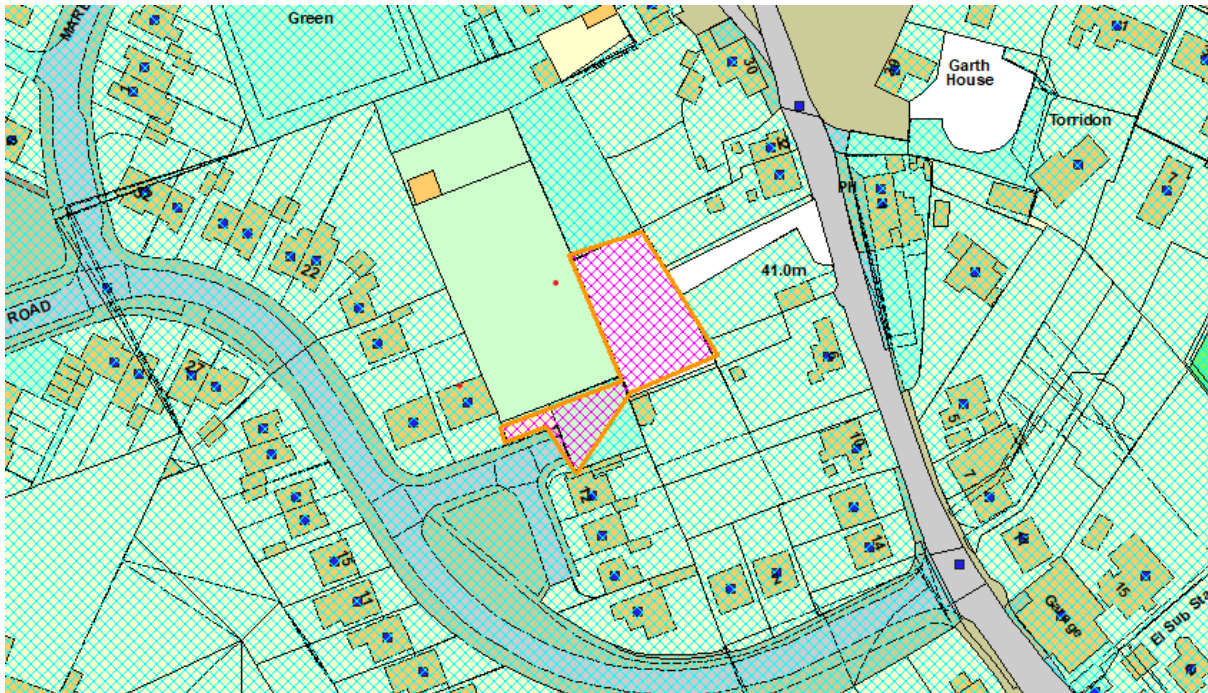


**Report to:** Planning Applications Committee  
**Date:** 6 July 2022  
**Application No:** LW/21/0828  
**Location:** Land to rear of Oldaker Road  
**Proposal:** Erection of a 3-bed detached dwelling with associated access and on-site parking.  
**Applicant:** H. Monteiro  
**Ward:** Newick  
**Recommendation:** Grant planning permission subject to s106 agreement.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

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

**Map Location:**



## 1. Executive Summary

- 1.1 The proposed development is considered to meet all relevant local and national planning policies.
- 1.2 Approval is recommended, subject to conditions and S106 agreement to secure contribution towards ongoing management of the Newick SANG and the Ashdown Forest SAMMS.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

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

### 2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: - CP10 – Natural Environment and Landscape Character
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP: – CP13 – Sustainable Travel
- LDLP: – CP14 – Renewable and Low Carbon
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP: – DM25 – Design
- LDLP:- DM33 Heritage Assets

### 2.3 Newick Neighbourhood Plan

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

## 3. **Site Description**

- 3.1 The application site is located at the rear of 4 Church Lane, Newick and is accessed from Oldaker Road, through an existing cul-de-sac that serves numbers 6-16. The main part of the site is roughly rectangular in shape, approximately 32m wide and 20m deep and runs across the rear boundary of 4 Church Lane, halfway across the rear boundary of number 6 Church Lane to the east and part of the boundary to number 10 Church Lane to the south. The total area of the development site is 861m<sup>2</sup>/0.0861ha.
- 3.2 The site is currently open rough grassland, bounded with large mature hedgerows to the eastern and western boundaries, a timber close-boarded

fence to the southern boundary and delineated by a wire fence to the adjoining plot to the north. The site slopes gently down to the north and east.

