

# Planning Committee

## 24 September 2019



Working in partnership with **Eastbourne Homes**

**Time and venue:**

**6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG**

**Membership:**

**Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan**

**Quorum: 2**

*Published: Monday, 16 September 2019*

## Agenda

- 1 Minutes of the meeting held on 27 August 2019 (Pages 5 - 8)**
- 2 Apologies for absence and notification of substitute members**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

**4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

**5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

- 6 282 Kings Drive. Application ID: 181178 (Pages 9 - 36)**
- 7 Appeal Decision - 189 Terminus Road ID: 3214271 (Pages 37 - 38)**
- 8 Appeal Decision - Wood Winton. ID: 3229204 (Pages 39 - 44)**
- 9 College Conservation Area Appraisal (update)**

Verbal update from Head of Planning

# Information for the public

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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## Speaking at Planning

### Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

**Please note:** Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

## Information for Councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:** Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01323 410000

**Website:** <http://www.lewes-eastbourne.gov.uk/>



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## Planning Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 27 August 2019 at 6.00 pm**

### **Present:**

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

### **Officers in attendance:**

Helen Monaghan (Lawyer, Planning), Leigh Palmer (Interim Head of Planning), James Smith (Specialist Advisor for Planning) and Nick Peeters (Committee Officer)

### **32 Minutes of the meeting held on 23 July 2019**

The minutes of the meeting held on 23 July 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

### **33 Apologies for absence and notification of substitute members**

There were no apologies given and there were no notifications of substitute Members.

### **34 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Barry Taylor declared a Prejudicial Interest in minute 37, 282 Kings Drive as he was the owner of a care home. He withdrew from the room while the items were considered and did not vote.

### **35 Urgent items of business.**

There were none.

### **36 Right to address the meeting/order of business.**

The business of the meeting proceeded in accordance with the agenda.

**37 282 Kings Drive. Application ID: 181178**

Planning permission for the demolition of existing house and associated structures and provision of 85 Bed Care Home with Parking, Landscaping and Highway Access – **RATTON**

Having declared a prejudicial Interest, Councillor Barry Taylor was absent from the room during discussion and voting on this item.

Richard Thomas, local resident, representing Kings Drive Scrutiny Group, addressed the Committee in objection, raising concern regarding the size of the building, the effect on the local environment including trees and the dominating appearance in the local area.

Councillor Freebody, Ward Councillor, addressed the Committee (from the public gallery) in objection to the officer recommendations. He referred to the negative impact the proposals would have on the immediate environment, the loss of privacy for neighbouring properties and the insufficient parking.

Alison Knight, agent, spoke in response to the concerns raised, stating that the development was of high quality, the majority of residents in care homes came from within a three mile radius and that vehicle movement was reduced as the majority of residents did not drive and visits were less frequent.

The Committee discussed the application and recognised that there was a requirement for residential care with suitable facilities in the area; the elderly and vulnerable should be prioritised. Members expressed concern at the size of the development, the number of rooms and that it was in front of the existing building lines. Officers explained that there was not a policy that inhibited this.

Councillor Diplock felt the development was too large and that the developer and planning team be requested to look at the feasibility for a smaller scheme. For this reason, Councillor Diplock proposed a motion to defer the application. This was seconded by Councillor Maxted.

**Resolved (by 4 votes to 3 against):** that the application be deferred due to the size/over-massing of the proposed development and to allow the developer and Planning team to liaise on the viability of an alternative development.

**38 14-29 Brassey Parade. Application ID: 180913**

Planning permission for the construction of an additional storey and re-modelling of existing building to provide 22 additional residential units (to include sub-division of 1 existing flat into 2 units) together with the retention of 7 existing flats at first floor level thereby resulting in a combined total of 29 residential units. Configuration to comprise: 17 flats (9 x studio units and 8 x 1-bed units) at second floor level; 5 no. 1-bed flats on first floor together with retention of existing 7 x 2-bed flats – **HAMPDEN PARK**

This application was brought back to the Planning Committee following its previous consideration at the meeting on 11<sup>th</sup> December 2018, where Members resolved to approve the application subject to the completion of a S106 Agreement to secure provision of affordable housing. The applicant made the decision to amend the scheme by removing one floor of residential units as the original proposals were not sustainable. Members agreed that the scheme remained an improvement on what currently existed but expressed dissatisfaction at the design and in particular the loss of the 'Hansard' roof.

**Resolved (6 votes in favour and 2 against):** That permission be approved.

**39 South Down National Park Authority Planning Applications (Verbal update)**

There were none.

The meeting ended at 7.00 pm

Councillor Jim Murray (Chair)

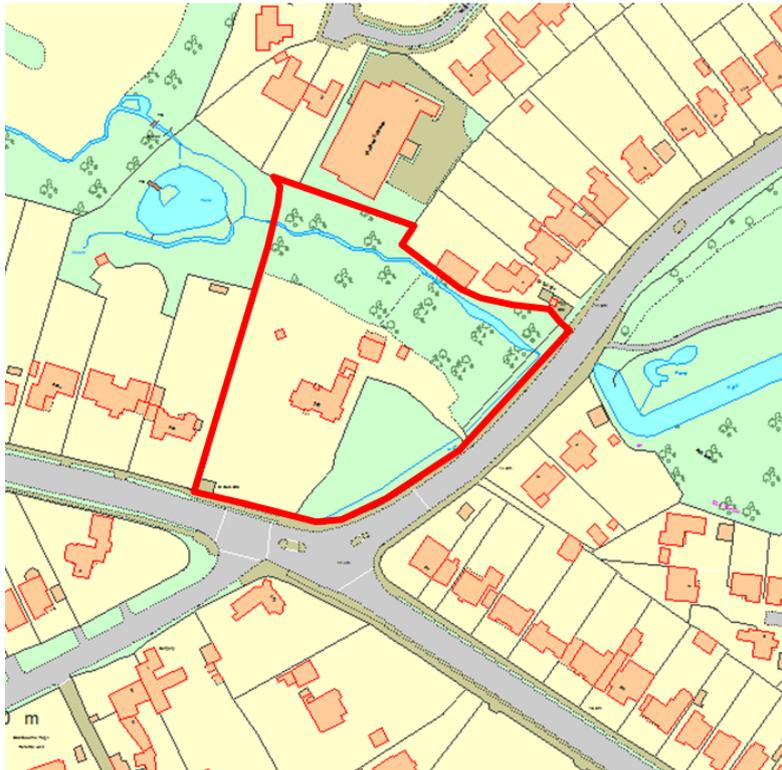
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# Agenda Item 6

<b>App.No:</b> 181178	<b>Decision Due Date:</b> 27 August 2019	<b>Ward:</b> Ratton
<b>Officer:</b> James Smith	<b>Site visit date:</b> 17 <sup>th</sup> January 2019	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 13 <sup>th</sup> January 2019 <b>Neighbour Con Expiry:</b> 13 <sup>th</sup> January 2019 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Additional ecology surveys required.		
<b>Location:</b> 282 Kings Drive, Eastbourne		
<b>Proposal:</b> : Demolition of existing house and associated structures and provision of 85 Bed Care Home with Parking, Landscaping and Highway Access		
<b>Applicant:</b> J Rowntree		
<b>Recommendation:</b> <ol style="list-style-type: none"><li>1. Officers formally invite the submission of amended drawings to illustrate the changes to the scheme</li><li>2. Consult the interested parties on the proposed changes to the scheme .</li><li>3. Delegated the decision to approve application to the Head of Planning in consultation with the Chair of Planning Committee subject to no new material issues being raised as a result of the additional consultation from those already reported in the August Committee report.</li><li>4. If any new material issues from those raised in the August committee report are received from the consultation regime then the case will be reported back to planning committee to debate the merits of the new issues</li></ol>		

**Contact Officer(s):**      **Name:** James Smith  
   **Post title:** Specialist Advisor (Planning)  
   **E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)  
   **Telephone number:** 01323 415026

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## 1 General Background

- 1.1 Members will recall that this case was reported to the Planning Committee in August 2019.
- 1.2 The case was deferred in order to allow officers to attempt to negotiate with the developers whether any mitigation could be introduced to reduce the scale and impact of the development.
- 1.3 In response to this deferral the developers have implemented the following schedule of changes:-
- A reduction of 5 bedrooms in total (85 rooms down to 80)
  - Setting the building into the ground (16m AOD) approximately 2.1m below Kings Drive
  - Setting the building back from the front by approximately 1.5m to align with the front building line of the adjacent property
  - Refuse vehicle access and turning details.
- 1.4 These changes are the applicants attempt to overcome the Committees concerns and are reported here as an early indication of the potential changes/alterations to the scheme.

