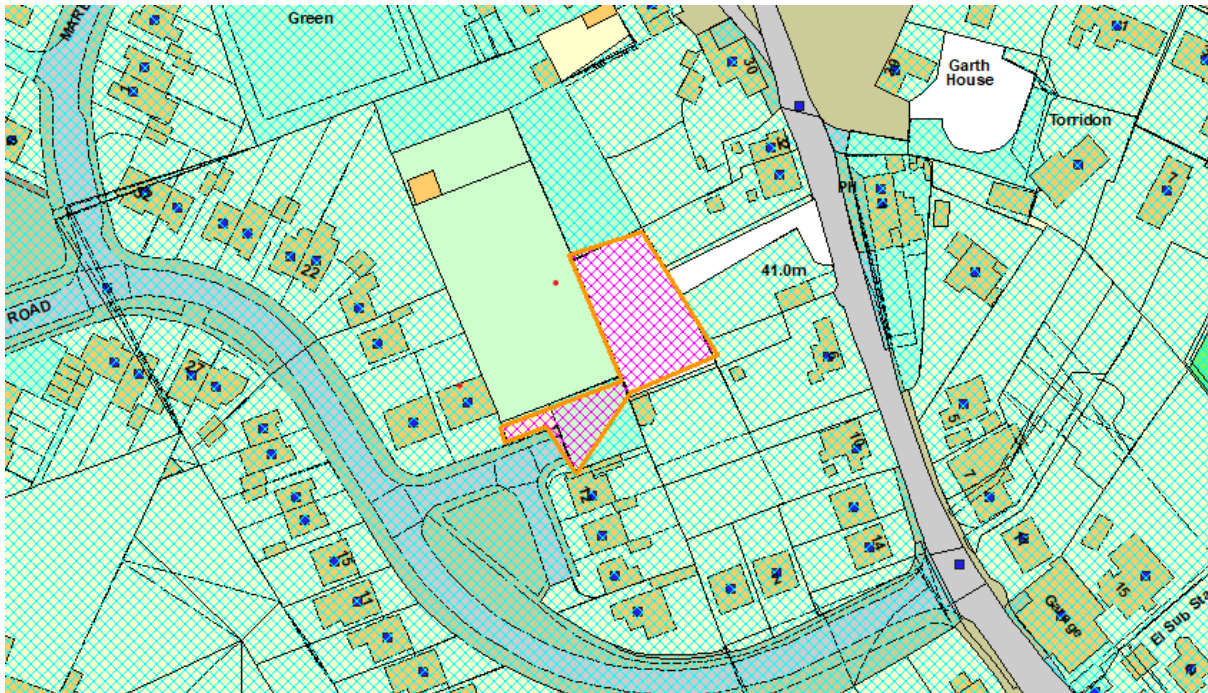


Report to: Planning Applications Committee
Date: 4 August 2021
Application No: LW/20/0842
Location: Land to rear of Oldaker Road
Proposal: Erection of a 4-bed detached dwelling with associated access and on-site parking (resubmission of LW/18/0191).
Applicant: H. Monteiro
Ward: Newick
Recommendation: Grant planning permission subject to s106 agreement.
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 considered to meet all relevant local and national planning policies.
- 1.2 Approval is recommended, subject to conditions and S106 agreement to secure contribution towards ongoing management of the Newick SANG and the Ashdown Forest SAMMS.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment

2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: - CP10 – Natural Environment and Landscape Character
- 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
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP: – DM25 – Design
- LDLP: - DM30 Backland Development
- LDLP:- DM33 Heritage Assets

2.3 Newick Neighbourhood Plan

- HO1.1 – Design and Local Character
- HO1.2 – Materials
- HO1.3 – Height of new housing development
- HO1.4 – Size of new residential units
- HO1.5 – Parking
- HO1.6 – Residential Development in gardens
- HO1.7 - Ashdown Forest

3. **Site Description**

- 3.1 The application site is located at the rear of 4 Church Lane, Newick and is accessed from Oldaker Road, through an existing cul-de-sac that serves numbers 6-16. The main part of the site is roughly rectangular in shape, approximately 32m wide and 20m deep and runs across the rear boundary of 4 Church Lane, halfway across the rear boundary of number 6 Church Lane to the east and part of the boundary to number 10 Church Lane to the south. The total area of the development site is 861m²/0.0861ha.

