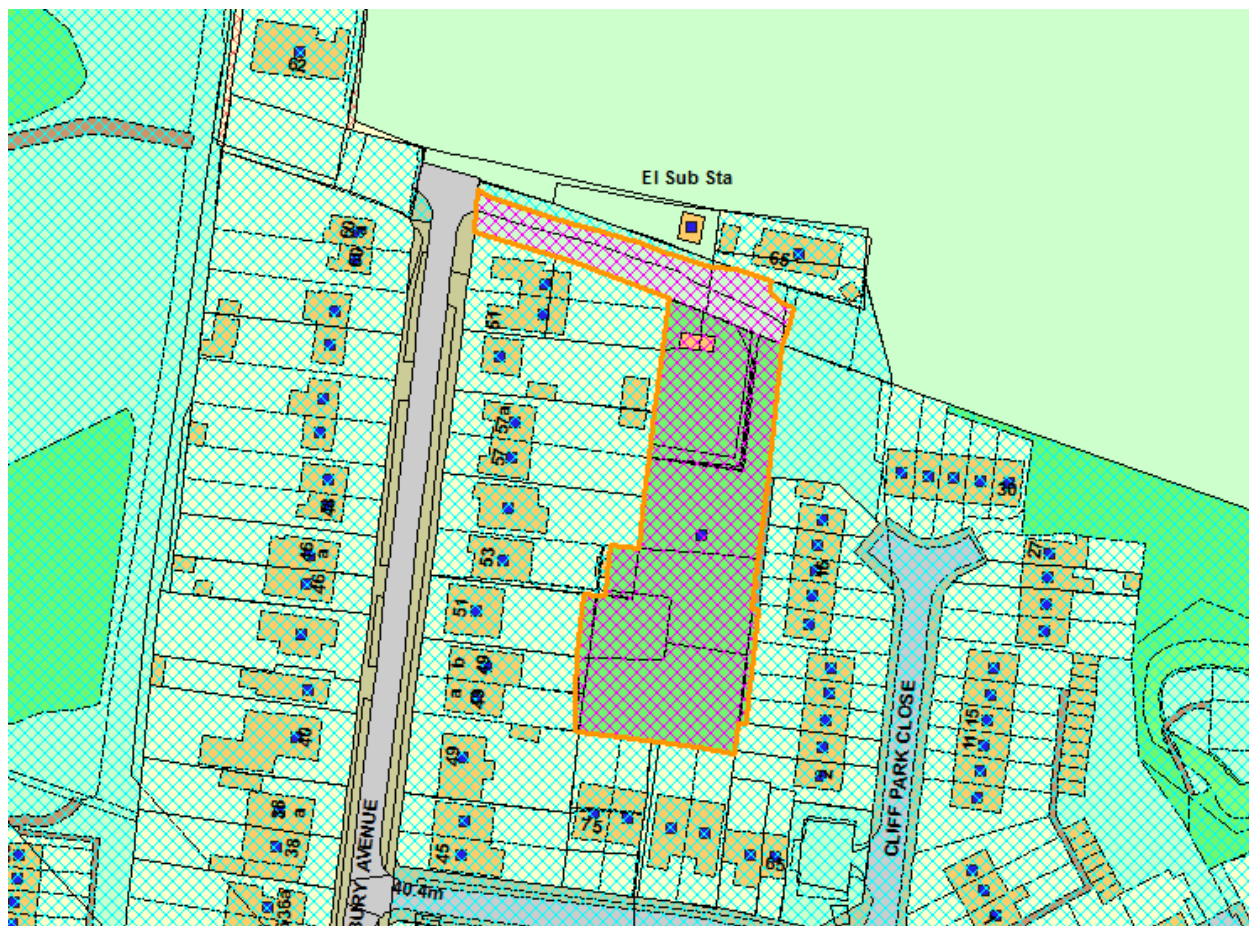


<b>APPLICATION NUMBER:</b>	LW/19/0877		
<b>APPLICANTS NAME(S):</b>	Mr P Morley	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven East
<b>PROPOSAL:</b>	Planning application for proposed erection of single storey detached bungalow		
<b>SITE ADDRESS:</b>	Land rear of 53 Cissbury Avenue, Peacehaven, East Sussex		
<b>Recommendation</b>	Grant Planning Permission		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site lies within the Planning Boundary of Peacehaven and is located in the northern part of the town. The site comprises land to the rear of properties in Cissbury Avenue and specifically to a plot of land measuring 17.7m x 17.7m to the rear of 53 Cissbury Avenue and having an area of approximately 315 square metres.