- 3.3 The site is within the Newick Development Boundary. Most of the site falls within The Newick Conservation area with just the access from Oldaker Road excluded. Numbers 4, 6 and 10 Church Lane are grade 2 listed.
- 3.4 Oldaker Road forms part of a residential development to the rear of The Green and High Street, dating from the early 1970s. The properties are two storey, mainly detached, with off-street parking, some with garages. The design of the houses is traditional, with pitched tiled roofs. External walls are either fully finished in light-coloured bricks or with white horizontal timber cladding at first floor.

#### **4. Proposed Development**

- 4.1 This application is a new submission following the overturn of officer recommendation of approval to refusal for LW/20/0842 – see para. 5.2 below.
- 4.2 As before, the application seeks full planning permission for the construction of a new house with integral garage and large garden area, accessed from the existing cul-de-sac off Oldaker Road. This application proposes a smaller, three bedroom house, with a reduction in ground floor footprint from 152<sup>2</sup> to 142m<sup>2</sup>, and moved 1 metre further away from the rear boundary, first floor footprint reduced from 87m<sup>2</sup> to 65m<sup>2</sup>, ridge height reduced from 7.1m to 6.5m and eaves from 5.36m to 4.85m.
- 4.3 Part of the house is set over two stories, running parallel with the rear site boundary, and comprises at ground floor, bedroom 1 and en-suite shower room, kitchen, study, utility room and downstairs W.C. Bedrooms 2 and 3 and a bathroom are on the first floor.
- 4.4 The single storey element is set at right angles to the main part of the house, forming a 'T' shape and comprises the main living and dining area with sliding doors opening onto a patio with the garden beyond. The roofs of both elements are pitched, with an asymmetrical pitch to the single storey element to maximise the area available on the south-facing slope for solar panels. The garage has a flat roof. There will be a rooflight in the west facing roofslope, lighting the stairwell, and two in the east facing roofslope, lighting the first floor corridor.
- 4.5 The house has been designed to reflect the characteristics of Oldaker Road using a similar palette of finishing materials – light coloured bricks at ground floor, vertical timber cladding at first floor, clay tiles to the roof. The fenestration is contemporary and utilises the outlook to maximise light to the living rooms.
- 4.6 The garage meets the ESCC space standard for car plus cycle storage.

#### **5. Relevant Planning History**

- 5.1 LW/18/0191 New single detached house and garage including ancillary accommodation with new access to Church Road - Refused 6 July 2018 for the following reasons:

- The proposed development, by virtue of its unremarkable design, lack of safe and convenient vehicular access to the proposed new dwelling, and erosion of the essential elements of the character and appearance of the area, represents an unacceptable form of backland development that is contrary to Policies ST3 and ST4 of the Lewes District Local Plan, CP11 of the Lewes District Joint Core Strategy, and HO1.6 of the adopted Newick Neighbourhood Plan
- The proposed development, by virtue of its unremarkable design, lack of safe and convenient vehicular access to the proposed new dwelling, and erosion of the essential elements of the character and appearance of the area, represents an unacceptable form of backland development that is contrary to Policies ST3 and ST4 of the Lewes District Local Plan, CP11 of the Lewes District Joint Core Strategy, and HO1.6 of the adopted Newick Neighbourhood Plan
- The proposed development, by virtue of its unremarkable design, and siting would have an adverse impact on the setting of the adjoining Listed Building No. 4 Church Road, contrary to Policies H2 and H5 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy, and HO1.6 of the adopted Newick Neighbourhood Plan.
- The proposal does not make provision for adequate visibility at the junction of the access with the public highway and would be detrimental to highway safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The formation and use of an additional access to the public highway at this point would add to the hazards of highway users to an unacceptable degree, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority and the proposal would be likely to result in standing vehicles which would interrupt the free flow of traffic on the public highway and add to the hazards of highway users, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The proposal would be detrimental to highway safety in that it does not incorporate adequate facilities to enable vehicles to turn on the site and so enter and leave the highway in forward gear, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.

5.2 LW/20/0842 Erection of a 4-bed detached dwelling with associated access and on-site parking (resubmission of LW/18/0191) – refused on 4 August for the following reasons:

- It is considered that due to the size, scale and location of the proposed dwelling the development represents overdevelopment of the site, contrary to Newick Neighbourhood Plan Policy HO1.6 and Lewes District Local Plan Policy DM25 and DM30.