- 3.2 The site is currently open rough grassland, bounded with large mature hedgerows to the eastern and western boundaries, a timber close-boarded fence to the southern boundary and delineated by a wire fence to the adjoining plot to the north. The site slopes gently down to the north and east.
- 3.3 The site is within the Newick Development Boundary. Most of the site falls within The Newick Conservation area with just the access from Oldaker Road excluded. Numbers 4, 6 and 10 Church Lane are grade 2 listed.
- 3.4 Oldaker Road forms part of a residential development to the rear of The Green and High Street, dating from the early 1970s. The properties are two storey, mainly detached with off-street parking, some with garages. The design of the houses is traditional, with pitched tiled roofs. External walls are either fully finished in light-coloured bricks or with white horizontal timber cladding at first floor.

4. Proposed Development

- 4.1 The application seeks full planning permission for the construction of a new four-bedroom house with integral garage and large garden area, accessed from the existing cul-de-sac off Oldaker Road.
- 4.2 Part of the house is set over two stories, running parallel with the rear site boundary, and comprises at ground floor, bedroom 1 and en-suite shower room, kitchen, study, utility room and downstairs W.C. Bedrooms 2 (with en-suite shower room) 3 and 4 and bathroom are on the first floor.
- 4.3 The single storey element is set at right angles to the main part of the house, forming a 'T' shape and comprises the main living and dining area with sliding doors opening onto a patio with the garden beyond. The roofs of both elements are pitched, with an asymmetrical pitch to the single storey element to maximise the area available on the south-facing slope for solar panels. The garage has a flat roof. There is a timber pergola across the south facing windows to the living room and west facing wall.
- 4.4 The house has been designed to reflect the characteristics of Oldaker Road using a similar palette of finishing materials – light coloured bricks at ground floor, vertical timber cladding at first floor, clay tiles to the roof. The fenestration is contemporary and utilises the outlook to maximise light to the living rooms.
- 4.5 The garage at 6m x 3m meets the ESCC space standard.

5. Relevant Planning History

- 5.1 LW/18/0191 New single detached house and garage including ancillary accommodation with new access to Church Road - Refused 6 July 2018 for the following reasons:
- The proposed development, by virtue of its unremarkable design, lack of safe and convenient vehicular access to the proposed new dwelling, and erosion of the essential elements of the character and appearance of the area, represents an unacceptable form of backland development that is contrary to Policies ST3 and ST4 of the Lewes District Local Plan, CP11 of the Lewes District Joint Core Strategy, and HO1.6 of the adopted Newick Neighbourhood Plan

- The proposed development, by virtue of its unremarkable design, and siting would have an adverse impact on the setting of the adjoining Listed Building No. 4 Church Road, contrary to Policies H2 and H5 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy, and H01.6 of the adopted Newick Neighbourhood Plan.
- The proposal does not make provision for adequate visibility at the junction of the access with the public highway and would be detrimental to highway safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The formation and use of an additional access to the public highway at this point would add to the hazards of highway users to an unacceptable degree, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- 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 paragraph 32 of the NPPF.
- The proposal would be detrimental to highway safety in that it does not incorporate adequate facilities to enable vehicles to turn on the site and so enter and leave the highway in forward gear, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.

6. Consultations

6.1 Environmental Health

6.1.1 If LPA is minded to grant planning permission, then considering the sensitive use of the site, I recommend the following conditions and informative:

- If, during development, contamination not previously known is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any 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.

Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality in accordance with policies DM11 and DM25 of the Lewes District Local Plan

Informative - All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

6.2 ESCC Archaeology

- 6.2.1 This application site is not located within a current Archaeological Notification Area and for this reason I have no further comments or archaeological recommendations to make in this instance.

