

Planning Applications Committee

9 June 2021



Working in Partnership



Time and venue:

5.00 pm in the Lewes Leisure Centre, Mountfield Road, Lewes, BN7 2XG

Membership:

Councillor Sharon Davy (Chair); Councillors Graham Amy, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor, Nicola Papanicolaou, Steve Saunders and Richard Turner

Quorum: 5

Note: This meeting is a public meeting. However, the number of public seats are limited and need to be carefully managed to ensure the meeting is covid-secure. For this reason, we would like to ask that anyone intending to attend as a member of the public, contacts the Democratic Service team in advance by email: committees@lewes-eastbourne.gov.uk or phone: 01323 415023. Priority will be given to anyone registered to speak at the meeting. Anyone attending the meeting will be asked to check in at the venue and to wear a face covering and to observe a one-way system for entering and exiting the building.

Published by: Tuesday, 1 June 2021

Agenda

1 Election of Vice-Chair

To elect a Vice-Chair of the Planning Applications Committee for the remainder of the 2021/2022 municipal year.

2 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held remotely on 21 April 2021 (attached herewith).

3 Apologies for absence/Declaration of substitute members

4 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.

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/20/0895 - 37 Capel Avenue, Peacehaven, East Sussex, BN10 8HB (Pages 9 - 24)

9 LW/20/0888 - Searchlight Workshops, Claremont Road, Newhaven (Pages 25 - 46)

10 LW/20/0799 - Elm Court, Blatchington Road, Seaford (Pages 47 - 68)

11 LW/20/0897 - Rear of 51 and 53 Station Road, Denton, BN9 0NN (Pages 69 - 84)

12 LW/20/0774 - Sharpsbridge Farm, Sharpsbridge Lane, Newick, TN22 3XG (Pages 85 - 96)

13 LW/20/0478 - 18 College Road, Seaford, BN25 1JD (Pages 97 - 110)

14 LW/21/0237 - Land at Railway Quay, Newhaven, East Sussex (Pages 111 - 116)

15 LW/19/0589 - Hortons, Hemsleys Lane, Streat, East Sussex, BN6 8SB (Pages 117 - 122)

Non-planning application related items

16 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to commence at 5:00pm on Wednesday, 7 July 2021.

General information

Planning Applications outside the South Downs National Park:

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

Planning Applications within the South Downs National Park:

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

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

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

Information for the public

Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. Please let us know if you wish to use the induction loop – so that we can make sure you are seated in the best place to use the loop. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording:

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

Public participation:

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

Information for Councillors

Disclosure of interests:

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

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

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

Councillor right of address:

If Members have any questions or wish to discuss aspects of any application listed on the agenda, they are requested to contact the Planning Case Officer prior to the meeting.

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

Democratic Services

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

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held remotely (via Microsoft Teams) on 21 April 2021 at 4.00pm

Present:

Councillor Sharon Davy (Chair)
Councillors Steve Saunders (Vice-Chair), Graham Amy, Lynda Duhigg, Christoph von Kurthy (Minute No 124 to 132), Jim Lord, Sylvia Lord, Imogen Makepeace (Minute No 124 to 133), Milly Manley (Minute No 124 to 131), Laurence O'Connor and Nicola Papanicolaou

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)
Jennifer Norman (Committee Officer, Democratic Services)
Leigh Palmer (Head of Planning First)
Joanne Stone (Solicitor, Planning)

124 Introductions

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

125 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Tom Jones. Councillor Jim Lord declared that he was acting as substitute for Councillor Jones for the duration of the remote meeting.

126 Declarations of interest

There were none.

127 Minutes

The amended minutes of the meeting held on 31 March 2021, as set out in Supplement 4a, were submitted and approved, and the Chair was authorised to sign them as a correct record.

128 Petitions

There were none.

129 Written questions from councillors

There were none.

130 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 Committee Officer on behalf of Mrs Jackie and Mr Bill Frost (Neighbours), Reverend Paul McMichael (Neighbour) and Hakan H. Kocayusufpasaoglu (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 the demolition of existing property and erection of 2 x 4-bedroom detached houses be refused for the following reasons:

- 1) Loss of light/overshadowing and impact on amenity of adjacent occupiers;
- 2) Access hazards to pedestrians and other road users; and
- 3) Impact on street scene/area of established character.

131 LW/20/0633 - Land at High Street, Barcombe, East Sussex

A written representation received from Julia Shelley (Parish Clerk) on behalf of Barcombe Parish Council was read aloud by the Committee Officer. Written representations against the proposal were read aloud by the Committee Officer on behalf of Dr Anne Livesey (Neighbour), Therri Lahood (Immediate Neighbour) and Angela Murphy (Neighbour). A written representation for the proposal from Mr Hough (Planning Consultant – on behalf of Applicant, Rydon Homes Ltd) was read aloud by the Committee Officer. A written representation was read aloud by the Committee Officer on behalf of Councillor Isabelle Linington in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/20/0633 for outline permission for the erection of up to 26 dwellings together with associated development and site access with all other matters reserved be refused for the following reasons:

- 1) Impact on highway safety; and
- 2) Nature conservation.

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

(Note: Prior to the discussion and consideration of Agenda item 10, the Committee adjourned for a five-minute comfort break.)

132 LW/20/0690 - Land behind 3 and 4 Dymchurch Close, Seaford, BN25 3JX

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 Committee Officer on behalf of Emma Lowe (Immediate Neighbour) and Sarah Reed (Immediate Neighbour).

Resolved:

That planning application LW/20/0690 for construction of 3-no. detached three-bedroom houses with associated access and landscaping works be approved, subject to the conditions set out in the report.

(Note: Councillor von Kurthy gave his apologies and left the remote meeting at the end of this agenda item.)

133 LW/20/0849 - 6 Beacon Drive, Seaford, BN25 2JY

Written representations against the proposal were read aloud by the Head of Planning on behalf of Mrs Penny & Mr Roger Jones (Immediate Neighbours), Bruce Munro-Smith (Neighbour) and Mrs Dily & Mr David Saunders (Neighbours). Written representations for the proposal were read aloud by the Head of Planning on behalf of Esme Rowland (Applicant), Louise Ellis (Owner & Director of Rubicon Children's Homes) and Susannah Pascoe (Director of Rubicon Children's Homes). A written representation was read aloud by the Head of Planning on behalf of Councillor Geoff Rutland in his capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/20/0849 for change of use from a C3 (dwelling house) to C2 (residential institution - to accommodate 5 children) be approved, subject to the conditions set out in the report and supplementary report.

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

(Note: Prior to the discussion and consideration of Agenda item 12, the Committee agreed to continue the meeting should it progress past a 4-and-a-half-hour duration, as set out in [Rule 10 of Part 4 - Council Procedure Rules - of the Council's constitution](#).)

134 LW/20/0737 - 10 Chene Road, Peacehaven, BN10 8XG

Written representations against the proposal were read aloud by the Head of Planning on behalf of Tracy Horeman (Immediate Neighbour) and Dean Wells (Immediate Neighbour).

Resolved:

That planning application LW/20/0737 for 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 be refused for the following reasons:

- 1) Un-neighbourliness due to scale and dominance of pergola and fencing and unsightly for the area and impact on amenity of neighbours;
- 2) Fencing detrimental to wildlife; and
- 3) Enforcement action was also authorised.

135 LW/20/0893 - 78 Saltwood Road, Seaford, East Sussex, BN25 3SS**Resolved:**

That planning application LW/20/0893 for erection of a single-storey front and side wraparound extension and wheelchair accessible ramp be approved, subject to the conditions set out in the report.

136 Summary of appeals decisions received from 1 October 2020 to 31 March 2021**Resolved:**

That the summary of appeal decisions received from 1 October 2020 to 31 March 2021, be noted.

137 Date of next meeting**Resolved:**

That it be noted 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.

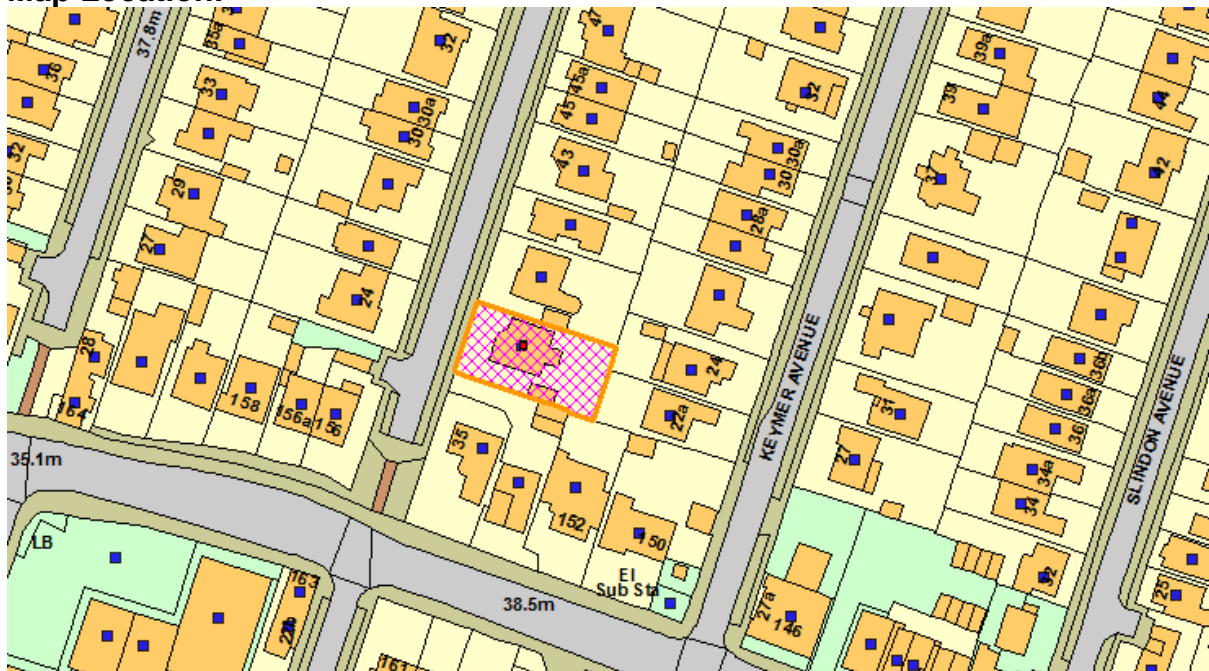
The meeting ended at 9.31pm.

Councillor Sharon Davy (Chair)

Report to: Planning Applications Committee
Date: 9 June 2021
Application No: LW/20/0895
Location: 37 Capel Avenue, Peacehaven, East Sussex, BN10 8HB
Proposal: Demolition of existing bungalow, erection of 2 no. 3x bedroom semi-detached houses.
Ward: Peacehaven East
Applicant: P L Projects Ltd
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@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. Committee members voted to defer the decision in order to enable the occupants of the neighbouring property to the north, 39 Capel Avenue, to submit comments from medical professionals relating to the importance of natural light to enable an occupant of the property, who has profound bilateral sensori-neural deafness, to be able to communicate with other members of the family.
- 1.2 Comments have been provided by the occupants General Practitioner, a consultant at the University of Southampton Hospital and East Sussex

Hearing. These comments have been circulated to committee members for information.

- 1.3 Para. 8.4.2 of the original committee report (see appendix 1 below) acknowledges that there would be a reduction of natural light to the dining room at 39 Capel Avenue although other primary living areas would not be significantly impacted upon.
2. Response from applicant (summarised):
 - 2.1 We are concerned that the comments from various parties are not founded on any empirical evidence and indeed make significant assertions over impacts that can only be judged by professional planners and development consultants.
 - 2.2 In our view the level of light reduction would clearly not be at a level where the room would be in darkness to a level where lip reading and sign language were not possible. Officers clearly felt this position was acceptable for any other occupiers of 39 Capel Avenue and therefore we need to understand the difference in lighting requirements for the resident with profound hearing loss and complex learning difficulties.
 - 2.3 In respect of the neighbours hearing/communications issues, our view would be the level of light reduction could not reasonably result in a position where there would be the inability to lip read or communicate during daylight hours within a room with a south facing window. The neighbours have not produced any evidence to suggest this, merely said that any reduction would be harmful. To assert such a statement in our view provides no empirical evidence to justify refusal on grounds of harm in respect of their specialist health requirements and could provide a precedent for any effected third parties to use such conditions to restrict otherwise entirely reasonable forms of development coming forward.
 - 2.4 We therefore consider in the absence of empirical evidence to support the neighbours assertions of harm that the Council must consider the scheme before them in respect of the standard tests for amenity for neighbouring residents, which continues to be considered by officers to be acceptable.
 - 2.5 The proposed chalet bungalows are located approximately 5m due south of 39 Capel Avenue, which is an entirely appropriate separation distance between properties in the street. The rest of the property would be unaffected by the proposal and the primary outlook of the property is to the east (rear garden) and west.
 - 2.6 The orientation of the site is also particularly important in that the sun path would be largely unaffected by the proposed development, with the sun at its highest point, due south and above the proposed properties. Overall therefore, the quality of living environment for the occupiers of 39 Capel Avenue will remain primarily unaffected

- 2.7 There is a fall-back position for a hipped to gable roof conversion being carried out under Permitted Development rights which would have a greater overshadowing impact.
- 2.8 OFFICER COMMENT: A series of diagrams, including one which juxtaposes the potential overshadowing impact between that caused by the existing dwelling, that caused by the proposed scheme and that caused by a hip to gable conversion, have been provided and will be included in the committee presentation. Officers requested that the applicant submit a daylight/sunlight survey to demonstrate the impact the development would have upon the neighbouring property in terms of access to natural light but this request was declined. It should be noted that a hipped to gable roof conversion would not project as far to the front or rear of the site as the flank elevation wall of the proposed scheme as it would be aligned with the front and rear elevation of the existing dwelling.
- 2.9 LEGAL OFFICER COMMENT: The general rule is that material considerations must only relate to the character of the use of land. Exceptionally, however, the personal circumstances of an individual may be taken into account as a material planning consideration. The weight that can be attached to a material consideration is a matter for the decision maker, although the courts have provided guidance that although some weight can be attached to the personal circumstances of an individual, these personal circumstances should not be determinative.
- 2.10 Section 149 Equality Act 2010 provides *A public authority must, in the exercise of its functions, have due regard to the need to:-*
- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
- 3. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:*
- (a) *remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - (b) *take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it*

Consideration must therefore be given to the potential impacts on the affected person prior to a decision being made together a consideration of any steps that could be taken to help meet the needs of that person, as appropriate. The committee's duty under the equality's legislation stands alongside its duty under the planning legislation to have regard to the development plan and other material considerations in reaching a decision.

3. Conclusion

- 3.1 The application remains recommended for approval on the basis that there would be primary habitable rooms within the neighbouring dwelling that would remain unaffected by overshadowing impact. As such, it is considered that the scheme is acceptable in planning terms. Particular regard should be paid to para. 123 (c) of the NPPF which states that in situations here there is an existing or anticipated shortage of land for meeting identified housing needs (as there currently is in Lewes District) 'authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 3.2 Members are invited to consider the comments made above in the context of the attributes of the application as a whole when making their decision.

APPENDIX 1 – report to the 31 March committee

1. Executive Summary

- (c) It is considered that the proposed development represents a sustainable densification of an existing residential site that would preserve existing environmental, residential and visual amenities, would not negatively impact upon highway safety and would provide suitable living conditions for future occupants.
- (d) It is therefore recommended that the application is approved subject to the conditions listed at the end of this report.

2. Relevant Planning Policies

- (e) National Planning Policy Framework 2019
NPPF: - 2 – Achieving sustainable development;
NPPF: - 4 – Decision-making;
NPPF: - 6 – Building a strong, competitive economy;
NPPF: - 8 – Promoting healthy and safe communities;
NPPF: - 12 – Achieving well-designed places;
NPPF: - 14 – Meeting the challenge of climate change, flooding and coastal change;
NPPF: - 15 – Conserving and enhancing the natural environment;
- (f) Lewes District Local Plan (Parts 1 and 2)
LDLP: – CP2 – Housing Type, Mix and Density)
LDLP: – CP10 – Natural Environment and Landscape
LDLP: – CP11 – Built and Historic Environment & Design
LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – DM1 – Planning Boundary

LDLP: – DM20: Pollution Management

LDLP: – DM23 – Noise

LDLP: – DM25 – Design

3. **Site Description**

- (g) The site is occupied by a detached bungalow dwelling that is set back from the highway, with a low walled garden to the front. There is dropped kerb vehicular access from Capel Avenue and this leads to a detached flat roof garage which is set back from the dwelling frontage.
- (h) Capel Avenue is a residential no through road that is flanked by dwellings, the majority of which are bungalows although there are also chalet style dwellings with roof dormers, including opposite the site at No. 24 where works to enlarge the roof (including provision of front and rear dormers) are currently underway. There is a mix of detached and semi-detached dwellings, with a number of the semi-detached properties occupying subdivided plots that had originally accommodated a single dwelling. Relatively small gaps are maintained to the sides of each building, all of which are set slightly back from the highway.
- (i) To the south of the site is South Coast Road (A259) which is lined by a mix of bungalow, chalet style and two-storey properties. The site backs onto the rear gardens of properties on Keymer Avenue, as is the case with all properties on the eastern side of Capel Avenue.
- (j) There are no specific planning designations or constraints attached to the site.

4. **Proposed Development**

- (k) The proposed development involves the demolition of the existing bungalow dwelling and garage and replace it with a pair of semi-detached two-storey dwellings, three-bedroom dwellings. The dwellings would mirror each other in design and would be of equal size, each measuring 6.44 metres in width (combined width of 12.88 metres) by 15.15 metres in depth (approx. 1.7 metres of which would be at a stepped down height to the front of the dwelling). The roof would have a barn hip design with main eaves at approx. 4.4 metres and the ridge line at 7.356 metres. Due to the eaves height being relatively low, front and rear facing first floor windows would be accommodated within dormers.
- (l) The combined footprint of the proposed dwellings would be approx. 195 m². The existing bungalow and garage have a footprint of approx. 122 m². The overall plot area is approx. 450 m² and it would be subdivided so the area is shared equally between each of the new plots formed.
- (m) Each dwelling would be served by 2 x off streetcar parking bays to the front of the property. Access to this parking would be achieved by widening the existing dropped kerb and removing the majority of the exiting low wall along the front boundary. One car parking space at each

property would be equipped with electric vehicle charging apparatus. A bin store would be provided to the front of each dwellings and cycle storage would be provided within the garden areas to the rear.

5. Relevant Planning History

There is no relevant planning history attached to the site but the following list shows recent approvals of roof extensions and residential intensification in the immediate surrounding area:-

- (n) **LW/01/0993 (53 Capel Avenue)** - First floor dormer – Appeal Allowed 13th December 2001

LW/05/2453 (45 Capel Avenue) - Demolition of bungalow and erection of two semi-detached bungalows – Approved 16th February 2006

LW/08/0244 (30 Keymer Avenue) - Demolition of existing bungalow and erection of two semi-detached four bed chalet bungalows – Approved 16th June 2008

LW/09/0690 (28 Keymer Avenue) - Demolition of existing bungalow and erection of two x two bed semi-detached bungalows – Approved 25th August 2009

LW/18/0218 (32 Capel Avenue) - Side extension and loft conversion – Approved 1st May 2018

LW/18/0793 (24 Capel Avenue) - Enlargement and development of roof space including hip to gable of north and south elevations, formation of dormers to east and west elevations and single storey side extension to north elevation – Approved 20th December 2018

6. Consultations

- (o) **Peacehaven Town Council** – It was resolved to recommend refusal for the following reasons:

The proposed development is overbearing and out of keeping with street scene – these units are fundamentally different to the in terms of design, density, massing and materials and will have a detrimental effect on local character. They do not respond sympathetically to local surroundings.

The proposed units are considered to be over-development of the plot in terms of bulk, form, height, massing and proportions. They are out of scale and keeping with the local context in terms of adjacent properties and the architectural rhythm of Capel Avenue

The proposed units would alter the character and appearance of the street scene, affecting visual amenity for all

There will be loss of privacy and adverse impacts for immediate neighbours in respect of outlook and daylight – proposals will result in unacceptable over-looking and are too close to neighbouring boundaries

There will be loss of light resulting from the proposals being so close to neighbouring properties

The proposals will result have a detrimental effect on parking highway safety in the immediate vicinity of the site

Overall - Bungalows are in short supply and we would advocate the retention of this type of property as they fulfil a valuable need for the elderly and disabled, in accordance with the Equalities Act 2010.

Capel Avenue is distinctive in that it is entirely bungalows. The proposed dwellings will be out of keeping and would potentially start a precedent affecting the entire street scene.

Capel Avenue is a no through road. We are concerned in terms of construction vehicles. Should permission be granted we would ask that consideration is given to construction management and highway safety in particular.

Policy – We do not consider that the proposed development accords with development plan policies, particularly CP2 (Housing Type, Mix & Density), CP11 (Built Environment) and DM25 (Design)

- (p) **Southern Water**– Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7. Neighbour Representations

- (q) Three letters of objection have been received, the contents of which are summarised below:-

- Will overshadow windows and gardens;
- Will overlook neighbouring property;
- An overdevelopment of the site;
- Would not be in keeping with surrounding development;
- Extended crossover would present a hazard to pedestrians;
- Would result in loss of on-street parking;
- Construction works would cause noise and disruption;

- (r) Officer Response to public representations:

- 7.1.1 The objections raised are all material planning considerations and will be assessed in the main body of this report.

8. Appraisal

- (s) 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.

