**Report to:** Planning Applications Committee

 Date:
 19 April 2023

 Application No:
 LW/21/0915

**Location:** Land South Of 61A Allington Road Newick

**Proposal:** Demolition of outbuilding and erection of 1no. 4-bedroom

dwellinghouse with associated driveway and parking

**Applicant:** Mr D Chewter

Ward: Newick

**Recommendation:** Grant planning permission subject to conditions and completion

of S106 obligation to secure contribution to SANGS/SAMM.

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## IMPORTANT NOTE: This scheme is CIL Liable.

## **Site Location Plan**



1.	Executive Summary			
1.1	The application site is located partly in and partly outside of the planning boundary of Newick; the entrance and access to the site is within the boundary. However, the location is a "landscape transition zone" in advance of the countryside beginning further to the south. A zone previously containing building and rural development, now derelict and ur used. The site is part of a narrow zone that runs along much of the south side of the village. Because of the scheme's close proximity to the village it is considered to represent sustainable development. It would provide homes, economic development and the southern, majority element of the site, capable of providing ecological enhancements.			
1.2	The development is considered to be sympathetic to the surrounding built and natural environment and is considered to cause no unacceptable amenity impact on neighbouring residents. The scheme would provide good quality living and amenity space for future occupants.			
1.3	It is therefore recommended that the application is approved subject to relevant conditions and a financial contribution to SANGS/SAMMS.			
1.4	Housing Delivery			
	The provision of one new dwelling would contribute to the housing land supply for the District. However, this would carry <u>moderate</u> weight in the planning balance.			
1.5	Economic Benefits			
	The proposal offers economic benefits in the form of job creation during construction and a small increase in population that would likely result in additional use of local businesses and services. This would carry <u>limited</u> weight in the planning balance.			
1.6	Outside of the Settlement Boundary and Impact on the Countryside			
	The proposed development would sit outside the planning settlement boundary and would be in principle contrary to policy DM1. It would extend the settlement boundary and potentially compromise important policy aims to distinguish town from country. The scheme could be considered to deviate from the linear development village form and push the settlement into the countryside. This would carry significant weight in the planning balance.			
2.	Relevant Planning Policies			
2.1	National Planning Policy Framework			
	2. Achieving sustainable development			
	4. Decision making			
	5. Delivering a sufficient supply of home			
	11. Making effective use of land			
	12. Achieving well-designed places			
2.2	Lewes District Local Plan:			
	LDLP1: – CP2 – Housing Type, Mix and Density;			

	LDLP1: - CP11 - Built and Historic Environment & Design			
	LDLP1: – CP13 – Sustainable Travel			
	LDLP1: - CP14 - Renewable and Low Carbon Energy			
	LDLP2: – DM1 – Planning Boundary			
	LDLP2: – DM24 – Protection of Biodiversity and Geodiversity			
	LDLP2: - DM25 - Design			
	LDLP2: - DM26 – Refuse and Recycling			
	LDLP2: - DM27 - Landscape Design			
	LDLP2: - DM30 - Backland Development			
2.3	Newick Neighbourhood Plan:			
	EN1 – Respect local landscape character and built environment.			
	HO1.1 – Design			
	HO1.2 – Materials			
	HO1.3 – Height of new housing – no more than 2 stories			
	HO1.4 – Size of housing to allow for all age groups.			
	HO1.5 – Parking			
	HO1.7 – Provision for SANGS/SAMS			
3.	Site Description			
3.1	The site is located off the southern side of Allington Road, Newick, via an existing gated access, which is adjacent to an access to Newick Primary School. Although not in his ownership, the applicant has rights to use this to access his land.			
3.2	The applicant's land is set behind numbers 61a, 61 and 59 Allington Road. The site itself is roughly 'L' shaped and covers an area of 0.09ha. The site was previously used as for commercial horticultural purposes. There is a storage building on the site which is still regularly used by the applicant. The area surrounding the building is laid to grass. Beyond the field is gently sloping open countryside.			
3.4	The site is within the 500m buffer zone of Ancient Woodland to the southwest and within a SSSI Impact Risk zone. There are two SSS1s located to the north and west of Newick. Finally, the site is within the Ashdown Forest 7km Zone.			
4.	Proposed Development			
4.1	Full planning permission is sought to demolish the storage building and build a new two storey, four bedroom/7-person house.			
	The new house would be rectangular in shape and set centrally in the widest part of the site, allowing garden areas to the south and east and a parking area for 2 cars with turning area.			

