

Planning Applications Committee 21 April 2021



Working in Partnership



Time: 4.00pm

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 (Vice-Chair); Councillors Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Monday, 12 April 2021

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 - 8)

To confirm and sign the minutes of the previous meeting held on 31 March 2021 (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/20/0565 - 3 Chyngton Way, Seaford, BN25 4JA (Pages 9 - 22)

9 LW/20/0633 - Land at High Street, Barcombe, East Sussex (Pages 23 - 52)

10 LW/20/0690 - Land behind 3 and 4 Dymchurch Close, Seaford, BN25 3JX (Pages 53 - 64)

11 LW/20/0849 - 6 Beacon Drive, Seaford, BN25 2JY (Pages 65 - 76)

12 LW/20/0737 - 10 Chene Road, Peacehaven, BN10 8XG (Pages 77 - 82)

13 LW/20/0893 - 78 Saltwood Road, Seaford, East Sussex, BN25 3SS (Pages 83 - 86)

Non-planning application related items

14 Summary of appeals decisions received from 1 October 2020 to 31 March 2021 (Pages 87 - 100)

15 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 9 June 2021 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park:

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

Planning Applications within the South Downs National Park:

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

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

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

Information for the public

Accessibility:

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 the 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 the Committee.

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

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.

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01273 471600.

Council website: <https://www.lewes-eastbourne.gov.uk/>

Modern.gov app available: View upcoming public committee documents on your device. Free modern.gov [iPad app](#) or [Android app](#) or [Microsoft app](#) .



Working in Partnership



Planning Applications Committee

Minutes of the meeting held remotely (via Microsoft Teams) on 31 March 2021 at 4.00pm:

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Vice-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Jim Lord (Substitute), Sylvia Lord, Sean MacLeod (Substitute), Imogen Makepeace, Milly Manley (Minute No 111 to 119) and Laurence O'Connor

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)

Jennifer Norman (Committee Officer, Democratic Services)

Leigh Palmer (Head of Planning)

Joanne Stone (Solicitor, Planning)

111 Introductions

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

112 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Christoph von Kurthy and Nicola Papanicolaou. Councillor Sean MacLeod declared that he was acting as substitute for Councillor von Kurthy for the duration of the remote meeting. Councillor Jim Lord declared that he was acting as substitute for Councillor Papanicolaou for the duration of the remote meeting.

113 Declarations of interest

There were none.

114 Minutes

The minutes of the meeting held on 10 March 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

115 Petitions

There were none.

116 Written questions from councillors

There were none.

117 LW/20/0795 - Land rear of Westbourne, Lewes Road, Ringmer, East Sussex, BN8 5ES

Written representation against the proposal were read aloud by the Head of Planning on behalf of Christopher Bowers (Neighbour), Martin Weld (Near Neighbour) and Jennifer Barret (Near Neighbour). Written representations for the proposal were read aloud by the Committee Officer on behalf of Sam Sykes (Agent) and Paul Templeton (Applicant). A written representation was read aloud by the Committee Officer on behalf of Councillor Johnny Denis in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/20/0795 for the erection of six semi-detached single storey residential dwellings be approved, subject to the conditions set out in the report, an additional condition restricting working hours and amending condition 12 to include specific biodiversity enhancements.

118 LW/20/0565 - 3 Chyngton Way, Seaford, BN25 4JA

A written representation received from Geoff Johnson on behalf of Seaford Town Council was read aloud by the Committee Officer. Written representations against the proposal were read aloud by the Head of Planning on behalf of Jackie and Bill Frost (Neighbours), Alan and Annie Green (Near Neighbours) and Reverend Paul McMichael (Near Neighbour). A statement written by Councillor Sam Adeniji on behalf of Councillor Julian Peterson in his capacity as the Lewes District Ward Councillor was read aloud by the Committee Officer.

Resolved:

That planning application LW/20/0565 for demolition of existing property and erection of 2 x 4-bedroom detached houses be approved, subject to the conditions set out in the report, supplementary report and the following additional conditions:

- 1) That the hours of work be restricted;
- 2) That there is no front boundary fencing; and
- 3) That a bat survey take place.

119 LW/20/0895 - 37 Capel Avenue, Peacehaven, East Sussex, BN10 8HB

A written representation received from Councillor Isobel Sharkey (Chair of the Peacehaven Town Council Planning Committee) was read aloud by the Committee Officer on behalf of Peacehaven Town Council. A written

representation against the proposal was read aloud by the Head of Planning on behalf of Dean Fitzpatrick (Immediate Neighbour). A written representation for the proposal was read aloud by the Committee Officer on behalf of Chris Baker (Agent).

Resolved:

That planning application LW/20/0895 for demolition of existing bungalow, erection of 2 no. 3x bedroom semi-detached houses be *deferred*, in order to obtain evidence from the immediate neighbour in relation to medical issues and the potential impact of the proposed development on the welfare and wellbeing of one of the occupants of the neighbouring dwelling, and that the immediate neighbour be given until 30 April 2021 to provide the information requested by the Committee.

(Note: Councillor Manley gave her apologies and left the meeting at the end of this agenda item.)

120 LW/20/0770 - 2 Lucinda Way, Seaford, BN25 3JD

Resolved:

That planning application LW/20/0700 for loft conversion to include raising the ridge height, installation of 3 dormers in the west facing elevation, 2 roof lights to the east facing elevation and a south facing Juliet balcony be approved, subject to the conditions set out in the report.

121 Exclusion of the public and press

Resolved:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting during the discussion of item 13 on the agenda as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

122 Dangerous structure

The Committee considered the Officer's report which detailed a proposed course of action to be taken by the Council in relation to a dangerous structure within Lewes District.

Resolved:

- 1) That the Director of Planning and Regeneration be authorised to take the necessary and legal steps to obtain a Court Order with a view that the Council take direct action in relation to the demolition of the property; and

- 2) That the monies from the Council's central reserves be used to cover the demolition costs.

123 Date of next meeting

Resolved:

That it be noted that the next meeting of the Planning Applications Committee is scheduled to commence at 4:00pm on Wednesday, 21 April 2021, 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.

The meeting ended at 7.40pm.

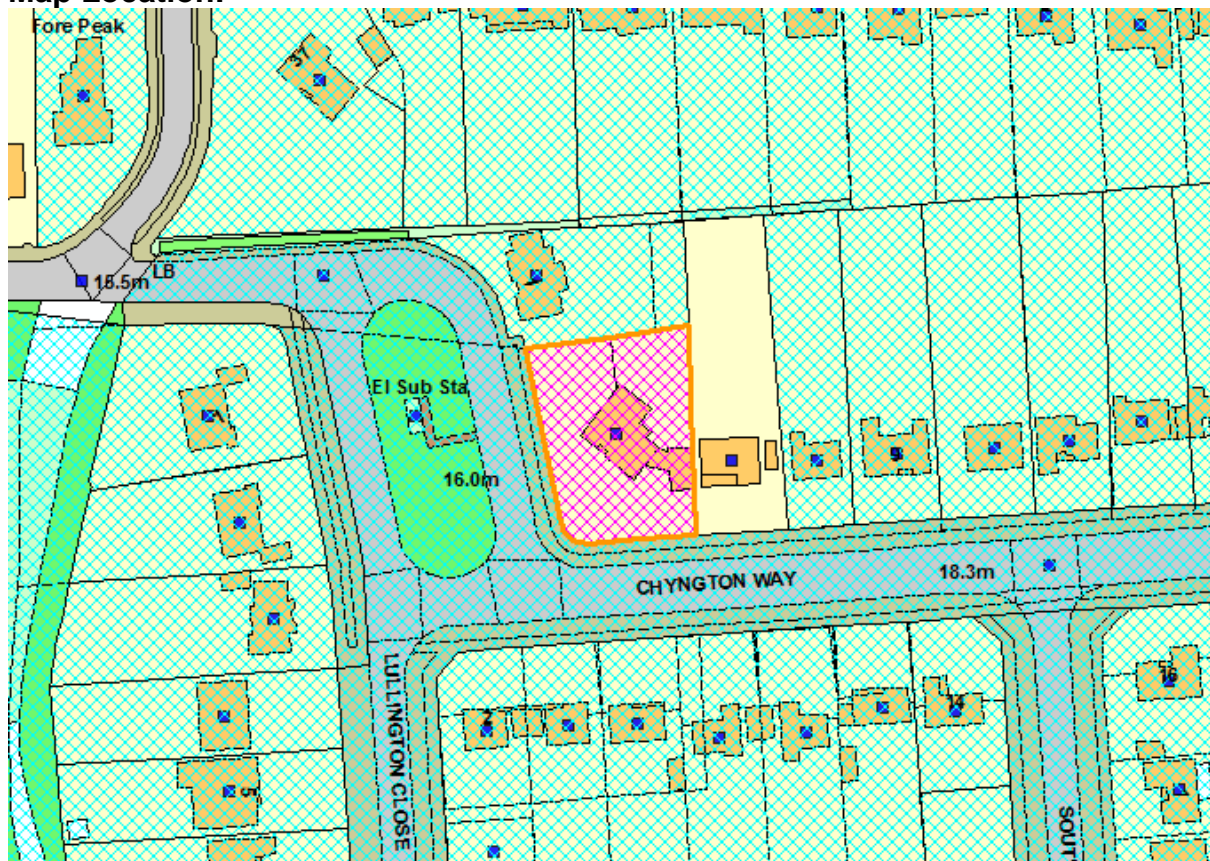
Councillor Sharon Davy (Chair)

Agenda Item 8

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0565
Location: 3 Chyngton Way, Seaford, BN25 4JA
Proposal: Demolition of existing property and erection of 2 x 4-bedroom detached houses.
Applicant: Mr C Bryans
Ward: Seaford East
Recommendation: Grant planning permission subject to conditions.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Background and purpose of report**

- 1.1 This application was previously considered at the 31st March committee when the committee resolved to grant planning permission in accordance with the officer's recommendation subject to additional conditions being added. The vote was carried, with 5 members in favour, 2 against and 2 abstentions.
- 1.2 However, after the meeting was closed, and before the decision notice was issued, members of the planning committee received from the owner of the neighbouring property (number 5), a copy of a letter from a Rights of Light Surveyor concerning the impact of the development on his property. A copy of the letter was subsequently forwarded to officers. Regrettably, although this letter was received by Lewes District Council on 29 March 2021, it was not seen by the case officer, nor the presenting officer until after the committee meeting and as such it was not considered in the supplementary report nor referred to at the meeting by officers.
- 1.3 As the letter raises planning considerations about daylight and sunlight to all five windows in the side (west facing) wall of number 5 in relation to the proposed development, officers are of the view that in the interest of natural justice, this aspect of the application should be re-examined in the light of the letter. The Decision Notice has not been issued and Members are being given the opportunity to consider this new information and to decide whether the issues raised in the letter might have changed their decision. Officers have carefully reviewed the submitted information and remain of the view that there is no planning justification to refuse the application on the grounds of loss of light to the neighbouring property at number 5.
- 1.4 It should be noted that the officer's original report at para 8.3.1 did mention potential impact to the two first floor windows in the side wall:
"There are two windows in the side elevation of number 5 at first floor level; these are understood to be secondary bedroom windows. Some overshadowing may result, but not to the extent that would support a reason for refusal on this ground alone."
- 1.5 This report has been prepared using additional information about the internal layout of number 5 taken from online estate agents details (which have been confirmed by the owner as being accurate) external and internal photos supplied by the applicant, the neighbour and the Rights of Light surveyor. The applicant has also provided a drawing showing additional information based on the Building Research Establishment guidelines which are referred to below. All of this information will be shown to the Committee.
- 1.6 The report that was considered by the Committee on 31st March is attached as appendix 1.

2. **Day and sunlight to side facing windows only – additional considerations**

- 2.1 To reiterate, there are five windows in the side wall of number 5, three at ground floor level and two at first floor level. One of the ground floor windows

can be discounted from consideration as it serves the open porch (labelled 'loggia' on the estate agent plans). The other two are secondary windows to the living room. As can be seen from the internal photographs, the current outlook from these windows is directly onto the side wall and roof of the garage to the existing property at number 3. The main outlook to the rear garden and source of daylight and sunlight to the living room is from glazed doors and windows in the rear wall.

- 2.2 At first floor level, the front and rear facing bedrooms (labelled as bedrooms 2 and 3 on the house plans) have front and rear facing dormer windows as the main source of daylight and sunlight. The two side facing windows (one in each room) overlook the roof of number 3. The main outlook from, and source of light to these bedrooms is from the front and rear facing dormer windows.
- 2.3 The letter from the Rights of Light surveyor refers to the Building Research Establishment (BRE) publication "Site Layout Planning for Daylight and Sunlight – a guide to good practice" by Paul Little fair – second edition 2011. This publication is widely used by developers, architects, surveyors and planners to consider the impact of new development on surrounding existing properties with regard to daylight and sunlight.
- 2.4 The BRE Guidelines do suggest that for main living rooms that have an additional window that faces within 90 degrees of due south, then the impact on the secondary window should be assessed. With regard to the living room, the first thing to consider is the current level of sunlight and daylight that is already received via the two side windows. Using the basic indicator from the BRE guidelines, whereby a line is drawn at an angle of 25 degrees from the centre of the affected window, daylight and sunlight to that window would be reduced if that line hits an obstruction. In this case, a 25 degree line drawn from these windows hits the roof of number 3, at distance of 3m from the face of the window.
- 2.5 The same 25 degree line drawn from those windows would over sail the roof of the proposed garage and hit the side wall of the new house at a distance of 5m. Whilst the main roof of the dwelling does break the 25 degree line, the roof pitches away. Therefore, whilst it is accepted that there would be some impact on these ground floor windows when the sun is setting, it has to be factored in that these are not the main windows to the room and are narrow slot windows. It is considered that the impact on these windows from the proposed development is not considered to reduce daylight or sunlight to a level that would detrimentally impact on the amenity or light being received within the room to a level that would justify refusal of permission.
- 2.6 Turning to the secondary windows to bedrooms 2 and 3, using the aforementioned 25 degree line guidance, neither window would be affected by the proposed new house.

3. **Conclusion**

- 3.1 To conclude, using additional information provided by the applicant, the neighbour and the Rights of Light surveyor concerning daylight and sunlight to

secondary windows in the side (west facing) wall of number 5, it has been demonstrated that the situation would be slightly impacted in respect of the two windows to the ground floor and would have a neutral effect on the secondary side windows to bedrooms on the first floor.

- 3.2 The recommendation remains to grant planning permission subject to conditions, including the three additional conditions (relating to hours of work, ecology survey for bats and no boundary treatment to the front gardens) suggested at the 31st March committee.

APPENDIX 1 – report to the 31 March committee

1. Executive Summary

- 1.1 The scheme is well designed and will fit in with the existing land pattern and street scene. It meets all relevant planning policies.