6.3 ESCC Highways

- 6.3.1 The site is located off of Oldaker Road. The area is mostly residential in nature and is in a rural location. The main road through Newick is the A272 Goldbridge Road which runs in a broadly east-west direction approximately 150 metres north of the site.
- 6.3.2 The applicant has not submitted any TRICS database to estimate the expected vehicle trip rates for the development. However, a development of this small scale is not expected to have a material impact on the operation of the local highway network.
- 6.3.3 The applicant is proposing to create a new access point to create a 2.86m wide driveway serving the proposed development. Whilst narrow, it is considered that this would be acceptable given the low expected usage of the site. The applicant notes in their Planning, Design & Access Statement that a new crossover is proposed from the cul-de-sac, although this is not shown on the drawings
- 6.3.4 The expected car parking demand as estimated by the ESCC parking demand calculator is 2.37 vehicles. The applicant is proposing two car parking spaces for this development, one of which will be in the garage and will be equipped with an electric charging point. There is also space for at least one car on the driveway in front of the garage. This is considered acceptable. The development is also required to provide two cycle parking spaces, as per ESCC guidance for parking at residential developments. The applicant is proposing that these are located within the garage, with space for at least six bikes. This is considered acceptable
- 6.3.5 The applicant has not provided swept path analysis plans demonstrating that large cars are able to turn within the driveway, however from the Proposed Site Block Plan (drawing 1006-PR-01) it is clear that there is sufficient space to allow vehicles to turn and exit the site in forward gear.
- 6.3.6 The Proposed Site Block Plan (drawing 1006-PR-01) shows a proposed bin store located at the new site access point off Oldaker Road. This is considered to be acceptable.
- 6.3.7 Access to the property would be from Oldaker Road which has footways on both sides of the road. There are local services within acceptable walking distance to the site, including the village store,

health centre, pharmacy and schools. The closest bus stops are located on Goldbridge Road, which are less than a five-minute walk to the north of the property (or 350m). These routes serve Haywards Heath, Uckfield and Lewes. Railway stations from these locations can provide for onwards journeys towards London, Brighton, Eastbourne and Littlehampton. Overall, it is considered that the site is located in a suitably accessible location.

- 6.3.8 Mindful of the above, the County Council has no objection to the proposals subject to the inclusion of conditions and infromatives.

6.4 Conservation and Design Officer

- 6.4.1 4 Church Road is listed with the attached property as Grade II. The buildings' significance are from their age being constructed in the 18th Century, largely unaltered in form, examples of small village cottages of this period and location and for the contribution they make to the group value of historic buildings within Newick, most of which were constructed between the 18th and 19th Centuries.
- 6.4.2 An earlier application for the construction of a dwelling within the curtilage of 4 Church Road was refused due to its detrimental impact on the setting and significance of the listed building and Conservation Area. Reasons for objection to the previous application included poor design and lack of reference or sensitivity to the building forms and materials within Newick The Green Conservation Area and the building with access driveway situated within the curtilage of the listed building had a strong detrimental impact on the setting of the listed building by reducing its associated green space.
- 6.4.3 The current application proposes for the new dwelling to be sited to the rear of the plot with a separate access onto Oldaker Road. The change to the access location is considered to have overcome the concern of impacting the green space around the listed building. Historic maps have been provided that show the rear of the plot was not historically under the same use or ownership as 4 Church Road. Therefore, it is accepted that the rear of the plot is outside of the listed building curtilage. No objection is raised on the basis of impact to the listed building curtilage by the siting of the dwelling to the rear of the plot with access from Oldaker Road.
- 6.4.4 There is a mature hedge across the plot to the east of the proposed new dwelling. The hedge is shown to be approximately to the height of the first floor. The hedge will provide shielding between the listed building and the plot of the new dwelling. However, the first floor and roof will be visible above the hedge from within the curtilage of the listed building and will inform its setting. The first-floor east elevation consists of an unadorned stretch of white weatherboarding. The east roof slope is proposed to have two small rooflights and one large rooflight with clay tiles. White weatherboarding and clay tiles are materials already present within the Conservation Area and so are not alien materials to the surroundings.
- 6.4.5 The listed building's significance is considered to be in part as an example of an 18th century cottage within a village setting. Therefore,

it is not out of character of the setting of the listed building for other dwellings to be visible. The addition of a dwelling to the rear of the plot is not considered to be detrimental to the village setting of the listed building. While the materials of the dwelling which will be visible from within the listed building curtilage are not out of character for the area, the large rooflight is considered to be an obtrusively modern addition to the roof slope overlooking the listed building. With only part of the building being visible, the large rooflight is considered to have a greater impact on the setting of the listed building. The large rooflight should either be removed from the roof slope or reduced in size to match the other two smaller rooflights.