1.2 The plot of land lies between two other plots, both of which benefit from extant planning permission for development as follows:

**LW/17/0193 - Planning permission for a block of four flats occupying land to the north of the application site.**

**LW/17/0760 - Planning permission for two detached bungalows on a backland plot south of the application site.**

The application site is in between these two approved developments. The site is not located within a conservation area.

### PROPOSAL

1.3 The application seeks planning permission for the construction of a detached 2-bedroom bungalow dwelling measuring 11.8m across and 7.1m in depth. The side elevation of the bungalow would be 4m from the boundary of the site with the back gardens of existing homes in Cissbury Avenue and access to the site would be via the approved roadway leading to the pair of previously approved bungalows to the south (ref. LW/17/0760).

1.4 Each bungalow would have a simple and traditional form with pitched roof and gabled ends. The ridge height would be 4.5m above ground level and the eaves 2.3m. No windows or other openings are proposed on the side elevations.

1.5 External materials and finishes are proposed to be concrete interlocking roof tiles; red multi stock brick walls; and white uPVC windows and doors.

1.6 The ground floor plan would comprise two bedrooms; bathroom; kitchen; and living room. A bicycle store is proposed on one side along with a car parking space in front, which would have an electric vehicle charging point. No accommodation is proposed within the loft space. Boundaries would comprise 1.8m high close-boarded timber fences.

1.7 The application is a revised scheme following the refusal of application LW/19/0183 on 4 July 2019, which sought planning permission for a pair of semi-detached bungalows within the same plot. The previous reasons for refusal were as follows:

1. *The proposal by way of its limited site area, form of the building, and layout of the site, would result in substandard accommodation for future occupiers, failing to meet National Space Standards for both room and dwelling size, the small garden size, and the overlooking from the approved buildings to the rear and as a result of these poor living conditions, contrary to policies ST3 and DM25 of the Lewes District Local Plan.*

2. *The proposal fails to provide for refuse and recycling storage on the site, contrary to policy DM26 of the Lewes Local Plan Part 2, and also fails to provide for electric vehicle charging points nor does it provide solar panels or any other renewable energy provisions or energy reduction and efficiency provisions and as such does not comply with policies CP9, CP13 and CP14 of the Lewes Local Plan.*

## 2. RELEVANT POLICIES

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

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

**LDLP: – SP2 – Distribution of Housing**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP13 – Sustainable Travel**

**LDLP: – CP14 – Renewable and Low Carbon Energy**

**LDLP: – DM25 – Design**

## 3. PLANNING HISTORY

**LW/08/1158** - Erection of five dwellings comprising of one detached four bedroom two storey house & two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/11/1254** - Renewal of extant planning approval LW/08/1158 for erection of five dwellings comprising of one detached four bedroom two storey house and two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/13/0612** - Erection of four self-contained two bedroom flats - **Approved**

**LW/14/0367** - Erection of four new dwellings - two pairs semi-detached single storey bungalows - **Approved**

**LW/19/0877** - Proposed erection of single storey detached bungalow -

**E/70/0721** - Planning and Building Regulations application for boilerhouse for nursery. Building Regs Approved. Completed. - **Approved**

**LW/00/0823** - Outline application for construction of nine single family dwellings - **Withdrawn**

**LW/08/1158** - Erection of five dwellings comprising of one detached four bedroom two storey house & two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/09/0867** - Amendment to approved plan no LW/08/1158 - revisions to plot 3. Variation of condition 5 for access road only to extend as far as plot 3. Variation of condition 6 for turning area to be constructed on completion of dwellings to plots 1 and 2. - **Approved**

