

Planning Committee

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

Agenda

- 1 Minutes of the meeting held on 18 October 2016.** (Pages 1 - 4)
- 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 2-4 Moy Avenue. Application ID: 160929. (Pages 5 - 20)

7 Update on Housing Delivery. (Pages 21 - 30)

Report of Director of Regeneration and Planning.

8 Appeal Decisions. (Pages 31 - 40)

- 1) 48 Rockhurst Drive.
- 2) 55 Friday Street.
- 3) 182 Seaside.

9 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.

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).

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 electronic mail.

For further details on the rules about speaking at meetings please contact Local Democracy.

Registering to speak – Planning Applications - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at www.eastbourne.gov.uk/planningapplications).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

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

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) 415023/415021 Text Relay: 18001 01323 410000, Fax: (01323) 410322
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For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk

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Tuesday, 18 October 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and Taylor

67 Minutes of the meeting held on 20 September 2016.

The minutes of the meeting held on 20 September 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

68 Apologies for absence.

Councillor Sabri.

69 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.

70 2 Fort Lane. Application ID: 160794.

Development of nine residential units and 11 car parking spaces, located on two adjacent sites in Fort Lane: SITE A - Unit 2, located on East side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, West side of Fort Lane, comprising: 5 x 2 bed terraced houses (Site B); 2 x 2 bed houses (Site A); 1 x 1 bed flat (Site B); 1 x 2 bed flat (Site B). AMENDED PLANS - **DEVONSHIRE.**

Mrs Weeks addressed the committee in objection stating that the area was already densely populated. The industrial units had only been occupied during week days meaning the residents had a relatively peaceful weekend. Mrs Weeks was also concerned about the under provision of parking for the proposed development and the potential loss of light to the north facing gardens adjacent to the site.

Mr Neesham, agent, addressed the committee in response stating that the development had been designed with neighbours' concerns in mind. Housing of this type was much needed in this location and it was hoped that the development would reduce the potential for antisocial behaviour in the vicinity.

The committee discussed the application and agreed that the parking provision was not suitable for the number of houses proposed. Whilst some Members liked the design and layout, the majority felt that there were too many houses for the size of the site.

RESOLVED: (By 4 votes to 3) That permission be refused on the grounds that: 1) The scheme by reason of the number of units proposed, their layout-design and relationship to the boundaries of the site/neighbouring properties is such that it would result in an unneighbourly and overbearing form of development that would result in material loss of residential amenity. This would fail to protect the residential and environmental amenity of existing and future residents and is therefore contrary to policies B2 of our Core Strategy (adopted 2013) and policy H020 of our Borough Plan (saved policies) adopted 2007. 2) The scheme by reason of the off-street parking density/ratio is such that it is likely that the parking will be displaced into the surrounding streets. This indiscriminate car parking in an area of parking stress would give rise to highway and pedestrian safety issues. This would fail to meet the objectives of policy B2 of our core strategy and policy TR2 of our Borough Plan (saved policies) adopted 2007.

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.

71 5 Wessex Place. Application ID: 160825.

Part demolition of office building and construction of 3 two storey residential dwellinghouses (revised drawings) – **OLD TOWN.**

A motion to refuse the application based on the lack of parking provision was proposed by Councillor Jenkins but not seconded.

RESOLVED: (By 6 votes to 1) That permission be granted subject to the following conditions: 1) Time 2) Drawings 3) Rainwater goods to be kept within site 4) Samples of materials 5) Details of bin store 6) Details of cycle storage 7) Details of fence 8) No PD to west elevation (doors and windows) 9) No PD Extensions 10) No PD Roof extensions dormers 11) External lighting.

72 Rear of 48 St Leonards Road. Application ID: 160538.

New build three storey residential accommodation consisting of 11 dwellings and 11 car parking spaces – **UPPERTON.**

The committee discussed the application and felt that the additional storey proposed was an overdevelopment. Members requested that Officers contact the applicant to discuss the previously suggested amendments to the scheme, such as a mansard roof.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) The proposal by reason of full site coverage, its scale, mass and appearance are such that the development would result in an overdevelopment of the site, have an unneighbourly and overbearing relationship with the occupiers of the neighbouring properties and fails to harmonise with the prevailing pattern of development in this part of

Commercial Road. The development is considered therefore to be contrary to policies UHT1 & UHT4 of the Eastbourne Local Plan and policy D10A of the Eastbourne Core Strategy. 2) It is acknowledged that the applicants are proposing an off-site financial contribution towards the schemes affordable housing provision. There is no statement with the submission outlining how this accords with Policy D5 of The Eastbourne Core Strategy. In addition the application is not accompanied by a S106 Legal Agreement to cover infrastructure provision (affordable housing). Without such documentation/agreement the development is deemed to make an unacceptable contribution to local infrastructure. 3) The proposed ground floor layout is such that there is insufficient space/capacity for waste and recycling facilities. The lack of space may lead to difficulty in accessing/serving the proposed bin enclosure as well as the potential for additional bins to be located within the undercroft parking area which may impact upon the available parking and may also lead to additional bins located to the front of the site which would be harmful to the local townscape character of the site and surrounding area. The proposal would be contrary to UHT4 of the Eastbourne Local Plan.

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.

73 South Downs National Park Authority Planning Applications.

There were none.

74 Appeal Decisions.

The following appeal decisions were received after publication of the agenda and reported at the meeting:

91 Parkway Eastbourne – The appeal related to amendments to a tree preservation order. The appeal was dismissed as there was no evidence to justify the reduction or loss of the tree.

29 Bedfordwell Road - Outline application for the demolition of the existing building and the erection of a three storey building containing six flats. The appeal was allowed.

12 Honeysuckle Close - Single storey side extension. The appeal was dismissed.

4 Pevensey Road - Conversion of Taxi office/wine bar to 3 flats. The appeal was allowed and costs were awarded against the Council. The Inspector concluded that the issues of noise impact could be dealt with via conditions and that the proposed changes would not impact upon the character and appearance of the area.