- 1.2 Approval is recommended, subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

2:- Achieving sustainable development

5:-Delivering a sufficient supply of homes

11:-Making effective use of land

12:-Achieving well designed places

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing [Indent 1 style]

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM27 – Landscape Design

LDLP:- DM34 - Areas of Established Character

2.3 Seaford Neighbourhood Plan

SNP:- SEA2 – Design

SNP:- SEA5 – Areas of Established Character

SNP:- SEA17 – Brownfield Development

3. Site Description

- 3.1 The site is within the Seaford Planning Boundary and located on the north side of Chyngton Way, on the corner as the road turns to the north to meet

Chyngton Road. It is rectangular in shape and covers 0.1054ha. On site at present is a large bungalow with integral garage, dating from the late 1950s, set at an angle to the adjoining houses and faces the south west corner of the site. The current residential density of the site is 9dph.

- 3.2 There is a close boarded timber fence on brick wall running 17m along the western boundary of the site. There is an existing dropped kerb and access off Chyngton Way.
- 3.3 The site falls within the Chyngton Way Area of Special Character. The property is not listed, nor is it noted as a building of local interest.
- 3.4 The north side of Chyngton Way is characterised by large detached two storey houses in generous plots with mainly open frontages, although some properties have low walls, fences or planting to define the front boundary. Plot widths are generally consistent, between 15 and 17m, and building lines are strongly defined at the front and rear. Rear gardens vary from 30 to 40m in depth. The house types are varied and no one architectural style is dominant; some have pitched roofs, others have hipped and pitched roofs or feature gables to the front elevation. Materials are a mix of red and yellow brickwork with red plain tiled roofs, some houses have hanging tiles to the first floor. Almost all have off-street parking and garages, with dropped kerbs. The south side of the road is dominated by bungalows, again detached but with a more consistent typology. All frontages are open.
- 3.5 The key feature of Chyngton Way is its open character, with grass verges between the road and the footpath, punctuated by mature trees at regular intervals.

4. **Proposed Development**

- 4.1 Planning permission is sought for the demolition of the existing bungalow and redevelopment of the site to provide 2 x 2 storey 4-bedroom detached houses.
- 4.2 Each house has at ground floor a living room, kitchen diner opening onto a patio and rear garden, study, utility room and 2 W.C.s. Plot 1 also has an integral garage. At first floor, each house has one double bedroom with en-suite bathroom, three single bedrooms and a separate bathroom. Each house has two parking spaces to the front. The existing access will be adapted and utilised for plot 1 and a new access created along the western boundary for plot 2.
- 4.3 House 1, at 153m² and house 2 at 140m², exceed the Nationally Described Space Standard. All bedroom sizes are compliant with the Standard.
- 4.4 The design of the houses is traditional, taking design cues from the houses in the rest of the street, plain tiles to the pitched roofs, brickwork to the walls and hanging tiles to the first-floor front elevation.
- 4.5 Both houses have single storey elements to the side, with single pitched roofs over.
- 4.6 This proposal is an amendment to the previously withdrawn application ref. LW/20/0071. The key changes are: reduction in depth of footprints so that

rear building line is retained; bulk reduced by introduction of single storey elements to the side of each house; increase in distance between the two new houses.

5. **Relevant Planning History**

- 5.1 This proposal is an amendment to the previously withdrawn application ref. LW/20/0071. The key changes are: reduction in depth of footprints so that rear building line is retained; bulk reduced by introduction of single storey elements to the side of each house; increase in distance between the two new houses.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 No response.

6.2 ESCC Highways

6.2.1 Although the new access leads onto the roundabout, visibility splays extends to the bend. Considering the alignment of the road it is likely that speeds will be lower than 30mph restriction as such I don't have any significant concerns. Turning has been indicated which will ensure that vehicles will be able to enter and leave in a forward gear; this will also prevent unnecessary manoeuvres on the highway.

6.2.2 Turning should be conditioned for the new access. The position of the highway tree does not appear to be shown correctly, although it is unlikely to have a significant impact on the visibility splays it should be shown correctly to ensure splays can be conditioned.

6.2.3 The existing access does not benefit from turning; given the proximity to the junction, the access and parking area should be increased in width to ensure that both vehicles can enter and leave independently.

6.2.4 The visibility splays should be maximised within the frontage with a condition included for these to be maintained below 600mm given the proximity to the junction and footway along the boundary.

6.2.5 Both accesses will need to a licence for the construction.

6.3 County Archaeologist

6.3.1 Although this application is situated within an Archaeological Notification Area, based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no archaeological recommendations to make in this instance.

6.4 Southern Water

6.4.1 Please see the attached extract from Southern Water records showing the approximate position of our existing sewer in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water.

- 6.4.2 The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- 6.4.3 No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- 6.4.4 All existing infrastructure should be protected during the course of construction works. Please refer to:
[southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf](https://www.southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf)
- 6.4.5 We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" ([southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf](https://www.southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water.

6.5 Seaford Town Council

- 6.5.1 It was noted that this application was an amended version of the scheme proposed under LW/20/0071. The Committee had objected to the earlier application at the meeting on 12th March 2020 and the application had later been withdrawn prior to determination.
- 6.5.2 The amendments had been given careful consideration by the Committee but it was considered that the previous strong objections still applied:-
- Notwithstanding the alignment of the rear building line with the adjacent properties in Chyngton Way and the modification of the design to reduce the bulk of the dwellings at first floor level the provision of two dwellings on the site of the existing bungalow was still considered to be over-development.
 - The plot sizes were significantly below the standard plot sizes of adjacent and nearby properties in Chyngton Way. This would lead to a cramped development compared to the rest of Chyngton Way which is within an area designated in the Lewes Local Plan Part 2 and the Seaford Neighbourhood Plan as an Area of Established Character. The area is characterised by detached dwellings on large plots with spacious front and rear gardens. The two proposed dwellings taking up a prominent corner plot currently accommodating a single house.
 - The dwellings would detract from this special open character of the area and therefore be contrary to policies SEA5 of the Seaford Neighbourhood Plan and DM34 of the Lewes Local Plan Part 2.

6.5.3 The proposed access to the island roundabout at the junction of Chyngton Way and Chyngton Road was still considered to be a potential hazard to traffic due to limited visibility notwithstanding the amendment to provide a turning area within the site. It was therefore RESOLVED to OBJECT to the application on these grounds. It was also REQUESTED that should the officers be minded approve the application it should be referred up to the Council's Planning Applications Committee for determination due to the importance of the application and the high level of objections from residents in the area.

7. Neighbour Representations

7.1 A total of 35 representations have been received, 31 objecting and 4 in support.

7.2 The objections were on the following grounds:

Two houses on one plot out of character

Overbearing

Over development, cramped on the site

Materials not in keeping

Plot too small

Out of proportion

Not in keeping with building line

Existing house contributes to open character of Chyngton Way, is considered to be a Seaford landmark

Road is a route to a tourist beauty spot

Existing house set at an angle contributes to open character of the area

Adverse impact on Area of Established Character

Would set a precedent

Overlooking and loss of privacy to nearby properties

Loss of daylight

Loss of open space

Two houses would increase noise disturbance

Access dangerous on bend

Road safety hazard for walkers and cyclists

Already a possible accident area

Adverse impact on sightlines

Applicant parks his vehicles on the dangerous bend

Not enough parking or space for deliveries

Current application is little different from previous withdrawn one

Contrary to local and neighbourhood plan policies

Concern that revised plans are not correct and do not address objections

7.3 The following comments were made in support of the application:

- Current property does not make good use of the site
- Plot is big enough for 2 houses and would give an opportunity for new families to move into the area
- Proposal for 2 purpose-built houses would be preferable to extension or adaptation of existing bungalow.

7.4 Cllr Adeniji: I have been approached by residents concerned with the above planning application. I have been to visit the site and do share many of their concerns. I am therefore writing to ask that if you are minded to approve this application, the application should be “called-in” to the Planning Applications Committee” on the following grounds.

- Loss of light or overshadowing (loss of light to the extent that an adjoining property may not get enough daylight to see by)
- Overlooking/loss of privacy in the bedroom and living area of a bordering property
- Visual amenity
- Layout and density of building as the two dominant two storey houses replace the existing single bungalow with its open aspect.
- The proposed development would have an irreversible and detrimental environmental.

8. Appraisal

8.1 Principle

8.1.1 As the site falls within the planning boundary, the principle of development is acceptable in terms of policy DM1, subject to other relevant planning considerations. Policy SEA18 supports development on brownfield sites subject to respecting local character, residential amenity and highway safety.

8.1.2 Policy CP2 requires developments to provide a range of dwelling types and sizes to meet identified local need, including smaller units. However, account will also need to be given to the existing character and housing mix of the vicinity of the site. The prevailing house type in the area is of large, detached properties with 4/5 bedrooms, set in generous plots; the proposed houses are consistent with this and as such is compatible with policy CP2.

8.2 Design

8.2.1 The Chyngton Way Area of Established Character is described in the Seaford Neighbourhood Plan is described as:

‘..an extension of Chyngton Road to the east linking through to Chyngton Lane Conservation Area and the track to South Hill Barn. The area reflects a much later stage of development than Chyngton Road and Cuckmere Road with a much higher density of

development, smaller houses on the north side and bungalows on the south, comprehensively laid out with a definite building line in an open plan estate. Nevertheless, the area has a spacious character by virtue of a tree-lined wide grass verges between the highway and the pavements and “open plan” front gardens. The spacious character is accentuated by the proximity of open downland to the south’

- 8.2.2 The houses have been designed to reflect the key characteristics of the properties in the street, using a similar materials palette and follow the predominant front and rear building lines. The plot widths – at 13m – are comparable with others in the street. The depth of the plots (varying from 14 to 21m) is shorter than most others on this side of the street. However, this is not evident from the public realm and is not noted in the Seaford Neighbourhood Plan as a specific characteristic of the Chyngton Way Area of Established Character. Crucially, the openness of the street will not be compromised by the proposed development.
- 8.2.3 It is considered that the design aspects of policies and CP11, DM25, DM34, SEA2 and SEA5 have been fully complied with and that the Chyngton Way Area of Established Character will be maintained.

8.3 Amenity

- 8.3.1 The houses have been designed to avoid any direct overlooking to existing properties. There are two windows in the side elevation of number 5 at first floor level; these are understood to be secondary bedroom windows. Some overshadowing may result, but not to the extent that would support a reason for refusal on this ground alone.
- 8.3.2 The new houses meet the Nationally Described Space Standard in term of overall floor space and bedroom sizes.

8.4 Transport and parking

- 8.4.1 The ESCC parking calculator indicates that the need for 4.6 parking spaces would be generated by the proposal. Plot 1 has a garage and space for cars to be parked off street, plot 2 has 2 off-street spaces, thus meeting the required level of parking.
- 8.4.2 ESCC has raised no in principle objection to the proposed access points. The applicant has amended the site plan in response to the requested changes to the parking and access layout.
- 8.4.3 Cycle storage details will be required by condition.
- 8.4.4 The relevant aspects of policy CP13 have been met.

8.5 Sustainability

- 8.5.1 Conditions will be attached seeking submission of sustainability measures and electric car charge points in compliance with policies SP13 and SP14.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 The proposed development meets all relevant national and local policies and approval is recommended subject to conditions.

10.2 Conditions

1. No development shall take place until details/samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

2. No development shall commence, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routeing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;
 - details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway; and other works required to mitigate the impact of construction upon the public

highway (including the provision of temporary Traffic Regulation Orders);

- details of public engagement both prior to and during construction works;
- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- temporary lighting for construction and security;
- public engagement both prior to and during construction works;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.

3. No development above ground floor slab level of any part of the development hereby permitted 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 occupation of the new house, 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.

4. No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

5. No part of the development shall be occupied/brought into use until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

6. No part of the development shall be occupied/brought into use until details of the facilities for the storage and removal of refuse from the premises have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	26 August 2020	Design & Access Statement
Planning Statement/Brief	26 August 2020	Planning Statement
Justification / Heritage Statement	14 October 2020	Heritage Statement
Justification / Heritage Statement	14 October 2020	Heritage Statement Appendix
Location Plan	26 August 2020	Location Plan
Proposed Layout Plan	22 February 2021	CB/CW/05 Site Plan
Proposed Floor Plan(s)	22 February 2021	CW/CB/02 House 1
Proposed Elevation(s)	22 February 2021	CW/CB/02 House 1
Proposed Floor Plan(s)	22 February 2021	CW/FB/04 House 2
Proposed Elevation(s)	22 February 2021	CW/FB/04 House 2
Street Scene	26 August 2020	Street Scene and materials

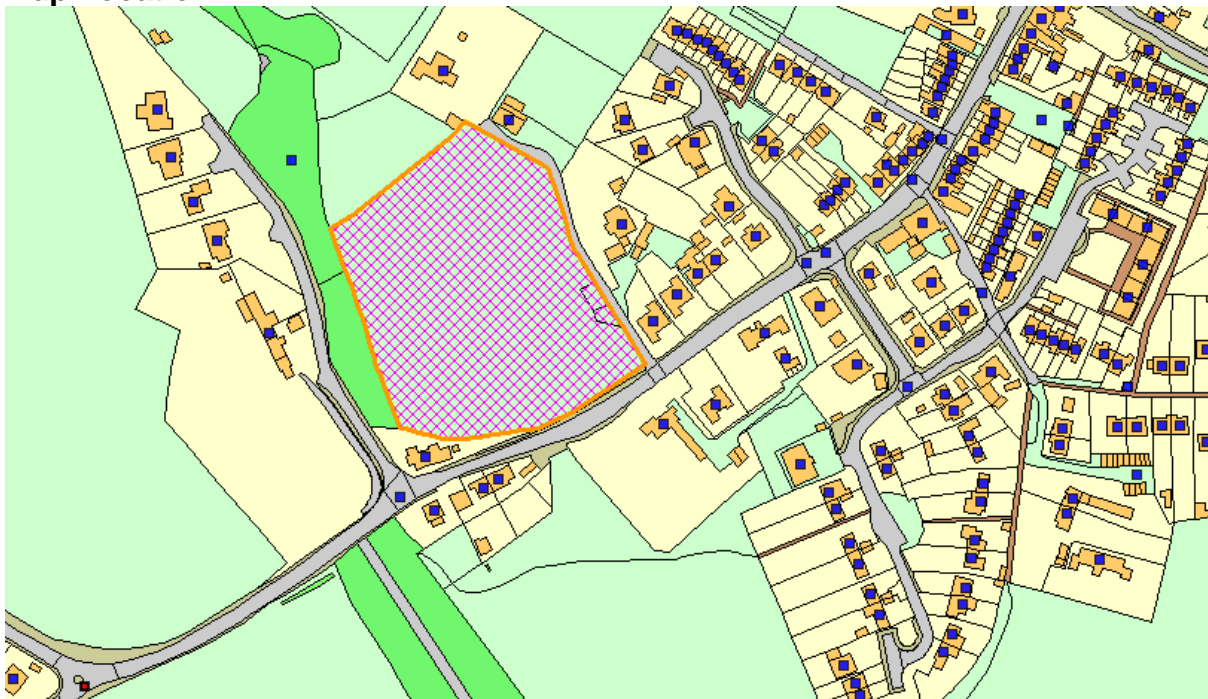
Reason: For the avoidance of doubt and in the interests of proper planning.

