technologies to reduce the impact of light pollution from these rooflights when the sky is dark.

Reason: In the interests of amenity and light pollution mitigation in accordance with policy SD8 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

9. No development shall take place above ground floor slab level until details and samples as appropriate, for the external materials and finishes of the development, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and ensuring an acceptable appearance to the development in accordance with policy SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

10. 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 policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring residents and highway users during construction and in accordance with policies SD5 and SD7 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes B or C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to maintain control over new roof openings and alterations that may otherwise contribute to light pollution and potentially compromise the dark night sky reserve designation of the National Park as well as safeguarding the architectural character and form of the development in accordance with policies SD5, SD8 and SD30 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

13. The development hereby permitted shall not be occupied until the secure and sheltered cycle storage facility indicated on the approved plans has been constructed and made ready for use. The cycle storage facility shall be retained as such thereafter.

Reason: In order to encourage sustainable travel by means other than private car in the interests of reducing congestion, emissions and tackling local contributors to climate change, in accordance with policies SD19 and SD48 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

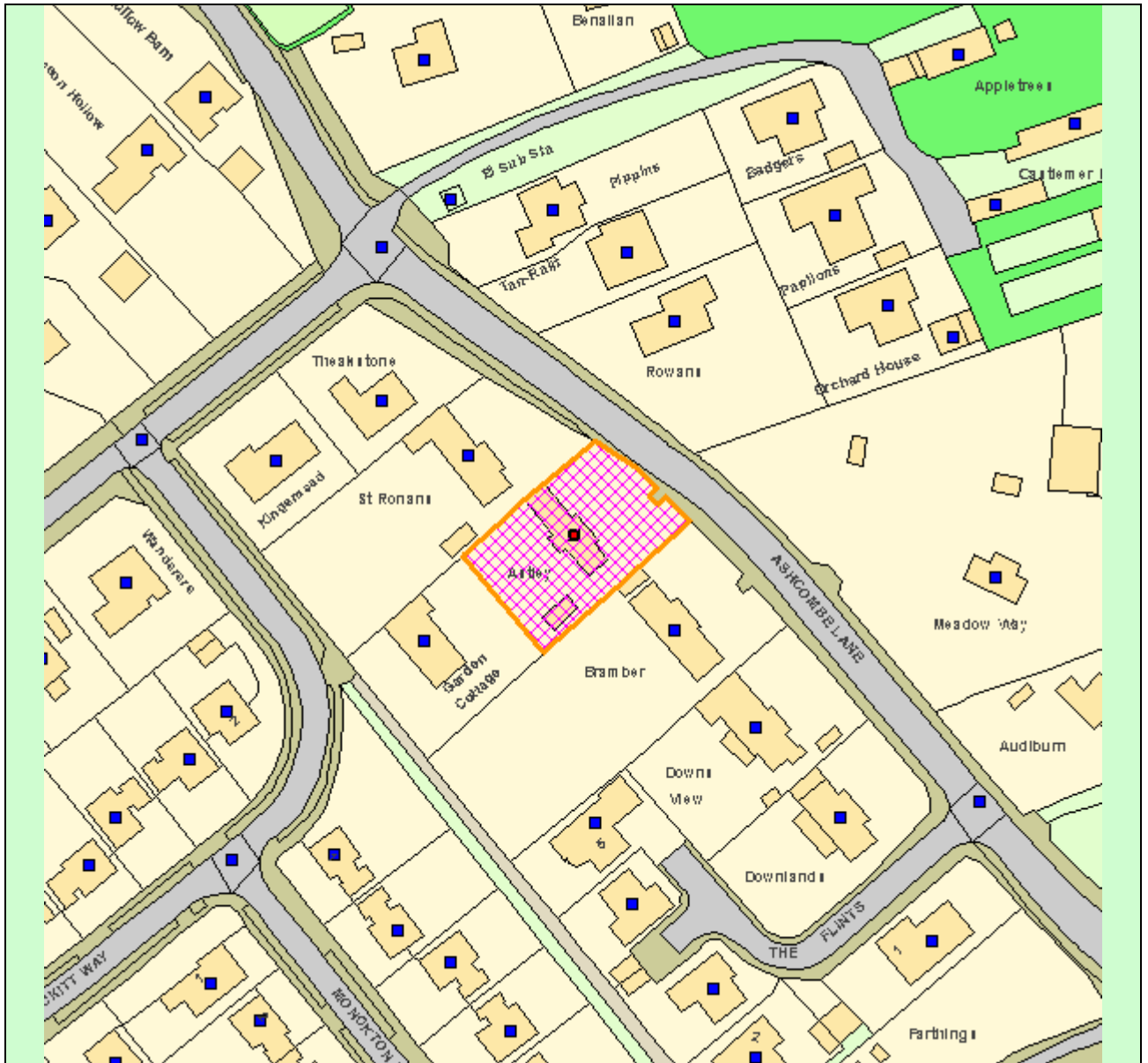
13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Appendices

Appendix 1 – Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

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 -	001	Rev A	24.04.2020	Approved
Plans -	002	Rev A	24.04.2020	Approved
Plans -	003	Rev A	24.04.2020	Approved
Plans -	004	Rev A	24.04.2020	Approved
Plans -	005	Rev A	24.04.2020	Approved
Plans -	006	Rev A	24.04.2020	Approved
Plans -	007	Rev A	24.04.2020	Approved
Plans -	008	Rev A	24.04.2020	Approved
Plans -	009	Rev A	24.04.2020	Approved
Plans -	010	Rev A	24.04.2020	Approved
Plans -	011	Rev A	24.04.2020	Approved
Plans -	012	Rev A	24.04.2020	Approved
Plans -	013	Rev A	24.04.2020	Approved
Plans -	014	Rev A	24.04.2020	Approved
Application Documents -	LANDSCAPE APPRAISAL		10.01.2020	Approved
Application Documents -	ECOSYSTEM SERVICES STATEMENT		10.01.2020	Approved
Application Documents -	PLANNING AND DESIGN STATEMENT		09.01.2020	Approved
Plans - Existing Roof Plan	004		03.12.2019	Submitted
Plans - Existing Site Location, Block and Landscape Plan	001		03.12.2019	Submitted

Plans - Existing Ground Floor Plan	002		03.12.2019	Submitted
Plans - Existing First Floor Plan	003		03.12.2019	Submitted
Plans - Existing Front and Rear Elevations	005		03.12.2019	Submitted
Plans - Existing North West and South East Side Elevations	006		03.12.2019	Submitted
Plans - Existing Section 01 and 02	007		03.12.2019	Submitted
Plans - Proposed Site Location, Block and Landscape Plan	008		03.12.2019	Submitted
Plans - Proposed Ground Floor Plan	009		03.12.2019	Submitted
Plans - Proposed First Floor Plan	010		03.12.2019	Submitted
Plans - Proposed Roof Plan	011		03.12.2019	Submitted
Plans - Proposed Front and Rear Elevations	012		03.12.2019	Submitted
Plans - Proposed North West and South East Side Elevations	013		03.12.2019	Submitted
Plans - Proposed Front Street Elevaton and Cross Section 01	014		03.12.2019	Submitted

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

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