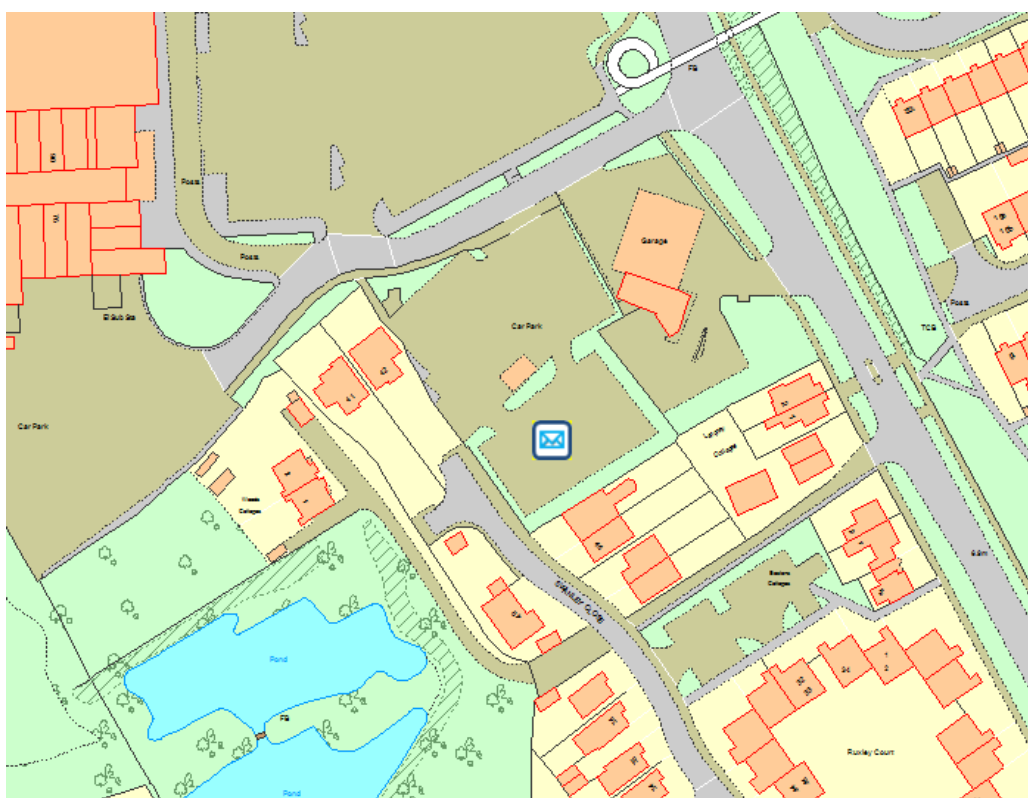


<b>App.No:</b> 190604	<b>Decision Due Date:</b> 29 October 2019	<b>Ward:</b> Langney
<b>Officer:</b> Neil Collins	<b>Site visit date:</b> 26 <sup>th</sup> September 2019	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> <b>Neighbour Con Expiry:</b> 2 September 2019 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Viability Assessment Review and Committee cycle.		
<b>Location:</b> Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive, Eastbourne		
<b>Proposal:</b> Erection of 10 houses together with parking and installation of crossover onto Swanley Close		
<b>Applicant:</b> Park Lane Homes Ltd		
<b>Recommendation:</b> Grant Planning Permission subject to conditions and a S106 Legal Agreement		

**Contact Officer(s):**      **Name:** Neil Collins  
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## **1 Executive Summary**

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation, as it comprises major development.
- 1.2 The proposal would result in the net gain of ten residential dwellings in a sustainable location. The applicant has submitted a Financial Viability Assessment, which has been reviewed by the Council's chosen independent consultants, and concludes that an affordable housing contribution would render the development financially unviable.
- 1.3 The design, layout, transport, access and amenity impacts of the development are considered to be acceptable. This includes consideration of the impact of creating a new access onto Swanley Close, which is considered to be acceptable subject to a Traffic Management Order secured by legal agreement to investigate the use of parking restrictions to allow access for larger servicing and emergency vehicles.
- 1.4 The application is recommended for approval subject to conditions and a Section 106 Legal Agreement to secure the following planning obligations:
- Local Labour Agreement;
  - Traffic Management Order contributions; and
  - A future Financial Viability Review to ensure any fluctuations in land valuation or build costs would allow for the provision of affordable housing, should it become viable.