## **Recommendation**

- 1 Officers formally invite the submission of amended drawings to illustrate the changes to the scheme
  - 2 Consult the interested parties on the proposed changes to the scheme.
  - 3 Delegated the decision to approve application to the Head of Planning in consultation with the Chair of Planning Committee subject to no new material issues being raised as a result of the additional consultation from those already reported in the August Committee report.
  - 4 If any new material issues from those raised in the August committee report are received from the consultation regime then the case will be reported back to planning committee to debate the merits of the new issues
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The officer's report from August 2019 is reported on full below.

## **2 Executive Summary**

- 2.1 The proposed development would represent a suitable use of the site and seeks to maximise its development potential.
- 2.2 Appropriate design and layout solutions have been incorporated into the scheme to ensure that there would be no material impact upon the amenities of neighbouring residents. The development also ensures that the overall character and appearance of the surrounding area and the integrity of the Local Wildlife Site is maintained and safeguarded.
- 2.3 The scheme originally proposed an elevated boardwalk through the Local Wildlife Site area, this has been deleted from this proposal and if to be pursued would be the subject of a further planning application.
- 2.4 The proposed new access point and the density of the parking are considered to be suitable to serve the development and has the support of East Sussex Highways Department.
- 2.5 The proposed scheme satisfies the overarching components that represent sustainable development by providing accommodation for people in need of care (social objective), provision of a substantial amount of new jobs (economical objectives) and preservation and enhancement of the Local Wildlife Site (environmental objective).
- 2.6 Suitable conditions will be attached in order to ensure these objectives are met.

### **3 Relevant Planning Policies**

#### **3.1 Revised National Planning Policy Framework 2019**

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

#### **3.2 Eastbourne Core Strategy 2013**

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C12 Ratton & Willingdon Village Neighbourhood Policy
- D2 Economy
- D7 Community, Sport and Health
- D8 Sustainable Travel
- D9 Natural Environment
- D10 Historic Environment
- D10a Design

#### **3.3 Eastbourne Borough Plan Saved Policies 2007**

- NE4 Sustainable Drainage Systems
- NE7 Waste Minimisation Measures in Residential Areas
- NE18 Noise
- NE20 Sites of Nature Conservation Importance
- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT2 Height of Buildings
- UHT3 Setting of the AONB
- UHT4 Visual Amenity
- UHT7 Landscaping
- US3 Infrastructure Services for Foul Sewage and Surface Water Disposal
- US4 Flood Protection and Surface Water Disposal
- HO3 Retaining Residential Use
- HO20 Residential Amenity
- HO17 Supported and Special Needs Housing
- TR6 Facilities for Cyclists
- TR11 Car Parking

### **4 Site Description**

- 4.1 The site is currently occupied by a single L-shaped two-storey residential dwelling which is set well back from the road, in a broadly central location within the plot.

The dwelling is accessed via a gated driveway which is taken from Kings Drive. This driveway leads to a hard surfaced parking area to the front of the building.

- 4.2 The grounds of the dwelling are predominantly surfaced in grass. There are a number of mature trees within the site curtilage, primarily concentrated around the site boundaries. There are also a number of outbuildings distributed throughout the site.
- 4.3 Decoy Stream traverses the northern part of the site. This part of the site is largely undisturbed, although there are informal footpaths around the banks of the stream, as well as footbridges, The banks of the stream are flanked by mature trees which provide relatively dense coverage. This part of the site forms part of The Coppice Local Wildlife Site, which also incorporates parts of neighbouring sites to the west, where the stream passes through. The stream passes below Decoy Drive to the east of the site and continues into Hampden Park, feeding into the lake.
- 4.4 The site is a corner plot located at the convergence of Kings Drive and Decoy Drive. This plot is significantly larger than neighbouring plots. The most prevalent form of development within the surrounding area consists of large, detached dwellings positioned on sizeable plots. Dwellings are generally set back from the road and occupy the majority of the width of their respective plots. Mature street trees amalgamate with trees and other landscaping within the curtilage of properties on Kings Drive and Decoy Drive to generate a verdant character and appearance and also acts as a screen. There is a single-storey telephone exchange building on Waldron Close adjacent to the rear (north) of the site.

## **6 Relevant Planning History**

- 5.1 EB/1955/0272 - surface water sewer - Approved 21<sup>st</sup> July 1955
- 5.2 EB/1987/0771 – Erection of 7 dwellings, including retention of existing building, together with access from Decoy Drive – Refused 11<sup>th</sup> February 1998 – Appeal Dismissed
- 5.3 EB/1988/0663 - Erection of 7 dwellings, including retention of existing building, together with access from Decoy Drive – Refused 23<sup>rd</sup> December 1988 – Appeal Allowed.
- 5.4 EB/1989/0074 – Erection of 2-storey house with garage - Approved Conditionally 15<sup>th</sup> March 1990
- 5.5 EB/1990/0247 - Approval of reserved matters following permission EB/88/0613 regarding siting and means of access for three houses - Approved – 12<sup>th</sup> June 1990
- 5.6 EB/1992/0423 - reserved matters details for outline consent 88/663 - Approved 1<sup>st</sup> December 1992

## **6 Proposed development**

- 6.1 The proposed scheme involves the demolition of the existing dwelling and outbuildings and the construction of a 3½-storey building which would accommodate an 85 bedroom care home with a rough J-shaped footprint. Projecting elements on the western side of the building would be stepped down to two-storey height. The main roof would be a flat topped mansard form, with roof slopes replicating a hipped roof appearance. Various gable ends would be formed as a means to increase articulation within the fabric of the building. The overall footprint of the building would be approximately 2012 m<sup>2</sup>. The third floor of the building would be restricted to northern wing and would be incorporated entirely within the roof space. This floor would accommodate ancillary functions such as staff offices, training rooms, the main kitchen, a laundry room and a plant room.
- 6.2 The existing access from Kings Drive would be closed off and a new access formed on Decoy Drive. This would serve a designated parking area providing 35 car parking spaces in addition to a motorcycle parking area and a cycle storage area. The main entrance to the building would be adjacent to the car parking area, on the eastern elevation of the building.
- 6.3 A number of ancillary amenity features would be incorporated into the proposed building and grounds. The majority of these features would be at ground floor level and would include a café, with an associated outdoor seating area to the west of the building, a cinema room and a function room. There would also be modestly sized outdoor seating areas at first floor height on the western elevation of the building. These would be adjacent to raised enclosed winter/summer gardens which would have glazed roofing above them.
- 6.4 The grounds of the building, other than the area used for car parking, would be available for amenity use. Parts of the plot would provide hard surfaced seating areas associated with bedrooms or communal dayrooms. The Local Wildlife Site area around the stream at the northern end of the site would not be significantly disturbed but may be connected to a wider network of footpaths forming a sensory walk. A small amount of play equipment would be installed within the grounds as would a greenhouse which would be used as a gardening club by residents.

## **7 Consultations**

- 7.1 Specialist Advisor (Planning Policy)
- 7.1.1 The site is located within the Ratton & Willingdon Village neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It is located within the predominantly residential area as defined by the Eastbourne Borough Plan 2001-2011 (saved policies).
- 7.1.2 The proposal involves the loss of a single private dwelling and the replacement with an 85 bed care home. Borough Plan Policy HO3 restricts development that would involve a net loss in the number of existing dwellings, unless the scheme would result in a significant improvement in the quality of residential

accommodation provided.