11. **Background Papers**

11.1 None.

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0633
Location: Land North of High Street, Barcombe, East Sussex
Proposal: Outline permission for the erection of up to 26 dwellings together with associated development and site access with all other matters reserved.
Ward: Chailey, Barcombe & Hamsey
Applicant: Rydon Homes Ltd
Recommendation: Approve subject to conditions and s106 agreement to secure affordable housing.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. Executive Summary

- 1.1 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of introducing new habitat as part of the site landscaping scheme and reducing pressure to develop surrounding greenfield sites. It would provide social gains by facilitating a net gain of 26 residential units (including 10 affordable housing units) that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for nearby shops and services.

- 1.2 The applicant has submitted indicative layout, design, scale and landscaping details that demonstrate the site is capable of accommodating the development. Consultee responses from relevant stakeholders provide assurances that the development could be carried out without harm to the landscape, ecology, highway safety, flood risk or the historic environment.
- 1.3 It is therefore recommended that the application is approved subject to relevant conditions and a section 106 agreement securing policy compliant affordable housing provision.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2019

2. Achieving sustainable development
4. Decision making
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
14. Conserving and enhancing the historic environment

2.2 Lewes District Local Plan (Parts 1 and 2)

- LDLP1: – CP2 – Housing Type, Mix and Density;
- LDLP1: – CP10 – Natural Environment and Landscape;
- LDLP1: – CP11 – Built and Historic Environment & Design
- LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP1: – CP13 – Sustainable Travel
- LDLP1: – CP14 – Renewable and Low Carbon Energy
- LDLP2: – BA02 – Land Adjacent to the High Street
- LDLP2: – DM1 – Planning Boundary
- LDLP2: – DM14 – Multi-functional Green Infrastructure
- LDLP2: – DM15 – Provision for Outdoor Playing Space
- LDLP2: – DM16 – Children’s Play Space in New Housing Development
- LDLP2: – DM20 – Pollution Management
- LDLP2: – DM22 – Water Resources and Water Quality
- LDLP2: – DM23 – Noise
- LDLP2: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP2: – DM25 – Design
- LDLP2: – DM27 – Landscape Design

3. **Site Description**

- 3.1 The site comprises a single enclosed field that has most recently been in use as a paddock. It is positioned on the western edge of Barcombe Cross, falling within the planning boundary. The site topography includes a gentle rise of approx. 5.5 metres from west to east. The field is open in nature with any significant trees and hedgerow distributed around site boundaries only.
- 3.2 The south-eastern boundary of the field flanks Barcombe High Street and is marked by a mature hedgerow and tree line that occupies a raised bank running parallel to the highway. The hedge is trimmed to approx. 2-3 metres in most places. The south-western boundary is bordered by a belt of trees on the eastern side of Bridgelands, a private road which provides access to a group of detached dwellings built on the former site of Barcombe Cross train station. The north-eastern boundary is flanked by a private access track serving a dwellings at Vine Slead and Hillside as well as a group of derelict buildings that formerly accommodated Hillside Nurseries. This track is also currently used as vehicular access to the site itself. There is a line of mature leylandii trees marking the north-western boundary of the site immediately behind which is a lawn belonging to the residential dwelling 'Hillside'. The south-western corner of the site is recessed from the High Street, with the wedge shaped plot at Willow Cottage forming a buffer.
- 3.3 The village of Barcombe Cross extends to the north-east and south-east of the site. The historic core of the village is designated as a Conservation Area and incorporates a number of Listed Buildings, the closest of which to the site is The Olde Forge House, a Grade II Listed dwelling occupying a converted 17th Century building that originally housed the village forge. This building is approx. 40 metres to the east of the site. The historic part of the village clusters around the High Street and comprises buildings of mixed design, scale and provenance. Flint walling, red brick and tile hanging are common materials and steeply sloped gable roofing is frequently seen. Buildings are generally arranged in terraces or groups of detached and semi-detached buildings that are positioned closely together. A number of former shop buildings have been converted to residential use over time. The overall character is of an intimate village setting with buildings positioned close to the road and small landscaped areas maintained to frontages in many places.
- 3.4 Tertiary roads branch off from the High Street, particularly to the north and south-east and these provide access to more modern, relatively high density residential development. There are also a number of twittens and footpath that provide access to buildings set back from the High Street as well as connections with the wider public footpath network which criss-crosses the fields surrounding the village and connects with the Ouse Valley Way and South Downs National Park to the east and south.

- 3.5 The centre of the village, where there is a public house and a village shop is approx. 150 metres to the north-east of the site. Barcombe Primary School is approx. 375 metres walking distance from the site as is the adjacent recreation ground. The village as a whole is tightly nucleated with minimal sprawl into the fields and woodland surrounding it. The rural character of the village is enhanced by this surrounding countryside and the buffer it provides between the nearest neighbouring significant settlements, these being Isfield (approx. 3.5 km to the north-east), South Chailey (approx. 3.5 km to the north-west), Lewes (approx. 3.5 km to the south) and Ringmer (approx. 3.5 km to the south-east).
- 3.6 The site is allocated within Lewes District Local Plan Part 2 for residential development of approx. 25 new dwellings under policy BA02. Neighbouring land to the north-east at Hillside Nurseries and to the north-west at Bridgelands is also allocated for residential development but as distinct sites. The site lies on the edge of the Conservation Area. The south-eastern corner of the site falls within an Archaeological Notification Area. There are no other specific planning designations or constraints attached to the site

4. Proposed Development

- 4.1 The application seeks outline permission for the erection of up to 26 new dwellings on the site. All matters are reserved other than site access details. A new access would function as the main access to the site and would be provided by way of a new crossover formed on the south-eastern boundary and taken from the High Street.
- 4.2 The proposed access would cut through the existing hedgerow and bund on the south-eastern boundary. The access road would be 5.5 metres in width, with an 8 metre radius maintained at the junction with the High Street. 2 metre wide raised kerb footways on either side of the access road and these would connect with the existing footway running along the northern side of the High Street. Sections of the existing hedgerow and tree line either side of the proposed access would be trimmed back in order to provide visibility splays of 2.4m x 70m to the east and 2.4m x 54m to the west.
- 4.3 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.4 The application is accompanied by an Affordable Housing Statement that confirm that 10 dwellings (38.5% of the overall development) would be provided as affordable housing with a commuted sum equivalent to 0.4 of a dwelling paid in order to satisfy LLP1 requirements for 40% Affordable Housing. An indicative mix of dwellings is also set out as follows. 2 dwellings (8%) would be 1 bed properties, 10 dwellings

(38%) would be 2 bed properties, 9 dwellings (35%) would be 3 bed properties and 5 dwellings (19%) would be 4 bed properties.

5. **Relevant Planning History**

- 5.1 **E/53/0430** - Outline Application for permission to carry out residential development – Refused 21st December 1953
- 5.2 **E/68/0382** - Outline Application for erection of dwellings – Refused 27th May 1968
- 5.3 **E/72/1935** - Outline Application for erection of fifty five dwellings with garages – Refused 1st January 1973
- 5.4 **E/73/1025** - Outline Application for fifty two dwellings with garages at Barcombe Railway Station and part O.P. 8373 – Refused 22nd October 1973
- 5.5 **LW/86/0823** - Outline Application for eleven detached dwellings with new cul-de-sac – Refused 10th July 1986

6. **Consultations**

6.1 Consultations:

ESCC Archaeology

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

Specialist Advisor – Conservation

No objection is raised at this stage. The design of the houses will be of the utmost important to determine the appropriateness of the new dwellings within the setting of the Barcombe Conservation Area. They should reflect the existing style prevalent within the village while not appearing pastiche.

ESCC Ecology

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Lead Local Flood Authority

INITIAL RESPONSE:

The applicant has submitted a Flood Risk Assessment report which includes details of the proposed surface water drainage system for the site. It is proposed to attenuate surface water within an attenuation basin prior to

being discharged at a controlled rate (equivalent to the mean greenfield runoff rate for the developable area) into a nearby watercourse. This is acceptable to us in principle, however, the LLFA would need to see further evidence to demonstrate the feasibility to connect into this watercourse.

Based on the information provided, it is unclear whether the applicant would have to cross third-party land in order to secure an outfall. If this was the case, the applicant should submit evidence that the owners of the third party land authorise the passage of any drainage asset as well as the construction of an outfall within their land.

The applicant should also demonstrate an understanding of the bed levels of the watercourse at the location of the proposed outfall in order to ensure that a gravity connection is feasible.

FINAL COMMENTS:

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

ESCC Highways

INITIAL RESPONSE:

A Transport Statement has been submitted in support of the application; however, there is insufficient information provided in order to fully assess visibility splays and gradients required. On this basis I object to the proposed development.

FINAL COMMENTS:

This outline application seeks approval for erection of up to 26 dwellings with all matters reserved except access. The site forms part of the development allocation (Policy BA02) in the Lewes Site Allocation and Development Management Policies Local Plan which was allocated for 25 net dwellings.

A Transport Statement has been submitted in support of the application. Following my initial comments dated the 7th October further information has been received which allays my concerns. On this basis I recommend conditions.

Planning Policy

The application is for a site allocated in policy BA02 in LPP2. Policy BA02 allocates the site for a residential development for approximately 25 dwellings, subject to compliance with the appropriate Development Plan Policies and criteria within the policy. The proposed development of 26 dwellings is in line with this number and the requirements for access, height and character of the buildings, and all required assessments are provided. However, the Flood Risk and Drainage Strategy does not inform on capacity of the local sewer network to which the development will be connected. Policy BA02 requires that occupation of the development needs to be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider. There is a lack of information on this issue.

OFFICER COMMENTS: Upgrading of the sewerage network would be carried out by southern water on phasing programme to be agreed between them and the developer. This is explained in section 8.7 of this report.

Barcombe Parish Council

During the meeting the Chair of the Planning Committee consolidated the concerns raised in the letters and emails (eleven) received by the Parish Council. A copy of this summary will be sent to Lewes District Council. The Parish Council has also recommended that individuals write to Lewes District Council with their concerns. In summary the issues raised are:

Flooding of the road and neighbourhood properties caused by an increase in hard surfaces/removal of vegetation.

- Provision of safe access to and from the site.
- Impact on biodiversity of the area, including loss of a historic hedge.
- Impact on the 'Hilltop' nature of Barcombe Cross Village.
- Proposed introduction of lighting to what is, and should remain, a 'dark' village.

The Parish Council recognise that there is a need for low cost starter homes and properties suitable for downsizing in the village but to reflect the numerous concerns raised about this development the Parish Council is negative towards this application.

The councillors suggest that if the application is granted the funds allocated to equipped play space on land North of High Street could be added to a Parish Council fund to allow a more extensively equipped playground in the existing recreation ground.

7. Neighbour Representations

7.1 A total of 51 letters of objection have been received from members of the public. A summary of material planning matters raised is provided below:-

Highway Impact:

- Access and exit is dangerous due to poor site lines and topography;
- Construction traffic will cause obstruction and hazards;
- Not enough parking provided;
- Pavement on High Street is narrow and difficult for pedestrians to navigate;
- Will result in another access that pedestrians will need to cross;
- Access would also need to have the capacity to serve the potential development and Hillside Nursery;
- There would be a significant increase in traffic;
- Flooding on the highway would cut the village off;

OFFICER COMMENT: It is noted that ESCC Highways did not support the use of the existing access to Hillside Nurseries for the development proposed under LW/20/0288. The proposed access is designed to support use by two way vehicular traffic and would have the capacity to support the additional approx. 10 dwellings development at Hillside Nursery would contribute. Other matters raised are addressed in section 8.4 of this report.

Ecological Impact:

- Loss of greenspace and wildlife habitat;
- Loss of ancient hedgerow and wildlife corridors;
- The amount of hedgerow that will be lost is underplayed as more will need cutting back to provide visibility splays;
- Lack of strategic landscaping;
- Would harm protected species including nightingales;
- There should be no external lighting;

OFFICER COMMENT: The ecological impact of the development site has been assessed in the main body of this report, see section 8.8. Site landscaping is a reserved matter.

Visual Impact:

- Will ruin skyline;
- Overdevelopment of site;
- Will compromise the hilltop character of the village;
- Access details include internal roads so this confirms layout which will be harmful to character of area;
- Buildings on indicative layout are shown in visually sensitive locations and close to site boundaries;
- Buildings should be single storey only;
- There should be a mix of dwelling designs;
- Would be a suburbanising feature;
- Would be visually imposing and ruin approach to village;

OFFICER COMMENT: The density of development falls within the accepted parameters of village development set out in LLP1 policy CP2. Regard must also be paid to the aims and objectives of the National Planning Policy Framework (NPPF) to encourage responsible densification in order to ensure land is used efficiently. A number of objections referred to design, layout and scale of the development, all of which are reserved matters.

Type of Housing Provided:

- More affordable housing needed;
- Not enough information on the actual affordability of the homes;

- Proposed housing does not provide for mixed needs of the community;
- There should be more smaller houses provided for first time buyers and people who are downsizing;
- Bigger gardens should be provided;

OFFICER COMMENT: A Section 106 legal agreement will be required to ensure a policy compliant level of affordable housing is provided and this is in the process of being agreed.

Flooding & Drainage:

- Surrounding area and field is known to flood;
- Climate change will increase risk of flooding;
- Drainage strategy is inadequate;
- Cumulative impact of development of neighbouring allocated sites should be taken into account;
- Willow Cottage, Sole Cottages and properties would be at particular risk of increased flooding;
- The hedgerow that is being removed assists with site drainage;

OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) who are satisfied with the principle of the scheme put forward with additional details being secured by condition, see section 8.7 of this report.

Historic Environment:

- Will have a harmful impact upon setting of Conservation Area;
- Density is far greater than neighbouring development;

OFFICER COMMENT: The Council's Conservation specialist has made no objection to the principle of the submitted scheme and will be an important contributor as a consultee if and when full design details are submitted at the reserved matters stage.

Sustainability:

- The village does not have the infrastructure, facilities and services to support this amount of housing;
- There is a lack of information on sustainability and carbon reduction measures;
- The sewerage system is overloaded;

OFFICER COMMENT: Full details of sustainability measures would be required at the reserved matters stage, in accordance with the aims and objectives of the LDC Technical Advice Notes (TANs) for Biodiversity Net Gain, The Circular Economy and Sustainability in Development. Any identified need to improve the sewerage network would be carried out by Southern Water and phased appropriately with construction of the development.

Amenity Impact:

- There would be an increase in noise and pollution;
- Loss of light to neighbouring properties due to height of buildings;
- Sewage pumping station will generate odour;

OFFICER COMMENT: The permission would accept a maximum height of two-storeys for all dwellings and does not require that all buildings are two-storey. The reserved matters stage will allow for scrutiny of amenity impacts of the scheme.

Principle:

- Goes against local and national policies;
- Land ownership of the full site area is questioned;
- Red line area is incorrect;
- Brownfield sites should be prioritised;

OFFICER COMMENT: Barcombe Cross is identified in LLP1 as being suitable for expansion by 100-150 dwellings. There is housing need across the district and, therefore, settlements across the need to accommodate new dwellings to meet this demand. The applicant has confirmed they have riparian rights to use the drainage ditch as it crosses their land. A title plan (10602-OA-09) has also been submitted which confirms the ditch crosses land under the control of the applicant.