## **2 Relevant Planning Policies**

### **2.1 Revised National Planning Policy Framework (2019)**

- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

### **2.2 Eastbourne Core Strategy Local Plan (2013)**

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D9: Natural Environment

## 2.3 Eastbourne Borough Plan – Saved Policies

NE3: Conserving Water Resources  
NE4: Sustainable Drainage Systems  
NE15: Protection of Water Quality  
NE17: Contaminated Land  
NE18: Noise  
NE20: Sites of Nature Conservation Importance  
NE22: Wildlife Habitats  
NE28: Environmental Amenity  
UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT6: Tree Planting  
UHT7: Landscaping  
UHT13: External Floodlighting  
HO2: Predominantly Residential Areas  
HO6: Infill Developments  
HO20: Residential Amenity  
TR2: Travel Demands  
TR7: Provision for Pedestrians

## 3 **Site Description**

- 3.1 The application site forms part of the Langney Shopping Centre site and has historically formed part of the larger car parking facilities for the centre, in addition to a customer car washing facility. The site is roughly rectangular in shape and almost entirely laid to impermeable hard surface, other than small established shrubs, hedges and trees bordering the site and a strip that divides the site into two car parking areas, north and south. The topography of the site is generally flat, with a small slope from north to south.
- 3.2 Access to the site is currently located on the northern boundary via the Langney Shopping Centre private service road from Langney Rise, further to the east. The site is bounded on its western and southern sides by existing residential property at the northern end of Swanley Close, a cul-de-sac accessed from Faversham Road. Residential dwellings, numbers 42 and 45 Swanley Close, share the eastern and southern boundaries of the site respectively. On its eastern side, the site is contiguous with a petrol filling station site, which shares the entire eastern boundary and to the south of the filling station are properties known as Langney Cottages, which front Langney Rise.
- 3.3 The site is identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). The site is also located within a Residential Area, as defined by the Core Strategy. There are no other designations that would be significant to the consideration of this application.

## 4 **Relevant Planning History**

- 4.1 There have been a vast number of applications concerning the wider Langney Shopping Centre site, although mainly small in nature. However, three

applications are relevant to this site and are material considerations in the assessment of this application.

4.2 EB/2005/0529

Planning permission was granted in January 2007 for a two storey mixed-use development at the western end of the centre, to provide new retail accommodation for non-food comparison goods at mall and first floor levels (3,434 square metres), a new library at first floor level, 8 one and two bedroom flats and revised external areas including parking, landscaping and transport interchange. The permission also included a development of 20 residential units on the land related to this application and included associated parking and access from Swanley Close.

4.3 EB/2008/0714

A further application was submitted in November 2008 for an amended scheme to the above, again including 20 dwellings on the land in question, but this was withdrawn within the application period.

4.4 EB/2009/0758

Planning permission was approved in May 2011 for similar development of the shopping centre alongside outline planning permission for residential development of 20 apartments on land related to this application, including a new access from Swanley Close.

Approved 11/05/2011

Outline permission not implemented

## **5 Proposed development**

5.1 The application proposes the erection of ten three-bed dwellings on the site. The dwellings would be laid out in a cul-de-sac arrangement around central 'court' parking and access road. The existing access at the northern end of the site would be closed off and a new access would be created onto Swanley Close. A pedestrian access would be provided on the northern boundary for continued access to the shopping centre.

5.2 The dwellings would be two-storey with a pitched roof. The pallet of facing materials would differ throughout the development, to provide variety in appearance for each dwelling. Materials would include brick (plots 5 and 6), composite weatherboarding (Plots 8 and 10) and coloured render (Plots 2 and 9).