- It is considered that the proposed access, due to its alignment and location would result in conflict with and be detrimental to the safety of other road users at the egress point onto Oldaker Road contrary to Policy DM25 of the Lewes District Local Plan.
- In the absence of a signed Section 106 agreement to secure financial contributions towards reducing impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) through funding towards a joint Strategic Access Management and Monitoring Strategy (SAMMS) to raise awareness of the sensitivity of the Ashdown Forest habitat, and to promote the use of alternative recreational spaces (SANG's), the proposal would be contrary to Policies CP10 and DM1 of the Lewes District Local Plan and Policy HO1.7 of the Newick Neighbourhood Plan.

## 6. Consultations

### 6.1 ESCC Archaeology

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

### 6.2 ESCC Highways

- 6.2.1 No response. However, as Highways did not object to LW/20/0842, which was for a 4 bedroom house, and as there has been no change to the road access arrangements, it can be considered the comments, set out below, remain valid:
- 6.2.2 The site is located off of Oldaker Road. The area is mostly residential in nature and is in a rural location. The main road through Newick is the A272 Goldbridge Road which runs in a broadly east-west direction approximately 150 metres north of the site.
- 6.2.3 The applicant has not submitted any TRICS database to estimate the expected vehicle trip rates for the development. However, a development of this small scale is not expected to have a material impact on the operation of the local highway network.
- 6.2.4 The applicant is proposing to create a new access point to create a 2.86m wide driveway serving the proposed development. Whilst narrow, it is considered that this would be acceptable given the low expected usage of the site. The applicant notes in their Planning, Design & Access Statement that a new crossover is proposed from the cul-de-sac, although this is not shown on the drawings
- 6.2.5 The expected car parking demand as estimated by the ESCC parking demand calculator is 2.37 vehicles. The applicant is proposing two car parking spaces for this development, one of which will be in the garage and will be equipped with an electric charging point. There is also space for at least one car on the driveway in front of the garage. This is considered acceptable. The development is also required to provide two cycle parking spaces, as per ESCC guidance for parking at residential developments. The applicant is

proposing that these are located within the garage, with space for at least six bikes. This is considered acceptable

- 6.2.6 The applicant has not provided swept path analysis plans demonstrating that large cars are able to turn within the driveway, however from the Proposed Site Block Plan (drawing 1006-PR-01) it is clear that there is sufficient space to allow vehicles to turn and exit the site in forward gear.
- 6.2.7 The Proposed Site Block Plan (drawing 1006-PR-01) shows a proposed bin store located at the new site access point off Oldaker Road. This is considered to be acceptable.
- 6.2.8 Access to the property would be from Oldaker Road which has footways on both sides of the road. There are local services within acceptable walking distance to the site, including the village store, health centre, pharmacy and schools. The closest bus stops are located on Goldbridge Road, which are less than a five-minute walk to the north of the property (or 350m). These routes serve Haywards Heath, Uckfield and Lewes. Railway stations from these locations can provide for onwards journeys towards London, Brighton, Eastbourne and Littlehampton. Overall, it is considered that the site is located in a suitably accessible location.
- 6.2.9 Mindful of the above, the County Council has no objection to the proposals subject to the inclusion of conditions and informatives.

### 6.3 Conservation and Design Officer

- 6.3.1 The Conservation officer raises no objection and the comments on LW/20/0842 remain valid:
- 6.3.2 4 Church Road is listed with the attached property as Grade II. The buildings' significance are from their age being constructed in the 18<sup>th</sup> Century, largely unaltered in form, examples of small village cottages of this period and location and for the contribution they make to the group value of historic buildings within Newick, most of which were constructed between the 18<sup>th</sup> and 19<sup>th</sup> Centuries.
- 6.3.3 An earlier application for the construction of a dwelling within the curtilage of 4 Church Road was refused due to its detrimental impact on the setting and significance of the listed building and Conservation Area. Reasons for objection to the previous application included poor design and lack of reference or sensitivity to the building forms and materials within Newick The Green Conservation Area and the building with access driveway situated within the curtilage of the listed building had a strong detrimental impact on the setting of the listed building by reducing its associated green space.
- 6.3.4 The current application proposes for the new dwelling to be sited to the rear of the plot with a separate access onto Oldaker Road. The change to the access location is considered to have overcome the concern of impacting the green space around the listed building. Historic maps have been provided that show the rear of the plot was not historically under the same use or ownership as 4 Church Road. Therefore, it is accepted that the rear of the plot is outside of the

listed building curtilage. No objection is raised on the basis of impact to the listed building curtilage by the siting of the dwelling to the rear of the plot with access from Oldaker Road.