The meeting closed at 7.15 pm

Councillor Murray (Chairman)

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Agenda Item 6

App.No: 160929	Decision Due Date: 10 November 2016	Ward: St Anthony's
Officer: Anna Clare	Site visit date: 28 October 2016	Type: Planning Permission
Site Notice(s) Expiry date: 10 September 2016		
Neighbour Con Expiry: 10 September 2016		
Press Notice(s): 7 September 2016		
Over 8/13 week reason: n/a		
Location: 2-4 Moy Avenue, Eastbourne		
Proposal: Proposed refurbishment and extension to existing telephone exchange building and the construction of two number; part three, part four storey buildings to the rear to provide a total of 95 one and two bedroom flats, with 91 on site car parking spaces.		
Applicant: Moy Court Limited		
Recommendation:		
<p>A: Subject to legal agreement covering :</p> <ul style="list-style-type: none"> • Local Employment Issues • Affordable Housing Issues • Highway Issues; the financial contribution to real time passenger information for two bus stops in Ringwood Road, the Travel Plan and its associated audit fee. <p>Then planning permission be granted subject to conditions outlined at the end of the report.</p> <p>B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.</p>		

Executive Summary:

Application proposes the sustainable residential redevelopment of this previously developed parcel of land within the residential/urban fabric of Eastbourne.

The proposal is considered to promote a form of development that is of a scale that is appropriate for its site and surroundings whilst maximising its potential and would contribute the meeting the housing need locally and Borough 5 Year Housing Land Supply.

Given the level of development proposed it is acknowledged that there are issues of activity, car parking density, access/vehicle movement issues and overlooking issues that will result from the development however it is considered that these issues, individually or collectively do not amount to sufficient grounds to the justify a refusal of planning permission.

The scheme is recommended for approval subject to S106 agreement and planning conditions.

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

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C6 Roselands & Bridgemere Neighbourhood Policy
- D1 Sustainable Development
- D5 Houses
- D8 Sustainable Travel
- D10a Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1 Design of New Development
- UHT2 Height of Buildings
- UHT4 Visual Amenity
- UHT7 Landscaping
- HO2 Predominantly Residential Areas
- HO7 Redevelopment
- HO20 Residential Amenity
- TR1 Locations for Major Development Proposals
- TR2 Travel Demands
- TR6 Facilities for Cyclists
- TR7 Facilities for Pedestrians
- TR11 Car Parking

Site Description:

The site consists of an existing building, part 3 part 4 storeys in height, a former BT Telephone Exchange Centre including maintenance/service yard

for operational needs/requirements for the wider BT network, however the building has been vacant and abandoned for a number of years. The rest of the site is an existing hardstanding and outbuildings/garages/

The site is situated at the corner of Moy Avenue and Waterworks Road, opposite the junction with Courtlands Road.

To the north-west lies the Courtlands Road industrial estate which has a variety of uses including Class B1 Business premises and A1 Retail.

The site surrounded by residential properties to the north, east and south. With Moy Avenue evens numbers to the north, properties of Whitley Road to the east and properties of Waterworks Road to the south.

There are two vehicular accesses existing from Moy Avenue, and an additional pedestrian access from Waterworks Road to the south-east corner of the site.

There are no significant changes of levels across the site and no significant trees or areas of soft landscaping.

Relevant Planning History:

29/11/2004

130708

Demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping.

Planning Permission, Approved conditionally 16/01/2015

Proposed development:

The application proposes the conversion and extension to the existing building on the site, block 1, to create 38 flats and the erection of two further blocks, block 2 to the south of the site containing 25 flats and block 3 to the east of the site containing 32 flats. Therefore providing 95 1 and 2 bed flats across the site.

Block 1 consists of 4 storeys.

The ground floor consists of 5 flats each with a small terrace, 27 undercroft parking spaces, bins and bike storage.

The first, second and third floors consists of 7 flats on each floor each with a terrace area. The upper floors are accessed via 2 stair blocks to the rear of the building.

Block 2 consists of 25 flats over 4 storeys, with the top floor in-set from the boundary of the site.

Block 3 consists of 32 flats over 4 storeys arranged in an L shape with a central corridor, with the third floor in-set from the boundary of the site.

Number of beds/bed spaces	No. of units	DCLG's Technical Housing Standards Floorspace m2	Proposed floorspace m2
1 Bed (2 Person)	31	50	Min 50 Max 58
2 Bed (3 Person)	64	61	Min 62 Max 84

Consultations:

Specialist Advisor – Arboriculture

No trees on the site should be considered a constraint to development.

Requested a condition in relation to the landscaping of the site.

Planning Policy

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission without delay to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has been formally identified for development within the Council's Strategic Housing Land Availability Assessment therefore is considered to be an identified site. It is also identified as a key area of change on the Roselands and Bridgemere neighbourhood key diagram. The Council relies on identified sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan) and to support sustainable growth identified in the Roseland and Bridgemere neighbourhood.

The application results in the net gain of 95 dwellings, higher than that assessed in the SHLAA or considered previously through planning applications for the site. Although there is an uplift in residential units and the site is located in close proximity to the Town Centre and key transport routes, the type of residential development proposed is considered appropriate for its neighbourhood location and conforms to the Council's Strategic Housing Market Assessment where smaller one and two bedroom accommodation is supported on appropriate sites.

The development would not be liable to a Community Infrastructure Levy payment, but would be required in the first instance to provide on-site delivery of affordable housing in line with Policy D5: Housing of the Eastbourne Core Strategy Local Plan.

Housing Policy and Development Manager (Eastbourne and Lewes)

Policy D5 of the Core Strategy Local Plan 2013 requires all appropriate development contribute towards affordable housing. The development is within a 'low value' area in terms of this policy and therefore 30% of the units should be provided as affordable. This equates to 28.5 units.

The developer has agreed to Block 2 of 25 units to be delivered as affordable housing. This, along with a commuted sum (in accordance with Policy D5) for the additional units will be secured by a S106 agreement.

Specialist Advisor (Economic Development)

Regeneration supports this development subject to the inclusion of a Local Labour Agreement as set out in the Employment and Training Technical Guidance Note April 2013.

