

Report to: Planning Applications Committee
Date: 5 February 2025
Application No: LW/23/0372
Location: Land adjacent to Tye Chalet, Tye Close, Saltdean
Proposal: Erection of 3 storey dwelling.
Applicant: Mr R Munday
Ward: East Saltdean and Telscombe Cliffs
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan: (Below)



1	Executive Summary
1.1	<p>The application was previously heard at committee on 12th June 2024. Members resolved to defer the scheme and to request that officers negotiate amendments based on the following observations:-</p> <ol style="list-style-type: none"> 1. Design needs to be more in sympathy with the transition from the SDNP to Saltdean, and in particular the bulkiness and the current height of the proposal. Consider removing the top floor. Linear form acceptable. Building to be in light materials. 2. Concern about inefficient use of land. Large plot for one large home, when what is needed is more small homes. However, Committee noted narrow access road and more smaller homes would make access and parking difficult. 3. Linking with the South Downs National Park. Committee wanted access to and from SDNP to be maintained as a critical element of the scheme, with strong planning policy supporting this aim <p>Revisions have been made by the applicant in response. These will be described in full in section 4.1 of this report.</p>
1.2	The proposed development is sited in a sustainable location within the settlement boundary.
1.3	It is considered that the design of the proposed dwelling is appropriate for its setting, respecting the general spatial characteristics and scale of structures in the surrounding built environment as well as the setting and functionality of the adjacent South Downs National Park.
1.4	The proposed dwelling would provide good quality internal space as well as suitable outdoor amenity space and parking facilities. It is also considered that the amenities of neighbouring residents would be preserved.
1.5	It is considered that the means of vehicular and pedestrian access to the site is appropriate for a scheme of the scale and nature proposed.
1.6	<p>Housing Delivery</p> <p>The proposed development would provide a net gain of one dwelling within a sustainable location, inside the established settlement boundary. This should carry limited positive weight in the planning balance.</p>
1.7	<p>Landscape Impact</p> <p>It is considered that the proposed development would not harmfully impact upon the setting of the adjacent South Downs National Park, noting it would integrate with an established urban edge. This should carry neutral weight in the planning balance.</p>
1.8	Economic Benefits

	<p>The proposed development would provide construction jobs in the short term. Future occupants are likely to use local businesses and services. There would be a modest CIL contribution.</p> <p>This should carry limited positive weight in the planning balance.</p>
1.9	<p>Placemaking and impact upon surrounding environment</p> <p>The proposed development is of a bold design which is appropriate for its positioning on a gateway site at the approach to Saltdean. The spatial characteristics of the development as well as its scale are consistent with surrounding development.</p> <p>This should carry neutral weight in the planning balance.</p>
1.10	<p>Biodiversity Net Gain</p> <p>The proposed development would allow for a degree of biodiversity net gain to be provided through landscaping and the creation of habitat.</p> <p>This should carry limited positive weight in the planning balance.</p>
1.11	<p>Highways</p> <p>The proposed development would provide a suitable amount of parking, would be safely accessible and would not generate excessive levels of traffic. The proposed means of access is considered to be suitable.</p> <p>It is considered that this should be attributed neutral weight.</p>
1.12	<p>Water Issues</p> <p>The site is not in an area at identified risk of flooding and it is considered that a suitable sustainable drainage scheme could be secured by condition, with additional scrutiny placed on potential impact on the stability of the ground..</p> <p>This should be given neutral weight in the planning balance.</p>

2	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision-making 5. Delivering housing 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP8 – Green Infrastructure CP10 – Natural Environment and Landscape CP11 – Built and Historic Environment & Design CP12 – Flood Risk, Coastal Erosion & Drainage CP13 – Sustainable Travel CP14 – Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u> DM20 – Pollution Management DM22 – Water Resources and Water Quality DM23 – Noise DM25 – Design DM24 – Protection of Biodiversity and Geodiversity DM26 – Refuse and Recycling

2.4	<p><u>Emerging Peacehaven and Telscombe Neighbourhood Plan (PTNP):</u></p> <p>PT1 - High Quality Design</p> <p>PT2 - Innovation and Good Management</p> <p>PT3 - Landscaping</p> <p>PT5 - Sustainable Design</p> <p>PT11 - Promoting All-Inclusive Travel</p> <p>PT18 - Biodiversity Net Gain</p> <p>PT19 - Urban Greening</p> <p>PT20 - Drainage Management</p> <p>PT21 - Renewables</p> <p>PT22 - Net Zero</p> <p>PT23 - Air Quality</p> <p>PT36 - Design and placemaking principles</p>
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3.	Site Description
3.1	<p>The site falls within the settlement boundary, with the eastern and southern site boundaries representing the eastern and southern edge of the settlement of Saltdean. The site comprises a broadly rectangular plot of land which currently forms part of the curtilage of Tye Chalet, representing the eastern side of the plot. It is largely surfaced with mown grass. A summerhouse type building had been positioned towards the southern end of the site until relatively recently but has since been removed and a timber close boarded fence erected to annexe the site from the rest of the curtilage of Tye Chalet.</p>
3.2	<p>The site is positioned on raised ground which is cut through by the A259, which passes to the south. Further to the south, on the opposite side of the A259, are the chalk cliffs that mark the coastline and form part of the Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI). The area to the base of the cliffs is part of the Beachy Head West Marine Conservation Zone (MCZ).</p>
3.3	<p>Immediately to the east of the site is land falling within the South Downs National Park, which forms a green buffer between urban developments of Peacehaven and Telscombe to the east and Saltdean to the west. This green buffer is crossed by a number of public footpaths, including one which is served by a small car park accessed from the A259 to the east of the site.</p>
3.4	<p>The eastern side of the site is mapped as being part of The Tye registered common land. Whilst this does not directly impact upon the planning assessment, the applicant would need to gain permission from the Secretary of State to carry out any development on common land, as per section 38 of the Commons Act 2006.</p>