**LW/11/1254** - Renewal of extant planning approval LW/08/1158 for erection of five dwellings comprising of one detached four bedroom two storey house and two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/13/0612** - Erection of four self-contained two bedroom flats - **Approved**

**LW/17/0193** - Erection of block of four self-contained flats (renewal of approval reference LW/13/0612) – **Approved**

**LW/17/0760** - Erection of two pairs of semi-detached bungalows – **Approved**

**E/70/0721** - Planning and Building Regulations application for boilerhouse for nursery.  
Building Regs Approved.  
Completed. - **Approved**

**E/49/0328** - Planning and Building Regulations Applications for proposed four greenhouses. Building Regulations Approved. - **Approved**

**LW/03/1293** - Construction of a two storey (with storage in roofspace) 15 bedroom nursing home and a single storey 6/8 bedroom respite care home - **Approved**

**LW/00/1973** - Erection of single family dwelling - **Approved**

**LW/00/0823** - Outline application for construction of nine single family dwellings - **Withdrawn**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Main Town Or Parish Council** – Objection

Density of layout and over development - too large for plot. Back garden development - building another property within the confines of the existing one or large extension to property.

Subject to Environmental survey.

**ESCC Highways** – No objection

Thank you for consulting the Highway Authority on application no LW/19/0877. On this occasion it is not considered necessary to provide formal Highway Authority comments and the minor planning application guidance (2017) should be consulted.

**District Services** – As long as there is access for LGV vehicles. All bins need to be presented at the curtilage of the property on the morning of collection. Bin stores / areas not to be down steps.

**Environmental Health** – No objection

No objection to the proposal, but it is recommended that the hours of all construction-related activities are restricted to reduce the potential for disturbance to existing residents.

#### **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

A representation has been received from 75 Downland Avenue, logged as being neutral but raising objections on the following points:

Not clear position of proposed dwelling in relation to the house/back garden fence of the author's property - potential loss of light or overshadowing

The height of the property is not clear - potential for overlooking/loss of privacy from upper floor windows

Loss of old cedar tree

Loss of apple trees and other trees

Natural habitat for dormice, slow worms, crested newts and toads, all of which are protected - an assessment in line with the Conservation of Habitats and Species Regulations 2017 may be required  
The site may also be inhabited by insects, birds, plants and bats

## **6. PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of the application include whether the amended proposal overcomes the reasons for the refusal of the previous planning application, LW/19/0183; and sustainable building design.

### Previous reason for refusal

6.2 The previous application proposed two semi-detached bungalows. In principle the development was considered to be acceptable, but there were concerns largely related to the amenity of future occupiers, including limited site area; form of the building; layout of the site; small garden size; and overlooking from approved buildings, notably the two storey block of flats to the north of the application site. In addition to this there were concerns in respect of refuse storage; electric vehicle charging points; and sustainable building design.

### **Limited site area, form, layout and garden size**

6.3 These considerations, taken from the first reason for the refusal of application LW/19/0183, may be grouped together.

6.4 Although the size of the plot is broadly the same, the current application seeks a single bungalow dwelling as opposed to a pair of semi-detached bungalows. It necessarily follows that the site area per dwelling is no nearly twice what it was before and this is considered to be acceptable. The density of the development is considered to be acceptable and allows the development to meet the council's adopted standards for development.

6.5 In terms of the built form the proposed elevations show a traditional approach, the bungalow having a pitched roof and gable ends. Whilst this design is neither innovative nor of exceptional standard, it is considered to be appropriate for this backland site, and in keeping with the design of the previously approved bungalows on the plot to the south of the application site. Accordingly no conflict is identified with policies ST3 or CP11 of the Lewes District Local Plan Part 1 or policy DM25 of the emerging Lewes District Local Plan Part 2.

6.6 In terms of layout, the proposed dwelling would be situated towards the front of the plot, but would still benefit from soft landscaping to the frontage and a reasonable buffer of soft landscaping between the nearby parking spaces and turning area. There is space to the eastern side of the property for refuse and recycling storage and ample room to provide a cycle store. Furthermore, there is side garden between the property and the boundary with 55 Cissbury Avenue, and the eastern flank elevation would line up with that of the approved flats on the site to the north, thereby respecting the building line as seen from the access road. The layout as revised is considered to be acceptable.