- (t) Principle

- 8.1.2 The site is located within the planning boundary where the principle of new development is accepted provided it complies with relevant

policies within the development plan as per policy DM1 of the Lewes District Local Plan Part 2. The central considerations, in this instance, are set out in policy DM25 of the Lewes District Local Plan Part 2, these are that new development meets the following criteria:-

- 8.1.3 Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
 - 8.1.4 Its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
 - 8.1.5 It incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
 - 8.1.6 Existing individual trees or tree groups that contribute positively to the area are retained;
 - 8.1.7 Adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
 - 8.1.8 Any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;
 - 8.1.9 There will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels;
 - 8.1.10 The development involves a net increase of one dwelling on the plot. It is noted that paras. 122 and 123 of the Revised National Planning Policy Framework encourage the more efficient use of land where this can be achieved in a responsible way.
 - 8.1.11 The recent legislation to encourage responsible upward extension of residential dwellings under householder permitted development class AA, subject to prior approval, should also be noted as should para. 118 (e) of the Revised National Planning Policy Framework which states that planning decisions 'should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.'
 - 8.1.12 The development will be assessed on this basis within the main body of the report.
- (u) Impact upon the Character and Appearance of the Surrounding Area
- 8.1.13 The proposed development would subdivide the plot. It is noted that the width and the depth of each of the new plots formed would be consistent with plot sizes of other semi-detached properties on Capel Avenue such as numbers 30 and 30a and numbers 40 and 45a as well as plot sizes on neighbouring streets such as Keymer Avenue, Slindon Avenue and Bolney Avenue. The overall density of

development equates to approx. 44 dwellings per hectare. This density is marginally below the target density of 47 to 5 dwellings per hectare for residential development in towns as prescribed in policy CP2 of the Lewes District Local Plan part 2. The subdivision of the plot to accommodate two dwellings is therefore considered consistent with surrounding development and the densification of the development is considered to be supported by policy CP2 of the Lewes District Local Plan part two as well as paras. 122 and 123 of the Revised National Planning Policy Framework.

- 8.1.14 The building footprint would occupy the majority of the width of the plot. Whilst the current dwelling does not have as wide a frontage, there is a general trend on the street for dwellings to occupy the bulk of their respective plots. The dwelling frontage would be set back from the road by a similar distance to the existing building, which is aligned with the general building line on Capel Avenue. The rear portion of the site would remain in garden use. It is therefore considered that the proposed development would not be disruptive to the spatial characteristics of the street or the wider surrounding area.
- 8.1.15 The proposed development would replace the existing bungalow with a two-storey building. It is noted that the majority of dwellings on Capel Avenue are bungalows but there is also an established presence of chalet type dwellings (with front and rear roof dormers) on Capel Avenue as well as on surrounding roads, including Keymer Avenue where a pair of purpose built chalet style dwellings have been constructed under planning permission LW/08/0244, replacing the bungalow that originally occupied the site. It is considered that the proposed dwellings, seen in context with these dwellings as well 2-storey dwellings further to the north on Capel Avenue and nearby 2 and 3 storey buildings on South Coast Road would not appear out of character given the mix of buildings in the immediate surrounding area.
- 8.1.16 The proposed dwellings incorporate design features to minimise their overall height. The lowering of the eaves allows for the roof ridge line to be kept relatively low and, at 7.356 metres, they would not be significantly greater in height than neighbouring bungalows such as No. 24 (opposite the site) which is approx. 6.45 metres in height. Whilst the eaves would be raised, the impact would be softened on the dwelling frontage by a step down to single-storey height with a separate pitched roof with reduce height eaves, consistent in height with those on neighbouring bungalows, extending along the full frontage of the building. The eaves main eaves height would also be kept lower than is typical for a two-storey dwelling, with front and rear windows being provided in roof dormers, in a similar format to a number of neighbouring dwellings.
- 8.1.17 It is therefore considered that the proposed building would not appear unacceptably disruptive within the street scene and would visually assimilate with chalet and two-storey buildings in the wider surrounding area. It should also be recognised that the existing

dwelling could have its roof converted from hip to gable and rear roof dormers installed under householder permitted development rights.

- 8.1.18 The proposed parking arrangements would require the removal of the majority of the existing front boundary wall and the hard surfacing of the bulk of the site frontage. Hard surfaced car parking is a common feature on Capel Avenue and this form of work can be carried out without the need for planning permission provided a permeable surface is used (or on site soakaway drainage installed) and the necessary licence for widening of the dropped kerb is granted by ESCC Highways. It is noted that a small landscaped area would be retained to the front of each dwelling. It is therefore not considered that the proposed hard surfaced parking would compromise the prevailing character and appearance of the street scene.

(v) Neighbour Amenity:

- 8.1.19 The site is located in an area where development is fairly dense and, due to its location towards the point where Capel Avenue meets South Coast Road, it borders neighbouring property to the side as well as to the rear. The northern flank elevation of the building would not extend any closer towards the nearest neighbouring property, No. 39 Capel Avenue, than the existing dwelling although the height of the wall would increase it is noted this could be done under a permitted development hip to gable conversion.
- 8.1.20 Notwithstanding the above, the flank wall would project further to the front of the site (as the frontage is currently recessed towards the north of the site) and would also extend approx. 4.15 metres further to the rear than the main rear elevation of the existing dwelling. There are two side facing windows on the neighbouring property that would face directly towards the northern elevation of the proposed building. The first of these is a window for a living room that is also served by a front facing window (which would be unaffected by the proposed development). The second serves a dining room which currently faces towards the side elevation and roof of the existing building and experiences a certain level of overshadowing although this would increase to a degree due to the height and depth of the flank elevation wall being extended. Behind the dining room is a kitchen that opens out to a conservatory extension. The rear portion of the flank elevation would run parallel to the side elevation of this conservatory, which currently faces towards the approx. 1.8 metre high boundary fence and part of a flat roof garage structure. This conservatory has additional windows and openings on the northern and eastern elevations and it is therefore considered that it would continue to have access to natural light. Overall, it is not considered that any primary habitable rooms at No. 39 would be subjected to unacceptable levels of overshadowing.
- 8.1.21 The footprint of the proposed building would extend closer to the southern site boundary, which is flanked by an access drive serving 154 South Coast Road, which accommodates a retail unit at ground floor level with a residential flat above. On the other side of the

access drive is the northern boundary of 35 Capel Avenue beyond which is an area of garden (although the main garden area is to the south of the dwelling) and the northern elevation of the dwelling which contains a secondary living room window/door as well as kitchen and dining room windows. Given the distance of approx. 10.5 metres maintained between the flank elevation of the proposed building and the side elevation of 35 Capel Avenue, the positioning of the proposed building to the north of the neighbouring property and the multi-aspect window arrangement at 35 Capel Avenue, it is not considered that this property would be subjected to undue levels of overshadowing.

- 8.1.22 Although the proposed building would be marginally greater in height than the existing building, and greater in mass, it is not considered that it would appear overbearing towards neighbouring properties. This is due to the increase in height being relatively modest, the degree of separation maintained between the proposed building and neighbouring dwellings, approx. 5 metres and 10.5 metres to the north and south respectively, and the fact that the building would not project a significant distance forward or behind the existing building footprint.
- 8.1.23 All side facing windows within the proposed building would serve secondary rooms (bathrooms, utility rooms, hallway/landing) with the exception of one which would be a secondary living room window. All are to be obscure glazed and this is considered an acceptable measure to prevent direct overlooking of the nearest neighbouring properties to the north and south. Due to the functions the windows perform it is not considered the use of obscure glazing would detract from the amenities of future occupants as it would not restrict access to natural light in primary habitable rooms. Views from first floor windows facing to the front and rear would be similar to views offered by first floor windows on neighbouring properties. Whilst this would allow partial overlooking of neighbouring rear gardens this is a common and acceptable relationship in an urban environment and, as mentioned above, is already an established relationship within the surrounding area. Window to window views would be at a distance of approx. 18 metres and at an angle from first floor level to ground floor level. Partial screening would be offered by existing site boundary treatment and it is also emphasised that first floor windows could be installed within the rear roof slope of the existing building without any need for planning permission. It is therefore considered that the proposed development would not allow for unacceptable invasive views towards neighbouring properties.

(w) Living Conditions for Future Occupants

- 8.1.24 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external

storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.

- 8.1.25 All habitable rooms within each dwelling are served by clear glazed openings allowing for a good level of natural sunlight permeation. There are clear glazed windows or rooflights on three sides of the dwelling and the multiple aspect nature of the building would prolong the access to natural light throughout the day. These openings, along with obscure glazed openings on the eastern elevation, would also allow for effective natural ventilation.
- 8.1.26 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. The proposed dwellings would each have a GIA of 162 m² which comfortably exceeds the minimum standards.
- 8.1.27 Para. 10 (b) of the space standards instructs that a dwelling with two or more bedspaces has at least one double (or twin) bedroom whilst para. 10 (d) stipulates that a double room must have a minimum floor area of 11.5 m². All bedrooms meet these standards.
- 8.1.28 The proposed dwellings would have access to private outdoor amenity areas which are considered to be of adequate size to serve the household size each dwelling would likely accommodate. It is also noted that a study for each dwelling and that this facility would support home working.

(x) Highway Impact and Accessibility

- 8.1.29 The proposed dwellings would each be served by two hard surfaced car parking bays. These parking bays are a sufficient length to meet ESCC standards, which require a length of at least 5.5 metres for car parking spaces that are adjacent to a wall. The quantum of parking is in compliance with the number of spaces recommended in ESCC Highways standing advice for a 3 bedroom dwelling. Whilst the extended dropped kerb would result in the loss of a single on-street car parking space it is noted that the majority of nearby dwellings have access to on-site parking bays and/or garages and, as such, there is not an over-reliance on the use of on street parking.
- 8.1.30 Appropriate sight lines would be maintained around the dropped kerb and a condition will be used to ensure visibility splays unobstructed by walls/fencing over 0.6 metres in height are maintained in order to ensure motorists have view of pedestrians on the footpath when leaving the site.
- 8.1.31 Each dwelling would have one parking bay provided with electric vehicle charging apparatus in accordance with policy CP14 of the Lewes District Joint Core Strategy and the Electric Vehicle Charging Points Technical Guidance Note.
- 8.1.32 Bin stores would be provided to the front of the dwellings, ensuring they are accessible by bin crews and that bins are stored within an

enclosure to reduce impact upon visual and environmental amenity. Cycle storage facilities with direct access available to the highway would be provided to the rear of each dwelling, encouraging the use of this more sustainable mode of transport.

- 8.1.33 Each dwelling would incorporate measures to enhance accessibility. This includes level threshold entry point, parking immediately adjacent, manoeuvring space for wheelchairs within rooms and openings of a suitable width to maximise access to each room.

(y) Sustainability/Circular Economy

8.7.1 A waste minimisation statement has been provided and this includes details of how waste and recycling generated by demolition and construction works will be managed. It also states construction materials will be locally sourced.

8.7.2 The Design and Access Statement accompanying the application includes a Sustainability Statement. This maintains that the buildings would be constructed in locally sourced, sustainable and low maintenance materials. Low energy electrical equipment would be utilised where practical. During excavations, topsoil would be stored for re-use during landscaping works. Permeable surfacing will be used for the driveway and other hard surface areas to assist with surface water drainage.

8.7.3 There is an existing drainage connection on site that would be utilised subject to agreement with Southern Water.

9. **Human Rights Implications**

- (z) 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**

- (aa) It is recommended that the application is approved subject to the conditions listed below.

(bb) Conditions

1. No part of the development shall be occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the site vehicular access onto Capel Avenue. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: In the interests of pedestrian safety in accordance with para. 110 of the Revised National Planning Policy Framework.

2. The external materials, finishes and surfaces of the development hereby approved shall accord with the schedule provided on approved plan 20086/10.001.

Reason: In the interest of visual integration in accordance with policy DM25 of the Lewes District Local Plan Part 2.

3. Prior to the first occupation of the development hereby approved the car parking bays to the front of the side shall be surfaced and marked out as shown on approved plan 20086/10.001 and shall be maintained in place thereafter with the land used for the parking of vehicles only.

Reason: In the interest of functionality and in order to prevent parking pressure on the surrounding highway network in accordance with policy CP13 of the Lewes District Local Plan part 1, policy DM25 of Lewes District Local Plan part 2 and para. 102 of the Revised National Planning Policy Framework.

4. Prior to the first occupation of the development all windows within the northern and southern (side) elevations shall be obscure glazed and fixed shut (other than where over 1.7 metres above the finished floor level of the rooms that they serve) and shall be maintained in this condition throughout the lifetime of the development.

Reason: In order to preserve the amenities of neighbouring residents by preventing intrusive level of overlooking in accordance with policy DM25 of the Lewes District Local Plan part two.

5. The electric vehicle charging points shall be installed in the positions shown on approved plans 20086/11.001 and 20086/11.002 in accordance with the specifications submitted with this application prior to the first occupation of each dwelling and shall be maintained in operational condition thereafter.

Reason: In order to encourage the uptake in ownership of electric vehicles in the interest of controlling emissions in accordance with policy CP14 of the Lewes District Joint Core Strategy, the Electric Vehicle Charging Points Technical Guidance Note and para. 110 of the Revised National Planning Policy Framework.

6. The cycle and bin storage facilities shown on approved plan 20086/10.001 shall be installed prior to the first occupation of the development hereby approved in accordance with the details submitted.

Reason: In the interest of visual and environmental amenity in accordance with policies DM20 and DM25 of the Lewes District Local Plan part two and to encourage the use of sustainable modes of transport in accordance with policy CP13 of the Lewes District Local Plan part one and para. 110 of the Revised National Planning Policy Framework.

7. All demolition and construction works shall be carried out in adherence with the submitted Waste Minimisation Statement.

Reason: In the interest of visual, residential and environmental amenity in accordance with policies DM20 and DM25 of the Lewes District Local Plan Part 2 and in the circular economy in accordance with the Circular Economy Planning Technical Advice Note.

8. The hard and soft landscaping shown on plan 20086/11.001 shall be implemented prior to the first occupation of the development hereby approved.

Reason: In the interest of sustainability, site drainage and visual amenity in accordance with policies CP11 and CP12 of the Lewes District Local Plan part one, policies DM25 and DM27 of the Lewes District Local Plan part two and para. 163 of the Revised National Planning Policy Framework.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E; inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in accordance with policy CP11 of the Lewes District Local Plan part one and policy DM25 of the Lewes District Local Plan part two.

Informatives

1. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, remove from the site and disposed of in an appropriate manner. It is offence to burn trade waste.
2. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting the site and neighbouring properties to get a better understanding of the operation and issues, seeking further information to address concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|----------------------------|----------------------|------------------|
| Site Location Plan | 23 December 2020 | 1:2500 |
| Block Plan | 23 December 2020 | 1:500 |
| Site Plan | 23 December 2020 | 20086/10.001 |
| Street Elevation | 23 December 2020 | 20086/10.002 |
| Plot 1 – Ground Floor Plan | 23 December 2020 | 20086/11.001 |
| Plot 2 – Ground Floor Plan | 23 December 2020 | 20086/11.002 |
| Plot 1 – First Floor Plan | 23 December 2020 | 20086/11.003 |

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|------------------------------------|----------------------|------------------------------|
| Plot 2 – First Floor Plan | 23 December 2020 | 20086/11.004 |
| Plot 1 – Roof Plan (Plot 2 handed) | 23 December 2020 | 20086/11.005 |
| Front Elevation | 23 December 2020 | 20086/13.001 |
| Rear Elevation | 23 December 2020 | 20086/13.002 |
| Plot 1 – Side Elevation (north) | 23 December 2020 | 20086/13.003 |
| Plot 2 – Side Elevation (south) | 23 December 2020 | 20086/13.004 |
| Design & Access Statement | 23 December 2020 | |
| Waste Minimisation Statement | 23 December 2020 | |
| Bike Store Elevations | 23 December 2020 | |
| Planning Statement | 23 December 2020 | |
| EV Charging Brochure | 23 December 2020 | Rolec EVWP 2020 HomeServ5 |

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

11. **Background Papers**

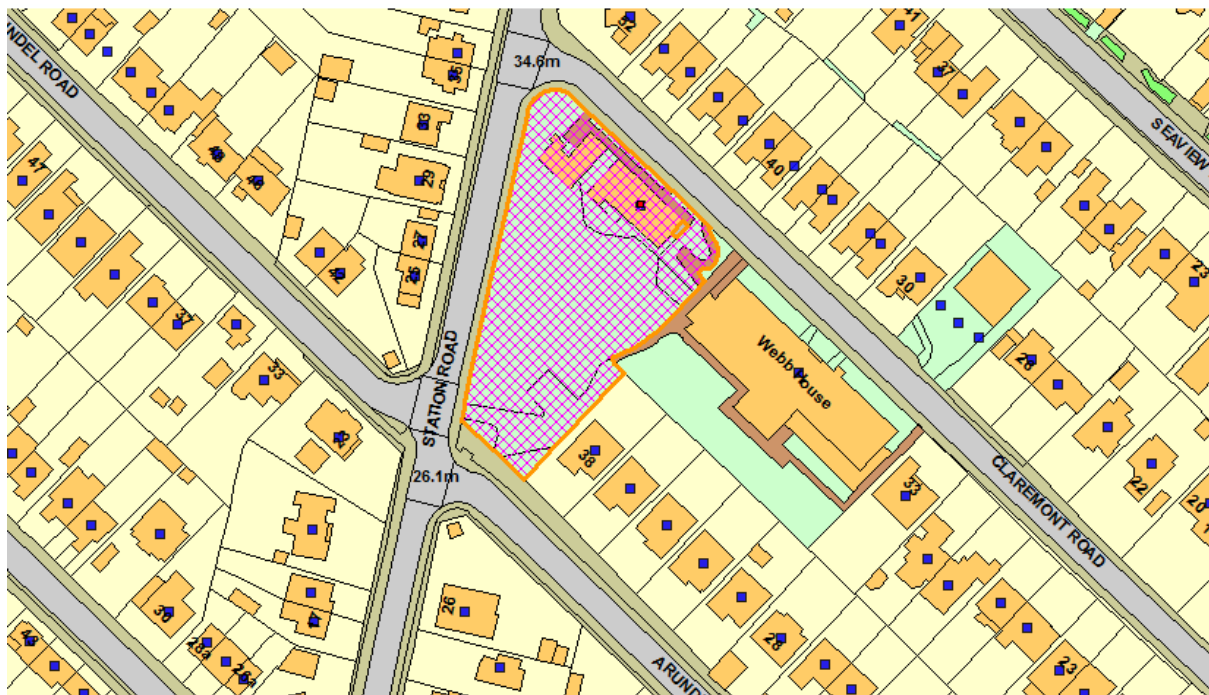
(cc) None.

Report to: Planning Applications Committee
Date: 9 June 2021
Application No: LW/20/0888
Location: Searchlight Workshops, Claremont Road, Newhaven
Proposal: Demolish two existing buildings (former workshop and kitchen) and erection of 6 no. semi-detached dwellings and 3 no. detached units, to all include hard and soft landscaping works and drop kerbs for driveway access. AMENDED DESCRIPTION - 1 x unit removed.

Ward: Newhaven North
Applicant: Mr J Page
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. Executive Summary

- 1.1 It is considered that the proposed development represents an efficient and sustainable use of a previously developed site. The overriding character of the surrounding area would not be compromised and environmental and residential amenities would be preserved.

- 1.2 The site can be accessed safely and an appropriate amount of off-street car parking would be provided in order to ensure there is not unacceptable parking pressure on the surrounding highway network.

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

2.2 Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP2 – Housing Type, Mix and Density;
LDLP: – CP10 – Natural Environment and Landscape;
LDLP: – CP11 – Built and Historic Environment & Design
LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
LDLP: – CP13 – Sustainable Travel
LDLP: – CP14 – Renewable and Low Carbon Energy
LDLP: – DM1 – Planning Boundary
LDLP: – DM20 – Pollution Management
LDLP: – DM23 – Noise
LDLP: – DM24 – Protection of Biodiversity & Geodiversity
LDLP: – DM25 – Design
LDLP: – DM27 – Landscape Design

2.3 Newhaven Neighbourhood Plan

- NNP: – D1 – Promoting Good Design
NNP: – D2 – Design and Climate Change;
NNP: – H1 – A Spatial Strategy for Newhaven
NNP: – NE1 – Biodiversity protection and enhancement

3. Site Description

- 3.1 The site is a corner plot, positioned at the junction between Station Road and Claremont Road both of which are flanked by mixed residential development, predominantly in the form of detached and semi-detached two-storey dwellings although bungalows and chalet style properties become more prevalent as Claremont Road extends to the south-east, particularly on the southern side of the road. Although dwelling designs are mixed there are overarching spatial characteristics

with the majority of dwellings set slightly back from the road and occupying close to the full width of their respective plots, with relatively small gaps maintained between neighbouring properties.

- 3.2 The site itself is occupied by two dilapidated single-storey buildings positioned towards the north-eastern site boundary which flanks Claremont Road. The buildings are set on a flat area of ground which is stepped down approx. 2.5 metres from street level resulting in only the roof slopes having any prominent presence within the street scene. Heras fencing has been placed across the site frontage.
- 3.3 The existing buildings had accommodated facilities associated with Searchlight Workshops, a charity organisation which provided residential, day care services and respite care for adults with physical and learning disabilities. The charity merged with another organisation and residents were subsequently moved to Webb House which occupies the adjoining plot to the east of the site. Since then, the former Searchlight buildings have been vacant with those on the northern site of the road having already been demolished and replaced by dwellings.
- 3.4 There is a memorial garden and pond in the north-eastern corner of the site. Step free access to this feature is provided from Station Road.
- 3.5 The site to the rear of the remaining buildings falls steeply to the south, matching the slope of Station Road which flanks the western side of the site. This part of the site was once occupied by a two-storey building comprising a group of 4 x former detached dwellings that had been interconnected and converted for use associated with the charity organisation. Outline permission was granted for the removal of these buildings and construction of 6 x two-storey dwellings under application LW/86/1287 but this permission was never implemented.
- 3.6 The site narrows towards the south, forming a triangular shaped plot with a narrow section flanking Arundel Road to the south. This portion of the site, to the rear of the remaining buildings, has been cleared with the grass surface and boundary hedging removed. Timber hoarding has been erected along the entire southern and western boundaries of the site.
- 3.7 The site is located within the planning boundary within the Denton Neighbourhood which is built on a hillside which slopes down towards the Ouse Estuary Nature Reserve approx. 350 metres to the south and rising towards the South Downs National Park approx. 250 metres to the north. The site does not fall within either Flood Zone 2 or 3 and, as such, is not identified as being at risk from tidal or fluvial flooding. Flood mapping also shows the site to be at very low risk of flooding by surface water.

4. Proposed Development

- 4.1 The proposed development involves the demolition of the remaining buildings and ancillary structures on the site and the construction of 9 x new residential dwellings configured as a row of 6 x semi-detached dwellings that would align with Claremont Road along the north-eastern

site boundary and 3 x detached dwellings aligned with Station Road on the western site boundary.