3.5	The area to the south and east of the site falls within an Archaeological Notification Area but the site itself is not subject to this designation.
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4.	Proposed Development
4.1	The application seeks permission to erect a detached five bedroom dwelling towards the southern end of the site, with accommodation distributed over three floor levels. In addition, a detached garage would be positioned to the north east of the dwelling. A hard surfaced car parking area would be provided adjacent to the garage with site access being taken from Tye Close to the north.
4.2	The individual storeys of the proposed dwelling would be positioned in a staggered arrangement which would follow the contours of the site, moving from the lower ground floor which would extend the furthest towards the south of the site to the ground floor level which would be stepped back from the lower ground floor but have the largest footprint, and then to the first floor which would be stepped in from the edges of the ground floor footprint. The overall area of the site that would be built over would be approx. 144 m ² , with the overall gross internal area (GIA) of the dwelling being approx. 272 m ² . There would be south facing balconies at ground and first floor level.
4.3	The height of the dwelling measured from the lower lying southern part of the site would be approx. 8.25 metres, with the height above the northern end being approx. 5.5 metres, where only the ground and first floor levels would project above the ground level.
4.4	The proposed garage would measure approx. 7 metres in width by 5.5 metres in depth. It would have a gable roof, with a full length flat roof dormer within the eastern slope. The eaves height would be approx. 3.7 metres with the ridge at approx. 6.4 metres.
4.5	Although the general dimensions of the proposed dwelling are similar to those presented to committee previously, the upper storey of the building has been redesigned, with a mansard type roof arrangement being utilised rather than the recessed additional flat roof-storey that was included in the original scheme. Whilst the height of the building has not been reduced, the change in roof form has reduced the bulk.

5.	Relevant Planning History:
5.1	<p>E/55/0434 (smaller plot) - Outline Application to erect a dwellinghouse – Refused as poor example of ribbon development and unsafe access from A259.</p> <p>E/58/0756 - Outline Application to erect one dwellinghouse - Refused</p> <p>E/71/0113 - Outline application for erection of one dwelling – Refused as overly prominent skyline feature and due to erosion of gap between Saltdean and Peacehaven & Telscombe</p> <p>E/73/0564 - Outline application for detached bungalow and garage. – Refused for similar reasons to LW/71/0113. Appeal dismissed.</p>

	<p>LW/77/0760 - Outline application for detached bungalow – Refused for similar reasons to above.</p> <p>LW/86/2098 - Outline application for one single storey dwelling – Refused for similar reasons to the above. Appeal dismissed.</p>
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6.	Consultations:
6.1	<p>Telscombe Town Council</p> <p>It was agreed to OBJECT to the application and submit the following comments:-</p> <ul style="list-style-type: none"> • Concerned regarding the stability of the chalk bank • Concerned re the impact of amenity and biodiversity due to cutting away the chalk bank • Concerned regarding the narrow access road and that access to neighbouring properties should be maintained at all times • Concerned regarding the pitched roof of the garage which has a visual impact on the street scene • Visual impact on the surrounding countryside as it borders the South Downs National Park & Telscombe Tye which is common land • Part of the plot is on registered common land
6.2	<p>Contaminated Land Officer</p> <p>I am aware that there is a landfill within 250 m of the proposed development site, though not aware of any landfill gas migration issue at the site.</p> <p>If LPA is minded to grant a planning permission, then considering the sensitive use of the site, I recommend conditions and informatives.</p>
6.3	<p>South Downs National Park Authority</p> <p>The SDNPA makes no comment on the principle of development. The site is immediately adjacent the boundary of the National Park, which runs along the east side of the site. The proposed development for a five bedroom dwelling would be located in an area where there is pre-existing residential development, and as such the development would likely result in minor impacts on the setting of the National Park.</p> <p>Section 62 of the Environment Act 1995 requires all relevant authorities including neighbouring local planning authorities to have regard to National Park purposes. Development within the setting of a national park should be consistent with its purposes in line with the section 62 duty. The applicant should also be aware of the amendment to paragraph 176 of the NPPF to include specific reference to the setting of National Parks:</p> <p>"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be</p>

given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their settings should be sensitively located and designed to avoid adverse impacts on the designated areas."

The LPA officers will therefore need to assess any impacts upon the National Park in order to address the above statutory duty.

The SDNPA would advise that any development within the setting of the National Park should positively contribute to ecosystem services and to biodiversity net gain. New planting should all be native and locally characteristic in order to offer meaningful benefits to wildlife and positively contribute to landscape character. Avoid planting which is overly ornamental and may not have significant ecological or landscape benefits.