5.3 A total of 23 parking spaces would be provided for future residents. The properties are proposed facing north-west onto Brede Close. Three car parking spaces and landscaping is proposed to the south of the site at the entrance of Brede Close. A further two car parking spaces and refuse storage area are proposed to the northern boundary retaining an access road to the existing sub station at the south-eastern corner of the site.

## **6 Consultations**

6.1 Specialist Advisor (Regeneration)

- 6.1.1 The proposed development will be located in the car valet area of the Langney Shopping Centre complex in Eastbourne.
- 6.1.2 The site is located close to secondary schools both of whom have sought work experience placements for Year 10 pupils on recently completed developments nearby. The site would also be an opportunity for site visits for college and unemployed students attending local construction education and training programmes.
- 6.1.3 The proposal is a major development meeting the residential thresholds for development as detailed on page 11 of the adopted Local Employment and Training Supplementary Planning Document. Should the application be successful, it is requested that it be subject to a local labour agreement in line with adopted policy.
- 6.1.4 In light of the above, Regeneration supports the application subject to the inclusion of a local labour agreement.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 This application proposes the construction of 10 detached 3 bedroom dwellings, and associated car parking. The site is currently occupied by the by car parking spaces and a small covered area which offers a car wash service, however this is currently vacant due to an expired lease. The site is within the Langney neighbourhood.
- 6.2.2 The vision for Langney, as stated in the Core Strategy is *“Langney will make a significant contribution to the delivery of additional housing in a sustainable location. It will also maintain and improve the provision of services and facilities as well as increasing opportunities to access employment. It will seek to reinforce its position as one of the town's most sustainable neighbourhoods”*. The Core Strategy also states that *“Langney will make a significant contribution to the delivery of additional housing in a sustainable location.”*
- 6.2.3 The Core Strategy policy B1 identifies Langney as a sustainable neighbourhood and it states that higher residential densities will be supported in these areas. The site is located within the predominantly residential area as defined by Eastbourne Borough Plan Policy HO2. The National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs. This site would be not considered a windfall site, as it has been previously been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 10 dwellings.
- 6.2.4 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 1st April 2019, Eastbourne is only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

- 6.2.5 The development is over the threshold for affordable development as it is for 10 dwellings. As it is within a low value neighbourhood, the requirement would be for 30%, which in this case would be 3 dwellings (or the appropriate commuted sum, if it is shown that it is not possible to provide this on site). There does not appear to be a discussion of Affordable Housing within the planning application.
- 6.2.6 The development would be liable for the payment of CIL on the 10 houses proposed.
- 6.2.7 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.' This application would be supported by Policy, as long as the affordable housing is provided.

### 6.3 CIL

- 6.3.1 The development would be liable for a CIL payment if approved.

### 6.4 ESCC SuDS

- 6.4.1 The comments below are made on the understanding that this is a brownfield site which has an existing connection to Southern Water's public surface water sewers to the north-west of the application site.
- 6.4.2 The application is supported by only a drainage layout plan (JMLA drawing number 06899- jmla-TP-00-DR-D-0200-S4-P02 dated June 2019) and no supporting statement or calculations. It would have been preferable to see the design decisions and their potential implications on flood risk. Nevertheless, the application site appears to be 100% impermeable with an existing drainage arrangement that appears to drain into the public sewers. The proposed layout shows that the development will result in reduced impermeable area and the drainage layout shows two attenuation tanks to store surface water runoff from the application site. Consequently, it is possible for the applicant to incorporate measures to manage surface water runoff from the proposed layout without increasing flood risk on or offsite.
- 6.4.3 A site visit showed that the application site currently receives overland surface water flows from the neighbouring garage. Therefore measures to manage these overland surface water flows should be incorporated into the design to ensure that they do not result in flood risk to the proposed properties.
- 6.4.4 If the Local Planning Authority is minded to grant planning permission, the LLFA and PCWLMB request the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:
1. Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of

occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

2. The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
3. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
  - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

4. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
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.

## 6.5 Highways ESCC

### *Development Description*

- 6.5.1 The applicant is seeking planning permission to erect 10 dwellings with associated parking and landscaping on an existing car park. The site is located in the south-eastern car park of Langney shopping centre, approximately 5.5km north-west of Eastbourne town centre.