- 4.2 The proposed semi-detached dwellings would be 3-storey flat roof structures with a study and kitchen/dining area at lower ground floor level, integral garage and living room at ground floor level and three bedrooms at first floor level. A cantilevered ground floor and first floor projection would be attached to the rear elevation and would provide terraces at both levels. Each of these dwellings would have a footprint of 76 m²; measure approx. 4.3 metres in width by 13 metres in depth and measure approx. 9.2 metres from site ground level to roof top.
- 4.3 The proposed detached dwellings would be 2-storey flat roof structures with an integral garage and living/dining/kitchen areas at ground floor level and three bedrooms at first floor level. Each dwelling would have a footprint of approx. 99.5 m², measure approx. 6.2 metres in width by 16.6 metres in depth and measure approx. 6.4 metres from site ground level to the roof top.
- 4.4 Additional off-street car parking would be provided in the form of 2 x car parking bays to the front of each dwelling. These would be accessed via new dropped kerb crossovers formed on Claremont Road and Station Road.
- 4.5 The general topography of the site would be maintained but with the downward slope from Claremont Road toward Arundel Road terraced in order to enable the proposed dwellings and garden areas to be on level ground.
- 4.6 The existing memorial garden in the north-eastern corner of the site would be relocated to the adjoin site, Webb House, which continues to provide supported living spaces, residential day care and community services.

5. Relevant Planning History

- 5.1 **P/66/0105** – Proposed alterations and additions to utility block – Approved 1st August 1966
- 5.2 **LW/86/1287** - Outline for demolition of buildings and erection of six 2-storey terraced dwellings with garages and parking spaces – Approved 9th September 1986 (reduction from 6 to 5 units negotiated)
- 5.3 **LW/95/1667** - Demolition of workshop and dining room buildings and erection of two storey building to provide new dining/kitchen facility for residents and staff – Refused 14th March 1996

6. Consultations

- 6.1 External Consultations:

ESCC Highways

The details of the planning application regarding visibility, the quantum and location of cycle parking, the quantum of car parking and the location of refuse stores are all considered to be acceptable.

The applicant has submitted a parking survey to demonstrate the available parking. The submitted parking survey suggests there is sufficient capacity in the local streets for 93 vehicles. It is therefore considered that the impact of the additional dropped kerbs could be accommodated in the local highway network. I would therefore not wish to object to this application, subject to the imposition of conditions.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Construction of the development shall not commence until details of the proposed means of foul and surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Sussex Police/Secured by Design

The development's 10 dwellings all face outwards onto the street which has created good active frontage and surveillance over the on-curtilage parking and public area. Cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document para 56 for advice on cycle security and para 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling. Consideration is to be given to these door-sets due to the garage door-set being part of the building skin and access into the dwelling can be obtained from the garage. Either one needs consideration, but I would recommend that the vehicle door-set security is increased.

My only concern over the design and layout of the development would be the proposed rear access path to the rear gardens of plots 1-6. The presence of the path provides unobserved access to these rear gardens and as a result increases the vulnerability of attack from the rear.

OFFICER RESPONSE: A revision to the layout plans will be sought with the rear path omitted and gated access to gardens instead provided from the front of each site.

Newhaven Town Council

The committee supported this application, with the following concerns.

The building design was not fully in keeping with the street scene, and

The possible detrimental impact(s) for on-street parking

Neighbour Representations

- 6.1 46 letters of objection were received from neighbouring residents in response to the originally submitted scheme for 10 dwellings. Following consultation on the revised plans, a further 26 letters of objection were received. A summary of comments received is provided below. All points raised in objections against the original scheme that remain applicable to the revised scheme are included:-

Public consultation was held too late and did not allow a chance for residents to raise concerns;

Front facing windows on the properties flanking Claremont Road would offer invasive views towards living rooms of properties opposite;

Properties on Station Road and Arundel Road will also be overlooked;

Will appear overbearing and bulky, particularly the 3-storey properties;

Design and scale is out of keeping with street scene;

A previous scheme for a two-storey building on the site (LW/95/1667) was refused due to it being excessively bulky;

A recent application for a 'tall box' building was at the nearby 11 Station Road was refused under LW/19/0513 due to overbearing impact and overdevelopment;

Properties would not be stepped into the hill slope in the same way others on Station Road are;

Other recently built flat roof structures replaced previous flat roof buildings;

Dropped kerb parking will result in loss of on-street parking that is used by workers at Webb House as staff car parks have been sold for development;

Cars already park opposite the site on Station Road rendering it a single track road;

Vehicles using drop kerb would represent a hazard to pedestrians including wheelchair users accessing Webb House;

Advice at pre-application stage was provided without consultation with local residents;

Loss of views towards coast and National Park;

The site has been cleared and habitat removed prior to the application being submitted. Mitigation planting should be required if approved;

Additional traffic on a busy road;

All the existing buildings on this portion of Claremont Road are single-storey;

Dwellings on Claremont Road should be stepped further back from the highway;

Would cause overshadowing towards properties on Station Road;

Will put pressure on junction at bottom of Station Road where there is a community shopping area;

Mud will be deposited on the road by construction vehicles;

There will be an increase in activity and noise;

Pressure on infrastructure;

Recently built houses in the area have not been sold;

Ashes from the memorial garden have been removed prior to the application being submitted;

There needs to be more biodiversity measures;

Harmful impact upon wildlife;

Dwellings are too cramped to provide family accommodation;

Increased risk of surface water flooding particularly as base of hill;

The omission of one dwelling has not overcome concerns raised by neighbours;

The green plot made available at the south of the site will be used for development at a later date;

The additional space created by the reduction on dwellings should be used to provide a car parking area;

The ridge height of the existing buildings should be maintained;

The wheelchair accessible unit has been removed from the scheme;

Who would be responsible for managing the green area?

The dwellings on Station Road should be reorientated with the rear garden flanking the road so it can be lined by hedging;

Newhaven should be treated with the same respect as other areas;

A mature tree on Station Road will be cut down;

Hard standing and loss of vegetation will increase surface water run-off;

6.2 OFFICER RESPONSE: Matters relating to environmental, residential and visual amenity as well as traffic and drainage will be addressed in the main body of this report. References to earlier planning refusals are noted. The two-storey building refused under LW/95/1667 maintained a ridge height extension a significant distance along Station Road that did not respond to the downward slope unlike the proposed scheme where there is a clear step down in roof height on dwellings flanking station road as well as a break up in mass as a result of the detached design. The refused building was also not stepped back from the highway unlike the proposed dwellings flanking Station Road. The recently refused scheme at 11 Station Road involved a large flat roof structure that directly overlooked bungalows on lower lying land to the rear and also occupied close to the full site envelope. These are not characteristics that are present in the proposed scheme.

7. Appraisal

7.1 Key Considerations

7.1.1 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.

7.2 Principle

- 7.2.1 This site is located within the adopted settlement planning boundary. Development is therefore acceptable in principle.
- 7.2.2 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. Para. 123 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 7.2.3 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.
- 7.2.4 The proposed development is therefore considered to be acceptable in principle and, as such, should be approved provided its specific characteristics and attributes align with the wider policies of the NPPF. Development Plan policies that are consistent with the NPPF will also be referred to. A full assessment against these relevant policies is provided in the main body of the report below.

7.3 Design and Impact upon Character of Surrounding Area

- 7.3.1 The site is located in a predominantly residential area. The proposed development has two street frontages, these being on Station Road and Claremont Road. Development on Station Road is somewhat piecemeal with the design of dwellings being varied as a result. There are consistencies in general scale, with two-storey buildings being the predominant form. Pitched roofing is generally evident although there are two-storey flat roof dwellings directly opposite the site and at numbers 25 and 27 Station Road. There are overarching spatial characteristics, with dwellings generally set back from the road (although not in a uniform line) and also occupying close to the full width of their respective plots, with small gaps maintained between individual buildings.
- 7.3.2 The developable area of the site, which does not include the area of green space to the south, is approx. 0.25 hectares. The density of the development therefore equates to approx. 36 dwellings per hectare (dph) which is below the recommended 47 to 57 dph figure for development in towns as set out in policy CP2 of LLP2 but it is considered the reduced density is acceptable in this instance due to the efficient use of other parts of the site in the form of sympathetic 3-storey development, due to the site constraints in the form of its sloping topography and tapering shape, and due to the opportunity

provided to use remaining greenspace to introduce biodiversity net gain. The density of the proposed development is also broadly consistent with that of surrounding development on Station Road and Claremont Road.

- 7.3.3 The north-western end of Claremont Road was, until recently, occupied by buildings associated with Searchlight Workshops. Those on the northern side of the road have recently been replaced with two groups of two-storey dwellings. Both groups are considered to incorporate contemporary design elements, including flat roofing over properties on the site of the former garages.
- 7.3.4 Para. 127 (c) of the NPPF states that planning decisions should ensure that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Policy DM25 (2) of LLP2 states that development will be permitted where 'its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines'. It is important to note that the policy require compatibility with surrounding roofscape and skylines rather than replication.
- 7.3.5 The proposed flat roof buildings take influence from surrounding properties on Station Road and Claremont Road and, whilst pitched roofing is the most frequent form on surrounding dwellings, it is considered that the surrounding flat roof dwellings provide a justifiable context and prevent the development from appearing out of keeping with its surroundings. Furthermore, the proposed flat roof buildings would not become the dominant feature within the wider street scene and, as such, it is considered that the prevailing character of mixed building designs would be preserved.
- 7.3.6 Although two-storey dwellings are the predominant form of development of the street, it is not considered that the provision of 3-storey dwellings on Claremont Road would result in a disruptive element in terms of roofline and skyline. The site topography allows the lower ground floor to be set largely below street level, resulting in the dwellings appearing essentially as a two-storey dwelling when viewed within the street scene. The flat roof design minimises the height of the dwellings to the extent that overall height, at approx. 9.2 metres, would not be significantly greater than the ridge height of the dwellings on the opposite side of the road, which is 8.9 metres.
- 7.3.7 The existing buildings occupying the site are of minimal height and the bulk of the elevation walls are set below street level. However, these building fail to engage with the street scene in any meaningful way and, for a development of new residential properties, it is important that the dwellings identity and interact with the street and surrounding properties in order to generate a sense of place as well as a visual connection with the surrounding community as required by para. 127(d) of the Revised NPPF and policy D1(4b) of the Newhaven Neighbourhood Plan. Dwellings of a similar height to the existing buildings occupying the site would fail to achieve this.

- 7.3.8 Site sections show there would remain in appreciable step down in the roofline from properties on the northern side of Claremont Road to the proposed properties and this would across the development as it extends to the south, reflecting the sloping topography of the site and reflecting the established pattern of the roofline of Station Road which rises in tiers from the bottom of the road as it climbs to the north. It is therefore considered that important views towards the South Downs National Park would not be detracted from in accordance with policy CP10 of LLP1.
- 7.3.9 The orientation and positioning of the proposed dwellings is considered to be consistent with the spatial characteristics of the surrounding area, with an appreciable set back from the road being maintained on both the Claremont Road and Station Road frontages. Small gaps will be maintained between individual buildings as is characteristic of the area. The set back from each street would help prevent the proposed buildings from appearing overly dominant or oppressive.
- 7.3.10 The retention of an area of greenspace to the southern end of the site would ensure the return building line on Arundel Road is not breached and would allow for planting and habitat creation to be incorporated into the development as a means to achieve biodiversity net gain.
- 7.3.11 The proposed garden access path taken from Station Road has been identified as a potential security hazard by Sussex Police and, notwithstanding the submitted plans, a condition will be used to require this feature to be omitted and garden access instead provided from the front of dwellings where there is a good level of natural surveillance and where access and the ability to provide direct gated access to each garden.
- 7.3.12 It is therefore considered that the proposed development would align with NPPF objectives to secure innovative design that has a strong sense of identity whilst not having an unacceptable impact of the prevailing character of the surrounding area.

7.4 Impact upon Amenities of Neighbouring Residents:

- 7.4.1 The frontage of the dwellings facing onto Claremont Road would face towards dwellings on the opposite side of the road at numbers 38-52 Claremont Road. Frontage openings at ground floor level would comprise a garage door and the front door of each property. At first floor level, two bedroom windows would face towards the first floor living room windows and balconies neighbouring properties. Whilst the views would be direct, a separation of 22 metres would be maintained between the proposed bedroom windows and balconies, increasing to approx. 23.75 metres between the bedroom windows and living room windows. The siting of opposing dwellings on residential roads is a common and accepted arrangement. The distance maintained between the opposing properties is considered sufficient to prevent invasive or intrusive views and is consistent with distance maintained between opposing properties on surrounding streets. Similar distances are maintained between the

front elevation of the proposed dwellings on Station Road and neighbouring properties opposite.

- 7.4.2 Although they would be 3-storey structures, the roof top height of the proposed dwellings on Claremont Road would be stepped down from the height of properties at 38-52 Claremont Road and a good degree of separation would also be maintained. The height of the dwellings facing onto Station Road is consistent with those on the opposite side of the road and, again, a good degree of separation is maintained. It is therefore considered that these neighbouring properties would not be subjected to unacceptable levels of overshadowing nor suffer from a sense of overbearing.
- 7.4.3 It is considered the distance and angle of views from proposed dwellings towards the rear of properties on Arundel Road would prevent unacceptable overlooking impact and suitable separation is also maintained to prevent undue levels of overshadowing.
- 7.4.4 The proposed 3 bedroom dwellings would be entirely consistent with the residential use of the surrounding area and it is not considered that they would generate activities of a frequency and nature that would cause unacceptable disruption or nuisance towards neighbouring residents.
- 7.4.5 A condition would be used to secure a Construction Management Plan that would need to set out measures to prevent unacceptable noise, light and air emissions (including dust) as a result of construction works as well as routing and timetabling of deliveries, storage areas for materials, contractor vehicle marking and steps to prevent discharge and run off of contaminants.
- 7.4.6 It is therefore considered that residential amenities of neighbouring residents would not be compromised.

7.5 Living Conditions for Future Occupants

- 7.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 7.5.2 All habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation and natural ventilation. The main living space at each property would be dual aspect, increasing exposure to natural light throughout the day. The layout of each dwelling is considered to be clear and uncluttered with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility and adaptability.
- 7.5.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended

Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. Each of the proposed dwellings meets and exceeds the minimum standards set out in the document.

- 7.5.4 Units 1-5 (Claremont Road) would each have private rear gardens of approx. 73 m² in area with unit 6 having a larger garden due to being on a corner plot. Units 7-9 would have varied garden sizes due to the tapering nature of the site. These range from approx. 147 m (unit 7) to 70 m² (unit 9). The garden sizes for all dwellings are considered to be suitable for the amenity needs of a family dwelling. It is noted that additional outdoor amenity space is provided for units 1-6 in the form of ground and first floor terraces.
- 7.5.5 The layout of the proposed development ensures that views from the rear windows of units 3-6 are directed, in the main, towards the flank elevations of units 7-9. The only windows installed within these elevations serve bathrooms (which would be obscure glazed) and a utility room and, as such, any views into these windows would not be intrusive. Rear windows at units 1 and 2 would overlook rear garden space at units 7-9. However, it is not considered these views would be overly invasive due to the distances maintained would be considered consistent with the level of overlooking of rear gardens of other dwellings within the surrounding area.

7.6 Parking Demand and Highway Impact

- 7.6.1 Each dwelling would be accessed via new dropped kerb crossover formed on Station Road and Claremont Road. A hard surfaced parking area would be provided to the front of each dwelling with capacity provided for 2 vehicles. An integral garage would also be provided although it should be noted that ESCC Highways only regard garages as providing 0.3 of a parking space due to census data indicating garages are more frequently used for storage than vehicle parking.
- 7.6.2 A number of letters of objection have raised concerns that the provision of extensive dropped kerbing would result in the loss of on street car parking and resultant pressure on the surrounding highway network due to the possibility of obstructive and dangerous parking. ESCC Highways acknowledged these concerns and, in response, requested the applicant submit a parking survey to demonstrate the parking capacity available on the surrounding highway network. A survey was duly submitted and reviewed by ESCC Highways. The survey demonstrates the surrounding highway network has the capacity to mitigate the loss of on street parking caused by the proposed dropped kerbs. It is also noted that the presence of dropped kerbs close to the junction between Claremont Road and Station Road may deter dangerous parking directly adjacent to the junction.
- 7.6.3 The quantum of off-street car parking provided (2 spaces per dwelling) is considered to be adequate to serve the development without resulting in additional pressure on the parking capacity of the surrounding highway network due to overspill.

- 7.6.4 With regards to trip generation, ESCC Highways have stated that there would be anticipated 50 two-way trips generated by the development across the course of a day, equating to 5 trips two-way in each of the peak periods. This figure is deemed to be an insignificant amount and would not have a material impact on the operation of the local highway network.
- 7.6.5 ESCC Highways have confirmed the visibility splays provided at each of the crossovers as acceptable to allow for oncoming pedestrians and traffic to be observed from a suitable distance away. No objections have been raised in relation to highway and pedestrian safety. All crossovers would need to be constructed in accordance with ESCC standards, which includes ensuring the gradient and camber allows for pedestrians to traverse them without discomfort.
- 7.6.6 The site is considered to be in a sustainable location. A bus stop directly adjacent to the site is served by a relatively infrequent service into Newhaven and nearby villages but there are more frequent services in the form of the Brighton to Eastbourne 'Coaster' accessible via the bus stop at Denton Corner, approx. 250 metres walking distance to the south of the site. There are also local shops at Denton Corner and a supermarket and edge of town shopping alongside the A259, approx. 450 metres from the site. Secure and covered cycle storage would be provided in the integral garage of each dwelling. It is considered that the sustainable location of the site and provision of cycle storage facilities would encourage uptake in use of alternative modes of transport to the private car.

7.7 Flooding and Drainage

- 7.7.1 The site is located in Flood Zone 1 and is not identified as being at risk from tidal, fluvial or surface water flooding. Notwithstanding this, the site is on a relatively steep slope and it is important that surface water is managed on site and not discharged onto neighbouring property or the public highway.
- 7.7.2 It is therefore important that a condition is attached to secure a suitable drainage scheme that follows sustainable drainage principles, favouring infiltration drainage where possible. The condition will require these details to be submitted prior to the commencement of any development of the site.

7.8 Sustainability in Development

- 7.8.1 Each of the proposed dwellings would have arrays of solar panels mounted on the flat roof. These would be angled to the south allowing for exposure to sunlight throughout the day. It is stated that lithium battery storage would be provided enabling power generated by the solar panels to be stored and used in hours of darkness, when there is a greater demand for electricity, thereby allowing for increased use of renewable energy. The buildings and fenestrations have been orientated to allow for good access to natural light.
- 7.8.2 Each dwelling would be provided with an electric vehicle charging point as required by the Technical Guidance Note for Electric Vehicle Charging Points. Secure and covered cycle parking would be

provided in the integral garages, from which there is easy access to the public highway. Given the supply of the above-mentioned facilities and the sustainable location of the site within relatively close proximity of shops and services, it is considered that the use of more sustainable modes of transport would be actively encouraged.

- 7.8.3 Although the site had been previously developed, the row of converted dwellings to the south has been removed for some time and the site had begun to revert to a more green setting. It is noted that site clearance has taken place, including the removal of boundary hedging. No significant landscape features are present within the site interior, nor were they prior to clearance. There is, however, a mature silver birch adjacent to Claremont Road that would need to be removed in order for the proposed development to be accommodated.
- 7.8.4 The green space to be maintained to the south of the site is considered to represent an opportunity for native planting and habitat creation. It is considered that this could be achieved by way of a planning condition that would also secure its retention and guard against attempts to develop the site in future. Mammals such as hedgehog may use the site and surrounding gardens for foraging. The majority of the proposed rear gardens would be provided as a lawn and a condition will be used to ensure that mammal gates are provided in boundary fencing in order to allow hedgehogs and other small mammals to commute between sites as they forage.
- 7.8.5 The general appearance of the proposed external materials is listed but the exact specifications are not confirmed. A condition can be applied to secure details of the exact materials to be used with an emphasis being placed on the use of locally sourced materials.
- 7.8.6 It is therefore considered that the proposed development would fulfil the aims and objectives of the Sustainability in Development TAN.

7.9 Biodiversity:

- 7.9.1 The Technical Advice Note (TAN) for Biodiversity Net Gain states that there is an expectation for minor development (9 new dwellings or less) to incorporate some biodiversity net gain. As stated above, the additional landscaping associated with the development can be utilised to provide biodiversity net gain. Habitat in the form of bat and bird boxes could also be provided in appropriate locations. This approach is in line with para.023 of the Planning Practice Guidance for the Natural Environment which states that 'planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity.'

7.10 Circular Economy:

- 7.10.1 The proposed development involves the use of an existing brownfield site for the construction of 9 new dwellings utilising modern, energy efficient materials. There are existing buildings on site that would need to be removed. These buildings were not designed as dwellings and do not readily engage with the street scene. As such, the

conversion of the buildings would not represent an efficient use of the site and would be unlikely to provide suitable living conditions. A condition will be used to secure a site management plan in order to ensure that building materials can be recycled where feasible and appropriate.

- 7.10.2 Although parts of the site would be levelled to accommodate the development it is stated that imported soil would not be required and, as such, the levelling works would be achieved through the redistribution of existing soils present on site.
- 7.10.3 A Construction Management Plan, which would be secured by condition, can be used to ensure that local building material providers are used where possible.
- 7.10.4 The site is in a sustainable location close to local shops and services as well as Newhaven Town Centre and it is therefore expected that future occupants would provide custom for a range of nearby shops, services and other commerce.
- 7.10.5 The dwellings have good size gardens with the capacity to accommodate extensions or outbuildings that may be added at a future date. The integral garages could also potentially be converted to habitable rooms in the future as there is sufficient parking provided on the hard surfacing to the front of each site. Units 1-6 incorporate an office/study area on the lower ground floor, supporting home working.

8. Human Rights Implications

- 8.1 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.

9. Recommendation

- 9.1 It is recommended that permission is granted subject to the conditions listed below.

