**Report to:** Planning Applications Committee

Date: 3 August 2022
Application No: LW/21/0977

Location: Evershed Court, Fairlight Avenue, Telscombe Cliffs

**Proposal:** Outline application concerning the scale, appearance, layout,

and access for the demolition of existing buildings and erection of 7no. dwellinghouses and alterations to vehicular access.

Applicant: Mr Midgeley

Ward: East Saltdean & Telscombe Cliffs

**Recommendation:** Grant Planning Permission.

Contact Officer: Name: James Emery

E-mail: james.emery@lewes-eastbourne.gov.uk

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

**Map Location:** 



### 1. Executive Summary

1.1 The proposed development meets all relevant national and local planning policies and will result in an increase in the District Council's housing stock. Approval is recommended, subject to conditions.

# 2. Relevant Planning Policies

### 2.1 National Planning Policy Framework

Achieving sustainable development

Delivering a sufficient supply of homes

Promoting healthy and safe communities

Promoting sustainable transport

Making effective use of land

Achieving well designed places

Meeting the challenge of climate change, flooding, and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

## 2.2 Lewes District Local Plan

LDLP: - CP2 - Housing Type, Mix and Density

LDLP: - CP11 - Built and Historic Environment & Design

LDLP: - CP13 - Sustainable Travel

LDLP: - CP14 - Renewable and Low Carbon

LDLP: - DM1 - Planning Boundary

LDLP: - DM25 - Design

LDLP: - DM30 - Backland Development

## Site Description

- 2.3 The application site covers an area of 0.17ha, and is currently occupied by Evershed Court and Fairview which are detached two storey buildings, in mixed use with residential on the upper floor and commercial on the ground floor, with permission having been granted to use all the building as residential use. The site also comprises a number of detached pre-cast concrete garage blocks and workshops, which are set behind properties fronting Fairlight Avenue, South Coast Road and Church Close off Buckhurst Road in Telscombe Cliffs.
- 2.4 The site is located within the planning boundary of Telscombe, in a predominantly residential area characterised by a mixture of recently constructed two storey dwellings and older three storey properties.

- 2.5 Neighbours are located approx. 12.3m away to the north on Church Close, 35m away on Fairlight Ave to the east, 15m away on South Coast Road to the south and 8.1m away on Buckhurst Road to the west.
- 2.6 The site is not listed and there are no specific planning designations or constraints attached to the site.

## 3. **Proposed Development**

- 3.1 The application seeks outline planning permission concerning the scale, appearance, layout, and access for the demolition of existing buildings and erection of 7no dwellinghouses and alterations to vehicular access, with landscaping reserved.
- 3.2 The proposed dwellings would take the form of a partially staggered row of seven terraced houses, with a total width of approx. 28.5m and a depth of 11.5m. The dwellings would have three storeys, measuring 9.3m to the ridge and 5.0m to the eaves.
- 3.3 The terraced properties would be orientated south (front) to north (rear), except for the two end terrace dwellings, which would face east and west respectively. The principal access would remain on Fairlight Avenue, with access for refuse collection remaining from Fairhurst Flats to the west.
- 3.4 The properties would be finished in stock brick, with tile hanging at first floor level and to the roof dormer windows. Windows and doors will be white coloured UPVC, and the roofs will be finished in slate. Boundary treatments would comprise 1.8m high close board fencing.

### 4. Relevant Planning History

- 4.1 LW/12/0584 Erection of ten x two bed and five x three bed two storey terraced and semi-detached dwellings with parking and access from Buckhurst Road Approved January 2013.
- 4.2 Consultations

### 4.3 **Telscombe Town Council**

- 4.3.1 Offered an objection to the proposed development on the grounds of
  - i. Overdevelopment and increased noise from traffic.
  - ii. Out of character with the street scene
  - iii. Overshadowing and loss of privacy for neighbouring properties.
  - iv. The new access road from Fairlight Ave is not sufficient for additional Housing, any new road should link to Church Close.
- 4.3.2 They also offered that should the waste collection be collected from Fairhurst Flats (as per the Design and Access Statement), then only 2 of the properties would be capable of adaption to Full Mobility Compliant homes and felt that all 7 should be capable of adaption.

#### 4.4 Lewes District Council Contaminated Land

No objection and suggest attaching conditions to cover construction Environmental Management Plan (CEMP), Hours of work, Asbestos Survey, and previously unidentified contamination

## 4.5 **ESCC SuDS**

4.5.1 The LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal. If this is the case, please set out your concerns and we will endeavour to provide a response within the deadline set.

