



Planning Committee

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



The Planning Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



An induction loop operates to enhance sound for deaf people who use a hearing aid or loop listener.



If you require further information or assistance please contact the Local Democracy team – contact details at end of this agenda.

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Please ask if you would like this agenda and/or any of the reports in an alternative format.

MEMBERS: Councillor Murray (Chairman); Councillor Sabri (Deputy-Chairman); Councillors Jenkins, Miah, Murdoch, Salsbury, Taylor and Ungar

Agenda

- 1 Minutes of the meeting held on 1 March 2016.** (Pages 1 - 8)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

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

5 Right to address the meeting/order of business.

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

6 Cedar House, 29 Bedfordwell Road. Application ID: 151295.
(Pages 9 - 14)

7 Land at Sumach Close, Sumach Close. Application ID: 151170
(Pages 15 - 24)

8 Local Training and Employment Supplementary Planning Document. (Pages 25 - 32)

Report of Senior Head of Regeneration, Planning and Assets.

9 Appeal Decisions. (Pages 33 - 44)

2-8 Queens Gardens.

48 St Leonards Road.

10 South Downs National Park Authority Planning Applications.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

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

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW

Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322

E Mail: localdemocracy@eastbourne.gov.uk

Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail:
enquiries@eastbourne.gov.uk

This page is intentionally left blank

Tuesday, 1 March 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Jenkins, Miah, Murdoch, Salisbury, Taylor and Ungar

145 Minutes of the meeting held on 2 February 2016.

The minutes of the meeting held on 2 February 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

146 Apologies for absence.

There were none.

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

There were none.

148 4 St James Road. Application ID: 151369.

Change of use from light industrial unit, to single residential unit. Installation of pitched roof to create enlarged habitable living area. New windows to front, rear, side elevations and installation of roof lights. Landscaping works and provision of parking space to front of dwelling – **DEVONSHIRE**. One letter of objection had been received.

The relevant planning history for the site was detailed within the report. A letter had been received from the applicant in support of the application responding to the issues raised and summarised as follows:

- Building regulation drawings had been commissioned which demonstrated that the heights and clearances of all spaces within the dwelling would comply with the standards of building regulations.
- The proposal would create a new dwelling in a town centre location, which was considered a sustainable location in planning policy terms.
- The outlook from the property was no different to that experienced from the neighbouring houses recently approved at 6-10 St James Road.
- It could be possible to address some of the concerns raised by reconfiguring the upstairs area to provide an enlarged bedroom and bathroom to the rear (thereby creating a one bedroom unit), or alternatively to create a single storey residence.

A further letter had been received on 1st March from the applicant which enclosed three further letters of support from adjoining residents. The following additional comments were made:

- Should the application be refused a further industrial business could be set up within the existing building within its lawful planning use thereby resulting in loss of residential amenity for surrounding occupiers.
- The continuation of the industrial use could result in additional commercial vehicular movements along St James Road creating disruption for surrounding residential occupiers.

A neighbour had commented on the guttering on the proposed development and its protrusion over the boundary line. They had suggested that the rain water gutter at the base to the new pitched roof should be located on top of the proposed external wall and not projecting across the boundary line. Their surveyor understood that the proposed development's external wall defined the boundary line.

The committee was advised that in Paragraph 15 of the officer's report it was stated that the site was located in a town centre location. Whilst the location had the characteristics of a town centre due to its proximity to shops, services and public transport; it did not fall within the town centre boundary denoted by the Town Centre Local Plan (adopted November 2013).

RESOLVED: (4 votes to 5 on the Chairman's casting vote) That permission be refused on the grounds that the size, internal layout and poor outlook the proposed residential dwelling is considered to provide substandard living accommodation that would not protect the residential amenity of future residents. This is contrary to policy B2 of the Core Strategy Local Plan 2013.

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.

149 9 Willowfield Road. Application ID: 151334.

Proposed change of use from a single dwelling into a 7 roomed HMO – **DEVONSHIRE**. Two objections had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Waste were also summarised.

The observations of the East Sussex County Council Highways department had been received and were summarised as follows:

- The proposed change of use from a single dwelling (currently licenced as a 6 room HMO) to a 7 room HMO did not represent a significant increase in potential traffic generation or parking demand.
- The site was close to town, was well connected to local amenities and transport links.
- Due to property layout, off-street parking could not be provided.
- The level of car ownership associated with the site was highly likely to be lower than for privately owned accommodation.
- It was not considered that a recommendation for refusal could be justified as there would be no severe impact, therefore the proposal was in accordance with NPPF.
- The applicant may wish to include cycle storage to promote alternative transport.

The Specialist Advisor for HMO Licencing stated that:

- The property was well managed
- The council had not received any complaints with regards to the property.

A further objection had been received and was summarised as follows:

- There were many HMOs in the area, with accommodation let to non-students and students.
- There had been numerous problems associated with HMOs were evident in the area, e.g. noise, anti-social behaviour, poorly managed refuse issues, car parking issues and "studentification".
- There had been two past instances of residences in Willowfield Road being used for the supply of drugs, both requiring police intervention.
- A survey of local owner residents would confirm the above issues and that the area could not cope with further HMO properties.

A statement had been received from the applicant in support of the application responding to the issues raised by objectors and was summarised as follows:

- The landlord had the managed property since 2010 and took great pride in providing tenants with decent and affordable accommodation, which enhanced the local area and community. Prior to this the property had been badly managed and neglected. It had been on the market for many months, there was no interest from family purchasers.
- Considerable investment in renovation had been made in the property which required significant maintenance. As well as on-going maintenance and repair works the landlord wished to make further improvements to ensure they could keep the dwelling up to current day standards.
- The landlord actively managed the property, working with tenants to ensure they were comfortable and satisfied with their accommodation whilst ensuring they recognised their role and impact within the immediate neighbourhood.
- Over the last 6 years the landlord had assisted dozens of people to establish themselves in the local labour and housing markets.

- Typically tenants stayed between 1-3 years and moved on to self-contained living, renting or purchase their own homes.
- The landlord had never knowingly had any behavioural problems amongst tenants.
 - The landlord regularly talked to immediate neighbours to ensure there were no issues, making sure the property was kept clean and tidy, bins properly managed, etc.
 - The minority of 'landlords' did not take the same proactive approach and create a bad name for decent landlords.

For clarification the accommodation schedule for the approximate floor space available for each room (including the proposed room) at 9 Willowfield Road was as follows:

- Bedroom 1, 9.6m²
- Bedroom 2, 13.4m²
- Bedroom 3, 11.5m²
- Bedroom 4, 10.2m² + 1m² built-in cupboard space
- Bedroom 5, 13.7m²
- Bedroom 6, 8.8m²
- Bedroom 7 (proposed room), 11.3m²

RESOLVED: (By 7 votes with 1 abstention) That permission be refused on the grounds that the proposal by reason of the creation of the 7th bedroom within the property would result in an over-concentration of independent living rooms and a consequent reduction in communal space. It is considered that this arrangement would provide (in planning terms) a poor quality living environment.

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.

150 35 Compton Drive. Application ID: 151315.

Loft conversion with dormer and three roof lights to front elevation, and dormer to rear elevation – **OLD TOWN**. Three objections had been received.

This application was deferred at Planning Committee on 2 February 2016 to enable Members to visit the site and the adjoining properties.

The relevant planning history for the site was detailed within the report.

RESOLVED: (By 7 votes with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved drawing 3) Materials to match 4) PD windows.

151 Site 1, Off Martinique Way, Reserved Matters. Application ID: 151056.

Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) together with discharge of conditions 2(part), 3(part), 9(part), 16, 19, 22, 24, 28, 29, 39, 40, 41 and 47 following outline approval (Ref: 131002) for the development of Site 1, Sovereign Harbour for 72 Residential Units, consisting of 62 Apartments over two blocks, and 10 houses – **SOVEREIGN**. 67 letters of objection had been received. Columbus Point Residents Association and the Management Company and Sovereign Harbour Residents Association had also objected.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisors for Arboriculture and Conservation, East Sussex County Council Highways department, Strategy and Commissioning - Planning Policy, the Design Review Panel, the Environment Agency, Historic England, the County Ecologist and Southern Water were summarised within the report.