9.2 Conditions

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

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|--------------------------------------|--------------------------------|------------|
| Location and Block Plans | 23 rd March 2021 | 2044.LP01A |
| Highways Site Layout Plan | 23 rd March 2021 | 2044.H01A |
| Proposed Site Layout + Roof Plan | 23 rd March 2021 | 2044.PL01A |
| Typical Units 1-6 Floor + Roof Plans | 22 nd December 2020 | 2044.PL02 |
| Typical Units 7-9 Floor + | 22 nd December | 2044.PL03 |

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|---|--------------------------------|----------------------------------|
| Roof Plans | 2020 | |
| Units 1-6 Front, Rear + Side Elevations | 22 nd December 2020 | 2044.PL05 |
| Units 7-9 Front, Rear + Side Elevations | 23 rd March 2021 | 2044.PL06A |
| Units 1-6 Site Sections | 22 nd December 2020 | 2044.PL07 |
| Units 7-9 Site Sections | 23 rd March 2021 | 2044.PL08A |
| Site Sections | 23 rd March 2021 | 2044.PL09A |
| Design & Access Statement | 23 rd March 2021 | Rev A |
| Planning Statement | 23 rd March 2021 | Dated 3 rd March 2021 |

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

- The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policy DM25 of the Lewes District Local Plan Part 2 and policy D1 of the Newhaven Neighbourhood Plan.

- Notwithstanding the details shown on plans 2044.PL01A and 2044.H01A, access to rear gardens shall be provided from the front of each property only and the rear access path shown on the plans shall not be provided or used.

Reason: In the interest of security and the amenities of future occupants in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policy DM25 of the Lewes District Local Plan Part 2 and policy D1 of the Newhaven Neighbourhood Plan.

- Development shall not commence until a drainage strategy detailing the means of foul and surface water disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The strategy must follow sustainable drainage principles. The development shall thereafter be carried out in accordance with the approved scheme and timetable and before any of the dwellings are occupied.

Reason: In order to control surface water generated by the development is controlled within and does not result in run off onto neighbouring land or the public highway in the interest of the amenities of the occupants of the development as well as its neighbours and road safety in accordance with policy CP12 of the Lewes District Local Plan, policy D2 of the Newhaven Neighbourhood Plan and para. 163 of the NPPF.

- 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,

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing 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 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.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- 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;
- 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.

6. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

7. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

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

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

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

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

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

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 in accordance with para. 178 of the NPPF.

11. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to 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 in accordance with para. 178 of the NPPF.

12. If, during development, contamination not previously known is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with.

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 in accordance with para. 178 of the NPPF.

13. Prior to the first occupation of any part of the development hereby permitted, an electric vehicle charging point shall be provided for each dwelling and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, Policy D2 of the Newhaven Neighbourhood Plan, para. 110 of the Revised National Planning Policy Framework , the LDC Electric Vehicle Charging Points Technical Guidance Note. And the LDC Sustainability in Development Technical Advice Note.

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

- Details of all hard surfacing;
- Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site);
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;

- Ecological and biodiversity enhancements;

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

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the Lewes District Local Plan part two, policy NE1 of the Newhaven Neighbourhood Plan and the Biodiversity Net Gain Technical Advice Note (TAN).

15. The proposed development shall not be occupied until the carbon saving/renewable energy measures set out in section 5 of the Design & Access Statement as well as any other suitable energy saving measures have been installed in accordance with full specifications to be submitted and approved by the Local Planning Authority. All measures approved shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the Revised National Planning Policy Framework, policy CP14 of the Lewes District Core Strategy, policy D2 of the Newhaven Neighbourhood Plan and LDC Sustainability in Development Technical Advice Note.

16. Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall demonstrate how the procurement of materials for the development would promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste, use of local suppliers.

Reason: In the interest of achieving sustainable development in accordance with section 14 of the Revised National Planning Policy Framework, policy CP14 of the Lewes District Core Strategy, policy D2 of the Newhaven Neighbourhood Plan and LDC Sustainability in Development Technical Advice Note.

17. 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.

Informatives

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
2. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

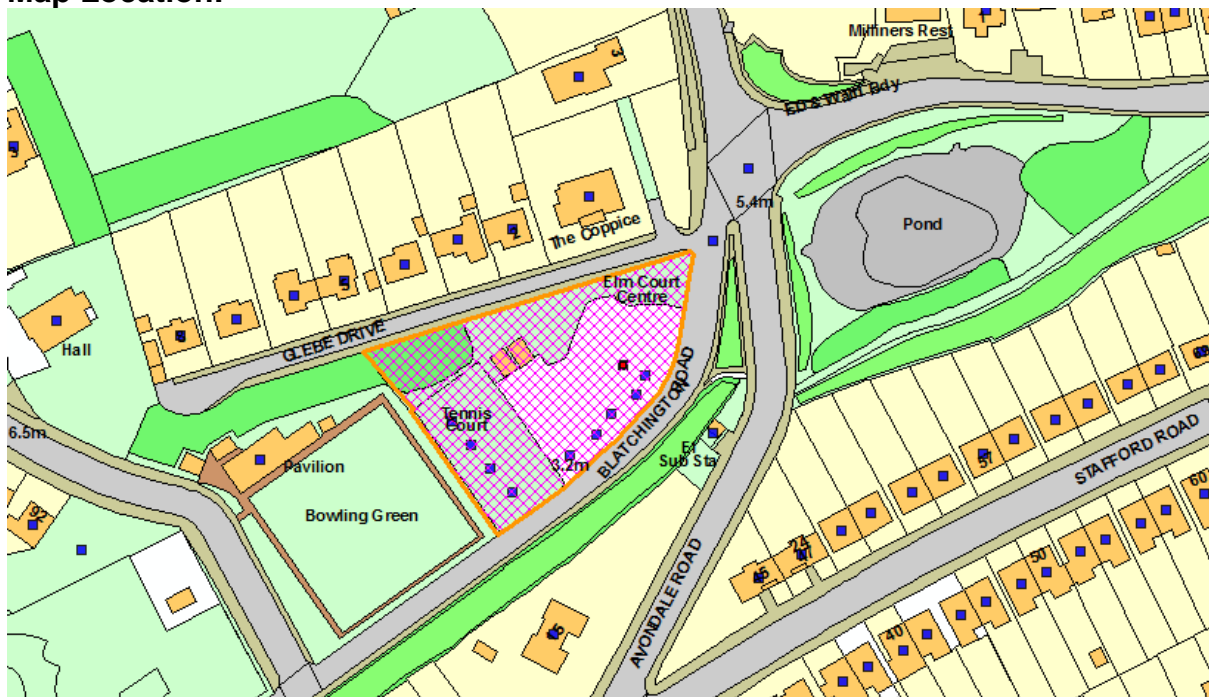
10. Background Papers

10.1 None.

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Report to: Planning Applications Committee
Date: 9th June 2021
Application No: LW/20/0799
Location: Elm Court, Blatchington Road, Seaford
Proposal: Erection of 9 new dwellings and associated infrastructure.
Ward: Seaford Central
Applicant: Mr T Brightmore
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



IMPORTANT NOTE: This scheme is CIL Liabile.

1. Executive Summary

- 1.1 It is considered that the proposed development represents an efficient and sustainable use of this allocated housing site. Innovative design solutions have been required in order to overcome the significant surface water flood risk that the site is exposed to.
- 1.2 It is considered that the character and setting of the neighbouring Conservation Area and Area of Established Character would be preserved and that the development would not generate any unacceptable adverse impact upon environmental or residential amenity.

- 1.3 The site can be accessed safely and an appropriate amount of off-street car parking would be provided in order to ensure there is not unacceptable parking pressure on the surrounding highway network.

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
- 16. Conserving and enhancing the historic environment

2.2 Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP2 – Housing Type, Mix and Density;
- LDLP: – CP10 – Natural Environment and Landscape;
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM20 – Pollution Management
- LDLP: – DM23 – Noise
- LDLP: – DM24 – Protection of Biodiversity & Geodiversity
- LDLP: – DM25 – Design
- LDLP: – DM27 – Landscape Design
- LDLP: – DM33 – Heritage Assets
- LDLP: – DM34 – Areas of Established Character

2.3 Seaford Neighbourhood Plan

- SNP: – SEA2 - Design
- SNP: – SEA3 – Conservation Areas
- SNP: – SEA5 – Areas of Established Character
- SNP: – SEA14(ix) – Site Allocations
- SNP: – SEA17 - Brownfield Development

3. Site Description

- 3.1 The site was previously occupied by a two-storey flat roof building accommodating a youth centre and an adjoining hard surfaced

basketball court. The building was demolished in 2011 and the site has been cleared. A low flint wall, which is broken and damaged in places, runs along the eastern site boundary, which flanks Blatchington Road. A grass bank slopes upwards towards the northern boundary where there is a line of small trees and hedgerow as well as a retaining wall. Glebe Drive from east to west along a ridge formed at the top of this bank.

- 3.2 Glebe Drive is a narrow unmade road which forms a private cul-de-sac. Dwellings are located on the northern side of the road where the ground level rises again. The narrow width of the road, combined with the lack of footpath, the presence of mature landscaping on either side of the road and the mixed design of the dwellings on the road generates a distinctly semi-rural character. This has merited the designation of Glebe Drive and the grass bank on the northern part of the site as an Area of Established Character. East Blatchington Conservation Area extends to the north, incorporating properties on either side of Blatchington Hill. The Conservation Area also encompasses Blatchington Pond to the east of the site and 15 Avondale Road to the south of the site.
- 3.3 To the immediate west of the site is Seaford Bowling Club. Surrounding development is generally residential although there are other educational, commercial and recreational land uses nearby whilst further to the west is Seaford Town Centre and its associated uses.
- 3.4 The site is located within an Archaeological Notification Area. The site does not fall within Flood Zones 2 or 3 but is identified on Government Flood Risk mapping as being at high risk of flooding from surface water. There are no other specific planning designations or constraints attached to the site.
- 3.5 The site is identified within the most recent Strategic Housing and Economic Land Availability Assessment (SHELAA) as being suitable for a yield of 9 new dwellings (site 25SF). An outline approval for the erection of 9 dwellings on the site was approved under LW/09/0092 but has since lapsed. A fresh application for outline approval for 9 dwellings was granted under LW/15/0946, with reserved matters subsequently approved under application LW/18/0404. However, subsequent consultations with the Lead Local Flood Authority (LLFA) have rendered the outline and reserved matters approvals undeliverable due to the impact on the flow of surface water in flooding events and exposure of future occupants and neighbours to flood risk.

4. Proposed Development

- 4.1 The proposed development involves the erection of 9 x 3 bed dwellings configured as a terrace of 5 dwellings aligned with the western boundary of the site and 4 x semi-detached dwellings following the curve of the southern site boundary. Each dwelling would have living space provided over two storeys which would be raised above a car port/undercroft area. The design of each dwelling would be identical with staggered front and rear elevations, first and second floor balconies to the rear and a contemporary stepped flat roof form.

- 4.2 The site would be accessed via the existing dropped kerb crossover onto Blatchington Road. The access would be widened to allow for 2 way vehicular movements in accordance with ESCC Highway standards. Sections of the existing flint boundary wall either side of the access would be lowered to 0.6 metres to allow for a suitable visibility splay to be formed. The internal road would be T-shaped, with a turning head provided towards the northern end. Each dwelling would be provided with 2 x off streetcar parking space on a hard surfaced area to the front of each dwelling, with additional parking available in the undercroft area beneath each dwelling.
- 4.3 Each dwelling would have a rear garden area with additional outdoor amenity space provided on first and second floor rear facing balconies.

5. Relevant Planning History

- 5.1 **LW/765/CC (Determined by ESCC)** - Provision of an open air paved and floodlit recreation area for Youth Centre including 3.6m high chain link fence – Approved 28th July 1983
- 5.2 **LW/09/0092** - Demolition of existing building and the erection of nine dwellings and associated parking – Approved 22nd June 2010
- 5.3 **LW/3011/CC (Determined by ESCC)** - Installation of temporary mobile library building until October 2013, with ramped access and steps, the provision of thirteen car park spaces (including two disabled parking bays) a lorry loading area and new vehicular access gates – Approved 18th November 2011 (temporary permission extended to 30th September 2014 by variation).
- 5.4 **LW/15/0946** - Erection of nine dwellings with associated infrastructure (outline application) – Approved 7th June 2016
- 5.5 **LW/18/0404** - Application for approval of the Reserved Matters relating to Outline Planning Approval reference LW/15/0946 for the layout of the nine proposed dwellings, their appearance, the highway access arrangements, the finished floor levels, the parking layout and arrangements for cycle parking and bin storage – Approved 7th August 2018

6. Consultations

6.1 External Consultations:

ESCC Archaeology

The application site has already been subject to archaeological trial - trench evaluation in association with application LW/15/0946. As no significant archaeological discoveries were made during this evaluation, we do not require any further archaeological work to take place in association with the current application.

Lead Local Flood Authority

Following the submission of additional information by the applicant, received 8 February 2021, we consider the proposals for the management of surface water runoff to be acceptable in principle. Whilst the applicant has not

provided all of the information we would expect for a full application, the proposed development will decrease the amount of impermeable area at the site and we understand that Southern Water have confirmed that the connection to their network is acceptable.

Seaford Town Council

It was RESOLVED to OBJECT to the application for the following reasons:-

The Council acknowledges that the site is allocated in the Local and Neighbourhood Plans for 9 dwellings; the objection is to the design of the dwellings. While there is no objection in principle to contemporary designs in appropriate locations it was felt that this prominent location warranted a less austere development and one more sympathetic to the characteristics of the neighbouring Conservation Area and the area to the east of the site both in the design itself and the nature of the materials used.

ESCC Highways

Following some initial concerns relating to substandard visibility it has been agreed that previously accepted visibility splays will be provided. Although the parking falls below the requirement it is considered that there is scope to amend, on this basis subject to amended plans I have no objection.

OFFICER COMMENT: Amended plans have been received and all parking spaces now meet the minimum dimension required by ESCC Highways.

Waste & Refuse Team

The bin collection bay is acceptable to us,

Neighbour Representations

- 6.2 A letter of objection has been received from Seaford and Blatchington Bowling Green. A summary of material planning issues raised is summarised below:-

It is unacceptable for surface water from the site to be diverted towards the bowls club;

The flood risk assessment informs residents to await rescue by boat when flood levels would not be deep enough for a boat to operate;

Floodwater from the site may be contaminated by undischarged sewage;

The risk of flooding is downplayed in the Flood Risk Assessment;

The height of the dwellings breaches a limit secured by a covenant and they would negatively impact upon the Conservation Area and Area of Established Character;

The Construction Traffic Management Plan is inadequate.

- 6.3 OFFICER RESPONSE: The surface water management scheme has been designed in conjunction with the Lead Local Flood Authority. The surface water that crosses the site is not generated solely on the site

but from land to the east. In a storm event the only option is to allow this water to dissipate through the dry valley in order to prevent increased danger to life and property. It should be noted that run-off from the site itself would be reduced by the development (even when factoring in 40% rainfall increase as a result of climate change) which involves the removal of impermeable surfacing and this has been accepted by Southern Water. The Flood Risk Assessment fully acknowledges flood risk at the site. It notes that flood levels could potentially reach 2.7 metres (hence potential need for a use of a boat for evacuation) and includes advice on how to stay safe in a flood event which would be issued to residents. Breach of covenant is a legal rather than planning matter. A planning condition will be used to secure a thorough Construction Management Plan that would be assessed by ESCC Highways. Other matters raised are addressed in the main body of this report.

- 6.4 Comments have been received from East Blatchington Pond Conservation Society. A summary of material planning issues raised is summarised below:-

It is important that land is not concreted over and that gardens and paving are provided to assist drainage;

It is important that the houses are of good design and do not detract from the beauty of the area;

The houses should be freehold not leasehold;

How will the solar panels look?

Will impact upon an important leisure area at the bowls club;

- 6.5 OFFICER COMMENT: Full details of solar panels would be secured by planning condition. Panels would be angled so as to minimise impact. It is important that renewable energy generation is incorporated into the development in order to assist carbon reduction. The houses would be on the open market and the Council is not able to dictate ownership arrangements.

- 6.6 22 letters of objection have been received and summarised below:-

Area not suitable for development of this scale;

Redirection of flood water onto Bowls club is not acceptable;

Road is narrow and heavily used;

Drainage infrastructure cannot cope;

Out of keeping with surrounding development;

Access is unsuitable and dangerous;

Negative impact on Conservation Area;

Insufficient parking;

External materials are not appropriate;

Would not provide affordable homes;

Loss or privacy to occupants on Glebe Drive;

Intrusive views over bowling club;

Would appear oppressive when viewed from bowling club;

Construction delivery arrangements and holding areas are inappropriate;

Construction traffic would be disruptive;

Danger to pedestrians;

A wall should be built between the site and the bowls club to prevent surface water run off;

6.7 One letter of support received, the content of which is summarised below:-

The development looks fresh and modern;

Support the provision of electric vehicle charging points;

7. Appraisal

7.1 Key Considerations

7.1.1 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.

7.2 Principle

7.2.1 This site is allocated for housing in the adopted development plan for the area. Development is therefore acceptable in principle.

7.2.2 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. Para. 123 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

7.2.3 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.

7.2.4 The use of site allocations in neighbourhood plans is recognised in the LDC Housing Delivery Test Action Plan (2019) as a means to bring forward development sites whilst also empowering the local

community to identify how and where housing will be delivered within their area. The site is allocated for residential development in the Seaford Neighbourhood Plan under policy SEA14, with an anticipated yield of 9 new dwellings. The site is also identified in the 2018 Strategic Housing and Economic Land Availability Assessment (SHELAA).

- 7.2.5 The proposed development is therefore considered to be acceptable in principle and, as such, should be approved provided its specific characteristics and attributes align with the wider policies of the NPPF. Development Plan policies that are consistent with the NPPF will also be referred to. A full assessment against these relevant policies is provided in the main body of the report below.

7.3 Design and Impact upon Character of Surrounding Area

- 7.3.1 Although the bulk of the site is not subject to any special designation in terms of character, the northern embankment falls within the Area of Established Character that encompasses development along Glebe Drive. In addition, East Blatchington Conservation Area, whilst not directly flanking the site, extends to the northern side of part of Glebe Drive to the north of the site and to the opposite side of Blatchington Road to the east and south of the site.
- 7.3.2 Para. 127 (c) of the NPPF states that planning decisions should ensure that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.3.3 Whilst the site itself is not within the Conservation Area, para. 190 of the Revised National Planning Policy Framework makes it clear that impact upon the significance of a heritage asset, including its setting, should be assessed when considering a proposal. Para. 194 goes on to state that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.' Whilst para. 195 states that 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'
- 7.3.4 The Area of Established Character, which the northern part of the site falls within, is a non-designated heritage asset. Para. 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.3.5 The site is positioned at a point where Blatchington Hill, Blatchington Road, Sutton Drove, Avondale Road and Glebe Drive converge. As a result it has a prominent street scene presence although this is

slightly diminished by the low lying ground level in comparison to surrounding residential development. The proposed scheme is considered to represent a contemporary design which is not directly comparable to the appearance of surrounding development.

- 7.3.6 The design of the development has been dictated to a significant extent by the constraints of the site. The susceptibility of the site to surface water flooding means that ground floor accommodation is unsuitable due to exposure to flood risk along with the need to allow for floodwater to permeate through the site with no obstruction to the flow. The flat roof form has been chosen so as to minimise the overall height of the three-storey dwellings.
- 7.3.7 It is noted that para. 127 (d) of the NPPF states that development should establish or maintain a strong sense of space. The site itself is currently devoid of any notable character, having been cleared of previous buildings which themselves were somewhat nondescript in terms of design. It is not directly flanked by other residential buildings and is clearly divorced from the rows of dwellings on Glebe Drive to the north and Avondale Road and Stafford Road to the south which are on higher ground and follow a fairly uniform building line. This lends the site a self-contained character which is considered to justify the development having its own distinct character. This is consistent with para. 58 of the National Design Guide which states that 'where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.
- 7.3.8 Notwithstanding the above, existing features such as the flint boundary wall and the landscaped embankment along the northern site boundary would be retained, albeit a section of the flint wall would be lowered to allow for visibility splays at the site access. The palette of external materials, comprising blue and grey facing brick, picks up on colours present in the flint boundary wall, ensuring a sense of integration with this original feature. Wood effect cladding would also be used in the recess areas around the main entrance. The overall variety in finishes, combined with the articulated design of the dwellings which includes stepped elevation walls, tiered roof tops, recesses and protrusions in the form of balconies would help to break up the mass of the dwellings and prevent them from appearing monotonous or overly imposing.
- 7.3.9 Turning to impact upon designated and non-designated heritage assets, due to the topography of the site as well as intervening landscaping, it is not considered that the site currently has any significant impact upon the setting of the East Blatchington Conservation Area and it is considered that this would remain the case should the proposed development be implemented. Due to being on lower lying land, the proposed development would also have minimal impact upon the character and setting of the Area of Special Character on Glebe Drive whilst the landscaped embankment on the northern fringe of the site, which falls within the

Area of Established Character, would be maintained and enhanced by additional planting, thereby preserving the verdant nature of the southern side of Glebe Drive and providing a sympathetic screen to the development.

- 7.3.10 The site area is approx. 0.25 hectares and, therefore, the density of the proposed development equates to 36 dwellings per hectare. This falls below the optimum density for residential development in towns (47-57 dph) as defined by policy CP2 of the Lewes District Local Plan part one. It is considered that this lower density development is acceptable in this instance as the site is located in an area where density of surrounding residential development is lower than the heavily developed nature of the surrounding parts of Seaford.
- 7.3.11 It is therefore considered that the proposed development would align with NPPF objectives to secure innovative design that has a strong sense of identity whilst not having an unacceptable impact of the prevailing character of the surrounding area. The design attributes address the susceptibility of the site to surface water flooding, which could not be achieved if a conventional form of dwelling was provided, and enable development of this site to be brought forward. It is considered that the setting of the adjacent Conservation Area and Area of Established Character would be preserved.