The conversion and refurbishment of the building and new build of additional flat blocks has the potential to provide construction work for a range of small and medium enterprises. This development will also support the local supply chain and economy. The size and nature of the development will offer a range of employment and enable work experience placements and apprenticeships.

Southern Water

There is a public sewer crossing the site, the exact position of the sewer must be determined on site by the applicant. A condition is requested in relation to this issue.

A condition is requested by SW in relation to the submission of a drainage strategy detailing the proposed means of foul disposal and an implementation timetable prior to the commencement of development. The developer would likely thereafter be required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

East Sussex County Council Highways

In principle the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network. In terms of location and local infrastructure, the site benefits from a range of services and public transport within walking distance. For this reason, the development does not impose a reliance on the private car.

The full response from ESCC Highways has been reproduced below:-

This site is located off Moy Avenue (UC2166) an area comprising of both residential and commercial premises. The existing vehicular access will remain largely unchanged with two separate pedestrian access points, one pedestrian access onto the Moy Avenue and one to the rear of the site providing a more direct route to Waterworks Road.

Access

The site lies within a 30mph speed limit whereby the visibility splay distances at the junction of with Moy Avenue should be 2.4 x 43m. These splays have been demonstrated by the applicant and are considered acceptable. The positioning of the access is to remain the same; this

provides a suitable stagger between the junction with Courtlands Road and the access into Parker Building Supplies and The Be Group.

The current access to the site is 14.6m wide at the channel line and 10m at the back of the footway, this is wide enough to cater for a two way flow of traffic and would therefore be acceptable in its current form. It has been noted that vehicles park in this section of Moy Avenue between Waterworks Road and Courtlands Road even though there are waiting restrictions (double & single yellow lines) in place. This is mainly an enforcement issue as the presence of the lines allows tickets to be issued during the times of operation.

Traffic Generation and Impact

The site is currently occupied by a building previously used as a telephone engineering centre. The site has subsequently been granted planning permission for 36 houses (planning reference: 130708). The submitted Transport Assessment has used the TRICS database to consider the number of trips that would be associated with the proposed use on the site and the previously consented use, rather than the former use as a Telephone exchange centre.

Having looked at these figures and having carried out my own analysis using TRICS it is evident that the proposal will result in additional traffic on the surrounding highway network. A development of 36 houses is likely to produce 24 trips in the AM peak and 18 in the PM, a development of 95 flats is likely to increase the number of trips to 26 in the AM peak and 29 in the PM. This increase of 13 trips in the peak hours is considered low level and can therefore be accommodated in the existing highway network without significant issue or additional congestion.

In addition if considering the use as a telephone exchange centre the level of trips that would have been generated would have been higher at approximately 69 in the AM peak and 34 in the PM. As the current consented use would result in a lower level of traffic than the proposed use, even though it has not been used for many years there are no grounds for a refusal on the traffic impact of the development.

Internal Layout

The internal layout has been revised and is now improved. The car parking spaces nearest to the site access has been removed which will now prevent conflict at the access it will also allow adequate room for these vehicles to turn and position them correctly to use the access.

Refuse Vehicles

The Local Planning Authority will need to satisfy themselves that the proposed refuse regime is appropriate/suitable.

Parking/Cycle Provision

In accordance with the East Sussex County Councils adopted parking guidelines, this development proposal if using ward data for Devonshire and Upperton should be provided with 93 car parking spaces. Taking into consideration Devonshire has lower car ownership than other wards in Eastbourne it is not necessarily representative. I have used three wards to get a more representative figure on car ownership. Using St Anthony's, Devonshire and Upperton 113 unallocated spaces should be provided. Therefore the overall provision of 91 spaces is 22 spaces short of the recommended number using these figures.

It should be noted that the housing stock and location of the St Anthony's Ward is also generally not representative of the site so would most likely result in a higher parking demand than will exist in reality. Manual for Streets notes 'In planning for expected levels of car ownership it is not always necessary to provide parking on site (i.e. within the curtilage or in off-street parking areas). In some cases it may be appropriate to cater for all the anticipated demand on street'. It is also recommended in the Manual for Streets that visitor parking is served by unallocated parking including on street. It is noted that a parking survey has been carried out to demonstrate if there is additional capacity within the surrounding network to cater for any shortfall.

The survey demonstrates that although the network is near capacity there is still space within the network to accommodate the shortfall of 22 spaces. Given the low car ownership in the area (0.9 vehicles per household, average of three wards) and the capacity to accommodate overspill parking on street a refusal on highway grounds cannot be justified as a severe impact would be unlikely to be created and therefore the proposal is in accordance with the transport requirements of the NPPF.

Cycle parking has been provided in accordance with the East Sussex County Council Standards. The 95 cycle spaces proposed should be covered and secure and located within the site in a convenient location for users.

Highway Safety

A review of the accident data around the site has demonstrated that there are no significant issues with the existing highway network

Accessibility

There are a variety of travel choices available in Eastbourne. Bus stops are within 250m of the site with services running between Sovereign Harbour and the Town Centre. There are also regular train services from Eastbourne Railway Station to Lewes which provide connections for onward journeys. Eastbourne Railway Station is 1.2 km away which is the recommended maximum walking distance however it should be noted that walking and cycling distances for commuting exceed this distance. The IHT 'Providing for Journeys on Foot' indicates that although desirable walking distances for commuting is 500m the preferred maximum is 2km. The same applies for

acceptable walking distance to town centres, the desired is 200m but the preferred maximum is 800m.

In terms of accessibility for non-car users, this site is within an acceptable distance to encourage the use of sustainable transport. It is noted that this development will create a greater demand for public transport and in order to encourage its use the two closest bus stops to the site in Ringwood Road should be upgraded to include high level kerbs, new bus stop flags and poles for both stops and a new shelter on the southern side. In addition a contribution towards providing Real Time Passenger Information (RTPI) is required to help provide better, more reliable information about bus services. To provide two RTPI signs would require a contribution of £25,000.00. These works should be secured by legal agreement and would help the development meet the targets that would be set in the Travel Plan. Pedestrian facilities connecting the site to public transport and the Town Centre are generally good.