The committee was advised that the Lead Local Flood Authority's (East Sussex County Council) comments were summarised as follows:

'Further information and an additional condition was requested in relation to the maintenance and management of the proposed SUDs Scheme.

Additional comments received from five neighbouring properties were reported and broadly covered the same objections that had already been received. The committee was advised that although not yet formally received by the Council, it was understood that an online petition against the development had received over 500 signatures following a Facebook campaign.

Columbus Point Residents Association had made further comment summarised as follows:

- The amendments during the course of the application did not overcome concerns raised.
- The development impacted on existing properties from increased activity in terms of noise/disturbance.
- The gap between apartment blocks would create a wind tunnel.
- The proposed plans serious impact on the ability to move shingle on the site.
- With regard to the play area was there sufficient parking and toilet facilities?

Mr Levy addressed the committee in objection stating that the development would impact on residential amenity and the maintenance of the shingle on the adjacent beach.

Mr Cameron addressed the committee in objection stating that the site could not cope with a development of this size, the open space was needed for the community and that the development would cause parking and traffic issues in and around the site.

Mr Gregory addressed the committee in objection stating that the development was not in keeping with the surrounding area and contrary to Council policy. He also felt that the development would affect the visual amenity of residents and affect the amount of daylight to neighbouring properties. Mr Gregory also agreed that the development would cause parking and traffic issues in and around the site.

Ms Scudder addressed the committee in objection stating that a petition of 559 signatures had been collected in objection to the development within the last two weeks. She also stated that many residents used the recreation land. Ms Scudder also agreed that the development would cause parking and traffic issues in and around the site, a reduction in daylight and noise issues.

Mr Weeks addressed the committee in objection stating that site did not have the necessary social infrastructure due to the lack of community facilities at the Harbour.

Mrs Weeks addressed the committee in objection stating that there was a lack of community facility for the Harbour.

Ms Nagy, agent for the applicant, addressed the committee in response stating that all technical requirements for the site had been met in line with the original approval for development on the site. The design parameters had been consulted on. Parking controls for the site would be developed in consultation with the local community. Ms Nagy also stated that the separation between buildings meant that there would be a break in the view for adjacent homes, light and shade had also been assessed. The appearance of the development was deliberately different from the surroundings to create a landmark development, with landscaping protecting the open spaces. The Environment Agency and Premier Marina were aware that they would need to find an alternative solution to the shingle replacement programme currently in place.

The committee discussed the application in detail and requested that the East Sussex County Council parking review be carried out at the earliest opportunity.

RESOLVED: (By 7 votes with 1 abstention) That the reserved matters application be granted subject to 1) a S106 agreement:

The Heads of Terms for the S106 to cover:

- Highway contribution and parking review
- Specification for refurbishment of Martello Tower to include services heads and conduits to provide independent services to the Martello Tower and method statement for marketing of the tower for/to a new end user of the Martello Tower
- Refurbishment of the Martello Tower to be in accordance with the approved specification and be completed before the commencement of the third phase/block of development
- Linkages between the existing legal agreement from the outline planning application and the new/revised play space (if approved).

2) And subject to the following conditions 1) Highways – Accesses for houses 2) Highways – shared space shall be available for pedestrians and cycle access 3) No plant or machinery to be installed to roofs of any houses or flats 4) Approved drawings 5) Prior to the first occupation of any of the residential units hereby approved a plan shall be submitted identifying residential demarcation (assigned plot boundaries). This plan shall endorse that the residential demarcation shall end at the seaward end of the proposed decking 6) The soft landscaping hereby approved shall be implemented in full prior to the first occupation of phase of the development to which it relates. The soft landscaping as implemented shall be protected (Barrier fencing) from the construction of later phases of the development 7) Once implemented the soft landscaping areas to the seaward side of the development (outside of the residential demarcation zone) shall be maintained by the applicant (or a management company assigned by them) and at no time shall the areas be supplemented (planted) by species selected by the home owner 8) Details of Sustainable Drainage to include the maintenance and management regime for the proposed sustainable drainage.

Informative:

Highways – need for a licence for construction of accesses.

152 Site 1, Access Spur, Martinique Way. Application ID: 160007.

Proposed amendments to the roundabout access spur into Site 1, off Martinique Way, Sovereign Harbour – **SOVEREIGN**.

The relevant planning history for the site was detailed within the report. The observations of East Sussex County Council Highways department and the Environment Agency were also summarised. Southern Water made no comment.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) The works hereby approved shall be implemented in accordance with the details hereby approved before the substantial completion of any of the residential units approved under reserved matter application 151056.

153 Site 1, Play Space, Martinique Way. Application ID: 160009.

Application for outline planning permission (all matters reserved) for proposed location of equipped play zone linked with the development of Site 1 Sovereign Harbour – **SOVEREIGN**. Two general observations had been received.

The relevant planning history for the site was detailed within the report. The observations of Parks and Gardens, the Specialist Advisor for Engineering and Southern Water were also summarised. Sovereign Harbour Residents Association made no comment.

RESOLVED: (By 3 votes with 5 abstentions) That outline planning permission be granted subject to revisions to existing S106 agreement to control the delivery and ownership of the play space and the following

conditions: 1) Submission of reserved matters 2) Time frame for commencement 3) Details of layout shall include details of equipment and materials of surfacing and railings.

154 Upwick Road Drainage. Application ID: 161192.

Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road – **OLD TOWN.**

This application was reported to Planning Committee in February 2016 and proposed the retention of the relocated pumping chamber. Members resolved to defer determination of this item in order that officers could seek clarification from the developer in terms of the foul sewer connection to Upwick Road. Members view was that the sewer connection should follow that previously approved by the appeal Inspector and by Eastbourne Borough Council via the discharge of conditions.

The developer has heeded the advice of members and has re-dug a new sewer trench/line such that the connections now accord with the approved details.

Members were advised that the occupiers of No2 Upwick Road expressed their thanks to Planning committee for ensuring compliance with the previously approved scheme.

RESOLVED: (Unanimous) That permission be granted and the condition discharged.

155 Tree Preservation Order No.176. Land at 63 Carlisle Road.

The Committee considered the report of the Senior Head of Community seeking confirmation of a tree preservation order on the above land. One objection had been received and the officer's response was detailed within the report.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order - Land at 63 Carlisle Road, Eastbourne, East Sussex No. 176 (2016) be confirmed without modification.

156 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 8.35 pm

Councillor Murray (Chairman)

Agenda Item 6

App.No: 151295 (OSR)	Decision Due Date: 26 January 2016	Ward: Upperton
Officer: Jane Sabin	Site visit date: 17 December 2015	Type: Outline (some reserved)
Site Notice(s) Expiry date: 25 December 2015		
Neighbour Con Expiry: 25 December 2015		
Press Notice(s): N/A		
Over 8/13 week reason: Negotiations and referral to Committee		
Location: Cedar House, 29 Bedfordwell Road		
Proposal: Demolition of existing building and erection of a three storey block of six flats with parking at the front (Outline application with access, layout and scale to be considered, with appearance and landscaping reserved for subsequent approval).		
Applicant: Mr M Watts		
Recommendation: Refuse		

Executive summary:

This application was reported to Committee in October 2015 where Members resolved to refuse planning permission contrary to officers recommendation for the reasons relating to an overdevelopment of the site, visually intrusive development and parking issues.

The applicant has sought to overcome the previous concerns by way of this application, however it is considered that given the nature of the revisions they have failed to mitigate Members concerns.

Officers have assessed the merits of this scheme with regard to whether it has overcome Members very strong concerns; in this regard the scheme little changed and remains unsupportable.

