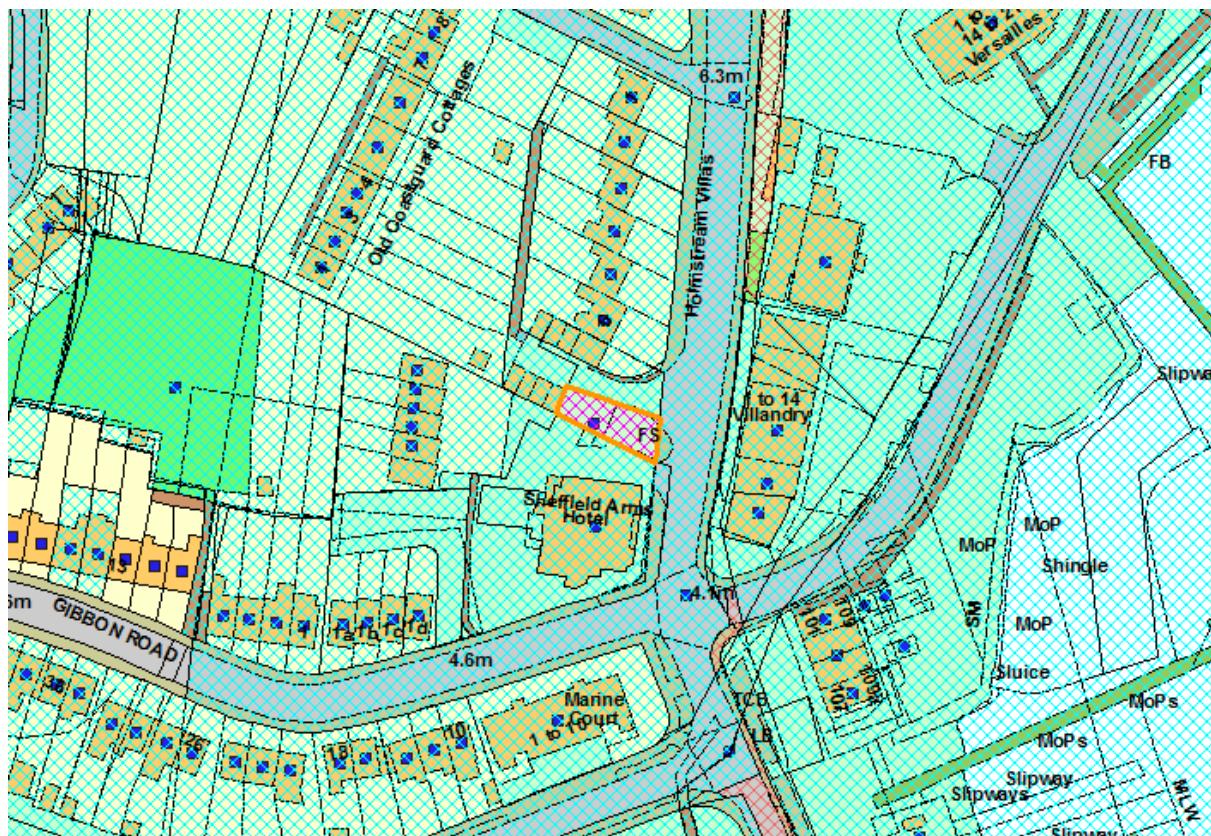


Report to: Planning Applications Committee
Date: 20th January 2021
Application No: LW/20/0652
Location: Land adjacent to Co-op, Fort Road, Newhaven
Proposal: Erection of 1 x 2 bedroom dwelling with courtyard and roof terrace.
Applicant: Dr Ansari – AA Homes and Housing Ltd
Ward: Newhaven South
Recommendation: Approve 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 is acceptable in principle and meets all relevant planning policies.
- 1.2 Accordingly, approval is recommended, subject to conditions.
- 1.3 This application has been called in to committee by Cllr Amy.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

2.2 Lewes District Local Plan

LDLP: - CP2 - Housing Type, Mix and Density

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

LDLP: - DM26 – Refuse and recycling

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 wider site, which is partly in the control of the applicant is located on and accessed from the west side of Fort Road, close to the junction with Gibbon Road. To the immediate south of the site is the access road serving the adjacent Co-op convenience shop and a terrace of five houses. The Co-op building dates from 1891 and was formerly a hotel. The upper parts were converted into flats within the last five years. To the north, fronting Fort Road is a terrace of six houses known as Holmstraeu Villas. At the back of Holmstraeu Villas and set at a higher level is a further row of eight houses known as Old Coastguard Cottages. To the immediate north and west of the application site are two rows of garages, two of which have been converted into additional living space for the first property in Holmstraeu Villas. The site access serves the garages and a private footway serving the rear gardens of Holmstraeu Villas.
- 3.2 The application site comprises a tapered rectangular piece of land extending from the back edge of pavement to the edge of the garage block, covering 128m². Half is laid to grass on which stands a disused

flagpole and an information board connected to the former Coastguard use, and the other half is laid to concrete.

