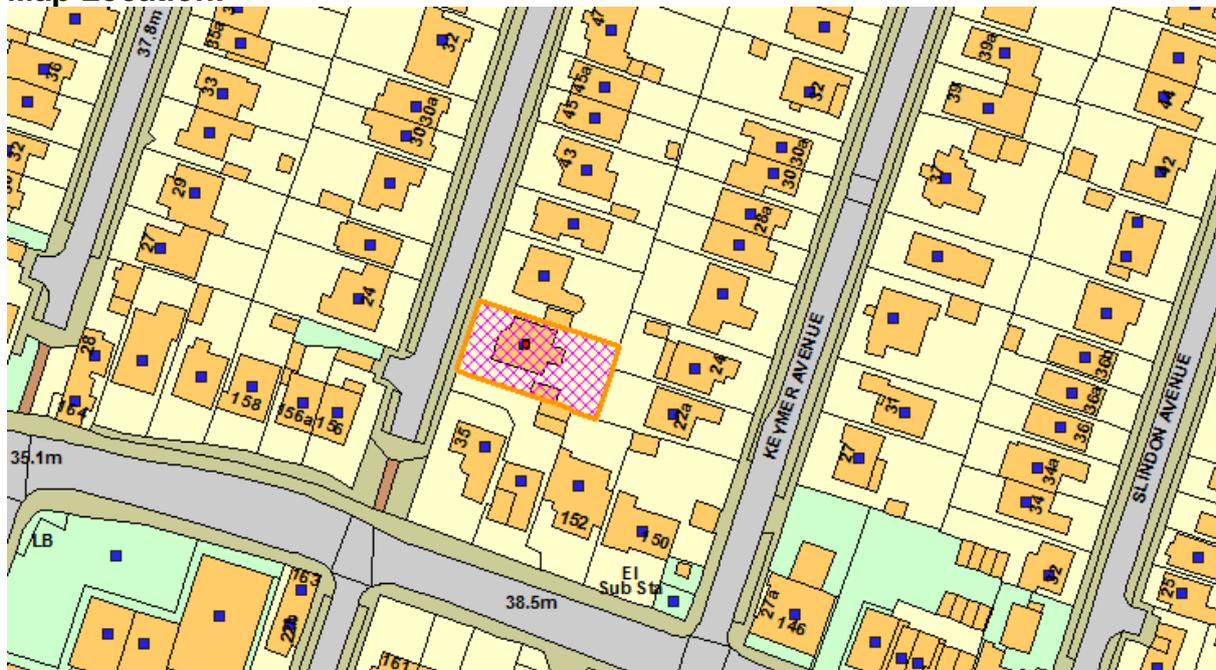


**Report to:** Planning Applications Committee  
**Date:** 9 June 2021  
**Application No:** LW/20/0895  
**Location:** 37 Capel Avenue, Peacehaven, East Sussex, BN10 8HB  
**Proposal:** Demolition of existing bungalow, erection of 2 no. 3x bedroom semi-detached houses.  
**Ward:** Peacehaven East  
**Applicant:** P L Projects Ltd  
**Recommendation:** Approve subject to conditions.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

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**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



**1. Background and purpose of report**

- 1.1 This application was previously considered at the 31st March committee. Committee members voted to defer the decision in order to enable the occupants of the neighbouring property to the north, 39 Capel Avenue, to submit comments from medical professionals relating to the importance of natural light to enable an occupant of the property, who has profound bilateral sensori-neural deafness, to be able to communicate with other members of the family.
- 1.2 Comments have been provided by the occupants General Practitioner, a consultant at the University of Southampton Hospital and East Sussex

