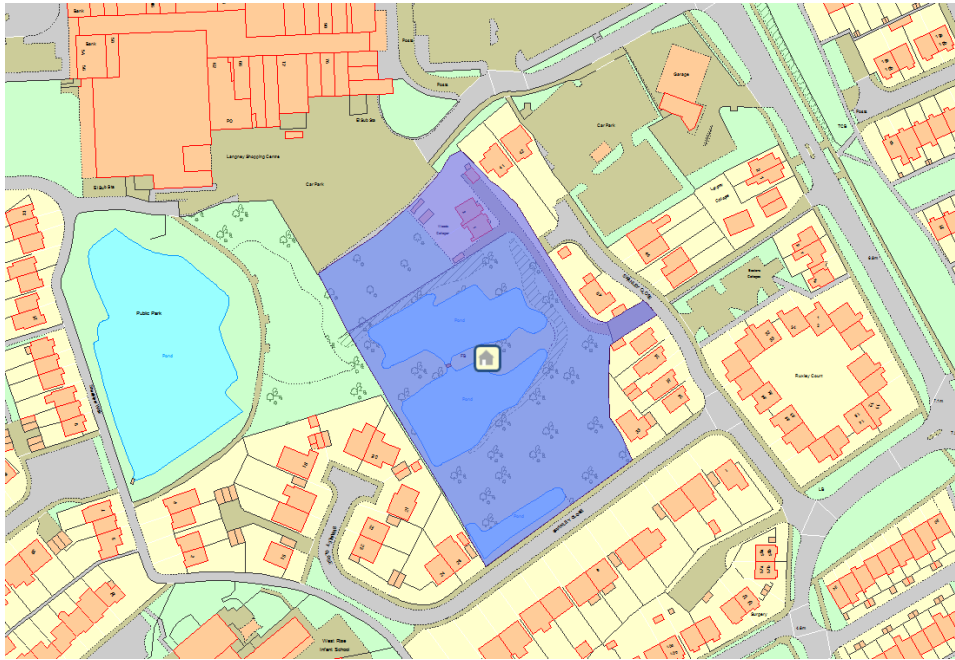


App.No: 190339	Decision Due Date: 26 July 2019	Ward: Langney
Officer: James Smith	Site visit date: 5 th June 2019	Type: Planning Permission
Site Notice(s) Expiry date: 6 June 2019 Neighbour Con Expiry: Press Notice(s):		
Over 8/13 week reason: To allow for revisions to drainage and access arrangements.		
Location: Wood's Cottages, Langney Rise, Eastbourne		
Proposal: Redevelopment of site to form 35N° dwellings, formed of 1N° one bedroom flat, 10N° two bedroom flats, 19N° three bedroom houses, 5N° four bedroom houses.		
Applicant: Mr T Cruttenden		
Recommendation: <ol style="list-style-type: none"> Subject to 2-6 being satisfactorily concluded then Planning Committee resolve to: Approve subject conditions and Section 106 Agreement to include affordable housing secure affordable housing and, local labour agreement); Invite an updated financial/viability assessment for the updated proposal; Test the financial/viability assessment via an independent source; Delegate to the Senior Specialist Advisor in consultation with the Chair of Planning Committee to agree the results of the financial/viability assessment and the implications for the quantum of affordable housing; Ecological Impact Assessment to include protected species survey analysis to be undertaken and submitted; Delegate to the Senior Specialist Advisor in consultation with the Chair of Planning Committee the implications of the survey; and If the layout changes as a result of the 2-6 above then the application would be reported back to planning committee for determination. 		

Contact Officer(s):
Name: James Smith

Post title: Specialist Advisor (Planning)

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A. Addendum to original report

- A.1 The application was heard at committee on 22nd October 2019. Members resolved to defer determination of the application in order to allow for the potential of forming an alternative access from the south of the site to be assessed.
- A.2 The applicant has responded to the committee resolution by providing revised site plans which show a revised access arrangement, with the new access being taken through the south of the site, to the west of 33 Swanley Close and roughly opposite numbers 4 and 5 Swanley Close.
- A.3 Following receipt of the amended plans, neighbours and statutory consultees were informed of the changes and invited to provide comments. 10 Additional letters of objection have been submitted, the contents of which are summarised below:-
- The new access is adjacent to 33 Swanley Close and would impact on privacy and generate pollution;
 - Installation of artificial light will impact upon privacy;
 - Vehicle lights will shine into 3 and 4 Swanley Close;
 - The planning supporting document is obsolete as it relates to the previous scheme;
 - Screening would no longer be provided due to amount of woodland removed;
 - Unclear what the replacement planting would be and who would be responsible for upkeep;
 - What is the point of TPO's if they can be removed;
 - There are protected species present on-site (bats and great crested newts);
 - Will increase parking pressure on Swanley Close;

- Increased traffic on road will be a danger to pedestrians;
- Concerned over construction traffic blocking road and materials and debris from construction getting onto road;
- Not an appropriate form of development for the Close;
- Object to infilling of pond, removal of trees and loss of habitat and biodiversity;
- Will destroy tranquillity of surrounding area;
- Emergency vehicles will struggle to access development and nearby properties;
- Will remove a green lung within the urban sprawl;
- Loss of trees and increase in traffic will impact on air quality;
- Water already runs off the site in extreme weather, the loss of trees and introduction of impermeable surfacing will increase flood risk;
- The existing park should be enlarged to incorporate the site;
- Not enough local amenities available;
- Smaller flats will attract younger people and undesirable behaviour;
- Unclear how the size of the pond can be increased;
- 'Dry' pond is no longer dry;

A.4 The revised access arrangements would not require the positioning, orientation or scale of the buildings within the development to be altered. The children's play area originally proposed would, however, be omitted in order for the road to be accommodated within the southern part of the site. All dwellings have access to private amenity space of a suitable size whilst the occupants of the flats would have access to communal outdoor amenity space. The Langney District Pond site, which offers outdoor amenity space, is also within safe walking distance of the development. It is therefore considered that the loss of the children's play space would not unacceptably impact upon the opportunity for outdoor recreation afforded to children and other occupants of the proposed development.

A.5 The revised layout would retain the existing turning head adjacent to 40 and 41 Swanley Close; however this would be blocked off by landscaping so it would not be used for pedestrian or vehicular access. The revised plans have been assessed by ESCC Highways who have made the following comment:-

I have now had opportunity to visit the site again to assess the new access position. I am of the view that the requirements can be met in terms of width gradient and driver sightlines.

A.6 The revised layout would require a modest reduction in on-site car parking provision, from the 59 spaces originally proposed down to 55 spaces. It is noted that the original comments provided by ESCC Highways maintained that there was an over-provision of parking spaces on site. The reduced level of parking still represents an over-provision of 10 car parking spaces and, therefore, it is not considered that the reduction in parking would result in unacceptable parking stress upon the surrounding highway network.

A.7 The proposed road would pass close to the eastern edge of the proposed attenuation pond and would also introduce additional impermeable surfacing

within the site. The Lead Local Flooding Authority (LLFA) were consulted on the changes made and have provided the following comments:-

The changes appear to leave the size of the pond the same as previously proposed and there is no increase in impermeable area. Therefore we have no objection to these proposed changes.