6.4.6 For the reasons above, and subject to the large rooflight being removed or reduced in size, the new dwelling is not considered to be detrimental to the setting of the listed building.

6.4.7 The plot is situated to the south-east corner of Newick The Green Conservation Area. The west side of the plot is very close to the CA boundary. The rear of the 4 Church Road plot is understood to not be visible from Church Road. However, the buildings in this part of the CA are all situated close to the road and contribute to the active street scene. Behind the dwellings are green spaces with mature trees and vegetation along the plot boundaries. The proposed access to the new dwelling will be outside of the CA. While the building is contemporary in essence it does reference the traditional materials and building forms of the CA.

6.4.8 On balance, the new dwelling is not considered to be detrimental to the setting of the CA through its lack of impact to the street scene and use of traditional materials.

6.4.9 Conditions:

- Material samples
- Rooflight details and to be fitted flush to the roof plane
- Large rooflight to be removed/reduced in size
- Hedge boundary to be retained

6.5 District Services

6.5.1 No response received.

6.6 Southern Water

6.6.1 Please find attached a plan of the sewer records showing the approximate position of the private sewers (coloured yellow) crossing the site. The exact position of the sewers must be determined on site by the applicant before the layout of the proposed development is finalized.

6.6.2 The 300 mm surface water and 150 mm foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- 6.6.3 No development or tree planting should be carried out within 3 metres of the external edge of the gravity sewers without consent from Southern Water.
- 6.6.4 No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of sewers.
- 6.6.5 All existing infrastructure should be protected during the course of construction works. Please refer to:
southernwater.co.uk/media/3011/stand-off-distances.pdf
- 6.6.6 Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.6.7 The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption.
- 6.6.8 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 6.6.9 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation
 - Provide a management and maintenance plan for the lifetime of the development
- 6.6.10 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 199. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

6.7 Newick Parish Council

- 6.7.1 It was unanimously agreed to object to this application.
- 6.7.2 In the introduction to the Design and Access statement submitted by the applicant in support of this application the site is described as land to the rear of 4 Church Lane and acknowledges that previous applications to build have been refused. In a subsequent paragraph titled setting/context it states that *“Oldaker Road was developed in the 1970s, is predominantly two storey houses built of red brick with hung tile or white weatherboarding on the upper stories. Church Road by contrast is mainly characterised by a varied mix of historic houses and pubs (several of which are listed). The application site is located within Newick’s development boundary on a parcel of land line between Church road to its east and the meandering Oldaker Road to its west and south. The area of land which will provide the proposed new access from the cul-de-sac of Oldaker does not fall within the conservation area boundary, but the main body site does. The site is notable in being almost invisible from the public realm being left over plot which is effectively landlocked by the rear gardens of the surrounding properties on Church Road and Oldaker Road”*.
- 6.7.3 NPC do not accept this is accurate and consider it misleading. It was determined by the Lewes District Council planning department during a previous application made in 2018 that the building site is not a left-over sight as described but is shown by Land Registry records to be entirely within the curtilage of the applicant's property at 4 Church Road, itself a listed building. Furthermore, the site is situated wholly within a conservation area. It is clearly a back-land development and not a left over or windfall site That is contained in the conservation area and as such in conflict with the Newick Neighbourhood Plan policy HO1.6.
- 6.7.4 It is recognised that the independent examination of the NNP has made clear that this policy does not in itself prevent development commensurate with the NPPF unless material considerations indicate otherwise. Therefore, consideration of the application must include the design and appearance of the development as well as its impact on the local area setting in this case the site's location within the grounds of a listed building that is itself contained within a defined conservation area, has a significant adverse impact that justifies the application of HO1.6 and thus a refusal.
- 6.7.5 In refusing the previous application that decision notice from LDC included the following impact upon the local area settings in its grounds for their decision to refuse.
- 6.7.6 The application is described as a windfall site and by neglect a brownfield site however on Land Registry ESC 10194 it is encompassed in the boundary of four church Rd. Furthermore, in his reply to previous pre-application advice for a residential dwelling site, the case officer in his reply stated that the site is a back-land site which is characterised by the lack of any development and an open verdant area.