7.2 2 letters of support have been received and are summarised below:-

- Really important to have affordable housing for local residents;
- Would allow younger residents to remain in Barcombe;

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

8.1.2 It is important to note that the application is for outline approval only, with full details of the main site access the only matter to be agreed at this stage. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements set out in policy BA02 of the Lewes District Local Plan Part 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should the outline scheme be awarded permission.

8.1.3 All planning obligations need to be agreed at the outline stage as this forms the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing.

8.2 Principle

8.2.1 The site falls within the planning boundary where the general principle of residential development is acceptable as per policy DM1 of the Lewes District Local Plan part two. Policies SP1 and SP2 of the Lewes District Local Plan part one makes a commitment for a minimum of 6,900 net additional dwellings to be provided in the plan area. Since 2016, the figure for the South Downs National Park has been disaggregated and a revised figure of 5,494 net additional dwellings (equivalent to 274.7 dwelling per annum) is applied for land outside of the SDNP. Barcombe Cross is defined as a service village in the settlement hierarchy in table 2 of LLP1, which states that such settlements have the capacity to support growth by 30-100 new dwellings.

8.2.2 The site is specifically allocated in the Lewes District Local Plan Part 2 for the development of approximately 25 new dwellings. This allocation, along with others in LLP2, is crucial in ensuring the commitment to deliver new housing set out in LLP1 is met. The allocation is subject to a number of criteria and parameters, all of which will be discussed in the main body of this report.

8.2.3 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.

8.2.4 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. The Lewes Development Plan is currently up to date, with a 5 year housing land supply identified as required by para. 73 of the NPPF, and, therefore, all relevant policies, as well as other applicable criteria set out in the NPPF, will be applied in the assessment of this application.

8.2.5 Policies CP2 of the Lewes District Local Plan part one provides a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located and to maximise opportunities for re-using suitable previously developed land and to plan for new development in highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive. This is echoed in para. 118 of the NPPF which maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.

- 8.2.6 From a housing delivery perspective, para. 68 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.
- 8.2.7 The proposed development is therefore considered to be acceptable in principle and will therefore be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework as well as development plan policies relating to design, carbon reduction, landscaping, pollution control and ecological enhancements.
- 8.3 Planning Obligations
- 8.3.1 The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This amounts to a provision of 10.4 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 10 units would need to be incorporated into the development with the remaining 0.4 unit required being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. The commuted sum will be calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.
- 8.3.2 The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix of 2 x 1 bed flats, 2 x 2 bed flats, 4 x 2 bed houses and 2 x 3 bed houses is proposed with a tenure split of 70% affordable rent and 30% intermediate. The dwelling mix is consistent with the objective to provide a greater proportion of 1 and 2 bed units as set out in policy CP2 of LLP1 and the Affordable Housing SPD.
- 8.3.3 A section 278 agreement between the applicant and ESCC Highways would be used to secure red surfacing to the section of High Street to the front of the site as well as to provide new signage.
- 8.4 Site Access:
- 8.4.1 The site would be accessed on the south-eastern boundary, directly from the High Street as required by LLP2 policy BA02 (a). The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians as well as motorists are met as also required by BA02 (a).
- 8.4.2 The technical details of the proposed site access have been fully assessed by ESCC Highways. Initial plans lacked detail in regards to visibility splays and gradient and further details were submitted to clarify this. ESCC Highways are satisfied with the width of the

access, which at 5.5 metres would allow for two-way vehicular movement, as well as the junction radius, which is 8 metres. Tracking plans have been provided to show that an 11.997 metre long refuse truck, which is larger than vehicles currently used, could enter and leave the site in a single movement. Swept path analysis showing access/egress can be achieved by a 7.9 metre long fire appliance has also been provided.

- 8.4.3 Gradient plans and cross sections show the ground level at the site access being lowered by along the first 30.3 metres of the access road, that would head directly to the north west, to allow for a gradient of 1:20 to be formed at the point where it meets the High Street over a 5 metre transition, increasing to a gradient of 1:10 thereafter before it reaches the existing site level. The 5 metre section of 1:20 gradient road would be sufficient to accommodate a vehicle waiting to enter onto the High Street. The sides of the road and footway would be flanked by embankments maintaining existing site levels.
- 8.4.4 Visibility splays measuring 2.4m by 70m and 2.4m by 54m would be provided to the east and west respectively. In order for these splays to be maintained, a section of the existing hedgerow/tree line on the south-eastern site boundary would need to be cut back. Part of the existing embankment may also need to be re-profiled, as identified in the submitted stage 1 Road Safety Audit. The dimensions of the splays have been informed by a speed survey on the section of road passing the site which has confirmed average speeds are above the 30mph restriction on the road (34.4mph for north eastbound traffic and 35.5mph for south westbound). As such, the splays would allow for suitable levels visibility of oncoming traffic to allow motorists to safely pull out of the site and onto the High Street.
- 8.4.5 It is anticipated that the proposed development would generate an additional 156 daily vehicle trips. ESCC Highways do not consider this increase to be significant over the course of the day are satisfied that they can be accommodated in the existing highway network without significant issue or additional congestion.
- 8.4.6 ESCC Highways are satisfied with all technical details provided for the site access. They have suggested that the final layout of the development includes elements that are visible from the approach on the High Street as motorists would be expected to modify their driving behaviour and reduce speed when seeing the development. This can be achieved at reserved matters stage. Further mitigation measures in the form of red surfacing on the road at the entrance to the village and a junction warning sign will be secured through the use of an s278 Legal Agreement.
- 8.4.7 The final layout plan would need to be able to demonstrate that adequate turning space for service vehicles would be provided within the site in order to ensure that they can enter and leave in forward gear. The indicative layout plan shows 48 x allocated car parking spaces and an additional 8 x visitor spaces being accommodated within the site. This quantum is informed by the ESCC car parking

demand calculator tool being applied to the indicative mix of 26 dwellings. It is considered that the indicative layout plan demonstrates the site has sufficient capacity to accommodate this quantum of parking although it is noted that some spaces are shown in a tandem configuration and that this arrangement is generally not supported by ESCC Highways. It is considered the layout could be adjusted to provide a more acceptable arrangement of spaces.

8.4.8 It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard. The proposed scheme is therefore considered to comply with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8.5 Visual Impact

8.5.1 As the application seeks approval for site access only this is the only part of the scheme that can be fully assessed at this stage. However, the submitted indicative plans and Landscape & Visual Impact Assessment (LVIA) will also be assessed as an example of the potential form of the development.

8.5.2 The most significant visual impact associated with the formation of the site access would be the removal/cutting back of a section of the existing tree line/hedgerow flanking the High Street to allow for the new opening as well as the provision of visibility splays required for road safety purposes. An approx. 20 metre length of hedgerow would be removed in its entirety. Additional cutting back of some parts of the hedge may also be required to maintain sight lines.

8.5.3 The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road allowing for space for mitigation hedge and tree planting as well as the creation of open green space that would interact with the wider street scene.

8.5.4 Whilst the loss of this hedging would alter the character of the immediate stretch of the road it is considered that the loss can be effectively mitigated by the planting of new native hedgerow set slightly back from the road so as to allow for visibility splays to be maintained. This new planting could connect with the existing hedgerow network and, through being set slightly back from the road, could be allowed to flourish with less disturbance pressure to be cut back or damaged by passing traffic. It is noted that the existing hedgerow appears to be subject to a cutting regime.

8.5.5 It is therefore considered there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of the section of the High Street passing the site and also provide a visually sympathetic screen to the proposed development that would amalgamate effectively with surrounding landscaping. Indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.

- 8.5.6 Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be visible, in part, from surrounding streets, particularly when approaching Barcombe from the south west. However, it is noted that existing views on this approach include dwellings on The Grange and it is considered that the proposed development would integrate with these neighbouring buildings, marking the edge of the settlement and the transition from the rural environment to the village.
- 8.5.7 Although full details of design, scale, layout and landscaping are reserved matters it is clear that the proposed development will involve building over a site that has not previously been developed and is currently a meadow. Notwithstanding this, the site is not isolated, being directly adjacent to the established village of Barcombe. It is also self-contained and not considered to form a significant part of the wider more open rural environment. The rear boundary of the site broadly aligns with the north-western extent of neighbouring residential development on The Grange and School Path. It is therefore considered that residential development of the site would appear as a natural extension to the west of Barcombe village. As is characteristic of surrounding development, the extent of the proposed development would not project a significant distance from the High Street and, due to being directly accessed from it, it is considered it would engage well with the High Street and neighbouring development branching off from it, thereby becoming an integral part of the community and not appearing divorced from its surroundings.
- 8.5.8 The gross area of the site is approx. 12081 m² (1.2 hectares) whilst the net developable area (which does not include landscape buffers) is 0.9 dwellings per hectare. The density of the proposed development of 26 dwellings thereby equates to approx. 22 dwellings per hectare based on the gross site area and approx. 29 dwellings per hectare based on developable area. Both of these densities fall within the suggested density spectrum set out in for new residential development in villages which is 20-30 dwellings per hectare as stated in policy CP2 of LLP1. It should be noted that policy BA02 of LLP2 has assessed the site of being capable of accommodating approximately 25 new dwellings.
- 8.5.9 The intimate and tightly nucleated nature of the village results in relatively high densities of development both on the historic core and in the more modern residential developments that are set back from the High Street. For comparison, the nearby group on 18 dwellings on Grange are built to a density of approx. 30 dwellings per hectare. Development on Oaktree (12 dwellings) is approx. 25 dwellings per hectare. The 16 dwellings at the northern end of Munster Green (including the car parking area) are at a density of approx. 45 dwellings per hectare. It is therefore considered that a relatively dense form of residential development is in keeping with the general spatial characteristics of the village.

- 8.5.10 It is important that the final layout of the development avoids excessive uniformity in plot size, orientation and shape in order to reflect the mix of plot size and layout that is an established characteristics of the village and which provides are strong sense of organic growth of the settlement, creating increased depth to the sense of space and place.
- 8.5.11 In terms of design, the indicative plans and Design & Access Statement confirm that dwellings and flats would not exceed two-storeys in height, as required by BA02 (b). Appraisals of surrounding development have identified key architectural features within the surrounding Conservation Area such as a mix of hipped, barn hipped and gable roofing, dual aspect frontages, chimneys and bay windows. It is stated that these features could be incorporated into final the final design of the scheme. A palette of locally used external materials has also been identified, including the frequent use of red clay tile hanging, red brick, clay roof tiles, terracotta roof ridge tiles, decorative roof finials and occasional use of render and timber weatherboarding. It is stated that these materials would be incorporated throughout the development.
- 8.5.12 It is considered that the indicative layout drawings and architectural appraisals demonstrate that the site could support a residential development of the scale proposed which would be able to integrate with both the surrounding built environment, including the adjoining Conservation Area as well as with the surrounding rural landscape.
- 8.5.13 It is therefore considered that the application complies with policy CP10 of LLP1, policies BA02(c), DM25 and DM27 of LLP2 and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.

8.6 Living Conditions for Future Occupants

- 8.6.1 It is considered that the indicative layout plans demonstrate that the site could accommodate a development of 26 dwellings that would engage well with the rest of the village and also provide a good sense of place and community. It shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas, including a play area. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings.
- 8.6.2 It is stated that all affordable housing units would meet the Nationally Described Space Standards and, based on measurement of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards. Furthermore, each dwelling has a good sized garden provided in a private area to the rear whilst communal green space is provided at the proposed flats.
- 8.6.3 The proposed development would include safe pedestrian links to the village in the form of raised kerb footways and the indicative plan shows this footway running across the length of the site.

8.6.4 It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.

8.7 Flooding and Drainage

8.7.1 The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 0.42 hectares) on what is currently an undeveloped greenfield site. The site is located in Flood Zone 1 and, as such, is at low risk from tidal and fluvial flooding. There are no records of any significant issues with surface water drainage within the site although land to the south, particularly on the adjoining site at Willow Cottage as well as land to the west at Bridgelands is identified by the Environment Agency as being at high risk of surface water flooding.

8.7.2 The Flood Risk Assessment includes details of how surface water generated by the development would be managed. Ultimately surface water would be discharged into an existing ditch that flanks the western boundary of the site. This would be via an attenuation pond formed in the south-western corner of the site which would allow discharge to be managed as close as practicable to existing greenfield run-off rates, this being 5.4 litres per second. Attenuation would be designed to account for a 1 in 100 year weather event with an additional 40% contingency as an allowance for climate change. This would require a basin of approx. 209 m³ volume .

8.7.3 Foul water would be disposed of by way of connecting with the existing public foul water network. The connection point is likely to be at a higher elevation than achievable proposed drainage invert levels and a foul water pumping station would therefore be required to allow for discharge to function. The pumping station is shown on indicative site plans towards the north-west of the site.

8.7.4 Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land. It is therefore considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality, provide amenity (in the form of the attenuation pond) and would enhance biodiversity by creating habitat not currently present on the site. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the proposed development is capable of managing flood risk effectively.

8.7.5 Improvements to sewerage infrastructure referred to in policy BA20 (g) would be carried out by Southern Water. Such improvements are typically completed within 24 months of a planning approval (including outline permission) and any phasing of development that would be required would be agreed between Southern Water and the developer.

8.7.6 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk

of flooding within the development or on neighbouring land. The development is therefore considered to comply with policy CP12 of LLP1 and paras. 163 and 165 of the NPPF.

8.8 Landscape, Ecology & Biodiversity

- 8.8.1 The application was accompanied by an Ecological Appraisal Report, as required by BA20 (e). A reptile survey has also been submitted. The Ecological Appraisal Report identifies primary ecological impacts of the proposed development as being the loss of a 20 metre section of hedgerow on the southern boundary of the site to allow for vehicular access and the permanent loss of approx. 1.2 hectares of poor semi-improved grassland, tall ruderal, scrub and scattered trees across the site. The majority of the site is categorised as being of low ecological value but it is noted that there are areas of priority habitats supporting the potential presence of great crested newt, nesting birds, roosting bats, hazel dormouse and reptiles.
- 8.8.2 The report sets out a range of mitigation measures to minimise impact upon wildlife during clearance and construction works. This includes the translocation of reptiles from the construction zone to a suitable receptor site prior to site preparation and commencement of works, to avoid the risk of killing/injury to reptiles and the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals and reptiles.
- 8.8.3 Further measures will be taken to ensure that all retained trees and hedgerow are protected during site clearance and construction works, that external lighting is avoided or minimised, that excavations and open pipework is covered overnight and that new boundary fencing allows includes small gaps underneath to allow for small mammals to commute through the site.
- 8.8.4 A number of opportunities for ecological enhancements/biodiversity net gain are identified. These include use of native wildflower and grass seed mix in areas of green space, hedgerow replacement and enhancement to include native fruit, seed, nut and nectar-bearing shrub species, use of the attenuation pond to provide a habitat, planting that supports food sources for bats as well as roosting opportunities, installation of bat and bird roost/nest boxes, creation of piles and hibernacula for amphibians, invertebrates and reptiles and retention of corridors of less intensively managed vegetation to maintain ecological connectivity through the site for reptiles, particularly along the western boundary adjacent to off-site woodland.
- 8.8.5 The County Ecologist has assessed the appraisal and reptile survey and has noted that the section of hedgerow to be removed is species poor and that the majority of the grassland is poor, with relatively low ecological value. The proximity to the Dismantled Railway Line, Barcombe Local Wildlife Site (LWS) (approx. 213m to the north and with some connectivity to the site) and Spithurst Road Wildlife Verge lies (approx. 600m to the north east) is noted but the ecologist has concluded that, given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.