However, the applicant should put measures in place to ensure that there is no surface water runoff from the proposed access onto the existing adopted highway. This can be done as part of a discharging a planning condition. It might also be addressed as part of the Section 278 works with the Highways Authority.

- A.8 Notwithstanding the comments above, there would be a marginal increase in impermeable area as a result of the new access road being formed. However, it is considered that a condition can be used to ensure that adequate drainage is provided for the access road. This is consistent with the comments from the LLFA who have requested that a planning condition be used to secure a scheme to prevent discharge of surface water from the proposed access onto the surrounding highway network.
- A.9 The new access would further erode the amount of retained woodland on site. However, it is considered that, on balance, the merits of the development in the context of the overarching aims of sustainable development outweigh the harm and, as a result, the proposed scheme is acceptable, on balance. It is not considered that the proposed access would introduce any new concerns regarding the overall impact of the scheme. The proximity of the access road to 33 Swanley Close is noted but it is not considered that the presence of the road would harmfully detract from the amenities of the occupants of this property as a landscaped buffer would be maintained between the road and the curtilage of that property. The road also curves away from the rear garden of 33 Swanley Close.
- A.10 The loss of trees and opening up of the southern part of the site would increase visibility of the development when viewed from the south. However, a combination of retained trees and additional planting would allow for a visually sympathetic screen that would partially obscure the development whilst the visual impact upon the southern part of Swanley Close would also be minimised due to the degree to which buildings would be set back from the road.
- A.11 It is therefore recommended that the application is approved, subject to the carrying out of an Ecological Impact Assessment and the signing of a Section 106 agreement to secure the maximum viable provision of affordable housing. Conditions attached will be as per those recommended for the previous scheme but with the condition 2 (para. 10.4 – ‘approved plans’) updated to incorporate the revised layout and additional condition 9 (para. 10.11) updated to secure details of measures to prevent surface water discharge onto the public highway.

A.12 Affordable Housing/Ecological

Given that the scheme has been significantly amended the *financial/viability* report that accompanied the original proposal would not be appropriate to base a decision upon. Given this a revised recommendation is proposed requiring that updates to the financial/viability statement and a survey of the ecological habitat and species are undertaken and submitted for review prior to the decision being taken.

Original Report October 2019 reported in full below

1 Executive Summary

- 1.1 The site falls within a predominantly residential area within the Langney Neighbourhood, which is identified within the Eastbourne Core Strategy as a sustainable location that is suitable for developments of increased residential density.
- 1.2 The proposed development would provide 35 new residential units, of a mix of sizes, that would contribute towards the meeting of housing delivery targets set by National Government.
- 1.3 The site is considered to have sufficient capacity to accommodate the quantum of dwellings proposed along with associated infrastructure and parking. The site access from Swanley Close is considered to be suitable subject to highway improvements and parking restrictions which would be secured through the use of a Section 106 agreement.
- 1.4 The loss of surface water storage capacity associated with the infilling of the pond would be offset by the utilisation of the existing dry pond bend towards the south-western corner of the site as an attenuation pond which would allow for the storage and controlled release of surface water into the main drainage network and would also be designed to provide a wildlife habitat.
- 1.5 The applicant has stated that the development could incorporate 5 x 3-bedroom affordable housing units. This falls below the target of 30% affordable housing provision set out, with the applicant stating that this is as a result of viability issues, due to the level of work required to prepare the site for development. The viability of the scheme would be fully assessed during works on the Section 106 Agreement in order to ensure the maximum viable quantum of affordable housing is provided.
- 1.6 The development of the site would result in the loss of the existing central pond and the majority of the existing woodlands within the site. Mitigation measures have been incorporated into the scheme, and further measures can be secured, to account for the loss of habitat that would result from this. The principle of sustainable development requires environmental objectives to be balanced with economic and social objectives and, in this instance, it is considered that the benefit of providing 35 new dwellings within a sustainable location justifies a

recommendation for approval, provided suitable biodiversity enhancement measures are adopted and maintained.

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
- TR11: Car Parking
- US4: Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The site is currently vacant and fenced off. It had previously been occupied by two cottage dwellings positioned towards the north-eastern corner of the site but these have since been demolished. The site, as well as surrounding areas, was historically in use as a brick field, with clay being extracted for use in making bricks. The Ordnance Survey map overleaf shows the site as it was in 1899. The site level rises from the south to the north.



- 3.2 The use as a brick field ceased some time ago, with the only remnants being the large pond towards the centre of the site, which was formed as a result of clay extraction. The water filling the pond consists of surface water run-off and rain water and is 'perched', this meaning that the water is stored above the level of the water table due to the presence of a layer of clay beneath the pond.
- 3.3 Although the pond has been stocked with fish in the past, and used for fishing, this was not a sustained use. The former brickfield site has therefore been colonised by a natural succession of trees, resulting in the establishment of woodland. The cumulative amenity value of the woodland has been recognised by the application of a woodland Tree Preservation Order, which covers the area of the site from the northern bank of the central pond to the southern boundary.
- 3.4 The northern part of the site has been cleared of trees and is currently overgrown with weeds and scrub. The southern part remains relatively densely wooded up to

the site boundaries. There is a depression in the land towards the south-western corner of the site. This is the bed of a pond that is currently dried out.

3.5 The site backs on to a parking and serving area at Langney Shopping Centre to the north. The north-western part of the site abuts the Langney District Pond Local Wildlife Site and amenity space, which comprises groups of trees, an area of green open space and a large pond. The southern part of the site flanks the highway at Swanley Close whilst the eastern and western boundaries are shared with residential properties on Swanley Close.

3.6 There is a small splinter of the site, towards its southern extremity, which falls within Flood Zone 2. The site is also within 250 metres of a former landfill site.

4 Relevant Planning History

4.1 160150 - Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise – Approved subject to conditions and Section 106 agreement (woodland management plan).

4.2 The previous outline approval allowed for the construction of 10 dwellings. This was seen as the maximum of units suitable for the site at the time. However, the current scheme significantly increases the developable area of the site through infilling the existing large pond within the centre of the site.

5 Proposed development

5.1 The proposed development involves the provision of a total of 35 x new residential units, comprising a mix of 23 x two-storey dwellings, a single bungalow dwelling and a three-storey block of flats which would accommodate 11 units. The full schedule of accommodation is provided in the table overleaf:-

No. Units	Type of Accommodation	Gross Internal Area
1	Detached 3-bedroom bungalow	78 m ²
18	Terraced 2-storey 3-bedroom dwelling	88 m ²
3	Terraced 2-storey 4-bedroom dwelling	112 m ²
2	Detached 2-storey 4-bedroom dwelling	112 m ²
1	1-bedroom flat	50 m ²
10	2-bedroom flat	65 m ²
35		

5.2 In order for the proposed works to be accommodated, the ponds within the centre of the site, which were formed as part of the historic use of the site as a brickworks, would be filled in. The pond which is in the south-western corner of the site, which is currently dried out, would be retained and expanded for use for surface water attenuation. A portion of the existing woodland area, which is covered by a woodland Tree Preservation Order, would also need to be removed.