- 6.7.7 NNP policy EN1 states that new developments should respect the local landscape character and be designed to build blend well with existing built environment. The conservation areas should be respected. As jointly agreed with the council's conservation officer for proposed development falls within the curtilage of four church road which is grade two listed.
- 6.7.8 The size of the four-bed house is considered to have a significant negative impact on the listed building. The dwelling is also considered to be too large and in its location the rear of 4 Church Road should be considerably smaller than the listed building therefore not of an equal or larger size and consequently the proposed development will be excessively large and disproportional in terms of the site coverage and general massing and height and not in keeping with the other neighbouring properties on Church Road and towards the village green. Furthermore, the proposed building is considered to have a significant negative impact on the listed building and its setting.
- 6.7.9 NPC fully supported the decision and consider that the design and location of this new application fails to address the above reasons for refusal. The design is not in keeping with the local landscape character of the conservation area nor does it respect it. Additionally, and like the previous application, it is disproportionate in terms of size with respect to listed building and its back land within which the plot is situated. Furthermore, and significantly loss of back land within the curtilage of the listed building will negatively impact upon it and the designated conservation area within which it is located.
- 6.7.10 NPC strongly object to this proposal on the grounds that it has historically been determined that similar applications have failed to accord with planning requirements and there is little to demonstrate any valid reason to alter previous decisions in favour of development now.
- 6.7.11 NPC consider this application does not accord with the newest Local Plan Core Policy 11 which essentially requires it to safeguard historic assets and to protect or enhance designated conservation areas. Core Policy 11 (i) specifies the need to respect our positively contributes to the character and distinctiveness off district buildings and natural heritage, whilst 11(iv) specifies the need to respond sympathetically to the site and its local context. These are not met by this latest application.
- 6.7.12 The proposal conflicts with the NNP policies EN1, HO1.1 and HO1.6 adopted within the Lewes District Council Local Plan Part 1.

7. Neighbour Representations

- 7.1 Representations have been received from 5 local residents, objecting to the application for the following reasons:

Crossover access to the site will reduce on-street parking facilities for properties in the cul-de-sac - there are 12 vehicles owned by residents in this part of the road

On-street parking in the location is restricted due to the bend in the road, so visibility will be affected

The new house would be visible from Oldaker Road, inhibiting views into the conservation area

Deviation from the NP disregards the wishes of the vast majority of residents and will enable a 'free for all'

Proposed dwelling will lead to traffic congestion to a road that has become extremely busy especially at the junction with Oldaker Road and Church Road

Loss of privacy/overlooking

Heritage Statement was inadequate

Will be overbearing and stark

Overshadowing and loss of sunlight to nearby gardens

No real change from previous refused scheme

Concern raised about Heritage Officer's comments, questions whether she has taken impact of proximity of proposal to listed buildings and scale of development.

8. **Appraisal**

8.1 Key Considerations

8.1.1 The key considerations are: principle of development, design, effect on the setting of the conservation area and the adjacent listed buildings, effect on residential amenity of adjoining occupants, parking, transport and sustainability.

8.2 Principle

8.2.1 The site falls within the Newick Planning Boundary and thus the principle of development is supported by policy DM1.

8.2.2 There is a mature, high hedge demarcating the boundary between the garden of number 4 Church Lane and the application site, with a gap in hedge to provide access between the two areas. The two areas are clearly separate and have different functional relationships with the house. Now that it has access from Oldaker Road, the site cannot be said to be truly 'back land'. Policy DM30 permits backland development providing certain criteria, discussed below, can be met. Policy HO1.6 seeks to restrict all forms of development in back gardens; however, as noted above by the Parish Council, the independent examination of the NNP made clear that this policy does not in itself prevent development commensurate with the NPPF unless material considerations indicate otherwise.