### *Access*

- 6.5.2 It is noted that the widths of the internal footways are less than 1.2m in some sections, which is below current standard of 2m. There does not appear to be scope to widen the footways to the 2m standard. As such, it is recommended the

footways are upgraded and shown on an amended plan such that all internal pedestrian routes are an absolute minimum of 1.2m in width.

#### *Accessibility*

- 6.5.3 Footways are present on Swanley Close and provide suitable connectivity. Cycling is feasible on quieter roads that connect with the cycle network in Eastbourne.
- 6.5.4 Publicly available bus transport is available within a short walking distance on the north, west and east sides of Langney shopping centre, located immediately north of the site. Walking routes to the nearest bus stop on the east side is approximately 60m from the site, where services 1x (every 30 minutes) and The Loop (every 20 minutes) are available.
- 6.5.5 The closest railway station is Hampden Park, and is 2.5km from the site. This would take approximately 30 minutes by foot, or 9 minutes when cycling. Secure cycle parking is available at the station.
- 6.5.6 Considering the above, it is considered that the site is located within a suitably accessible location.

#### *Trip Generation*

- 6.5.7 A TRICS assessment has been submitted as part of this application. This illustrates that each dwelling has the potential to generate approximately 5 daily vehicular movements, which is considered reasonable.
- 6.5.8 The existing use of a car park is not considered to generate any trips, though the existing parking demand would need to be accommodated in the proposed development.
- 6.5.9 The proposed development of 10 dwellings would generate approximately 53 two-way vehicular daily trips, based on similar developments assessed from the TRICS database. The methodology used for suggested daily trips for 10 units is sound, with approximately 6 trips in both the AM and PM peak times. It is not expected that an increase of 53 daily trips would have a significant impact on the local highway network, and therefore would not warrant a refusal.

#### *Car Parking*

- 6.5.10 In accordance with the County Council's parking guidance, 22 car parking spaces are required to serve the development. 23 parking spaces are proposed as part of this development, including two allocated spaces per dwelling and three spaces for visitors. This provision is in accordance with the County Council's parking guidance and is therefore acceptable.
- 6.5.11 ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the parking bays measure 5m x 2.5m, which is in line with the County Council's standards. However, the bushes located next to car parking spaces should be set back by 0.5m.
- 6.5.12 A parking beat survey was undertaken in the surrounding car park to ascertain



whether the level of displaced parking can be accommodated. This survey determined that the maximum parking level stresses generated from this proposal, in addition to the redevelopment scheme of the shopping centre. The results determined that on a Saturday, there would be approximately 70% parking stress, leaving 132 parking spaces unoccupied. On a weekday, the parking level stress would be approximately 58%, leaving 221 spaces unoccupied. The survey therefore determines there is enough capacity to accommodate parking demand generated from the proposed redevelopment of the shopping centre (application no. 130229), and taking into account the removal of car parking spaces from the application site as part of this application.

#### *Vehicular Access*

- 6.5.13 It will be required for the access to the north of the site to be formally closed and kerbs reinstated to ensure that it cannot be used for vehicular access. The applicant will be required to enter into a S171 and acquire appropriate licenses from an approved contractor.
- 6.5.14 In accordance with the County Council's standards, and Stage 1 RSA would need to be undertaken for the site access, and amended plans should be provided showing changes as required by the RSA. This should be secured by condition.

#### *Cycle Parking*

- 6.5.15 In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. The provision of the cycle store should be secured by condition.

#### *Construction*

- 6.5.16 A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would need to be secured through a condition of any planning permission.

#### *Travel Plan Statement*

- 6.5.17 Although a travel plan statement is not required for this number of dwellings, it is recommended that the applicant provides a Residents information Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle. This can be secured by condition.

#### *Delivery & Servicing Statement*

- 6.5.18 Although a delivery and servicing statement has not been submitted, swept path drawings have been submitted that show 11.2m long refuse vehicles can access and service the site without blocking the highway. Whilst this is shorter than the 12m long refuse vehicle as per the County Council's guidance, there appears to be sufficient buffer within the swept path drawings to accommodate a larger refuse vehicle within the site. The refuse arrangement is therefore considered

acceptable in this instance.

