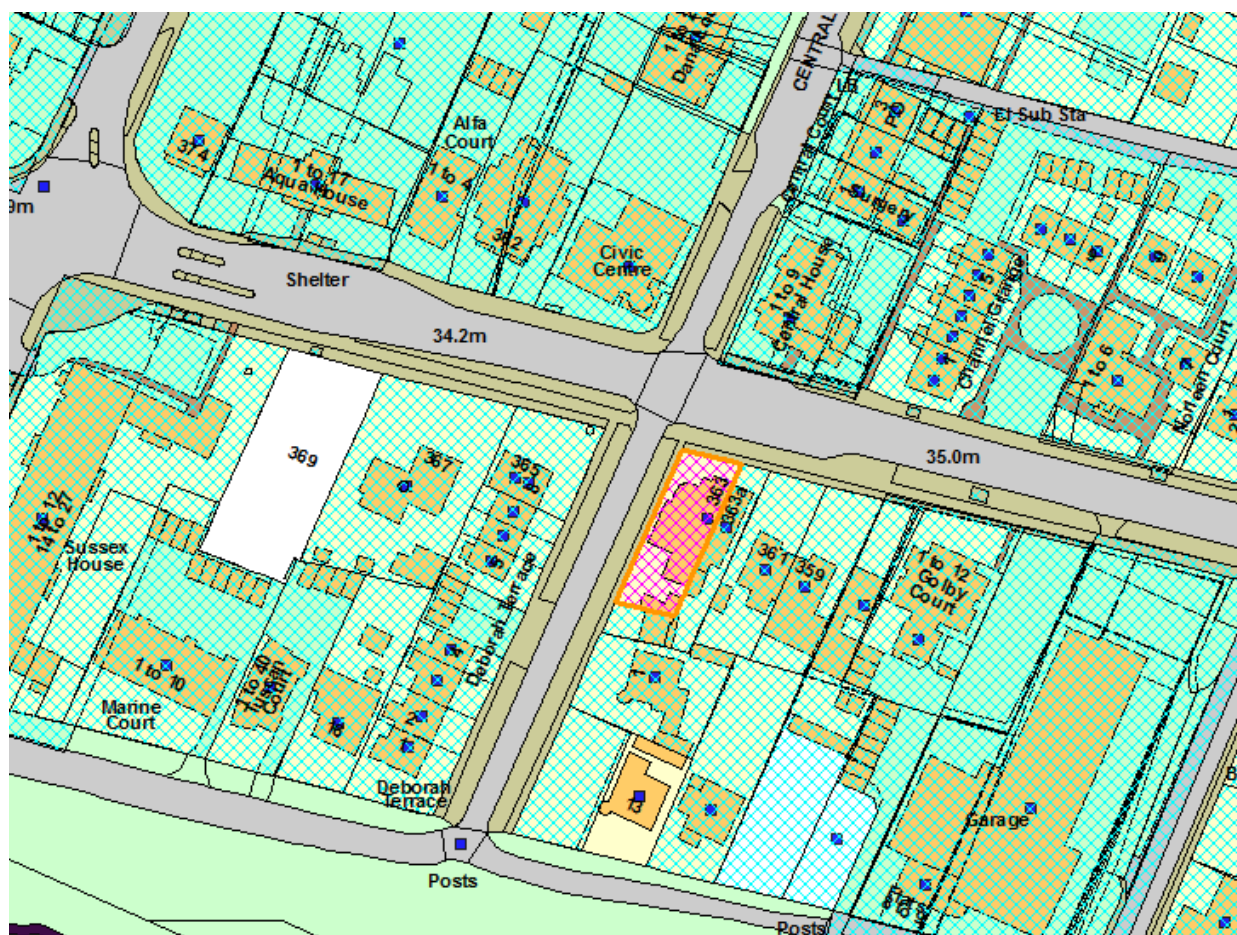


APPLICATION NUMBER:	LW/19/0518		
APPLICANTS NAME(S):	Mr A. Sil	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning application for first and second floor extension to create four additional flats		
SITE ADDRESS:	363 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HH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



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

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

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

PROPOSAL

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

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

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

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

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

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 - Design

3. PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. REPRESENTATIONS FROM STANDARD CONSULTEES

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

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

Southern Gas Networks – No objection

ESCC Highways – [9 December 2019]
No objection

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

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

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

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

[13 September 2019]
Objection

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

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

Southern Water Plc – No objection

Subject to an informative:

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

Main Town Or Parish Council – Objection

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

5. REPRESENTATIONS FROM LOCAL RESIDENTS

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

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

6. PLANNING CONSIDERATIONS

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

Principle

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

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

Reason One

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

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

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

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

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

Reason Two

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

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

Reason Three

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

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

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

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

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

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

Sustainable Building Measures

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

Amenity

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

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

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

7. RECOMMENDATION

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

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

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

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

Reason: In the interests of visual amenity and neighbour amenity, and to ensure compatibility with the street scene and roofscape, and in order to comply with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

4. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

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

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

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

7. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design,

materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

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

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

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

Reason: In the interests of the residential amenities of future occupants of the residential unit having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as preserving neighbour privacy as appropriate, in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

13. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, in accordance with policies CP12 and CP13 of the Lewes District Local Plan Part One and having regard to the National Planning Policy Framework.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

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

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

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

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