It is recommended that consideration also be given to dark night skies, which are a special quality of the National Park. The South Downs National Park is a designated International Dark Sky Reserve. Dark skies and tranquillity are both special qualities that need to be protected. Paragraph 185(c) of the NPPF outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. Whilst there is likely to be pre-existing lighting associated with the residential properties in the locality, the SDNPA would encourage any new development to have a sensitive approach to lighting which conforms to the Institute of Lighting Professionals for lighting in environmental zones guidance, in that it tries to achieve zero upwards light spill in all respects. The use of timed black out blinds and/or low transmission glazing for the larger expanses of glass should be secured via condition.

If minded to approve the application, the SDNPA recommend that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution and disturbance to wildlife.

OFFICER COMMENT: The above was provided in response to the originally submitted application. The SDNPA have made no further comments following the revisions to the scheme.

6.4

ESCC Highways

Access/Location

The site will be accessed from an existing private road called 'Tye Close' which is within control of the applicant. Tye Close meets the highway from Hamsey Road (U5905) which at the point of access is subject to a 30mph speed limit. Because the application would result in an intensification of this access, visibility splays should measure 2.4m X 43m in accordance with Manual for Streets. After conducting a site visit, I am satisfied that this can be achieved.

It was also noted from the site visit that the access is on a steep gradient and does not have the best alignment to the highway. However, the access does measure in excess of 4.5m for 6m in order to accommodate the two-way flow of traffic. While the alignment to the highway is not perfect, because the site is situated from an unclassified road with space

	<p>for one vehicle to wait off the highway, an objection based on the gradient of the access could not be justified in this instance.</p> <p><u>Parking/ Layout</u></p> <p>An open parking area will be provided that can accommodate at least 2 vehicles meaning the level of parking is considered acceptable. On site turning is not required because access to the site is from a private road.</p> <p>The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the NPPF.</p> <p>Secure covered and accessible cycle parking must be provided in accordance with ESCC standards which is at least 2 spaces for 3-bedroom dwellings. The cycle parking must be as accessible as vehicle parking.</p> <p><u>Summary</u></p> <p>I therefore do not wish to object to this application subject to the imposition of conditions.</p>
6.5	<p>ESCC Public Rights of Way Officer</p> <p>This application affects land registered as part of Telscombe Tye Common. It would appear that the fencing demarking the available common is not consistent with the registered common extent and that the proposed development would constitute encroachment on the common.</p> <p>The applicant would be required to apply to the Planning Inspectorate for consent under section 38 of the Commons Act 2006 for any development on the registered common.</p> <p>My letter is intended to bring the status of the land and the common land consent requirement to your attention. It is not my intention to comment on the planning application on behalf of the County Council as the Commons Registration Authority.</p>
6.6	<p>Southern Water</p> <p>Applicant made aware of responsibility to protect the existing sewer system and required buffer zones to be maintained free from development around the sewer network.</p> <p>The submitted proposed site plan indicates foul and surface water discharge to existing sewers within the site which are not shown on public records.</p> <p>The applicant should ensure they have adequate rights to utilise the intervening private drainage systems. The applicant will need to further confirm that the private sewer does in fact connect to an existing public sewer further downstream. Hence, if it is connecting to a downstream network, Southern Water requires the developer to confirm the proposed surface water flow rates being discharged to the public sewerage system. This is required to confirm the capacity within the system to accommodate the proposed surface water flows.</p> <p>In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does</p>

	not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments..
6.7	<p>LDC Coastal and Flood Risk Management Officer</p> <p>Comments are yet to be provided but based on a discussion that has been held, there are no concerns that the site is in a position at risk from coastal erosion but more details are required to ensure surface water associated with the development is managed in such a way that it does not destabilise the ground or present a risk of flooding the dwelling. It is considered that these details can be secured by condition along with a method statement to ensure excavation works are carried out appropriately.</p>

7.	Other Representations:
7.1	<p>7 letters of objection have been received, with material planning concerns raised summarised below. 6 letters were received prior to the plans being amended with a further 2 submitted afterwards. Where points raised in letters sent prior to the plans being amended also relate to the amended scheme they are included below:-</p> <ul style="list-style-type: none"> • Concerned about impact on land stability at neighbouring properties and on and around the A259; • Unclear from plans how the dwelling would relate to neighbouring properties; • Uncertainty around impact on public access arrangements to The Tye; • Excavation works would create a disruptive gouge in the cliff/embankment top; • Increase in traffic on the A259; • Harm to wildlife; • Light and air pollution; • Drainage and flooding issues; • Overdevelopment; • Out of keeping with surrounding area; • Will restrict turning space at the end of Tye Close, which may impede emergency vehicles; • Concern the garage will be used for commercial purposes; • Will overlook neighbouring properties; <p>OFFICER COMMENT: The objections made above were submitted in response to the original scheme but have been provided where the concerns raised may be applicable to the current scheme.</p> <p>Since the amended plans were publicised, one additional letter of objection has been received raising concern that part of the development site is common land, with no consent for works obtained from the</p>