The application could be resisted on grounds relating to 'The scale and siting of the proposed building would be an overdevelopment of the site, resulting in an incongruous and visually intrusive development, which would adversely impact on the character and appearance of the area and the amenities of adjacent residential occupiers. In addition there remain unresolved highway issues.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods
C2: Upperton Neighbourhood Policy
D1: Sustainable Development
D5: Housing
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT7: Landscaping
HO2: Predominantly Residential Areas
HO7: Redevelopment
HO20: Residential Amenity
TR2: Travel Demands
TR6: Facilities for Cyclists
TR11: Car Parking

Site Description:

This large detached period villa is located on the south side of Bedfordwell Road, opposite the junction with Lewes Road. It occupies a substantial plot, which backs onto bungalows within The Hawthorns development. It has a vehicular access from Bedfordwell Road adjacent to the west boundary which could accommodate two/three vehicles parked in tandem, and a central pedestrian access to the front garden which is a little overgrown. The front garden is enclosed by a brick and flint wall, which is characteristic of the villas on this side of the road. A flat roofed, two storey extension has been added to the side towards the rear of the building. It was used for many years by the Local Health Authority, latterly as a home for people with mental health issues, but has been vacant for approximately two years.

Relevant Planning History:

140172

Change of use from sui generis (hostel) to single private dwelling.
Approved conditionally 9 May 2014

150026

Removal of condition 2 of permission 140172 for the change of use from sui generis (hostel) to a single private dwelling, to permit the implementation of the permission without the provision of an off-site affordable housing contribution.
Approved conditionally 25 February 2015

150443

Outline application (with Appearance, Landscaping and Scale reserved) for demolition of existing hostel and erection of 6 x 3 bedroom flats – consideration of access and layout only (amended to reduce the number of units and alter layout within the site).
Refused 6 November 2015

Reasons for refusal:

1. *It is considered that the proposed number and size of units cannot be accommodated on the site without constituting overdevelopment by virtue of the size and layout of the building and therefore resulting in a visually intrusive development contrary to policy D10A of the Core Strategy Local Plan and Saved Policies UHT1 and UHT4 of the Borough Plan 2007.*
2. *As submitted the proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing further interference with the free flow and safety of traffic and would therefore be contrary ESCC parking guidance.*

Proposed development:

Planning permission is again sought in outline for the demolition of the existing building and the erection of a three storey block of six flats with parking for eight vehicles at the front. Matters for which approval is sought are access, layout and scale, with appearance and landscaping reserved.

The proposed building would sit further back on the site than the existing property and those on either side, both to the front and the rear (by a minimum of 3m and a maximum of 7m), and much closer to the side boundaries, leaving paths 1.5m wide alongside. The new building would be 17m wide, 16.75m deep (maximum) and 10.6m high; the footprint would cover approximately 272m² (for comparison, the existing footprint is 164m²). The third storey is shown as incorporated within the roof space, articulated with pitches and gables around a central flat roof.

The front garden would be given over eight parking spaces and a refuse store, the former accessed by a relocated central vehicular crossover. Outside the application site, but arising from discussions between the applicant and the Highway Authority, a new, extended radius is proposed on the public highway in order to permit the new vehicular access to be located closer to the junction. A central access is proposed in order to increase the number of parking spaces on the site. A cycle store is shown on the layout, halfway along the rear garden.

The development would provide six three bedroom flats, arranged as two on each floor. The two flats on the ground floor would have private rear gardens, with a shared garden beyond. The flats would have floor areas of 105m², 95m² and 90m² (ascending with each floor). The flats meets the minimum sizes set out in the DCLG document "Technical housing standards – nationally described space standard".

Flat Number	Size Proposed	National Housing Standards
Ground Floor 2 X 3 bedroom	105 Sqm	86sqm
First Floor 2 x 3 bedroom	95sqm	86sqm
Second Floor 2 x 3 bedroom	90sqm	86sqm

Whilst appearance is a reserved matter, the submitted plans (of the front elevation only) indicate a symmetrical building with a central recessed core, the upper floors jettied out

over the ground floor to the front (receding at the rear), a rendered and brick façade, and two half-timbered gables under a tiled roof.

Consultations:

Highways ESCC - The existing vehicle access is already in place so the principle of an access in this location has been established. Adequate turning inside the site is also proposed. The access has been moved away from the boundary wall with 30 Bedfordwell Road to provide better pedestrian visibility splays, and this is welcomed. With this change, it is considered that a safe access to the property can be achieved; a planning condition to ensure the highway 'build-out' is provided before any development on site commences is recommended.

Cycle parking will need to be provided at the rate of 1 space per dwelling as they are 3 bedroom flats.

Using the ESCC parking calculator, this site should provide 10 spaces if one space was allocated to each dwelling or 8 spaces if all spaces were unallocated. These figures are based on car ownership levels of 3 bed flats in the Upperton ward. The level of parking shown is acceptable as it is in accordance with ESCC guidance.

Neighbour Representations:

No representations have been received.

Appraisal:

The main issues to take into consideration in determining this application are the loss of the existing building, the redevelopment of the site as flats, the impact of the building on the character of the area and adjoining occupiers, and highway safety.

Demolition of the building

The property sits in a row of similar properties which follow the curve of the road from Bedfordwell Road to Upper Avenue. Whilst it is of good quality (although in this case rather neglected after many years of health authority use) and exhibits attractive features, the building is not listed, nor in a conservation area or Area of High Townscape Value. Similar properties at nos. 26 and 27 were demolished and redeveloped as flats in 2003. It is therefore considered that the demolition of the building is acceptable in principle.

Redevelopment as flats

Many of the buildings in the area have been converted or redeveloped as flats. The location of the site is considered to be in a sustainable location on a classified road, not too far from the town centre and within walking distance of a bus route.

The use of the land for redevelopment as flats would make good use of the land, and would contribute towards the towns housing stock, in line with strategic housing policies in the Core Strategy Local Plan, and the presumption in favour of sustainable development outlined in the National Planning Policy Framework. It is therefore considered that the principle of redevelopment as flats is acceptable.

Impact on character of the area:

The established character of this part of Bedfordwell Road is one of large, elegant villas set within spacious plots with significant spaces between them. The building lines to the front and rear follow a very regular pattern, and this has been continued with the new development at nos.26 and 27 Bedfordwell Road, which has taken account of its relationship with its neighbour at no.28, where the new three storey development has been confined to the same pattern.

The setback of the front of the building has driven by the sole purpose of providing sufficient parking for the number and size of the flats proposed, but has resulted in the incongruous siting of the development, to the detriment of the wider area.

The scale and massing of the proposed building is significantly wider and deeper than the existing pattern of development, and consequently, despite some attempts at articulation of the front elevation, it would appear as a cramped, visually intrusive and incongruous form of development that would conflict with the above noted established character.

It is considered that six flats, in principle, could be accommodated on the site, but the size of the flats and the number of bedrooms proposed has resulted in a building that is too large when considered in context with its neighbours. The agents response to suggestions that the building could be reduced is that his client is adamant that less flats, or less bedrooms, would not make the development viable.

Residential amenity:

The floor plans submitted with the application indicate that the building would be slightly reduced in depth at first and second floor level, nevertheless it is considered that over three stories it would still have an impact on the outlook from the adjacent properties. Whilst the plans demonstrate an angle of 45° could be provided from the windows of the adjacent properties, no account has been taken of the vertical element, particularly in respect of the dwelling to the west (30 Bedfordwell Road). The balconies at first and second floor levels would need to be addressed in terms of overlooking of the private patio areas of the adjacent dwellings, possibly by screening. Overall, it is considered that siting the building this far back to achieve additional parking to the front would result in an adverse impact of the amenities of the occupiers of the closest buildings in terms of outlook and an overbearing relationship in close proximity (1.5m) to the common boundaries).

Highway safety:

The Highway Authority has raised no objections to the proposal, and it is agreed that visibility for the access is good, and that eight parking spaces is sufficient for the development. Notwithstanding this, the alteration to the access to provide this level of parking could only be approved if the alterations to the highway outside the application site are carried out. This would require a legal agreement to secure off site works (which has not been provided with the application, being a later amendment), however the cost of the works would be considerable and may not have been taken fully into account, and would be a very expensive way of providing additional parking spaces.

Other matters:

As the proposed development related to flats, it is not liable for a Community Infrastructure Levy contribution.

Human Rights Implications:

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

Conclusion:

The scale and siting of the proposed building would be an overdevelopment of the site, resulting in an incongruous and visually intrusive development, which would adversely impact on the character and appearance of the area and the amenities of adjacent residential occupiers. Whilst the provision of flats on the site, would go some way to contributing to the towns housing stock, is acceptable is therefore in principle, this issue does not outweigh the harm identified above, and the proposal therefore conflicts with national and local policies.