Travel Plan

A Travel Plan has been proposed as there are potential opportunities to enhance sustainable transport modes therefore reducing the need for major transport infrastructure. Details of a Travel Plan have been included within the Transport Assessment. The measures proposed include carrying out baseline surveys in order to set targets. Once targets have been set a travel plan coordinator will be appointed to introduce provide advice of walking and cycling routes to and from the site and the promotion of the use of public transport. This will include details of bus services, timetables and route information. This is considered acceptable as a method to raise awareness of alternative modes of travel to and from the site. The site is accessed via Whitley Road; this will potentially encourage sustainable alternatives given the congestion on this road during peak times.

If journey times to and from site take as long as walking or cycling trips then this can discourage car trips. The travel plan should incorporate the local cycle (Horseley Cycle Route) network to promote sustainable travel, the route will run along Waterworks Road, Moy Avenue and along onto Courtlands Road.

A Travel Plan Statement Audit fee of £6,000 would be required and secured through a 106 agreement.

Construction

A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission.

Conclusion

Although the internal layout and shortfall of parking are less than ideal, with the introduction of the National Planning Policy Framework (in 2012) which states that development should only be refused where the likely impact is severe, it is considered that we would have difficulty justifying a recommendation for refusal in this instance as it is unlikely the development would lead to a severe impact upon highway safety.

I recommend that any consent shall include suggested conditions as well as a Section 106 legal agreement to secure the Travel Plan, including audit fee and financial contribution for Real Time Passenger Information.

SUDS- No response received to date

Specialist Advisor – Waste

Providing the roads are constructed to adoptable standard (even if not adopted) then a standard waste lorry of 26tonnes would be able to access the site to collect from the bin store. The number of bins is acceptable given the number of units.

Environment Agency

The development proposal depicted within the 2013 Flood Risk Assessment, (undertaken by Environ, dated September 2013), submitted with this application states 36 residential units, of which has been increased within the 2016 planning application to 95 residential units. So long as the development boundary depicted within the FRA (drawing number PH1.01) is identical to the 2016 application, we have no objection in principal to 95 residential dwellings.

Although this site is protected by the Eastbourne Coastal Defenses to a standard of protection of a 1 in 200 year flood, we recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when if the defenses were to fail or were over topped. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Neighbour Representations:

The Council conducted a consultation regime comprising 222 letters to nearby residents a press and site notice were posted.

This consultation has resulted in the following responses being received:-

36 Objections have been received and cover the following points:

- Increase in volume of traffic
- Impact on Waterworks Road traffic lights
- Impacts on demand for on-street parking

- Impacts on road safety from additional traffic and parking
- Impacts from construction
- No parking proposed for visitors
- Design of the proposed buildings
- Density is too high
- Buildings are too high
- Flats are out of character with predominantly semi-detached houses of Moy Avenue
- Strain on schools and health provision
- Overlooking to surrounding properties
- Loss of light to surrounding properties
- Noise impacts
- Impact on Ecology (bats/amphibians/slow worms)
- High and density is oppressive and overbearing on surrounding houses
- Concern over the position of wells and the construction impact on water supply
- Access to the site is not adequate
- Anti-social behaviour
- Light pollution on surrounding properties
- Strain on drainage system
- No gardens or amenity space for occupiers of new flats
- Overcrowding of the small site
- Possible ground contamination
- Concerns regarding flooding

1 Letter of support was received.

Appraisal:

Principle of development:

NPPF:

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs.

The redevelopment of this previously developed brown-field site within the urban fabric, close to Eastbourne Town Centre and public transport links is considered to be sustainable development and as such in NPPF terms should be should be supported without delay.

5 Year Housing Land Supply (5YHLS):

It is acknowledged that the Council do not have a current, robust 5YHLS and as such this is considered to be a significant material consideration on the determination of this application.

Given the lack of the 5YHLS it is considered that all development sites should be developed to their maximum potential in order to mitigate the shortfall

and also to alleviate the pressure for the release of less appropriate sites (these could be for example in Eastbourne Park).

Members are advised that a refusal of this application based solely on an in-principle objection to the redevelopment without demonstrable harm to the character of the site or the amenities of the occupiers of the nearby residential properties or other interest of acknowledged importance would be likely to result (at appeal) to an award of costs against the Council for unreasonable behaviour.

Eastbourne's Housing Need:

Eastbourne needs to provide new homes to meet local needs. There is very limited supply of developable land in Eastbourne given the urban areas tightly confined by the South Downs, Wealden administrative area, the sea and land subject to flood risk (Eastbourne Park). It is considered therefore that where we have developable sites that they are developed to their maximum potential.

The site has been formally identified for development within the Council's Strategic Housing Land Availability Assessment and is therefore considered to be an identified site. It is also identified as a key area of change on the Roselands and Bridgemere neighbourhood key diagram. It is acknowledged therefore that the Council relies on identified sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan) and to support sustainable growth identified in the Roseland and Bridgemere neighbourhood.

Local Plan Policy Context:

The application contributes positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in ensuring the housing target for the neighbourhood is delivered over the plan period. The development would conform with the Roselands & Bridgemere Neighbourhood Policy (Policy C6 of the Core Strategy) by 'Delivering additional housing through making more efficient use of land', and subject to no harm to residential amenity should be considered sustainable development.

Previous Consent:

In addition to the above it is clear that the principle of residential redevelopment of the site is acceptable given the previous permission for the redevelopment of the site for 36 houses (mixture of 2, 3 and 4bed) with 59 parking spaces.

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

Separation Distances:

Block 1 the south-western elevation of Block 1 would be separated from properties of Waterworks Road by approximately 30m.

The closest proximity would be between the north-eastern elevation of Block 1 and the adjacent property no. 6 Moy Avenue. There is only 9m between this elevation of the proposed building and the existing property. However the property does not have upper floor side elevation windows, the only overlooking impact would be the limited views back towards the property from the upper floor corner windows which serve the living accommodation of the proposed units.