5.3 Vehicular access to the site would be achieved via Swanley Close, in the position of the existing turning head. A Section 106 agreement would be used to secure

parking restrictions on the parts of Swanley Close immediately adjacent to the proposed site entrance. A separate pedestrian footpath access would be provided from Swanley Close, in the position of the existing dropped kerb access between N0. 38 and No. 40 Swanley Close.

- 5.4 A total of 59 x car parking spaces would be provided. The majority of these would be unallocated and be in the form of bays to either side of the access road.
- 5.5 A play area would be provided towards the southern part of the site. The woodland area towards the southern end would be partially retained although the expansion of the existing pond to provide attenuation for surface water would require the removal of a number of trees. This part of the site would be readily accessible to residents and would be retained to provide habitat and biodiversity.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 Support: Their full response is reported below:-

This application proposes the construction of 35 dwellings, formed of 11 flats, and 24 houses. The site was previously occupied by two cottages, which have been demolished. Planning permission previously been granted for 10 dwellings on this site. The site is within the Langney neighbourhood.

- 6.1.2 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.”

- 6.1.3 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 considered a windfall site, as it has not previously been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 35 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy Policy B1, as stated in the Core Strategy.

- 6.1.4 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 October 2018, 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.

- 6.1.5 As the proposed development results in the net gain of 35 dwellings, over the threshold of 10, there is a requirement to contribute towards affordable housing. The planning statement describes that while a development of 35 net units should normally contribute 30% towards affordable housing (as it is a low-value neighbourhood), which in this case would be 10.5 units, the cost of development on this site means that this would not be viable, and so offers 5 houses with 3 bedrooms each. The viability study that has been provided should be independently verified.
- 6.1.6 The development would be liable for the payment of CIL on the 24 houses proposed. Under Eastbourne's current charging schedule, the 11 proposed flats are not CIL liable.
- 6.1.7 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.'

6.2 ESCC Highways

- 6.2.1 Conditional approval:- Their full response is reported below:-

The site is a green area with 2 dwellings (Woods Cottages) and comprises ponds and vegetation. The site would generate trips associated with the two houses and possibly maintenance of land. In location terms, the site is within a residential estate and is situated within close proximity to shopping facilities and a number of local schools, the closest being West Rise, actually in Swanley Close/Chaffinch Road. Langney shopping centre provides a public house, supermarkets, bank, pharmacy and butcher, all within a short walking distance of 10mins or 700m. Public transport can be found outside the Langney Shopping centre at around 450m away providing a variety of local services on a regular basis from 6am to 11.30pm.

- 6.2.2 Access – vehicular access is shown to enter the site at the existing adopted turning head arrangement between 40 and 41 Swanley Close. The access road is required to allow 2 vehicles to pass at the site access and throughout the site. It is recommended that the access is 5.5m in width with 6m radii to allow for service vehicles. The site layout plan indicates that the site entrance is only 4.5m wide, widening to 5.5m internally. It is requested that the applicant considers widening the access point to 5.5m with a supporting swept path plan. Being an end of cul-de-sac location, a standard vehicle requiring access at the same time as a service vehicle would result in conflict especially as there are generally parked vehicles on Swanley Close in the vicinity of the proposed access. I note there is no road safety audit provided with this proposed access provision. The East Sussex County policy for new development requires an all user road safety audit for all major applications.
- 6.2.3 Footways are present on Swanley Close and provide suitable connectivity. The site layout provides internal footways. Cycling is feasible on quieter roads that connect with the cycle network in Eastbourne.

- 6.2.4 Publicly available bus transport is available within a short walking distance on north, west, and east sides of Langney shopping centre, located immediately north of the site. Walking route to the nearest bus stop on the east side via Ruxley Court is 350m in distance, where services 1x (every 30 mins) and The Loop (every 20 mins) are available.
- 6.2.5 The closest railway station is Hampden Park and is 2.5km distance from site. This takes 30 minutes walking or 9 minutes cycling. Secure cycle parking is available at the station.
- 6.2.6 Apart from further details required in relation to the vehicle access to the site, It is considered that the site is sustainable from a transport perspective and there are travel choices available other than the private car.
- 6.2.7 Highway impact on the network - Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network. The trip assumptions made within the submitted transport statement are considered to be robust on the basis that a trip rate of 4.2 has been applied for the mixed use of houses and flats. From this it is anticipated 14 trips are predicted in the AM peak 0800-0900hrs and 17 trips in the PM peak 1700-1800hrs. Owing to the fact that there is a primary school and local supermarket within a very short distance, there is a likelihood that shorter journeys can be made on foot such as to these destinations. Based on trip predictions, 14-17 trips per peak hour would be approximately 1 vehicle every 4 minutes. Whilst it is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak between 0845 and 0915 broadly, it is not likely that the residents from this site would contribute further to traffic in this period or choose to start a journey during school peak periods owing to the delays expected.
- 6.2.8 Layout, servicing and parking – Car parking spaces must be of sufficient size 5m x 2.5m. The parking provision made exceeds the calculated parking requirement by 14 spaces. The overprovision by 14 spaces would allow for further allocation of parking spaces to specific plots (1 space can be allocated to the 3 bedroom units). On this basis, I do not wish to object as the provision would be similar to the calculated.
- 6.2.9 Cycle parking is shown as stores in rear garden areas for houses and in a separate communal store for the proposed flats. The arrangement of plots allows for access to these stores on a suitable pathway.
- 6.2.10 Servicing the proposed development is demonstrated using a swept path template for an 11.99m long vehicle. Though this is the correct size, I would wish to raise concern that accessing the site is restricted due to the narrow width of the access and manoeuvring area on Swanley Close, due to parked cars on street. Whilst narrower road widths would help to keep speeds low and 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. 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.

6.2.11 Internally, the 11.99m long vehicle is shown to be accommodated within the proposed layout. The applicant is required to provide refuse storage facilities for the development so that they meet the maximum distance required for residents carrying and collection staff collecting.

6.2.12 Officer Comments: The applicant has submitted revised plans which ESCC Highways have reviewed and consider to be acceptable.

6.3 ESCC Drainage (following revisions to drainage scheme)

6.3.1 The applicant submitted additional information to us in response to comments made in our letters dated 6 June and 2 July 2019. The additional information is in the form of a report produced by Environmental Assessment Services Limited dated 5 September 2019. This information addressed the concerns raised in our previous response. The drainage design outlined within the report should be detailed and implemented.

6.3.2 We note that the existing trees around the area to be used for additional storage within the existing pond. These will have to be assessed with the intention of removing those that will have a significant impact on the pond. Any works required to improve the pond and/or stabilise the banks of the existing pond should be carried out prior to the construction of an outfall from the drainage system.

6.3.3 No objection in principle subject to the imposition of conditions.

6.4 Specialist Advisor (Arboriculture)

6.4.1 Conditional support:- Their full response if reported below:-

Please note that trees subject to a Tree Preservation Order rank as a 'material consideration' when determining the above planning application. The Council is under a duty to protect trees and Section 197 of the Town & Country Planning Act 1990 states: 'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

6.4.2 The expanded pond will take up most of the last vestiges of the original woodland area identified as W1 of the Order: The proposed expansion of the pond will in itself will be three to four times the size of the existing 'dry pond' and as a result all trees within its extent and beyond will have to be removed to both accommodate the pond and its graded sides.