Recommendation:

Refuse for the following reasons:

1. The scale and siting of the proposed building would be an overdevelopment of the site resulting in an incongruous and visually intrusive development which would adversely impact on the character and appearance of the area and the amenities of adjacent residential occupiers, contrary to policies B2 and D10A of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT4, HO6 and HO20 of the Eastbourne Borough Plan Saved Policies 2007 and paragraph 56 of the National Planning Policy Framework.
2. As submitted, the proposal does not provide a satisfactory mechanism for the off-site highway works necessary to enable the development to deliver a new access and the number of parking spaces shown on the revised plans.

Informative

The following plans have been taken into consideration in determining this application:

201501 120 Revision C received on 8 January 2016

201501 123 Revision f received on 8 January 2016

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**.

Agenda Item 7

App.No: 151170	Decision Due Date: 20 January 2016	Ward: Hampden Park
Officer: Anna Clare	Site visit date: 17 December 2015	Type: Planning Permission
Site Notice(s) Expiry date: 19 December 2015 Neighbour Con Expiry: 19 December 2015 Press Notice(s): 21 December 2015		
Over 8/13 week reason: N/A		
Location: Land at Sumach Close, Sumach Close, Eastbourne		
Proposal: Erection of a three storey building consisting of 13 flats (8 x 2 bed and 5 x 1 bed). Amended Description.		
Applicant: Eastbourne Homes		
Recommendation: Grant Planning Permission subject to S106 agreement control local labour initiatives		

Reason for Urgent Item:-

Members will recall that this item was referred to Planning Committee in January 2016 where it was resolved to grant planning permission subject to conditions and a legal agreement (S106 agreement) to cover local labour initiatives and the payment of the required monitoring fee associated with these initiatives.

Members are hereby advised that the monitoring payments have been received and banked by EBC and as such there is now no longer a requirement for a formal legal agreement (S106 agreement) to be entered into.

Given this it is recommended that Members agree to amend/revise their resolution as the 'Local Labour Initiatives' can now be satisfactorily handled via a planning condition.

Recommendation:-

That planning permission be granted subject to the conditions listed below:-

1. Time for commencement
2. Approved drawings
3. Samples of proposed materials

4. Refuse/recycling storage (details submitted and to be provided prior to occupation)
 5. Landscaping/planting
 6. Wheel Washing
 7. Surface Water drainage (Highways)
 8. Parking provision (laid and provided before occupation)
 9. Cycle Parking (details submitted and to be provided prior to occupation)
 10. SUDS
 11. The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning Authority.
 12. Local Labour Initiatives
-

For Members Information the Previous Report January 2016:

Executive Summary:-

The site has previously been identified within the adopted Strategic Housing Land Availability Assessment as being suitable for residential redevelopment. It is considered therefore that there is no objection to the principle of redevelopment of the site.

The application proposes a residential scheme that will enter the Councils property portfolio as social rented affordable housing.

The scheme proposes a new building over 2 to 4 storeys containing 13 flats.

The bulk, scale and massing of the proposed building is considered to provide a corner building, enhancing the area. The flats provide a good standard of accommodation for future residents, and the impact on surrounding existing residential properties is considered to be acceptable. ESCC Highways have assessed the level of car parking and the impact on the demand for on-street parking, they raise no objection stating the increased demand will not be severe and therefore is acceptable. Therefore it is recommended that planning permission is granted subject to conditions set out at the end of the report.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport*
- 6. Delivering a wide choice of high quality homes*
- 7. Requiring good design*
- 8. Promoting healthy communities*

Core Strategy Local Plan 2013 Policies

- B2 Creating Sustainable Neighbourhoods*
- C7 Hampden Park Neighbourhood Policy*
- D5 Housing*

D10A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of new development

UHT2 Height of building

UHT4 Visual Amenity

UHT8 Protection of amenity space

HO2 Predominantly residential areas

HO20 Residential Amenity

TR11 Car parking

Site Description:

The site is currently a grassed verge area and hard standing car park at the corner of Maywood Avenue and Sumach Close.

The closest residential properties are generally of a similar character, possessing similar feature having been constructed at a similar time. To the north of the site, on the opposite side of Maywood Avenue there are blocks of flats on Holly Place which are three storeys of light/grey brick with an angled roof line.

There are areas of green space to the front of many of the properties and large grass verges between the pavement and highway edge. To the north-eastern side of Sumach Close there are large areas of on street parking parallel with the highway.

Relevant Planning History:

None relevant to this application.

Proposed development:

The application proposes the erection of a part 4, 3 and 2 storey 'L' shaped building to provide 13 flats (5 x 1 bed and 8 x 2 bed).

Number	Type	Size (Sqm)	National Space Standards (2015) (Sqm)
5	1 bedroom flats	55	50
8	2 bedroom flats	74	70

The building is split into two segments (two entrances). One 'block' accessed from the corner entrance feature provides 8 two bed flats (two to each floor).

The second 'block' facing Sumach Close provides 5 one bed flats, two at ground and first floor and one at third floor level.

The 'L' shaped design allows amenity space to be provided to the rear

The building is kept in line with the existing properties of Maywood Avenue retaining an open grass landscaped area to the front of the building.

Refuse and recycling facilities are to be provided in easily accessible locations and will be controlled via condition.

To the rear of the building the existing car park area will be extended to provide 13 car parking spaces, the scheme also promotes cycle parking

Consultations:

East Sussex County Council Highways

No objection raised in principle to the application. Comments detailed in section of report 'Impacts on highway network, access or parking'.

The submitted Transport Report has considered the development in terms of additional vehicle movements, car parking, cycle parking, access to public transport and facilities within walking distance.

ESCC highways raised no concerns over the sustainability of the location as it is within acceptable walking distance of schools, shops and public transport. Adequate cycle parking would also be provided and the number of traffic movements that the proposal would create can be accommodated by the local highway network. The one area that is a cause for concern is car parking.

The transport report includes reference to the ESCC parking calculator which has been used to indicate the number of parking spaces which should be provided. The Transport Report states that 23 spaces are needed. Having checked myself, this figure is based purely on the Hampden Park ward which does not provide a large enough data set to be reliable. It is also on the boundary between the Hampden Park and Ratton Wards. Adding in the two nearest adjacent wards provides a large enough data set and results in a total of 20 spaces being needed with one allocated to each flat or 16 if all the spaces were unallocated.

The development is therefore going to create an increased demand for on street parking in the area which is a concern. It should be noted that the Manual for Streets guidance does state that on street parking can be used to provide for a development, but only where the increase can easily be accommodated.

Ultimately any planning permission should be considered against paragraph 32 of the National Planning Policy Framework on highway impacts. This states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe'. Although there are concerns about reducing on street parking provision in the vicinity they are not considered to significant enough to have a severe impact on the highway network.

Although the level of parking provided is lower than would ideally be provided the application has demonstrated that there is scope to cater for this demand on street. Although this will impact on the highway it cannot be considered to have a severe impact in planning terms and therefore is acceptable as it is in accordance with the National Planning Policy Framework.

Specialist Advisor (Planning Policy)

Support the Application

The site is a part greenfield/brownfield site that in principle is acceptable to be redeveloped for housing development. The site has been identified as deliverable within the Strategic Housing Land Availability Assessment, and as such should be supported to meet the Council's challenging 5 Year Housing Land Supply figures.

Strategy and Commissioning Officer (Regeneration)

The construction of this residential development provides an opportunity for new employment within the built environment. In accordance with page 13 of the Local Employment Technical Guidance Note, adopted 1 April 2013 this proposal qualifies for a Local Labour Agreement.

Neighbour Representations:

A part of the public consultation Press and Site Notice were posted and 60 individual letters were sent to local residents. As a result of this consultation the following responses have been received.