Block 2 & 3 would be separated from properties of Waterworks Road by between approximately 28-30m. The building is set back 11m from this common boundary. These properties currently enjoy open vistas to the rear which will be reduced by the proposed buildings. The fourth storey of this building is set to the north-eastern elevation, therefore away from this boundary to decrease the height when perceived from the adjacent properties.

Properties on Whitley Road to the south-east of the site have gardens approximately 40m in length. Therefore the proposed buildings will be separated from these properties by approximately 45m.

Properties 4-9 St Philips Place to the eastern corner of the site, have smaller rear gardens which mean the proposed buildings will be approximately 25m from these.

It is accepted and acknowledged that the redevelopment in the manner proposed will give rise to a degree of overlooking, the area of the scheme within the highest degree of direct overlooking is from the flank on Block 1. Officers have secured an amendment to the scheme to delete these flank windows.

It is considered that given the proposed layout as amended, the internal configuration, the orientation of the buildings and the separation between buildings and to the boundaries of the site are such that a reason for refusal based solely on this issue could not be justified or sustained through to an appeal.

Design issues:

Layout:

The layout is broken down into three blocks, the majority of the car parking is provided to the site boundaries which pulls the buildings further from these common boundaries, this increases the separation and provides a buffer to the development.

The positioning of the blocks also provides the opportunity to create a central

amenity area within the centre of the development, this pocket park would provide external amenity space for the enjoyment of the residents of this development.

The layout is considered to maximise the potential of the site whilst offering a buffer to surrounding properties by setting the buildings in from the boundary with car parking to the edges of the development.

In layout terms the development is considered to be acceptable.

Materials & Appearance:

The ground floor of the blocks is to be formed from a dark stock brick, with a lighter mix of three stock bricks to create a flecked appearance to the intermediate floors. The top floors are proposed timber vertical cladding which provides a contrasting finish to the top floors and has the effect of reducing the visual mass and bulk at this level.

Projecting bay windows and recessed terraced areas with frameless glazed balustrades are proposed to break up the facades and provide more interest.

The buildings are horizontal/linear in appearance which assists with reducing the visual bulk of the buildings. Similarly the recessed upper floors in a contrasting material help to reduce the visual mass and scale of the proposed development.

The remodelled frontage building shares the common architectural reference and the material palette with the new buildings to the rear.

It is accepted that the design and external appearance of the proposed blocks is of a different scale, design and appearance to that of the predominant pattern of residential properties (primarily two storey family dwellings). However this in and of itself is not considered to be objectionable when the scheme is acceptable in all other respects.

Impact on the amenity of future occupiers of the site:

Number of beds/bed spaces	No. of units	DCLG's Technical Housing Standards	Proposed floorspace
1 Bed (2 Person)	31	50	Min 50 Max 58
2 Bed (3 Person)	64	61	Min 62 Max 84

Each flat has a balcony or terrace to provide a small area of amenity space. A communal amenity space is provided to the centre of the site.

The layout of the buildings and the flats within the proposal does not result in flats overlooking each other in close proximity. All flats are accessed from central corridors with all rooms, except bathrooms with external windows for light and ventilation purposes

Overall the quality of accommodation in terms of the size of the flats is considered acceptable and will provide a good standard of accommodation for future occupiers.

Impacts on trees:

None of the existing trees/landscaping on site should be a constraint on development. A landscaping plan will be requested by condition to ensure satisfactory landscaping is carried out post completion of the development.

Impacts on highway network or access:

It is acknowledged that for this proposal there are a number of objections received relating to access and parking issues. However officers are mindful of the former/lawful use of the site and the permission granted in 2013 for the development of the site for 36 houses (mix of 2, 3 and 4 bed) with 59 parking spaces.

It is also considered that given the sites' proximity to the town centre that the delivery on site of 91 parking spaces just below 1 space per unit, is considered to be acceptable and appropriate for the redevelopment of this site.

ESCC Highways comments on the application are available in full above. They conclude that the development will not result in severe impacts on highway safety/capacity. The proposal of a travel plan which will be controlled by way of a S106 agreement will provide potential opportunities to enhance sustainable transport modes.

The applicant agrees to the requests of ESCC highways in relation to a contribution of £25,000 towards the provision of real time passenger information at the two closes bus stops to the site in Ringwood Road to provide better more reliable information about bus services.

Planning obligations:

The applicant will be required to enter into a S106 agreement in relation to:

- the delivery of affordable housing in compliance with Policy D5 of the Core Strategy,
- a Local Labour Agreement.
- Travel Plan
- Highway Infrastructure

It is anticipated that Eastbourne Homes would be looking to take on the affordable housing element of this proposal.

Other matters:

The precise location of the existing sewer through the site is unknown and a condition is recommended that details of all foul and surface water drainage

should be submitted for subsequent approval. It is acknowledged that this could have implications on the layout of the site should it be determined that the sewer is within 3/5m of the proposed buildings.

Members should be aware that any significant divergence from the layout plans proposed under this application should form the content of a further submission to the Council and any such application will be reported back to planning committee for determination.

The comments from Southern Water are noted and the developer has committed to supplying further details to meet SW requirements .

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 scheme is considered to be an appropriate redevelopment of this parcel of previously developed land and would not give rise to any substantive issues that would warrant or justify a refusal of planning permission.

The provision of the residential units in the number proposed by this scheme would go some way to contributing to the shortfall in the Councils 5YHLS and would also ensure that this development site is maximised to its full potential.

Subject to S106 to cover infrastructure issues then the scheme is considered to be acceptable.