8.8.6 The County Ecologist is satisfied that suitable mitigation measures have been identified in order to address unacceptable harm to wildlife/habitat and also that the site offers opportunities for biodiversity net gain. It is therefore considered that the proposed development could be delivered without unacceptable ecological harm and with the benefit of supporting habitat enhancement and creation and biodiversity net gain. Enhancement measures should provide a minimum of 10% Biodiversity Net Gain as required by the Biodiversity Net Gain Technical Advice Note (TAN)

8.8.7 Full details of site landscaping would be secured at the Reserved Matters stage.

8.8.8 It is therefore considered that the development complies with policy CP10 of LLP1, policies BA02(e), DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.

8.9 Sustainability

8.9.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.

8.9.2 The application for Reserved Matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.

8.9.3 The applicant has stated that a Site Waste Management Plan (SWMP) will be produced for the scheme in full accordance with the Site Waste Management Plan Regulations 2008. This should be submitted at the reserved matters stage.

8.10 Archaeology

8.10.1 An Archaeological Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application.

8.10.2 The ESCC Archaeologist has assessed the report and broadly agrees with the conclusion. It has, however, been requested that fieldwork is carried out prior to commencement of development in order to enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

- 8.10.3 The fieldwork can be secured by planning condition. It is therefore considered that the proposed development could be carried out without causing unacceptable harm or damage to archaeology.
- 8.10.4 It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.

9. Human Rights Implications

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. Recommendation

10.1 It is recommended that permission is granted subject to the conditions listed below and a Section 106 Agreement securing a policy compliant affordable housing contribution.

10.2 Conditions

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in condition 2; to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2. No development shall commence until details of the:

- a) Layout (including site levels)
- b) scale
- c) design
- d) landscaping

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	17 th September 2020	1062-OA-01

PLAN TYPE	DATE RECEIVED	REFERENCE
Access Plan	17th September 2020	1062-OA-07
Transport Statement Technical Note	9th November 2020	JNY10636-03 Dated 9th November 2020
Arboricultural Implications Assessment	17th September 2020	J58.67
Archaeological Desk-Based Assessment	17th September 2020	PN2677/DBA/1
Preliminary Ecological Appraisal Report	17th September 2020	UE0380_HighStBarcombe_PEA_2_200911 Revision 2
Reptile Survey	17th September 2020	UE0380_HighStBarcombe_Reptiles_1_200911 Revision 1

Other plans submitted are indicative only and, whilst use to inform the decision, are not approved at this stage as they relate to reserved matters.

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

- No development shall take place until details of the layout of the new and the specification for the construction of the access which shall include details of drainage have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

- The access shall not be used until the areas shown on the submitted (plan no JNY10636-01 REV A) are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

- A junction warning sign for westbound traffic shall be provided prior to occupation of the development in accordance with details that have first been submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The signs should not obstruct visibility of drivers using the access where it joins the public highway.

Reason: To ensure the safety of persons and vehicles proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

7. Red surfacing shall be laid at the entrance to the village on the High Street prior to occupation of development in accordance with details that have been first submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8. No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two and paras. 170, 175 and 180 of the NPPF.

9. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

10. 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 in accordance with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

11. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of LLP1 and para. 102 of the NPPF.

12. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

13. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

14. The completed access shall either have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) or as otherwise agreed with the Highway Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies BA02(a), DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

16. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with LLP1 policy CP14 and section 9 of the NPPF.

17. Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan 2016 and policy BA02 of the adopted Local Plan part 2.

19. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

20. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, in line with recommendations R13 to R19 of the Preliminary Ecological Appraisal Report (Urban Edge Environmental Consultants, September 2020) and R2 and R3 of the Reptile Survey Report (Urban Edge Environmental Consultants, September 2020) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

21. The surface water drainage strategy outlined in HSP Consulting Flood Risk Assessment Report (dated September 2020) should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to 5.4 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.

The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

22. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

23. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.

b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

24. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.

25. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 24.

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.

26. No buildings or structures within the development shall exceed two storeys in height.

Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

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

Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2 and section 8 of the NPPF.

28. Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of

protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.

29. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.

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

- o the anticipated number, frequency and types of vehicles used during construction,
- o means of reusing any existing materials present on site for construction works,
- o the method of access and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.
- o address noise impacts arising out of the construction;
- o demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- o include details of the use of protective fences, exclusion barriers and warning signs;
- o provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- o details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the Lewes District Local Plan part one, policies DM20 and DM23 of the Lewes District Local Plan part 2 and the Circular Economy Technical Advice Note.

11. **Background Papers**

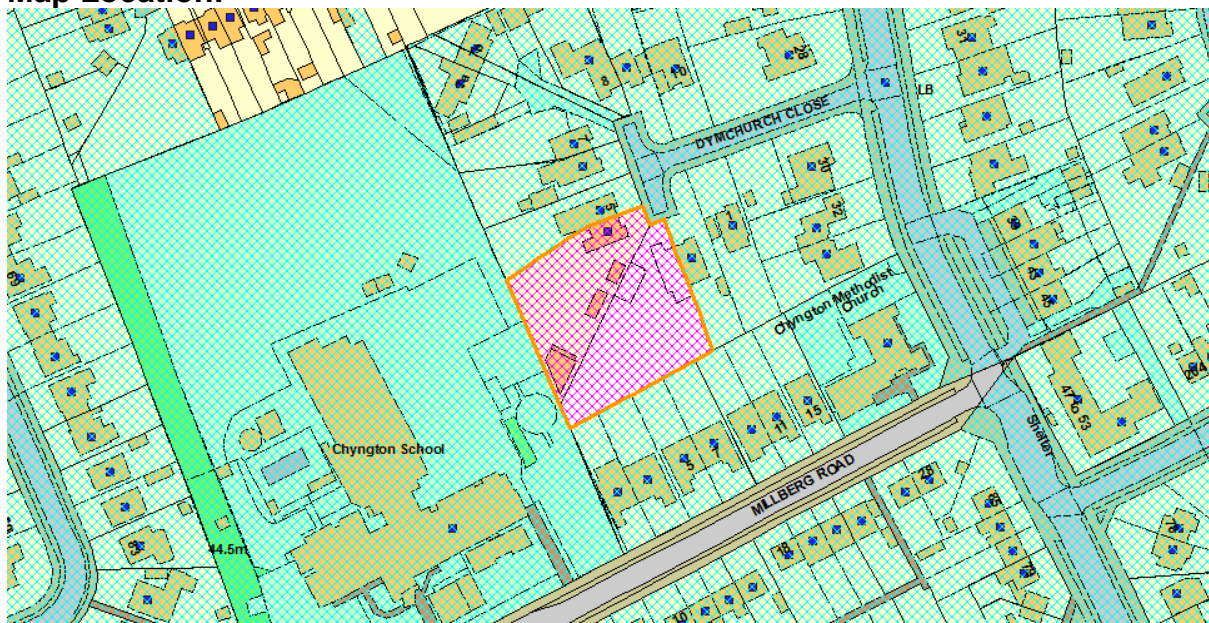
11.1 None.

This page is intentionally left blank

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0690
Location: Land behind 3 and 4 Dymchurch Close, Seaford, BN25 3JX
Proposal: Planning application for construction of 3-no. detached three-bedroom houses with associated access and landscaping works.
Applicant: LH Property Investments Limited
Ward: Seaford East
Recommendation: Grant planning permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

1.1 The proposed development is meets all relevant national and local planning policies and is considered to be acceptable.

1.2 Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

Achieving sustainable development

Delivering a sufficient supply of homes

Promoting sustainable transport

Making effective use of land

Achieving well designed places

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: - DM21– Land contamination

LDLP: – DM25 – Design

LDLP: – DM26 – Refuse and recycling facilities

LDLP: - DM27 – Landscape Design

LDLP: - DM30 – Backland Development

2.3 Seaford Neighbourhood Plan

SNP:- SEA2 – Design

3. **Site Description**

3.1 The application site comprises part of the rear gardens of numbers 3 and 4 Dymchurch Close, Seaford. These properties are located in the southern corner of Dymchurch Close and their associated gardens are larger than others in the Close. Both properties have detached garages which will be demolished to facilitate the development.

3.2 The development site is rectangular in shape and covers an area of 816m²/0.816ha, including the access road. There are a number of trees and hedges on the site, a number of which will be removed to facilitate the development.

3.3 Dymchurch Close is a small cul-de-sac within the Seaford planning boundary and comprises 12 dwellings, 2 of which (numbers 7a and 7b) were added in

the early 2000s, on a plot created from part of the gardens of numbers 7 and 8, located in the northern corner.

- 3.4 All of the original dwellings in the Close are bungalows arranged as pairs, some of which have front facing dormers. The newer dwellings comprise a pair of semi-detached chalet style bungalows with front facing dormers. All properties have off-street parking.

4. Proposed Development

- 4.1 The application seeks planning permission for the construction of three detached 3 bed/6 person dwellings set over two floors, arranged in a north/south axis, backing onto numbers 1, 3 and 5 Millberg Road to the south. The first floor will be within front and rear dormers in the roof space, giving the external appearance of chalet bungalow style rather than two storey houses. The materials will be facing brickwork and plain tiles, similar to other properties in the Close. Each house will have 2 off-street car parking spaces and a rear garden of 10m length.
- 4.2 At ground floor the layout proposes on entry a downstairs w.c. and double bedroom at the front, leading to a 40m² living area at the rear, with folding doors opening onto the rear garden. At first floor, there will be two double bedrooms, one with dressing room and en-suite shower room and a separate bathroom.
- 4.3 The new development will be accessed via the existing crossover, which will be upgraded, leading to a short access road between numbers 3 and 4. Two off-street car parking spaces will also be provided for numbers 3 and 4. The Highways' comment regarding the location of the space for number 4 has been addressed.

5. Relevant Planning History

- 5.1 LW/02/2064 - Erection of a pair of semi-detached chalet bungalows with detached garages (between numbers 7 and 8 Dymchurch Close) approved 11 December 2002.

6. Consultations

6.1 Environmental Health

If LPA is minded to grant a planning permission, then considering the sensitive uses of the site, I recommend conditions. (These are included at the end of the report).

6.2 District Services

No objections or comments for this planning application.

6.3 Tree and Landscape Officer

No material objections to the principle of development of this site.

In the event planning permission is granted conditions should be considered to protect existing and newly plants trees.

6.4 ESCC Highways

The access is located off the turning head; however, this is unlikely to cause significant issue and will prevent residents parking within the turning head. The access is of suitable width to enable two cars to pass, subject to parking for number 4 being split as shown. The parking space for unit 4 to the rear of the property would have difficulty turning and as such would need to be revised.

Without a revision it is likely that the driver would be required to reverse the length if the access to exit or may prefer to park at the front of the property which would conflict with the access. A condition would also need to be added for construction with the new access licenced and demarcation/drainage included.

6.5 Seaford Town Council

It was RESOLVED to OBJECT to the application on the following grounds:

The erection of three two-storey detached houses on this restricted plot would adversely affect the existing character of the Close and would be an over-development which would have a significant adverse impact on neighbouring properties and other properties in the Close due to general disturbance, overlooking and loss of privacy and congestion arising from overflow parking.

7. **Neighbour Representations**

7.1 Representations have been received from eleven local residents objecting to the application for the following reasons:

- Design out of keeping with the area
- Will add to existing disrepair of pavements
- Overlooking and loss of privacy
- Dymchurch Close not wide enough for 2 cars to pass
- Lack of visitor parking
- Already congestion at top of road at school times
- Bins will have to left outside numbers 5 or 3
- Dymchurch Close is a quiet area
- Site is meant to be back gardens
- Directly affects 5 other properties in the Close and Millberg Road and the school at the rear
- Overdevelopment
- Increase in traffic
- Loss of trees
- Overbearing
- Will affect access for emergency vehicles

Loss of 2 bungalows would adversely affect the layout of the Close.

8. Appraisal

8.1 Principle

- 8.1.1 The application site is located within the Seaford planning boundary, thus the principle of development is supported by policy DM1. Policy CP2 encourages the development of smaller dwellings (i.e. 1 and 2 bedrooms) however, existing local housing mix can be taken into consideration. Dymchurch Close has a mix of 2 and 3 bedroom properties so the proposal would be within the local range. CP2 also encourages higher residential densities within the region of 47-57dph in towns. The proposal would yield a residential density of 38dph.
- 8.1.2 The principle of forming a development plot from the larger corner gardens was established under LW/02/2064.

8.2 Design and landscape

- 8.2.1 The houses have been designed to reflect characteristics of other properties in Dymchurch Close, using a similar palette of materials and to give the appearance of chalet style bungalows.
- 8.2.2 Although the proposal is for detached rather than semi-detached properties, they will be less visible from the public realm as they will be arranged in a north/south axis.
- 8.2.3 It is considered that the proposal satisfactorily responds to the local context, in response to the design criteria of policies CP11, DM25 and SEA2.
- 8.2.4 The application was accompanied by an Arboricultural Method Statement which indicates that most of the specimens to be removed are in Category C and therefore of poor quality and low amenity value. Two trees are to be retained after cutback and crown lifting. The Tree Officer has no objection to the removal of the trees and has recommended standard conditions to be attached to the permission.
- 8.2.5 A landscape scheme has been submitted which is considered to be satisfactory and in compliance with policy DM27.

8.3 Amenity

- 8.3.1 There are no significant overlooking or overshadowing conflicts between existing and proposed new dwellings.
- 8.3.2 The overall floor area for each of the dwellings is 112m², exceeds the Nationally Described Space Standard for a 3 bed/6 person dwelling set over two storeys.
- 8.3.3 Although not shown on the plans, there is space for storage of refuse and recycling bins in the front garden and this can be conditioned.
- 8.3.4 The proposal meets the amenity aspects of policies CP11 and DM25 and policy DM26.

8.4 Transport and parking

- 8.4.1 Each property will have 2 off street car parking spaces, accessed from the existing crossover. The layout of the site includes 2 off-street parking spaces for each of the host properties.
- 8.4.2 ESCC has not objected to the proposal and states that the location of the access will prevent residents parking within the turning head, which is currently considered to be a problem. The access road is of sufficient width to enable two cars to pass.
- 8.4.3 Although not shown, there is space in the rear garden for cycle stores, details of which will be secured by condition.
- 8.4.4 The site is well located in terms of public transport links, in easy walking distance of bus stops and local shopping facilities.
- 8.4.5 The proposal is considered to comply with policy CP13.

8.5 Sustainability

- 8.5.1 The application was not accompanied by a Sustainability Statement/Energy Strategy; however, this can be secured by condition to satisfy the requirements of policy CP14.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 The proposed development meets all relevant national and local plan policies. Approval is recommended subject to conditions.