- 3.3 Opposite the site is a block of commercial and residential units known as Villandry, developed in the early 2000s, part of the West Quay Development. Of relevance to this application is the contemporary, flat roof design of this block.

4. **Relevant Planning History**

- 4.1 None relevant to this application.

5. **Proposed Development**

- 5.1 Planning permission is sought to develop the entire site to provide a two storey, two double bedroom house with a split-level flat roof. The entrance to the house will be in the north facing elevation. The ground floor is based around a central courtyard garden which the kitchen/dining room to the front and second/guest bedroom to the rear open on to. There is a bathroom next to the bedroom.
- 5.2 The lounge will be on the first floor front and the master bedroom and en-suite bathroom at the rear. The lounge will open on to a small east facing balcony. An external staircase leads to a roof terrace over the lounge, which will have a 1.6m high parapet wall around the perimeter. The rear, lower part of the roof would be finished as a 'brown roof' and a 9.4m² array of Photovoltaic panels. The courtyard will be enclosed on the ground floor with an obscure glazed privacy screen at first floor.
- 5.3 Bins and bikes would be stored in the garden.
- 5.4 The contemporary design of the new house reflects much of the 21st century development in Newhaven, notably Villandry, opposite the site. However, the external wall finishes will be in a mix of white brickwork on the south elevation and brown brickwork on the north and east to mirror the adjacent buildings.

6. **Consultations**

6.1 Newhaven Town Council

- 6.1.1 The Town Council objects to the application on the following grounds:

- Over development of the site.
- Out of keeping with the existing street-scene.
- Insufficient parking provision and reliance upon already oversubscribed on-street parking in the surrounding area.
- Potential issues of loss of light and over-looking from nearby flats.
- The issue of delivery lorry access from Fort Rd. to the rear of the Coop store need to be examined further.

6.2 Planning Policy

- 6.2.1** This planning application should be considered against the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) and 2020 Local Plan Part 2: Site Allocations and Development Management Policies (LPP2). The proposal should also be given consideration against the National Planning Policy Framework (NPPF).
- 6.2.2** The Newhaven Neighbourhood Plan (NNP) was 'made' on 27 November 2019 and is also therefore a material consideration.
- 6.2.3** The site is situated within the Planning boundary of Newhaven and South Heighton. Policy DM1 of the LPP2 states development within the planning boundaries will be permitted providing it is in accordance with other policies and proposals in the development plan.
- 6.2.4** This is in line with Policy H1 of the NNP which states that planning application within the development boundary will be supported as meeting the spatial strategy to focus development within the existing built-up area.
- 6.2.5** Therefore there is no policy objection to the principle of the proposal providing the Case Officer considers the proposal to be in accordance with policies of the development plan, the NP and relevant sections of the NPPF, in terms of its siting, design, massing and impact on the character of the area, and in terms of the impact on the amenity of surrounding properties.

6.3 District Services – Waste and Recycling

- 6.3.1** No comment to make on proposal.

6.4 Environmental Health

- 6.4.1** No comments received

6.5 Southern Water

- 6.5.1** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. The applicant has not stated details of the proposed means of disposal of surface water from the site. This should not involve disposal to a public foul sewer. In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

7. Neighbour Representations

- 7.1 Two objections received from residents in the immediate vicinity of the site and one from the wider area who has a relative living close by. The objections raise the following issues:
- Design is out of character with the area.
 - Lack of parking.
 - Road safety issues due to lack of parking.
 - The access road to the Coop and houses to the rear is often blocked and difficult to access, doors to Coop refuse store often left open.
 - Where will building materials be stored.
 - Disruption and noise during building works.
 - Extent of applicant's ownership outside of the application site challenged.
 - Comments on applicant's other projects in the vicinity of the site.

8. Appraisal

8.1 Principle of Development

8.1.1 The site is within the planning boundary, so the principle of developing this brownfield windfall site is supported by policies DM1 and H1.

8.1.2 Policy CP2 supports smaller dwellings of one and two bedrooms.

8.2 Amenity of adjoining occupiers and the surrounding area and future occupiers:

8.2.1 There are flats in the two floors above the Co-op with habitable room windows that face the site. The impact of the proposed new house has been considered in terms of overlooking and daylight, using the original drawings for the conversion that resulted in those flats. As there are no windows in the south facing elevation, the only potential for mutual overlooking is from the roof terrace.

8.2.2 Due to the angle of the site, the distance between the Co-op and the proposed new house varies. Sections on drawings 122 (section CC) and 123 (section DD) show the critical distances in relation to overlooking and overshadowing to be 9.118m towards the rear of the new house and 6.997m towards the front. The section drawings demonstrate that the potential for mutual overlooking is extremely limited and would not be a sufficient to recommend refusal on this ground. The windows on the first floor of the north facing elevation serve as secondary windows to the living room, the master bedroom and the upper hallway. However, none of these windows directly face the side wall of 6 Holmstreau Villas.