6.7 The rear and side garden of the proposed dwelling would be at least 10.5m in length and would have an area of some 230 square metres. This is considered to be sufficient for a property of the scale proposed and the living conditions of future occupiers would not be compromised and would not represent an overdevelopment of the site.

## **Overlooking from approved buildings**

6.8 The distance between the rear elevation of the proposed development and the rear elevation of the approved flats to the north of the application site has been increased from 15.5m to 18.6m, giving another 3.1m separation between the two buildings. This falls short of the standard 21m but is nonetheless a significant improvement. First floor windows on the rear elevation of the flats would be bedrooms and overlooking into the back garden of the proposed bungalow would be achieved and some overlooking, at an angle, in the rear windows of the proposed development. Looking at the layout of existing housing in the vicinity of the application site this remains a shorter distance of separation than would be most desirable but it is just 2m short of meeting the established principle of 21m separation. As such, on balance, it is considered that the revised scheme overcomes this concern.

## **Refuse/Recycling storage and Sustainable Building Measures**

6.9 The applicant has submitted a sustainability statement which states that the levels of thermal insulation for the new dwelling will be set by Building Regulations and the use of modern materials will help improve the energy efficiency of the building in accordance with policy CP14 of the Local Plan. However, current planning policy requires energy efficiency and conservation to exceed Part L of the Building Regulations. Water consumption is proposed to be no more than 110 litres per person per day, but no details as to how this may be achieved have been submitted. In addition, it is noted that the front roof slope of the new dwelling would be south facing, and this provides an opportunity for photo-voltaic and/or solar panels, no details of which have been submitted. In order to fully comply with the requirements of policy CP14 of the Local Plan, a planning condition will be necessary in order to secure further details.

6.10 A charging point for an electric vehicle is to be provided, but it is not clear from the submitted plans what type of charging point or where it would be located. Further details can be secured by imposing a planning condition.

## **Impact on flora and fauna**

6.11 The potential impact of the proposed development on protected species has been raised due to the characteristics of the site, including the potential impact on the badger community.

6.12 Policy CP10 of the Local Plan Part One, "Natural Environment and Landscape Character", requires that the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and statutory designated sites, will be conserved and enhanced. Policy DM24 of the emerging Local Plan Part Two, "Protection of Biodiversity and Geodiversity", states that development which would result in damage or loss of irreplaceable habitats, and habitats and species of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.

6.13 The applicant has submitted a Preliminary Ecological Appraisal of the site and this has been reviewed by the Council Ecologist. The ecology report assesses the site to comprise entirely of dense scrub, scattered trees, grassland, bracken with occasional outbuildings in various states of repair, with the habitats present suitable to support birds, reptiles / amphibians, bats, badger, and hedgehog. Multiple protected and notable species are present within the immediate locality including for bat, slow worm, common lizard,

hedgehog, and birds, as also referenced in the Preliminary Ecological Assessment. However, no badger activity was directly recorded.

6.14 The assessment sets out further survey requirements, notably for reptile species and whilst such surveys would normally be expected to be carried out prior to the finished design and layout of a development proposal, in this instance it is considered that a planning condition requiring this survey would be acceptable, particularly also as all of the land around the application site already benefits from planning permission for residential development.

6.15 The Preliminary Ecological Assessment also sets out mitigation and enhancement measures to be incorporated into the development, including for bats, badgers and nesting birds and the Council Ecologist raises no objections to the proposed development subject to a condition to ensure that these mitigation and enhancement measures are implemented.

## **7. RECOMMENDATION**

7.1 The proposed development is considered to be acceptable and, on balance, overcomes the two previous reasons for the refusal of the previous application, LW/19/0183. The development does not prejudice the adjoining extant permissions for development from coming forward, and equally, should those developments not be implemented, the development is capable of being implemented without undue harm to either visual amenity or neighbour amenity.