10.2 Conditions

1. No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - the anticipated number frequency and types of vehicles used during construction;
 - the method of access and egress and routeing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;

- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;
- public engagement both prior to and during construction works
- to include details of engagement with the occupiers of all properties (residential and commercial) within 50m of the boundary of the site, and to include details of points of contact with site manager (phone and email) and to include details of how regular updates on progress and key activities in the implementation will be communicated;
- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- temporary lighting for construction and security;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.

2. No development shall commence until, the tree protection measures as set out in the Arboricultural Methodology Statement have been carried out in full.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy CP10 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration;

hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

4. No development above ground floor slab level of any part of the development hereby permitted shall commence until details of the access to the site, including drainage and demarcation, have been submitted to and approved in writing by the Local Planning Authority and the works carried out in full as approved prior to occupation of any part of the site.

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

5. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

7. No part of the development shall be occupied until full details of covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy and National Policy Guidance contained in the National Planning Policy Framework.

8. No part of the development shall be occupied until full details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

9. The Arboricultural Method Statement and associated tree protection measures submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act.

10. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

11. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to policy DM21 of the Lewes District Local Plan to guidance contained in the National Planning Policy Framework.

13. Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

15. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Layout Plan	11 February 2021	280.P.01B Proposed site plan and levels
Proposed Elevation(s)	11 February 2021	280.P.02B Proposed site elevations and block plan
Proposed Elevation(s)	16 December 2020	280.P.03A Proposed south and west elevations
Proposed Section(s)	16 December 2020	280.P.04A Proposed site sections
Proposed Floor Plan(s)	16 December 2020	280.P.05A Proposed plans and elevations
Proposed Block Plan	11 February 2021	280.P.06A Proposed block plan
Tree Statement/Survey	7 October 2020	Arboricultural Method Statement
Design & Access Statement	7 October 2020	Design and Access Statement

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

11. **Background Papers**

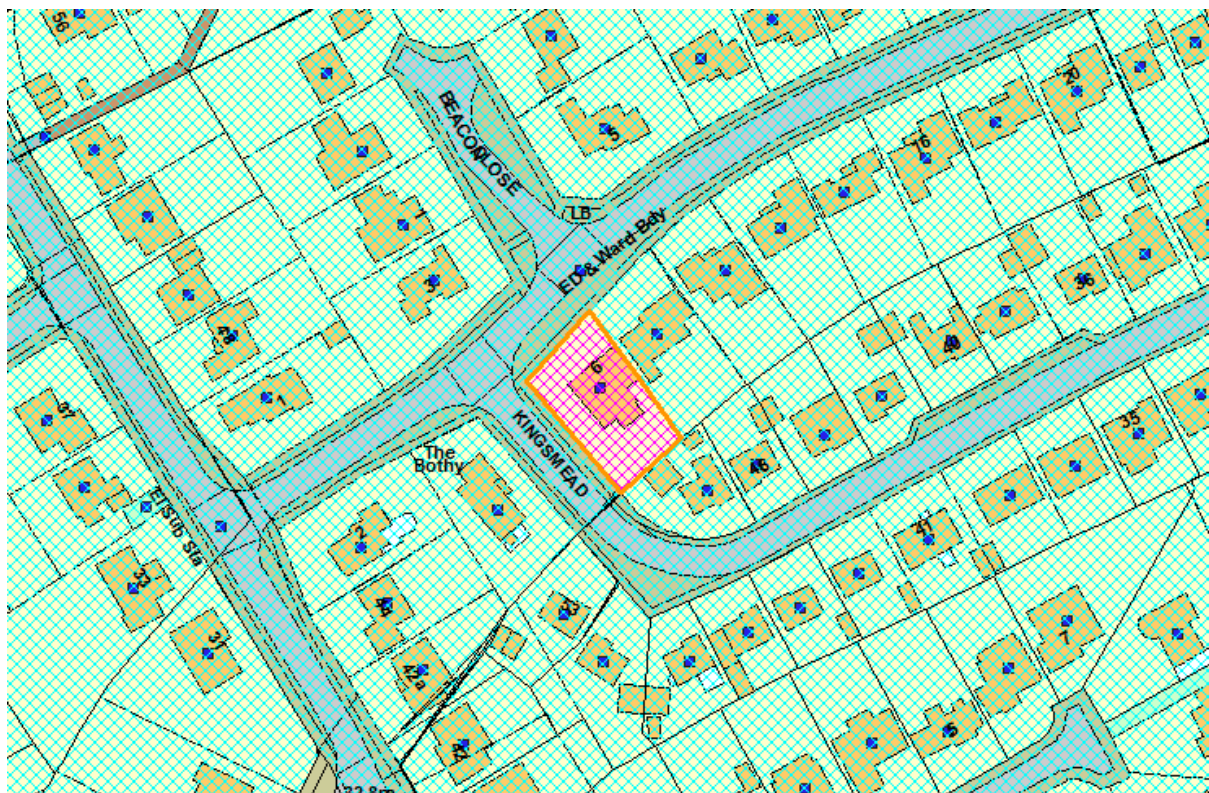
11.1 None.

This page is intentionally left blank

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0849
Location: 6 Beacon Drive, Seaford, BN25 2JY
Proposal: Change of use from a C3 (dwelling house) to C2 (residential institution - to accommodate 5 children).
Applicant: Louise Whichelow-Ellis
Ward: Seaford Central
Recommendation: Grant planning permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development is considered to be acceptable and approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

Paragraph 61 states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies."

Paragraph 91 promotes "...healthy, inclusive and safe places".

2.2 Lewes District Local Plan

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP13 – Sustainable Travel

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 Design (including amenity)

2.3 Seaford Neighbourhood Plan

No relevant policies.

3. **Site Description**

- 3.1 The application site comprises a 6-bedroom detached house on the corner of Beacon Drive and Kingsmead, within the Seaford Planning Boundary. The house is set over three floors, utilising the roof space to create 2 bedrooms and a small shower room. There are 3 bedrooms are on the first floor, one with an en-suite shower room. At ground floor, there is a large kitchen/dining room with conservatory leading to the rear garden, a separate lounge, w.c. and bedroom 6. There are two interconnected garages at the front, accessed via a wide crossover. There is space at the front to park at up to 4 cars.
- 3.2 Beacon Drive and Kingsmead comprise mainly detached properties set in large plots, all with off-street parking for at least two vehicles. There are no parking restrictions in Beacon Drive or any of the surrounding streets.

4. **Proposed Development**

- 4.1 The application seeks change of use from C3a residential use to class C2 residential institution to provide therapeutic care for 5 vulnerable children, placed mainly by ESCC and Brighton & Hove City Council. The applicant has confirmed that although the intake will be children aged between 8 and 12, the home will be registered for children up to 18. This will allow a child settled before the age of 12 to remain in care rather than being placed elsewhere on reaching their 12th birthday. The placements are intended to be long term, with most children staying for 2-3 years.
- 4.2 The applicant manages another, similar facility in Kent – see rubiconchildrenshome.co.uk. The most recent OFSTED Report, following inspection in 2018 was 'GOOD'.
- 4.3 This extract from the applicant's supporting statement describes the purpose of the facility:

“We aim to be a stepping-stone that bridges children and young people’s need for a specialist, supervised and planned therapeutic environment and their equal need for a nurturing, family sized experience. We work with a wide range of mental health and attachment needs for children and young people as well as providing a step-down service for those who are moving on from Tier 4 (CAHMS) provision. Children in care have often experienced disorganisation or disruption in their early experiences of the world and relationships. As a result, children do not develop the skills that they need to manage themselves and the world around them – to use their thoughts and feelings constructively, to build and maintain relationships, to communicate effectively, to solve problems and think creatively”

- 4.4 Care and support will be provided by shifts of 5 staff during the day and 2 overnight. The night shift will have one member of staff awake and one sleeping over. The care staff will also do cooking, cleaning and other household duties, involving the children wherever possible. The day shift will start at 07:30 and finish at 21:00.
- 4.5 The children will attend school, although on occasion – e.g. where a move between schools creates a gap in attendance – a child would be professionally tutored off the premises. It is intended that the children’s daily routines will be as close to a family home situation as possible.
- 4.6 Each child would receive a statutory visit from the social worker every six weeks, which could take place at the home or in the community. Other external professionals would visit once a week during working hours. All other therapy sessions or family visits would take place outside of the home.
- 4.7 No external alterations are proposed.

5. **Relevant Planning History**

- 5.1 No relevant planning history.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 No response received.

6.2 Early Years Development Childcare Partner

- 6.2.1 No response.

6.3 Sussex Police

- 6.3.1 No response received.

6.4 ESCC Highways

- 6.4.1 Using the ESCC non-residential parking guidance Residential Schools should be provided with 1 space per resident staff plus 1 space per 2 other f/t staff on duty at any one time plus 1 space per 10 students over 17 years old. For Residential Care Homes 1 space per 4 beds for staff and visitors plus 1 space per proprietor. The proposal is to accommodate up to 5 children in the home with a maximum of 1:1 care staff during the day and 2 staff overnight.

- 6.4.2 Although the proposed use does not entirely match either of the use class as described in the ESCC Parking Guidance, it is likely that between 3 and 5 spaces are required at one time. The 3 spaces currently available are likely to be adequate; however, if overspill parking is required, I am satisfied that this can be accommodated on the surrounding highway network without significant issue.
- 6.4.3 A travel plan statement has also been suggested by the applicant which will help reduce the need for on street parking.
- 6.4.4 ESCC guidelines require all new dwelling to provide a covered and secure storage for cycles. It is noted that sufficient cycle parking storage has not been provided within the existing garages.
- 6.4.5 No details have been provided on the existing or proposed trips associated with the site. However, taking into consideration the size of the care home and the daily traffic flows (874 on Beacon Drive traffic movements) established within the speed survey the proposal is unlikely to have a severe impact on the highways or surrounding transport network.
- 6.4.6 The nearest bus stop to the site is located within 50m from the site on Beacon Drive, this service is the Seaford Town Service. Alternative bus stops are available on the A259 within 500m which provide a frequent service between Brighton and Eastbourne. The nearest train station is located in Seaford Town Centre approximately 1.2m from the site which provides frequent services to Newhaven, Lewes and Brighton. Therefore, it is considered that the site is located in an accessible location.
- 6.4.7 Although a travel plan statement is not a requirement of a development of this size, the applicant has suggested that there is potential to enhance sustainable transport modes therefore reduce parking demand associated with the site. The Travel Plan Statement submitted indicates that staff will be provided with information on public transport links and timetables and car share will also be encouraged. The measures put forward in the travel plan statement are welcomed.
- 6.4.8 Mindful of the above, I have no objection to the proposal subject to the inclusion of the following conditions:
- The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
- Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall

thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

No part of the development shall be occupied until a Travel Plan Pack/Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

6.5 Seaford Town Council

6.5.1 RESOLVED to OBJECT to the applications on the following grounds:

- The need for staff parking and the additional traffic movements likely to be generated by the proposed C2 use would worsen the existing traffic and parking problems in the area. There would be no guarantee that the imposition of a Travel Plan would resolve these problems.
- The residential use proposed would be likely to be more intensive than the normal use of a single dwelling and likely to generate additional noise and disturbance which would be detrimental to the enjoyment of neighbouring properties
- There was a limited amount of recreational space at the property and in the locality of the property. Given the more intensive use proposed this would be detrimental to the occupants
- The nature of the proposed use could give rise to security concerns and additional police involvement with the property which would be detrimental to the amenity of the area.
- The assurances as to the use and supervision of the property given by the applicant were insufficient to meet the concerns of residents in the area.
- Members also requested that given the number and nature of the objections submitted from residents in the area the application should be determined at the District Council's Planning Applications Committee.

7. **Neighbour Representations**

7.1 Representations have been received from 34 local residents, objecting to the application for the following reasons:

Traffic generation

Additional traffic would lead to an increase in pollution

Parking on street would hinder buses

Increased demand for parking will hamper deliveries and emergency vehicles

Area does not have good public transport facilities so staff won't use buses or cycle to get to the site

Noise and disturbance to residents

No details about where children will be from or where they will be schooled

Area will become unsafe as there is no local police presence

Risk of unruly, loud, abusive and unstable teenagers in the area

Will devalue properties in the area

This is a quiet area with high percentage of retired people who brought houses here on the basis that it is a quiet area

This is a business run for profit, not suitable for a residential area

No fire risk assessment

Applicant's other home is in a business area in the main High Street so not comparable

Garden will be overlooked, concern for privacy of the children

House too small for this use, garden not big enough

Out of character for the area

House is designed for a family not children with complex needs

One resident lived close to a children's home previously, had to move because the noise and behaviour of residents was so bad

Loss of family home from the housing stock

Lack of amenities in the area for children and young people

Research shows that children's homes generate more police call outs

Volume of activity generated by staff, visitors, schooling will increase

Concern that external lights will be needed for safety of occupants

If approved, the property should revert back to a dwelling

Proposal would not provide any economic or social benefit

The emails of support are all from people who don't live in the area

Area will be a lot less desirable

7.2 There were also 5 representations of support:

Objections are based on assumptions that the children will be engaged in criminal activity. The local community should support these children to ensure they have the opportunities that most of us take for granted.

Objections seem to be based on unsubstantiated prejudice.

There are no significant parking problems in the area.

A house this size could generate high demand for parking.

There is sufficient amenity space on site and plenty of parks in the area.

There are several bus routes in the area and the station is a ten-minute walk away.

Children with these backgrounds/problems should have access to care in wholesome neighbourhood.

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations are parking and traffic generation and amenity of nearby residents.

8.2 Principle of development

8.2.1 The site is located within the planning boundary. The NPPF states that “...*the size type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.*”

8.2.2 Although there are no specific local plan policies relating to residential institutions, one of the aims of policy CP2 is “...*to develop and maintain sustainable, mixed and balanced communities to deliver an appropriate range of homes and accommodation to meet the identified needs of the district*”.

8.2.3 The applicant has provided correspondence from commissioners at ESCC and Brighton & Hove City Council confirming that placements in homes such as that proposed are required in the District.

8.2.4 The BHCC Commissioner states that the demand for placements of looked after children is increasing and that not all of them can be accommodated within the Local Authority boundary. The final paragraph of the letter says:

“The Council has a need to place more children/young people locally and would make referrals to a home based in Seaford offering therapeutic support.”

8.3 Parking and traffic generation

8.3.1 As noted above, there is off-street parking on the site as well as two garages. There is sufficient space for 3/4 cars on the forecourt and cycles for residents and staff can be stored in one of the garages.

8.3.2 The applicant has agreed to provide a Travel Plan for staff, aiming to reduce reliance on car use. This can be secured by condition and subsequently monitored for compliance.

8.3.3 The site is in a sustainable location, close to public transport networks. There is a bus stop opposite the site serving the 119 bus, which provides a circular service into Seaford town centre and access to local schools. Seaford railway station, town centre and beach are within 15 minutes’ walk from the site. Cycles for staff and residents can be stored in one of the garages.

8.3.4 ESCC Highways has considered the proposal and has raised no objections and has recommended conditions to be attached to the decision.