5.	Relevant Planning History			
5.1	LW/79/2148 - Outline Application for demolition of existing and erection of bungalow and garage – refused			
5.2	LW/81/0609 - Change of Use from horticultural utility packing shed to repair and maintenance of horticultural machinery and light motor cars – refused.			
6.	Consultations:			
6.1	Newick Parish Council and Officer Response (OR)			
	Objects on following grounds:			
	Site not put forward for inclusion in NNP.			
	OR - Not relevant. This is a windfall site, and the proposal has been considered on its own merits.			
	Outside of planning boundary/does not respect character/landscape of the area.			
	OR: The proposal is immediately adjacent to the village boundary and is in keeping with the pattern of development at this part of Allington Road.			
	Access to site does not belong to the applicant so they have no control over it			
	OR – Not a planning issue			
	Site is on a busy road and close to the school.			
	OR – The access exists and if the business were to resume, the traffic movements to and from the site would increase.			
	The applicant does not use site.			
	OR – Agent confirms that site is still in use for storage.			
	If to be recommended for approval, request it goes to committee.			
7.	Other Representations:			
7.1	Neighbour Representations and Officer Response (OR) to matters not covered in 6.1			
	Ten objections received on the following grounds:			
	Outside of planning boundary			
	Applicant does not use site.			
	Not included in the NNP			
	Noise and disturbance during build			
	OR A Construction Environmental Plan will be secured by condition to control noise and disturbance.			
	Road safety/access for emergency vehicles			
	OR Agent has confirmed that a fire engine can access and turn around in the site.			

Overlooking to properties at front of site

OR The new house will not overlook properties to the front – see para. 8.8

Noise and disturbance from use of access and driveway.

OR Access Road is already in use.

# 7.2 Other Representations and Officer Response (OR)

Newick Primary School Governors – object – inadequate visibility to access to site, which would be a problem in terms of road safety.

OR – The access exists and if the business were to resume, the traffic movements to and from the site would increase.

New house would overlook the school grounds.

OR – The only window at first floor level facing the boundary with the school is a bathroom and would be fitted with obscured glass.

# 8. Appraisal:

## 8.1 Principle:

Para. Eight of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.

As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This figure is disaggregated from the delivery from the South Downs National Park, resulting in an annual figure of 602.

Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing.

Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

The NPPF does not recognise settlement boundaries, instead stating that decisions should avoid the development of isolated homes in the countryside (para. 80). The application site is not isolated.

The NPPF confers a degree of limited protection for neighbourhood plans that may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply. These protections are set out in NPPF para 14:

In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In the event that the Council cannot demonstrate a five year housing land supply, the protection conferred by paragraph 14 would not be engaged for the Newick Neighbourhood Plan is more than two years old. Therefore, little weight can be afforded to it.

- The Council has adopted an Interim Housing Policy Statement that accepts development may need to be allowed on sites outside of settlement boundaries but sets out a list of criteria that should be addressed when such sites are being assessed. These criteria are identified below and will be afforded suitable weight within the overall planning balance. It is recognised that the Interim Housing Policy Statement is not 'policy' in the Local Plan context and can only be guidance and does not supersede or trump adopted policy. Below is an assessment of how the proposal complies with the IPSHD.
- 8.3 Below is an assessment of how the proposal complies with the IPSHD.

**Criterion 1.** That the site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.

The site is contiguous with the planning boundary and the access is within it. **COMPLIES**.

**Criterion 2**. The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2. In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.

At one dwelling, the proposed development is relatively modest in scale and is appropriate to the status of Newick as a Rural Service Centre. **COMPLIES**.