11 Sumach Close

- Not objecting but questioning amount of parking.*
- Considers well designed*

16 Holly Place

- Support the proposal for flats in this location.*

Objections received from the following properties;

- 6 Sumach Close*
- 7 Sumach Close*
- 9 Sumach Close*
- 10 Sumach Close*
- 12 Sumach Close*
- 14 Sumach Close*
- 39 Sumach Close*

For the following reasons;

- Not sufficient space for level of development*
- Already a built up estate*

- *Too close to existing properties, impact on loss of light, noise, overshadowing, privacy*
- *Loss of green space which is used as a play area*
- *Over crowding*
- *Demand for parking, spaces provided only takes into account the number of flats, not those already using the existing parking*
- *Increased traffic*
- *Dangerous for pedestrians*
- *Design of the building*
- *Surrounding buildings 3 storeys*
- *Loss of view of downs*
- *Impact on school provision*

Appraisal:

Principle of development:

There is no objection in principle to redevelopment of this site for residential purposes.

In line with the requirements of the NPPF the Council supports sustainable housing development coming forward in order to support Local Plan housing targets.

As the proposal is for 13 new flats, the application will not be liable to a CIL contribution. The application proposes 13 social rented affordable units, therefore meets the requirements of Policy D5: Housing of the Core Strategy Local Plan.

The application is in general conformity with the Neighbourhood Policy (Policy C7: Core Strategy Local Plan, 2013) which seeks to 'deliver housing through infill development on underused land'.

Impact of proposed development on amenity of future occupiers:

The 8 two bed units provide an internal floor space of 74m², the 5 one bed units provide internal floor space of 55m².

The flats meet the standards set out by the DCLG's Technical Housing Standards – Nationally Described Space Standard 2015 in terms of internal floorspace provision. This is set out as 50m² for a one bed two person flat (so providing 1 double bedroom) and 70m² for a two bed four person flat (so providing 2 double bedrooms).

The scheme provides amenity space to the rear of the block and all flats have access to a balcony area approx. 6m² which also provides amenity space for occupiers.

The building is 'L' shaped and therefore there would be a degree of overlooking onto each other at the rear, however this is considered

acceptable and will not have significant impacts on the future occupiers. Therefore the standard of accommodation provision for future occupiers is considered good.

Impact of proposed development on amenity of surrounding residential properties:

The closest residential properties are those fronting Maywood Avenue (terrace 110-124), the building would be set 3m from the end of this terrace. The existing public pathway will be maintained here, this will also provide rear access to the amenity space to the rear.

The building has been designed to set back 0.6m from the rear building line of the properties of Maywood Avenue with the section closest jutting out with a window to the corner facing back onto the proposed building. This minimises the overlooking towards the rear garden of the adjacent properties.

There will undoubtedly, given the 'L' shape of the proposed building be additional overlooking on those adjacent properties of Maywood Avenue rear gardens, and towards the rear elevations.

At present there is limited overlooking of the rear of these properties given the separation distance to the properties of Blackthorn Close and location of garages. However they are terraced and therefore there is limited privacy to rear gardens and the additional impact is not considered significant to warrant the refusal of the application.

To the north-east of the site, on the opposite side of Sumach Close there are existing properties, the immediately adjacent being flats, one on ground floor and one at first floor. At present these overlook an open space, however the separation distance between the existing and proposed properties is considered acceptable.

The addition of balconies to the front elevation is not considered to have a significant impact on the level of overlooking or loss of privacy to the properties opposite to warrant the refusal of the application.

Design issues:

The proposed building is an 'L' shape given the corner plot, and to provide rear amenity space in addition to balconies.

The scheme is two blocks. The corner block of two bed flats has a stairwell entrance at the corner with a property either side of the central core, two bedroom flats over four floors. The second attached block faces Sumach Close with 5 one bed flats over 3 storeys, combined living/kitchen areas, with balconies available to the front of the building, with bedroom and bathroom to the rear.

The scale and massing is similar to that of the blocks of flats opposite on Holly Place.

The materials proposed are a brick plinth at ground floor level, white painted render above with glazed balconies. The top storey is designed as a mansard style roof with differing material to reduce the bulk of the building.

The height on the corner provides a corner building with the height decreasing to the rear to two storeys, which reduces the bulk. The design is more modern than the existing buildings, and includes a more diverse palette of materials providing more interest to the corner plot.

The materials, bulk scale and appearance of the building is considered acceptable and it is considered the quality of the design will enhance the surrounding area.

Cycle parking and refuse and recycling facilities will be controlled via condition.

Landscaping and Impact on Trees:

Currently the area is an open green space. Landscaping will be retained to the front facing Maywood Avenue and around the building to maintain the character of the area with open grass verges. The expansion of the car park will also increase the level of hard landscaping up to 4-6 Sumach Close.

The landscaping surrounding the building is designed to be simple, a communal seating area is proposed set back from Maywood Avenue. Planting is proposed to soften the relationship between the private units and the public highway.

Two trees currently bordering the car park area would be lost following the expansion of the parking area. There is no objection to their removal.

A landscaping scheme will be requested by condition to ensure suitable planting is provided to maintain the character of the area with open green spaces and verges.

Impacts on highway network, access or parking:

The existing car park area is to be enlarged to provide 13 parking spaces. The level of parking is considered acceptable for the number and type of new dwellings proposed.

It should be noted however that the car park is existing, and informally used by surrounding residential properties. There is significant available on-street parking in Sumach Close as the parking is parallel to the highway, increasing the amount of available parking spaces.

A number of objections have been received to the application on the grounds of increasing demand for on-street parking. The parking area is under the control of Eastbourne Borough Council and has been freely available to use since it was built. There does not appear however, to be any requirement for this area to be provided for parking for the adjacent properties. On this basis the use of this area could be removed at any time without the need for any formal consent.

As identified by the ESCC highways response any refusal based solely on highway/parking grounds could not be justified/substantiated as the degree of harm is less than severe and as identified by the NPPF in these circumstances permission should be supported.

Planning obligations:

Affordable housing:-The application proposes 13 social rented affordable units, therefore meets the requirements of Policy D5: Housing of the Core Strategy Local Plan. A condition is proposed to control the tenure of the proposed units.

CIL:-The proposal constitutes flats and therefore no CIL is payable.

Local Employment initiatives:- In addition given the scale of the development there is a policy requirement that the scheme should deliver some local employment initiatives. A S106 legal agreement is required to deliver this initiative.

Human Rights Implications:

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

Conclusion:

The application is considered acceptable in principle, the proposal is in line with the requirements for sustainable development within the NPPF. In addition the Council supports sustainable housing development coming forward in order to support Local Plan housing targets.

The bulk, scale and massing of the proposed building is considered to provide a corner building, enhancing the area.

The impact on residential amenity of the existing properties is considered acceptable. The building has been designed to minimise overlooking on surrounding properties, having the majority of the living accommodation on the front elevation. It is not considered that a reason for refusal based on the

impact on the surrounding properties loss of outlook/overshadowing or privacy could be justified.

The amount of parking is considered acceptable given the number of additional units proposed. It is not considered that the proposal, given the good transport links on Maywood Avenue, and the type/tenure of the proposed units would have significant impacts on the demand for on-street parking to warrant refusal of the application.

Recommendation:

Subject to a satisfactory legal agreement to cover local employment initiatives then Grant Planning Permission subject to the following conditions;

- 1. Time for commencement*
- 2. Approved drawings*
- 3. Samples of proposed materials*
- 4. Refuse/recycling storage (details submitted and to be provided prior to occupation)*
- 5. Landscaping/planting*
- 6. Wheel Washing*
- 7. Surface Water drainage (Highways)*
- 8. Parking provision (laid and provided before occupation)*
- 9. Cycle Parking (details submitted and to be provided prior to occupation)*
- 10. SUDS*
- 11. The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning Authority.*

Agenda Item 8

COMMITTEE: PLANNING

DATE: 22 March 2016

SUBJECT: Local Employment & Training Supplementary Planning Document

REPORT OF: Senior Head of Regeneration, Planning and Assets

Ward(s): All

Purpose: To seek Members' views on the report before being considered by Cabinet on 23 March 2016

Contact: Sara Taylor, Strategy & Commissioning Officer (Regeneration), 1 Grove Road, Eastbourne
Tel no: (01323) 415609
E-mail: sara.taylor@eastbourne.gov.uk

Recommendations: Members are asked for their views on the attached report which will be reported to Cabinet at the meeting on 23 March 2016

1.0 Introduction

- 1.1 This is a covering report to introduce the Cabinet report attached. The Cabinet Report is self explanatory and includes a discussion under the usual implication headings so will not be repeated here.
- 1.2 The Cabinet Report recommends that the Local Employment & Training Supplementary Planning Document be published for a 12 week period between 1 April and 24 June 2016 to allow stakeholders and the local community to comment and make representations.
- 1.3 Planning Committee Members are asked to consider the attached report and any comments will be considered and reported orally to Cabinet when they meet on 23 March 2016.