6.4.3 The pond will have to be maintained to remove debris on an annual basis, including de-silting and vegetation, particularly trees, will have to be cut back to lessen shade.

6.4.4 In addition, it is recommended by the author of the report that the pond will represent a hazard, particularly to young children, and would need to be surrounded by a 1.8 m high chain-link fence with a lockable gate.

6.5 Sussex Wildlife Trust

6.5.1 Conditional support:- their full response is reported below:-

SWT notes that a Preliminary Ecological Appraisal (PEA) has been submitted with the application which we welcome. However, SWT is concerned that the full ecological impact of the proposal has not yet been assessed and therefore it is not clear how net gains to biodiversity will be achieved as required by paragraph 170 of the National Planning Policy Framework (NPPF). In particular:

6.5.2 PEA section 4.3.8 states that 'All waterbodies were deemed unsuitable to support GCN due to the historical presence of fish'. It is not clear from the PEA if fish were actually noted to be present and if so, in what quantities. Whilst it is true that ponds with high numbers of fish are unlikely to contain populations of GCN, SWT does not think this has been established in this case. At the very least a Habitat Suitability Index (HSI) score should be calculated to assess the suitability of the pond for GCN.

6.5.3 The PEA recommends further surveys of a number of trees with high potential for bat roosts. Similarly, there is discussion of the suitability of the site for foraging and commuting bats, but no bat surveys have been undertaken to assess how the site is currently used. SWT reminds Eastbourne Borough Council (EBC) that the ODPM Biodiversity and geological conservation: circular 06/2005 states in paragraphs 98 and 99 that 'The presence of a protected species is a material consideration' and that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...' It is not acceptable to condition protected species surveys, the information must be provided before a planning decision is made.

6.5.4 We are also concerned that no lighting strategy has been provided (PEA, 5.4.13). The Bat Conservation Trust guidance note¹ on bats and artificial lighting is clear that developers should ensure a lighting assessment is done alongside an ecological assessment in order that impacts can be avoided in the first instance through good design. The lack of information on how the site is currently used by bats means that the proposal cannot have been designed to avoid impacts on bats. This is disappointing.

6.5.5 SWT also notes that the recommended surveys for reptiles (PEA, 5.4.27) have not yet been carried out. Again this is not acceptable and should be remedied before a planning decision is made.

- 6.5.6 Policy D9 of the Eastbourne Core Strategy is clear that all developments over 500m² or 5 dwellings must produce a biodiversity survey 'to ensure development does not impact on species of importance'. Whilst a PEA has been carried out, the conclusions do not ensure that there is no impact, but rather that further information is required. Similarly, saved Policy N22 of the Eastbourne Borough Plan requires that development proposals which would result in the loss of ponds will be required to provide for their relocation or for the creation of equivalent habitat of sufficient size to fully compensate for the loss elsewhere within the site or local area. It is not clear that the reinstatement of the pond within the woodland area is sufficient to 'fully compensate' for the loss of the larger pond.
- 6.5.7 Section 5.4.32 of the PEA also suggests that Langney Centre Pond Local Wildlife Site (LWS) may be a suitable receptor for any fish found within the pond to be removed. SWT would object to any translocation of fish without full consideration of the potential impacts on the LWS. Fish, particularly non-native species such as Koi Carp can have a significant negative impact on the biodiversity value of ponds. Saved policy NE20 is clear that there should be no direct or indirect adverse impacts on locally designated sites.
- 6.5.8 Given the points above, SWT asks EBC to request that further information is submitted in line with the recommendations of the PEA so that EBC can be confident that the proposal would not negatively impact on protected species and that net gains to biodiversity will be delivered. If the necessary ecological information is not forthcoming, then the application should be refused.
- 6.6 Regeneration Officer
- 6.6.1 The site is located close to two secondary schools both of whom regularly seek construction work experience placements for Year 10 pupils. The site would also be an opportunity for work experience placements for the unemployed particularly those completing local construction education and training programmes.
- 6.6.2 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.
- 6.7 Sussex Police
- 6.7.1 General support: Their full response is reported below:-
- The development in the main has outward facing dwellings which should create good active frontage with the streets and the public areas being overlooked. This design has created terraced housing which has an overreliance on rear garden access pathways. Parking has been provided overlooked bays and parking courts. This should leave the street layout free and unobstructed.
- 6.7.2 Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and

visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. I recommend that plots 7, 8, & 9 have allocated parking outside their dwellings in order to have active surveillance over their vehicles from their dwellings.

- 6.7.3 With respect to the individual dwelling's front boundary, it is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. The communal block of 11 dwellings, plots 20 – 30 has no demarcated areas.
- 6.7.4 SBD research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. It is preferable that footpaths are not placed to the back of properties. If they are essential to give access to the rear of properties they must be gated. The gates must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less. Gates will generally be constructed of timber when allowing access to the rear of a small number of dwellings. However in larger developments where the rear footpath provides access to a large number of properties (as in this development) then a gate constructed of steel may be required. Consideration should be given to utilising steel gates conforming to LPS 1175 Security Rating 1 (A1) or Sold Secure Silver (minimum) standard within this development.
- 6.7.5 Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.
- 6.7.6 Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. I would ask that consideration is given to the eventual location in that it is surrounded with railings with self-closing gates to provide a dog free environment. Para 9 SBD Homes 2019.
- 6.7.7 From a crime prevention perspective, it will be imperative that access control is

implemented into the design and layout of the communal block, plots 20 – 30. This ensures control of entry is for authorised persons only. SBD recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system and access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. See para 27

- 6.7.8 There is mention within the planning statement of a pedestrian link to the nearby shopping centre. I ask that should this be entirely necessary and unavoidable, its design and layout follows the recommendations and requirements as described within para 8.8 - 8.12 of SBD Homes 2019.

7 Neighbour Representations

- 7.1 Letters of objection received from 11 neighbouring properties, the contents of these letters are summarised below:-

- Increase in traffic, hazard to pedestrians;
- Insufficient parking;
- There are not enough footpaths;
- Motivated by profit and greed;
- Far too many dwellings for this site / overdevelopment;
- Adverse impact on TPO woodland;
- Neighbours will suffer loss of privacy, light and views;
- Disruption during construction works;
- Increased flood risk due to surface water run-off;
- Loss of trees and backfilling of ponds would cause further loss of water storage capacity;
- The area already becomes gridlocked during school run;
- Concern over accessibility for emergency services;
- The whole area is a haven for wildlife – adequate replacement of habitat or transfer of wildlife needs to be carried out if development goes ahead;
- Pollution will increase due to vehicular movements and loss of trees;
- A previous scheme for less houses (15) was rejected;
- Site not accessible to construction vehicles.

8 Appraisal

- 8.1 Principle:

- 8.1.1 The site is located within the built-up area, where the principle of development is acceptable. The site also falls within an area identified as predominantly residential within the Eastbourne Borough Plan. The redevelopment of sites in predominantly residential areas is encouraged by Policy HO2 of the Borough Plan.

- 8.1.2 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. The

NPPF defines sustainable development as incorporating three overarching objectives which are listed below. Any decision on a planning application must balance these matters.

