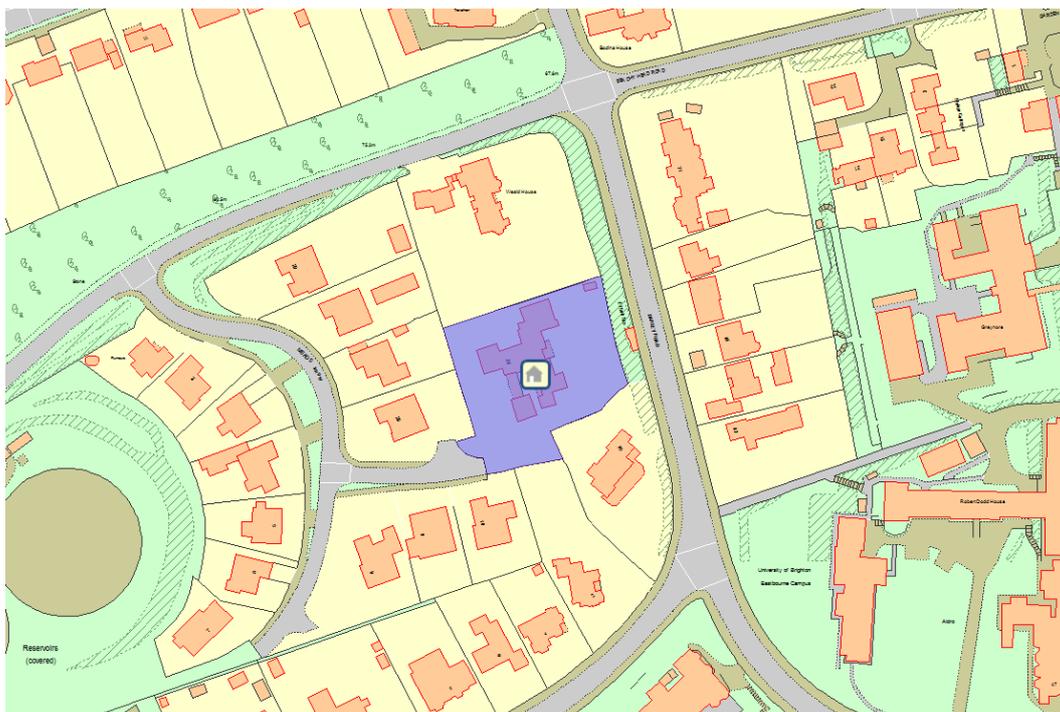


<b>App.No:</b> 181058	<b>Decision Due Date:</b> 29 <sup>th</sup> January 2019	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 8 <sup>th</sup> August 2018 (pre-app)	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 9 <sup>th</sup> December 2018		
<b>Neighbour Con Expiry:</b> 9 <sup>th</sup> December 2018		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Committee cycle and submission of update plans for ESCC Highways comments (comments provided on 13/2/19).		
<b>Location:</b> Spring Mead, 25 Meads Brow, Eastbourne		
<b>Proposal:</b> Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking.		
<b>Applicant:</b> Mr James Caldwell		
<b>Recommendation:</b> Refuse		

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



## **1 Executive Summary**

- 1.1 The proposed development would provide 17 new residential flats within a High Value Neighbourhood. The submitted Financial Viability Assessment maintains that the provision of affordable housing at a policy compliant level would not be viable, nor would any lower provision, off-site provision or commuted sum. It is noted that the land value has a heavy influence on the viability of the scheme and is noted that Planning Practice Guidance for viability suggests that this should not be a determinative factor.
- 1.2 The failure to be able to incorporate any form of affordable housing provision or contribution into the scheme, in what is a high value area, suggests that alternatives should be explored or that the value of the land is too high to render it suitable for residential redevelopment.
- 1.3 Whilst the proposed scheme occupies a similar footprint to the existing building and its overall height would not greatly exceed its ridge height, however the bulk and mass of the building is substantially greater, presenting a three-storey edifice to the front of the building that would appear overbearing towards neighbouring properties and become a dominant feature of the outlook from properties on Meads Brow that back on to the site.
- 1.4 The site access arrangements for the development do not meet requirements to ensure the safe access of pedestrians, on account of the lack of any footway directly adjacent to the access.

## **2 Relevant Planning Policies**

### 2.1 Revised National Planning Policy Framework 2018:

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places

### 2.2 Eastbourne Core Strategy (2013):

- B1 - Spatial Development Strategy and Distribution
- B2 - Creating Sustainable Neighbourhoods
- C11 - Meads Neighbourhood Policy
- D1 - Sustainable Development
- D5 - Housing
- D10a – Design

### 2.3 Eastbourne Borough Plan - Saved Policies (2003):

- NE4 - Sustainable Drainage Systems
- NE7 - Waste Minimisation Measures in Residential Areas
- NE14 - Source Protection Zone

NE15 - Protection of Water Quality  
NE18 - Noise  
UHT1 - Design of New Development  
UHT2 - Height of Buildings  
UHT4 - Visual Amenity  
UHT7 - Landscaping  
HO1 - Residential Development Within the Existing Built-up Area  
HO2 - Predominantly Residential Areas  
HO7 - Redevelopment  
HO20 - Residential Amenity  
TR6 - Facilities for Cyclists  
TR11 - Car Parking