6.3.5 There is a mature hedge across the plot to the east of the proposed new dwelling. The hedge is shown to be approximately to the height of the first floor. The hedge will provide shielding between the listed building and the plot of the new dwelling. However, the first floor and roof will be visible above the hedge from within the curtilage of the listed building and will inform its setting. The first-floor east elevation consists of an unadorned stretch of white weatherboarding. The east roof slope is proposed to have two small rooflights and one large rooflight with clay tiles. White weatherboarding and clay tiles are materials already present within the Conservation Area and so are not alien materials to the surroundings.

6.3.6 The listed building's significance is considered to be in part as an example of an 18<sup>th</sup> century cottage within a village setting. Therefore, it is not out of character of the setting of the listed building for other dwellings to be visible. The addition of a dwelling to the rear of the plot is not considered to be detrimental to the village setting of the listed building. The materials of the dwelling which will be visible from within the listed building curtilage are not out of character for the area.

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

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

6.3.9 Conditions:

- Material samples
- Rooflight details and to be fitted flush to the roof plane
- Hedge boundary to be retained

#### 6.4 District Services

6.4.1 No response received.

#### 6.5 Trees and Landscape officer

6.5.1 No response received.

## 6.6 Southern Water

- 6.6.1 Please find attached a plan of the sewer records showing the approximate position of the private sewers (coloured yellow) crossing the site. The exact position of the sewers must be determined on site by the applicant before the layout of the proposed development is finalized.
- 6.6.2 The 300 mm surface water and 150 mm foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- 6.6.3 No development or tree planting should be carried out within 3 metres of the external edge of the gravity sewers without consent from Southern Water.
- 6.6.4 No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of sewers.
- 6.6.5 All existing infrastructure should be protected during the course of construction works. Please refer to:  
[southernwater.co.uk/media/3011/stand-off-distances.pdf](http://southernwater.co.uk/media/3011/stand-off-distances.pdf)
- 6.6.6 Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.6.7 The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption.
- 6.6.8 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 6.6.9 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
  - Specify a timetable for implementation
  - Provide a management and maintenance plan for the lifetime of the development



- 6.6.10 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

## 6.7 Newick Parish Council - Summarised

- 6.7.1 It is recognised that a location within a conservation area is not immune to development, however any such developments should bring with it significant benefit and be of a design that is respectful of the area and its surroundings. The provision of one 3 bedroom house of bland design that reduces the rural nature of the surrounding area and impacts upon the older buildings within the remainder of the Conservation Area, particularly the Grade II listed buildings on immediately adjacent ground, brings no benefits to the Village of Newick. On the contrary it only brings benefit to the applicant to the detriment of the village.
- 6.7.2 The importance in retaining the open rural aspect of our village has been recognised by PINS in a number of recent appeal decisions that highlight that need.
- 6.7.3 NPC request that this application within the conservation area be considered in Committee and strongly urge its refusal.

## 7. **Neighbour Representations**

- 7.1 Representations have been received from 7 local residents, objecting to the application for the following reasons:

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

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

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

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

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

Loss of privacy/overlooking

Overshadowing and loss of sunlight to nearby gardens

Loss of green space

## 8. Appraisal

### 8.1 Key Considerations

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

### 8.2 Principle

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

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

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

8.3.1 The new house will be physically connected to Oldaker Road and although set back from the street frontage, will be seen as part of that street scene. The design has a contemporary feel and picks up design cues and materials palette from the properties in Oldaker Road – a simple pitched roof, plain clay roof tiles, light coloured bricks to the ground floor and white horizontal weatherboarding. In this respect, the proposal satisfies the design criteria of policies CP11, DM25, HO1.1, HO1.2 and HO1.3

8.3.2 The Design and Heritage Officer considers that the proposal, with access from Oldaker Road overcomes previous concerns regarding the impact on the listed building. Furthermore, there is no historical link between the site and the listed building and is considered to be outside of the curtilage.

8.3.3 There is no objection to the proposed materials, which are found elsewhere in the Conservation Area.

8.3.4 The new dwelling is not considered to be detrimental to the setting of the Conservation Area through its lack of impact on the street scene and use of traditional materials and will not conflict with policies CP11 and DM33.