Recommendation:

- A. Subject to a S106 Legal Agreement to cover:-
 - 1. local employment issues
 - 2. Affordable housing delivery
 - 3. Travel Plan
 - 4. Highway infrastructure

Then planning permission be granted subject to the following conditions:-

Conditions:

- 1. Time for commencement
- 2. Approved drawings

3. Materials to be submitted
4. Landscaping/planting scheme to be submitted
5. Prior to any development commencing a survey of the true location and routeing of the existing sewer shall be undertaken and if any building hereby approved compromises Southern Water access and maintenance thresholds then a scheme for the re-routing of the sewer or a revised layout of the proposed block shall be submitted and approved.
6. Submission of a drainage strategy detailing the proposed means of foul disposal and an implementation timetable.
7. Submission of details of proposed means of foul and surface water sewerage disposal.
8. Submission of details of the layout of the reconstructed access
9. Development not to be occupied until parking areas provided
10. Submission of a construction traffic management plan
11. Turning space for vehicles
12. Provision of cycle parking
13. Development to be carried out in accordance with the approved FRA.
14. Flood proofing construction
15. Roads should be constructed to adoptable standard.

B. If there has been no movement with the negotiations of the S106 element of the scheme within 8 weeks from the date of this resolution then the application be refused for the following reason:-

The application does not deliver on the infrastructure required by this development and in the absence of any evidence/information to the contrary it is considered that the lack of infrastructure would be contrary to policy

Informative:

- Pre commencement conditions informative
- Southern Water Informative
- EA Informative

COMMITTEE:	PLANNING
DATE:	15 November 2016
SUBJECT:	Update on Housing Delivery
REPORT OF:	Director of Regeneration and Planning

Ward(s):	All
Purpose:	To provide Members with an update on recent housing delivery and the current position in relation to the Five Year Housing Land Supply
Contact:	Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy) Tel no: (01323) 415253 E-mail: matt.hitchen@eastbourne.gov.uk
Recommendations:	That Members note the contents of this report.

1.0 Introduction

- 1.1 This report provides an update on housing delivery in the second quarter of the 2016/2017 financial year. It is part of the quarterly feedback to Planning Committee on housing delivery rates.
- 1.2 This report identifies:-
- the number of units granted permission in the previous quarter
 - the financial year as a whole,
 - the number of units with permission that have yet to start construction,
 - the total number of units completed, and
 - updates Members on the latest position in relation to the Five Year Housing Land Supply.

2.0 Background

- 2.1 National planning policy places considerable weight on the delivery of new housing. Delivery of housing is assessed in two ways:
1. the number of residential units built; and
 2. the number of residential units due to be built in the next five years (known as the Five Year Housing Land Supply).

The two are linked to the extent that that a reduction in the number of units

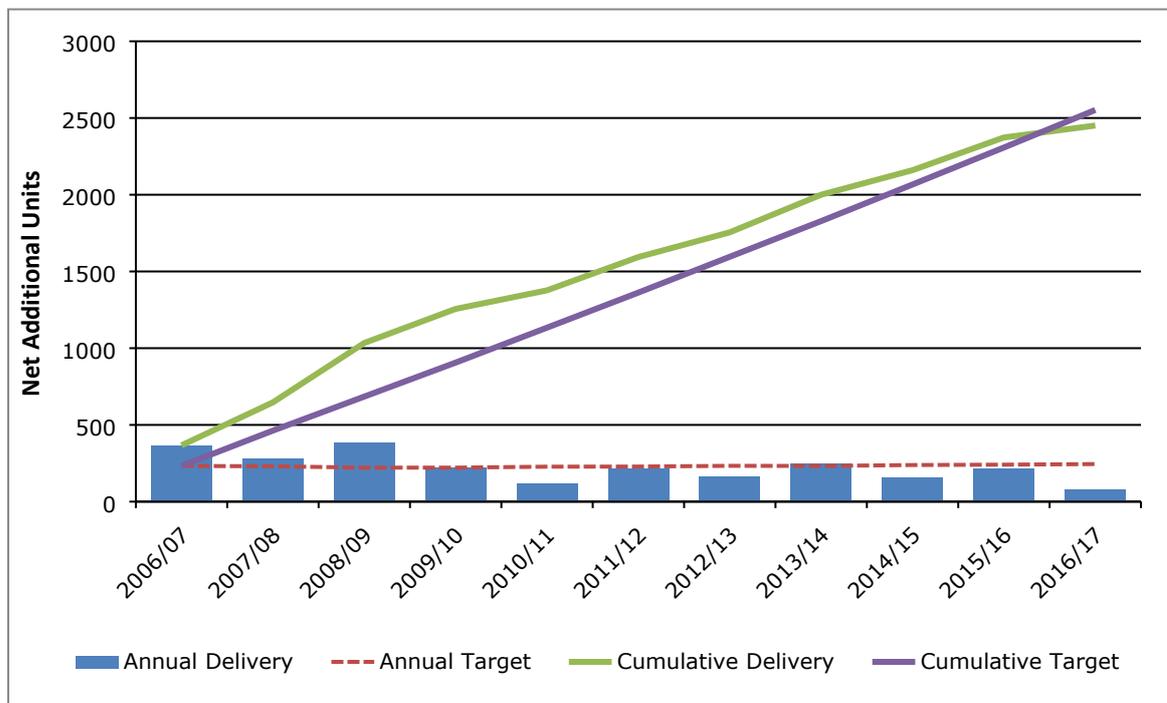
built will increase the number needed to be built in the next five years to make up for the shortfall.

- 2.2 The identification of a Five Year Housing Land Supply is a requirement of the National Planning Policy Framework (NPPF). A Five Year Housing Land Supply means identifying sufficient housing land in order to meet the cumulative annual housing delivery target for the next five years (i.e. annual target multiplied by five), plus a 5% buffer. This buffer is increased to 20% where there has been persistent under delivery of housing.
- 2.3 The NPPF states that Local Plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It also states that where relevant policies are out-of-date, permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole*.
- 2.4 This means that if a five year housing land supply cannot be demonstrated, there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.