### **3 Site Description**

- 3.1 The site is occupied by a split level dwelling which has a rather sprawling footprint. The dominant roof form is pitched roofing with asymmetric elements and a variety of slope angles present. The nucleus of the building is two-storey, with the frontage being predominantly single-storey and the rear including dormers and flat roof elements. There is a spacious hard surfaced parking area to the front of the dwelling. The rear gardens consist of a generally level area to the immediate rear of the dwelling which includes formal landscaping and patio areas, with a further lawned area towards the rear of the site that is at a lower level, behind a retaining wall.
- 3.2 The site is positioned on a hill side, the access sloping downwards from Meads Brow with the dwelling and parking area being cut into the hill. The site continues to slope downwards across the terraced garden area, with a steep drop in place immediately to the rear of the site, where it border Darley Road.
- 3.3 The site is located at the end of a branch off Meads Brow, a residential cul-de-sac which follows the contour of the hill side which it traverses. The road is flanked by well-spaced detached residential dwellings consisting of a mix of chalet style, split level and two-storey buildings. Dwellings on the western side of the road are at a higher level to those on the east on account of the hillside location. The neighbouring properties to the north and south, which are on Beachy Head Road and Darley Road respectively, are larger buildings. The neighbouring building to the south, 64 Darley Road, has been subdivided into flats.
- 3.4 The site is enclosed by mature landscaping, which includes TPO trees on the northern boundary. The landscaping within the site interior is restricted to ornamental planting, with no significant trees present.

### **4 Relevant Planning History**

EB/1975/0140

3-storey block of 15x2bed and 3x1bed flats, 12 garages, 14 parking spaces and access into meads brow (previously within curtilage Weald House, Beachy Head Road)

Approved conditionally

13th May 1975

EB/1973/0931

3-storey block of 15x2bed flats and garage compound (previously within curtilage Weald House, Beachy Head Road)

Approved conditionally

17<sup>th</sup> January 1974

EB/1960/0565

Erection of a dwellinghouse and domestic garage.

Approved conditionally

3<sup>rd</sup> November 1960

- 4.1 Pre-application submission relating to a 17 unit development was issued to the applicant under reference 180718. The advice confirmed the principle of redeveloping the site for flats was acceptable subject to provision of affordable housing. In addition concerns were raised over the scale of the proposed scheme.

## **5 Proposed development**

- 5.1 The proposal involves the demolition of all existing buildings on site and replacement with a three-storey building to be subdivided into a total of 17 x residential flats (14 x 2 bed, 3 x 1 bed), with 21 associated off street car parking spaces provided to the front of the building and accessed via the existing dropped kerb crossover on Meads Brow.

## **6 Consultations**

### 6.1 Specialist Advisor (Planning Policy):

- 6.1.1 The site is located within the 'Meads Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). Meads Neighbourhood has been ranked as the second most sustainable neighbourhood in Eastbourne. A sustainable neighbourhood has been described as attractive, well-designed with high quality buildings as well as meeting the local needs of the residents by offering a range of housing types.
- 6.1.2 The vision of the Meads Neighbourhood is to strengthen its position as one of the most sustainable neighbourhoods in the town as well as making an important contribution to the delivery of housing all whilst conserving and enhancing its heritage and historic areas. The vision will be promoted by providing new housing through redevelopment and conversions in a mix of types and styles as well as protecting the historic environment from inappropriate development. Additionally, the proposal site is in a Predominantly Residential Area as identified by the Eastbourne Borough Plan (Policy HO20).
- 6.1.3 Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically 358 in the Meads Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhood. Furthermore the National Planning Policy

Framework (NPPF) supports sustainable residential development. As of 1st October 2018, Eastbourne is only able to demonstrate a 1.54 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. In addition, national policy and case law has shown that the demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals. The site has not previously been identified in the Council's Strategic Housing Land Availability Assessment so therefore it would be considered a windfall site. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of 16 dwellings. The proposal is in accordance with local and national policy.

- 6.1.4 It is important to note that all proposed apartments exceed the sizes as defined in the Nationally Described Space Standards and also incorporate internal storage areas in accordance with that guidance.
- 6.1.5 Policy D5 of the Core Strategy explains that Eastbourne is divided into two Market Value Areas which reflect the disparity between dwelling prices across Eastbourne. The Meads Neighbourhood is identified as being a 'High Value Neighbourhood' and developments within Neighbourhoods in High Value Areas, 40% affordable housing will be sought on all sites. Developments of 11 net units and over are required to contribute to Affordable Housing. As this application will result in a net gain of 16 dwellings, it is required to allow for affordable housing units within the development.
- 6.1.6 This application proposes to provide 17 dwellings therefore, policy would require 6 whole affordable units and a commuted sum 'part of unit' requirement of 0.8. Standard practise will apply and applications must follow a process before reaching the point of suggesting unviability of affordable housing within the scheme. Paragraph 4.6 of the Affordable Housing SPD (2017) states that; 'where this is not possible, the Council will work to a five tier system of general principles, weighted towards the independently assessed financial viability of each of the following options. The Council recognises there will be variation in circumstances, and will assess each development on a site-by-site basis. The order of preference is:
- i. The Council's on-site preferred mix;
  - ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
  - iii. A level of affordable housing on-site which is less than the specified threshold;
  - iv. Serviced plots onsite;
  - v. Service plots offsite;
  - vi. Transfer of land;
  - vii. A commuted sum'
- 6.1.7 Although the SPD requires a dwelling mix that includes a proportion of 3 and 4 bedroom units, there is a recognised need to improve on the current lack of housing choice within the Meads neighbourhood and it is noted that the site is located within a locality where there is a limited amount of smaller residential units available. As such, the proposed mix of unit sizes would likely be

acceptable.