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support 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; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 8.1.3 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.
- 8.1.4 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole. This includes policies to protect amenities, local character and to secure provision of affordable housing (para. 62).
- 8.1.5 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 8.1.6 Para. 127 refers to potential impacts on character and remarks that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)' and that development should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

8.2 Affordable Housing

- 8.2.1 As the development would result in a net increase of over 10 dwellings, there would be a requirement for provision of affordable housing as per Eastbourne Borough Council's Affordable Housing SPD (2017). The Langney neighbourhood is identified as a low value market neighbourhood and, as such, the ratio of affordable housing required would be 30% of the overall development, amounting to 10.5 units. The tenure mix should be 70% rented, 30% Shared Ownership. The proposed development provides a mix of unit sizes. The SPD includes details on a recommended mix of unit sizes to be reflected in affordable housing provision. This recommended mix is set out below:-

Unit Size	Recommended Mix	Units required based on 30% provision
1 bedroom	40%	4.2
2 bedrooms	30%	3.2
3 bedrooms	20%	2.1
4+ bedrooms	10%	1
		TOTAL = 10.5 units

- 8.2.2 The applicant has stated that they would be unable to provide the full complement of affordable housing as it would render the development unviable. A Financial Viability Assessment (FVA) has been submitted which contends that the maximum amount of affordable housing that could be provided would be 5 x 3 bedroom dwellings. The primary reasons given for the viability issues are the costs associated with the infilling of the existing pond, special requirements for piling over the site of the former pond, woodland management costs, management of Japanese Knotweed which is present on site, costs associated with the Section 106 agreement and the cost of providing a children's play area. It is noted that, since the FVA was submitted, elements of the scheme have changed. For example, it is unlikely that a woodland management scheme will now be required due to the amount of trees that would need to be removed to accommodate the proposed attenuation pond.
- 8.2.3 It is therefore considered that, should member resolve to approve the application, the viability of the scheme shall be thoroughly interrogated by way of an independent assessment in order to ensure that the maximum amount of affordable units are provided within the development. The mix of units provided should also be altered in order to ensure it is more in step with the recommended unit size mix set out in the SPD, in order to ensure that as well as 3-bedroom units, smaller units are also made available to meet the demand for units of this size.
- 8.3 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.3.1 The proposal involves the development of a site that is flanked on three sides by residential development. The site had previously been occupied by two dwellings, positioned within the north-eastern corner, although these have since been demolished. The proposed development therefore represents an intensified residential use of the site.
- 8.3.2 Although the use of the site would be intensified, the residential density of the

completed development would equate to approximately 34 dwellings per hectare, which is comparable with surrounding development and falls comfortably within the recommended parameters for density of residential development within the Langney Neighbourhood of 30-70 dwellings per hectare, as set out in Policy B1 of the Eastbourne Core Strategy. It is therefore considered that the intensity of the use of the site would be consistent with, and compatible with, the nature of surrounding domestic development.

- 8.3.3 The proposed dwellings would be two-storey buildings, with the exception of a single bungalow. The flatted element of the scheme would be accommodated within a three-storey block, the overall height of which would be minimised through the use of a flat roof. The majority of the dwellings, as well as the block of flats, would be stepped away from site boundaries, generally with a minimum of 20 metres maintained between them and neighbouring dwellings. Exceptions to this would be Plot 7 which, at 16.4 metres distance from 40 Swanley Close, would still be stepped away from it. It would also face towards the side elevation of the property rather than the location of any primary habitable room windows or amenity space. Plot 1 would be closer to 40 Swanley Close. However, as this property would be a bungalow dwelling it is considered that this closer proximity would be acceptable as views from windows would be interrupted by boundary screening and the single-storey height of the building would prevent it from appearing overbearing. A planning condition would be applied to this dwelling to prevent any extensions into the roof space without prior approval of the Local Planning Authority in order to prevent dormer windows being installed. Plot 35 would be within 4.5 metres of 41 Swanley Close. However, the relationship between these properties would be between flank wall elevations and, as such, this degree of separation is considered to be reasonable. Plot 35 would also project further forward than 41 Swanley Close but it is not considered that this would be to the extent that it would appear overbearing or cause undue levels of overshadowing towards that property.
- 8.3.4 The internal road serving the development would not be immediately adjacent to neighbouring properties and the main parking areas would be positioned within the interior of the site where they would not result in any potential for loss of amenity as a result of light, noise or air pollution.
- 8.3.5 The construction phase of the development would involve extensive works, particularly those associated with the infilling of the existing ponds. This may require frequent movements of tipper trucks carrying suitable infill material to the site. This would have the potential to be disruptive to neighbouring residents and, therefore, a Construction Management Plan will need to be submitted to provide details of estimated amount of vehicle movements, timetable of movements, routing details, wheel washing facilities and the types of vehicles that would be used. Depending on the frequency of movements, it may be necessary for a temporary haul road to be used for site access. The applicant has indicated that this could be taken from Langney Shopping Centre, to the north of the site, thereby avoiding access through Swanley Close. This haul road would remain in place for the duration of groundworks and the bulk of construction works associated with the development.
- 8.3.6 The existing woodland is not managed and is also not accessible to the public. As

a result, trees have grown to excessive height and spread in places, to the detriment of the amenities of neighbouring residents. The trees retained on the site would be subject to a management plan, allowing them to continue to provide a level of sympathetic screening to the site whilst preventing uncontrolled growth.

- 8.3.7 The occupation of the currently derelict site by residential development would remove what is currently a secluded and isolated environment that has the potential to attract anti-social behaviour, to the detriment of neighbouring residents.

8.4 Living Conditions for Future Occupants

- 8.4.1 The table below shows the Gross Internal Area (GIA) of each type of residential unit within the development alongside the minimum space standards set out by the Department for Communities and Local Government in their document Technical housing standards – nationally described space standard (2015). This demonstrates that all new units would provide a suitable level of internal space for their proposed level of use.

Unit No.	Type of Accommodation	Actual GIA	Rec GIA
1	3-bedroom bungalow	78 m ²	74 m ²
2-6, 10-19, 31-33	2-storey 3-bedroom dwelling	88 m ²	84 m ²
7-9, 34-35	2-storey 4-bedroom dwelling	112 m ²	97 m ²
29	1-bedroom flat	50 m ²	50 m ²
20-28, 30	2-bedroom flat	65 m ²	61 m ²

- 8.4.2 All internal space is considered to be of a suitable layout, with awkwardly shaped rooms and overly long or narrow corridors being avoided. All primary habitable rooms are well served by clear glazed windows that would allow for suitable levels of natural light and ventilation within all buildings and would also provide a suitable degree of outlook for each property, without compromising the amenities of neighbouring residents. Each dwelling would have access to a good sized rear garden whilst communal amenity space would be provided to the side and rear of the proposed block of flats. In addition, a play area is to be provided towards the southern end of the site. It is therefore considered that individual occupants of the proposed residential units would benefit from good living standards and communal facilities.
- 8.4.3 It is noted that no details have been provided in regards to the formation of defensible space towards the front the proposed dwellings and block of flats. Sussex Police have identified this as an area of concern in terms of building security. As such, a condition will be used to secure suitable demarcation of defensible space through the use of hard or soft landscaping, or a combination of the two. The height of any planting, fencing or walling will be controlled in order to prevent the generally open nature of the site being compromised.
- 8.4.4 There is also some concern over the arrangement of rear access to terraced properties within the development due to the secluded nature of the alleyways that would be formed. Sussex Police have stated that these alleyways should be

gated so as to control access, with the gates installed in a suitably visible location. A condition will be used to secure the provision of gates that meet Secured by Design Standards in the interest of preventing anti-social and/or criminal behaviour.