	<p>Secretary of State, and also questioning the future stability of the bank to the immediate south of the site that flanks the A259.</p> <p>An additional neutral letter has been received stating that suitable conditions should be applied to require Tye Close and The Tye/SDNP to be fully open to access throughout the course of construction works as well as after any development is complete.</p>
7.2	The application has been called into committee by Ward Cllr Robinson.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to the principle of the development; the impact upon the character and appearance of the area, with particular attention paid to impact upon the adjacent South Downs National Park as well as residential and environmental amenities as well as the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.</p>
8.2	<p><u>Principle of Development</u></p> <p>The site falls within the settlement boundary where the principle of development is acceptable, subject to compliance with relevant local and national planning policies and considerations. It should be noted that the site comprises garden land and is therefore not regarded as previously developed land, as per annex 2 of the NPPF.</p> <p>The Council cannot currently identify a 5 year supply of housing land and, therefore, it is important that land is used efficiently, as set out in para. 129 of the NPPF. The benefits of densification of development does, however, need to be balanced against the harms it may cause, as per para. 11 d) of the NPPF. This includes special regard being paid to the setting of the adjacent South Downs National Park which is recognised as an area of particular importance as per para. 11 d) (i) and footnote 7 of the NPPF.</p> <p>Where there is no conflict with policies protecting the South Downs National Park that provides a direct path to refusal the ‘tilted balance’ exercise set out in para. 11 d) (ii) is engaged, which instructs applications for sustainable development to be approved other than where the harms caused by that development would significantly and demonstrably outweigh the benefits.</p>

8.3

Design and Impact Upon Character of the Surrounding Area

The proposed dwelling would be positioned in a sensitive location, adjacent to the edge of the South Downs National Park, on the urban edge of Saltdean and on raised ground close to the coastline which is strongly defined by cliffs, which form part of the Brighton to Newhaven Cliffs SSSI. At present, the garden area is considered to provide a green buffer that allows for a gentle transition from the urban environment to the west and the rural environment to the east. It is noted that other buildings on the eastern edge of Saltdean are generally set well back from the boundary shared with the SDNP and, in cases where they are not such as at Rhondhurst and The Hacienda to the north of the site, they are dug into the hillside, with the topography rising from west to east towards the National Park, reducing their visual impact. As a result, the eastern edge of Saltdean is characterised by a largely green ridge, which contains the developed area of the settlement, and extends across lower lying land to the west.

The site is a clearly defined plot, similar in size and shape to existing plots on the southern side of Tye Close and, as such, it is considered the spatial characteristics of the surrounding built environment would be respected. The plot is also clearly distinct from the adjacent open countryside at 'The Tye'.

The proposed development would introduce two sizeable structures in the form of the proposed dwelling and the garage. It is considered that, at three-storeys in height, the rear elevation of the dwelling would have the potential to appear as a prominent feature when viewed from the south, including from the SSSI area along the cliff tops. To counter this, the dwelling has been designed with a staggered height distribution as a means to reflect the existing topography and to allow for a degree of tapering which would help break up the mass of the building and prevent an overly boxy appearance. The dwelling would also be dug into the site, with a flat terrace area to the immediate rear followed by a rising grass bank which would meet the existing level of the rear of the site.

When the application was previously heard at committee, on 12th June 2024, members raised concerns over the appearance of the building, particularly its height and bulk, citing potential for harmful impact upon the transition between the urban environment of Saltdean to the west and the rural landscape of the South Downs National Park to the east.

In response to these concerns, the applicant has amended the scheme. The height of the proposed dwelling has not been altered, with it remaining a split level structure of up to three-storeys. Any reduction in height would result in the loss of a storey and, therefore, significantly restrict the amount of floor space that could be provided within the building. The bulk of the top floor has, however, been reduced with the originally proposed rectangular flat roof top storey being replaced by a sloping mansard style roof. It is considered that the reduction in the bulk of the top floor that this amendment allows for would result in the building being better articulated – with this emphasised, less imposing when viewed from all directions and also an overall form that is more consistent with the tapering roof line of neighbouring properties on Tye Close to the west.

Street scene drawings show that the overall height of the proposed dwelling would be consistent with that of neighbouring properties, with the use of a mansard type roof ensuring that the upper floor accommodation is at the same level as the roof space of neighbouring properties. Officers therefore submit to members that the height of the proposed dwelling is reasonable and appropriate for its setting and also that the reduction on the bulk of the top floor has resulted in a less imposing relationship between the proposed dwelling, neighbouring dwellings and the South Downs National Park and that the reduced bulk and sloping roof line would allow for a better sense of space to be maintained between the building, the neighbouring built environment to the north and west and the South Downs National Park to the east.

Whilst the contemporary design of the building would continue to contrast with neighbouring properties to a degree, it is noted that the recently built dwelling at Hunters Moon to the west is also more contemporary in appearance. Furthermore, it is considered that the general scale and plot coverage of the proposed development would not be significantly disproportionate to neighbouring dwellings, with it being noted that the dwellings on Tye Close are characterised by variations in design and scale rather than of uniform appearance.

It is considered that the prominent nature of the site also lends itself to a more striking design, provided it is sympathetic to the wider character of the area. Given the scale of the dwelling would not overpower neighbouring properties, the way the development would assimilate with the existing built form in terms of its eastern and southern extents and that there would be suitable open space retained around the dwelling to allow for landscaping to be incorporated to soften the impact when viewed from the National Park, it is considered that it would not present as an unacceptably intrusive, overly dominant or incongruous feature.