- 6.1.8 Should onsite provision be assessed as unviable a commuted sum payment will be required. Paragraph 9.8 of the 'Financial Viability Appraisal' provided in the application, states that 'it is clear that the inclusion of any additional on-site affordable housing would adversely impact on the residual value and therefore scheme viability and mean the Applicant would be unable to progress the Meads Brow project'. Therefore, the below figures for a whole commuted sum have been calculated using the 'Affordable Housing Commuted Sum Payment Table' in the Affordable Housing SPD (Nov 2017).

3 x 1 bed flat  
3 x 0.4(40%) = 1.2 units  
1.2 units x 50 sqm x £538 = £32,280

14 x 2 bed flat  
14 x 0.4(40%) = 5.6 units  
5.6 units x 61sqm x £536 = £183,097

Total = £215,377 total commuted sum

- 6.1.9 If the mandatory requirements above (either on site or commuted sum) cannot be met, then this must be justified in an evidenced Financial Viability Assessment (FVA) and supporting statement, including all necessary information to demonstrate and justify residual values. The level of contribution set out in the SPD represents a starting point that can be negotiated if evidence can prove it would make development unviable (SPD para 1.9). Therefore even if the full contribution is not viable, some lower level of contribution should be made based on the independently assessed viability appraisal.
- 6.1.10 To conclude, although this application is supported by a number of local and national policies, it does not sufficiently address the main policy issue of Policy D5. Positively, it does comply with Policy B1 of the Core strategy through its development in a sustainable neighbourhood and Policy HO2 of the Borough Plan being identified as a windfall site which is relied on by the council. Additionally, it complies with the NPPF in supporting sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application would result in a windfall addition of 16 dwellings.
- 6.1.11 However, it fails to address the main policy issue for this development, which is Core Strategy Policy D5, Affordable Housing Contributions in an identified High Value area. Whilst the application does include independent advice on the affordable housing by Affordable 106 which states 'It is concluded that in comparing the residualised land value with the value of the existing property (plus reasonable costs/incentive to move), the scheme cannot support a contribution towards affordable housing in the Borough' this assessment needs to be independently reviewed. It should be noted that Planning Practice Guidance clarifies on a number of occasions, that the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan.

6.1.12 To conclude, although this application is supported by a number of local and national policies, it does not sufficiently address the main policy issue of Policy D5. Positively, it does comply with Policy B1 of the Core strategy through its development in a sustainable neighbourhood and Policy HO2 of the Borough Plan being identified as a windfall site which is relied on by the council. Additionally, it complies with the NPPF in supporting sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application would result in a windfall addition of 16 dwellings.

6.1.13 Until this review has materialized, the application would be recommended for refusal.

## 6.2 SUDs:

6.2.1 The information submitted by the applicant in support of the planning application has not satisfied the Lead Local Flood Authority and the Pevensey and Cuckmere Water Level Management Board and does not assure us that surface water and local flood risk have been adequately taken into account.

6.2.2 This is a brownfield site, the proposed hardstanding area is just slightly larger than the existing, and the public sewer records show a public surface water sewer in Darley Road adjacent to the application site. Therefore, there is a potential for the applicant to discharge surface water runoff to the public surface water sewer subject to Southern Water's agreement.

6.2.3 No information on the existing/proposed drainage arrangement, discharge rates and volumes has been submitted to support the application. At this stage the applicant should submit a drainage strategy with calculations showing the pre-development runoff and volumes, and post-development runoff rates together with the size drainage structures. The drainage strategy should include a drainage layout showing the location of the drainage features. This can, however, be addressed by a planning condition.

6.2.4 The application form indicates that infiltration will be used to manage surface water runoff from the proposed development. Although the application site is shown to be underlain by New Pit Chalk Formation, our experience has shown that infiltration potential can only be proven by testing as some soils which would be expected to have high infiltration rates have been found to have low infiltration in the past. Therefore, if infiltration is proposed, the applicant should provide information with findings of infiltration testing in accordance with BRE365 (2016 publication) and groundwater monitoring between autumn and spring to assure us that infiltration is feasible at the application site.

6.2.5 The supporting Planning Statement indicates that permeable pavement could be used to manage surface water runoff from the application site. We would recommend that the permeable pavement is implemented. If the existing drainage system on site is reused, an investigation into its condition should be carried out and any required improvements undertaken prior to occupation.

6.2.6 If the Local Planning Authority is minded to grant planning permission, the LLFA

requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. A robust surface water management strategy should be provided to the Local Planning Authority. The permeable pavement which is proposed by the Planning Statement should be carried forward to detailed design and implementation. If connection to the public sewer is proposed, surface water runoff should be limited to a rate agreed to by Southern Water and no more than the existing runoff rate for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Hydraulic calculations should be submitted in support of the surface water drainage strategy together with evidence that Southern Water agrees to the proposed surface water discharge rate and connection.
2. If it is proposed to manage surface water runoff through infiltration, the proposals should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring covering autumn to spring months. The drainage design should show a 1m unsaturated zone between the base of the infiltration system and the highest recorded groundwater levels.
3. If it is proposed to re-use existing connections, the condition of the existing surface water drain should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the surface water sewer should be carried out prior to construction of the outfalls.
4. A maintenance and management plan for the entire drainage system should 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 should 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, and the appropriate authority should be satisfied with the submitted details.
  - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority
5. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

### 6.3 Highways ESCC:

- 6.3.1 The required driver visibility sightlines in line with Manual for Streets for a 30mph road is 43m x 2.4m. Having reviewed the submitted drawings, I am satisfied that sufficient visibility splays can be achieved from the proposed access. Furthermore, the width of access is sufficient to enable two-way vehicular flow and therefore the Highway Authority has no objections in this regard.