### 4.6 **ESCC Highways**

- 4.6.1 Initially responded that insufficient information had been provided to make a recommendation, and as a result further information was sought from the applicant.
- 4.6.2 Upon receiving the additional information, they responded with a 'no objection' comment, offering the below detailed comments:

#### 4.6.3 Access

The applicant has submitted a revised layout, which now provides a vehicle waiting area. This is considered acceptable. Swept path drawings have also been provided, showing internal movements for vehicles. This is considered acceptable.

### 4.6.4 Visibility

The applicant has now submitted 2.4m x 43m visibility splays at the existing access. This is considered acceptable.

#### 4.6.5 Refuse Collection

Swept path drawings for refuse vehicles have now been submitted. These are considered acceptable.

#### 4.6.6 Conclusion

With the above in mind, I would not wish to object to this application, subject to the imposition of conditions.

## 4.7 **Southern Water**

- 4.7.1 It is possible that a sewer now deemed to be public could be crossing the development site. They requested an informative on any approval, reminding the applicant of the below points.
- 4.7.2 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. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer

## 5. **Neighbour Representations**

5.1 Representations have been received from 6 local residents, all objecting to the proposed development, summarised below:

## Objections

- · Increase in parking demand
- Potential loss of privacy
- Not enough infrastructure in the area for new dwellings
- Loss of daylight
- Not sustainable
- Overdevelopment
- Construction process will disturb local residents
- Overlooking

## 6. **Appraisal**

## 6.1 **Principle**

- 6.1.1 This planning application should be considered against the provisions of the National Planning Policy Framework (NPPF) and the policies of the adopted Lewes District Local Plan Part 1 (LPP1) and the adopted Lewes District Local Plan Part 2 (LPP2).
- 6.1.2 The site is located within the defined planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2, and as such is considered a generally appropriate location for development.
- 6.1.3 Planning boundaries in the development plan were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan. A recently issued Interim Policy Statement for Housing (March 2021), the housing need figure for Lewes District has significantly increased (from 345 per annum to 782 per annum) since 11th May 2021 due to being recalculated using the standard method as a result of the Lewes District Local Plan Part 1 being over 5 years old.
- 6.1.4 Policy DM30 of the Lewes District Local Plan Part 2 outlines that within the planning boundaries, as defined on the Policies Map, development in rear domestic gardens and other backland sites will be permitted where the following criteria are met:
  - (1) the provision of safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance.
  - (2) the mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens.

- (3) the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity.
- 6.1.5 There is no objection in principle to the siting of the proposed dwellings within the planning boundary of Telscombe, providing they are designed to be appropriate in their scale, massing and materials and do not significantly impact on the amenities of the adjacent residential properties.
- 6.1.6 The net benefit achieved through the provision of additional housing would be applied in the context of a tilted balance in favour of sustainable residential development.

### 6.2 Visual Impact

- 6.2.1 The proposed dwellings would occupy an area which currently has a mixed light industrial and residential use. The existing buildings on the site are of little architectural merit, and the proposed row of terraced properties would considerably improve the appearance of the site, in accordance with Polices DM25 and DM30 of the Lewes District local Plan.
- 6.2.2 The proposed dwellings, although three storeys high, have the appearance of two storey properties with rooms in the roof served by appropriately sized dormer windows. The footprint of the proposed terraced properties would be smaller than the footprint of the existing collection of structures which currently occupy the site, reducing coverage from 669m2 to 653.8m2. It is considered that this floor area is appropriate for the site and would not be detrimental to the visual amenity of the surrounding area.
- 6.2.3 It is noted that due to the location of the development site, much of the proposed development would be obscured from the wider public domain as the site occupies an area which is largely surrounded by existing residential development. It is not considered that the proposed development would be harmful to the street scene, in accordance with policies DM25 and DM30 of the Lewes District Local Plan Part 2.
- 6.2.4 Due to the fact that the site makes use of a previously developed site, it will not result in the loss of any green space, or landscape features which would be contrary to policy DM30 of the Lewes District Local Plan Part 2.
- 6.2.5 For the reasons set out above, it is considered that the proposed development would integrate effectively with the surrounding environment, would provide potential for visual enhancements compared to the existing site and would not cause unacceptable harm to visual amenities of the surrounding area.