### 8.4 Amenity

8.4.1 The new house has a generous garden area and overall floorspace and bedroom sizes exceed the Nationally Described Space Standards. The house and garden would not be overlooked or overshadowed by neighbouring properties. Space for refuse and recycling bins is shown on the plans. The resultant density would be

11dph, which is considerably lower than the recommended density for residential development in villages.

- 8.4.2 There are no windows at first floor level that would overlook the part of the garden of number 12 Oldaker Road that shares a boundary with the site.
- 8.4.3 The proposed house would be partially visible from the garden of number 6 Church Road. The rear wall would be 3m away from the boundary with the roof sloping away. There are no windows in the elevation facing the garden of number 6 Church Road. The rooflights in the rear facing roof slope light the first-floor corridor so will be above sight lines.
- 8.4.4 A Daylight and Sunlight Study submitted with the previous application demonstrated the impact of the proposed new dwelling on the north-west corner of number 6 Church Road on 21<sup>st</sup> March, June, September and December at various times of the day. For most of the dates and times, the proposed new house would not create any more shadow than the existing hedge. At 3pm on 21<sup>st</sup> March, 6pm on 21<sup>st</sup> June, 4pm on 21<sup>st</sup> September and 4pm on 21<sup>st</sup> December, the proposed house would cause some additional shadowing beyond the shadow cast by the hedge to parts of the rear garden.
- 8.4.5 Although an updated Daylight and Sunlight Study has not been submitted, the footprint of the proposed house in this application would be further away from the joint boundary with number 6 Church Road, the first floor reduced in width and the ridge and eaves heights have been reduced. It stands to reason that the impact on sunlight and daylight will be lessened.
- 8.4.6 Overall, it is not considered that the impact on the amenity of the occupiers of 6 Church Road would be so significant as to justify a refusal based on a conflict with policies CP11 and DM25.

## 8.5 Transport and parking

- 8.5.1 The ESCC Parking Calculator indicates that the proposal would generate a demand for 2.32 parking spaces. The integral garage would provide one of the spaces and is large enough to accommodate cycle storage as well. However, there is space on site to accommodate 2 surface level parking spaces.
- 8.5.2 The access to the site would be from the existing access to numbers 6-16 Oldaker Road. Each of these properties has off-street parking for at least 2 vehicles. The formation of a new access to serve the proposed house would result in the loss of on street parking for 2 vehicles within the hammerhead of the cul-de-sac. However, there is capacity along this small cul-de-sac without compromising individual access to any of these properties.
- 8.5.3 Any vehicle entering or leaving the application site would be at low speed, as with any similar situation with an access onto a highway. Equally, vehicles entering and leaving the cul-de-sac would be slowing down to turn around the corner. Even if a vehicle leaving the

application site is partially on the road, it will be clearly visible to others turning into and out of the cul-de-sac. It should be noted that this is a relatively quiet estate road, and the cul-de-sac is only used by a small number of properties.

8.5.4 Subject to conditions, ESCC Highways has not objected to the proposal on grounds of highway safety or parking.

8.5.5 Electric car charge points will be secured by condition.

8.5.6 The proposal satisfies policy CP13 and HO1.5.

## 8.6 Sustainability

8.6.1 Although the application was not accompanied by a Sustainability/Energy Statement, reference is made to the matter in the Design and Access Statement. A condition has been recommended to ensure that a post-construction report is submitted to demonstrate compliance with policy CP14.

## 8.7 Ashdown Forest

8.7.1 The site is located within the 7km Ashdown Forest Zone of Influence. The Ashdown Forest is an area of heathland and is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC). The provision of new residential accommodation has the potential to increase recreational use of the forest and, consequently, increase the risk of disturbance of protected bird species that reside on the heathland, including the Nightjar and Dartford Warbler.

8.7.2 In response to this, Lewes District Council, Wealden Council and Tandridge Council introduced a joint Strategic Access Management and Monitoring Strategy (SAMMS) used to raise awareness of the sensitivity of the Ashdown Forest habitat, promote the use of alternative recreational spaces (SANGs), encourage responsible dog walking informed by a code of conduct and to contribute towards education and monitoring. Due to the link between new house within the 7km Ashdown Forest Zone of Influence and the increase in use of the Ashdown Forest, any approval of the proposed development would require a financial contribution towards as per the Ashdown Forest Special Protection Area (SPA) Strategic Access Management and Monitoring Strategy Tariff Guidance - December 2015. This would be secured through the use of a Section 106 Agreement, as set out in policies CP10, DM1 and HO1.7.