- 6.3.2 The proposed development has relatively poor bus access. The nearest bus stops to the site are located on Wellcombe Crescent and Beachy Head Road which are approximately 600m and 950m from the site access.
- 6.3.3 The bus stop on Wellcombe Crescent is served by bus 3/3A which provides a regular service that runs approximately every 20/30 minutes Monday-Saturday and hourly on Sundays. The bus stop on Beachy Head Road is served by bus 13x tourist trail which runs a service to Eastbourne three times on Sundays.
- 6.3.4 Both bus stops are outside the recommended distance of 400m and therefore do not conform with accessibility standards.
- 6.3.5 Meads Brow has a pedestrian footway fronting both sides of the carriageway which connects into the existing pedestrian infrastructure on Beachy Head Road, providing links to several of the local amenities on Meads Street. Local amenities are approximately 750m from the site access and therefore considered to be within an acceptable walking distance in accordance with standards set out by the IHT 2000 guidance 'providing for journeys on foot.'
- 6.3.6 However, the site plan does not show the footway extended to the site access. There appears to be scope for the footways to be extended to the site, and dropped kerbs should also be provided to improve the inclusivity of the site. Furthermore, a clear pedestrian route is not defined in the submitted plans. Amended plans should be submitted showing the existing footways extended to the site access and a pedestrian route on-site linking the site access to the building entrances.
- 6.3.7 Traffic free cycle routes are not available in the immediate vicinity and routes returning from the town centre on road pose difficulty due to the uphill gradient. Nevertheless, the surrounding residential roads are considered suitable for short cycle trips.
- 6.3.8 The applicant has not provided trip generation analysis in their application. Having undertaken my own analysis using the TRICS database, the estimated number of trips for the proposed flats is approximately 71 daily vehicular trips, with 7 trips in the AM and PM peaks respectively. I would not expect the uplift in trips from the development site to result in a severe impact on the highway and surrounding transport network, and therefore the Highway Authority would raise no objections in this instance.
- 6.3.9 The applicant proposes 21 parking spaces on-site for the 17 residential units, which would provide one per flat and four spaces for visitors. This is in line with the parking demand expected from the County Council's parking calculator, if one space is allocated to each flat.
- 6.3.10 The proposed parking layout allows for 6m aisle width behind each parking space and therefore I am satisfied that there is sufficient space within the site for vehicles to turn and egress in forward gear.
- 6.3.11 The County Council's guidance stipulates that each parking space should be a

minimum width of 2.5m x 5m, with spaces adjacent to walls an additional 0.5m in width. The proposed parking bays are approximately 2.4m by 4.8m, which is considered substandard.

- 6.3.12 The applicant should provide amended plans showing a car parking layout in line with 2017 ESCC 'Guidance for Parking at New Residential Developments' and 2010 ESCC 'Local Design Guide for Residential Development'.
- 6.3.13 The County Council's parking guidance requires 0.5 cycle spaces per flat. Therefore, it is required for the development to provide 9 cycle spaces. Drawings show an area for cycle storage for approximately 16 cycles in the form of covered Sheffield stands, which is in accordance with these standards. This is in accordance with Manual for Streets guidance and the County Council's guidance which requires cycle storage facilities to be safe, secure and covered.
- 6.3.14 Refuse will be collected from the bin store within the site. The County Council's guidance states that waste collection vehicles should be able to get within 25m of the storage point. The proposed bin store loading area is approximately 22m from the road side and therefore just within the requirement. As the Local Authority, Eastbourne Borough Council waste officers should satisfy themselves that the proposed collection arrangements are acceptable.

#### 6.4 Specialist Advisor (Regeneration):

- 6.4.1 In accordance with the Thresholds for Development on page 11 of the Local Employment and Training Supplementary Planning Document adopted on 16<sup>th</sup> November 2016, the above proposal qualifies under residential as a major development – 10 or more gross units.
- 6.4.2 Regeneration requests that, should outline planning permission be granted, it be subject to a local labour agreement. It is also requested that, should outline planning permission be granted, the applicant engages with the Regeneration team at the earliest opportunity to gain maximum economic, employment and training opportunity for local businesses and people.

#### 6.5 South Downs National Park Authority:

- 6.5.1 Given the context of the existing urban environment within which the site is located, it is unlikely that the proposed development would have a direct visual or landscape impact on the setting of the South Downs National Park in this instance.
- 6.5.2 However, given the site is close to the boundary of the South Downs National Park, internal, and any external lighting required in connection with the proposal may have the potential to have adverse effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore, it would be appropriate for consideration to be given to any need for the development to include a full appraisal of both internal and external lighting, to consider what impact it may have on the dark skies of the National Park and if/how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this

zone.