- 6.5.19 Swanley Close narrows from approximately 6m to around 4.5m. While such a road widths would help to keep speeds low on approach to the site and a road width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee.
- 6.5.20 It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted

## **7 Neighbour Representations**

- 7.1 The application has attracted one objection following public consultation, which raises concerns on the following grounds:
- Exacerbation of on street parking issues from overflow of residents, visitors and servicing parking needs;
  - Safety for pedestrians using the walkway between Swanley Close and Langney Rise;
  - Loss of trees and landscaping; and
  - Noise impacts from increased activity

## **8 Appraisal**

### **8.1 Principle of development:**

- 8.1.1 The National Planning Policy Framework (NPPF) supports sustainable residential development. The site is located within the built-up area, where the principle of development is considered to be acceptable. Furthermore, the Borough Plan saved Policy HO2 identifies this location as being predominantly residential and National Policy (NPPF) supports sustainable residential development. This site would be considered a brownfield site and the strategy states that *"in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land"*. As such, the proposed residential use is in accordance with this spatial strategic objective.
- 8.1.2 The site is also identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this

Framework taken as a whole’.

8.1.3 It is acknowledged that outline planning permission has previously been granted in 2009 for residential development of the site comprising 20 new apartments, that this was not implemented and has now expired. Paragraph 122 of The NPPF states that in considering development proposals, Local Planning Authorities should *‘refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework’*. The applicant was asked to respond to this point, taking account of the previous proposal for 20 apartments. Whilst it is noted that the previous approval was more broadly for outline permission, the applicant has also provided costings in relation to the delivery of 20 unit flatted scheme, which is considered to adequately demonstrate that the delivery of this number would not be viable.

8.1.4 Taking the above into account, the proposed development is considered to be acceptable in principle.

8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:

8.2.1 The application site is located adjacent to existing dwellings forming part of the residential development of Swanley Close. However, only two existing dwellings are located directly adjacent to the site, one adjacent to the western boundary and one adjacent to the southern.

8.2.2 Taking into account the location of the proposed dwellings in relation to existing, it is not considered that the proposal would result in any significant loss of privacy for adjoining occupiers. The placement of the proposed buildings and their fenestration would prevent any direct views towards existing neighbouring windows.

8.2.3 The arrangement of the dwellings in relation to those closest to the site would not result in any significant overbearing impact upon the outlook from existing windows. Unit 10, which would be located in the north-eastern corner of the site, would be adjacent to number 42 Swanley Close, a bungalow with south facing windows. The front elevation of unit 10 would be forward of that of the existing front wall of number 42. However, taking into account the orientation and distance between the buildings, it is not considered that there would be any significant loss of light for existing residents.

8.2.4 To the south, proposed unit number 1 would have a similar relationship with number 45 Swanley Close, although it would be sited beyond the rear elevation of number 45. The orientation would prevent any significant ambient light loss and no direct sunlight would be lost from the existing habitable room windows.

8.3 Impact of proposed development on amenity of future occupiers

*Standard of proposed accommodation:*

8.3.1 The proposed dwellings would generally provide a good standard of accommodation for future occupants, being well arranged on plan. The proposal would create ten three-bed units, each comprising two single occupancy and one double occupancy bedrooms for four individuals.

- 8.3.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. Each of the proposed dwellings would comprise dwellings of the same size and arrangement. As such, the table below provides details of the proposed internal areas for assessment, based upon the common design of the proposed dwelling.

	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
Bedroom 1	11.5m <sup>2</sup> (double)	14.7m <sup>2</sup>	<b>Yes</b>
Bedroom 2	7.5m <sup>2</sup> (single)	8.3m <sup>2</sup>	<b>Yes</b>
Bedroom 3	7.5m <sup>2</sup> (single)	7.5m <sup>2</sup>	<b>Yes</b>
Total (GIA)	84m <sup>2</sup> (2 storey, 3b 4p)	88.68m <sup>2</sup>	<b>Yes</b>

- 8.3.3 Three of the proposed units would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the 'Technical housing standards - nationally described space standards'.