**Criterion 3**. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.

Allington Road has a pavement on either side, providing safe and convenient access for pedestrians. Within the village, there is a range of services and facilities, including a primary school, children's play space, recreational and sports facilities, pubs, restaurants, and shops within comfortable walking distance of the site, a bus stop within 200m of the site for the 121-bus service linking Newick with Lewes and Chailey. **COMPLIES**.

**Criterion 4**. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.

The proposal will not result in the coalescence of other nearby settlements. **COMPLIES** 

**Criterion 5** Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.

The development site is located some 14km to the north of the nearest boundary of the SDNP, so will have no impact on the SDNP. **COMPLIES** 

**Criterion 6** An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).

The application was submitted prior to this criterion being applied, so a Preliminary Ecological Assessment was not submitted. However the 'precautionary approach' to site clearance and ecological enhancements can be secured by condition. CAPABLE OF COMPLIANCE SUBJECT TO CONDITION (see condition 10.3)

**Criterion 7** The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.

Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be extremely low – 11dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road. Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.

**Criterion 8** It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.

The scheme is small scale and can be linked into the existing service infrastructure in the village. At just one dwelling, affordable housing is not sought.

Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be very low – 11dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road.

Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.

8.4 Policy CP2 sets a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located, to maximise opportunities for re-using suitable previously developed land and to plan for new development in highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive.

As the LPP1 and Newick NP are considered to be out of date in relation to housing supply, it is considered that the local housing need assessments cannot be relied on in this case. Also, as the proposal is for one dwelling, the requirement for a dwelling mix is not applicable.

Both policy CP2 and NPPF paragraph 19 support development of brownfield/previously developed land, which applies to this site.

In summary, the proposal complies with the 8 criteria in the IPSHD and policy CP2. Furthermore, in the absence of any adverse impacts of granting planning that would demonstrably outweigh the benefits when assessed against polices in the NPPF as a whole, the decision regarding this application should be tilted in favour of sustainable development, in accordance with paragraph 11 of the NPPF. Recent appeal decisions regarding development outside of the planning boundary should also be taken into consideration.

## 8.6 Design, Character and Impact Upon Landscape:

The design is traditional, with the first floor set partially into the roof, and pitched roof dormers to the front and rear. The materials palette is stock brick, clay hanging tiles and clay roof tiles. Most of the properties in Allington Road are of traditional design, using a variety of external finishes, including brick, hanging tiles and plain roof tiles. The proposal complies with policies CP11, DM25, HO1.1, HO1.2 and HO1.3.

The planning boundary to the south is irregular, following the rear site boundaries of frontage properties. The open land behind these properties has a consistent line of densely planted trees and shrubs, beyond which is open countryside. There are a number of properties located within this area, that lie further to the south of the planning boundary than the proposed new house, but within what could be considered a transition zone separating the village and the open countryside. Therefore in view of the existing built form of the village, which goes beyond the planning boundary, the proposed new house is consistent with the established character of the landscape and built environment, as supported by policies CP11, DM25 and EN1.

# 8.7 <u>Transport and Parking:</u>

As noted in para. 8 above, the site is in a sustainable location, close community facilities, shops, and bus routes.

Using the ESCC Parking Calculator, a property of this size would generate demand for 2.37 spaces. The layout plan shows 2 parking spaces and a turning area. There is also room for visitor parking.

The objections regarding impact on road safety, specifically in relation to the school, are noted. There are good sightlines at the access. Furthermore, a development of this size would generate up to 8 vehicle movements per day. Weight should also be given to the fact that the access is already in regular use and if the business was to be reestablished, there would likely be more vehicle movements than the proposal for one dwelling.

Cycle storage can be secured by condition.

The proposal complies with policy CP13 and HO1.5.

## 8.8 Residential Amenity:

The front wall of the new house would be 20m away from the rear of numbers 61, 61a and 59, which is generally considered to be an acceptable level of separation to maintain mutual privacy. The site is also set around 1m lower that the properties to the front. The new house meets the Nationally Described Space Standard in terms of overall floor area, bedroom sizes and storage. There are garden areas to the south and east, providing generous amenity space. There is ample space for storage of refuse and recycling bins. In terms of residential amenity, the proposal meets the relevant aspects of policies CP11, DM25 and DM27.