The site is flanked by the edge of the South Downs National Park to the east, where there are rights of way crossing an area of open downland known as 'The Tye' which forms a green buffer between Telscombe Cliffs and Saltdean. As the application site marks the edge of the settlement of Saltdean it is considered that there is justification for a fairly strong building form marking the edge of the settlement, noting that on the opposite side of 'The Tye' the edge of Telscombe is marked by a well defined group of buildings on Gorham Way, including a three-storey block of flats at Gorham Court. The edge of Saltdean is considered to be weaker in definition and it is considered that the proposed development, by aligning with the eastern edge of development to the north at The Hacienda and Rhondhurst would result in a more integrated and identifiable edge to the built environment.

Whilst improving the definition of the edge of Saltdean is seen as a positive impact, it is of critical importance that this is not at the cost of harm to the setting of the adjacent National Park. The eastern elevation of the dwelling, which would flank the SDNP, would contain only two relatively narrow windows at first floor level, which would be stepped in from the eastern edge of the site. The site also has capacity to accommodate sympathetic planting that would provide a landscaped edge to the plot, providing a green buffer between the built environment and the SDNP and forming an extension to the existing hedgerow flanking the

	<p>eastern side of Ashurst Way and the rear of properties on Hamsey Road. This could be supplemented by the use of a green wall or appropriate climbing plants on the eastern elevation. Further screening would also be provided by an existing vegetated bund adjacent to the eastern edge of the site. It is important that the eastern edge of the site does not appear overly domesticised as this boundary flanks the SDNP. As such, it is considered that boundary treatment should be in the form of post and rail fencing, which is a common presence with the rural environment, with the additional planting suggested above.</p> <p>The proposed garage would be positioned towards the northern end of the site. Whilst set away from the main dwelling it would be close enough to visually integrate with it as well as neighbouring development and would therefore assimilate well within the wider built environment. As such, it is considered that it would not appear as an incongruous or disruptive building.</p> <p>Overall, it is considered that the proposed dwelling would be seen in context with the existing built environment, which it would also strengthen the definition of, both in views towards and from the park.</p>
8.4	<p><u>Impact Upon Amenities of Neighbouring Residents</u></p> <p>NPPF Para. 135 f) requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is consistent with LLP1 policy CP11 (viii) and LLP2 policy DM25 (7) both of which seek safeguard residential amenity in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.</p> <p>The closest neighbouring property to the proposed dwelling would be Tye Chalet, approx. 6 metres to the west of the proposed dwelling. Also relatively close by is The Hacienda which would be approx. 34 metres to the north of the proposed dwelling and approx. 24 metres to the north of the proposed garage.</p> <p>The western elevation of the dwelling, which would face towards Tye Cottage, would not contain any windows. There are a number of windows within the eastern elevation of Tye Cottage however, including those serving a conservatory, as well as a rooflight within the east facing roof slope and, whilst there would be no direct views towards these windows from within the proposed dwelling, there would be potential for overshadowing as well as for the proposed dwelling to appear overbearing when viewed from the neighbouring property. However, it is considered that the separation distance maintained between the proposed dwelling and Tye Chalet, the relatively modest length of the western elevation of the proposed dwelling in proportion to the overall length of the shared boundary, the use of a mixed palette of materials to break up the mass of the proposed dwelling, the way the mass is distributed with the first floor level stepping away from the site boundary and the orientation of the dwelling which splays away from Tye Chalet would combine to soften its impact upon the neighbouring property. Site boundary treatment also offers potential to reduce the impact of the proposed dwelling upon neighbouring residents.</p>

The proposed dwelling would also incorporate upper floor balconies to the front and rear. The rear balconies would allow for potentially intrusive views into the conservatory, windows and roof light on the eastern side of Tye Chalet and, therefore, a screen of suitable height and opacity would need to be installed prior to the first occupation of the dwelling and maintained permanently in place thereafter. The front balcony would face towards The Hacienda but it is considered a suitable distance would be maintained between the two properties to prevent invasive views. The balcony area adjacent to Tye Chalet is not overly large and it is considered it is not of a size that would allow for large congregations of people to gather on it, particularly as there is a large amount of garden amenity space available, noting that such gatherings at balcony height may result in unacceptable disturbance and disruption to the occupants of Tye Chalet.

The access and parking areas would be positioned away from neighbouring buildings and there is the opportunity for a landscaped buffer to be provided between the parking area and the boundary shared with Tye Chalet, softening the visual impact of the parking area.

It is therefore considered that the amenities of neighbouring residents would not be adversely impacted upon by the proposed development, subject to compliance with relevant conditions.

8.5

Living Conditions

Para. 126 of the National Design Guide (2019) 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.’

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. The GIA of the proposed dwelling would exceed the minimum recommended GIA for a three-storey 5 bedroom 8 person dwelling.

The dwelling is considered to have a clear layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation.

The occupants of the dwelling would have direct access to a relatively large private garden area to the front and rear of the dwelling, which would include soft planting. Planting would also be positioned between the proposed parking area and dwelling frontages, providing a sympathetic screen to the parking facilities.