7.4 Impact upon Amenities of Neighbouring Residents:

- 7.4.1 The nearest neighbouring dwellings to the development are on Glebe Drive to the north and Avondale Road/Stratford Road to the south, these dwellings all occupy higher ground and are afforded a degree of sympathetic screening in the form of mature trees and hedging. For context, the proposed dwellings would be on land between 2-3.5 metres above ordnance datum (AOD) whereas dwellings on Glebe Drive are on land at approx. 5.7 metres AOD (at the entrance from Blatchington Hill, rising to 7.5 metres AOD towards the west).
- 7.4.2 Due to the topography of the surrounding area as well as the degree of separation between them and neighbouring two-storey dwellings, it is not considered that the proposed three-storey dwellings would appear overbearing towards surrounding properties. For the same reason, it is not considered that undue levels of overshadowing would be generated.
- 7.4.3 With regards overlooking, the dwellings closest to neighbouring development on Glebe Drive (units 3-5) would be orientated east to west, with side facing windows (that would face towards Glebe Drive) omitted and front and rear facing windows looking towards the road and the bowling club respectively. The rear facing windows on units 6-9 face out towards Blatchington Road whilst those to the front are no closer than 25 metres to neighbouring dwellings on Glebe Drive, a distance that is considered sufficient to prevent intrusive views towards those properties, particularly when factoring in intervening topography and landscaping.
- 7.4.4 The access road and parking and turning areas are concentrated towards the interior of the site and are not positioned adjacent to any

neighbouring dwellings. As such, it is not considered that neighbouring residents would be exposed to any unacceptable level of noise, light or air pollution.

- 7.4.5 Whilst planning policies CP11 of LLP1 and DM25 of LLP2 seek to preserve the privacy of the occupants of neighbouring properties. A distance of approx. 10 metres would be retained between the rear elevations of units 1-5 and the eastern edge of the bowling green. The clubhouse/pavilion is approx. 28 metres from the nearest dwelling. As such, it is not considered that the proposed development would appear overbearing or cause significant overshadowing towards the bowling club.

7.5 Living Conditions for Future Occupants

- 7.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 7.5.2 All habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation. The open plan, multi-aspect layout of the ground floor would help further enhance access to natural light and ventilation. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility and adaptability.
- 7.5.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. Each of the proposed dwellings exceed these National Space Standards.
- 7.5.4 Each dwelling would have access to a private outdoor amenity area. Garden sizes generally be approx. 52 m² across the development with the exception of a larger garden of approx. 90 m² at unit 9 and a smaller garden of approx. 30 m² at unit 6. Although the size of the garden for unit 6 is considered to be modest due to the need to provide adequate sight lines from the access, it is considered acceptable in this instance as additional outdoor space would be provided on first and second floor balconies whilst a large area that could be used for garden storage would be available in the undercroft space. It should also be noted that additional green space would be provided on the northern side of the site. This space is well overlooked and could provide a certain level of communal amenity function.
- 7.5.5 Due to the orientation of the development, rear gardens at units 6-9 would back onto Blatchington Road. A condition will be used to

secure details of suitable boundary treatment which will be required in order to maintain privacy and security. The appearance of this boundary treatment must not detract from the street scene and it would need to be stepped back from the existing flint wall which flanks Blatchington Road in order to prevent it from overwhelming this feature.

- 7.5.6 Overall, the amount of garden space provided across the development would be broadly consistent with higher density residential development nearby to the west on Blatchington Road, Chichester Road, Richmond Terrace and Brooklyn Road.

7.6 Parking Demand and Highway Impact

- 7.6.1 The development would be accessed from Blatchington Road by way of utilising the existing dropped kerb crossover which would be appropriately widened to allow for two way vehicular movements. The height of the existing flint wall along an approx. 16 metre section either side of the site access would be reduced to 0.6 metres in order to allow for suitable visibility splays to be maintained. The internal road includes a turning head that would enable cars and service vehicles to enter and leave the site in forward gear, thereby preventing hazard to motorists and pedestrians on Blatchington Road. These access arrangements match those approved under application LW/18/0404.
- 7.6.2 Off street parking would be accessed directly from the internal road serving the development. Each dwelling would have access to 2 x off street car parking spaces which is considered an adequate quantum to prevent the risk of any significant or disruptive parking overspill on to the surrounding highway network. The undercroft area provides additional parking capacity if required in order for the suggested quantum of 21 parking spaces (18 for occupants of the development and 3 for visitors). A condition will be used to ensure that a minimum of 1 x electric vehicle charging point will be provided for each dwelling in accordance with the Lewes District Council Electric Vehicle Charging Points Technical Guidance Note and the Sustainability in Development Technical Advice Note (TAN).
- 7.6.3 Tracking plans have been provided for a 7.9 metre long refuse vehicle. The Council is moving towards the use of longer wheelbase vehicles and it is therefore considered more suitable for refuse vehicles to remain on Blatchington Road and for residents to place bins in a designated store within 25 metres of Blatchington Road which is considered an acceptable distance for refuse crews to travel to collect bins. The position of the store is shown on the submitted site plan. Full details of the design will be secured by condition.
- 7.6.4 The site is considered to be in a sustainable location where there is good access to public transport with bus stops served by the frequent 'Coaster' service between Brighton and Eastbourne being within approx. 150 metres walking distance on Avondale Road. This bus service also provides connectivity with the rail service at Seaford which provides access to destinations further afield. The shops and services at Seaford Town Centre are within approx. 350 metres

walking distance from the site and are also accessible by public transport. Each dwelling would be provided with secure and covered bicycle storage facilities in the undercroft area. It considered that the sustainable location of the site and provision of cycle storage facilities would encourage uptake in use of alternative modes of transport to the private car.

7.7 Flooding and Drainage

- 7.7.1 The site is located in Flood Zone 1 and is not at any significant risk from tidal and fluvial flooding. However, the entire site is considered to be at risk of surface water flooding, and surface water flood maps indicate that surface water flows on site have depths in excess of 1.20m during the 1 in 30 year event. Flood hazard is indicated to be 'danger for most' during the 1 in 30 year event and 'danger for all' during the 1 in 1000 year event . Modelling, carried out by the applicant, has identified the reason for this build-up of surface water being the fact that the site lies in a dry valley which has no gravity outlet due to the presence of the road and railway embankment to the west. The drainage of this valley relies on a Southern Water pumping station to take water away.
- 7.7.2 This susceptibility to surface water (pluvial) flooding has rendered the previously approved scheme for two-storey dwellings on the site undeliverable due to the risk of flooding of ground floor areas as well as forming an obstruction to the flow of surface water. The Lead Local Flood Authority (LLFA) discounted the possibility of raising ground floor levels as insufficient height would have been added and the raising of the land was also discounted as this would result in increased flood risk to surrounding sites. As such, the provision of 3-storey structures, with the undercroft level having 'hit and miss' brick walls which would provide security but would also allow flood water to permeate, is considered to represent the only viable way for this allocated site to be developed.
- 7.7.3 The applicant worked with the LLFA in revising the scheme, using models of anticipated surface water flood levels and flow. This modelling suggested flood levels of 2.7 metres in a 1 in 100 year storm event, accounting for 40% climate change increase. With the ground floor area being devoid of living space and designed to flood, the finished floor level of the first floor of the dwellings would be a minimum of 645mm above the anticipated worst-case flood level. The site is currently largely covered by impermeable surfacing, a major contributor to pluvial flood risk. The proposed development would incorporate permeable hard surfacing where possible which would increase drainage capacity. The western boundary of the site, which adjoins the bowling club, would remain permeable to water as a failure to do this would alter the existing flow of water during flood events and could increase flood risk to properties elsewhere.
- 7.7.4 Para. 80 of the Planning Practice Guidance for Flood Risk and Coastal Change identifies a hierarchy of drainage options based on sustainability, these being 1: Infiltration, 2: Use of a surface water

body, 3: To a surface water sewer, highway drain or another drainage system and 4: To a combined sewer.

- 7.7.5 Ground investigations on the site have confirmed that the use of infiltration drainage is not suitable due to groundwater levels being close to the surface of the site. There is no surface water body that could be used for discharge nor is there a surface water sewer. As such, the proposed development would connect to the existing combined sewer on Blatchington Road utilising an existing connection to the south of the site. Southern Water have reviewed calculations for surface water discharge from the development and have stated that the combined sewer can be used for foul/surface water drainage provided discharge rates do not exceed existing levels. The submitted figures confirm the impermeable area of the site would reduce from the current level of 70% to 48% and that discharge would be reduced, even when factoring in 40% increase in rainfall as a result of climate change.
- 7.7.6 All occupants of the proposed development would be issued with a Flood Action Plan which would draw attention to flood risk, provide information on signing up to flood alerts, instructions on how to react in response to flood warnings. This document would be reviewed every year.
- 7.7.7 It is therefore considered that the proposed development would not result in any unacceptable increase in flood risk to surrounding residents and property and that a suitable drainage system would be incorporated into the scheme.

7.8 Sustainability in Development

- 7.8.1 The proposed development has been designed to reduce the level of surface water discharge from the site as well as to be resilient to the likely increase in frequency and intensity of surface water flooding as a result of climate change. A condition will be used to secure further details on how water efficiency will be maximised, including a demonstration that water consumption would not exceed 110 litres per person per day.
- 7.8.2 The site is largely hard surfaced although there are trees of various ages scattered around site boundaries, particularly to the north of the site. A tree survey has been submitted, with 13 individual trees/groups identified. Of these, 2 trees and 2 groups are elm trees, a number of which have succumbed to Dutch Elm disease with the only suitable course of action being their removal. Since this survey, a number of the elm trees have already been removed. An elder towards the north-west of the site was found to be suffering from dieback and is also recommended for removal.
- 7.8.3 Remaining trees including the groups of elder that mark the northern boundary and the distinctive sycamore trees in the north-eastern corner of the site would be retained. A large sycamore positioned towards the north-western corner of the site that was initially identified for removal will now also be retained. The submitted site plan shows compensatory planting being provided in the landscaped

area on the northern side of the site. A condition will be used to ensure this new landscaping uses appropriate native species that are suited to the conditions on the site and that would provide habitat and a food source for wildlife, contributing to biodiversity net gain. It is noted that additional planting would shore up the bank, improving soil retention.

- 7.8.4 The buildings and fenestrations have been orientated to allow for good access to natural light. The submitted plans show solar pv panels on the roof of each building. A condition will be used to obtain further details of the amount of power these panels could generate and to ensure that they are installed prior to the occupation of any dwelling. Energy efficient lighting and appliances would be provided as would electric vehicle charging points.
- 7.8.5 The general appearance of the proposed external materials is listed but the exact specifications are not confirmed. A condition can be applied to secure details of the exact materials to be used with an emphasis being placed on the use of locally sourced materials.
- 7.8.6 It is therefore considered that the proposed development would fulfil the aims and objectives of the Sustainability in Development TAN.

7.9 Biodiversity:

- 7.9.1 The Technical Advice Note (TAN) for Biodiversity Net Gain states that there is an expectation for minor development (9 new dwellings or less) to incorporate some biodiversity net gain. As stated above, the additional landscaping associated with the development can be utilised to provide biodiversity net gain. Habitat in the form of bat and bird boxes could also be provided in appropriate locations. This approach is in line with para.023 of the Planning Practice Guidance for the Natural Environment which states that 'planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity.'

7.10 Circular Economy:

- 7.10.1 The proposed development involves the use of an existing brownfield site for the construction of 9 new dwellings utilising modern, energy efficient materials. There are no buildings currently occupying the site that could be recycled as these were moved some years ago. A condition for a waste management plan can be used to secure details of how construction waste, including existing hard surfacing to be removed from the site, will be processed and recycled/re-used where possible.
- 7.10.2 Although the constrained nature of the site limits opportunities for the dwellings to be extended in the future it is considered that there is significant 'future proofing' offered in their ability to withstand increased surface water flood risk that is likely to result from climate change.

- 7.10.3 A condition requiring full details of external materials can be attached in order to secure the use of locally sourced materials where possible.
- 7.10.4 The site is in a sustainable location close to Seaford Town Centre and it is therefore expected that future occupants would provide custom for a range of nearby shops, services and other commerce.

8. Human Rights Implications

- 8.1 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.

9. Recommendation

- 9.1 It is recommended that permission is granted subject to the conditions listed below.

9.2 Conditions

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

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|----------------------------------|--------------------------------|-----------------|
| Existing Block and Location Plan | 23 rd November 2020 | 9076 P 100 01 |
| Site Plan | 12 th May 2021 | 9076 P 103 06 |
| Contextual Elevations | 23 rd November 2020 | 9076 P 105 01 |
| Contextual Elevations | 23 rd November 2020 | 9076 P 106 01 |
| Contextual Elevations | 23 rd November 2020 | 9076 P 107 01 |
| Proposed Unit Plans | 12 th May 2021 | 9076 P 108 03 |
| Proposed Unit Elevations | 23 rd November 2020 | 9076 P 109 01 |
| Proposed Drainage Plan | 23 rd November 2020 | 9076 SK 1 01 |
| Flood Risk Assessment | 23 rd November 2020 | Z2258 Version 2 |
| Geotechnical Assessment Report | 23 rd November 2020 | R18-13123 |
| Archaeological Report | 23 rd November 2020 | |
| Transport Statement | 23 rd November 2020 | 9076/H Rev 00 |

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

2. Prior to commencement of any works above slab level, details of all external materials shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: To safeguard the appearance of the building and the character of the area in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 of the Lewes District Local Plan Part 2 and policy SEA2 of the Seaford Neighbourhood Plan.

3. The development shall be carried out in full compliance with the submitted Flood Risk Assessment Z2258 Version 2. All mitigation measures set out in section 4.2 shall be applied and maintained in place throughout the lifetime of the development. The ground floor elevation walls shall remain permeable to surface water at all times and the ground floor area of each dwelling shall not be converted to or used to provide habitable rooms at any time.

Reason: In order to prevent future occupants and the wider public from being exposed to unacceptable risk as a result of surface water flooding in accordance with policy CP12 of the Lewes District Local Plan Part 1 and para. 163 of the NPPF.

4. The development shall be carried out in accordance with the approved drainage scheme shown on plan 9076 SK 1 01 and the drainage scheme shall be maintained in place thereafter.

Reason: In order to control surface water generated by the development is controlled within and does not result in run off onto neighbouring land or the public highway in the interest of the amenities of the occupants of the development as well as its neighbours and road safety in accordance with policy CP12 of the Lewes District Local Plan, policy SEA2 of the Seaford Neighbourhood Plan and para. 163 of the NPPF.

5. 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,

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing 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 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.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- 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;
- 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.

6. If, during development, contamination not previously known is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with.

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 in accordance with para. 178 of the NPPF.

7. The reconstructed access shall be in the position and laid out as shown on the submitted plan 9076 P 103 Rev 06 and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

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

8. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

10. No part of the development shall be first occupied until visibility splays of 2.4 metres by 22 metres to the south and 33 metres to the north have been provided at the proposed site vehicular access onto Blatchington Road [UC5497] in accordance with the approved details. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

11. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with details to be submitted to the Local Planning Authority in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

12. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with details shown on the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

13. Prior to the first occupation of any part of the development hereby permitted, an electric vehicle charging point shall be provided for each dwelling and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 110 of the Revised National Planning Policy Framework, policy SEA2 of the Seaford Neighbourhood Plan the LDC Electric Vehicle Charging Points Technical Guidance Note and the LDC Sustainability in Development Technical Advice Note.

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

- Details of all hard surfacing;
- Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site);
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- Details of green roof planting;
- Ecological enhancements;

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

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the Lewes District Local Plan part two, policy SEA2 of the Seaford Neighbourhood Plan and the Biodiversity Net Gain Technical Advice Note (TAN).

15. Prior to the first occupation of any part of the development hereby approved, the bin storage facilities shown on the approved plans shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policy DM26 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

16. The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the Revised National Planning Policy Framework, policy CP14 of the Lewes District Core Strategy and LDC Sustainability in Development Technical Advice Note.

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with policy CP11 of the Lewes District Local Plan Part 1 and policy DM25 of the Lewes District Local Plan Part 2.

18. Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall demonstrate how the procurement of materials for the development would promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste, use of local suppliers.

Reason: In the interest of achieving sustainable development in accordance with section 14 of the Revised National Planning Policy Framework, policy CP14 of the Lewes District Core Strategy, policy SEA2 of the Seaford Neighbourhood Plan and LDC Sustainability in Development Technical Advice Note.

19. 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.

Informatives

1. The applicant will be required to enter into a Section 171 Licence with East Sussex County Council, as Highway Authority, for the minor off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
2. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
3. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
4. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any

signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 Licence will be required.

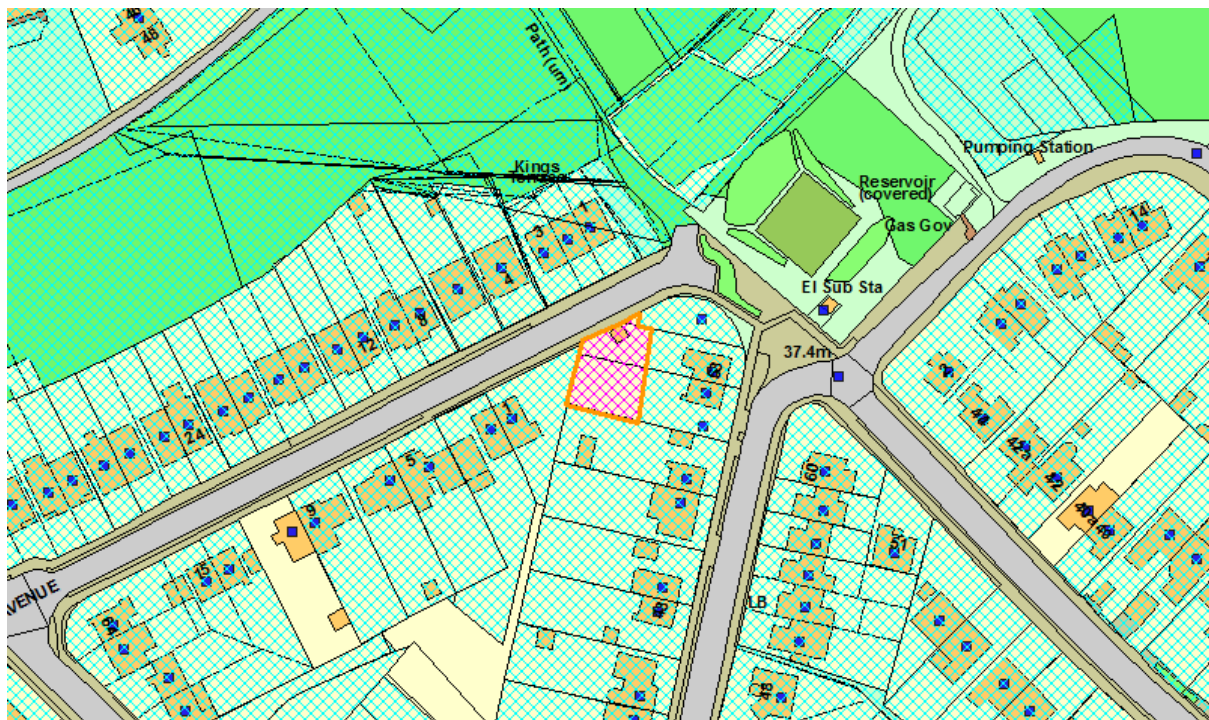
10. **Background Papers**

10.1 None.

Report to: Planning Applications Committee
Date: 9 June 2021
Application No: LW/20/0897
Location: Rear of 51 and 53 Station Road, Denton, BN9 0NN
Proposal: Proposed erection of a detached two-bedroom bungalow.
Applicant: Mark Saxby
Ward: Newhaven North
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 proposal has satisfactorily addressed the reasons for refusal for previous application and now meets all relevant national and local planning policies.

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
- Meeting the challenge of climate change, flooding and coastal change

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: – CP12 – Flood Risk, Coastal Erosion and Drainage
- 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
- LDLP:- DM30 - Backland Development

2.3 Newhaven Neighbourhood Plan

- Policy H1 – A Spatial strategy for Newhaven
- Policy D1 – Promoting good design
- Policy D2 – Design and climate change

3. **Site Description**

3.1 The application site is located on the south side of Kings Avenue, Denton, north of Newhaven. Roughly rectangular in shape, the site covers an area of 272²/0.0272 hectares. The frontage to Kings Avenue measures 13.77m.

- 3.2 There are no mature trees or other significant vegetation on the site and it has been used by the applicant as a compound for the construction of new properties on Station Road.
- 3.3 The plot has been formed from the rear section of gardens to numbers 51 and 53 Station Road, which lies to the south-east of Kings Avenue.
- 3.4 Kings Road is a cul-de-sac, with a turning head the eastern end. A banked pedestrian access links it with Station Road, which lies approximately 5m higher than Kings Avenue. Due to this difference in levels, the site presently slopes down towards Kings Avenue.
- 3.5 The wider area is almost wholly residential in character. Properties on the southern side of Kings Avenue are two storey semi-detached houses in plots approximately 12m wide. On northern side, the two storey semi-detached house plots are narrower and due to the topography of the land, some appear as single storey from the street view. Building types and finishes are mixed – brick, pebble dash and rendered external walls, some with feature cladding in feature panels, and concrete roof tiles.

4. Proposed Development

- 4.1 The application seeks planning permission for the construction of a two bedroom/four-person bungalow on the site. The site will be excavated so that the land will be approximately 500mm above the pavement level of Kings Avenue.
- 4.2 The new bungalow would be oriented in a roughly north-south axis to face Kings Avenue and would align with the frontage of number 1 Kings Avenue, the established building line.
- 4.3 The proposed bungalow would be 'L' shaped, with a shallow pitched and hipped roof and overall floor area of 79m². The two double bedrooms (14.4m² and 11.75m²) would be located to the front and the living/kitchen/dining area and bathroom to the rear. The living room would have bi-fold doors leading to a patio area and the garden beyond. The west facing garden is mainly located to the side, with an overall area of approximately 140m².
- 4.4 One off-street car parking space, measuring 5.72 deep x 3.28 wide with electric charging socket, would be located alongside the east facing wall, to be accessed by a newly created dropped kerb/crossover. Beyond the parking space, there is room for store for cycles, refuse and recycling bins.
- 4.5 Proposed materials are white painted rendered walls, dark grey Interlocking concrete roof tiles and white uPVC windows.