- 8.4.5 The retained woodland and balancing pond to the rear of the site are not intended to be accessible to the general public and are to be maintained as an ecological enhancement feature. As such, this part of the development would need to be fenced and gated in order to control access. This would need to be achieved in a sympathetic way in order to prevent an oppressive appearance to the development. Full details of how access to this part of the site would be controlled would be secured through the use of a suitable planning condition.

8.5 Design

- 8.5.1 Residential development on Swanley Close, and within the wider surrounding area, typically consists of single and two-storey dwellings interspersed with occasional small scale flatted development. Larger, non-domestic buildings are present at Langney Shopping Centre to the north of the site where there are two and three-storey high flat roof buildings. It is therefore considered that the general form and scale of the proposed dwellings would be in keeping with that of surrounding development. The three-storey block of flats would be positioned towards the rear of the site, away from surrounding dwellings and would be seen in context with the larger shopping centre buildings behind it.
- 8.5.2 Whilst the general bulk, scale and mass of the buildings that make up the proposed development would be reflective of surrounding development, a more contemporary approach has been taken in terms of external appearance and design. Given the overall scale of the development as well as the largely self-contained nature of the site, it is considered that a contrasting design is appropriate in order to provide the development with its own distinct character and identity, thereby preventing a sense of monotony becoming prevalent within the wider surrounding area. It is, however, considered that far more diverse palette of materials should be utilised for the building exteriors in order to break up the bulk of the built area and to produce a more visually engaging influence that would positively impact upon the character of the surrounding area.
- 8.5.3 The proposed dwellings and block of flats would cluster around a central area, allowing for good levels of surveillance and ensuring that individual properties engage well with each other as well as within the street scene. There development incorporates a variety of building designs which are pepper potted through the development, generating visual interest. However, there are commonalities in each design which serve to provide a suitable level of cohesion.
- 8.5.4 Space would be provided to the front of dwellings to allow for landscape planting that will help to integrate the proposed development with the retained woodland to the south of the site and to retain an element of the verdant characteristic of the site.

8.6 Landscape & Biodiversity

- 8.6.1 The site is former brickworks which was abandoned some time ago, the only remnants of this former use being the large ponds formed within the site as a result of the extraction of clay. Since the abandonment of the brickworks, the wooded area around the site has evolved through natural succession rather than through planting. This has resulted in a varied mix of flora within the site. The undisturbed nature of the woodland has been enhanced by the closing off of the site, which is not accessible to the public. The site is subject of a woodland Tree Preservation Order. This order recognises that, whilst there are few trees that are of merit for protection when viewed in isolation, the cumulative amenity value of these trees is significant.
- 8.6.2 A number of trees within the northern portion of the site have been removed, following the granting of outline permission for 10 dwellings within the northern part of the site. The remainder of the woodland has remained largely undisturbed. The development itself has been designed to minimise incursion into the existing woodland. However, the proposed balancing pond would require further trees to be removed as a means to increase the basin size as well as to provide clearance around the pond. In addition, the presence of the pond may also compromise the long-term health of trees within its immediate vicinity. As a consequence, only a rump of the original woodland would remain. The ecological impact of the loss of the trees could be partially mitigated by appropriate planting within the southern part of the site as well as within the development itself. This is particularly important along the western site boundary where green corridors will need to be maintained to provide connectivity between the retained woodland and the neighbouring Local Wildlife Site (formerly designated as a Site of Nature Conservation Importance) at Langney District Pond.
- 8.6.3 The pond that is to be infilled measures approximately 2,400 m² in area and had, in the past, been used for fishing. The Ecological Assessment concludes that the pond itself is in a state of decline. Due to the presence of fish in this pond, and the Langney District Pond, the Preliminary Ecological Assessment accompanying the application maintains that they would be unsuitable as habitat for Great Crested Newts. All fish within the pond are subject to protection under the Animal Welfare Act (2006). All fish would therefore need to be removed from the pond in a sensitive way and to relocate to a suitable habitat. Although the Preliminary Ecological Assessment identifies the Langney District Pond as a potential relocation site, serious concerns have been raised by Sussex Wildlife Trust due to potential impact upon the existing fish population. A suitable receptor site for the fish will therefore need to be identified prior to any works commencing, along with details of an agreement that the site can be used and of the methodology for removing the fish. The primary methodology for draining the ponds has been identified as being through the use of mechanical pumps. However, the fish would either need to be removed before the commencement of pumping or mechanical draining should be used to partially drain the pond before fish are captured using nets or electro-fishing (which is not harmful to the fish).
- 8.6.4 The pond that is to be in-filled is entirely fed by surface water and rainfall, it is not directly connected to any other watercourse, having only been formed as a result of excavations associated with the use of the site as a brickworks. The loss of the

pond habitat would be mitigated by the creation of an attenuation pond, utilising the existing dry pond area towards the southern edge of the site and increasing the size of the basin in order to provide adequate surface water storage capacity. The attenuation pond, whilst serving a functional purpose in providing surface water storage capacity, will be profiled and planted in a manner that is sympathetic to the requirements of wildlife. This would enable the attenuation pond to form a biodiversity gain over the quality of habitat provided by the existing pond. A Landscape and Ecological Management Plan (LEMP) would also be required as a condition of any planning approval and this would include maintenance and management schedules for the attenuation pond and surrounding woodland which would allow for ongoing ecological enhancements. It is of note that the existing woodland is privately owned, not publically accessible and does not have any form of management plan in place.

- 8.6.5 The pond that is to be in-filled is entirely fed by surface water and rainfall, it is not directly connected to any other watercourse, having only been formed as a result of excavations associated with the use of the site as a brickworks. The loss of the pond habitat would be mitigated by the creation of an attenuation pond, utilising the existing dry pond area towards the southern edge of the site and increasing the size of the basin in order to provide adequate surface water storage capacity. The attenuation pond, whilst serving a functional purpose in providing surface water storage capacity, will be profiled and planted in a manner that is sympathetic to the requirements of wildlife. This would enable the attenuation pond to form a biodiversity gain over the quality of habitat provided by the existing pond. A Landscape and Ecological Management Plan (LEMP) would also be required as a condition of any planning approval and this would include maintenance and management schedules for the attenuation pond and surrounding woodland which would allow for ongoing ecological enhancements. It is of note that the existing woodland is privately owned, not publically accessible and does not have any form of management plan in place.
- 8.6.6 As a result of the clearance work carried out on the northern part of the site, piles of logs and deadwood have been deposited in places. These provide habitat for reptiles and should be retained where possible. Additional log piles should be created during the removal of trees on the site in order to provide additional reptile habitat.
- 8.6.7 The woodland provided roosting and nesting habitat for birds and bats as well as foraging areas. Trees within the site that are suitable for bat roosting have been identified and would not be removed as a result of the proposed development. Whilst the foraging area would be reduced due to the presence of the development, the Preliminary Ecological Assessment makes recommendations to mitigate this, primarily through the implementation of a comprehensive landscaping scheme that would incorporate species that would support and sustain large populations of the invertebrates that bats feed upon. Additional bat and bird boxes would also be installed in suitable locations to provide nesting and roosting facilities.
- 8.6.8 External lighting of the development would have to be sensitively managed, providing a suitable balance between providing security and accessibility without compromising the ability of bats to forage within the surrounding area. Due to the

critical importance of securing a suitable scheme, a condition will be used to require full details to be submitted prior to the commencement of any works, with these being reviewed by the Council's Ecologist prior to any approval being granted.