### **The application is subject to the following conditions:**

1. 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.

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

Reason: In view of the siting of the development together with the proximity and orientation in relation to neighbouring properties, further development of the site has the potential to significantly adversely affect residential amenity and/or have a detrimental visual impact on the wider street scene and therefore should be regulated in accordance with the aims and objectives of retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One, policy DM25 of the emerging Lewes District Local Plan Part Two, and having regard to the National Planning Policy Framework.

3. Prior to the first residential occupation of the new dwelling hereby permitted, the electric vehicle charging point shall be provided and be ready for use in accordance with details (to

include the siting and the product type) that shall first be approved in writing by the local planning authority. The electric vehicle charging point(s) shall be retained thereafter.

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.

4. Notwithstanding the Sustainability Statement submitted, 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 first 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.

5. The external materials and finishes used in the construction of the development hereby permitted shall be in accordance with the submitted details, including interlocking concrete tile roof; local clay multi-colour stock brick; white uPVC windows and doors; and black uPVC rainwater and soil pipes.

Reason: In order to ensure a satisfactory appearance to the development having regard to policies ST3 and CP11 of the Lewes District Local Plan Part 1 and policy DM25 of the emerging Lewes District Local Plan Part 2, and having regard to the National Planning Policy Framework.

6. Prior to the first occupation of the new dwelling hereby permitted, a secure and sheltered cycle storage facility shall be provided within the curtilage of the dwelling in a location which is convenient to use, in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The cycle storage facility shall be retained thereafter.

Reason: In order to reduce private car use and encourage sustainable forms of transport and to reduce local contributing causes of climate change, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part 1 and having regard to the National Planning Policy Framework.

7. Prior to the first residential occupation of the new dwelling hereby permitted, the off-street car parking space shown on the approved plans shall be provided and made available for use. The parking space shall be retained as such thereafter and used only for the parking of vehicles associated with the occupiers of and the visitors to the new dwelling.

Reason: In the interests of highway safety, amenity and to ensure adequate provision of car parking in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1 and having regard to the National Planning Policy Framework.

8. No development shall take place until a pre-works badger survey and a reptile survey, have been undertaken, in order to establish that no new setts have become established and to coincide with potential reptiles being active, generally in dry, warm weather and greater than 9 degrees Celsius air temperature).

Reason: In the interests of safeguarding protected species and their habitats and to maintain and enhance the ecological characteristics of the site in accordance with policies CP10 and DM24 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.



9. The development hereby permitted shall be carried out and implemented in full accordance with the mitigation and enhancement measures set out in Section 4 of the approved Preliminary Ecological Assessment.

Reasons: In the interests of offsetting and achieving net biodiversity gain at the site and in order to comply with policies CP10 and DM24 of the Lewes District Local Plan 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 Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those 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 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>
Technical Report	5 December 2019	02-1119-12
Planning Statement/Brief	5 December 2019	02-1119-10
Design & Access Statement	5 December 2019	02-1119-11
Other Plan(s)	5 December 2019	02-1119-08
Proposed Levels Plan	5 December 2019	02-1119-09
Location Plan	5 December 2019	02-1119-05
Proposed Block Plan	5 December 2019	02-1119-07
Proposed Elevation(s)	5 December 2019	02-1119-03
Other Plan(s)	5 December 2019	02-1119-04
Proposed Floor Plan(s)	5 December 2019	02-1119-01
Proposed Roof Plan	5 December 2019	02-1119-02
Technical Report	5 December 2019	02-1119-12

Planning Statement/Brief	5 December 2019	02-1119-10
Design & Access Statement	5 December 2019	02-1119-11
Other Plan(s)	5 December 2019	02-1119-08
Proposed Levels Plan	5 December 2019	02-1119-09
Location Plan	5 December 2019	02-1119-05
Proposed Block Plan	5 December 2019	02-1119-07
Proposed Elevation(s)	5 December 2019	02-1119-03
Other Plan(s)	5 December 2019	02-1119-04
Proposed Floor Plan(s)	5 December 2019	02-1119-01
Proposed Roof Plan	5 December 2019	02-1119-02