Background Papers:

The Background Papers used in compiling this report were:

- Cabinet Report – 23 March 2016

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

COMMITTEE	CABINET
DATE	23 March 2016
SUBJECT	Local Employment and Training Supplementary Planning Document
REPORT OF	Senior Head of Regeneration, Planning and Assets

Ward(s) All

Purpose For Members to approve the proposed Local Employment and Training Supplementary Planning Document (SPD) for publication for a 12 week period to receive representations in preparation for formal adoption by Full Council.

Contact Sara Taylor, Strategy & Commissioning Officer
(Regeneration)
1 Grove Road, Eastbourne
Tel no: (01323) 415609
E-mail: sara.taylor@eastbourne.gov.uk

Recommendations

1. To approve the Local Employment and Training SPD for publication for a 12 week consultation period to receive representations and comments.
2. To delegate authority to the Senior Head of Regeneration, Planning and Assets in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the representation period.

1.0 Introduction

- 1.1 Eastbourne Borough Council is preparing a Local Employment and Training Supplementary Planning Document (SPD) to assist in securing local labour agreements as part of development proposals. The level of development required in Eastbourne up to 2027 will create a significant number of jobs and this SPD will play an important role in helping to secure local employment at both construction and operational stages of this development.
- 1.2 The Local Employment and Training SPD will replace the Local Employment and Training Technical Guidance Note, adopted 1 April 2013. The Technical Guidance Note has been tried and tested since adoption and has confirmed a need for development to an SPD.

2.0 What is a Supplementary Planning Document?

- 2.1 A Supplementary Planning Document (SPD) is a planning policy document that adds further detail on a policy within a Local Plan. They are used to provide additional information on how a policy should be implemented or what is required in order to satisfy the policy.
- 2.2 Supplementary Planning Documents are material planning considerations in the determination of planning applications and provide additional guidance on matters contained within Local Plans. In respect of this SPD, the Local Plan is the Eastbourne Employment Land Local Plan (ELLP).
- 2.3 This Local Employment and Training SPD has been prepared to provide detail to the Eastbourne Employment Land Local Plan Policy EL1 in order to provide a framework as to how local labour agreements (including employment and training measures) will be secured and how to maximise local employment opportunities at both the construction and first operational phase of the development.
- 2.4 The Employment Land Local Plan was submitted to the Secretary of State for Public Examination in February 2016 following public consultation. It is anticipated that the Public Examination will take place in May 2016, and once it has been found sound by the Planning Inspectorate it can be adopted, which is anticipated for October 2016.

3.0 Local Employment and Training SPD

- 3.1 The Council and its local partners are committed to working in partnership with the developer and operator to assist in the delivery of this in order to maximise the opportunities available to all parties. Developers and operators that support this SPD and achieve the measures identified within will be recognised by local residents, business and key stakeholders as major contributors towards the growth and success of the local economy.

4.0 Why is it important to have a Local Employment and Training SPD?

- 4.1 As construction falls in eighth place within the top ten most popular apprenticeships¹, a mechanism needs to be put in place to preserve and maintain a trained workforce particularly in construction. This can be achieved by dedicated measures such as local labour agreements. Employment and training targets, particularly those associated with apprenticeships, work experience and NVQ start and completions during the construction phase will encourage employers to invest in their workforce and raise the profile of the construction industry.
- 4.2 The 2015 Summer Budget confirmed the Government's ongoing commitment

¹ SFA data, National Audit Office, Ancestry: the Centre for Economics and Business Research

to apprenticeships by introducing an apprenticeship levy to encourage large companies to set up training schemes, in addition to creating 3 million new apprenticeships. This demonstrates an ongoing commitment to apprenticeships.

- 4.3 In considering the points outlined, Eastbourne Borough Council believes that there is a clear case to use a Section 106 Agreement to secure local labour agreements from future developments. This will secure contributions from developments that will support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by new developments.
- 4.4 The Council works in partnership with local education and training providers to ensure that courses relevant to industry and employment needs can be planned and provided.
- 4.5 The contribution is financial in the form of a monitoring fee. The fee enables the funding of personnel to undertake the monthly monitoring of employment and training during the construction phase and up to one month in the first operational phase. It also covers negotiation, co-ordination and administration of employment and training initiatives associated with a development such as meet the buyer events, extra curricula activities, sector based work academies and local promotion. If required the fee will also include drafting Employment and Training Plans.
- 4.6 The following thresholds will trigger a request for a local labour agreement:
- Commercial** – All developments (other than C3/C4 Planning Use Class), including change of use, that create/relate to 1,000 sq m. (gross). This also includes developments of strategic importance (eg essential infrastructure, development identified in Council plans and strategy) and all of those that create 25+ jobs.
- Residential** - Major developments (within C3/C4 Planning Use Class) that involve 10 or more gross units.

5.0 Consultation

- 5.1 On 9 February 2016, the Local Plan Steering Group endorsed and gave authority to take the Local Employment and Training SPD to Cabinet for authority to publish for consultation.
- 5.2 The Local Employment and Training SPD, if approved by Cabinet, will be subject to a 12 week consultation period between 1 April 2016 and 24 June 2016 to allow stakeholders and the local community to comment and make representations.

5.3 The consultation will be made available online allowing representations to be made electronically via the Council's online consultation portal. The consultation procedure will be in compliance with the Statement of Community Involvement. Comments may also be submitted by email or post.

6.0 Next Steps

6.1 Following the consultation period, a summary of representations will be prepared and a revised Local Employment and Training SPD will be tabled to Local Plan Steering Group for endorsement followed by submission to Full Council for approval and adoption in the Autumn 2016.

7.0 Implications

7.1 Legal Implications

7.1.1 106 Agreement

The power of a Local Planning Authority to enter into a planning obligation (also known as a section 106 agreement) with any person interested in land in the area of the local planning authority is contained within Section 106 of the Town and Country Planning Act 1990 (as amended). Planning obligations are secured by Deed either by way of planning agreements or unilateral undertakings and are required in order to mitigate the impact of the proposed development.

In accordance with the Act, planning obligations:

- May require cash payments to be made;
- Must be registered as a local land charge
- May be enforced against the person entering into it and against any person deriving title from that person; and
- Can be enforced by means of injunction.

7.1.2 Supplementary Planning Document - Consultation

Town & Country Planning (Local Planning) (England) Regulations 2012 prescribes the legal process that must be carried out when the Council is seeking to create a Supplementary Planning Document (SPD). As part of the public consultation the regulations require that the Council prepares a statement setting out:

- (i) the persons the local planning authority consulted when preparing the supplementary planning document;
- (ii) a summary of the main issues raised by those persons; and
- (iii) how those issues have been addressed in the supplementary planning document

This statement must be made available as part of the consultation in accordance with the regulations.

7.1.3 *Adoption*

The SPD will, if adopted, become a development plan document. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that the creation of development plan documents are a function of full Council, therefore adoption of the SPD cannot be adopted until it is approved by Full Council.

7.2 Financial Implications

7.2.1 There are no financial implications to the Council as a direct result of this report. The cost of the consultation and publication of the Local Employment and Training SPD will be met from within the service budget, which has been subject to bids through the Service and Financial Planning process.

7.3 Human Resource Implications

7.3.1 Officers in the Regeneration & Planning Policy team will manage the consultation arrangements for the Local Employment and Training SPD and the collection and processing of representations received.

7.4 Equalities and Fairness Implications

7.4.1 The Local Employment and Training SPD supports and adds further detail to the Employment Land Local Plan (ELLP). An Equalities and Fairness Impact Assessment was undertaken during the scoping stage in the production of the ELLP and the assessment demonstrates that the ELLP was unlikely to have any significant impact on equalities and fairness.