- 6.5.3 As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park, this document can be found at: <http://www.southdowns.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>.
- 6.5.4 It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues.
- 6.6 Crime Prevention Design Officer:
- 6.6.1 From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure 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 or 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. No trade's person's buttons are to be present.
- 6.6.2 I recommend that all external doors to the building conform to LPS 1175 SR2 or STS 2020 BR2 with the flat's front doors along with ground floor and easily accessible windows conforming to PAS 024-2016.
- 6.6.3 I recommend that lighting is to be provided covering the entrances, public areas and parking facilities and where it is implemented it is to conform to the recommendations within BS5489:2013.
- 6.7 Southern Water (summarised):
- 6.7.1 The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. In order to progress the proposed development, the layout must be amended or the sewer diverted at the applicant expense.
- 6.7.2 In order to protect drainage apparatus, Southern Water requests that, if permission is granted, a condition is attached to the planning permission. For example, 'The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect/divert the public sewers, prior to the commencement of the development.'
- 6.8 Meads Community Association:
- 6.8.1 We are aware that some 30 years ago, consent was given for such a proposal

but we understand that because of the extensive ground works involved, the developments were not proceeded with. As a result, a large modern prestigious house was built on the site and details of this fine property can be viewed on google. To demolish this prestige property in this exclusive location and its replacement by 17 apartments, none of which could be classed as affordable homes, is clearly designed to maximise profit for the developer at the expense of nearby residents and complete disregard to the locality butting onto the South Downs.

6.8.2 We note that any development of the site as planned would still require extensive ground works and the existing plans are in our view a complete overdevelopment of this location. The height of the building is out of scale with surrounding properties and will have a deleterious effect on properties in Meads Brow, Darley and Baslow Roads. We support the concerns of the South Downs National Park Authority and the current objection from East Sussex Highways. The access to Meads Brow is from Beachy Head Road which has limited sightlines for traffic emerging onto this road on which speed limits are frequently ignored. Pedestrian access is also difficult as the footpath ceases to exist some way before the junction with Carlisle/Darley Road. The increase in traffic movements this development would generate is unacceptable in this quiet residential area.

6.8.3 Therefore for the above reasons we are strongly objecting to this planning application.

6.9 Stephen Lloyd MP:

6.9.1 Many residents have expressed their concerns with the proposed redevelopment of the site. The most prominent of which is the loss of amenity to the neighbours of 25 Meads Brow. The usage of surrounding roads would increase significantly compared to the property's current use as it is not unreasonable to assume that the number of vehicles used by residents of 17 apartments would be more than at present. The amount of nearby on-road parking is already limited, and the size of the road makes it very hard for large vehicles to access, including emergency and refuse vehicles.

6.9.2 The issue of access is particularly dangerous when one considered East Sussex Highways' objection on the grounds of limited sightlines afforded by Beachy Head Road – the only access to Meads Brow – and the frequent speed limit breaches on this road. Pedestrians would also have to negotiate this busy road too.

6.9.3 In addition to this, the residents of neighbouring properties will lose a significant amount of privacy. When viewed from Darley Road, the sheer height of the proposed building will mean its windows will impact significantly on the amenity of the residents of Darley House, compared to the current property. When the road usage is coupled with this loss of privacy – not only for residents of Meads Brow but Darley Road and Baslow Road – makes the proposed development in this quiet residential area unacceptable.

**7 Neighbour Representations (Summarised)**

7.1 Following public consultation, letters of objection have been received from a total of 18 separate addresses, with the following concerns being raised:-

- There are more cars and demands on parking since plans for flats were approved in the 1970's.
- Unsure that on-site parking would meet the needs of residents;
- There is no easy access to public transport;
- Footpaths are unsafe due to fast moving traffic and lack of lighting;
- Would not help to solve Affordable Housing needs;
- Will disturb wildlife and habitats by creating more hardstanding;
- There are no rainwater harvesting facilities;
- The building would not look similar to other properties;
- Would not be accessible to people with disabilities due to steep slope at entrance;
- Would overlook neighbouring properties, especially 26 and 27 Meads Brow;
- Visibility at the junction between Meads Brow and Beachy Head Road is poor;
- This is major development for a small cul-de-sac road and is an overdevelopment of the site;
- The proposal is too large with three storeys;
- The scheme would more than double the amount of homes on Meads Brow;
- Are utilities able to cope?
- Would have enormous impact on the character of the area due to being in an elevated position;
- Would overlook flats at Darley House;
- Is grossly out of scale with neighbouring buildings;
- Massively exceeds the local density on Meads Brow;
- Would set a precedent if granted;
- Would compromise the transition between the rural and urban environment;
- Would result in the loss of views towards English Channel;
- Additional noise would affect the tranquillity of Meads Brow;
- Would be in breach of restrictive covenants;
- Excavation works could pose a serious risk to stability of neighbouring buildings;
- Will be contravene for human rights for privacy and peaceful enjoyment of property;
- The quality of the design is disappointing;
- Did not receive notification of application;
- The artists impressions provided are a false representation;

## **8 Appraisal**

### **8.1 Principle of development**

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 Para. 11 of the revised NPPF (2018) 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.
- 8.1.3 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).
- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 The impacts of the proposed development upon local character and amenities will be assessed in the main body of this report, against relevant planning policies.
- 8.2 Affordable Housing
- 8.2.1 Para. 62 states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.2.2 Policy D5 of the Eastbourne Core Strategy reflects this national position by stating that 'all development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).' The applicant has stated, in a Financial Viability Assessment (FVA)

which has been submitted with the application, that the development would not be viable if it was to include the required 40% affordable housing provision.