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

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

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

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

### 3. **Conclusion**

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

### **APPENDIX 1 – report to the 31 March committee**

#### 1. **Executive Summary**

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

#### 2. **Relevant Planning Policies**

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

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – DM1 – Planning Boundary

LDLP: – DM20: Pollution Management

LDLP: – DM23 – Noise

LDLP: – DM25 – Design

### 3. **Site Description**

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

### 4. **Proposed Development**

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

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

## 5. Relevant Planning History

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

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

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

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

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

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

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

## 6. Consultations

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

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

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

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

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

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

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

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

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

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

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

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

## 7. Neighbour Representations

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

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

- (r) Officer Response to public representations:

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

## 8. Appraisal

- (s) Key Considerations

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

- (t) Principle

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

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

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

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

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

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

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

(v) Neighbour Amenity:

- 8.1.19 The site is located in an area where development is fairly dense and, due to its location towards the point where Capel Avenue meets South Coast Road, it borders neighbouring property to the side as well as to the rear. The northern flank elevation of the building would not extend any closer towards the nearest neighbouring property, No. 39 Capel Avenue, than the existing dwelling although the height of the wall would increase it is noted this could be done under a permitted development hip to gable conversion.

- 8.1.20 Notwithstanding the above, the flank wall would project further to the front of the site (as the frontage is currently recessed towards the north of the site) and would also extend approx. 4.15 metres further to the rear than the main rear elevation of the existing dwelling. There are two side facing windows on the neighbouring property that would face directly towards the northern elevation of the proposed building. The first of these is a window for a living room that is also served by a front facing window (which would be unaffected by the proposed development). The second serves a dining room which currently faces towards the side elevation and roof of the existing building and experiences a certain level of overshadowing although this would increase to a degree due to the height and depth of the flank elevation wall being extended. Behind the dining room is a kitchen that opens out to a conservatory extension. The rear portion of the flank elevation would run parallel to the side elevation of this conservatory, which currently faces towards the approx. 1.8 metre high boundary fence and part of a flat roof garage structure. This conservatory has additional windows and openings on the northern and eastern elevations and it is therefore considered that it would continue to have access to natural light. Overall, it is not considered that any primary habitable rooms at No. 39 would be subjected to unacceptable levels of overshadowing.

- 8.1.21 The footprint of the proposed building would extend closer to the southern site boundary, which is flanked by an access drive serving 154 South Coast Road, which accommodates a retail unit at ground floor level with a residential flat above. On the other side of the

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

8.1.22 Although the proposed building would be marginally greater in height than the existing building, and greater in mass, it is not considered that it would appear overbearing towards neighbouring properties. This is due to the increase in height being relatively modest, the degree of separation maintained between the proposed building and neighbouring dwellings, approx. 5 metres and 10.5 metres to the north and south respectively, and the fact that the building would not project a significant distance forward or behind the existing building footprint.

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

(w) Living Conditions for Future Occupants

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

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

- 8.1.25 All habitable rooms within each dwelling are served by clear glazed openings allowing for a good level of natural sunlight permeation. There are clear glazed windows or rooflights on three sides of the dwelling and the multiple aspect nature of the building would prolong the access to natural light throughout the day. These openings, along with obscure glazed openings on the eastern elevation, would also allow for effective natural ventilation.
- 8.1.26 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. The proposed dwellings would each have a GIA of 162 m<sup>2</sup> which comfortably exceeds the minimum standards.
- 8.1.27 Para. 10 (b) of the space standards instructs that a dwelling with two or more bedspaces has at least one double (or twin) bedroom whilst para. 10 (d) stipulates that a double room must have a minimum floor area of 11.5 m<sup>2</sup>. All bedrooms meet these standards.
- 8.1.28 The proposed dwellings would have access to private outdoor amenity areas which are considered to be of adequate size to serve the household size each dwelling would likely accommodate. It is also noted that a study for each dwelling and that this facility would support home working.

(x) Highway Impact and Accessibility

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

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

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

(y) Sustainability/Circular Economy

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

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

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

9. **Human Rights Implications**

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

10. **Recommendation**

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

(bb) Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Informatives**

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

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

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

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

11. **Background Papers**

(cc) None.