The main access to each dwelling and the parking area would be positioned to the front of the site where natural surveillance would be

	<p>provided by neighbouring dwellings as well as the proposed dwelling itself. The proposed development would therefore not create any isolated or secluded areas that may be at risk of crime or anti-social behaviour.</p>
<p>8.6</p>	<p><u>Parking Demand and Highway Impact</u></p> <p>Tye Close is a relatively narrow unadopted road that connects to the main highway network via a crossover onto Hamsey Road, close to the junction with the A259 (South Coast Road) approx. 15 metres to the south of the crossover. The Close currently provides access to 6 dwellings as well as 8 flats at Reba Court. Although the Close is not a designated public right of way it does provide access to the SDNP land at The Tye via a gate which is adjacent to the site.</p> <p>The proposed development would introduce a new dwelling on the site and an associated increase in vehicular movements. It is noted that there are limited opportunities for vehicles to pass one another on Tye Close and that it also has no footway. The crossover onto Hamsey Road is wide enough to allow vehicles to pass one another and reduces the potential for vehicles having to reverse out onto the road and over the footway on Hamsey Road to allow vehicle leaving the road to pass them. It is also considered that the level of additional traffic generated by a single additional dwelling would be minimal.</p> <p>ESCC Highways do not ordinarily comment on applications relating to 5 or less residential units. ESCC standing advice maintains that 2 allocated parking bays would be expected to meet the needs of a 5 bedroom household and the proposed development allocates parking at this ratio. The proposed development includes a hard surfaced parking area that could accommodate at least two parked cars as well as a double garage. It is therefore considered that the proposed development would be unlikely to introduce parking pressure on neighbouring streets or result in pressure for more landscaping to be removed from the front of the site to create additional parking spaces.</p> <p>There is sufficient space for vehicles to turn within the site and, therefore, enter and leave in forward gear. This would ensure motorists entering and leaving the site would be able to have clear views towards pedestrians using the Close to access The Tye.</p> <p>It is considered that the proposed dwelling would be accessible to refuse collection services provided for existing dwellings on Tye Close. A condition will be used to ensure a secure and covered bin store is provided in a suitable position that is accessible to refuse collection crews.</p>
<p>8.7</p>	<p><u>Common Land and Public Rights Way</u></p> <p>ESCC, in their capacity as the Commons Registration Authority, have provided mapping which shows the eastern part of the site, on which part of the proposed dwelling and the entire garage would be located, is common land that is part of the wider common area of The Tye. Whilst this does not mean that the land cannot be developed, the applicant would</p>

	<p>need to seek separate permission from the Secretary of State to allow for works to be carried out.</p> <p>Any request for development of common land would be subject to a separate public consultation exercise and assessment carried out by the Planning Inspectorate under section 38 of Commons Act 2006, with the assessment focussing on the impact works would have upon anyone who has rights on the land or is occupying it (particularly anyone exercising rights of common over it), the neighbourhood, the public interest, for example nature and landscape conservation, protecting public rights of access to any area of land, archaeological remains or features of historic interest and any other matters the Planning Inspectorate considers to be relevant.</p> <p>The Planning Inspectorate would assess the application with a view to managing, improving or protecting the common and maintaining its traditional uses.</p> <p>The Inspectorate would need to be satisfied that any development does not impede access to the common. A planning condition will also be used to ensure that the common is accessible from Tye Close at all times, including during construction works.</p>
8.8	<p><u>Flooding and Drainage</u></p> <p>The site falls within Flood Zone 1 and is therefore not considered to be at any significant risk of tidal or fluvial flooding. National Government flood mapping also shows the site and immediate surrounding area to be at very low risk from surface water flooding.</p> <p>The application would result in impermeable surfacing being introduced on a site that is currently almost completely permeable. However, it is considered that, provided a suitable sustainable drainage scheme is utilised, there would be no unacceptable increase in flood risk on the site or neighbouring land. Submitted documents suggest the use of a soakaway for surface water drainage, subject to soakage testing. This method of drainage is regarded as the most sustainable in the sustainable drainage hierarchy (para. 056 of the Planning Practice Guidance for Flood Risk and Coastal Change). If the site cannot support a soakaway arrangement then it is suggested attenuation tanking would be used to allow controlled release of surface water into the existing sewer network at greenfield run off rates.</p> <p>Full details of the drainage scheme would be secured by condition but it would be expected for hard surfacing to be permeable wherever practicable. These details would also be subject to further assessment as part of the building regulations process.</p> <p>Foul water is to be discharged into the public sewer either on Tye Close (where a pump would be required) or on South Coast Road. This is considered to be an acceptable arrangement subject to a connection agreement with Southern Water.</p> <p>The site is within approx. 700 metres walking distance of the shops and services available in the centre of Saltdean. There are bus stops within</p>