- 7.1.3 Borough Plan Policy HO17 supports the development of residential care homes, subject to proximity to public transport, shops, open spaces, entertainment and community facilities along with the suitability of the property and the provision of adequate parking. The site is located on a main route into the town, not far from the Hampden Park District Shopping Centre. It is also adjacent to Hampden Park itself, which includes a park and open space. In addition, it is on a bus route with two bus stops just outside of the site. Car parking is being provided on site. As such, it is considered to be consistent with Borough Plan Policy HO17.
- 7.1.4 Within the site boundary is part of a Local Wildlife Site (formerly known as Site of Nature Conservation Importance), which is protected under Borough Plan Policy NE20.
- 7.1.5 Although the proposal would result in the loss of a dwelling contrary to Borough Plan Policy HO3, it is supported by Borough Plan Policy HO17 and would provide additional residential accommodation to meet local needs.
- 7.2 CIL
- 7.2.1 As per the Eastbourne Charging Schedule, care homes are not liable for CIL.
- 7.3 Southern Water
- 7.3.1 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal including the capacity of the existing network to accommodate the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- 7.4 County Archaeologist
- 7.4.1 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):
- 7.5 County Ecologist
- 7.5.1 Required further evidence to prepared and submitted alongside the application. This has been done with further controls via planning condition.

- 7.6 Highways ESCC (following an initial objection):
- 7.6.1 The applicant has submitted details that now overcome the previous highway objection and the application does not attract highway objection subject to the inclusion of highway conditions.
- 7.6.2 Location of the refuse collection point – this has now been shown on the plan 901 E and is acceptable.
- 7.6.3 RSA1 and designer’s response for access details, plus any emerging amended plans and RSA update – this has been provided and highlight 5 problems which are not considered to be insurmountable and can be easily overcome through planning condition and s 171 agreement for the highway access construction. I can confirm that the designer’s response adequately addresses the problems. The RSA1 and designers response sets out that the access in the position shown is feasible and therefore accepted. Details to be added to the access include dropped kerb sections for pedestrians traversing the access.
- 7.6.4 Suitable access visibility sightlines shown on the site plan, showing and boundary treatment/measures to secure the sightlines in perpetuity – the boundary treatment has been altered looking south which now addressed the visibility objection raised previously. It is noted that the road safety auditor also flagged this up. Plan 901E shows a revised boundary and indicates secured sightline looking towards the mini-roundabout. Boundary treatment details have not been provided though it is assumed that the LPA will accept a low level hard feature that does not obstruct the driver sightline above 600mm. This matter can be addressed through a planning condition.
- 7.6.5 Submitted in response to the earlier highway objection is a further trip assessment taking account of background growth to 2023 and how it impacts on the mini roundabout Decoy Drive and Kings Drive. The key area to focus on is the comparison of trips between 2023 flows and 2023 flows + development in the busiest periods both for the network and for the development. As shown in the table provided by the applicant (figures have been verified) the difference between the development peak period trips for 2023 and 2023+devt is 12 PCUs (passenger car unit) in 07-0800hrs and 9 PCUs 08-0900; 13 PCUs 15-1600hrs and 8 PCUs 17-1800hrs. The expected impact as a result of the proposed development is less than 1% in all 4 periods and is not anticipated to be a difference that could warrant a highway objection. The figures in this table assume that all associated development traffic uses the mini-roundabout when in fact there may be traffic arriving and departing to/from the Hampden Park direction. Based on this further assessment of highway impact from associated vehicles, I do not wish to raise highway objection.

Peak Hour Assessed	Roundabout Junction Total Flows (PCU)						
	2018 Observed Flows	Growth to 2023	2023 Future Flows (2018 + Growth)	DTPL Development Trips	Future + Development (DTPL Trips)	ESCC Development Trips	Future + Development (ESCC Trips)
Development Morning Peak 07:00 - 08:00	1138	77	1215	10	1225	12	1227
Network Morning Peak 08:00 - 09:00	1886	128	2014	9	2023	8	2022
Development Evening Peak 15:00 - 16:00	1757	114	1871	11	1882	13	1884
Network Evening Peak 17:00 - 18:00	1927	126	2053	7	2060	8	2061

7.6.6 Consideration of the bus stop position on Decoy Drive closest to the site, and its impact on the proposed access point. This issue has been reconsidered and it is agreed that a waiting bus at the bus stop is not likely to impact on highway safety for reasons that a bus is not always going to stop and when it does it is not a long term waiting area for the services that operate from here. I retract my original comment on the basis that a bus stop here is unlikely to wait long enough require overtaking manoeuvres from vehicles turning left from the site access.

7.6.7 A full suite of conditions are requested, all of which should be attached to any given approval.

7.7 SUDs:

7.7.1 Controlled via planning condition further details are requested to inform as to the wider drainage strategy should be supplied and approved in consultation with the ESCC SuDs team and the Pevensey and Cuckmere Water Level Management Board.

7.8 Stephen Lloyd MP:

7.8.1 Objects to the proposal for the following reasons

7.8.2 Acceptance of the proposal would fail to follow policies as set out in the NPPF, Eastbourne Borough Plan and Eastbourne Core Strategy. The proposal is not in keeping with the Council's plans and policies as far development of the town and its suburbs.

7.8.3 The proposal negatively impacts on the residential character and amenities of the area. The development fails to keep with the style and nature of the area and negatively impact current services and amenities.

7.8.4 The proposal negatively impacts on adjacent and surrounding properties due to bulk of building in a location historically subject to subsidence.

7.8.5 The sheer size of the development will overshadow its neighbours and the area. The realities of frequent subsidence could also be a concern given the development's size.

- 7.8.6 The proposal negatively impacts on Eastbourne District General Hospital and other care providers from staffing requirements.
- 7.8.7 The development will add pressure to our hard-working local hospital and medical services, and could act as a draw away from these services in terms of staffing.
- 7.8.8 The proposal negatively impacts on traffic movement and KSI statistics for East Sussex across multiple user groups - In an area already suffering from congestion and traffic, an increase in this will add fuel to the fire.
- 7.8.9 Placing a care home on a noisy designated Primary Route into Eastbourne. Kings Drive and its adjoining road are used as a primary means of access to the town, as well as a cut through, the presence of a large institute supporting vulnerable people on these roads does not seem to fit with the needs of its proposed residents.
- 7.8.10 Increase in use of local roads for parking. Kings Drive has already required a road traffic order to prevent dangerous parking along the verges. With the likely large number of staff, residents and visitors parking will be needed and these plans do not adequately provide for this - the assumption being that the roads will become like many of the overcrowded sections in our town, with cars parked wherever there is space.
- 7.8.11 Creating an unsustainable alteration to the local wildlife habitat. This proposal is close to a site of scientific interest - this does not seem to have been adequately understood or considered in the proposal.
- 7.8.12 There seems to be some confusion on the behalf of the developer as to whether the property would be classed as brown or green field site.