3.0 Housing Completions

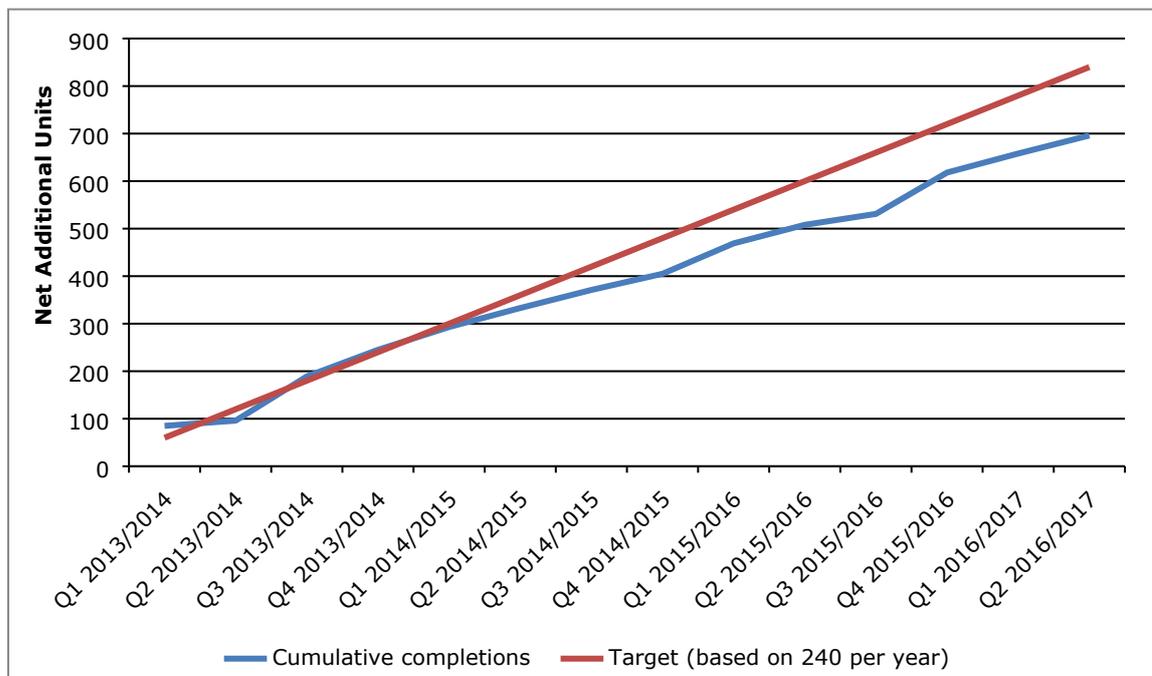
- 3.1 The Core Strategy (adopted 2013) plans for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the second quarter of 2016/17 (30 September 2016), a total of 2,451 units had been delivered since the start of the plan period. This leaves 2,571 units to be delivered until the end of the plan period at an annual average of 245 units per year.
- 3.2 There was an over-delivery in the early part of the plan period. This has meant that up until recently the total amount of housing delivered in the plan period (cumulative delivery) has been higher than the number that should have been delivered (cumulative target). This is illustrated in Figure 1.

Figure 1 - Housing Delivery Rates over the Plan Period



- 3.3 However, falling housing delivery rates over recent years has meant that the cumulative delivery has now fallen below the cumulative target. In simple terms, Eastbourne has now delivered less housing than it should have at this point in the plan period.
- 3.4 Monitoring of planning permissions has shown that the housing delivery rate in Eastbourne continues to fall. It is considered that this is mainly due to a slow rate of commencement on sites that have been granted permission, but also a lack of sites coming forward and being granted permission is also a significant factor.
- 3.5 In the second quarter of 2016/17, a total of **38** new dwellings were completed. Of these 38 completed units, 27 units were at the Meadows View development on Kings Drive. The remaining 11 new dwellings were provided across five other development sites.
- 3.6 Housing completions over the quarter have been low. The 38 units completed in Quarter 2 are added to the 40 units completed in Quarter 1 to total just **78** units completed in the first half of 2016/17. This is compared to an annual target of 245 units over the whole of the year.
- 3.7 Figure 2 compares the number of units completed since the adoption of the Core Strategy (2013/14) against the Core Strategy target of 240 units per year. It identifies a trend of under-delivery of housing against the target over the last two years.

Figure 2 - Housing Completions since 2013/14



3.8 This trend is expected to continue in the short term. This is illustrated by the fact that 57 of the 78 of the units completed over the 2016/17 monitoring year (73%) have been at the Meadows View development on Kings Drive. This development now only has 30 outstanding units to be delivered. Once this development is completed, housing delivery rates are expected to fall even further.

4.0 New Commitments

4.1 A total of **36** units were granted permission during the second quarter of 2016/17. This represents a low rate of new commitments. By way of comparison, the first quarter of 2016/17 saw 107 units granted permission.

4.2 The 36 newly committed units are spread across 16 sites, including a development of 6 units that was allowed on appeal.

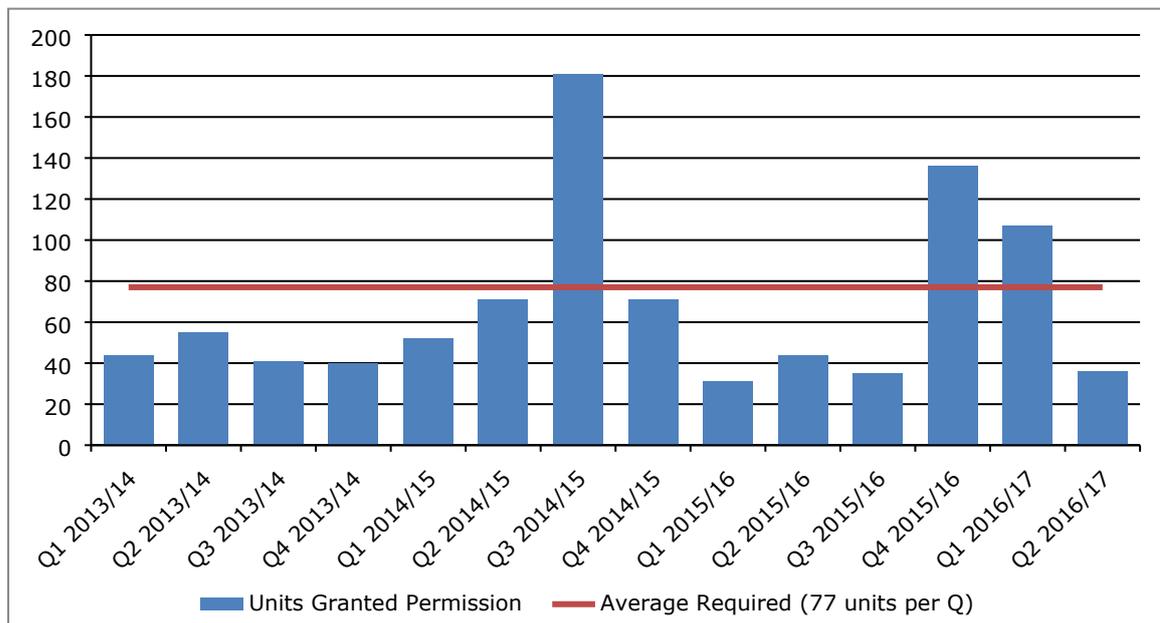
4.3 For comparison purposes, it is identified that a total of 35 net additional units across 15 development sites have been refused planning permission in the first half of the 2016/17 year (20 in Q1 and 15 in Q2).