### 6.3 **Neighbour Amenity**

6.3.1 The submitted layout plans show that the proposed dwellings are located approx. 32m away from neighbours to the north on Church Close, 42m from neighbours to the east on Fairlight Avenue, 24m from neighbours to the south on South Coast Road and 15.2m from

- neighbours to the west on Buckhurst Road. First and second floor glazing is proposed to the south (front) and north (rear) facing elevations of the proposed dwellings and would comply with the 21m separation distance with regard to loss of privacy from overlooking from the new development.
- 6.3.2 At ground floor level the boundary of the site is bordered by 1.8m high close board fencing, with the rear gardens of the proposed dwellings also bordered by 1.8m high close board fencing.
- 6.3.3 Where side windows are proposed (on the east facing elevation of plot number 07) they serve a landing and would be conditioned to be obscure glazed. It is therefore not considered that the amenities of neighbouring properties would be unacceptably harmed through overlooking, in accordance with policies CP11 of the Lewes District Local Plan and Policy DM25 of the Lewes District Local Plan.
- 6.3.4 As outlined above, the dwellings themselves would be positioned some distance away from neighbouring properties, as a result it is not considered that the proposed dwellings would appear overbearing or cause undue levels of overshadowing towards neighbouring residential property.
- 6.3.5 The proposed car parking areas would be positioned to the rear of the dwellings to the north of the site. This parking area is not directly adjacent to the boundaries of the site with existing dwellings, as a result it is not considered that the provisioning of the parking areas would result in any unacceptable disruption of degradation of neighbour amenities as a result of noise, light or air emissions.

### 6.4 Living Conditions of Future Occupiers

- 6.4.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 6.4.2 The submitted layout plans show all primary habitable rooms being served by windows with an unobstructed outlook allowing for good levels of natural light permeation. There are windows and openings on 3 aspects of each dwelling. It is considered that this would prolong exposure to natural light throughout the day as well as assist natural ventilation of the building.
- 6.4.3 The Department for Communities and Local Government has produced the Technical housing standards nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants.
- 6.4.4 Based on the submitted plans, the proposed dwellings numbered 1, 2, 4, 5, 6 and 7 would each accommodate 3 bedrooms, and each

would have a GIA of 91.1m2. Dwelling number 4 would accommodate 4 bedrooms and have a GIA of 105.4m2. This comfortably exceeds minimum space standards for a 3 bed dwelling (based on occupation by a household of up to 5 persons) which is set at 90 m2 and the requirement of a 4 bed dwelling (with a household of up to 5 persons) to have a floor area of 103m2.

6.4.5 Each dwelling would have access to a private rear garden of a size that is considered to be ample to serve the amenity needs of future occupants.

### 6.5 **Parking and Highways Impacts**

- 6.5.1 East Sussex County Council Highways were consulted on the proposed development regarding the parking and highways impacts.
- 6.5.2 They offered the applicant has submitted a revised layout, which now provides a vehicle waiting area. This is considered acceptable. Swept path drawings have also been provided, showing internal movements for vehicles. This is considered acceptable.
- 6.5.3 Visibility
  - The applicant has now submitted 2.4m x 43m visibility splays at the existing access. This is considered acceptable.
- 6.5.4 Refuse Collection
- 6.5.5 Swept path drawings for refuse vehicles have now been submitted. These are considered acceptable.
- 6.5.6 In view of the above assessment from ESCC highways, it is considered that the proposed parking and access are acceptable
- 6.5.7 The site is within the planning boundary and has access to bus routes, and services. Close by, there is a range of local shops on South Coast Road which is approx. 0.5-mile walking distance from the site, the entire distance being accessible by paved paths. The nearest bus stops approx. 3 mins walk to the south of the on South Coast Road, and links to the coaster service which links the large settlements of Brighton, Eastbourne and beyond. It is therefore considered that there would be a lower reliance on the use of private motor vehicles.
- 6.5.8 Conditions will be used to ensure that a number of parking spaces are equipped with electric vehicle charging points in order to encourage an uptake in the use of more sustainable modes of transport.

#### 6.6 Flooding and Drainage

6.6.1 The site is not located within an area that is noted as being susceptible to flooding. It is considered appropriate that hard surfaced areas should use permeable materials unless there is a specific requirement for impermeable surfacing. Rainwater harvesting apparatus should also be provided as a means to reduce surface water run-off.

### 6.7 Sustainability

6.7.1 The application proposes cycle parking for residents to the northern boundary of the site. The potential to incorporate further renewable energy generation should be thoroughly assessed and a condition is proposed to address the need to reduce energy and water consumption and minimise the carbon emissions of each dwelling.