8.2.3 The adopted Affordable Housing Supplementary Planning Document, which provides a companion to Policy D5, states that, in circumstances of negative viability, the applicant should follow a hierarchy of alternative ways to provide affordable housing, in the following order:-

- i. The Council's on-site preferred mix;
- ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
- iii. A level of affordable housing on-site which is less than the specified threshold;
- iv. Serviced plots onsite;
- v. Service plots offsite;
- vi. Transfer of land;
- vii. A commuted sum.

8.2.4 The FVA that has been submitted states that a scheme with zero affordable housing contribution, including the possibility of any commuted sums, would still have a slight financial deficit, when taking into account suitable margins.

8.2.5 The fact that the development of a significant amount of small units in a prominent location in a high value area with no requirements for CIL contributions cannot provide any contribution to affordable housing is problematic and suggests that either the cost of purchasing the land is unrealistically high or that efficiencies should be incorporated into the development in order to ensure that affordable housing is deliverable.

8.2.6 The most recently available statistics, shown overleaf, (obtained from the East Sussex County Council 'East Sussex in Figures' service which is based on 2011 census data) for socially rented properties in the Meads ward show that the ward has the lowest proportion of social rented houses in Eastbourne.

Tenure	All households	Owned	Shared ownership	Social rented	Private rented	Living rent free
Geography						
Eastbourne	100.0	61.7	0.7	13.2	23.3	1.1
Devonshire	100.0	43.3	1.0	11.9	42.8	1.0
Hampden Park	100.0	48.7	0.5	33.6	16.1	1.0
Langney	100.0	59.8	1.5	26.4	11.3	0.9
Meads	100.0	60.9	0.6	3.9	32.6	2.0
Old Town Eastbourne	100.0	74.6	0.3	11.7	12.5	0.9
Ratton	100.0	79.3	0.3	9.8	10.0	0.7
St Anthony's	100.0	72.7	0.5	13.5	11.9	1.4
Sovereign	100.0	66.3	0.8	6.4	26.0	0.5
Upperton	100.0	56.2	0.3	8.3	34.1	1.1

8.2.7 These figures demonstrate that there is already a very low amount of affordable housing available in the Meads ward. It is therefore considered that, by failing to make any contribution towards affordable housing, the proposed scheme fails to contribute to the objective of creating mixed and balanced communities, in conflict with para. 62 of the Revised NPPF.

8.2.8 It is therefore considered that, irrespective of the conclusions drawn in the accompanying FVA, the failure to deliver any contribution towards affordable housing as part of the development is unacceptable.

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

8.3.1 With regards to overlooking, the proposed building reaches within fairly close proximity of the boundary with Weald House to the north, although the building occupying the site is some distance away. The submitted design does not include any windows within the northern elevation and it is considered this would ensure no intrusive views towards the gardens of Weald House. Windows to the front of the proposed building would face towards the rear of 26 and 27 Meads Brow. however, it is considered that a combination of the distances maintained between the buildings, the topography (with 26 and 27 Meads Brow being on higher ground, and the presence of site boundary screening and landscaping, would combine to prevent intrusive views either from the proposed building towards those properties or vice versa. Views towards 64 Darley Road would also be effectively screened by the varying topography, orientation of the proposed windows in relation to the neighbouring property and the degree of separation maintained.

8.3.2 All of the proposed flats would have access to a private balcony/terrace. It is considered that this would be acceptable provided suitable screening is provided to prevent invasive views towards neighbouring properties, including other units within the proposed development. The proposed balconies and terraces are of modest size and would be likely to allow for use by large congregations of people, meaning that usage would be unlikely to cause disturbance towards neighbouring residents. The amount of communal amenity space available would also mean that any larger gatherings of people would be likely to be concentrated there, where there would be less impact upon neighbouring residents.

8.3.3 The amount of units provided would undoubtedly result in an increase in the intensity of use of the site. However, the overall use would remain as residential and, therefore, be compatible with the surrounding area. The self-contained nature of the site would also ensure that the impact of the development is softened. There would be increased vehicular movements on what is a relatively quiet cul-de-sac but it is not considered that this would be to an extent that would transform the character of the street or lead to disruption towards neighbouring residents. Furthermore, the quantum of on-site car parking spaces provided would prevent overspill of parking onto Meads Brow.

8.3.4 It is appreciated that the application is outline only and does not seek to confirm details of scale. However, given that the layout of the building is confirmed, including floor plans, it is considered that the general design and scale presented on the submitted plans could not be significantly altered at reserved matters stage without altering the layout or the amount of accommodation provided. Whilst the overall height and width of the proposed building is not significantly greater than that of the existing dwelling, the distribution and mass

of the built form is. This results in the building frontage, which includes bulky flat roof three-storey elements, in stark contrast to the single-storey frontage of the current building. This would create an edifice that would be a dominant feature in the outlook from neighbouring properties to the west, particularly 26 and 27 Meads Brow. Whilst planning legislation does not protect rights to a view per se, Policy UHT 2 does stipulate that 'it will be a requirement that new development be of a height similar and conform with that of the majority of surrounding buildings and take full account of its effect on the skyline and long distance views'. In this instance, it is considered that the bulky nature of the building frontage will dominate a significant proportion of the vista from properties of the west, thereby appearing somewhat overbearing and obstructive to overall outlook and the general pattern of development stretching to the east of the site towards the coast.