- 8.6.9 Then overall management and maintenance of the retained woodland and attenuation pond would be achieved through the implementation of the aforementioned LEMP. This would include ongoing ecological enhancement works as well as the monitoring of species present within the site.
- 8.6.10 Ultimately, it is considered that the proposed development would result in the loss of a certain amount habitat on the site, although mitigation measures put in place could partially compensate for this. It is therefore considered necessary to balance this loss of habitat with the economic and social gains that the provision of much needed housing would generate. It is also considered that, whilst habitat loss would occur, the proposed development would facilitate ecological enhancements and habitat management which the current site does not benefit from. It is therefore considered that the development accords with the principle of sustainable development, set out in para. 8 of the Revised NPPF as it adopts a joined up approach in identifying mutually supportive gains across economic, social and environmental areas.

8.7 Flooding and Drainage:

- 8.7.1 The site falls largely within Flood Zone 1, other than a small splinter of land within Flood Zone 2 on the southern part of the site, which is not to be developed. It is therefore considered that the submitted Flood Risk Assessment is adequate and that there is not a requirement for a sequential test to site selection to be applied.
- 8.7.2 The proposed development would significantly increase the amount of impermeable surfacing within the site in the form of buildings and roads. Permeable paving materials will be used where appropriate as a means to reduce surface water discharge. However, a comprehensive drainage scheme is required in order to prevent the risk of flooding from surface water, or the overload of the existing drainage network, from arising as a result of the development.
- 8.7.3 The infilling of the existing pond, which is fed entirely by surface water and rainfall, would remove drainage capacity from the site. The submitted Flood Risk and Drainage Assessment notes that the existing pond contains perched water, this being water stored above the water table level due to being trapped by an impermeable layer which, in this instance, is clay. An initial scheme included providing an attenuation tank to store excess surface water and control discharge rates in order to manage the risk of surface water flooding of the site, neighbouring properties and the public highway. This method was not supported by the Lead Local Flood Authority (LLFA) and, as such, a revised scheme utilising a balancing pond, achieved by enlarging an existing dry pond towards the southern end of the site, has been submitted. This scheme has been supported in principle by the LLFA, subject to the imposition of suitable conditions.

- 8.7.4 The balancing pond will include facilities to filter debris and pollution from surface water run-off before it enters the flow control chamber and is discharged into the mains sewer. The attenuation pond would need to be regularly maintained in order to ensure all necessary plant is operational and any silt and debris is removed to ensure that the pond continues to function effectively both as a drainage measure and as a wildlife habitat.
- 8.8 Highways:
- 8.8.1 The proposed development would be accessed via Swanley Close, a residential cul-de-sac. ESCC Highways have stated that they do not consider that the additional trips generated by the development would adversely impact upon traffic on the surrounding highway network. They also note that the sustainable nature of the site, with Langney Shopping Centre nearby as well as access to public transport and other local services, would likely reduce the number of trips made in private cars. The Highways Officer paid regard to issues identified by objectors relating to congestion on the road during the school run, however, they concluded that peak vehicle movements to and from the site would not coincide with these hours.
- 8.8.2 Whilst the Highways Officer does not object to the level and frequency of trips generated by the development, concern was raised over the suitability of the site access due to the width of the opening car parking around the site access point. In response to this, the applicant has revised access arrangement, increasing the width to 5 metres. A Section 106 agreement would also be used to secure parking restrictions around the site access to ensure that it remains clear. These measures are dependent upon permission being granted by ESCC Planning for the restrictions to be put in place. The planning permission cannot be granted until the Section 106 agreement is signed and, as such, there is no way the development could proceed without the parking restrictions first being secured.
- 8.8.3 The development would be served by 59 car parking spaces. ESCC Highways consider this to be an adequate quantum of parking, noting that it exceeds minimum standards by 14 spaces. Parking would consist of a mix of allocated and non-allocated spaces distributed throughout the site, all within close proximity of residential units. All spaces comply with ESCC recommended dimensions and suitable space is provided to allow for vehicles to manoeuvre in and out of car parking spaces safely.
- 8.8.4 All dwellings and car parking spaces would be directly accessible by a pedestrian footpath which would enable those on foot to circulate throughout the site without being subjected to risk of conflict with motor vehicles. Separate footpath access would also be provided for the site and this would enable pedestrians to enter the site whilst avoiding the main vehicular access.
- 8.8.5 Tracking diagrams have been provided which show that refuse and servicing vehicles can access the site and that there is sufficient space within it to allow them to turn, ensuring they enter and leave Swanley Close in forward gear. The arrangement of parking bays throughout the site will prevent vehicles parking on the carriageway and therefore allow for two way traffic movements throughout the site.

8.8.6 Due to the amount of groundworks associated with the infilling of the pond and preparation of the site for development, it is considered that there is the potential for frequent movement of HGV's into and out of the site, particularly tipper trucks bringing in spoil to be used for infill. There is also likely to be regular deliveries associated with the construction phase as well as traffic generated by site workers and contractors. A condition would be attached to any given approval requiring a Construction Management Plan to be submitted that would set out how construction traffic would be managed, to include, but not be limited to, details relating to amount of vehicular movements, timetable of movements, routing details, warning signage and banksman facilities, measures to prevent dirt and debris being deposited on the public highway, storage compounds for plant and materials, worker and visitor parking facilities and the types of vehicles to be used for delivery and construction works. This plan would need to be agreed by the Local Planning Authority, in consultation with ESCC Highways, and would need to be adhered to throughout the construction of the development. It is noted that a Construction Traffic Management Plan has been submitted with the application. However, it is considered that further clarity is required due to the sensitive nature of the site.

8.9 Contamination:

8.9.1 Any spoil or other material brought to the site to infill the existing pond will need to be suitably certified by the Environment Agency as uncontaminated, clean, and inert. Details of where this material will be sourced from will need to be submitted to and approved by the Local Planning Authority, in consultation with the Environmental Health Department, prior to the commencement of any works.

8.9.2 A Preliminary Ground Contamination Risk Assessment Report has been submitted with the applicant. This assessment has identified potential sources of contamination within the site, consisting of the following:-

- Historical use of the site and surrounding area as a brick field including excavation and backfilling works;
- Demolition works in the northern part of the site;
- Storage of oils and other chemicals in the eastern part of the site;

8.9.3 In light of the potential presence of contaminants, the report recommends that further ground investigation be carried out. Details of the results of this investigation, as well as a remediation strategy giving full details of the remediation measures required to mitigate the presence of any contaminants and how they are to be undertaken will also need to be provided. This will be secured through the use of a planning condition. Adherence to contamination mitigation and remediation strategies will ensure that the development of the site does not release contaminants into the soil, nearby watercourses or expose occupants of the development or surrounding sites to health risks.