### 6.8 Comments on objections

6.8.1 The issues raised by the proposal have been covered in the main body of this report.

## 7. Human Rights Implications

7.1 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 considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

### 8. **Conclusion**

- 8.1 The proposed dwellings are located within the planning boundary and are considered to be in a sustainable location where there is an established network of dwellings and shops, services and public transport links which are within walking/cycling distance. It is considered that the proposed dwellings would provide a suitable standard of living conditions for future occupants whilst also preserving the amenities of neighbouring residents. Site landscaping presents the opportunity to achieve biodiversity net gain within the site. It is therefore recommended that the application is approved, subject to the conditions listed below
- 8.2 Grant Outline Permission subject to the following conditions

8.3 **Conditions** 

1. This decision relates solely to the following plan(s):

<u>PLAN TYPE</u>	DATE RECEIVED	<u>REFERENCE</u>
Technical Report	10 June 2022	Transport and Access Note v-01
Other Plan(s)	10 June 2022	<b>Evershed Additional Information</b>
Other Plan(s)	10 June 2022	CEP Drawings 2, 3 and 4
Proposed Elevation(s)	4 February 2022	EVC.21.11 - Proposed Rear and Side (West and East) Elevations
Proposed Block Plan	30 April 2021	EVC.21.0 - Site Location Plan and Proposed Block Plan

Location Plan	17 December 2021	EVC.21.0 - Site Location Plan and Proposed Block Plan
Proposed Floor Plan(s)	17 December 2021	EVC.21.10 - Proposed Second Floor Plans
Other Plan(s)	30 April 2021	EVC.21.6 - Proposed Site Plan
Other Plan(s)	17 December 2021	EVC.21.1 - Existing Site Plan
Existing Floor Plan(s)	17 December 2021	EVC.21.5 - Existing Ground Floor and Upper Floor Plans of Rear Building
Existing Floor Plan(s)	17 December 2021	EVC.21.4 - Existing Attic Floor Plans
Existing Floor Plan(s)	17 December 2021	EVC.21.3 - Existing First Floor Plans Front Building
Proposed Floor Plan(s)	17 December 2021	EVC.21.2 - Existing Ground Floor Plan Front Building
Proposed Floor Plan(s)	17 December 2021	EVC.21.9 - Proposed First Floor Plans
Proposed Floor Plan(s)	17 December 2021	EVC.21.8 - Proposed Ground Floor Plans
Existing Elevation(s)	17 December 2021	EVC.21.7 - Existing and Proposed South (Front) Elevation
Proposed Elevation(s)	17 December 2021	EVC.21.7 - Existing and Proposed South (Front) Elevation
Design & Access Statement	17 December 2021	Design and Access Statement & Planning Statement
Planning Statement/Brief	17 December 2021	Design and Access Statement & Planning Statement

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

2. No development shall commence until details of the Hard and Soft landscaping (hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### 3. PROVISION OF PARKING

The development shall not be occupied until the parking areas/spaces have been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

4. PARKING SPACES (SIZE) 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 .

#### 5. CYCLE PARKING

The development shall not be occupied until secure cycle parking facilities have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles

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

#### 6. VEHICLE WAITING AREA

The development shall not be occupied until a waiting area for vehicles has been provided and constructed in accordance with the approved plans and the waiting space shall thereafter be retained for that use and shall not be obstructed.

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

### 7. VISIBILITY SPLAYS

The access shall not be used until visibility splays of 2.4m by 43m in both directions are provided and maintained thereafter.

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

### 8. CEMP

No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and the means of keeping local residents informed of key stages and how to complain if issues arise, and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality

#### 9. HOURS OF WORK

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

Reason: To protect the amenity of the locality in accordance with policy DM25 of the Lewes District Local Plan.

### 10. ASBESTOS SURVEY

Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised 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].

#### 11. CONTAMINATION

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.

The remediation strategy shall be implemented as approved.

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, 178 and 179].

#### 12. FOUL WATER

Prior to the commencement of the development hereby approved, details of foul water drainage shall be submitted to and approved by the Local Planning Authority and water authority.

The development shall be carried out in accordance with the approved details and no occupation of any part of the development shall occur until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory drainage in accordance with policy CP12 of the Lewes District Local Plan.

#### 13. SURFACE WATER

Prior to the commencement of the development hereby approved, details surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, shall be submitted to and approved by the Local Planning Authority. This must include details of how discharge of surface water onto the highway will be prevented.

The development shall be carried out in accordance with the approved details and no occupation of any part of the development shall occur until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage in accordance with policy CP12 of the Lewes District Local Plan and para. 163 of the NPPF.

### 14. HARD AND SOFT LANDSCAPING

Prior to completion any residential unit forming part 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:

- Details of all hard surfacing.
- Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site).
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- Ecological enhancements and Biodiversity Net Gain.

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.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with LLP1 policy CP 12.

## 15. EV CHARGING

Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each

dwelling in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13, para. 112 of the NPPF

#### 16. RENEWABLE ENERGY

The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.10, LLP2 policies DM24 and DM27, para. 174 of the NPPF.

17. EXTERNAL MATERIALS Before the development hereby approved is commenced on site, details/samples of all external materials including all facing, roofing, and fenestration shall be 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 Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

### 9. Background Papers

9.1 None.