## 8.8 Response to reasons for refusal LW/20/0842

8.8.1 The siting, scale and bulk of the proposed new house has been substantially reduced from the previous, refused scheme, and has satisfactorily overcomes reason for refusal 1.

8.8.2 As set out in paras. 8.52 and 8.53 above, the impact on road safety would be minimal due to the quiet nature of the cul-de-sac, clear visibility both to and from the site access and the typical speed of a vehicle using either the access or the cul-de-sac.

- 8.8.3 The application indicates the willingness of the applicant to enter into a s106 agreement to secure contributions to the Ashdown Forest SPA. As per standard practice, the s106 will be secured prior to the decision being issued.

## 8.9 Response to objections

- 8.9.1 The proposed access to the site will result in the loss of just 2 on-street parking spaces in a road where most properties have one or two off-street parking spaces. There is ample space around the site and beyond to absorb the loss of these two spaces. It should be noted that ESCC has not objected to the application.
- 8.9.2 Although one of the reasons for refusal for the previous application was that the access to the site would result in conflict and detriment to other road users, this was not upheld by the comments of ESCC Highways at the time, wherein it was considered that traffic generation would be low. The current proposal is for a reduced number of bedrooms, which would potentially lower associated vehicular movements.
- 8.9.3 The impact on the amenity by way of daylight, sunlight and overlooking is minimal if non-existent.
- 8.9.4 The listed buildings on Church Road are not visible from the public realm at the point of access to the site. The new house would be viewed from the public realm in the context of the properties in Oldaker Road and its design has taken cues from them.
- 8.9.5 The density of the proposal is just 11dph. The coverage of the footprint is less than 50% of the site area, resulting in a generous garden and the space and layout of the house offers a high standard of living for future residents; by any measure, this is not an overdevelopment of the site.
- 8.9.6 With regard to precedent for the development of nearby sites, each planning application is considered on its own merits.

## 8.10 Conclusion

- 8.10.1 The application has demonstrated that this site can be developed without detriment to the setting of the listed building and the conservation area, the residential amenity of adjoining residents and road safety. The applicant has also agreed to a s106 for a contribution to the Ashdown Forest SPA.
- 8.10.2 The design of the proposed house, although contemporary, reflects the character of the surrounding area.
- 8.10.3 A refusal on the ground of loss of amenity, overdevelopment and road safety would be very difficult to counter at appeal, particularly as the Highways Authority and the Conservation officer support the proposal.
- 8.10.4 It is considered that proposed development is acceptable, meets all relevant national and local plan policies and will make a small contribution to the District Council's housing target. Approval is

recommended, subject to conditions and a s106 agreement to secure contributions to the Ashdown Forest SPA.

## 9. Human Rights Implications

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

## 10. Recommendation

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

### 10.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Floor Plan(s)	25 October 2021	1060-PR-02-P2 - Proposed Ground Floor Plan
Proposed Floor Plan(s)	25 October 2021	1060-PR-03-P3 - Proposed First Floor Plan
Proposed Roof Plan	25 October 2021	1060-PR-01-P3 - Proposed Roof Plan
Proposed Elevation(s)	25 October 2021	1060-PR-04-P2 - Proposed Elevations Sheet 1
Proposed Elevation(s)	25 October 2021	1060-PR-06-P2 - Proposed Elevations Sheet 2
Design & Access Statement	25 October 2021	Planning & Design Statement
Proposed Block Plan	25 October 2021	1006-BL-01-P2 - Proposed Block Plan
Location Plan	25 October 2021	1060-LOC-01-P3 - Site Location Plan

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

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

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

3. No development shall commence until details of the rooflights have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent. All rooflights should be flush with the roof plane.

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

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction
- the method of access and egress and routeing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials, and waste
- the storage of plant and materials used in construction of the development
- the erection and maintenance of security hoarding
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- details of public engagement both prior to and during construction works.

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

5. No development shall take place until details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site have been submitted to and approved in writing by the Local Planning Authority for in consultation with the Highway Authority.

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

6. 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.

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

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

8. No development shall be occupied until details of the vehicular access serving the development have been submitted to and approved by the LPA and constructed in accordance with the approval. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

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

9. The development shall not be occupied until details of a parking area have been submitted to and approved in writing by the Local Planning Authority and made available prior to occupation. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls)

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

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

Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with



National Policy Guidance contained in the National Planning Policy Framework.

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

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

12. 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

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

### 10.3 Informatives:

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place. The off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be

carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.

2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193).
3. All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner

## 11. **Background Papers**

11.1 None.