8.3 Design and impact on the setting of the listed building and conservation area

8.3.1 The new house will be physically connected to Oldaker Road and although set back from the street frontage, will be seen as part of that street scene. The design has a contemporary feel and picks up design cues and materials palette from the properties in Oldaker

Road – a simple pitched roof, plain clay roof tiles, light coloured bricks to the ground floor and white horizontal weatherboarding. In this respect, the proposal satisfies the design criteria of policies CP11, DM25, HO1.1, HO1.2 and HO1.3

- 8.3.2 The Design and Heritage Officer considers that the proposal, with access from Oldaker Road overcomes the previous concerns regarding the impact on the listed building. Furthermore, there is no historical link between the site and the listed building and is considered to be outside of the curtilage.
- 8.3.3 There is no objection to the proposed materials, which are found elsewhere in the Conservation Area. Conditions seeking details of the rooflights, to be reduced in size as requested by the Design and Heritage Officer, and retention of the boundary hedge are requested.
- 8.3.4 The new dwelling is not considered to be detrimental to the setting of the Conservation Area through its lack of impact on the street scene and use of traditional materials, and will not conflict with policies CP11 and DM33.

8.4 Amenity

- 8.4.1 The new house has a generous garden area and overall floorspace and bedroom sizes exceed the Nationally Described Space Standards. The house and garden would not be overlooked or overshadowed by neighbouring properties. Space for refuse and recycling bins is shown on the plans.
- 8.4.2 The proposed house would be visible from the garden of number 6 Church Road. The rear wall would be 2m away from the boundary with the roof sloping away. There are no windows in the elevation facing the garden of number 6 Church Road. The rooflights in the rear facing roof slope light the first-floor corridor and stairwell so will be above sight lines.
- 8.4.3 A Daylight and Sunlight Study shows the impact of the proposed dwelling on the north-west corner of the garden of number 6 Church Road on 21st March, June, September and December at various times of the day. For most of the dates and times, the proposed new house would not create any more shadow than the existing hedge. At 3pm on 21st March, 6pm on 21st June, 4pm on 21st September and 4pm on 21st December, the proposed house would cause some additional shadowing beyond the shadow cast by the hedge to parts of the rear garden.
- 8.4.4 Overall, it is not considered that the impact on the amenity of the occupiers of 6 Church Road would be so significant as to justify a refusal based on a conflict with policies CP11 and DM25.

8.5 Transport and parking

- 8.5.1 The ESCC Parking Calculator indicates that the proposal would generate a demand for 2.37 parking spaces. The integral garage would provide one of the spaces but is not large enough to accommodate cycle storage as well. However, there is space on site to accommodate 3 parking spaces.