## **8 Neighbour Representations**

8.1 Letters of objection have been received from 37 separate addresses. Points raised are summarised below:-

### **8.2 Highway Impacts:**

- Insufficient on- site parking provided;
- Will result in increased parking at the bottom of Park Lane;
- Will cause congestion on mini roundabout;
- Significant increase in traffic which is already bad;
- New access will be hazardous to motorists and pedestrians including schoolchildren;
- There are no designated areas for lorries and goods vehicles;
- There have been eight injury road traffic collisions at or near the mini-roundabout between November 2013 and October 2018;
- Short sight lines and fast traffic around mini roundabout area;

- No detail of vehicle turning circles provided;
- Site entrance would be immediately opposite driveway for No. 274 Kings Drive, which is its only means of vehicular access;
- No details provided for parking of ambulances;
- Trees and fencing on boundary lines would obstruct visibility on roads and at junctions;

### 8.3 Landscape & Ecology:

- We weren't informed that boardwalk area would be included in Local Wildlife Site;
- Additional biodiversity surveys should be carried out;
- Submitted biodiversity report suggests Local Wildlife Site should not be disturbed;
- Too many trees would be removed, including two oaks of high value;
- The woodland supports breeding birds;
- Some trees have already been removed from the site;
- Loss of natural screening on Decoy Drive;
- Landscaping works will facilitate the development and benefit future occupants but will not benefit wider community;
- Would result in light pollution, impacting upon wildlife;

### 8.4 Principle & Process:

- Amount of units more than we were told at public consultation (85 rather than 65);
- Business use not suited to residential area;
- C2 development is not residential development;
- Eastbourne does not need more nursing homes – more facilities for young disabled people are needed;
- An application to convert 286 Kings Drive to a care home was refused in 1987;
- Kings Drive is unacceptably busy and noisy for this form of development, as was stated when permission for nursing home at 286 Kings Drive refused in 1987;
- The application site is green field not brown field;
- The developer has erred in law by identifying the site as brown field. The site is not listed on the Council's brown field register;
- Will negatively impact upon existing care homes;
- Will take staff from Eastbourne District General Hospital;
- Ratton & Willingdon is acknowledged as being the least sustainable area in the Borough (as per the Core Strategy);
- Will result in loss of a family home;
- There is a market for the existing property;

- Application lacking in detail;
- No planning notice displayed on site;
- Further information requested in pre-application advice has not been provided – including 3D visuals and sections;
- No ground levels showing the considerable slope of the land, ground is shown as level on elevation drawings;

#### 8.5 Visual/Residential Amenity:

- Footprint is 8 times that of existing building and should be reduced;
- Decked area would be at a higher level than the fencing at the neighbouring property;
- Decked area would obscure views of the most attractive parts of the stream;
- Deliveries will cause disturbance – restrictive delivery times are not adhered to at nearby Sunrise development;
- Height of building is out of keeping with surrounding area;
- Building is close to neighbouring properties and will overshadow them;
- Overdevelopment of the site;
- Building set too far forward on Kings Drive elevation;
- Garden of 284 Kings Drive will be overlooked;
- Would change the character of the area and set a precedent;
- Will impact on the setting of nearby Grade II Listed Building (The Old Manor House);

#### 8.6 Flood Risk:

- Very little open green space retained to absorb surface water;
- Removal of trees will increase flood risk;
- Flood risk is high along the watercourse at Decoy Stream;

#### 8.7 Infrastructure:

- Would be a large increase in sewage and there have been recent problems with the drains;
- There has been damage to high voltage cables close to proposed site entrance in recent times;
- Will impact on water pressure and supply;

#### 8.8 Other:

- The surrounding area is known to suffer from subsidence.

## 9 Appraisal

### 9.1 Principle:

- 9.1.1 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives, that form the components of sustainable development, is a social objective (para. 8 b). The social objective requires the support of 'strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.' The retention of care facilities at the site is considered to support the continued presence of a mixed community in the surrounding area, promoting cohesion and interaction between different elements of the community and, thereby, improving community well-being.
- 9.1.2 Para. 61 of the NPPF provides further context, stating that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including... older people...and... people with disabilities). This social objective is recognised by Policy D7 of the Eastbourne Core Strategy, which states that 'The Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs.'
- 9.1.3 Saved policy HO17 of the Eastbourne Borough Plan supports the development of residential care homes, subject to proximity to public transport, shops, open spaces, entertainment and community facilities as well as on the proviso that the property is suitable for the use and there is provision of adequate parking.
- 9.1.4 The proposed development would result in the loss of a single residential dwelling. This is contrary to saved policy HO3 of the Eastbourne Borough Plan, which seeks to maintain housing stock. However, when balanced against the merits of the proposed scheme, which provides a significant amount of residential care accommodation, it is considered that the proposed development represents a net benefit in supporting a provision of mixed residential units within the Borough.
- 9.1.5 The wooded area around Decoy Stream, which crosses the northern end of the site, is designated as a Local Wildlife Site. These sites were previously referred to as Sites of Nature Conservation Interest (SNCI's). Saved policy NE20 of the Eastbourne Borough Plan states that 'development which has an unacceptable adverse effect, directly or indirectly, on the nature conservation interest of a site identified as a Site of Nature Conservation Importance will not be permitted. Where proposals are permitted the Planning Authority will require the proper conservation management of Sites of Nature Conservation Importance.
- 9.1.6 The principle of sustainable development requires the aims of the social objective to be balanced against the economic objective and the environmental objective.

By providing high quality purpose built care accommodation which is integrated within an existing community, it is considered that the social objective is supported. By providing a significant employment use within the area, it is considered that the proposed development would support the economic objective. The wider implications on the environmental objective, in terms of impacts upon environmental, residential and visual amenities will be assessed in the main body of this report, along with other relevant criteria.

- 9.1.7 The proposal involves the development of garden land. It is noted that, whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 70 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 120 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). This does not preclude development of such sites but does instruct for increased weight to be afforded in terms of the impact of the proposed development on the established character of the surrounding area.
- 9.1.8 It is therefore considered that the principle of the development is acceptable, provided it satisfies relevant planning policies relating to sustainability, impacts upon environmental, residential and visual amenities and impacts upon ecology and the highway network.
- 9.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 9.2.1 Due to the size and position of the site, the proposed building would be a significant distance from the majority of neighbouring residential properties. The presence of existing mature landscaping, which would be bolstered by new planting, also provides effective and sympathetic screening of the site.
- 9.2.2 Impact upon 284 Kings Drive - 284 Kings Drive is the closest property to the proposed building, there being a distance of approximately 12 metres maintained between the south-western wing of the proposed building and the eastern flank elevation of No. 284, in which there are no primary habitable room windows installed.
- 9.2.3 The height of the building steps down to two-storeys (with a flat roof) on the western side of the site. The taller parts of the buildings are stepped in a further 7.5 metres from the western edge, resulting in a separation distance of some 19.5 metres between the two buildings.
- 9.2.4 Roughly in line with rear elevation of the neighbouring dwelling, the proposed building is stepped back further from the western site boundary (approximately 21 metres maintained between the proposed building and the boundary fence), before then widening again towards the northern end of the building. Analysis of the submitted plans show that the proposed building would not intercept any 45 degree splay taken from neighbouring windows within a distance of

approximately 40 metres. It is therefore considered that the positioning of the building is such that it would not generate any unacceptable overshadowing of the neighbouring property.

- 9.2.5 The western elevation of the building, which flanks 284 Kings Drive, is indented in the middle and has its mass further broken up through the use of gable ends within the roof line, a stepped roof ridge height and a staggered building line. False windows would also be included within the two-storey projections to the western elevation, in order to prevent the presence of blank walls that would appear somewhat oppressive, whilst not allowing for an overlooking impact.
- 9.2.6 The two-storey elements of the western elevation of the proposed building (which are closest to 284 Kings Drive) only include false windows. These do not serve any room and the reason for their presence is simply to break up the bulk of the building. The outdoor seating areas at first floor level would be bordered by obscure glazed panels on their western edge so as to prevent the potential for intrusive levels of overlooking. Windows on the recessed part of the building are positioned some 21 metres from the western site boundary and a greater distance from windows serving 284 Kings Drive. This degree of separation is considered sufficient to prevent intrusive levels of overlooking and the potential will be further reduced by the presence of boundary treatment and landscaping, obstructions provided by other parts of the proposed building and the angle at which the views would be directed.
- 9.2.7 The southern elevation of the proposed building projects further towards Kings Drive than the frontage of No. 284. However, this would not be to a considerable degree and the impact upon No. 284 would also be reduced due to the distances retained between the two buildings. It is therefore considered that this modest forward projection would not result in any unacceptable overshadowing or overbearing relationship towards the neighbouring property.
- 9.2.8 An outdoor seating area would be provided adjacent to the proposed café, towards the western edge of the site. The proximity of this seating to the neighbouring property is noted. It is considered that boundary treatment would prevent intrusive views from the seating areas towards the neighbouring property. It is, however, considered important to impose a condition on the time period in which this seating area can be in use in order to prevent sustained activity throughout the daytime and evening, as this would potentially be unacceptably disruptive towards neighbouring residents. This would also apply to the play equipment adjacent to the seating area.
- 9.2.9 Impact upon the northern part of the site - The northern part of the site adjoins properties on Decoy Drive and Waldron Close. It is noted that a large proportion of the rear site boundary is shared with the telephone exchange site on Waldron Close. In any case, it is considered that the dense arrangement of trees that border the stream would act as a sympathetic screen to the proposed building when viewed from the north of the site.
- 9.2.10 The woodland Area - It is not considered that the use of the wooded area for the creation of a sensory walk, would in and of itself be impactful however the levels though and across this part of the site are significant and it is also recognised as

a high value ecological area. The application has been amended with the sensory walk area falling to be determined by way of a new further planning application