*Outlook and privacy:*

- 8.3.4 The proposed dwellings would be dual aspect and would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. It is not considered that there would be any privacy issues and would be As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

*Outdoor amenity space:*

- 8.3.5 The proposed dwellings would have access to suitably sized private outdoor amenity space, taking into consideration the constraints of the site and the layout of the dwellings. The space would be well related to the dwellings and easily accessed by future occupiers.

8.4 Design issues:

- 8.4.1 The local area comprises a varied character, taking into account the location adjacent to Langney Shopping Centre and the petrol filling station to the east. However, the proposed change of access from the northern boundary to link the site to Swanley Close would mean that the development would operate as part of the established Swanley Close residential development. The size, height, form and cul-de-sac arrangement of the development would be well suited to the established character and is considered to be acceptable in terms of the general pattern of development.
- 8.4.2 The proposal comprises two storey pitched roof detached dwellings. The houses are well laid out on plan, having good sized dwelling to plot ratios and based around court parking. The proposed facing materials are considered to harmonise with the character of the area and would be varied across the dwellings in the development, to break up the appearance and provide interest.

### *Landscaping*

- 8.4.3 The proposal would incorporate hard and soft landscaping features, including hard surfacing for access and parking and planted, lawned and garden areas. The resulting landscaping is considered to be appropriate to the character of the area in general and would allow for a more verdant appearance of the site to become established.

- 8.4.4 ESCC Highways commented that the pathways within the site do not meet the minimum width according to regulations and have advised that this is revised so that they are no less than 1.2m. As agreed with the applicant, this will be sought by condition prior to first occupation.

### *Impacts on trees:*

- 8.4.5 There is no objection in principle to the loss trees. There are elements of landscaping to the proposal which will soften the appearance of the development. The landscaping content will be secured by condition to be implemented pre occupation of the dwellings.

### 8.5 Impacts on highway network or access:

#### *Access:*

- 8.5.1 The site is located in a sustainable location, designated as a Predominantly Residential Area in the adopted Core Strategy. Therefore, residential development is considered to be acceptable in principle in this location. The site would be well located in respect of amenities, being directly adjacent to the Langney Shopping Centre. In terms of wider accessibility, the site is well accessed by public transport. A number of bus services surround Langney Shopping Centre, the nearest of which is a bus stop on the eastern side of the centre, approximately 60m walk from the site. Services are regular and frequent. Hampden Park is the closest railway station, located 2.5km from the site and is easily accessible by foot and cycle.
- 8.5.2 The proposal involves relocation of the existing vehicular access at the northern end of the site to Swanley Close, comprising a vehicular and pedestrian access at the southern end of the western boundary, adjacent to the existing hammerhead turning point. The new access has been amended to remove formerly proposed gates, to prevent a gated development and for ease of access for servicing and deliveries. A separate pedestrian gate would also be provided from The existing access would be blocked up and a new pedestrian access would be created between units 7 and 8, allowing access to the amenities of Langney Shopping Centre and to nearby bus stops.
- 8.5.3 The existing footpath on the northern boundary would be reinstated as part of the proposed development, which would allow for safe access by foot between the site and the shopping centre. Recent works to the landscaping of the shopping centre car park area have improved accessibility for pedestrians, including new pedestrian crossings over the internal service roads. Together, these provide a safe network of access routes both for future occupants of the development and for existing residents in Swanley Close and beyond.
- 8.5.4 ESCC Highways have undertaken a TRICS assessment to ascertain the likely trips generated by the proposed development. It is envisaged that approximately

53 two-way vehicular daily trips would be generated, based on similar developments assessed from the TRICS database. ESCC Highways has concluded that it is not expected that an increase of 53 daily trips would have a significant impact on the local highway network and, as such, is considered to have an acceptable impact upon the transport network.