- 8.5.2 The access to the site would be from the existing access to numbers 6-16 Oldaker Road. Each of these properties has off-street parking for at least 2 vehicles. The formation of a new access to serve the proposed house would result in the loss of on street parking for 2 vehicles within the hammerhead of the cul-de-sac. However, there is capacity along this small cul-de-sac without compromising individual access to any of these properties.
- 8.5.3 ESCC Highways has not objected to the proposal on grounds of highway safety or parking, subject to conditions.
- 8.5.4 Electric car charge points will be secured by condition.
- 8.5.5 The proposal satisfies policy CP13 and HO1.5.
- 8.6 Sustainability
- 8.6.1 Although the application was not accompanied by a Sustainability/Energy Statement, reference is made to the matter in the Design and Access Statement. A condition has been recommended to ensure that a post-construction report is submitted to demonstrate compliance with policy CP14.
- 8.7 Ashdown Forest
- 8.7.1 The site is located within the 7km Ashdown Forest Zone of Influence. The Ashdown Forest is an area of heathland and is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC). The provision of new residential accommodation has the potential to increase recreational use of the forest and, consequently, increase the risk of disturbance of protected bird species that reside on the heathland, including the Nightjar and Dartford Warbler.
- 8.7.2 In response to this, Lewes District Council, Wealden Council and Tandridge Council introduced a joint Strategic Access Management and Monitoring Strategy (SAMMS) used to raise awareness of the sensitivity of the Ashdown Forest habitat, promote the use of alternative recreational spaces (SANGs), encourage responsible dog walking informed by a code of conduct and to contribute towards education and monitoring. Due to the link between new house within the 7km Ashdown Forest Zone of Influence and the increase in use of the Ashdown Forest, any approval of the proposed development would require a financial contribution towards as per the Ashdown Forest Special Protection Area (SPA) Strategic Access Management and Monitoring Strategy Tariff Guidance - December 2015. This would be secured through the use of a Section 106 Agreement, as set out in policies CP10, DM1 and HO1.7.
- 8.8 Response to reasons for refusal LW/18/0191
- 8.8.1 It is considered that the revised design and siting of the current proposal has satisfactorily overcome reasons 1 and 2 which related to design and impact on the setting of 4 Church Road.
- 8.8.2 The current proposal, which has an entirely independent access from Oldaker Road, has addressed reasons 3 and 4

8.8.3 The current proposal can provide off-street parking for at least 3 cars as well as adequate turning space to allow vehicles to enter and leave in forward gear, thus addressing reasons for refusal 5 and 6.

8.9 Conclusion

8.9.1 The application has demonstrated that this site can be developed without detriment to the setting of the listed building and the conservation area, the residential amenity of adjoining residents and road safety.

8.9.2 The design of the proposed house, although contemporary, reflects the character of the surrounding area.

8.9.3 On balance it is considered that the proposed development is acceptable, meets all relevant national and local plan policies and will make a small contribution to the District Council's housing target. Approval is recommended, subject to conditions and a s106 agreement to secure contributions to the Ashdown Forest SPA.

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 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions and subject to a S106 agreement to secure contributions towards ongoing management of the Newick SANG and the Ashdown Forest SAMMS.

10.2

10.3 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	8 December 2020	Design & Access Statement
Location Plan	7 January 2021	1006-LOC-01 P2
Proposed roof plan	8 December 2020	1006-PR-01 P1 Proposed site and roof plan
Proposed floor plan	8 December 2020	1006-PR-02 P1 Proposed ground floor
Proposed floor plan	8 December 2020	1006-PR-03 P1 Proposed first floor plan

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed elevation	8 December 2020	1006-PR-04 P1 Proposed south elevation and site section
Proposed elevation	8 December 2020	1006-PR-05 P1 Proposed west elevation and site section
Proposed elevation	8 December 2020	11006-PR-06 P1 Proposed north and east elevations
Additional documents	3 June 2021	Daylight/sunlight report

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

2. No development shall commence, until details/samples of all external materials, including paving, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.

3. No development shall commence until details of the rooflights have materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent. All rooflights should be flush with the roof plane.
4. Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.
5. No development shall take place, 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 routing 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

- 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)
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

6. No development shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority for in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

7. 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.

8. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing 1006-PR-01 P1. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

9. The development shall not be occupied until details of a parking area have been submitted to and approved in writing by the Local Planning Authority and made available prior to occupation. The area shall

thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls)

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

10. The development shall not be occupied until details of secure cycle storage have been submitted to and approved in writing by the Local Planning Authority and made available prior to occupation.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

11. No part of the development above ground floor slab level shall take place until a detail to show how the development will provide EV charging points have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of residential unit, and 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.

12. No part of the development shall be occupied until details of the refuse and recycling storage facilities have been submitted to and approved by the Local Planning Authority and made permanently available for that use.

Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

13. The existing boundary hedge on the eastern boundary of the site shall not be removed or replaced without the express consent of the Local Planning Authority.

Reason: In order to retain separation between the proposed house and the listed properties to the rear of the site having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.

14. 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

15. 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 Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 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.

10.4 Informatives:

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place. The off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.
2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193).
3. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner

11. **Background Papers**

11.1 None.