8.3.5 It is considered that the proposal meets the aims of policy CP13.

8.4 Amenity

8.4.1 Policy DM25 applies to all forms of development. Criterion (7) covers general amenity issues, including noise and levels of activity, although these are almost always applicable to non-residential uses where mitigation measures such as sound proofing and hours of operation can be introduced. Such measures would be unreasonable for a residential use.

8.4.2 Many of the objections raise concerns about noise disturbance and the behaviour of the future residents of the home, seemingly based on conjecture and anecdotal evidence.

8.4.3 It should be noted that a residential property could, under Class 3 of the Planning Use Classes Order, accommodate any of the following groups without the need for change of use:

- C3(a) use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b) use by up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

8.4.4 A property of this size would likely attract a larger family, perhaps with several children or an extended family grouping. Indeed it is understood that it was previously occupied by a family of seven who moved into the property in 2015, when the five children ranged in age from 5-16.

8.4.5 There is no evidence to suggest that the proposed use/occupancy would generate any more noise and activity than a large family such as the previous occupants, or any of the other groupings permitted under C2. A family or individuals sharing is more likely to generate more demand for parking and car movements to and from the property.

- 8.4.6 The applicant has agreed to compile a Management Plan, which can be secured by condition and which will include a complaints procedure should any issues arise with neighbours.

8.5 Conclusion

- 8.5.1 It is considered that the proposal is acceptable and that any potential, and as yet unproven, harm arising should not only be weighed against the proven wider societal benefits offered to the vulnerable occupants, but against the alternative potential occupants.
- 8.5.2 The Staff Travel Plan and Management Plans will be required by condition to be in place prior to the use commencing to minimise and address concerns raised by residents. As these issues will be controlled by condition, any breaches can be reported to the Local Planning Authority.
- 8.5.3 In conclusion, it is recommended that the application is approved, subject to conditions.

8.6 Comments on objections

- 8.6.1 Issues raised in relation to traffic and parking and amenity have been covered in the report.
- 8.6.2 A Fire Safety Report has been carried out; however this is covered by other legislation.
- 8.6.3 A number of the objections raise concerns that the proposed use will result in antisocial behaviour from the residents. The risk of crime and disorder, and the perception of it, arising from the proposed use is a material planning consideration. However, in order to carry weight in the determination of a planning proposal fear of crime must be based on sound reasons and that there needs to be a reasonable evidential basis for that fear.
- 8.6.4 Objectors' concerns and anxiety about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a children's care home would result in a spike in anti-social behaviour in the neighbourhood. Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.
- 8.6.5 Inspectors seem to take note that in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise. In addition, residential children's homes, which accommodate children under 16 years old must be registered with OFSTED under the Care Standards Act 2000 and under the registration process, the applicant must demonstrate that they meet certain legal requirements set out within the Care Standards Act 2000, Care Standards Act 2000 (Registration)(England) Regulations 2010 and the Children's Homes (England) Regulations 2015.

8.6.6 In conclusion, no evidence is available to demonstrate that the children living at this care home would create disturbances or cause antisocial behaviour. As such whilst the fear and perception of crime is a material planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal reason cannot be justified on the grounds of residents' fear of crime in this case.

9. **Human Rights Implications**

9.1.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

10.2 Conditions

1. The use hereby approved shall not be commenced until a Travel Plan Pack/Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

2. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

3. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

4. The use hereby approved shall not be commenced until a Management Plan, to include but not limited to, social behaviour protocols, complaints procedure and staff contact details, has been submitted to and approved by the Local Planning Authority and the provisions of the Plan put into place.

Reason: In the interest of the residential amenities of neighbours having regard to policy DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

5. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	9 December 2020	Location plan
Existing Block Plan	9 December 2020	Block plan
Existing Floor Plan(s)	9 December 2020	Estate agents floor plans
Design & Access Statement	9 December 2020	Supporting Statement

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

11. **Background Papers**

- 11.1 None.

This page is intentionally left blank

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0737
Location: 10 Chene Road, Peacehaven, BN10 8XG
Proposal: Installation of boundary fence (retrospective) and new entrance gates together with raised patio, partially on pre-existing embankment, together with new retaining wall and new pergola structure.

Applicant: Mrs T Pryor
Ward: Peacehaven East
Recommendation: Grant planning permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL Liable.
Map location:



1. **Executive Summary**
 - 1.1 The proposed and existing works are considered to be acceptable and approval is recommended.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- N/A

2.2 Lewes District Local Plan

- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – DM25 – Design

3. **Site Description**

3.1 The application site is located on the western side of Chene Road, Peacehaven. Chene Road is a narrow-unmade road located on the southern side of the A259, sloping gently upwards to the south, leading to a holiday park. There are just four residential properties on Chene Road, including number 10, which is located close to the top of the road.

3.2 Number 10 is a newly built detached property set back from the road frontage set in a large site covering approximately 0.3ha. The land on the application site slopes gently down to the north-west. There is a narrow strip of land between the two properties which does not appear to belong to either site. The plot of number 12 is set slightly higher than the application site.

3.3 The new house was built on the footprint of the two-storey house that was previously on the site. There was a raised patio attached to the original house extending northwards approximately 14m from the house, with a static caravan on it. The roof of the caravan was at a height of approximately 2.5m above the level of the patio. The patio has been partially demolished but much of the earth and rubble has been retained in situ.

3.4 The original planning permission for the house, LW/16/1007, removed permitted development rights under classes A-C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order. Classes A-C cover extensions and alterations to the property, including to the roof.

3.5 The area is subject to an Article 4 Direction, designated in 1978. The A4 Direction removes permitted development rights for “*..the erection, construction, improvement or any other alterations of gates, fences, walls or other means of enclosure as well as the formation, laying out and construction of means of access to a highway.*”

4. **Proposed Development**

4.1 The application seeks retrospective planning permission for a 2m high slatted timber fence that has been installed around most of the perimeter of the site.

4.2 Also sought is planning permission to create a retaining wall to support the re-instatement and extension of the pre-existing raised patio with an increase in height of 200mm, to a width of 6.34m and extended in length by a further 6m. The increased height of the patio is to reduce the height of the step down to it from the house. The patio will have steps down to the garden.

- 4.3 On top of the patio will be a 2.8m high timber pergola, constructed from 200mm square black stained timber posts and ring beams, set 5m apart, with an open slatted roof.
- 4.4 The 2m high fence will be stepped away from the site boundary and continued along the rear of the pergola. The area between the fence and the site boundary will be infilled with planting. Finally, a pair of 1.8m high electronically operated, horizontal slatted timber gates, stained grey, will replace the existing entrance gates.
- 4.5 Other landscaping works shown on the application drawings are within the remaining Permitted Development rights for the property.

5. **Relevant Planning History**

- 5.1 LW/16/1007 - Demolition and rebuilding of dwelling house – Approved 11 January 2017.
- 5.2 LW/17/0485 - Erection of replacement dwelling, including formation of roof terrace to west elevation (with stairs down to garden), provision of flue to north elevation, additional windows on north and east elevations (those on east elevation to be obscure glazed) and part cedar or larch cladding to north, west and south elevations (amendment to planning approval LW/16/1007) – Approved 29 August 2017.

6. **Consultations**

6.1 Environment Agency

6.1.1 No response.

6.2 Southern Water

6.2.1 No objections.

6.3 Landscape Officer

6.3.1 No response.

6.4 Design and Conservation Officer

6.4.1 No response.

6.5 Peacehaven Town Council

6.5.1 It was resolved to recommend refusal for the following reasons:-

- Application in article 4 land. Located in area of Outstanding natural beauty.
- Loss of privacy – over-looking, causing loss of privacy or light, too close.
- Out of keeping with street scene - impairment of street scene, changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue, unfriendly.

7. **Neighbour Representations**

- 7.1 Representations have been received from a neighbour, objecting to the application for the following reasons:

- Overbearing.
- Overdevelopment.
- Loss of privacy.
- Loss of view.
- Land has been built up from level from before new house was built.
- Applicant is planting leylandii trees inside the fence.

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations are design and amenity of occupiers of the neighbouring property.

8.2 Design

8.2.1 The boundary fence comprises standard 2m high horizontal timber slatted panels. In the absence of the Article 4 Direction, a boundary fence or wall of this height would be permitted development.

8.2.2 The aim of the A4 Direction is “...to encourage good design...” As the fence cannot be seen from the public realm along Chene Road or from long views from the A259, it is considered that the fence does not conflict with the aims of the Article 4 Direction. The design of the new gates is also considered to be an improvement on the existing gates, and again, do not conflict with the aims of the Article 4 Direction.

8.2.3 As noted above, the 2m high boundary fence will be continued immediately behind the fence to retain privacy between the two properties. The pergola will extend 900mm above the fence line, approximately 200mm higher than the roof of the static caravan that was on the pre-existing patio.

8.2.4 In terms of design, the pergola is considered to be acceptable and to complement the contemporary design of the house.

8.3 Amenity

8.3.1 In this situation, the amenity issues to be considered are overlooking and overshadowing.

8.3.2 The patio will be screened by the 2m high fence which will provide a satisfactory level of screening to protect the occupants of both properties from mutual overlooking.

8.3.3 The proposed fence would essentially be in the same relative location as the static caravan; the section of the pergola that would protrude above the fence is an open structure which would not lead to loss of daylight or sunlight or create an overbearing impact on the rear part of the neighbouring garden. Overall, it is considered the combination of the fence and pergola is so similar to the former situation that a refusal on these grounds could not be justified or upheld at appeal.

8.4 Comments on objections

8.4.1 The applicant's agent has confirmed that leylandii trees have been planted inside the fence line. There is legislation in place to control the height of leylandii hedges and is outside the remit of planning.

8.4.2 Loss of a view, which would not be the case here anyway, is not a planning consideration.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

10.2 However, if the Committee is minded to refuse planning permission, authorisation is sought to issue an Enforcement Notice alongside the refusal, seeking the removal of the fence.

10.3 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Elevations	10 March 2021	02B
Proposed Layout Plan	10 March 2021	02B
Proposed Block Plan	10 March 2021	03B
Proposed Elevations	10 March 2021	04B
Location Plan	19 November 2020	Site Location Plan
Planning Statement	12 January 2021	

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

11. **Background Papers**

11.1 None.

This page is intentionally left blank

Agenda Item 13

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0893
Location: 78 Saltwood Road, Seaford, East Sussex, BN25 3SS
Proposal: Erection of a single-storey front and side wraparound extension and wheelchair accessible ramp.
Applicant: Lewes District Council
Ward: Seaford East
Recommendation: Approval of planning permission, subject to planning conditions.
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL Liabile.

Map Location:



1. **Executive Summary**

1.1 It is considered the proposals do not have a detrimental impact on the character or appearance of the property, the street scene and the residential amenity of neighbouring properties. The proposed works are subservient to the host dwelling in accordance with all relevant policies.

1.2 It is recommended that the application is approved.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2:- Achieving sustainable development

11:-Making effective use of land

12:-Achieving well designed places

2.2 Lewes District Local Plan

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM28 – Residential Extensions

2.3 Seaford Neighbourhood Plan

SNP:- SEA2 – Design

3. **Site Description**

3.1 The application property is a semi-detached property, located on the east side of Saltwood Road, Seaford.

3.2 It is not listed nor is it within a designated Conservation Area.

4. **Proposed Development**

4.1 The proposal is for the erection of a single storey front / side wraparound extension and wheelchair accessible ramp.

4.2 The proposed wraparound extension is of single storey design, with an 'L' shaped footprint. It will project forwards of the principle elevation by approx. 1.8m, with a maximum width of approx. 8.45 m and a depth of 8.25m. It is to have an eaves height of 2.2m and a maximum height of 3.35m.

4.3 The proposed extension will provide for a wheelchair accessible bedroom and entrance lobby.

4.4 It is proposed that the extension shall be constructed of brickwork, with a faux pitched roof finished with matching tiles to the pitched section, and felt to the flat section. Windows and doors are to be white double glazed UPVC to match existing.

4.5 To the front of the property there is to be a concrete wheelchair accessible ramp.

5. **Relevant Planning History**

There is no relevant history.

6. **Consultations**

6.1 Seaford Town Council

6.1.1 Seaford Town Council were consulted and resolved to support the proposed works.

7. **Neighbour Representations**

7.1 There were no comments from adjoining neighbours.

8. **Appraisal**

8.1 Principle

8.1.1 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay. Underlining that there is to be a presumption in favour of sustainable development.

8.1.2 There is no objection in principle to extensions being made to the dwelling, providing they are designed to be appropriate in their scale, massing and materials and do not significantly impact on the amenities of the adjacent residential properties in accordance Local and national policies against which the development will be assessed in the main body of this report.

8.2 Design

8.2.1 The application property is not located within a designated conservation area, area of established character, nor is it a listed building. It is not subject to any site specific policies which would restrict development.

8.2.2 Through its use of matching materials, the proposed extension and ramp are considered to be a sympathetic addition to the property. Although they are visible from the street scene they utilise materials which are present in the surrounding area, in accordance with Policy DM25 and policy DM28 of the Lewes District Local Plan.

8.2.3 The applicant has satisfied the conditions of Policy SEA2 (Design) of the Seaford Neighbourhood Plan, which requires that high quality design and materials are required for development to be successful.

8.2.4 Overall, it is considered the proposals do not have a detrimental impact on; the character or appearance of the property, the street scene and the residential amenity of neighbouring properties. It is subservient to the host dwelling having a lower ridge height in accordance with Policies DM25 (Design) The increase in floor space is considered to be an acceptable increase under policy DM28 (Extensions) and Policy CP11 of the Lewes District Joint Core strategy.

8.3 Impact on Neighbouring Residents

8.3.1 The proposed extension is subservient to the host dwelling, being that it is of single storey design, and it is not considered to be overbearing. It is considered that it does not introduce any new aspect of overlooking or overshadowing, and therefore is in accordance with policy DM28 of the Lewes District Local Plan.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 It is considered the proposals have a minor impact on the character or appearance of the property, the street scene and the residential amenity of neighbouring properties. Its design is compliant with policy DM25 (Design) and SEA2 (Design). The resultant increase in floor space is considered to be acceptable increase under policy DM28 (Extensions) and Policy CP11 of the Lewes District Joint Core strategy.

10.2 It is recommended that the application is approved, subject to the following conditions.

10.3 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	23/12/2020	01 A
Proposed Floor Plans	23/12/2020	03
Proposed Elevations	23/12/2020	03
Design and Access Statement	23/12/2020	

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

2. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.

11. **Background Papers**

11.1 None.

Report to:	Planning Applications Committee
Date:	21 April 2021
Title of report:	Summary of appeal decisions received from 1/10/20 to 31/03/21
Purpose of report:	To update Members of the Planning Applications Committee on appeal decisions received.
Recommendation:	To note the outcome of appeal decisions.

1. Overview

- 1.1 The attached table (**Appendix 1**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority.
- 1.2 In summary, in the period from October to March, there were:
- 21 appeal decisions, of which 16 were dismissed (76%) and 5 allowed (24%).
 - 1 application for award of costs (included above) which was approved.
 - No Judicial Reviews.
- 1.3 The Authority's appeal performance in the financial year was 65% of appeals being dismissed (17 dismissed, 9 approved).
- 1.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

Key to Appeals Reporting

Planning Appeals

Appeal method – All are through written representations unless otherwise specified.