8.0 Conclusion

8.1 In order to progress the Local Employment and Training SPD towards adoption, Cabinet are requested to approve the Local Employment and Training SPD for publication to receive representations between 1 April 2016 to 24 June 2016.

8.2 It is anticipated that a further report will be submitted to Cabinet in the Autumn when the Local Employment and Training SPD is put forward for adoption by Full Council.

Background Papers:

- Local Employment and Training Supplementary Planning Document (February

2016)

- Local Employment and Training SPD Sustainability Appraisal Screening Report (February 2016)
 - Local Employment and Training SPD Statement of Consultation (March 2016)
 - Employment Land Local Plan Submission Version (February 2016)
-

This page is intentionally left blank

Appeal Decision

Site visit made on 10 February 2016

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2016

Appeal Ref: APP/T1410/W/15/3135002

Land to rear of 2 to 8 Queens Crescent, Eastbourne, East Sussex BN23 6JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Ashford of Brookwell Properties against the decision of Eastbourne Borough Council.
 - The application Ref 150070, dated 22 January 2015, was refused by notice dated 26 March 2015.
 - The development proposed is described as 'proposed erection of 6 No terraced 2 bedroomed houses together with access drive and ancillary parking'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 No terraced 2 bedroomed houses together with access drive and ancillary parking at Land to rear of 2 to 8 Queens Crescent, Eastbourne, East Sussex BN23 6JU in accordance with the terms of the application, Ref 150070, dated 22 January 2015, subject to the conditions set out in Appendix A.

Preliminary Matters

2. At the site visit it was noted by the local planning authority (LPA) that there were two drawings with identical drawing numbers. The differences between the drawings included the separation distances between the proposed footprints and their boundaries and either one or two visitor parking spaces being shown. Following the site visit, the appellant has submitted a drawing re-numbered 240400-01 Revision A, which they consider shows the scheme for which permission was sought. The LPA agrees that this is the drawing which was before the planning committee when it made its decision. For the avoidance of doubt I have proceeded on this basis.
 3. The address on the application form is given as 2 Queens Crescent, rather than Land rear of 2 to 8 Queens Crescent, which is used on the decision notice and appeal form. This latter address appears to reflect the location of the site, and is used elsewhere by the main parties. I have therefore adopted its usage to describe the address of the appeal site.
 4. At the appeal statement stage, the LPA confirmed that it is happy that the CIL requirements have been met, and that it would not contest this reason for refusal. On the basis of the information before me, I see no reason to disagree with this position, and have proceeded on the basis that, for the purposes of this appeal, the third reason for refusal has been satisfactorily addressed.
-

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the street scene, and;
- The effect of the proposed development living conditions of adjoining occupiers with regard to overlooking, and;
- The effect of the proposed development on highway safety with specific regard to access and parking.

Reasons

Character and appearance

6. The appeal site is located on an area of land that is open, with a row of ten garages and a detached workshop/garage type building. It is located in a residential area, to the rear of properties facing Queens Crescent, Queens Road and Seaside Road (the A259). Planning permission was granted by the LPA in 2011 for the erection of four 3 bedroom dwellings. The scheme in this case seeks the erection of six 2 bedroom dwellings situated in two rows of three. The scale and form of the proposed dwellings is not dissimilar to others found in the locality, although the elevations would have a more modern appearance. The height of the dwellings would be in keeping with the nearby residential buildings and therefore not appear as unduly prominent within the street scene. Moreover, the development itself would be screened by the properties along all four of its boundaries, which would prevent long distance views into the site.
7. The LPA point to the fact that the scheme would represent an overdevelopment of the site out of keeping with the prevailing pattern of development in the area. However, it has failed to articulate why the redevelopment of a site, that also has recent planning permission, would result in an overdevelopment of the site. It is clear from the drawings that each plot would benefit from garden areas to their front and rears, and whilst the appeal scheme would have greater footprint coverage than the earlier approved scheme, there would remain large open areas within the development. Furthermore, as considered above, the overall layout and form of the development is not dissimilar to that found within the wider street scene. In this respect the proposal would continue to respect the prevailing pattern of development.
8. I therefore conclude that the proposed development would not result in a materially harmful effect on the character and appearance of the street scene. It would therefore accord with Policies UHT1, UHT4, and HO6 of the Eastbourne Local Plan 2003 (ELP) and Policies B1 and B2 of the Eastbourne Core Strategy 2013 (ECS), which, amongst other aims, seek to ensure that new development is appropriate in scale, form, materials, setting, alignment and layout and ensure the most effective use of the site with the highest density appropriate to the locality.
9. It would also accord with the Policies of the National Planning Policy Framework (the Framework), which amongst other aims seek to encourage the effective use of land by reusing land that has been previously developed and always seek to secure high quality design.

Living conditions

10. In terms of overlooking, the only proposed windows located within the flank walls would serve either hallway landing or downstairs WC areas. The separation distances would be around 23 metres or more, which is not unusual within a built up area such as that surrounding the appeal site. Furthermore, both of these windows could be obscured glazed. This could be reasonably secured through the use of a condition requiring these windows to be obscured glazed and that no new windows or openings are inserted. Whilst there may be some overlooking from the front or rear windows into nearby gardens, given the angles and distances involved, most views would be oblique rather than direct, which would further mitigate any degree of overlooking.
11. I therefore conclude that the proposed development would not result in a materially harmful degree of overlooking, and therefore harm to the living conditions of adjoining occupiers. Accordingly, it would comply with Policies UHT1, UHT4, HO6 and H20 of the ELP and Policies B1 and B2 of the ECS, which, amongst other aims seek to ensure that proposals demonstrate they would not cause unacceptable loss of privacy by overlooking from habitable rooms. The proposed development would also accord with the Policies of the Framework, which include always seeking a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

12. In terms of highway safety, the LPA is concerned that the introduction of six dwellings may lead to indiscriminate parking on the public highway. I saw during my site visit that there are no restrictions on Queens Crescent or Queens Road, such as parking permits or bays, which would restrict future occupiers from parking on these roads. However, at the time of my site visit I saw that there were a number of on street spaces that could be used by vehicles. I acknowledge that demand for parking may change in the evening when occupiers come home from work. But I have not been presented with any cogent evidence that demonstrates that the area suffers from an unacceptably high level of parking demand, for example parking surveys or photographs.
13. The local highways authority raises no objection to the scheme, although they point out that the parking standards would require the provision of nine spaces for a development of this size compared to the eight shown. However, this could be mitigated by ensuring that adequate cycle storage is provided on the site and the fact that the site is located a short distance from bus routes leading to day to day services. On balance, even with a deficiency of one parking space as per the parking standard, I do not consider that the proposal would lead to an unacceptable level of parking demand that would result in material harm to future or existing occupiers.
14. With regard to the access into the site, this would comprise a shared surface being over three metres wide and achieved adjacent to No 2 Queens Crescent. I note the concerns raised by neighbours, however the access would serve six residential 2 bedroom dwellings and this is unlikely to result in a significantly high level of traffic movements that would result in conflict between potential users of the access including pedestrians, cyclists and vehicles. I am reinforced in this view by the lack of objection from the local highways authority on this matter.

15. I therefore conclude that the development would not have a materially harmful impact on highway safety with regard to parking or access. It would therefore accord with the aims of Policy TR11 of the ELP, which, amongst other aims seeks to ensure that new developments comply with approved maximum parking standards. It would also accord with the Policies of the Framework, which include actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

Conditions

16. In addition to conditions considered elsewhere in this decision, I have had regard to the conditions suggested by the main parties in light of Paragraph 206 of the Framework and also the national Planning Practice Guidance in terms of the use of planning conditions. A condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.
17. Conditions requiring the submission of details of materials and the finished floor levels are necessary in the interests of the character and appearance of the locality. Given the number of nearby residential dwellings, a condition relating to hours of operation (including demolition and construction) is reasonable to protect the living conditions of their occupiers. Conditions requiring the provision of areas for parking, refuse, cycle parking and that spaces for parking are retained, are necessary and reasonable to ensure that vehicles can be parked within the site, to promote sustainable transport modes and make sure that refuse collection vehicles are able to collect waste and recycled items from the proposed dwellings.