### 9.3 Design & Street Scene Impact:

- 9.3.1 The proposed building is of significant size, both in terms of footprint and overall mass, and is considerably larger than the existing dwelling occupying the site. It is considered that the specific attributes of the site as well as the proposed use provide justification for the construction of a building this size on the site.
- 9.3.2 The site is considerably larger than neighbouring plots and also is in a corner location, meaning that it benefits from two street frontages. As such, it represents a focal point within the street scene where a larger structure would be expected to be found. It also in a location where its increased height would not appear incongruous or disruptive to the general rhythm of building heights on either Decoy Drive or Kings Drive, again, due to the corner plot location. The site also benefits from sympathetic and effective screening provided by mature street trees.
- 9.3.3 With a footprint of approximately 2012 m<sup>2</sup>, the proposed building would occupy approximately 23% of the overall site area, which is approximately 8660 m<sup>2</sup>. This ratio is comparable to development on neighbouring plots and it is considered that an ample amount of amenity space for recreation, circulation and open space is retained within the site, thereby ensuring that the proposed scheme does not represent in over-intensive form of development. It is therefore considered that the proposed development represents a responsible increase in the efficiency at which the land is used, in line with national planning objectives for optimal use of land, as per section 11 of the Revised National Planning Policy Framework.
- 9.3.4 Whilst the proposed building would have a far stronger visual presence within the street scene than the existing building, it is noted that the site, at present, is somewhat incongruous due to the set back of the existing dwelling from the road and the size of it in proportion to the overall site area.
- 9.3.5 The eastern elevation of the building, which represents the principle elevation and faces on to Decoy Drive, reflects the general building line for development lining Decoy Drive. The southern elevation projects slightly further forward than the frontage of the neighbouring dwelling but maintains a suitable level of set back from the road to preserve the open and spacious characteristics of the street scene. A visual gap, consistent with the gaps between existing properties on Kings Drive, would be maintained between the proposed building and 284 Kings Drive.
- 9.3.6 The majority of the mature trees that are positioned around the southern and eastern site boundaries, flanking Kings Drive and Decoy Drive respectively, will be retained although some trees adjacent to Decoy Drive would need to be removed in order to allow for the new site access to be formed. Additional landscape planting would be provided alongside the streets and this would amalgamate with the retained trees to produce a screen to the development that would be visually consistent with the verdant nature of the surrounding area.

- 9.3.7 Although the height of the building is greater than that of neighbouring dwellings, it is considered that the position and size of the site supports this form of building without resulting in it appearing overly dominant within the street scene, as discussed in para. 8.3.1. The use of the site as a care home is distinct from that of neighbouring uses and it is therefore also considered reasonable that a building which appears, to an extent, distinctive, is appropriate, provided it incorporates architectural and spatial characteristics that sympathetically relate to the general positive characteristics of the surrounding built environment.
- 9.3.8 The main roof form of the building would be a flat topped mansard which, when observed and read within the street scene, would have the appearance of a hipped roof, consistent with the form of a number of nearby dwellings. This roof form would be broken up through the use of gable ended projections which draw influence from similar features that are frequently observed on neighbouring buildings. These gable ends would utilise timber framing, also in-keeping with similar forms nearby. Two-storey bay window elements are also present, another feature that is common with nearby properties.
- 9.3.9 The building has been designed with suitable attention afforded to breaking up the bulk and mass of the building, in order to prevent it from appearing excessively dominant or visually mundane. This has been achieved through the aforementioned use of gable ends, which break up the roof ridge and eaves lines, staggered elevation walls which introduce a clear sense of articulation to the building, tiered roof heights, windows that decrease in size from ground floor level to second floor level and the use of a mixed palette of external materials and finishes.
- 9.3.10 Although the site would be well screened by landscaping, the principle elevation, facing onto Decoy Drive, would engage with the street scene and the main entrance to the building would be sufficiently prominent to ensure the building does not appear divorced from its wider surroundings. The southern elevation, which faces onto Kings Drive, also includes suitable architectural features, as well as a large quantity of windows, to ensure that it fully engages with the street scene on Kings Drive.

#### 9.4 Living Environment:

- 9.4.1 The proposed building would provide 85 bedrooms, all with en-suite facilities, which would be distributed over three floors. The fourth floor, which would be accommodated entirely within the roof space of the building, would be used for staff facilities and functions such as a laundry, the main kitchen and plant room. All floors would be accessible by lift and stairs and the corridors are of sufficient width to allow for unimpeded circulation by wheelchair users.
- 9.4.2 The provision of an integral cinema, function room, café and small shop would ensure these facilities are accessible to all occupants of the building. There is also a good provision of outdoor amenity space which includes facilities for visitors and designated areas for seating and activities, which will concentrate these uses into particular spaces, allowing other parts of the grounds to be retained as a more tranquil environment.

## 9.5 Impact on Highway Network and Access:

- 9.5.1 The proposed development would include the formation of a new site access on Decoy Drive, with the existing access from Kings Drive being closed off. The proximity to the mini-roundabout to the south is noted. It is considered that the proximity to this roundabout ensures that vehicles are travelling at low speed on this part of the road as they either slow down to negotiate the roundabout or gradually accelerate away. ESCC Highways have been consulted and have confirmed that, provided conditions are applied in relation to maintaining unobstructed visibility splays and preventing the discharge of surface water onto the highway, the positioning of the crossover in this location would be acceptable, based on its anticipated usage.
- 9.5.2 The applicant has submitted verified trip assessments which factor in anticipated growth and associated activity on the surrounding highway network up to 2023. ESCC Highways have assessed this data and are satisfied both with its content and the methodology used to obtain it. The data assesses anticipated trips during peak hours for the development itself (07:00 – 0:800 morning peak and 15:00 – 16:00 evening peak) as well as peak hours on the overall network (08:00 – 09:00 morning peak and 17:00 – 18:00 evening peak). At all times, the increase in traffic on the mini-roundabout as a result of the proposed development is shown to be below 1%, an increase that the existing roundabout would have the capacity to absorb. It is also noted that these figures assume all traffic associated with the development would arrive via the roundabout whereas it is likely that a proportion of the overall traffic would be dissipated, by way of approaching and/or leaving in the direction of Hampden Park.
- 9.5.3 Potential hazards on the highway immediately adjacent to the site have been thoroughly assessed. Pedestrians would be provided with suitable dropped kerb arrangements to allow them to negotiate the crossover step free. Footpath access would also be provided to building. The proximity of the access to bus stops on Decoy Drive has also been noted and, based typically short periods of time buses remain waiting at these stops, it is not considered that they would provide a frequent obstruction which may result in cars passing them coming into conflict with vehicles entering or leaving the site.
- 9.5.4 On-street parking does not commonly occur on the surrounding highway network as most nearby dwellings have access to adequate off-street car parking facilities. The proposed development would be served by a total of 35 off-street car parking spaces. ESCC Highways have confirmed that this represents an over-provision as 22 car parking spaces would be sufficient to serve a development of this scale and use. It is therefore considered that an adequate quantum of off-street car parking would be provided and the potential for any overspill onto the surrounding highway network would be minimised. The layout of the car parking area ensures that the 2 disabled bays that are to be provided would be positioned closest to the main entrance to the building. Two extended length parking spaces would be provided for delivery and servicing vehicles. Swept path diagrams have also been provided that show that servicing vehicles can turn on site and, therefore, enter and leave in forward gear.
- 9.5.5 Secure and covered parking facilities for bicycles and motorcycles would be

provided in order to encourage the use of alternative forms of travel to the motor car. It is also noted that there is a cycle route marked out on Kings Drive, further encouraging the use of this form of transport. There are also bus stops on either side of Decoy Drive that are within close proximity of the proposed site entrance. These bus stops are served fairly frequently by local services, which also connect with regional bus services, and as such, the use of the bus service for access by staff and visitors is considered to be a realistic proposition.