8.2.3 In terms of the impact on daylight to the first floor windows of the flats above of the Co-op, drawings 122 and 123 demonstrate, using

the Building Research Establishment guidelines, that there would be no measurable loss of daylight to the adjacent residential properties.

- 8.2.4 The proposed new house, with a floor area of approximately 180m², exceeds National Floor Space Standard as do the two double bedrooms and storage areas. The house will have three areas of open amenity space and a balcony. Refuse and recycling will be kept in the courtyard area until collection. The Waste Team has not raised an objection.
- 8.2.5 In terms of amenity of the surrounding area as well as for future residents, it is considered that the proposal meets the relevant parts of policies CP11, DM25 and DM26.

8.3 Design

- 8.3.1 The contemporary design is considered to be appropriate in this location. It not only marks the change between the more traditional house type to the north of the site and the grand decorative style of Co-op building to the south, but also reflects 21st century developments in Newhaven, specifically of the site opposite. In this case, it is considered that the removal of Permitted Developments is justified.
- 8.3.2 The layout of the house is considered to be innovative in its response to this relatively tight site, creating a light and airy living space with a choice of outdoor space, whilst avoiding unfavourable impacts on the living conditions of both future residents and those in surrounding properties.
- 8.3.3 It is considered that in respect of design, the proposal meets the relevant parts of policies CP11, DM25 and D1.

8.4 Transport

- 8.4.1 The proposal does not include off-street parking; the ESCC Parking Calculator indicates that the new house would generate demand for 1 car parking space. It should be noted that the site is well located in relation to public transport links and is located next door to a large convenience shop. Although there are parking restrictions in place in the immediate locality of the site there is on-street capacity where these do not apply. It is considered that a refusal on the grounds of lack of on-site parking would not be justified and would unlikely to be upheld at appeal.
- 8.4.2 Cycle storage is indicated in the courtyard, of which details will be secured by condition.
- 8.4.3 The proposal is considered to comply with policy CP13.
- 8.4.4 Comments about traffic movements within the Co-op's service yard are noted. However, these are outside of the applicant's control.

8.5 Sustainability

- 8.5.1** A Sustainability Statement was submitted with the application which demonstrates how the detailed design of the proposed new house would be capable of reducing carbon emissions by use of fabric first building techniques, use of materials with low embedded carbon, photovoltaic cells and an air source heat pump. The Statement also commits to a reduction of water usage and attenuation of surface water.
- 8.5.2** A condition is recommended to secure a further sustainability report based on the scheme's Building Regulations submissions to demonstrate that the carbon reduction has been achieved.
- 8.5.3** The Sustainability Statement as submitted satisfies the requirements of policies CP14 and D2.

8.6 Other matters

- 8.6.1** Regarding comments raised by local residents that have not been covered above, disruption during building works is unavoidable but a condition has been recommended to secure a Construction Management Plan. Comments about the developer's ownership have been clarified and revised site and location plans submitted to rectify this. Finally, comments about the developer's other developments are not planning matters.
- 8.6.2** A condition has been recommended to secure safe retention of the information board prior to a suitable new location for it to be displayed in the vicinity of the site, in conjunction with the Town Council.

9. Human Rights Implications

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

10. Recommendation

- 10.1** The proposal meets all of the relevant plan policies and it is recommended that planning policy is granted subject to conditions.

10.2 Conditions

- 1.** 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	AOC 239 001B
Site Block Plan	23 December 2020	AOC 239 002C
Floor Plans	22 December 2020	AOC 239 100B

PLAN TYPE	DATE RECEIVED	REFERENCE
North Elevation	22 December 2020	AOC 239 110A
East Elevation	22 December 2020	AOC 239 111A
South Elevation	22 December 2020	AOC 239 112B
West Elevation	22 December 2020	AOC 239 113A
Existing & Proposed Sections AA	22 December 2020	AOC 239 120A
Existing & Proposed Sections BB	22 December 2020	AOC 239 121A
Proposed Section CC	22 December 2020	AOC 239 122
Proposed Section BB	22 December 2020	AOC 239 123

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

2. No development shall commence until proposals for the removal, storage and re-location of the information board on the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Town Council. The information board shall be relocated in the agreed location prior to the occupation of the new house hereby approved.

Reason: In the interest of preserving the local historical context of the site.

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

and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;

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

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

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

4. No development shall take place above ground floor slab levels 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. The boundary treatment shall be completed prior to the first occupation or in accordance with a timetable agreed in writing with the Local Planning Authority. 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 policy DM25 of the Lewes District Local Plan Part 2 and Policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.

The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

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

6. No part of the development shall be occupied into use until details of the cycle parking are submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

7. No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

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

8. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1, Classes A to F 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. Background Papers

11.1 None.