*Construction Management:*

- 8.5.5 ESCC Highways requested that a Construction Management Plan (CMP) be required by condition of any permission during the course of the application, with a view to these details being approved as part of any planning permission to avoid a pre-commencement condition. The CMP has been considered by ESCC, who has confirmed that they are happy with the management of construction related traffic upon the transport network. As such, a condition is recommended to ensure that the CMP is strictly followed

*Parking:*

- 8.5.6 In accordance with the ESCC parking demand calculator, 10 three-bed units in this location would require 22 off-street parking spaces. The submitted plans propose a total of 23 parking spaces, which would comprise three visitor spaces. As such the quantum of proposed parking provision would exceed the parking demands for the development. A condition has been attached requiring that on-site spaces are provided in accordance with approved details prior to first use of the development.

- 8.5.7 In addition to the above considerations, ESCC Highways undertook a parking beat survey in the surrounding car park to ascertain whether the level of displaced parking can be accommodated. This concluded that there is ample capacity to accommodate both the development demands and the loss of parking that would result from the loss of car parking facilities for the shopping centre.

*Cycle storage facilities:*

- 8.5.8 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The proposed plans indicate that cycle storage would be provided within the rear gardens of each of the proposed dwellings. The amount, quality and location of the provision is considered to meet the requirements of adopted policy.

- 8.5.9 It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.6 Affordable Housing

- 8.6.1 In line with NPPF and Eastbourne's Core Strategy Policy D5, development proposals for 10 or more dwellings are liable for an Affordable Housing Contribution.

- 8.6.2 The applicant has stated that the development would not be viable with an affordable housing contribution and has submitted a Financial Viability Assessment (FVA) to support this claim. This has been independently reviewed, which is in agreement with the FVA. As such, it would not be reasonable to seek

an affordable housing contribution for the proposed development. However, the independent review recommends (at para. 2.5) that a further review is written into a S106 legal agreement, should any changes to build costs or land valuation make the site viable in the future. As such, this will form a head of term within the recommended legal agreement.

## 8.7 Other matters:

### *Refuse/Recycling storage facilities:*

- 8.7.1 The application proposes dedicated refuse/recycling storage facilities within the curtilage of each of the dwellings. The facilities would be located within the rear garden areas and, as such, future residents would need to put the bins out on collection days. Alternative arrangement of the facilities has been considered at the front of each unit, but this would not be possible due to the limited space within the site. As such, this would need to be

### *Local Labour Agreement:*

- 8.7.2 Policy EL1 of the Eastbourne Employment Land Local Plan and the Local Employment and Training SPD required that development of 10 residential units or more only be granted with a Local Labour Agreement to include the following:

1. A Local Employment strategy to include the advertising of all new construction and operational vacancies locally (ie in the Borough of Eastbourne and within East Sussex).
2. A strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed, and NVQ training places associated with the construction and operation of the Development, as appropriate to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.

This would be secured by Section 106 legal agreement, alongside other heads of terms stated elsewhere in this report.

## 8.8 Conclusion

- 8.8.1 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.
- 8.8.2 Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore In accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
- 8.8.3 The proposal will result in the net gain of ten residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and any impacts upon existing residential properties are considered to be acceptable.
- 8.8.4 Therefore the benefits of the proposal are considered to outweigh any harm

caused and as such it is recommended that planning permission should be granted subject to conditions and S106 legal agreement.

## **9 Human Rights Implications**

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

## **10 Recommendation**

- 10.1 Grant Planning Permission subject to a Section 106 Legal Agreement comprising the following Heads of Terms:

1. Local Labour Agreement;
2. Further Financial Viability Review;
3. Traffic Regulation Order contributions.

- 10.2 And the following conditions:

- 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). Approved Plans.

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

- Location and Block Plan: 6251/LBP
- Proposed Block Plans: 6251/1/A;
- Block Plan: 6251/1A;
- Plots 1-3 Proposed Elevations and Floor Plans: 6251/2;
- Plots 4 Proposed Elevations and Floor Plans: 6251/3;
- Plots 5-7 Proposed Elevations and Floor Plans: 6251/4;
- Plots 8-10 Proposed Elevations and Floor Plans: 6251/5;
- Street Scene as Proposed: 6251/6;
- Roof and Rainwater Downpipe Plan: 6251/7;
- Entrance Details: 6251/8A;
- Landscape Proposals – PLG/1565/19A;
- Visual – Plots 3-10: 6251/9;
- Visual – Plots 1-3 INC & 7-10 INC: 6251/10;
- Design and Access Statement;
- Arboricultural Report by The Mayhew Consultancy Ltd, dated July 2019;
- Transport Statement – PKLG/19/4725/TS02, dated July 2019;
- Odour Assessment – 25207-04-OA-01;
- Combined Geotechnical and Ground Contamination Risk