- 9.5.6 The applicant has submitted a Travel Plan that would be implemented by a senior member of staff, acting as a Travel Plan Co-ordinator. This plan would involve encouraging the use of more sustainable forms of transport through the provision of supporting infrastructure such as cycle storage and showers/changing rooms, the distribution of information relating to public transport services to staff, residents and guests, and the provision of a car sharing scheme for staff. The Travel Plan Co-ordinator will carry out ongoing monitoring of the effectiveness of the travel plan and encouraging alternative forms of transport, the results of which will be shared with the Council.
- 9.5.7 A Construction Management Plan would be required to be approved prior to the commencement of any demolition or construction works. This would include details on how deliveries during the construction and demolition phase would be managed so as to prevent congestion and hazards on the surrounding highway network. This would include routing and timing details. It would also cover hours of work, storage of materials and measures to prevent any dirt or mud being discharged onto the highway.
- 9.5.8 A serving plan for the development would also be required to ensure that deliveries and other traffic and activities related to the day to day running of the care home are managed in a responsible way in order to minimise impact upon the highway network, and upon the amenities of neighbouring residents.
- 9.6 Landscaping:
- 9.6.1 The proposed development would result in the loss of part of the greenspace maintained around the existing dwelling. It would also be necessary to remove some of the existing trees within the site curtilage. The trees that would be removed represent a mix of ornamental garden species as well as larger, mature trees. The majority of trees that would be removed are concentrated towards the southern end of the site and those within the Local Wildlife Site would not be disturbed. The removal of these trees is necessary in order for the footprint of the proposed building to be accommodated within the site and for the new site access to be formed.
- 9.6.2 The majority of the mature trees occupying the site are to be retained and, given the amount present within the site, it is considered that there is sufficient tree coverage available to absorb the loss of trees set out above. In addition, new tree planting would be provided to mitigate the loss of existing trees. This landscaping would amalgamate with the retained trees to provide an effective and sympathetic screen to the development as well as to maintain the verdant nature of the site.
- 9.6.3 Suitable tree protection measures will be taken in order to prevent retained trees

being damaged during demolition and construction works. Part of the proposed car parking area would also be surfaced using 'no dig' methods in order to prevent disturbance of tree roots. Whilst the Local Wildlife Site is to be opened up for access, this will be achieved using a raised boardwalk which will ensure tree roots are not disturbed.

9.6.4 Hard landscaping will be carried out using a mixed palette of materials in order to ensure its appearance is not monotonous and also as a means to demarcate different spaces within the site.

## 9.7 Ecology:

9.7.1 The Local Wildlife Site which falls within the site would be made accessible as a sensory walkway; the precise detailing of this will be the subject of a separate application.

9.7.2 The Local Wildlife Site is noted to provide habitat for bats and widespread bat activity has been recorded on site. A Biodiversity Review, which accompanied the planning application, states that external lighting should be avoided within this area. Enhancements should also be provided in the form of the installation of bat boxes in appropriate positions.

9.7.3 Deadwood would not be removed from the Local Wildlife Site as this provides important habitat for invertebrates. It is also recommended that additional deadwood generated by tree removal works should be moved into the Local Wildlife Site in order to provide additional habitat.

## 9.8 Drainage

9.8.1 The comments made by the Lead Local Flood Authority (section 6.7 of this report) are noted, as are the comments provided by Southern Water. No objections are raised against the principle of the drainage scheme proposed for the site, which would incorporate attenuation tanks and swales as a means to control discharge during periods of rainfall. Conditions will be used to ensure that full specifications of these drainage measures are provided prior to the commencement of any construction works. Comments relating to the capacity of the site to accommodate necessary attenuation features are noted and, given the large size of the overall plot, it is satisfied that the required measures could be installed without incursion into the Local Wildlife Site. It is also noted that the strategy would need to take groundwater levels into account, as requested in para. 6.7.4 of this report.

9.8.2 The way in which water would be managed in relation to Decoy Stream and the impact upon the area covered by the Pevensey and Cuckmere Water Level Management Board would need to be accounted for in the submitted drainage strategy. Should this application be approved, it does not presume consent for discharge of surface water into the Pevensey and Cuckmere Water Level Management Board, for which a separate consent is required. If this consent is not granted then the development would not be able to commence, unless alternative drainage arrangements that are satisfactory to all necessary drainage bodies are made.

9.8.3 The scheme will be implemented in accordance with the submitted flood risk assessment and in this regard the principle of development is considered acceptable.

## 9.9 Employment

9.9.1 The proposed development would create 70 new jobs and it is anticipated that the majority of posts would be filled by people living within the local area. It is considered that this represents a significant level of employment and is also noted that, given the presence of similar facilities already established within the Borough, that the employment and training involved would provide employees with transferable skills that may support them in working in other areas within the Borough. It is therefore considered that the proposed development responds positively to policy D2 of the Eastbourne Core Strategy which seeks to support job growth and economic prosperity.

9.9.2 The demolition and construction works associated with the proposed development are sizeable and represent a good opportunity for local employment in their own right. A condition will be attached to any approval requiring the applicant to enter into a Local Employment Agreement which would be administered and monitored by Council offices. This would ensure local people are employed during the demolition and construction works.

## 9.10 Archaeology

9.10.1 The demolition and construction works associated with the proposed development are sizeable and represent a good opportunity for local employment in their own right. A condition will be attached to any approval requiring the applicant to enter into a Local Employment Agreement which would be administered and monitored by Council offices. This would ensure local people are employed during the demolition and construction works.

## **10 Human Rights Implications**

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

## **11 Recommendation.**

It is recommended that the application is approved (with exception of boardwalk in Local Wildlife Site), subject to the conditions listed below.

1 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Site Location and Block Plan – 0117.SP01;  
Site Location and Block Plan – 0117.SP02;  
Topographic Survey – B8002-5D;  
Ground Floor Plan – B8002-01D;  
First Floor Plan – B8002-02D;  
Second Floor Plan – B8002-03D;  
Third Floor Plan – B8002-04D;  
Elevations 1 & 2 – B8002-5D;  
Elevations 3 & 4- B8002-6C;  
Elevations 5 & 6 – B8002-7C;  
Roof Plan – B8002-08A  
Site Layout- B8002-901G  
Biodiversity Review – GCJ180836.18;  
Travel Plan – 68020;  
Flood Risk Assessment – 18 122;  
Arboricultural Report dated 18<sup>th</sup> November and produced by Andrew Day  
Arboricultural Consultants;  
Transport Statement – 68020;  
Ecology and Landscape Statement - GC.J190312.19

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

- 3 Notwithstanding the approved plans, this permission does not provide consent for the raised boardwalk area within the Local Wildlife Site.

Reason: Insufficient details have been provided in relation to the potential impact this feature would have upon the amenities of neighbouring residents and, as such, it is not satisfied that it complies with saved policy HO20 of the Eastbourne Borough Plan.

- 4 No development shall commence until the details of a suitable drainage strategy shall be submitted to, and approved, by the Local Planning Authority prior to the installation of any drainage infrastructure.

Surface water runoff rates shall be limited to a minimum of existing rates for all rainfall events including those with an annual probability of occurrence of 1 in 100 (plus climate change). Evidence of this (in the form hydraulic calculations taking into account connectivity of features) shall be submitted with the detailed drainage drawings. Evidence that Southern Water is in agreement with the principle of proposed discharge rates shall be submitted at detailed design stage.