#### 8.4 Living conditions for future occupants :

8.4.1 The submitted floor plans confirm the Gross Internal Area (GIA) of each of the flats. The table below provides a comparison between floor space provided and the minimum GIA required under the Technical housing standards – nationally described space standards.

Flat No. and Tenure	GIA Provided	Technical Standard
Flat 1 2b/4p	74 m <sup>2</sup>	70 m <sup>2</sup>
Flat 2 2b/4p	77 m <sup>2</sup>	70 m <sup>2</sup>
Flat 3 2b/3p	75 m <sup>2</sup>	61 m <sup>2</sup>
Flat 4 2b/4p	76 m <sup>2</sup>	70 m <sup>2</sup>
Flat 5 1b/2p	55.5 m <sup>2</sup>	50 m <sup>2</sup>
Flat 6 2b/4p	76 m <sup>2</sup>	70 m <sup>2</sup>
Flat 7 2b/4p	74 m <sup>2</sup>	70 m <sup>2</sup>
Flat 8 2b/4p	77 m <sup>2</sup>	70 m <sup>2</sup>
Flat 9 2b/3p	75 m <sup>2</sup>	61 m <sup>2</sup>
Flat 10 2b/4p	76 m <sup>2</sup>	70 m <sup>2</sup>
Flat 11 1b/2p	55.5 m <sup>2</sup>	50 m <sup>2</sup>
Flat 12 2b/4p	76 m <sup>2</sup>	70 m <sup>2</sup>
Flat 13 1b/2p	60 m <sup>2</sup>	50 m <sup>2</sup>
Flat 14 2b/4p	67 m <sup>2</sup>	70 m <sup>2</sup>
Flat 15 2b/3p	68 m <sup>2</sup>	61 m <sup>2</sup>
Flat 16 2b/4p	77 m <sup>2</sup>	70 m <sup>2</sup>
Flat 17 2b/4p	70 m <sup>2</sup>	70 m <sup>2</sup>

8.4.2 The table above confirms that all units would provide sufficient floor space for future occupants and would not be cramped. All units would have a clear and uncomplicated layout, avoiding awkwardly shaped rooms and long corridors. All habitable rooms would be adequately served by clear glazed windows allowing for a satisfactory level of natural light permeation as well as natural ventilation. A number of units would have dual aspects, further enhancing natural light and ventilation provision.

8.4.3 All units would have access to private amenity space in the form of terraces at ground floor level and balconies on upper floors. In addition, a sizeable area of

communal amenity space would be provided to the rear of the site in an area which forms the rear garden of the existing dwelling and provides a verdant setting on account of the number of surrounding trees and other landscape features.

8.4.4 The surrounding environment is residential and there are no potential sources of noise, light or air pollution nearby that would have the potential to cause nuisance to future residents, nor are there any nearby uses that would have their ongoing operation prejudiced by the presence of the proposed development.

8.4.5 It is therefore considered that the proposed development would provide a good quality environment for future occupants.

## 8.5 Design and Layout :

8.5.1 The site is located on Meads Brow, a residential cul-de-sac that is characterised by detached chalet style and split level (part single, part two-storey) dwellings that are positioned relatively centrally within large plots, the majority of which are open plan to the front. However, the site is considered to be visually distinct from the other plots on Meads Brow on account of it being on land that is at a lower level than the neighbouring plots, being accessed via a spur from the main street and is well screened through a combination of soft and hard boundary landscaping, as well as its positioning to the rear of 26 and 27 Meads Brow. The existing dwelling, which is also distinct from neighbouring development in terms of its design, height and sprawling footprint, is therefore more in keeping with the character of neighbouring plots to the north and south, which are occupied by larger buildings in the form of Weald House and 64 Darley Road respectively.

8.5.2 It is noted that flatted development is present within the surrounding area, although this has primarily been achieved through the subdivision of older buildings rather than purpose built developments. Nevertheless, given the size of the plot and the way it is clearly distinguished from the plots occupied by detached dwellings on Meads Brow, it is considered that the principle of constructing purpose built flatted development on the site is acceptable.

8.5.3 The footprint of the proposed building would not be significantly different from that of the existing dwelling, which is rather sprawling in nature, and the proposed hard surfaced car parking area to the front of the building would occupy a similar area, and be in a similar position, to the existing car parking area present on site. The rear of the site would remain as a lawn and the mature boundary landscaping would be largely maintained, with the any landscaping clearance within the site interior being limited to the removal of ornamental planting.

8.5.4 It is therefore considered that the footprint of the proposed building would be acceptable as the proportion of the site occupied by buildings and hard surfaced area, as well as the positioning and orientation of these features, would not be significantly altered.

8.5.5 It is noted that the site slopes downwards from west to east. However, the site level is largely even where the proposed building is located as the front is dug

into the rising slope to the west of the site and the slope towards the rear of the slope has been terraced, resulting in a split level rear garden. The land continues to slope downwards behind the site, where there is a dense belt of mature trees maintained between the rear of the site and Darley Road. This tree line would provide an element of screening to the building when viewed from Darley Road, although it is noted buildings of a similar scale, such as 64 Darley Road, already form part of the street scene on the western side of the road.

