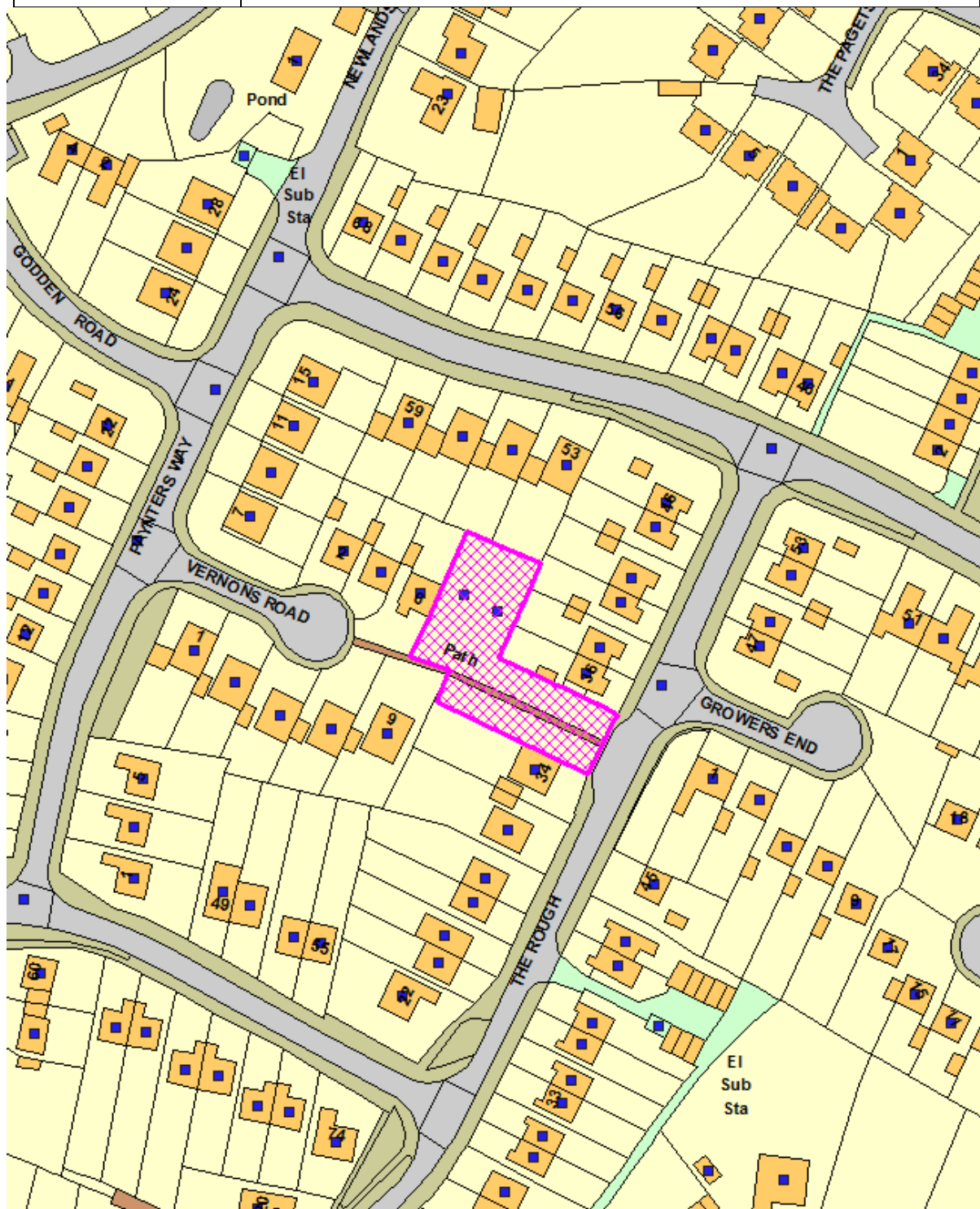


APPLICATION NUMBER:	LW/19/0809		
APPLICANTS NAME(S):	West Construction	PARISH / WARD:	Newick / Newick
PROPOSAL:	Approval of reserved matters application for the layout, scale, landscaping, appearance and access following Outline Consent LW/18/0048 (Part retrospective)		
SITE ADDRESS:	36A and 36B The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



1. SITE DESCRIPTION / PROPOSAL

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

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

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

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

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

Proposed Development:

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

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

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

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

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

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

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

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

2. RELEVANT POLICIES

LDLP: – NNPEN2 – Protection/Enhancement of Wildlife

LDLP: – NNPEN3 – Footpaths and Tways

LDLP: – NNPH51 – HO5.1-Housing Site

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

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

3. PLANNING HISTORY

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

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

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

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

LW/19/0517 - The erection of a pair of semi-detached houses following Outline Consent granted under LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 - **Refused**

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

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

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

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

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

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

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

4. REPRESENTATIONS FROM STANDARD CONSULTEES

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

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

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

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

This application is for two new dwellings with access from The Rough which already has Outline Planning permission under LW/18/0048, thus the principle has already been approved. The access width is shown to be 4.5m wide for a distance of 6m from its junction with The Rough which is acceptable to the highway authority as it provides for a two way flow of traffic. Two car parking spaces for each dwelling is to be provided together with 2 additional visitor spaces for the development along with a turning area. This provision is in accordance with ESCC's car parking requirements and is therefore acceptable.

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

5. REPRESENTATIONS FROM LOCAL RESIDENTS

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

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

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

6. PLANNING CONSIDERATIONS

Principle:

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

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

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

Residential Amenity:

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

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

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

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

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

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

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

Living Conditions Future Occupants:

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

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

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

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

Design and Visual Impact:

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

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

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

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

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

Highways:

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

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

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

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

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

Sustainability:

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

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

7. RECOMMENDATION

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

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

The application is subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District

Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

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

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

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

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

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

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

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

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

11. The first floor level bathroom/wc windows in the northern and western elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, and thereafter permanently retained as such.

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

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

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

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

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

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

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

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

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

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

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