Conclusion

18. For the reasons given above, and having taken into account all matters raised, including concerns raised by neighbours, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 240400-01 Revision A and Site Plan PAC/22/2015.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition 2, no development shall take place until drawings showing the finished floor levels are submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 240400-01 Revision A for vehicles to be parked (including visitor parking spaces) and until space has been laid out within the site in accordance with drawing No 240400-01 Revision A (labelled as 'cycle store') for bicycles to be parked.
- 6) The parking spaces and cycles stores to be provided shall be kept available for the parking of motor vehicles or cycles at all times. The spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 240400-01 Revision A, for refuse bins and/or recycling bins to be stored generally and the area shown for 'wheelie bin collection space' to be provided. Thereafter the wheelie bin collection space shall be used for no other purpose and permanently retained as such thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other opening, other than those expressly authorised by this permission, shall be constructed on the flank wall elevations.
- 9) Before the first occupation of the buildings hereby permitted the flank wall windows shall be fitted with obscured glass and shall be permanently retained in that condition.
- 10) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Public/Bank Holidays.

This page is intentionally left blank

Appeal Decision

Site visit made on 16 February 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2016

Appeal Ref: APP/T1410/W/15/3136899

Land to rear of 48 St Leonards Road, Eastbourne BN21 3UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Khalil against the decision of Eastbourne Borough Council.
 - The application Ref PC/150141, dated 09 February 2015, was refused by notice dated 09 July 2015.
 - The development proposed was originally described as new build 3 storey residential accommodation consisting of 12 dwellings and 7 car parking spaces.
-

Decision

1. The appeal is allowed and planning permission is granted for new build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces at land to rear of 48 St Leonards Road, Eastbourne BN21 3UF in accordance with the terms of the application PC/150141, dated 09 February 2015, and subject to the conditions as set out in the attached schedule.

Preliminary Matters

2. The planning application was amended following submission to the Council but prior to its determination. The amendments, shown on revised plans, decrease the number of storeys proposed from three to two, and the number of proposed dwellings from twelve to seven. I have determined the appeal on the basis of these revisions which are reflected in the description of development used in my formal decision above, as used in the decision notice and appeal form.
3. Whilst it differs from that used in the planning application form, I have used the site address as it appears in both the decision notice and appeal form as this most accurately relates to the location of the appeal site.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site, currently in use as a car park, is located to the rear of a six storey building fronting on to St Leonard's Road which has recently been converted from offices to residential apartments. The site fronts on to Commercial Road, on the opposite side of which are two storey, predominantly terraced, residential properties. The rear elevations of other large buildings

fronting on to St Leonard's Road are visible within the Commercial Road streetscene, including the seven storey office building to the north east of the site which has a four storey projecting element which sits close to the Commercial Road frontage.

6. The proposed two storey building would be considerably lower than the existing buildings fronting on to St Leonards Road and more sympathetic to the height of the prevailing form of building in Commercial Road including the two storey residential properties opposite along with other existing two storey properties to the south west on the same side of the road as the appeal site.
7. The building would be set back slightly from the front of the site allowing for the provision of boundary treatment along the pavement edge whilst also relieving the visual effect of the proposal in the streetscene. Its flat roof, although different in form to the pitched roofed residential properties on the opposite side of Commercial Road, would reflect the more contemporary form of the adjacent buildings fronting on to St Leonards Road to the rear and north of the site, which would remain as being prominent buildings contributing to the Commercial Road streetscape. The scale, form, massing and height of the proposed building would be appropriate in this context.
8. Turning to the detailed design of the proposal, the use of brick in the external facades would reflect the external materials of many of the residential properties opposite. Although the proposed building would be of a contemporary appearance in contrast to the residential properties on the opposite side of the road, it would sit comfortably in the context of the more contemporary buildings on St Leonards Road. The overall appearance of the building would be well mannered and articulated, including the provision of front balconies, to provide visual interest in the streetscene. The proposed parking area would be largely screened from the front of the site and so would not be visually dominant. Taking account of its scale, height, form and detailed external design I do not consider that the proposed building would appear as being intrusive or harmful within the surrounding townscape.
9. I am satisfied that the development would not result in the loss of any trees which are of such significance to result in any material harm to the appearance of the area.
10. In conclusion on the main issue, the proposal would not result in any significant adverse effects upon the character and appearance of the area. It would accord with the design aims of policies UHT1 and UHT4 of the Eastbourne Local Plan and policy D10A of the Eastbourne Core Strategy.
11. The Council's reason for refusal also refers to policy UHT15 of the Local Plan. I have not been provided with a copy of this policy by the Council though note from the appellant's statement that it relates specifically to development in, or affecting the setting of, Conservation Areas. As neither scenario appears to be applicable in this case I have not found harm in relation to this particular policy in my conclusion above.

Other Matters

12. Whilst a previous application for residential development was refused and dismissed at appeal¹ in 2011, including on the basis of the loss of employment

¹ APP/T1410/A/11/2143917

land, the former officer building to which the site related has subsequently been converted to residential accommodation. The National Planning Policy Framework has also been published since that appeal which encourages the effective use of previously developed land. Within this context, the Council no longer objects in principle to the residential use of the site and, given the change in circumstances since the previous appeal decision, I find that no harm would result from the change in use.

13. Given the separation distance to neighbouring residential properties and the height of the proposal in relation to such properties, I am satisfied that no unacceptable impacts would result upon residential living conditions in respect of loss of light, outlook or privacy.
14. The off-street parking provision of seven spaces for the seven flats proposed would be appropriate for the development in this location close to the town centre. The Council has not raised objections to the highways implications of the proposal or any effects arising from the displacement of cars that currently park in the application site. I have no reason to disagree with such conclusions, taking account of the likelihood that any increase in commuter parking on surrounding streets would be during weekdays rather than evenings or weekends when the demand for residential parking would be at its highest. From the evidence before me, the proposal is unlikely to result in any significant harm upon highway safety or traffic conditions in the vicinity of the site.
15. The Highway Authority has advised that, given the location of the new access, a s106 agreement would be required in order to provide for alterations to the existing street parking bay and double yellow lines. I am satisfied, however, that such matters are capable of being dealt with through a separate highways agreement and so do not need further consideration as part of this appeal. A suitable planning condition would ensure that vehicular access has to be provided before occupation of the development.

Conditions

16. The standard time limit and approved plan conditions are necessary in the interests of proper planning and for the avoidance of doubt as to what has been permitted. Conditions requiring the approval of external materials and landscaping details are reasonable and necessary to ensure the satisfactory appearance of the development.
17. Conditions relating to the provision of parking and access are necessary in order to provide for appropriate levels of on-site parking and access provision, in the interests of highway safety. Whilst its position is shown on the approved plans, further details of the vehicular access are required in order to ensure it complies with the relevant technical standards. Cycle and refuse storage needs to be secured to promote alternative travel to the private car, the objectives of sustainable development and in the interests of the overall appearance of the scheme.
18. I do not consider that a condition restricting demolition and construction working hours is necessary in this case given the limited magnitude of the works likely to be required for the construction of the development proposed and the existence of separate environmental protection regulations.

19. I have made minor alterations to the wording of the conditions suggested by the Council but these do not alter the essence of such conditions.

Conclusion

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

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Unless varied by other conditions of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans: A.001, A.003, A.004, A.005, D.001, D.002, D.004, D.005a, D.006a, D.007a, D.008a and D.009.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces (including boundary treatments and hard surfacing) of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No dwelling shall be occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the occupation or completion of the development (whichever is the sooner). Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise approved in writing by the local planning authority.
5. No dwelling shall be occupied until the car parking area has been constructed in accordance with details (including demonstration of tracked access into and out of each space) which shall have first been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available for the parking and manoeuvring of vehicles.
6. No dwelling shall be occupied until secure cycle and refuse storage provision has been constructed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority, and those areas and facilities shall thereafter be kept available for the storage of cycles and refuse.
7. No dwelling shall be occupied until the vehicular access shown on drawing no. D.001 has been constructed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The vehicular access shall thereafter be retained in accordance with such approved details.

This page is intentionally left blank