8.5.6 Although the design of the development is a reserved matter, indicative drawings have been provided and, based on the layout and floor plans provided, it would not be possible to make significant changes to this design without compromising layout.

8.5.7 Given the self-contained nature of the site, and the lack of any particular architectural merit displayed by buildings on Meads Brow, it is considered that the principle of the use of a contemporary design for the building is acceptable. The use of a modular design with flat roof and pitched roof elements is also considered to be acceptable and corresponds with the modular, contemporary design of the existing building occupying the site. However, the design of the building frontage is considered to be problematic, particularly the three-storey flat roof elements, as this would disrupt the existing character area resulting in a somewhat jolting transition between the residential buildings on Meads Brow to the west of the site and the lower level development that borders Darley Road. This is in contrast to the character of the existing building which, whilst reaching a similar height, has a lower frontage and roofing sloping away from the properties to the west. It is therefore considered that the stark nature of the building frontage would be visually disruptive and, therefore, detrimental to the character and appearance of the surrounding area, in conflict with Eastbourne Local Plan Policies UHT 1 and UHT 4.

## 8.6 Highway Impact :

8.6.1 Details of access have been provided for determination at outline stage. The proposed development would be accessed by the existing dropped kerb that serves the current dwelling. This is located at the end of a branch of Meads Brow, which currently terminates in a turning head. There is brick walling either side of the access which marks the site boundary shared with neighbouring properties. The raised kerb footpath on Meads Brow does not extend to the site access.

8.6.2 ESCC Highways are satisfied that the site access is of sufficient width to serve the development and that adequate visibility is provided. However, they have objected to the access arrangements on the grounds that, in the absence of a footpath directly adjacent to the access, pedestrians and vehicles may come in to conflict, representing a safety hazard.

8.6.3 An adequate quantum of on-site car parking is provided, as confirmed by ESCC Highways. Following initial comments, the size of parking spaces have been increased in order to comply with ESCC standards, as shown on amended plan 0260-P02 Rev A. Cycle parking is also included at an acceptable level. A disabled bay is provided close to the main building entrance in compliance with

the requirement for 5% of car parking spaces serving new development to be disabled bays (Manual for Streets para. 8.3.26).

8.6.4 ESCC Highways are satisfied that the anticipated increase in vehicle movements that would be generated by the proposed development would not result in an unacceptable impact upon the surrounding highway network in terms of highway and pedestrian safety and the free movement of traffic.

8.7 Impact on trees :

8.7.1 The boundaries of the adjoining site to the north, occupied by Weald House, are marked by a dense arrangement of mature trees, some of which are the subject of Tree Preservation Orders and all of which perform a useful function in screening the site as well as contributing to the semi-rural character that abounds in the surrounding area. It is noted that the footprint of the proposed development is similar to that of the existing building and would not extend any closer to these trees, which are positioned on a raised embankment.

8.7.2 The removal of some trees within the interior of the site would be required in order to accommodate the development. However, these are ornamental garden trees which do not provide any significant amenity value in terms of the character of the wider surrounding area or warrant any protection order on the grounds of being specimen trees.

8.7.3 Although full landscaping details are a reserved matter, it is clear that the significant amount of mature trees present on and around the site boundaries provide a valuable amenity contribution and would provide sympathetic screening to the development. The proposed scheme would not result in any unacceptable loss of these trees.

8.8 Drainage and Utilities:

8.8.1 The Lead Local Drainage Authority have assessed the plans and, subject to submission of a suitable drainage scheme, have not raised any objections to the redevelopment of the site, noting that there would be no significant increase in building footprint and coverage by hardstanding. There is also a public surface water sewer directly adjacent to the site which could be utilised for drainage.

8.8.2 The aforementioned surface water sewer passes directly to the south of the proposed building and Southern Water have cautioned that they would need more detailed plans to ascertain the exact position of the sewer and confirm whether there would be a suitable easement either side of it to allow for continued access and maintenance of the sewer. They have suggested a condition to be used to clarify this although it is noted that the Design & Access Statement does show an easement around the sewer line. There is also for the sewer to be diverted in order to accommodate the development.

## **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 Following assessment of the application, it is considered that, whilst there are merits in redeveloping the site to provide flats, the failure to provide affordable housing in any form, coupled with the disruptive nature of the building frontage and the unsuitable site access arrangements mean that the scheme is not acceptable on planning grounds and is therefore recommended for refusal for the reasons set out below.

### Reasons for Refusal

- 10.2 1. The failure to provide affordable housing, either on site in full or reduced proportion, or through a commuted sum, is unacceptable. Allowing further development of high value accommodation with no affordable provision would fail to contribute to the objective of creating mixed and balanced communities and, consequently, to make effective use of the site. The proposed development therefore conflicts with Policy D5 of the Eastbourne Core Strategy (2013) and Chapter 5 of the Revised National Planning Policy Framework (2018).
- 10.3 2. The three-storey flat roof elements to the building frontage would appear visually disruptive when seen in context with long distance views of the surrounding environment, negatively impacting on the vista and, thereby, appearing incongruous, in conflict with saved Policies UHT 2 and UHT 4 of the Eastbourne Borough Plan.
- 10.4 3. Given the proximity to the South Down National Park the applicant has not provided evidence/information that the proposed development would not have an adverse impact upon the International Dark Sky Reserve (IDSR).

## **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.