A management and maintenance plan for the entire drainage system clearly stating who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the plan will remain in place throughout the lifetime of the development.

The development shall therefore be carried out in accordance with the approved

details, which shall thereafter be adhered to throughout the lifetime of the development.

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

- 5 Prior to occupation of the development evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

- 6 The building shall not be occupied until such time that the water/drainage company (southern water) have confirmed that there is sufficient capacity within the network to Accommodate The development.

Reason:- In the interest of ensuring that the development does not give rise to localised flooding

- 7 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interest of supporting infrastructure services in accordance with saved policy US3 of the Eastbourne Borough Plan.

- 8 Before any external finishes are applied, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with those approved details.

Reason: In the interest of visual amenity in accordance with saved policy UHT1 of the Eastbourne Borough Plan and Policy D10a of the Eastbourne Core Strategy.

- 9 No development in in relation to the care home building shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

- 10 No development shall commence until such time as the existing vehicular access onto Kings Drive has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

- 11 No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

- 12 The site access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

- 13 No development shall commence until such time as temporary arrangements for access and turning for construction traffic within the has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

- 14 No part of the development shall be first occupied until visibility splays of 2.4m metres by 43 metres northbound and 50 metres southbound have been provided at the proposed site vehicular access onto Decoy Drive in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

- 15 No part of the development shall be occupied until the car parking and vehicle turning spaces have been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use.

Reason: To provide sufficient car-parking space for the development in accordance with saved policy TR11 of the Eastbourne Borough Plan.

- 16 No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 17 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,

- Hours of demolition and construction
- Location, size and design of mess facilities
- 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 order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

- 18 No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

- 19 The Travel Plan shall be implemented as specified within the approved document, within 3 months of first occupation. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: In order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

20 No occupation of the building shall commence until a management plan relating to noise, light and air emissions generated by the proposed development has been submitted to and approved by the Local Planning Authority, including, but not limited to, the following information:-

- Details of the amount of external lighting to be installed and the specifications of the lighting to be installed;
- Details to restrict light spill from interior lights to the exterior of the building;
- Details of any plant and machinery to be installed, including full specifications;
- Management of use of external amenity areas including hours of use and numbers of people using external amenity areas at any given time;

The use shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of environmental and residential amenity and to prevent harmful impact on habitat provided within the Local Wildlife Site in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

21 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:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. Details of defensible space for all ground floor flats.

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 section 12 of the revised NPPF and saved policies UHT1, UHT4 and UHT7 of the Eastbourne Borough Plan.

22 No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in

writing by the Local Planning Authority.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 23 Prior to the first beneficial use of the care home building all the mitigation and enhancement measures set out in the submitted Ecology and Landscape Statement (reference GC.J190312.19) and maintained in place thereafter.

Reason: In order to prevent damage to existing ecological assets and the Local Wildlife Site and to enhance biodiversity in accordance sections 2 and 14 of the revised NPPF and policy

- 24 Prior to commencement of any works within the Local Wildlife Site, the site shall be checked by a suitably qualified ecologist for the presence of any protected species and nesting birds.

Reason: In order to prevent damage to existing ecological assets and the Local Wildlife Site and to enhance biodiversity in accordance sections 2 and 14 of the revised NPPF and policy

- 25 The contents of the Arboricultural Report submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 26 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the

area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 27 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 17 167) and maintained in accordance thereafter.

Reason: In order to prevent unacceptable risk of flooding towards future occupants in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

- 28 The proposed shop provided on the ground floor shall be ancillary to the overall use of the property as a care facility and shall not operate as a separate entity or increase in floor space without the prior written consent of the Local Planning Authority.

Reason: In order to prevent an additional use that would generate additional traffic and activity, to the detriment of the character of the surrounding area and the main use of the building, in accordance with saved policy UHT1 of the Eastbourne Borough Plan.

- 29 The outdoor seating area serving the café, adjacent to the western elevation of the building shall only be in use between the hours of 08:00 and 18:00.

Reason: In order to prevent sustained levels of noise and activity that would detract from the amenities of neighbouring residents, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

- 30 Prior to the first occupation of the building hereby approved, all obscure glazing and balcony/terrace screening shall be provided in accordance with the details shown on the approved plans. These features shall be maintained throughout the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to prevent unacceptable overlooking of neighbouring properties, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

## 12 **Appeal**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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## Appeal Decision

Site visit made on 4 April 2019

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> August 2019

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**Appeal Ref: APP/T1410/W/18/3214271**

**Flats 1 & 2, 189 Terminus Road, Eastbourne, BN21 3DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Evans against the decision of Eastbourne Borough Council.
  - The application Ref PC/180752, dated 23 July 2018, was refused by notice dated 26 September 2018.
  - The development proposed is the replacement of windows to Flats 1 & 2 189 Terminus Road to include the insert of uPVC insets into the existing timber outer frame.
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### Decision

1. The appeal is allowed and planning permission is granted for the replacement of windows to Flats 1 & 2 189 Terminus Road to include the insert of uPVC insets into the existing timber outer frame at Flats 1 & 2, 189 Terminus Road, Eastbourne, BN21 3DH in accordance with the terms of the application, Ref PC/180752, dated 23 July 2018, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Window specifications, annotated photographs and Site Plan & Block Plan all as submitted with the planning application.

### Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

### Reasons

4. The appeal property is a four storey corner terrace in a prominent position in the town centre. There is a restaurant use on ground floor level and flats above. The building differs in style and external materials from its neighbours and is taller than those running along the Seaside Road return. The cross road junction has varied buildings on its corners including some modern edifices. The property is not ornate and has an air of uniformity and functionality which
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is not so common in many other older town centre properties as one moves along its two abutting roads. The proposal is as described above.

5. The Delegated Officer Report and the Conservation Consultation Note both claim this property lies within the Town Centre and Seafront Conservation Area. This would seem to not be the case and may have skewed the decision making. From the plans provided by the Council the Conservation Area reaches its boundary at the adjoining No 3 Seaside Road. I fully appreciate that one must consider the setting of a Conservation Area but there clearly is a difference in the way one might handle a judgement given the correct facts.
6. Nevertheless it is pertinent that there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Core Strategy Policy D10a and Policies UHT1, UHT4 and 15 of the Borough Saved Policies are cited in the Decision Notice. Taken together, and amongst other matters, these call for opportunities to be taken to conserve and enhance Heritage Assets, for development to achieve a positive contribution to townscape character and to be protective of local distinctiveness, and for schemes to embody appropriate materials.
7. I noted that window materials do vary in the locality. The appeal site, whilst terraced, is not read as a particularly coherent whole with other properties and consistency of materials would not necessarily be important in these circumstances. In my opinion the qualities of the Conservation Area would not be reduced by the scheme before me. The building itself would continue to stand proud and the windows are a part of this but are not fighting with or seeking to compliment any great or subtle detailing. There is much activity and variety of period, scale and use at this junction and I do feel that uPVC insets here, of the sympathetic style proposed, will not catch the eye, be jarring on it, or detract from the aesthetic qualities of the area or this building. There will be no degrading of the setting to the Conservation Area or the inherent qualities within its boundaries.
8. Given all of the foregoing I conclude that the change in windows proposed would not be contrary to the aims of Section 72(1) and would not conflict with the development plan policies which I refer to in paragraph 6 above.

#### *Conditions*

9. The Council reasonably suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. The proposed condition for 'visual amenity' requiring the scheme to be constructed in its entirety as a single development and not broken into piecemeal developments is not necessary, suitably precise, or enforceable in my opinion.