- Assessment by Ashdown Site Investigation Ltd, dated July 2019;
- Noise Assessment by M-E-C Acoustic Air, dated July 2019;
- Financial Viability Assessment by Anderson Bourne, dated 22<sup>nd</sup> October 2019
- Construction Management Plan by Park Lane Group, dated September 2019

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

3) The external surfaces of the development, hereby approved, shall be finished in accordance with the approved External Finishes Schedule (6251/EXTMAT/A) and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance.

4) No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

5) Secure covered cycle parking facilities for a minimum of 20 bicycles shall be provided in accordance with the details approved prior to first occupation of the development, hereby approved, and shall thereafter be retained in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

6) Refuse and recycling facilities shall be provided in accordance with approved plans prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

7) Prior to completion or first occupation of the development hereby approved, whichever is the sooner; hard and soft landscaping details of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. Revisions to ensure that pathways within the site achieve at least a 1.2m width;

2. Revisions to ensure that at least 0.5m clearance is achieved between any parking spaces and shrubs, trees, walls, fences and other structures;
3. location, type and materials to be used for hard landscaping including specifications where applicable for:
  - a. permeable paving
  - b. underground modular systems
  - c. Sustainable urban drainage integration
  - d. Surface coverage within tree Root Protection Areas (RPAs);

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 Policy UHT7 of the Eastbourne Borough Plan.

8) The development, hereby approved, shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawings.

Reason: In the interests of road safety.

9) Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

10) The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

11) A maintenance and management plan for the entire drainage system shall

be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

12) Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

13) 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.

1. Evidence of drainage construction prior to first occupation
2. In accordance with ground contamination details

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

14) The development shall not be occupied until footways within the site have been provided and constructed in accordance with the approved plans.

Reason: To ensure the safety of persons within the site.

15) The Arboricultural Method Statement (section 11 of the Arboricultural Report AR/72519) and the associated tree protection plan 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: 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.

16) 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: 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.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse, hereby permitted, shall be undertaken without the prior grant of planning permission by the Local Planning Authority.

Reason: In the interests of preventing overdevelopment of the site

18) The recommendations of the Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019 shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified land contamination specialist.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

19) Prior to first occupation of the development, hereby approved, a verification report demonstrating the completion of the remediation scheme approved pursuant to condition 10 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met.

Prior to submission, the applicant shall first make contact with The Environment Agency to ensure their agreement with the report.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

20) The development, hereby approved, shall not be occupied until the boundary enclosures have been erected in accordance with the approved drawings

21) No demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the

development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

22) The development shall not be occupied until a Travel Plan Pack for residents has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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: To encourage and promote sustainable transport.

23) The proposed noise mitigation measures set out in the Noise Assessment dated October 2019 (Report Ref: 25207-04-NA-01) shall be carried out in full to the satisfaction of the Local Planning Authority unless agreed otherwise in writing.

Reason: To ensure noise impacts are minimised and mitigated to protect the amenity of future occupiers.

24) Prior to first occupation of the development, hereby approved, planting shall be completed in accordance with the approved plans and Arboricultural Report AR/72519. Any new trees or planting that die, are removed or become severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

### **Informatives**

1) A formal application regarding the impact upon and connection to the public sewerage system is required in relation to this development. For further information, the applicant is advised to contact [www.southernwater.co.uk](http://www.southernwater.co.uk)

2) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, ESCC SuDS Team can be contacted via: [Su.DS@eastsussex.gov.uk](mailto:Su.DS@eastsussex.gov.uk)

3) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, Southern Water Developer Services can be contacted on Tel: 0330 303 0119.

## **11**

### **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.