A – Appeal is allowed.

B – Appeal is dismissed.

Planning Application No	Site	Description of Development	Decision
LW/19/0839 APP/P1425/W/20/3250 238	Kendal Court Unit 6 Railway Lane Newhaven BN9 0AY	Three-storey extension to existing residential building to provide 8 studio flats.	D 10 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – effect on living conditions of residents – noise and disturbance, and on the character and appearance of area.
- The building already experiences noise and disturbance due to large number of small units, increasing the number will intensify the issues. No evidence to suggest that this matter can be managed effectively or could be dealt with by condition. Therefore the proposal would result in harm and unacceptable living conditions contrary to DM25 of the LDLP.
- Does not consider that the form of the extension would be detrimental to the character and appearance of the area.

Planning Application No	Site	Description of Development	Decision
LW/19/0920 D/4001094	Oak Tree Farm Cottage, Spithurst Road Barcombe BN85EE	Two storey side extension and rebuilding of rear single storey element.	A 23 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on character and appearance of area and effect on living conditions of nearby occupiers.
- Considered the design sits comfortably within the context of surroundings represent, conflicts with Policy DM28 but does not harm the character of the area in terms of being close to the boundary. Despite being in excess of 50% floor area it would not harm the character.
- Does not find that the proposal would be harmful to the living conditions of nearby occupiers due to separation distance and natural screening on the boundary.

Planning Application No	Site	Description of Development	Decision
LW/20/0188 D/4001427	Springbank, Slugwash Lane Wivelsfield RH17 7RG	New build development (2 bed bungalow) on garden plot.	D 29 Oct 2020 Delegated decision

Inspector's Reasoning

- Issues – development in the countryside, impact on the character and appearance of the area, and the effect on highway safety.
- Site is located outside of the settlement boundary – does not find any exceptional circumstance, key worker or other housing need, therefore contrary to DM1 as fail to demonstrate locational need.

- Proposal appears cramped on a small and severed garden plot, incongruous and due to positioning , orientation, and bulk would be at odds with the character of the area – contrary to DM25.
- In terms of highway safety the access and egress of vehicles from this corner plot would harm highway safety contrary to DM30.

Planning Application No	Site	Description of Development	Decision
LW/20/0039 W/4001241	14 Montreal Close Peacehaven BN10 8FG	Front boundary wall.	D 3 November 2020 Delegated decision

Inspector’s Reasoning

- Issue – impact on the character and appearance of the area.
- Wall would appear overly prominent and appear out of place in this specific location, it would also enclose a garden in an area typified by open frontages, and would therefore appear incongruous and out of character, contrary to CP11 and DM25 of the LDLP.

Planning Application No	Site	Description of Development	Decision
LW/19/068 W/4001124	20 The Esplanade Telscombe Cliffs BN10 7EY	First floor addition.	D 6 November 2020 Delegated decision

Inspector’s Reasoning

- Issue – impact on character and appearance of the area, and impact on neighbours.
- The Inspector considered that the additional bulk and the addition to the roofline would significantly erode the openness of the area and disrupt the symmetry of the row of terraces, and would therefore be harmful to the character of the area.
- Does not considered that, due to orientation, that the proposal would detrimentally impact on neighbours.

Planning Application No	Site	Description of Development	Decision
LW/19/0657 W/4000689	Uplea, Green Road Wivelsfield Green RH17 7QA	New single dwelling with landscaping and parking.	A 19 November 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, and the living conditions of nearby occupiers.
- Subdivision of the plot would result in two good sized plots commensurate with surrounding plots sizes, and sits comfortably within the surrounding built form, and therefore is compliant with DM25 and DM1 and DM30.
- The proposal is located significant distance from neighbours, and from the boundary, which together with its modest height would not have a material impact on living conditions of the adjacent occupiers.

Planning Application No	Site	Description of Development	Decision
LW/20/0356 D/4001720	52 Rodmell Avenue Saltdean BN2 8PG	Ground floor infill extension, first floor pitched roof, balconies.	D 27 November 2020 Delegated decision

Inspector's Reasoning

- Issue – impact on the character and appearance of the area, living conditions of neighbours.
- Represents a development of considerable scale and mass in comparison to host and neighbouring dwellings, appearing overly prominent and hence incongruous to the surrounding area, contrary to DM25 and CP11.
- The development would be overbearing in nature and diminish the relatively open amenity space of the neighbouring gardens and thus harm the living conditions of the neighbouring occupiers, contrary to CP11 and DM25.

Planning Application No	Site	Description of Development	Decision
LW/20/0386 APP/P1425/W/20/3259 774	10 Banning Vale Saltdean BN2 8DX	Construction of a scooter store.	D 17 December 2020 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of area.
- The Inspector considered that the prominent position on the grass verge and materials to be used would appear obtrusive and visually discordant with the other building and contrary to DM25, DM28 and CP2 of the LDLP.

Planning Application No	Site	Description of Development	Decision
LW/18/0195 APP/P1425/W/18/3218 686	Berrymead, Speatham Lane, Westmeston BN6 8XL	New build replacement dwelling.	D 22 December 2020 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, requirements for replacement dwellings in the countryside, and whether it would be a suitable site for housing.
- Considered that the proposal would, due to its larger footprint and substantial form, have a significant harmful impact on the spatial and landscape character of the area and be visible from rights of way, and therefore be contrary to CP11, DM1 and DM25.
- Due to the separation from existing dwellings, it would harm the landscape and spatial character, and with no clear landscape, access or amenity benefits would not be justified and would therefore be contrary to DM1 and DM5 of the LDLP.

- Does not considered the location so isolated from services to justify refusal.

Planning Application No	Site	Description of Development	Decision
LW/19/0911 APP/P1425/W/20/3253 947	92 Allington Road Newick BN8 4ND	Detached dwelling and extension to existing dwelling and car parking.	A 6 January 20210 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, and effect on the Ashdown Forest SAP and SAC.
- The Inspector considered that having assessed the area that no real visual harm would occur and both remaining gardens would be of an acceptable size. It would cause no harm to the street scene or the wider character and appearance of the area. The proposed frontage parking would not be either unusual or harmful.
- Having considered the measures already in place at Readons Meadow it was considered that the proposal would not adversely affect the SAC or SPA and therefore accorded with policy.

Planning Application No	Site	Description of Development	Decision
LW/20/0058 APP/P1425/W/20/3256 309	Bybuckle Court Marine Parade Seaford BN25 2PZ	Change of use of nursing home to 6 flats.	D 19 November 2020 Committee decision

Inspector's Reasoning

- Issues – whether the design and layout is of an acceptable standard.
- The Inspector questioned whether there was actually any merit in retaining the building as it did not have any townscape value, albeit there would be embedded energy saved by its retention but poor energy efficiency.

- The constraints of the site and the present building results in a building that does not take full advantage of the location and does not reach the standard of design and utility sought in local and national policies.

Planning Application No	Site	Description of Development	Decision
LW/18/0590 APP/P1425/D/20/32459 13	Newhaven Lodge 12 Brighton Road Newhaven BN9 9NB	Bike shed in front garden.	D 4 February 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, the building and street scene.
- The Inspector considered that the bike shed was ‘manifestly at odds with the uniform pattern and sequence of the other properties and stands out as an unexpected and unwelcome visually intrusive feature – a clear departure from local distinctiveness that is not compatible with and does not contribute positively to the local area’.
- Therefore harmful to the character and appearance of the area.

Planning Application No	Site	Description of Development	Decision
LW/20/0488 W/20/3261253	11A Nutley Avenue Saltdean BN2 8ED	Demolition of garage and erection of a two storey two bed house.	D 4 February 2021 Delegated decision

Inspector's Reasoning

- Issues – impact on the character and appearance of the area, with regards to plot width and form/design.
- Road has an open spacious quality. Siting forward of the front wall makes the proposal appear conspicuous and dominant addition, unsympathetic to the pleasing regular and balanced profile of the neighbouring dwelling. The forward siting would result in the site appearing relatively cramped and fail to relate well to the areas more spacious pattern of development.

Planning Application No	Site	Description of Development	Decision
LW/19/0462 W/4000743	1 Wheatlands Close Telscombe Cliffs BN10 7JF	2 bed detached bungalow.	D 10 February 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, and living conditions of neighbours.
- The Inspector considered that the introduction of a significant level of built form directly adjacent to neighbours amenity space would create an oppressive and dominating environment for the occupiers of neighbouring dwellings.
- The proposal would result in disturbance to neighbours and would be harmful to neighbours living conditions and have an adverse and unacceptable impact on amenities.

Planning Application No	Site	Description of Development	Decision
LW/20/0119 APP/P1425/W/20/3256 832	23 Fairways Road Seaford BN25 4EL	Side extension to create self-contained dwelling.	D 11 February 2021 Delegated decision

Inspector's Reasoning

- Issues – effect on the character and appearance of the area.
- The Inspector considered that the attached design and narrower and smaller plot would appear cramped and squeezed on to the site. As such it would be harmful to the character and appearance of the area and contrary to Policy DM25 and DM28.

Planning Application No	Site	Description of Development	Decision
LW/20/0124 W/4001379	36 The Rough Newick BN8 4NS	Approval of reserved matters (access, appearance, landscaping , layout and scale).	A 22 February 2021 Committee decision

Inspector's Reasoning

- Issues – impact on the living conditions of the surrounding occupiers.
- The inspectors considered that whilst there would be a modest level of overlooking this would not be unusual in a residential area, and it would be reasonable to secure landscaping along the boundary to mitigate any perceived overlooking. With 27m from the dwellings in Oldaker Road I am satisfied that such a distance would protect privacy and would not result in a harmful level of overlooking.
- He found that the proposed dwelling would sit comfortably within the area and would not result in harm to the living conditions of neighbouring occupiers and would therefore comply with Policies DM25 and CP11 of the LDLP and H05 of the Newick NP.

Planning Application No	Site	Description of Development	Decision
LW/20/0124 W/4001379	36 The Rough Newick BN8 4NS	COSTS APPLICATION.	A 22 February 2021 Committee decision

Inspector's Reasoning

- Issue – unreasonable behaviour, refusing the application against the advice of officers, basing their reasons for refusing on vague assertions.
- The Inspector considered that whilst the committee are entitled not to accept professional advice as long as a case could be made for the contrary view. The issue of levels was addressed within the report and could have been dealt with by the imposition of conditions. The Council had not demonstrated that there was any clear evidence how such conditions would not overcome their objections and failed to demonstrate that the proposal would be harmful to the living conditions of

neighbouring occupier. The inspector considered that permission should have been granted and that the refusal therefore constituted unreasonable behaviour resulting in wasted expense.

- A full award of costs was made.

Planning Application No	Site	Description of Development	Decision
LW/20/0216 W/4001464	Oakside Campsite Green Lane Ringmer BN8 5AD	Erection of a detached replacement dwelling and detached garage.	D 5 February 2021 Delegated decision

Inspector's Reasoning

- Issue – whether the dwelling would be acceptable having regard to local and national policy.
- Proposal lies outside of the planning boundaries where DM1 states that the distinctive character and quality of the countryside will be protected and new development only permitted where it is consistent with a specific policy or where there is a need for a countryside location . Policy 4.1 of the Ringmer Neighbourhood Plan sets out a similar thrust.
- The inspector considered that the development would not be consistent with local or national policies.

Planning Application No	Site	Description of Development	Decision
LW/14/0703 APP/P1425/W/15/3119 171	Mitchelswood Farm, Allington Road, Newick BN8 4NH	50 residential dwellings, open space , new accesses.	D 16 February 2021 Delegated decision

Inspector's Reasoning

- Issues – location of housing (conflict with local plan), effect on character and appearance of the landscape (substantial visual harm to the character and appearance of the landscape and village setting), housing (considered that the genuine need for

affordable housing should command significant weight), effect on Ashdown Forest (would not be likely to have any significant effect on Ashdown Forest SPA or SAC or the conservation objectives).

- The Secretary of State agreed with the inspector and dismissed the appeal.

Planning Application No	Site	Description of Development	Decision
LW/19/0385 W/4000788	55 Allington Road Newick BN8 4NB	Construction of 9 bungalows.	D 15 March 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, whether the site is suitable for the proposed development.
- The Inspector considered that the development would have a significant harmful impact on the spatial and landscape character of the area which reflects the undeveloped open character of the countryside, contrary to Policies CP10, CP11 and DM25 as well as EN1 and HO1.1 of the Newick NP.
- Being located outside of the settlement boundary it conflicts with policy DM1.
- Being self-build would not overcome the considerable and significant effect on the character of the area both spatially and visually.
- Did not consider that there would be any impact on the Ashdown Forest.

Planning Application No	Site	Description of Development	Decision
LW/20//0583 APP/P1425/D/21/32682 46	17 Springfield Av Telscombe BN10 7AR	Rear extension and loft conversion	D 31March 2021 Delegated decision

Inspector's Reasoning

- Issue – impact on character and appearance of the area, living conditions of neighbours and privacy.

- The Inspector considered that the dormer windows would harm the character and appearance of the area, unsympathetic with the host building.
- The windows would introduce overlooking and hence a loss of privacy to neighbours.

Relevant SDNP appeal dealt with by Lewes having been refused by the Lewes Planning Applications Committee

Planning Application No	Site	Description of Development	Decision
SDNP/20/01311/FUL APP/Y9507/W/20/3261 128	South of 46 Beacon Road Ditchling BN6 8UL	Erection of detached dwelling and garage with new access and landscaping.	D 10 February 2021 Committee decision

Inspector’s Reasoning

- Issue – whether the proposal would result in inappropriate and inefficient use of land with regards to settlement boundary policies.
- The Inspector considered that the land was previously development but that the change to residential land would not satisfy the exceptions for development outside the settlement boundary as listed in policies SD25 and DS1.
- The house would be a remote outlier, does not reflect low density housing on the along Beacon Road, the dwelling would still be seen from the public realm, the siting would not be appropriate being outside the settlement confirmed in the recent neighbourhood plan process.
- The proposal would result in inappropriate residential use outside of the settlement boundary , not relating well to the context of the settlement.

Planning Application No	Site	Description of Development	Decision
SDNP/20/00069/HOUS D/4001789	26 Shirleys Ditchling BN6 8UD	Remodelling dwelling to form a 2-storey dwelling with single storey rear extension 2 storey side extension and raising ridge to create a first floor.	D 1 March 2021 Committee decision

Inspector's Reasoning

- Issues – effect on supply of small/medium dwellings having regard to SDNP's strategy.
- Uplift in size would significantly exceed the 30% imposed by policy SD31, also increase number of bedrooms from 3 to 4 taking it outside the definition of a medium sized dwelling, the fact that the family has grown in size is not considered to be exceptional circumstances and no evidence to show that this proposal was the only way of improving the living conditions.
- The proposal would lead to the unacceptable loss of a medium sized dwelling by over-extending the building. There are no exceptional circumstances. The proposal would be in clear conflict with SDLP Policy SD31 and fail to achieve a sustainable form of development.