#### *Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR

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## Appeal Decision

Site visit made on 30 July 2019

**by Andrew Bremford BSc (Hons) MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2019**

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**Appeal Ref: APP/T1410/W/19/3229204**

**Wood Winton, 63A Silverdale Road, Eastbourne, East Sussex BN20 7EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Sal Dato against the decision of Eastbourne Borough Council.
  - The application Ref PC/181206, dated 10 January 2019, was refused by notice dated 27 March 2019.
  - The development proposed is erection of six houses.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of six houses at Wood Winton, 63A Silverdale Road, Eastbourne, East Sussex BN20 7EY, in accordance with the terms of the application Ref PC/181206, dated 10 January 2019, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The planning application is submitted in outline with all detailed matters reserved for a subsequent reserved matters application. An indicative layout plan (drawing No 94554/106/A) accompanies the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect six dwellings on the site.
3. The Council state that although the application was made with all matters reserved, plans showing layout and access details were submitted and as such were considered to form part of the application. Notwithstanding the submission of plans showing layout and access arrangements, the application is outline with all detailed matters reserved for a subsequent reserved matters application. I have, therefore, determined the appeal on this basis.
4. The Council's refusal notice does not make reference to any policies that the application was considered to be in conflict with. The Council state that this was due to a formatting error of the decision notice. Furthermore, my attention has been drawn to a typographical error on the decision notice in respect of the year of refusal: the decision notice states 2018, however the application was refused in 2019. The Council's appeal statement includes reference to the following policies which were absent from the decision notice: Policy UHT1 of the adopted Eastbourne Borough Plan 2003 (EBP), Policy D10a of the adopted Eastbourne Core Strategy Local Plan 2013 (CSLP) and paragraphs 110 and 127 of the National Planning Policy Framework (the Framework). I consider these policies relevant for the purposes of determining

this appeal and as the appellant has had the opportunity to comment on the Council's appeal statement, I do not consider their interests would be prejudiced if I have regard to them.

### **Main Issue**

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

### **Reasons**

6. The appeal site is a roughly triangular shaped plot of land adjacent to a large detached dwelling (Wood Winton) in the Meads area of Eastbourne. It is set well back from the street in a secluded position to the rear of surrounding buildings and is accessed via a long private drive, which it shares with Wood Winton. The site area is approximately 0.24 of a hectare including the access drive. The boundary is formed mainly of walls of varying height with some mature trees and other foliage mostly around the edge of the site and either side of the access drive.
7. It is proposed to erect six dwellings on the site and whilst detailed matters are to be considered by means of a reserved matters application, the indicative layout plan shows two detached and four link detached two-storey dwellings each with a car port. Development in the surrounding area is predominantly residential in nature and consists mainly of a mixture of large detached properties, some of which have been sub-divided into flats and large modern blocks of flats set within generous sized plots. However, there are also smaller modern detached properties and three storey town houses in the vicinity of the site set within smaller sized plots. Thus, the erection of detached dwellings, although set within smaller sized plots than the prevailing pattern of development, would not be out of keeping with other development in the surrounding area.
8. The proposal would constitute a change to the sense of spaciousness around most buildings in the surrounding area. However, the indicative layout plan demonstrates that, in principle, it would be possible to erect six dwellings on the land within plots that would provide a good degree of separation between individual buildings and suitably sized private amenity space. Overall, therefore, whilst the space around buildings would differ from others in the surrounding area the proposal would not result in a cramped form of development.
9. Taking into account the secluded position of the site and the presence of trees and other foliage which afford a degree of screening from local views, I do not consider the land is fundamentally important to the form and character of the Meads or the street scene. Clearly, design and layout matters would be important considerations for any subsequent reserved matters application. However, on balance, I conclude that the erection of six dwellings, in principle, would not materially detract from the character and appearance of the area.
10. For the above reasons, therefore, the proposed development, in principle, would not be harmful to the character and appearance of the area. Consequently, it would accord with Policy UHT1 of the EBP, Policy D10a of the CSLP and paragraph 127 of the Framework which, amongst other things, set

out to ensure that new development respects the character of existing development in the surrounding area.

### **Other Matters**

11. Concerns have been raised by the Council and third parties about the access to the site. The Council's decision notice refers to 'poor access arrangement'. I acknowledge the long access drive is relatively narrow, winding and steep. However, I have no evidence before me to disagree with the conclusions reached by the Highway Authority that in principle it would be possible to erect six dwellings on the site without harm being caused to matters of highway safety, nor would the evidence before me suggest that the increase in vehicle movements from six additional dwellings would cause significant harm from a traffic congestion or living conditions point of view.
12. I note that the site lies adjacent to the Meads Conservation Area (MCA). Although the Council has not raised any concerns about the proposal in regard to the setting of the MCA I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA. The appeal site is located north of the MCA on lower ground beyond the generously sized rear gardens of properties on the north side St John's Road. The proposed development would not be readily visible in local views from St John's Road, thus would not be harmful to the setting of the MCA. Therefore, I conclude that the proposal would not have a harmful effect on the character or appearance of the MCA as a whole.
13. Concerns have also been raised about the impact of the proposal on trees at the site. I saw on my site visit that some trees had been felled and general foliage had been cleared, although a number of trees were present around the edge of the site and either side of the access drive. I note from the Council's officer report that the Council's specialist arboriculture advisor states that only one lime tree, the subject of a Tree Preservation Order, is of interest. I have no substantive evidence before me that would lead me to come to a different conclusion. Nevertheless, in the interest of visual amenity and the retention of important landscape features, details of the trees to be retained and how they would be protected during construction could be considered as part of a future reserved matters planning application.
14. Third parties have raised concerns about noise and disturbance during building work at the site. Construction works would likely lead to some disruption, but this would be temporary and any effects from it would be short-term and could be suitably controlled by means of the imposition of a planning condition relating to the submission and approval of a construction method statement.
15. I note concerns raised about potential flood risk as a result of increased surface water runoff from the proposed development. However, details regarding the disposal of surface water runoff could be considered and controlled at reserved matters stage. There is no evidence to suggest that any surface water run off could not, in principle, be appropriately controlled.
16. I acknowledge the comments raised by third parties regarding the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to light, outlook and privacy, parking on surrounding streets, wildlife at the site, air pollution and refuse storage and collection. This is an

outline application with all matters reserved, but I have no doubt that it would be possible in principle to erect six dwellings on the site without causing harm to the living conditions of both the occupiers of the neighbouring properties and the occupiers of the proposed dwellings. Refuse and storage facilities would be capable of being considered at reserved matters stage. Furthermore, there is no objective evidence before me that the proposal would result in any significant effects in terms of air pollution or that the development would cause significant harm to bio-diversity interests.

17. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites. On the evidence that is before me, there is a significant five-year housing land supply shortfall and hence the proposal for six dwellings would make a very positive contribution towards boosting housing land supply in the local area. This is a matter which weighs in favour of allowing the development. However, it has not been necessary for me to apply the 'tilted balance' as outlined in paragraph 11d of the Framework. This is because the outline proposal accords with the development plan for the area and in addition there is no conflict with any of the policies in the Framework. Consequently, the proposal would constitute a sustainable form of development.
18. None of the other matters raised alter or outweigh my conclusion on the main issue.

### **Conditions**

19. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be allowed. The appellant was given the opportunity to comment on them. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
20. I have attached standard conditions relating to the submission and timing of reserved matters application(s) and the commencement of development. It is not necessary for me to specifically refer to surface water drainage as part of the former condition as this matter would be considered as part of the layout reserved matters details. I have attached a condition referring to the site location plan to specify the site to which the permission relates to, for the avoidance of doubt and to clearly identify the site.
21. The Council has suggested conditions requiring specific details of surfacing, signage and other measures with regard to access, layout of parking spaces at the site and retention/protection of trees. However, details pertaining to access, layout and landscaping would be considered at reserved matters stage and so it has not been necessary for me to impose these suggested conditions.
22. In the interests of the living conditions of the occupiers of neighbouring properties and highway safety, it is necessary to impose a condition requiring the submission and approval of a construction method statement.

**Conclusion**

23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Andrew Bremford*

INSPECTOR

### **Schedule of conditions**

- 1) Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 'Location Plan' 94554/LP'.
- 5) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. wheel washing facilities;
  - v. delivery and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.