5. Relevant Planning History

- 5.1 As noted above, the plot has been formed from part of the rear gardens of numbers 51 and 53 in Station Road, originally a pair of semi-detached houses at the northern end of the road, with gardens backing onto Kings Avenue; the garden to number 53 extended to the side and rear. A new detached house has been built on part of this garden and a new house attached to number 51, forming a terrace of three. All of these developments have been carried out by the applicant. For details see below.

5.2 51 Station Road

- LW/19/0907 Creation of new attached dwelling with pitched roof and single storey rear extension to the existing dwelling – approved 28 February.

5.3 53 Station Road

- LW/19/0888 Proposed erection of a pitched roof two storey detached dwelling – approved 6 February 2020.

5.4 Application site

- LW/20/0340 - Proposed erection of a pair of semi-detached two-bedroom dwellings – Refused 28 July 2020 for the following reasons:

Due to the siting, height and massing the proposal would constitute an overbearing and unneighbourly development to the existing properties of Station Road contrary to policies DM25 and DM30 of the Lewes Local Plan Part 2 2020 and paragraph 127 of the National Planning Policy Framework 2019.

Due to the siting, layout, density and massing the development would constitute an overdevelopment of the site and would fail to respond sympathetically to, and would be out of character with, the surrounding pattern of development in the area contrary to policy DM25 of the Lewes Local Plan Part 2 2020 and Paragraph 127 of the National Planning Policy Framework 2019.

The proposed layout results in substandard car parking spaces, and an awkward access which would likely result in overhanging vehicles detrimental to highway safety and inaccessible bin storage contrary to policy DM26 and DM30 of the Lewes Local Plan Part 2 2020.

- LW/20/0564 Erection of detached 4-bedroom chalet style bungalow – Refused 21 October 2020 for the following reasons:

Due to its scale and the limited separation distance involved, the proposed chalet bungalow would be overbearing to occupants of adjoining properties on Station Road to the detriment of their enjoyment of their external amenity space contrary to CP11 of Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030; DM25 and DM30 of Lewes Local Plan Part 2 2020; and the NPPF 2019.

Due to its siting, layout and scale, the proposed development would be cramped and incongruous in the Kings Avenue street scene. It would not constitute high quality design and would fail to respond sympathetically to the characteristics of the development site and its immediate surroundings contrary to the objectives of CP11 of Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, DM25 of Lewes District Local Plan Part 2 Site Allocations and Development Management Policies 2020, D1 of Newhaven Neighbourhood Plan 2019 and the NPPF 2019.

The cramped layout proposed would fail to provide sufficient space for parking and access resulting in compromised visibility; the likelihood that vehicles would overhang the public footpath; and inconvenient access to the dwelling and bin store.

The proposal would compromise highway safety and fail to provide safe and/or convenient access and bin storage contrary to policies CP11 of Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030; DM25, DM26 and DM30 of Lewes Local Plan Part 2 2020; and D1 of Newhaven Neighbourhood Plan 2019.

6. Consultations

6.1 Environmental Health

- 6.1.1 If LPA is minded to grant a planning permission, then considering the sensitive use of the site and site surroundings I recommend conditions and an informative.

6.2 ESCC Highways

- 6.2.1 The site is located off of Kings Avenue; the area is mostly residential in nature. The site is located approximately 2.1km northeast of the Newhaven town centre. The nearest bus stop to the site is located within a 4-minute walk of the site which provides services to South Highton. The nearest train station to the site is located 1.4km southwest of the site access. Therefore, it is considered that the site is located in an accessible location.
- 6.2.2 The applicant has not submitted any TRICS database to estimate the expected vehicle trip rates for the development. However, a development of this small scale is not expected to have a material impact on the operation of the local highway network.
- 6.2.3 The expected car parking demand as estimated by the ESCC parking demand calculator is 1.55 vehicles. The applicant is proposing 1 car parking space for this development. The size of the car parking spaces is approximately 3m x 5.8m. This is considered acceptable. The development is also required to provide two cycle parking spaces, as per ESCC guidance for parking at residential developments. The applicant is proposing a cycle shed in the garden. This is considered acceptable. The proposal includes a location for bins, located on the driveway and within 6m of the road. This is considered acceptable.
- 6.2.4 Mindful of the above, the County Council has no objection to the proposals subject to the inclusion of the following conditions:
- No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing 1412020/.01
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 a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

- 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.

- The development shall not be occupied until cycle parking area has been provided in accordance with the approved plans (plan no. 1412020/.01) and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

- Prior to the commencement of development, details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

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

- The completed access shall 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) thereafter.

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

Informatives

- *Section 184 Agreement of Highways Act, 1980 – New Access*
The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- *Roadworks Permit*

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

6.3 District Services

6.3.1 No comments received.

6.4 Trees and Landscape officer

6.4.1 No comments received.

6.5 Southern Water

6.5.1 The attached plan shows that the proposed development will lie over an existing public sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

6.5.2 Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. In order to divert public sewer, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to divert the public sewer. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

6.6 Town or Parish Council

6.6.1 The Committee objected to this application on the following points and requested that this be called in for LDC Planning Committee consideration.

6.6.2 Despite repeated applications regarding this site, an apparent 3% reduction in building plan/footprint still constitutes overdevelopment, with little or no amenity space provided.

6.6.3 The Design & Access Statement continues to contain several material inaccuracies.

6.6.4 Parking provision is inadequate and still likely to exacerbate on-street surface water run-off.

7. Neighbour Representations

7.1 Representations have been received from 18 local residents, 15 objecting to the application and 3 in support.

7.2 The objections are summarised as follows:

- Overdevelopment
- Too many applications on same site
- Cross over will reduce parking on street
- Road safety
- Poor visibility for access
- Water drain off from crossover
- Parking space not big enough
- Loss of open space and impact on wildlife
- Increase in traffic noise and pollution
- Potential loss of light

7.3 The supporting representations are summarised as follows:

- Many properties in Kings Ave have off street parking
- Ample room for additional parking
- Will improve the look of the area
- Area needs new housing

8. Appraisal

8.1 Principle

8.1.1 The site is located within the Newhaven planning boundary, so development on this site is supported by policies DM1 and H1.

8.1.2 Policy CP2 encourages the provision of smaller units and higher site densities in the range of 47-57dph. Although the density of this new development would be 36dph, the density of the wider site – i.e. 51-53 Station Road, with a total of 5 dwellings, would be 53dph. It is considered therefore that the proposal for a two-bedroom bungalow on a plot that is part of a wider site, meets the aspirations of policy CP2.

8.2 Design

8.2.1 The simple design of the proposed bungalow is considered to be appropriate in this location in the street scene, with the building set away from its neighbour and on the end plot.

8.2.2 The materials palette matches that of the recently built houses in Station Road, which will form the backdrop for the new bungalow, as well as echoing the variety of finishes in the wider area.

- 8.2.3 In respect of design, the proposal meets the relevant aspects of policies CP11, DM25 and D1.

8.3 Amenity

- 8.3.1 As the site will be levelled and the new bungalow set down at the street level of Kings Avenue, there will be no mutual overlooking with the properties in Station Road. There is one first floor window in the side wall of 1 Kings Avenue, facing the site and the garden; however, this is not considered to be so significant as to warrant refusal. The new bungalow would not overshadow any of its neighbours.
- 8.3.2 Vehicular access to the site is directly from Kings Avenue, so will not cause any adverse disturbance to residents of the 'host' or adjacent properties.
- 8.3.3 The overall floorspace exceeds the Nationally Described Space Standard, as do the two double bedrooms. The living area is oriented to the south and west facing garden, which is of a generous size. Overall it is considered that the new bungalow would provide a good standard of accommodation for future occupants.
- 8.3.4 The proposal includes space for refuse and recycling.
- 8.3.5 The impact of disturbance arising from the construction process, including hours of operation, can be mitigated by conditions.
- 8.3.6 Overall, it is considered that the proposal satisfies the amenity aspects of policies CP11, DM25 and DM30.

8.4 Transport and parking

- 8.4.1 ESCC parking calculator indicates that the proposal would generate a parking demand for 1.55 spaces. The off-street parking space, at 5.72 deep x 3.28 wide, meets ESCC standard for open car parking spaces adjacent to walls. An electric car charge point is indicated on the plans, details of which can be secured by condition.
- 8.4.2 There are no parking restrictions in Kings Avenue and the nearby streets and all properties in Kings Avenue have off-street parking. Kings Avenue is relatively narrow and on-street parking tends to be on the south side where the spacing between properties is wider. There is capacity in the street for visitor and servicing parking.
- 8.4.3 The site is well located in relation to public transport links and is in an accessible and sustainable location.
- 8.4.4 Cycle storage has been indicated on the plans, details of which can be secured by condition.
- 8.4.5 Crucially, ESCC Highways has not objected to the proposal, subject to conditions.
- 8.4.6 It is considered that the proposal meets the objectives of policy CP13.

8.5 Sustainability, flood risk and contamination

- 8.5.1 Although the application was not accompanied by a Sustainability Statement or Energy Strategy, reference to broad design measures in response to the issue is made in the Design and Access Statement. More detailed measures can be secured by condition in order to comply with policies CP14 and D2.
- 8.5.2 The site is located within an area of low risk of flooding so no action is required in relation to policy CP12.
- 8.5.3 The EH officer has recommended a condition to cover previously unidentified soil/land contamination in response to policy DM21.

8.6 Response to previous reasons for refusal

- 8.6.1 The key issues arising from the previous refusals can be summarised as follows:
- Cramped appearance and incongruous in the Kings Avenue street scene
 - Failure to respond to the character of the site and immediate surroundings
 - Out of character with the prevailing pattern of development
 - Overbearing impact on adjoining properties on Station Road
 - Substandard parking space, compromised visibility
 - Inaccessible bin storage
- 8.6.2 The current proposal is oriented to Kings Avenue and respects the established building line and as such would be more in keeping with the prevailing pattern of development.
- 8.6.3 The site will be excavated to the Kings Avenue Street level and will not impact on the adjacent properties in Station Road.
- 8.6.4 The parking space meets ESCC standards and would have satisfactory visibility.
- 8.6.5 There is adequate space for storage and moving of refuse and recycling bins.
- 8.6.6 All of the reasons for refusal have been satisfactorily addressed.

8.7 Conclusion

- 8.7.1 The site is located in a sustainable location within the development boundary. The principle of residential development on the site is supported by local plan policies and NPPF objectives - Achieving Sustainable Development; Delivering a Sufficient Supply of Homes; Promoting Sustainable Transport; Making Effective Use of Land; Achieving Well-Designed Places and Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- 8.7.2 The current proposal has satisfactorily addressed the reasons for refusal for previous schemes for the site and has demonstrated compliance with all relevant Development and Neighbourhood Plan policies.

8.7.3 Finally, the proposal will make a small but nonetheless important contribution to LDC's housing supply, on this windfall site.

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 Conditions

1. No development shall commence until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality 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.

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; 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 shall commence until details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site have been submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

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

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

5. No development shall take place above ground floor slab level until details for the provision of the electric car charging point has been submitted to and approved in writing by the Local Planning Authority

and shall be implemented in accordance with that approval prior to the first 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. The development hereby approved shall not be occupied until the car parking facilities as shown on the approved plan have been made ready for use.

Reason: To provide suitable car-parking space for the development.

7. The development hereby approved shall not 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 to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. The development hereby approved shall not 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: To ensure that the facilities are available 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.

9. The development hereby approved shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing 1412020/01.

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

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.

11. The completed access shall 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) thereafter

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

12. 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.

13. 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.

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 and DM25 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 |
|---------------------------|------------------|---------------------------|
| Design & Access Statement | 24 December 2020 | Design & Access Statement |
| Proposed Section(s) | 24 December 2020 | 1412020/01 |
| Proposed Elevation(s) | 24 December 2020 | 1412020/01 |
| Proposed Roof Plan | 24 December 2020 | 1412020/01 |
| Proposed Floor Plan(s) | 24 December 2020 | 1412020/01 |
| Proposed Layout Plan | 24 December 2020 | 1412020/01 |
| Proposed Section(s) | 24 December 2020 | 1412020/02 |

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|---------------------|------------------|------------|
| Location Plan | 24 December 2020 | 1412020/02 |
| Proposed Block Plan | 24 December 2020 | 1412020/02 |

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

10.3 Informatives:

1. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.
2. It is also advised that the site is lying on a Class 3 Radon affected area. Basic radon protection measures are required.
3. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
4. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
5. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to divert the public sewer. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed.

11. **Background Papers**

11.1 None.

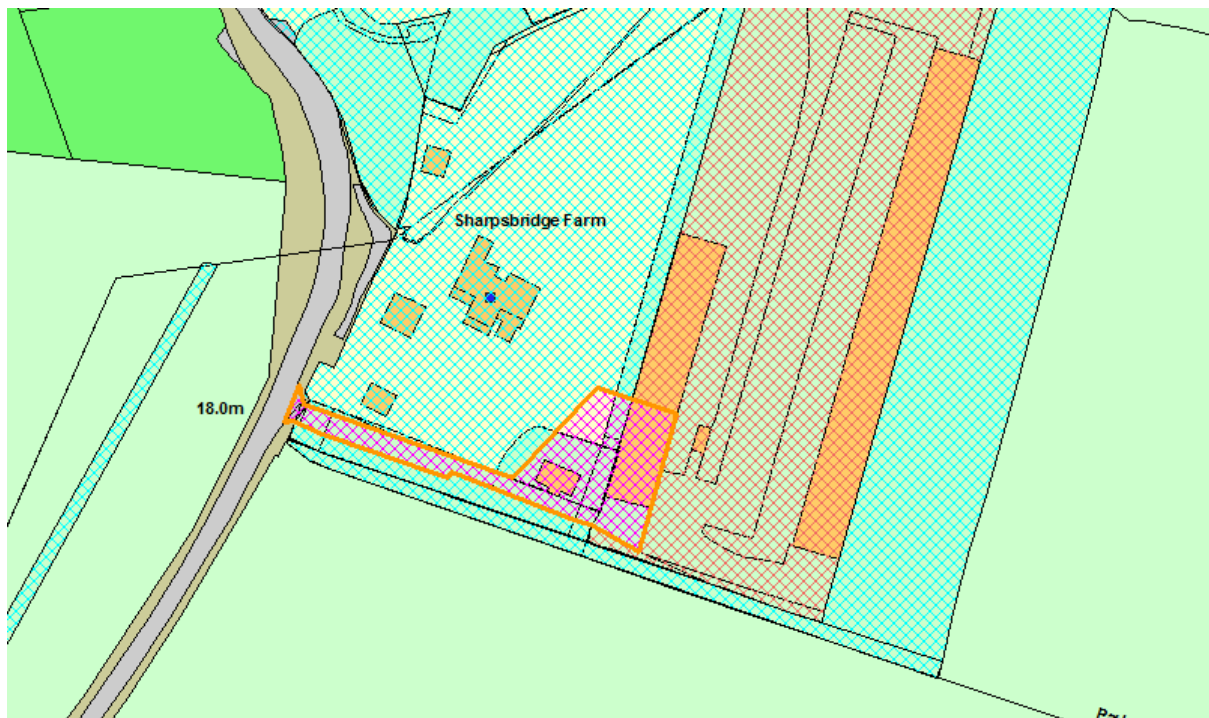
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Report to: Planning Applications Committee
Date: 9 June 2021
Application No: LW/20/0774
Location: Sharpsbridge Farm, Sharpsbridge Lane, Newick, TN22 3XG
Proposal: Demolition of existing house and erection of new dwelling (resubmission of planning application LW/20/0138).

Applicant: Andrew Bone
Ward: Newick
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. **Executive Summary**

- 1.1 The proposed development as amended meets all relevant national and local planning policies and is considered to be acceptable. Crucially, the application has overcome the reason for refusal under LW/20/0138.
- 1.2 Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 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: – CP2 – Housing Type, Mix and Density
- LDLP:- CP10 – Natural Environment and Landscape Character
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon
- LDLP: – DM1 – Planning Boundary
- LDLP: - DM5 Replacement Dwellings in the Countryside
- LDLP: - DM21 Land Contamination
- LDLP: – DM25 – Design
- LDLP: - DM26 Refuse and Recycling
- LDLP:- DM27 Landscape Design

2.3 Newick Neighbourhood Plan

- HO1.1 – Design of new housing
- HO1.3 – Height of new housing
- HO1.4 – Size of new dwellings
- HO1.5 – Off road parking for new dwellings

3. **Site Description**

- 3.1 The application site is located to the east of Sharpsbridge Lane, between Newick and Uckfield and falls outside of the planning boundary. Formerly a chicken farm, the wider site comprises a large, two storey, detached dwelling, garage and an extensive garden at the western part of the site; a redundant grain silo and poultry sheds to the east and, between them, a detached, single storey, timber clad dwelling which is the subject of this

application. There is a single access road off Sharpsbridge Lane which serves the whole site.

- 3.2 The existing dwelling has a floor area of approximately 45m² and contains one double bedroom, a bathroom, a study, a kitchen/ dining/ living room and a hallway. It abuts the access road to the south (which leads on to the redundant poultry shed) and has a limited garden area to the side and rear enclosed by mature conifers and post and rail fencing. There are various other trees and vegetation on the wider holding including tree and/or hedge screening around the perimeter.
- 3.3 The land surrounding land is agricultural. Footpath 20 runs east/west along the access road and beyond. The site falls within the Ashdown Forest 7km Zone.

4. Proposed Development

- 4.1 The application seeks planning permission to demolish the existing dwelling and the redundant poultry shed and re-build a replacement dwelling. The footprint of the new dwelling would be located to the north and east of the existing. A non-protected birch tree would be removed to facilitate the development.
- 4.2 The new dwelling, with an overall floor area of 67.2m² would comprise one double bedroom, one single bedroom, kitchen/dining/living room, utility room and bathroom.
- 4.3 Two car parking spaces would be laid out to the west of the new dwelling, provided with electric car charge points and a secure cycle store.
- 4.4 The design of the new dwelling is simple and traditional, with a pitched gable roof, an open-sided, gable fronted porch to the front and an open timber pergola across the rear elevation. The roof finish would be artificial slates and the walls, vertical, black stained timber cladding. The windows would be powder coated aluminium finished in dark grey. The roof pitch would be deeper, resulting in an increase in a ridge height approximately 2.5m higher than the existing. Internally, the roof space would be partially exposed over the entrance hall with a rooflight above.
- 4.5 The windows to the living area in the east facing elevation would extend from the floor to the apex of the gable. Access to the rear garden would be via sliding doors in the north elevation.
- 4.6 This application was submitted in response to refused application LW/20/0138 – see below.
- 4.7 The application as originally submitted had the proposed new dwelling located centrally on the site, with the entrance oriented to the north, a detached double garage in the north-east corner, and a driveway running alongside the west and north boundaries. Following negotiations with the case officer, the siting of the dwelling was amended and the garage and driveway removed.

5. Relevant Planning History

- 5.1 LW/05/0499 Section 73A Retrospective application for temporary planning permission for detached timber frame office building for use in connection with business of general builders and specialist dental supplies – approved 2 May 2005.
- 5.2 LW/07/0339 - Renewal of temporary permission LW/05/0499 for retention of detached timber frame office for temporary business use and permission to retain structure after business use on a permanent basis – approved 2 May 2007.
- 5.3 LW/12/0424 Continued use of building as a B1 office on a permanent basis - approved 28 May 2012.
- 5.4 LW/13/0587 - Conversion of B1 unit to a residential dwelling - PA not required 22 October 2013.
- 5.5 LW/19/0171 Demolition of existing chicken sheds and erection of detached dwelling – granted 28 August 2019.
- 5.6 LW/20/0138 – Demolition of existing house and erection of new dwelling with associated car parking – refused 24 June 2020 for the following reason:
 - The proposed dwelling would not be within the same residential curtilage as the existing building, which is a modest, cabin-style structure. Taking into account extant planning permissions, the proposal could result in a cluster of three relatively large homes on the landholding served by a shared access. In any case, the proposed development would have a 'suburbanising' effect and would be out of keeping with the rural character of the area contrary to DM5 and DM25 of Lewes District Council Local Plan: Site Allocations and Development Management Policies February 2020.

6. Consultations

6.1 Environmental Health

- 6.1.1 I am aware of the previous application where land contamination conditions were recommended. I also do not see any desktop study report for the resubmitted application. A desktop study report for any potential land contamination because of the historic agricultural uses of the site will inform whether full land contamination is required on the site or not. In absence of such report full land contamination condition as recommended for LW/20/0138 is required.

6.2 District Services

- 6.2.1 No comments received.

6.3 Southern Water

- 6.3.1 The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness. The Council's Building Control officers or technical staff should be asked to comment on the

adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.4 Newick Parish Council

- 6.4.1 NPC wishes to object to this application, the third one received for this property during 2020 and the latest in a long line of planning applications. The first one of the year LW/20/0138 (and the one which this current application is a resubmission of) was for 'Demolition of existing house and erection of new dwelling with associated car parking', and was refused on 24/6/20 for the following reasons: 'The proposed dwelling would not be within the same residential curtilage as the existing building, which is a modest, cabin-style structure. Taking into account extant planning permissions, the proposal could result in a cluster of three relatively large homes on the landholding served by a shared access. The proposed development would have a 'suburbanising' effect and would be out of keeping with the rural character of the area contrary to DM5 and DM25 of Lewes District Council Local Plan: Site Allocations and Development Management Policies February 2020.'
- 6.4.2 The second one of the year LW/20/0454 was continued use of the office at Sharpsbridge Farm as an independent C3 dwelling house and sworn affidavits were submitted with the application from the owners and the tenant; it was approved. We are concerned the applicant openly admits that the tenant isn't paying any Council tax, how can that be acceptable or legal? This current application LW/20/0774 says little about the C3 classification and demolishes that dwelling entirely and moves the position to the North West.
- 6.4.3 The design of new dwelling has a high pitch to the roof giving a bulky feel causing the same suburbanising effect described in the officers report for the original application.
- 6.4.4 There is little more that NPC needs to add to our objection to as the officers report for LW/20/0138 already says it all. There is perhaps one thing that we could add concerns the proximity of the site to RoW footpath Newick 20.
- 6.4.5 It is the understanding of NPC that agricultural buildings can be converted to residential as long as they are a genuine conversion and not a new build on a different site otherwise the protection afforded by this policy to protect against urbanising the countryside would not work.