	<p>approx. 250 metres of the site which is visited regularly by the Brighton to Eastbourne 'coaster' service as well as local services running to Rottingdean, Peacehaven.</p>
8.9	<p><u>Landscape, Ecology and Sustainability</u></p> <p>The site is currently entirely surfaced in grass although it appears to be regularly mown and maintained, reducing its biodiversity value. There are no trees or hedges within the site area and the site boundaries are also clear of any significant plants, although there is bramble on the SDNP land flanking the site.</p> <p>Although the site will remove some of the green space provided within the site a substantial proportion would remain undeveloped and present opportunities for a soft landscaping scheme which could introduce biodiversity enhancements as well as a sympathetic screen to the development. Other habitat enhancements such as bird boxes can be provided and gaps can be maintained in boundary treatment to ensure wildlife can continue to commute through the site.</p> <p>It is noted that the proposed dwelling includes space to support home working, as encouraged by the Sustainability in Development Technical Advice Note (TAN). It is understood that the applicant intends to provide solar panels to generate renewable energy and provide hot water. Full details of these can be secured by condition.</p> <p>The proposed works involve cutting into a chalk bank that flanks the A259. Objectors have raised concerns that the works could destabilise the bank, threatening the safety of the road as well as the stability of neighbouring land, including residential plots. It is noted that surface water management is of critical concern as poorly managed run off could destabilise the land. A condition will be used to obtain details of an appropriate drainage scheme that addresses these concerns. A construction management plan would also be secured by condition and this would need to include full details of how the stability of the land has been taken into account to inform the way in which the development is constructed and the technical design of the dwelling. These details would need to demonstrate that the proposed development would not undermine land stability either during or after construction works.</p> <p>Conditions will be used to ensure a minimum of one operational electric vehicle charging point is provided along with secure and covered storage for bikes, as a means to encourage the use of more sustainable modes of transport. It is noted that there is a cycle route running from South Coast Road into Brighton which is to the west.</p>
8.10	<p><u>Human Rights Implications:</u></p> <p>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 considered fully in balancing the planning issues; and</p>

	furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.11	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would integrate well with the existing built environment, strengthening the definition of the urban edge whilst not compromising the character and setting of the adjacent downland. It is considered that the amenities of neighbouring residents would be protected, that good quality living accommodation would be provided and that, overall, the scheme represents a sustainable form of development.</p>

9.	Recommendations
9.1	Approve subject to the conditions listed overleaf.

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun within three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Parking/Turning</p> <p>Prior to the first occupation of the development hereby approved the parking and turning areas shown on the approved plans shall be constructed, surfaced, and marked out in accordance with those details and maintained for parking and access use only throughout the lifetime of the development.</p> <p>Reason: In the interest of the operation of the highway and appropriate use of parking areas in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 110 of the NPPF.</p>
10.3	<p>Electric Vehicle Charging Points</p> <p>Prior to the first occupation of the dwelling hereby approved, a minimum of 1 x functioning electric vehicle charging points shall be installed within the car parking area for sole use by the occupants of that dwelling in accordance with details provided on the approved plans and submitted documents. The charging point(s) shall be maintained in operational condition thereafter throughout the lifetime of the development.</p> <p>Reason: In order to encourage the uptake in ownership of electric vehicles in the interest of controlling emissions in accordance with LLP1 policy CP14, the Electric Vehicle Charging Points Technical Guidance Note and NPPF para. 112.</p>

10.4	<p>Bin and Cycle Storage</p> <p>Prior to the first occupation of any part of the development hereby approved, secure and covered bin and bike storage facilities shall be installed in accordance with details which to be submitted to and approved by the Local Planning Authority, shall be installed in accordance with the approved plans and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In order to encourage the use of sustainable modes of transport in accordance with LLP1 policy CP13 and NPPF para. 112 and in the interest of environmental amenity in accordance with LLP1 policy CP11 and LLP2 policies DM20, DM25 and DM26.</p>
10.5	<p>External Finishes</p> <p>No external materials or finishes shall be applied until full details (including photographs) have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.</p>
10.6	<p>Drainage</p> <p>Prior to the commencement of any construction works suitable arrangements shall be put into place to prevent the discharge of surface water from the site onto neighbouring land, including the public highway, with these arrangements maintained in place throughout the construction phase.</p> <p>Prior to the first occupation of the development hereby approved, full details of surface and foul water drainage infrastructure, which shall follow the principles of sustainable drainage as far as practicable and be devised by a chartered civil engineer, shall be provided along with evidence in the form of photographs and documentation to confirm the drainage infrastructure has been installed in accordance with those details. The surface water drainage system shall be retained as approved thereafter.</p> <p>The submitted details must be accompanied by all relevant connection agreements for discharge of surface and foul water into the public sewer network.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, and para. 173 of the NPPF.</p>
10.7	<p>Hard and Soft Landscaping</p> <p>Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:</p>

	<ul style="list-style-type: none"> • Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites); • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees; • Green walling/climbing plants to eastern elevation; • Details of all hard surfacing; • Ecological protection, enhancements and Biodiversity Net Gain; <p>All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, delivers biodiversity enhancements and provides a secure and safe environment for future occupants in accordance with LLP1 policies CP8 and CP10, LLP2 policies DM24 and DM25 and para. 174 of the NPPF.</p>
10.8	<p>Unexpected Contamination</p> <p>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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The remediation strategy shall be implemented as approved and a verification report shall be submitted to the Local Planning Authority.</p> <p>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 in accordance with National Planning Policy Framework, para 170, 174, 178 and 179.</p>
10.9	<p>Sustainability Measures</p> <p>Prior to the first occupation of the development full details of measures incorporated to improve energy efficiency, reduce carbon emissions and increase water efficiency/rainwater storage shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.</p>