8.10 Economy:

8.10.1 The site is in a sustainable location with local shops and services nearby. The site layout includes provision for a direct footpath access to Langney Shopping

Centre although this would need to be agreed with the landowners of the shopping centre. The provision of footpath access is supported by Policy C8 of the Eastbourne Core Strategy which sets out an objective to improve connections to other areas, especially employment areas, through the provision of safe walking and cycling routes within the Langney neighbourhood.

- 8.10.2 It is considered that the presence of additional dwellings within this sustainable location will generate trade and activity within the local area, providing an economical benefit. The construction works also provide the opportunity to provide construction training to local trainees and the developer will be required to subscribe to a Local Labour Agreement as part of the Section 106 agreement in order to secure this training.

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 It is recommended that a resolution is made to approve the application, subject to the submission of additional wildlife surveys and the signing of a Section 106 agreement to secure the maximum feasible provision of affordable housing, the adoption of parking restrictions on Swanley Close, highway improvements and a Local Labour Agreement.

- 10.2 The following conditions would also be attached to any approval:-

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:-

- 289200 No. 01;
- 289300 No. 06 Rev. F;
- 7712/101 Rev G;
- 289200 No. 07 Rev. A;
- 289200 No. 11;
- 289200 No. 12;
- 289200 No. 13;
- 289200 No. 14;
- 289200 No. 15;

- 289200 No. 16;
- 289200 No. 17;
- 289200 No. 18;
- 289200 No. 19;
- 289200 No. 20;
- 289200 No. 21;
- 289200 No. 22;
- 289200 No. 23;
- 289200 No. 24;
- 289200 No. 25;
- 289200 No. 26;
- 289200 No. 27;
- 289200 No. 28;
- 289200 No. 29;
- 289200 No. 30;
- 289200 No. 31;
- 7712 – Transport Statement produced by gtaCivils
- Preliminary Ecological Appraisal J20289_P6 produced by Greenspace Ecological Solutions Ltd;
- R18-13428/ds – Preliminary Ground Contamination Risk Assessment Report produced by Ashdown Site Investigation Limited;
- Flood Risk and Drainage Assessment produced by Environmental Assessment Services Ltd and Additional Proposed Drainage Information dated 5 September 2019;
- Supporting Planning Statement;

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

3) No works above foundation level shall be carried out until a full schedule of external materials and finishes to be used on the dwellings hereby approved have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interest of visual amenity, in accordance with saved policy UHT1 of the Eastbourne Borough Plan.

4) No extension, enlargement, alteration or provision within the curtilage of plot 1 as provided for within Schedule 2, Part 1, Classes A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) be carried out without planning permission obtained from the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with saved Policy HO20 of the Eastbourne Borough Plan.

5) Prior to first occupation of the development hereby permitted a scheme for the secure storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried

out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the development can be adequately serviced by refuse collection services in accordance with Policy D1 of the Eastbourne Core Strategy.

6) Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. This must include details of defensible space to be formed around ground floor units within the flatted element of the scheme. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: In order to ensure the development is adequately screened and secured in a visually sympathetic manner in accordance with saved policy UHT1 of the Eastbourne Borough Plan and Policy D1 of the Eastbourne Core Strategy

7) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a. Location and installation of services/ utilities/ drainage.
- b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c. Details of construction within the RPA or that may impact on the retained trees.
- d. a full specification for the installation of boundary treatment works.
- e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- i. Boundary treatments within the RPA
- j. Methodology and detailed assessment of root pruning
- k. Arboricultural supervision and inspection by a suitably qualified tree specialist
- l. Reporting of inspection and supervision

- m. Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with saved policy UHT7 of the Eastbourne Borough Plan, Policy D1 of the Eastbourne Core Strategy and pursuant to section 197 of the Town and Country Planning Act 1990.

8) 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. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
2. further ecological input into the scheme design to secure biodiversity gains. Such gains are to be designed so as to meet the requirements be appropriate and sympathetic to the assessed ecological merit of the site and surrounds. This condition may only be fully discharged subject to satisfactory written evidence of compliance by a qualified ecologist;
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. use within tree Root Protection Areas (RPAs);
4. a schedule detailing sizes and numbers/densities of all proposed trees/plants;
5. Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority;
6. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be

replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

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.

Prior to the commencement of any construction works within the site the following information must be submitted to, and approved, by the Local Planning Authority:-

1. Detailed surface water drainage drawings which shall include the following:-
 - a. Surface water runoff from the proposed development shall be limited to the 4 l/s (Qbar) for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features;
 - b. The details of the improvements required to the existing pond shall be submitted as part of a detailed design including cross sections and invert levels. This should include the impact of any surrounding trees on the pond;
 - c. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained;
 - d. Details of how surface water associated with the access road will be managed so as to prevent discharge onto the public highway.
2. 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.

3. 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: In order to ensure the site is adequately drained and that surface water is appropriately managed in accordance with saved Policy US4 of the Eastbourne Borough Plan.

- 9) 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 ensure the site is adequately drained and that surface water is appropriately managed in accordance with saved Policy US4 of the Eastbourne Borough Plan.

- 10) Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of environmental amenity and biodiversity in accordance with saved policy NE28 of the Eastbourne Borough Plan and Policies D1 and D9 of the Eastbourne Core Strategy.

- 11) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a. The phases of the Proposed Development including the forecasted completion date(s)
 - b. Details of access arrangements for construction and delivery vehicles;
 - c. Details of the types of vehicle that will be used for construction and deliveries;
 - d. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - e. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management

- vibration site traffic and deliveries to and from the site
- f. Details of wheel washing facilities
- g. Details of hours of construction including all associated vehicular movements
- h. Details of the construction compound
- i. A plan showing construction traffic routes
- j. An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: In the interest of environmental amenity and highway safety in accordance with saved Policy NE28 of the Eastbourne Borough Plan and Policy D8 of the Eastbourne Core Strategy,

12) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- a. a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
- b. a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

13) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (b) above that any remediation scheme required and approved under the provisions of (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a. as built drawings of the implemented scheme;
- b. photographs of the remediation works in progress; and
- c. certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (b).

Reason: In the interest of the control of pollution in accordance with saved Policies NE17 and NE28 of the Eastbourne Borough Plan.

14) No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved plan drawing 7712/101 Rev. F unless agreed in writing by the Local Planning

Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

15) Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a. description, plan and evaluation of landscape and ecological features to be managed including grassland, hedgerows, ponds and wetland areas;
- b. ecological trends and constraints on site that might influence management;
- c. aims and objectives of management;
- d. appropriate management options for achieving aims and objectives;
- e. prescriptions for management actions, together with a plan of management compartments;
- f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. details of the persons, body or organisation responsible for implementation of the plan;
- h. a scheme of ongoing monitoring, and remedial measures where appropriate;
- i. details of legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMP will be implemented in accordance with the approved details and where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: In the interest of ecology and biodiversity in accordance with policy D9 of the Eastbourne Core Strategy.

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.