7. **Neighbour Representations**

- 7.1 Two representations have been received from local residents, objecting to the application for the following reasons:

- The proposed new house is 1.5 x the size of the existing, is not in the same location so cannot be considered a replacement.
- Will harm the rural character of the area through suburbanisation.
- Question over whether the existing building is in fact residential, question over applicant's true intentions for the wider site.
- Proposed access road is unsafe.
- Concern over refuse storage arrangements, excessive carry distances.
- Sharpsbridge Farm is no longer a farm, it is a mini-conurbation and HQ of Martlett's Builders.
- Sharpsbridge Lane is a single-track lane which is already heavily trafficked and used as a rat run to access the A272.
- The demolition of what is probably no more than a shack will no doubt be replaced by yet another dwelling, adding to the traffic congestion.
- Council should give serious consideration to the reasons as to why the original application was refused.

8. **Appraisal**

8.1 Principle

- 8.1.1 To be clear, the existing building has established residential use (by application ref. LW/13/0587). This permission relied on the change of use being implemented by 30th May 2016. The current application was accompanied by affidavits from the applicant and the tenant which state that it has been occupied as a dwelling since 2015 following conversion works taking place.
- 8.1.2 Although the site is outside of the planning boundary, replacement dwellings in the countryside are supported by policy DM5, subject to the following criteria:
- The scale, form, height and massing of the replacement dwelling is compatible with its rural location and the surrounding form of development;
 - The replacement dwelling is located in the same or similar position of the existing dwelling, unless an alternative location would result in clear landscape, highway access or local amenity benefits.
- 8.1.3 It is considered that the scale, form height and massing of proposed new dwelling is sufficiently similar to the building it is to replace to satisfy policy DM5. Although the ridge would be higher, it would still be a single storey building, modest in form and massing, so would not be in conflict with policy HO1.3. The footprint has been moved to the north and east to allow sufficient space for parking and to set the

new dwelling further back from the public footpath to provide an element of privacy and defensible space.

8.1.4 Policies CP2 and HO1.4 support the provision of smaller dwellings.

8.1.5 It is noted that the reason for refusal under LW/20/0138 included reference to the to the cumulative impact of a replacement dwelling, together with the existing house to the front of the site and the implementation of planning permission LW/19/0171 (for another detached dwelling) would be out of keeping with the rural character of the area. However, the dwelling proposed under LW/20/0138 was for a replacement dwelling of a larger footprint and in a different location on the site. The impact of the current, more modest scheme, sited closer to the original footprint and of a similar design, would not be sufficient to warrant a further refusal.

8.2 Design

8.2.1 The design and materials palette of the proposed new dwelling echoes the existing building and is considered to be consistent with its rural location. As such, the proposal meets the design aspects of policies CP11, DM25, HO1.3. Details of the materials have been submitted with the application.

8.3 Amenity, landscaping, contamination

8.3.1 The proposed new dwelling, at 67.2m² exceeds the Nationally Described Space Standard for a 2 bedroom/3-person house.

8.3.2 Although not indicated on the submitted site plan, there is ample space adjacent to the parking area for refuse and recycling bins. This can be secured by pre-occupation condition.

8.3.3 The new dwelling would benefit from a sizeable rear garden. The submitted plans show additional tree planting along the eastern boundary.

8.3.4 Pre-commencement and pre-occupation land contamination reports are required by condition as recommended by Environmental Health.

8.3.5 Overall, it is considered that the proposal meets the amenity aspects of policies CP11, DM21, DM25, DM26 and DM27.

8.4 Transport and parking

8.4.1 As this is an application for a replacement dwelling, there is unlikely to be a change to the existing level of traffic movements to and from the site.

8.4.2 Using the ESCC Parking calculator the proposal would generate a demand for 2.26 parking spaces. The scheme would provide a dedicated area for 2 spaces with electric car charge points. There is space within the site to meet the demand for visitor parking if required.

8.4.3 The application documents include details of an off-the-peg store for 2 cycles, the location of which is indicated on the site plan.

8.4.4 The proposal complies with policies CP13 and HO1.5.

8.5 Sustainability

8.5.1 The application was not accompanied by a Sustainability Statement or strategy, however this can be secured by condition in order to comply with policy DM14.

8.6 Ashdown Forest

8.6.1 Although the site falls within the Ashdown Forest 7km Zone, the proposal is for a replacement dwelling so there would be no net gain. Therefore, the proposal would not generate a need for a contribution to the SANG, as set out in policy DM24.

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 that the proposal as amended, overcomes the reasons for refusal under LW/20/0138 and is now considered to be acceptable. 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 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; 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.

2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.
 1. A preliminary risk assessment which has identified:
 - (a) all previous uses
 - (b) potential contaminants associated with those uses
 - (c) a conceptual model of the site indicating sources, pathways and receptors
 - (d) potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be

collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to policy DM21 of the Lewes District Local Plan and guidance contained in the National Planning Policy Framework.
3. No development above ground floor slab level of any part of the development hereby permitted shall commence until details, including materials, of all hard and soft landscaping, boundary treatment 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.
- 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 to comply with National Policy Guidance contained in the National Planning Policy Framework.
4. 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: 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.
5. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to

demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to policy DM21 of the Lewes District Local Plan and guidance contained in the National Planning Policy Framework.
6. No building shall be occupied until the cycle store have been provided as shown on the approved drawing and made permanently available for that use.
- Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Local Plan and guidance contained in the National Planning Policy Framework.
7. No building shall be occupied until the car parking areas and the electric car charging points as shown on the approved plan have been laid out and made ready for use.
- Reason: To provide suitable car-parking spaces for the development and to promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Local Plan and 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: To ensure that the facilities are available 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.
9. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public 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.
10. 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 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|-----------------------------|------------------|---|
| Illustration | 21 April 2021 | Material schedule |
| General | 21 April 2021 | Affidavits |
| Other Plan(s) | 21 April 2021 | Cycle store and electric car charge details |
| Location Plan | 12 November 2020 | 2020/14/01 |
| Proposed Block Plan | 21 April 2021 | 2020/14/02A |
| Design and Access Statement | 21 April 2021 | Design and Access Statement |
| Proposed Section(s) | 12 November 2021 | 2020/14/04 |
| Proposed Layout Plan | 21 April 2021 | 2020/14/06A |
| Proposed Elevation(s) | 21 April 2021 | 2020/14/05A |
| Proposed Floor Plan(s) | 12 November 2021 | 2020/14/04 |
| Proposed Roof Plan | 12 November 2021 | 2020/14/04 |

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

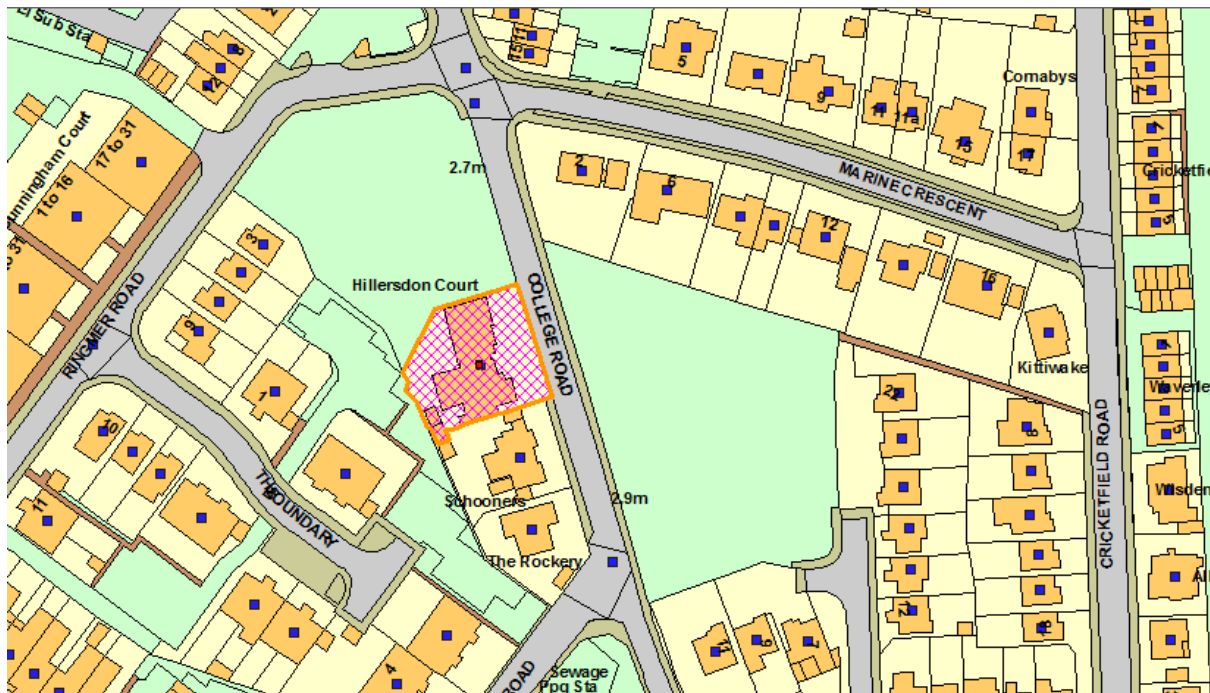
11. Background Papers

11.1 None.

Report to: Planning Applications Committee
Date: 9th June 2021
Application No: LW/20/0478
Location: 18 College Road, Seaford, BN25 1JD
Proposal: Conversion of existing care home to create two semi-detached 3-bedroom houses, and a detached building consisting of 3 flats (1x 1bed, 1x 2bed and 1x 3bed).

Ward: Seaford Central
Applicant: Mr & Mrs Lord
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



IMPORTANT NOTE: This scheme is CIL Liable.

1. Executive Summary

- 1.1 The proposed development is considered to represent an appropriate use of the existing building. The development would not require any significant external works, would integrate well with surrounding residential uses and would provide a suitable standard of living accommodation for future occupants.
- 1.2 It is therefore recommended that the application is approved subject to relevant conditions.

- 1.3 This application is being presented to the Committee for determination as the applicants are serving district councillors.

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

2.2 Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP2 – Housing Type, Mix and Density;
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM20 – Pollution Management
- LDLP: – DM23 – Noise
- LDLP: – DM25 – Design
- LDLP: – DM27 – Landscape Design

2.3 Seaford Neighbourhood Plan

- SNP: – SEA2 – Design

3. Site Description

- 3.1 The site is occupied by a two-storey building currently occupied by a care home use. The building has the appearance of two detached buildings which were subsequently interlinked, and when previously in use as student accommodation, had a two-storey extension added to the north under planning permission S/61/0134. The extension was connected to the original building by a narrow single-storey flat roof lobby. A two-storey flat roof link was added at a later date. The student accommodation use ceased in 1984 and was replaced by the current care home use. The 1960's element was extended further to the north in the late 1990's following approval of application LW/96/0703. Various single-storey extensions and outbuildings have been added to the rear of the building over time.
- 3.2 Side and rear boundaries of the site are marked by a low rendered wall which is supplemented by approx. 1.8 metre high timber trellis fencing that is positioned directly behind it. There is an enclosed amenity area

to the rear which is partially hard surfaced. There is a line of semi-mature trees along the boundary in the north-western corner of the site. The area to the front of the building is open with the full width of the building frontage facing onto a hard surfaced parking area which is accessed by a full length dropped kerb crossover on College Road.

- 3.3 The site is located within the planning boundary. College Road provides a link between the seafront and the town centre to the north. The western side of the road in the immediate vicinity of the site is bordered by a group of large two-storey buildings comprising the application building, the dwelling at Schooners which occupies the adjoining site to the south, and the dwelling at The Rockery. These buildings face towards public open amenity space on the opposite side of the road. There is also an area of public open space to the immediate north of the site. The predominant use of surrounding buildings is residential and largely comprises two-storey dwellings to the east and north with larger two and three-storey purpose built flats included within the mix to the west.
- 3.4 The site falls within Environment Agency Flood Zone 3. There is also evidence that a historic use of the site and surrounding area for landfill was undertaken. There are no other specific planning designations or constraints attached to the site.

4. Proposed Development

- 4.1 The proposed development involves separating the original Cliff View House from the more modern extensions to the north by way of removing the single and two-storey flat roof linkages. Various extensions and outbuildings would also be removed as well as external staircases to the rear of the building. Cliff View House would then be converted into 3 x flats which would be configured as follows:-
- 1 x 1 bed, 1 person ground floor flat;
 - 1 x 2 bed, 3 person ground floor flat;
 - 1 x 3 bed, 4 person first floor flat;
- 4.2 The former northern extensions to the building would be subdivided into 2 x 3 bed, 4 person two-storey dwellings.
- 4.3 The works associated with the conversion would be largely concentrated on the building interiors with exterior works being cosmetic only and including resurfacing of the parking area, provision of a roof light to the rear of Cliff View House and sun pipes on the roof of both buildings, restoration of parts of buildings where extensions and other structures are to be removed, subdivision of rear amenity space into garden area, replacement glazing, formation of new access doors at ground floor level and restoration/resurfacing of roofing.
- 4.4 Each of the proposed semi-detached dwellings would be allocated 2 x car parking bays to the front. Each of the flats would be provided with 1 x car parking bay and an additional bay would be available for shared use by the occupants of the flats.

5. Relevant Planning History

- 5.1 **S/61/0134** – New classroom, dormitory, lavatory and bedrooms – Approved 23rd May 1961
- 5.2 **LW/84/1949** - Single storey extension at rear and internal alterations to convert dwelling to Rest Home – Approved 21st January 1985
- 5.3 **LW/93/1353** - Erection of first floor front dormer.- Approved 16th November 1993
- 5.4 **LW/94/0248** - Erection of a Victorian Style conservatory on the rear elevation at Hillersdon Court Residential Care Home – Approved 19th April 1994
- 5.5 **LW/96/0703** - Two storey, six bedroom extension – Approved 12th August 1996
- 5.6 **LW/97/0726** - Demolition of conservatory and erection of a single storey extension to rear elevation to provide additional living area only – Approved 8th August 1997

6. Consultations

6.1 Consultations:

Environment Agency

The submitted Flood Risk Assessment is now satisfactory. Therefore, we can remove our previous objection to the proposal.

Environmental Health

No objection subject to the carrying out of an intrusive investigation into potential sources of contamination.

Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

Seaford Parish Council

It was resolved to support the application. It should be noted that the applicant in this case is a member of the Committee but did not attend the meeting and took no part in the consideration of the application

7. Neighbour Representations

- 7.1 One letter of support has been received. A query was also raised as to the land ownership of the site area as shown on the previously submitted plans. Amended plans were subsequently received to clarify this matter.

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.

8.2 Principle

- 8.2.1 The proposed works involve the loss of an existing 24 bedroom care home facility. The Local Development Plan does not include any specific policies that seek to prevent loss of such facilities although LLP1 policy CP2 (2) does seek to ensure that new residential development 'provides flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time' and states that 'this need will include accommodation appropriate for the ageing population and disabled residents'. Para. 7.25 of LLP1 states that 'the local planning authority acknowledges the importance of providing an appropriate range of housing types for all sectors of the community, particularly housing for older people in recognition of the ageing population of the district.
- 8.2.2 With reference to the above, the buildings would remain in residential use following the proposed conversion and a mix of unit sizes would be provided, including 1 and 2 bed flats for which there is an identified need in the district, and would therefore provide a mix of accommodation that would serve a wide spectrum of the community.
- 8.2.3 It is also important to note that the existing care home is somewhat constrained in that it is housed within a converted building, which is not ideal from a functionality and adaptability perspective, and has limited space for amenity and any future additions or adaptations that may be required to ensure it continues to meet CQC standards. This is a common issue with smaller care homes within converted buildings. It is also noted that permission has recently been granted for a 55 bed care home in Seaford under application LW/19/0364.
- 8.2.4 It is therefore considered that the principle of the conversion is acceptable.

8.3 Visual Impact

- 8.3.1 The proposed development would effectively create two relatively large detached two-storey residential buildings. It is considered that this is consistent with the established character of this part of College Road. The conversion works would allow for the removal of a number of unsympathetic additions to the building including the single and two-storey flat roof linkages and the external staircases to the rear. It is therefore considered that the proposed works would allow for a reduction of clutter on the site and an improved visual contribution to the wider street scene.

- 8.3.2 The parking would be accommodated on an existing hard surfaced frontage parking area that would be resurfaced and landscaped in order to improve upon its current appearance. The cosmetic changes to the walls, roofs and fenestrations of the buildings are also considered to represent an improvement. Bin storage areas would be provided to the front of each of the buildings in order to maintain a tidy appearance.
- 8.3.3 The proposed scheme incorporates landscape and biodiversity enhancements with the existing concreting and paving slabs to the rear being replaced by lawns and additional boundary tree and hedge planting being carried out. This would also mitigate the loss of the existing fir trees in the south western corner of the site which would be replaced with silver birch and bay willow trees.
- 8.3.4 The new garden spaces would be enclosed using 1.8 metre timber close boarded fencing which is a form of boundary treatment that is a common presence on surrounding residential properties.
- 8.3.5 It is therefore considered that the application complies with policies CP2 and CP11 of LLP1, policies DM20, DM25 and DM27 of LLP2, policy SEA2 of the Seaford Neighbourhood Plan and para. 127 of the NPPF.

8.4 Impact upon Amenities of Neighbouring Residents:

- 8.4.1 The level of activity generated by the proposed residential use of the buildings would be similar, or most likely lower, than the activities of the existing use given that movements associated with staff and visitors would no longer occur and the overall number of residents would also decrease. The removal of the first floor external staircases would also lead to a reduction in overlooking/overbearing impact upon neighbouring properties.
- 8.4.2 No new openings would be formed at first floor level and, as such, it is not considered that the proposed development would introduce any intrusive views towards neighbouring residential properties.
- 8.4.3 It is therefore considered that the proposed development complies with LLP1 policy CP11, LLP1 and policies DM20 and DM25 of LLP2.

8.5 Living Conditions for Future Occupants

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 8.5.2 All habitable rooms are served by clear glazed openings and the flats, as well as the dwellings, are dual aspect thereby allowing for prolonged exposure to natural light throughout the day and more effective natural ventilation. All primary windows would have a reasonable unobstructed outlook.

- 8.5.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. All the dwellings exceed to National Space standards in terms of room sizes and overall floorspace of the units being provided.
- 8.5.4 The ground floor flats and both dwellings would have access to private gardens to the rear. It is considered that the amount of space provided in these gardens is adequate to for each of the household that they would serve. Whilst it is regrettable that there is no private amenity space allocated to the first floor flat it is considered acceptable in this instance due to the close proximity of the site to public amenity areas.
- 8.5.5 The entrances to all of the proposed properties would be subject to a good level of surveillance either from surrounding streets or from neighbouring properties and it is therefore considered that there would not be any unacceptable sense of seclusion or isolation experienced by occupants of the development. The set back of front facing ground floor windows from the road would also allow for defensible space to be provided to the front of the each property.
- 8.5.6 It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM25 of LLP2 and section 8 of the NPPF.

8.6 Parking Demand and Highway Impact

- 8.6.1 It is not considered that the proposed use would generate any significant change traffic generation over that currently associated with the care home use.
- 8.6.2 The proposed development would be served by a total of 8 x car parking bays. Each dwelling would be allocated two bays whilst each flat would have one allocated and an additional shared space, a need for which was identified through interrogation of the ESCC car ownership parking demand tool. This identified a need for an additional space for visitors. Whilst this is not available on site it is considered that, in this instance, the surrounding highway network has the capacity to accommodate the anticipated level of visitor parking demand.
- 8.6.3 All parking bays meet the minimum dimensions required by ESCC Highways. Whilst there is no turning space on site, meaning vehicles will have to reverse either into or out of the bays, it is considered this arrangement is acceptable as College Road is not a major route and there is no footway on the crossover provided.
- 8.6.4 Each dwelling would be equipped with an electric vehicle charging point and 2 additional points will be provided to be shared by the occupants of the flats. Full details of the type of charger have been submitted with the application. This provides accordance with policy CP14 of the Lewes District Joint Core Strategy and the Electric

Vehicle Charging Points and Sustainability in Development Technical Guidance Notes. Secure and covered bike storage would be provided within the rear garden areas serving the ground floor flats and the semi-detached dwellings. These gardens all have direct access to the public highway. The first floor flat would be provided with a bike anchor facility in the communal hall area beneath the staircase. Any bike stored here could be easily wheeled along the hall and out onto the street. It is therefore considered that appropriate measures are incorporated into the development to encourage the uptake in use of more sustainable modes of transport.

- 8.6.5 It is therefore considered to that the development complies with LLP2 policy DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8.7 Flooding and Drainage

- 8.7.1 The site is located within Flood Zone 3 and is therefore susceptible to flooding, in this instance from tidal sources. Flats and houses are categorised as a form of development that is 'more vulnerable' to flooding as per para. 066 of the Planning Practice Guidance for Flood risk and coastal change. This classification also applies to the current use.
- 8.7.2 A Flood Risk Assessment (FRA) has been provided in support of the application and has been reviewed by the Environment Agency. This FRA identifies mitigation measures to address initial concerns raised by the Environment Agency in regards to the evacuation of occupants of self-contained ground floor flats on the event of a flood and the provision of flood resilience measures.
- 8.7.3 The proposed development would include the removal of buildings and hard surfacing to the rear of the site and replacement with permeable surfaces. This should reduce the level of surface water discharge from the site. The resurfacing of the parking area to the front of the building could also be carried out using permeable materials. This would help reduce discharge onto the public highway and will be secured by way of a planning condition.
- 8.7.4 The development is therefore considered to comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.

8.8 Sustainability, Biodiversity and the Circular Economy

- 8.8.1 The proposed development involves the adaptation/improvement of an existing building to provide new residential units, a use that is considered to have long term viability. It is therefore considered that the application responds positively to the aims and objectives of the Circular Economy Technical Advice Note. Electric Vehicle Charging Points and bike stores would be provided to support the use of more sustainable modes of transport.
- 8.8.2 The proposed development would facilitate the removal of hard surfaced areas to the rear of the site and replacement with soft planting. This would include the planting of native trees in site boundaries as well as additional hedging, shrubs, herbs and flowers.

Bird boxes would also be mounted in the rear garden areas. It is therefore considered that the proposed development would provide some biodiversity net gain, in accordance with the Biodiversity Technical Advice Note.