As this is a backland site, the proposal falls to be considered against policy DM30, which requires such development to have safe and convenient. vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance; mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens; the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity. The proposal complies with these criteria.

8.9	Ecology and Biodiversity:		
	As noted in paragraph 8.3, a Preliminary Ecological Assessment was not submitted with the application. Conditions are recommended to secure a 'precautionary approach' to site clearance and ecological enhancements.		
8.10	Sustainability:		
	An Energy Assessment can be secured by condition to comply with policy CP14.		
8.11	Planning Obligations:		
	As the site falls within the Ashdown Forest 7km Zone, the applicant will be required to pay a contribution to SANGS/SAMMS through a S106 agreement.		
8.12	Human Rights Implications:		
	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.		
8.13	Conclusions:		
	The proposal for one new dwelling on the site is acceptable.		
	The proposal broadly complies with all of 8 criteria set out in the council's Interim Policy Statement for Housing Delivery outside of the planning boundary.		
	It is considered that the benefits of the proposal outweigh the disbenefits and that planning permission should be approved.		
9.	Recommendations		
	Grant Planning Permission subject to conditions and a s106 Legal Agreement to secure contribution for SANGS/SAMMS.		
10.	Conditions:		
10.1	CEMP		
	No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.  Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.		

#### 10.2 **ENERGY REPORT**

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.

## 10.3 **ECOLOGY**

No development shall take place until a Biodiversity Method Statement (or similar) has been submitted to and approved by the Local Planning Authority and the works carried out in full as approved.

The document shall include the necessary precautions for protected species as well as measures to enhance the overall biodiversity of the site, including bat and bird boxes.

Reason: To maintain and enhance the ecological value of the site having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

#### 10.4 ELECTRIC CAR CHARGE POINTS

No part of the development shall be occupied/brought into use until details for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport having regard to policies CP13 and CP14 of the Lewes District Joint Core Strategy, policy TRA1 and TRA2 of the Chailey and the National Planning Policy Framework

#### 10.5 **CYCLE STORE**

The development shall not be occupied until full details of the covered and secure cycle store have been submitted to and approved in writing by the Local Planning Authority. The store shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability having regard to policy CP13 of Lewes District Local Plan and the National Planning Policy Framework.

10.6 No part of the development shall be occupied until the refuse and recycling bin facilities shown on the submitted plans have been provided.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

## 10.7 **PROVISION OF PARKING SPACES**

No part of the development hereby approved shall be occupied until all the vehicle parking spaces have been provided as shown on the approved plans.

Reason: In order to ensure sufficient car parking is provided to mitigate the potential for indiscriminate carriage way parking which may impede other road uses and thereby giving rise to highway/pedestrian safety issues.

## 10.8 **UNEXPECTED CONTAMINATION**

If, during development, contamination not previously identified 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 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 having regard to policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

# 10.9 **REMOVAL OF PD RIGHTS**

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and reenacting 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.

## 10.10 HOURS OF WORK ON SITE

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					
11.	1. Plans:					
	This decision relates solely to the following plans					
	Plan Type	Date Received	Reference:			
	Location Plan	29 November 2021	Site Location Plan			
	Proposed Layout Plan	29 November 2021	B.057.19 01 - Proposed Site Layout Plan			
	Proposed Block Plan	29 November 2021	B.057.19.02 - Proposed Block Plan			
	Proposed Floor Plan(s)	29 November 2021	B.057.19.03 - Proposed Ground Floor Plan			
	Proposed Floor Plan(s)	29 November 2021	B.057.19.04 - Proposed First Floor Plan			
	Proposed Roof Plan	29 November 2021	B.057.19.05 - Proposed Roof Plan			
	Proposed Elevation(s)	29 November 2021	B.057.19.06 - Proposed Side (West) and Front (North) Elevations			
	Proposed Elevation(s)	29 November 2021	B.057.19.07 - Proposed Rear (South) and Side (East) Elevations			
	Proposed Section(s)	29 November 2021	B.057.19.08 - Proposed Site Section (West)			
	Design & Access Statement	29 November 2021	Design and Access Statement			
12.	Appendices					
12.1	None.					
13.	Background Papers					
13.1	None.					