	Reason: In the interest of sustainability in accordance with LLP1 policy CP14, LLP2 policy DM25 and para. 152 and 153 of the NPPF
10.10	<p>External Lighting</p> <p>No external lighting shall be installed on buildings or within the site unless otherwise agreed in writing by the Local Planning Authority following the submission of an external lighting plan to include full specifications of the proposed lighting.</p> <p>Reason: In order to protect the night time tranquillity of the surrounding environment in accordance with policy CP10 of the Lewes District Local Plan Part 1, policy DM29 of the Lewes District Local Plan Part 2 and para. 185 of the NPPF.</p>
10.11	<p>Balcony Screening</p> <p>Prior to the first use of the development hereby approved, obscure balcony screening, including 1.8 metre high screening on the western edge of the rear facing balcony, shall be installed in accordance with full details which are to be submitted to and approved by the Local Planning Authority and the screening shall thereafter be maintained in place in accordance with the approved details for the lifetime of the development.</p> <p>Reason: In order to protect the amenities of neighbouring residents in accordance with LLP1 policy CP11 and LLP2 policy DM25.</p>
10.12	<p>Permitted Development Restriction</p> <p>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 works defined within Schedule 2 Part 1 classes A to F inclusive and Part 2 Class A 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.</p> <p>Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 135 of the NPPF.</p>
10.13	<p>Construction Environmental Management Plan</p> <p>Prior to commencement of development, including any ground works, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full throughout the entire construction period. The CEMP shall provide details as appropriate, including but not limited to the following matters:</p>

	<ul style="list-style-type: none"> • construction site plan; • land stability assessment, mitigation and remediation plan • anticipated number, frequency and types of vehicles used during construction; • method of access and egress and routing of vehicles during construction; • parking (on-site and off-site) of vehicles by site operatives and visitors; • loading/unloading/storage of plant, materials and waste (including loading/unloading areas); • times of any deliveries related to the development, which should seek to avoid peak travel times; • photographic survey of the condition of the surrounding highway; • site compounds and location/erection/maintenance of any security hoarding, protective fences, exclusion barriers and warning signs; • provision and operation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); • measures to manage the impact upon local air quality (including dust suppression); • noise and vibration mitigation; • confirmation of no burning of materials on site; • details of any external lighting; • Site Waste Management Plan; • operating hours; • anticipated timescales for construction; • measures to manage flood risk during construction; • details of public notification / neighbour notification, including site notices with public contact details during the works; and • details of liaison with other site managers in the vicinity (if applicable) <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.</p>
10.17	<p>Site Waste Management Plan</p> <p>Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall demonstrate how the procurement of materials for the development would promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste and use of local suppliers. It shall also show how waste associated with the development will be reused or recycled wherever practicable and measures taken to minimise and manage waste generated during construction works.</p>

	Reason: In the interest of achieving sustainable development in accordance with LLP1 policies CP13 and CP14 and the LDC Sustainability in Development Technical Advice Note.
10.18	<p>Access to Common Land</p> <p>At no time during construction, or after the completion of the development shall there be any impediment that restricts access via the existing kissing gate to the common land at The Tye from Tye Close. Details of appropriate signage to direct any persons accessing The Tye from Tye Close shall be submitted to and approved by the Local Planning Authority and signs thereafter erected and maintained in accordance with the approved details.</p> <p>Reason: In order to protect green infrastructure in accordance with LLP1 policies CP7, CP10 and CP11 and para. 194 of the NPPF.</p>
11.	Informatives
11.1	<p>Development of common land – LEGAL REQUIREMENT:</p> <p>Please be aware that any development taking place on Registered Common Land will require the approval of a separate application to the Secretary of State under the Commons Act 2006, either to deregister the land as common land under section 16(1) or for consent for works on registered common land under section 38(1), of the Commons Act 2006.</p>
11.2	<p>Waste on-site</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p> <ul style="list-style-type: none"> • <i>excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution</i> • <i>treated materials can be transferred between sites as part of a hub and cluster project</i> • <i>some naturally occurring clean material can be transferred directly between sites</i> <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>We recommend that developers should refer to:</p> <ul style="list-style-type: none"> • the position statement on the Definition of Waste: Development Industry Code of Practice • The waste management page on GOV.UK
11.3	Waste to be taken off-site

	<p>Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:</p> <ul style="list-style-type: none"> • Duty of Care Regulations 1991 • Hazardous Waste (England and Wales) Regulations 2005 • Environmental Permitting (England and Wales) Regulations 2016 • The Waste (England and Wales) Regulations 2011 <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.</p>
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12.	Plans:
12.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Site Location Plan	20.11.2024	PL-06 Rev C
	Proposed Site Layout Plan	20.11.2024	PL-00 Rev D
	Proposed Lower Ground Floor, Ground Floor and Second Floor Plans	14.03.2024	PL-01 Rev G
	Proposed Elevations	20.11.2024	PL-02 Rev H
	Proposed Garage	20.11.2024	PL-03 Rev F
	Proposed Street Scenes	20.11.2024	PL-04 Rev D

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.