- 8.8.3 It is therefore considered that the proposed development complies with LLP1 policy CP14, LLP2 policy DM25, NPPF para. 148 and the aims and objectives of the LDC Technical Advice Notes for Sustainability in Development and the Circular Economy.

8.9 Contamination

- 8.9.1 The area to the south and west of the site has previously been used for landfill purposes, with the disposal of inert, industrial, commercial and residential waste taking place between 1930 and 1960. A desk study submitted with the application states that there is uncertainty over whether the landfill was ever backfilled and that there is potential risk to the site from the generation and migration of ground gasses and possible landfill leachate, particularly as the site is in an area that is at risk from flooding.
- 8.9.2 The site is also in an area where 5-10% of estimated homes are at or above the action level for exposure to radon.
- 8.9.3 The report recommends that intrusive investigations are carried out prior to commencement of development to investigate potential sources of contamination and to assess whether radon protection is required
- 8.9.4 This approach is supported by the Council's Environmental Health Officers. It is therefore considered that, provided further investigative works do not identify significant issues, or that if any issues are discovered they can be adequately mitigated, the proposed development would comply with policies DM20 and DM21 of LLP2 and para. 178 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.

10.2 Conditions

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

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|----------------------------|-------------------------------|--|
| Location Plan | 15 th October 2020 | 10691/06 Rev B |
| Proposed Ground Floor Plan | 12 th April 2021 | 10691/07 Rev D |
| Proposed First Floor Plan | 29 th October 2020 | 10691/08 Rev C |
| Proposed Roof Plan | 29 th October 2020 | 10691/09 Rev C |
| Proposed Elevations | 29 th October 2020 | 10691/10 Rev A |
| Desk Study Report | 2 nd February 2021 | J14683 Issue 1 |
| Flood Risk Assessment | 25 th January 2021 | Project ref 20015, Doc ref RP-D-2120-S4, version PO2, dated January 2021 |

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

2. The development shall be carried out in accordance with the submitted Flood Risk Assessment (project ref 20015, doc ref RP-D-2120-S4, version PO2, by BPS), dated January 2021) and the mitigation measures detailed within section 5.3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

3. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:
 - a) Additional site investigation scheme in relation to potential landfill gas, based on desktop study already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected , including those off site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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 in accordance with National Planning Policy Framework, para 170, 178 and 179.

4. Prior to the first occupation of any part of the development hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

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 in accordance with National Planning Policy Framework, para 170, 178 and 179.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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 in accordance with National Planning Policy Framework, para 170, 178 and 179.

6. No part of the development hereby approved shall be occupied until all parking areas have been provided, surfaced and marked out in accordance with the approved plan 10691/07 Rev D and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Adequate provision must be made to ensure that surface water does not drain on to the public highway.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to Policy CP13, of the

Lewes District Local Plan part one, and Policy DM25 and DM30 of the Lewes District Local Plan part two and para. 110 of the NPPF.

7. Prior to the first occupation of any part of the development hereby permitted, the electric vehicle charging points shall be installed in the positions shown and to the specifications provided on plan 10691/07 Rev D. The charging points shall be in an operational condition and maintained as such thereafter throughout the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 110 of the Revised National Planning Policy Framework, the LDC Electric Vehicle Charging Points Technical Guidance Note. And the LDC Sustainability in Development Technical Advice Note.

8. Prior to the first occupation any part of the development hereby permitted hard and soft landscaping shall have been carried out in accordance with details and specifications provided on approved plan 10691/07 Rev D. This includes the provision of bird boxes in the positions shown. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is appropriately and sympathetically screened, provides a secure and safe environment for future occupants and achieves a net gain in biodiversity in accordance with section 12 of the revised NPPF, policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the Lewes District Local Plan part two and the Biodiversity Net Gain Technical Advice Note (TAN).

9. Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on approved plan 10691/07 Rev D shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policy DM25 of the Lewes District Local Plan Part 2 and para. 104 of the Revised National Planning Policy Framework.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in

accordance with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 of the Lewes District Local Plan Part 2.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

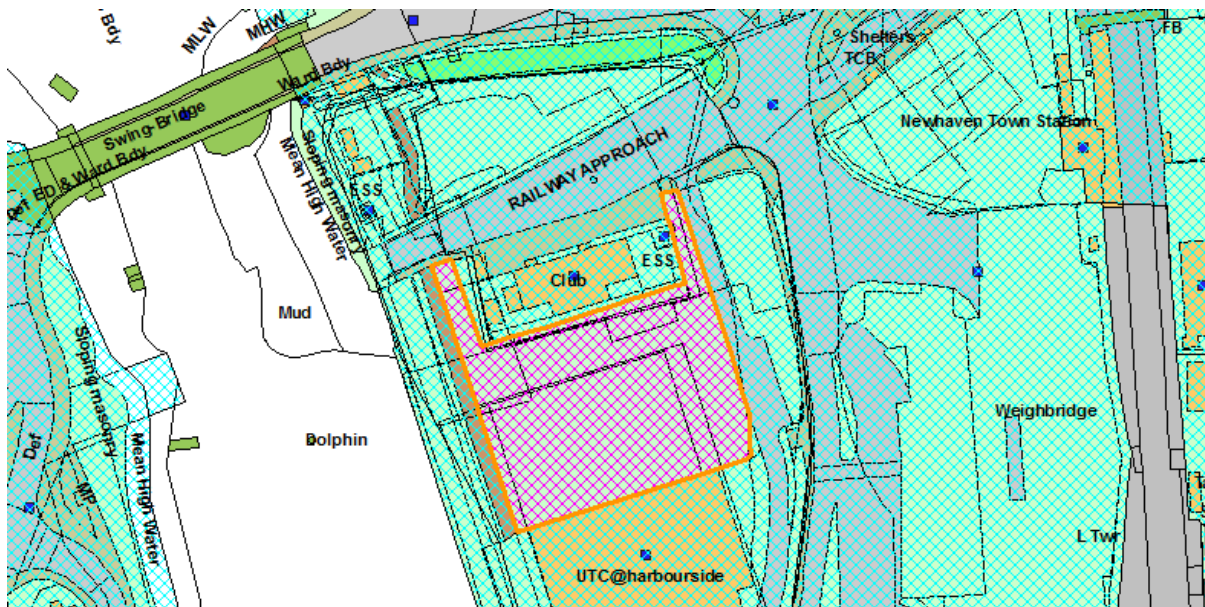
11. Background Papers

11.1 None.

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| Report to: | Planning Applications Committee |
| Date: | 9 June 2021 |
| Application No: | LW/21/0237 |
| Location: | Land at Railway Quay, Newhaven, East Sussex |
| Proposal: | Variation of condition 1 in relation to approval LW/20/0702 - to vary the approved drawings as follows: Six steel containers (increase of 1 which will be a cycle store); omitting the Geodomes and replacing with a further 8 steel containers; Temporary covered areas proposed by the newly named Welcome Hub (previously called the Information Hub); New steps over the existing wall (part of flood defences) and gate on the southwestern corner proposed for the use of clubhouse tenants to access the river; Sewage treatment plant relocated from the rear of the cafe to the end of the decking. |
| Ward: | Newhaven |
| Applicant: | Lewes District Council |
| Recommendation: | Approve the variation of condition. |
| Contact Officer: | Name: Andrew Hill E-mail: andrew.hill@lewes-eastbourne.gov.uk |

Map Location:



1. **Executive Summary**
 - 1.1 The proposed development is acceptable and represents minor amendments to the approved scheme.

2. Relevant Planning Policies

2.1 National Planning Policy Framework 2019

2.2 Lewes District Local Plan

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP8 –Green Infrastructure

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

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

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: – DM27 – Landscape Design

LDLP: – DM33 – Heritage Assets

LDLP: – DM35 – Footpath, Cycle and Bridleway Network

2.3 Newhaven Neighbourhood Plan 2017-2030

Policy ES1: Regeneration of East Side

Policy D1: – Promoting good design

Policy D2: – Design and Climate Change

Policy E3: – Visitor economy

3. Site Description

3.1 The application site is located to the south of Railway Approach, and to the south of the social club and to the north of the UTC building. It covers an area of approximately 0.22 hectares of a previous railway goods yard, now vacant.

3.2 The site is bounded by the river along its western side and the access road serving the port/ferry terminal along the eastern boundary. The Newhaven Town railway station is approximately 50m to the east.

4. Proposed Development

4.1 Planning permission was granted by the Planning Applications Committee in December 2020 for the creation of a community 'hub' within the port area of Newhaven to serve local residents and tourists to the area in the form of the installation of up to 10 shipping containers clad in reclaimed timber and set upon the vacant site behind the Railway Club and in front of the UTC building, with 5 initially installed). Two will be bolted together to form a Refreshment Hub, there will be two separate containers for the Active Transport Hubs and a single container for the Information Hub. Three

geodomes were also proposed to be erected to encourage a range of community activities. Parts of the site will be raised as decked areas to allow access to the top of the sea defences and to allow views down and across the River Ouse. Toilets will be provided as part of the refreshment hub to serve the whole site. It least 20 secure cycle parking spaces will also be provided.

- 4.2 The current proposal is seeking to make some amendments to the approved scheme and involve: Six steel containers (increase of 1 which will be a cycle store); omitting the Geodomes and replacing with a further 8 steel containers (use yet unknown); Temporary covered areas proposed by the newly named Welcome Hub (previously called the Information Hub); New steps over the existing wall (part of flood defences) and gate on the southwestern corner proposed for the use of clubhouse tenants to access the river; and a Sewage treatment plant relocated from the rear of the cafe to the end of the decking.

- 4.3 This proposal is coming before the Committee as the applicant is Lewes District Council.

5. **Relevant Planning History**

- 5.1 No recent, relevant planning history.

6. **Consultations**

- 6.1 Town Council – comments to be reported.

- 6.2 Design and Conservation Officer – no objection

- No greater impact on the adjacent listed building than the previously approved plans. Proposal considered acceptable.

7. **Neighbour Representations**

- 7.1 No neighbour representations were received at the time of writing the report.

8. **Appraisal**

8.1 Key Considerations

- 8.1.1 The main considerations relate to the principle of the use; and the impact on the character and appearance of the area.

8.2 Principle of the proposed use

- 8.2.1 The site is located outside of the defined town centre but is within the planning boundary and therefore there is a presumption in favour of sustainable development. The site is currently vacant and does nothing to enhance the setting of the listed UTC building or the wider surrounding, which when considering the highly visible nature of the site when viewed from the west bank of the river and the swing bridge, is regrettable.

- 8.2.2 The principle of the use was considered and established through the granting of permission LW/20/0702.

8.3 Impact on the character and appearance of the area

- 8.3.1 It is proposed to create a public Hub that will be on the site for at least 5 years. The intention is that all materials will be, wherever possible, reclaimed or sustainable. The containers are re-purposed, the cladding will be reclaimed timber, the decking will be formed from recycled plastics, and photovoltaic panels will be placed on the container roofs to provide them with power.
- 8.3.2 A section of the existing railway tracks on site will be preserved and covered with a clear covering and information boards to explain the history and legacy of the site. This will form a central feature and will be an area around which people can gather for events.
- 8.3.3 The applicant is proposing to make some changes to the approved scheme which, whilst being relatively minor, require formal approval. It is not considered that the proposed amendments alter the fundamental concept of the scheme or would have any greater impact on the wider area or the setting of the adjacent UTC building, is a Grade II listed building.
- 8.3.4 Overall and despite the temporary nature of the project and the buildings, it is considered that the development will enhance the immediate area and raise the quality of the public realm on this prominent and publicly visible site, providing a bright and vibrant destination for visitors and the local community.

8.4 Other matters

- 8.4.1 The Environment Agency has recently completed a flood defence scheme which will provide a 1 in 200-year standard of protection, taking into account the effects of climate change. This included raising the levels of the riverside walls for the area and for Railway Quay there is an additional bank and fence. It is not considered that this use of the site would compromise flood defences or water levels.
- 8.4.2 Due to the form, nature and location of the development it is not considered that the proposal would have a detrimental impact on the setting of the adjacent grade II listed UTC building.

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**

It is recommended that permission is granted.

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

| PLAN TYPE | DATE RECEIVED | REFERENCE |
|--------------------------------------|---------------|---------------|
| Site sections and elevations | 4 May 2021 | 21002-C-1040M |
| Site plan | 4 May 2021 | 21002-C-AC |
| Block and site location | 30 March 2021 | 2789 -04 |
| Shed 8 floor plan elevations | 30 March 2021 | 21002-C-105 |
| Cycle store | 30 March 2021 | 21002-C-103-D |
| Club house plans and elevation | 30 March 2021 | 21002-C-102-K |
| Welcome Hub plans and elevations | 30 March 2021 | 21002-C-101-L |
| Refreshment Hub plans and elevations | 30 March 2021 | 21002-C-100-K |
| Planning Statement | 30 March 2021 | |

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

11. **Background Papers**

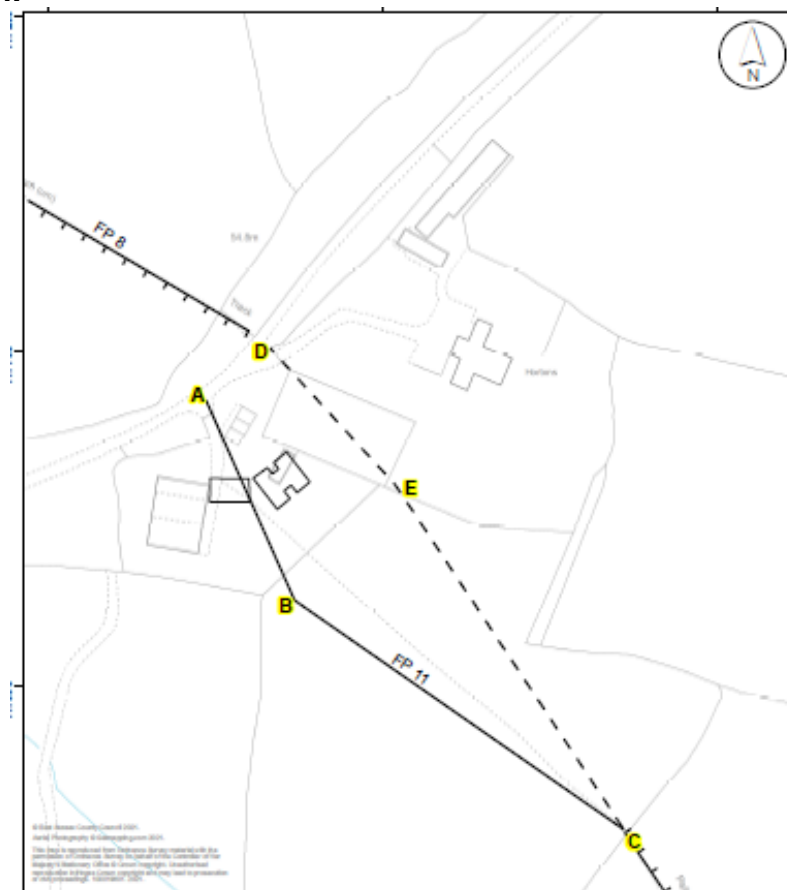
11.1 None.

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|-------------------------|--|
| Report to: | Planning Applications Committee |
| Date: | 9 June 2021 |
| Application No: | LW/19/0589 |
| Location: | Hortons, Hemsleys Lane, Streat, East Sussex, BN6 8SB |
| Proposal: | Application for Diversion of Public Footpath 11 Hortons under Section 257 Town and Country Planning Act 1990. |
| Ward: | Plumpton, Streat, East Chiltington and St John Without |
| Recommendation: | <p>That the Director of Regeneration and Planning be granted delegated authority to make and confirm:</p> <p>A) Diversion Order relating to part of Public Footpath 11</p> <p>B) To carry out all legal steps required to publicise and consult on the Order and,</p> <p>C) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.</p> <p>D) To make minor modifications to the Draft Order, or to re-make and confirm the Order with minor modifications if required.</p> |
| Contact Officer: | <p>Name: James Smith</p> <p>E-mail: james.smith@lewes-eastbourne.gov.uk</p> |

IMPORTANT NOTE: This scheme is not CIL Liable.

Map Location:



Executive Summary

- 1.1 The diversion of public footpath 11 is necessary to enable the development approved under LW/19/0589 (as amended by LW/20/0532) to be carried out as the footpath crosses what would become the curtilage of that dwelling.
- 1.2 It is considered the diversion would not impede upon access and wayfinding and would not undermine the existing character of the footpath to a harmful degree.

2. Relevant Planning Policies

- 2.1 Not applicable.

3. Site Description

- 3.1 The current footpath (A-B-C on the attached plan) crosses through a yard area where a large metal framed barn and two smaller brick/stone walled stable buildings as well as a hard-surfaced area. Behind the yard area is a pasture field, which the footpath crosses, beyond which is low lying open countryside over which views towards the South Downs are afforded.
- 3.2 Planning permission was granted under LW/19/0589 for the demolition of the above-mentioned buildings and the construction of a new detached dwelling with ancillary garage building.
- 3.3 The route of the proposed diversion (D-E-C on the attached plan) crosses a defunct sand school area and then into the pasture field mentioned above.
- 3.4 The overall character of the surrounding area is strongly rural, with buildings being rare and sporadically distributed (although general directly adjacent to roads and lanes. The overriding characteristic is that of a mosaic of hedgerow enclosed fields and woodland. The surrounding countryside is criss-crossed by a number of public footpaths.

4. Relevant Planning History

- 4.1 **LW/19/0589** - Removal of Barn, Stable and Cowshed for the provision of a 4-bed detached house with double garage – Approved Conditionally 20th February 2020
- 4.2 **LW/20/0532** - Variation of condition 1 of application LW/19/0589 to amend approved drawings in terms of washing/bathing and secure storage for garden maintenance equipment – Approved 19th November 2020

5. Proposed Development

- 5.1 The entry to public footpath 11 from the eastern side of Hemsleys Lane would be moved approx. 25 metres to the north-east where it would be

directly opposite the point where public footpath 8 emerges onto the western side of Hemsleys Lane. The realigned path would head in a south-easterly direction, crossing an area currently in use as a sand school then crossing a pasture field to the immediate rear of the dwelling site (which is also crossed by the existing footpath) after which it would continue on its existing course.

5.2 The existing sand school, which the footpath would be crossed, is defunct and would be returned to grassland. The new footpath would be 4 metres in width. Where passes between the curtilage of the existing dwelling at Hortons and the dwelling approved under LW/20/0532, the path would be flanked by timber post and rail fencing to the eastern side and fencing to be agreed by condition on the western side. A new 4 metre wide opening will be created at Point D and a new field gate provided at Point E.

5.3 A new oak fingerpost would be provided to identify the new route.

6. Consultations

6.1 Prior consultation has been carried out by writing to statutory consultees including the ESCC Rights of Way Team on an informal basis. This process was delayed by the lockdown restrictions which prevented a number of the consultees being able to carry out a site visit until recently. Some initial objections to the proposal were received, but the Council are seeking to resolve these prior to the Order being made. The proposed diversion as set out in the Draft Order is supported by ESCC Rights of Way Team.

6.2 If the Committee authorises the making of an Order, it is a requirement of the Act that there will then be a statutory notice of making the Order by way of publication in a local newspaper, displaying notice and a map at the end of the existing pathway and at the Council Offices and by serving a notice with a copy of the Order and the map on the owners, occupiers and statutory consultees. There must then be a 28- day period before the notice can be confirmed. If there are no objections then the Order can be confirmed. If the Order is opposed and the objections cannot be resolved then the Order would need to be submitted to the Secretary of State for determination. The prior consultation which has already been carried out is not a statutory requirement but is undertaken to ascertain and, if possible, resolve any objections before making the Order and carrying out the statutory advertisements.

7. Neighbour Representations

7.1 Not applicable.

8. Appraisal

8.1 Principle

8.1.1 The principle of the footpath diversion was established following the approval, by planning committee members, of the original planning application LW/19/0589.

8.2 Impact of the proposal on the surrounding area:

8.2.1 The diverted footpath would have a grass surface, consistent with the surrounding rural environment, would be accessed via field gates, again consistent with the rural environment, and would not require any extensive fencing, with this being restricted to the parts of the path passing the existing and approved dwelling and not extending into any open fields. It is therefore considered that the realigned path would not compromise the established character of the surrounding area.

8.2.2 The path would pass between two residential properties (including the dwelling approved under LW/19/0589) but would not be immediately adjacent to the dwellings, both of which are set in fairly large grounds. Boundary treatment would provide an adequate buffer to the path which would not be likely to be used intensively. As such, it is considered that the realigned path would not result in any harmful impact upon residential amenity.

8.2.3 The new course of the footpath does not cross any ecologically sensitive areas and, given the retention of the grass surface, the restoration of the sand school to grassland and the relatively low traffic expected on the path, it is not considered that any unacceptable ecological impact would arise.

8.3 Design

8.3.1 The orientation of the diverted footpath would be similar to that of the existing path, ensuring the wide ranging views to the south, where the land level falls gently over fields and woodland before rising over the South Downs approx. 1.5km to the south, would be retained. Where the path passes the existing and approved dwellings it would be flanked by boundary fencing but this would be post and rail on one side, in keeping with the rural setting, and the 4 metre width of the path would prevent any unacceptable sense of overbearing. In any case, only a short section of footpath would be flanked by fencing with the remainder crossing an existing pasture field. This field is crossed by the existing footpath albeit on a different trajectory.

8.3.2 The 4 metre width of the path would allow for freedom of access and ample room for walkers to pass one another. From a wayfinding perspective, the repositioning of the entrance to the path directly opposite public footpath 8 is likely to result in it being more easily located. There is an element of confusion when approaching the existing path as it passes through an agricultural yard where there are a number of buildings present. A new oak fingerpost would be provided to draw attention to the new route.

9. **Recommendation**

9.1 It is recommended that the Director of Regeneration and Planning is authorised delegated authority to make and confirm:

A) Diversion Order relating to part of Public Footpath 11

B) To carry out all legal steps required to publicise and consult on the Order and,

C) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.

D) To make minor modifications to the Draft Order, or to re-make and confirm the Order with minor modifications if required.

10. **Background Papers**

10.1 Draft Order.

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