4.4 It is important to recognise that not all of the units granted permission will be built. Evidence over the Core Strategy plan period (since 2006) suggests that only 78% of units granted permission are completed.

4.5 At a 78% delivery rate, meeting the Core Strategy target of 240 units per year would require 308 units to be granted permission per year, which equates to an average of 77 units per quarter. Figure 3 shows the number of units granted permission per quarter since the adoption of the Core Strategy (2013/14). An average of 270 units have been granted permission per year (67 units per quarter). The quarterly average required to meet the annual

delivery target was exceeded three times out of 14 quarters, and the annual average required to meet the delivery target has only been exceeded once since 2013/14.

Figure 3 - Number of units granted permission by quarter since 2013/14



Year	Q1	Q2	Q3	Q4	Annual Total
2013/14	44	55	41	40	180
2014/15	52	71	181 *	71	375
2015/16	31	44	35	136 **	246
2016/17	107 ***	36	-	-	143

* Includes 150 units committed via the Sovereign Harbour outline permission

** Includes 61 units committed via the Former Caffyns Building on Upperton Road

*** Includes 16 units committed via the Heatherleigh Hotel and 35 units committed via St Anne's House, St Anne's Road

4.6 For illustrative purposes, it has been calculated that if the units that have been refused permission over the first half of 2016/17 had been approved, it would amount to 178 units committed, which at a delivery rate of 78% would be 139 units. This is the rate required over the whole year to achieve the target.

4.7 However it is recognised that there is an issue with the number of sites coming forward for housing as Members cannot grant approval for development where there has been no application. Currently, housing delivery is reliant on windfall sites (sites which have not been specifically identified as available in the Local Plan process), which are by their nature cannot be predicted. Housing delivery could be boosted through the identification of potential sites, as it may encourage landowners to submit an application and provides an opportunity to identify and address wider issues that may be preventing sites from coming forward.

5.0 Total Commitments

5.1 As at the end of the Quarter 2, there were **689** net additional dwellings with permission that have yet to commence across **93** sites. This includes:

- 142 units at Sovereign Harbour
- 102 units at Bedfordwell Road Depot
- 61 units at the former Caffyns site on Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne's House, St Anne's Road

5.2 As at the end of the second quarter of 2016/17, there were **160** units under construction across **35** development sites. This includes:

- 30 remaining units at Meadows View, Kings Drive
- 16 units at 27 St Leonards Road
- 9 units at Koala on King Edwards Parade

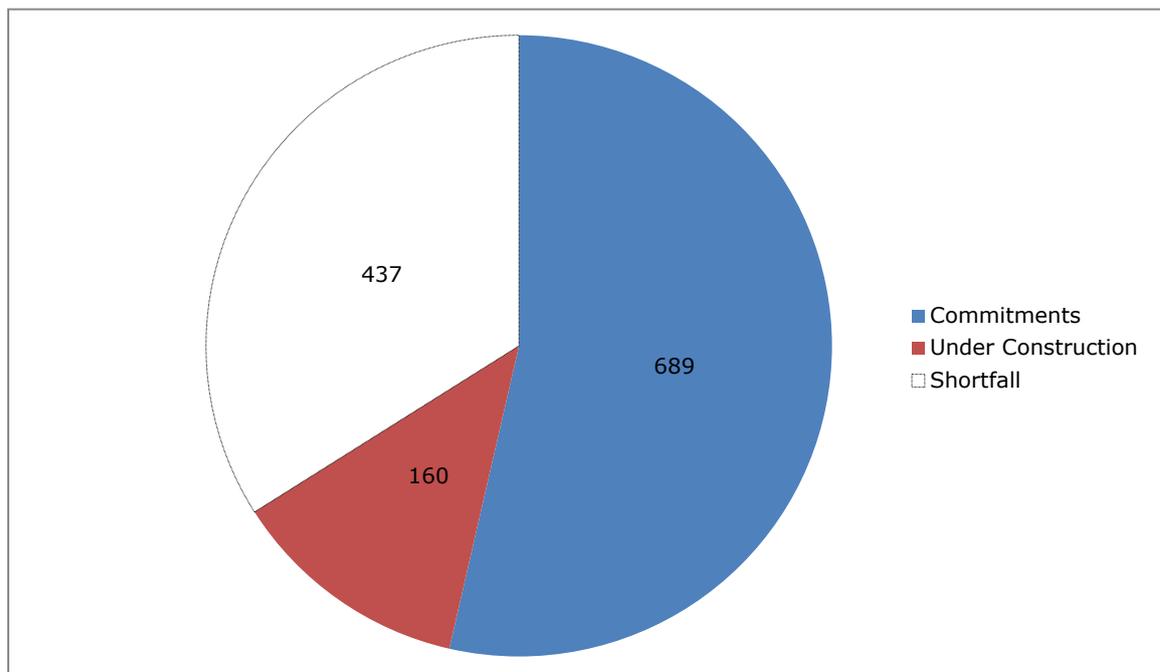
6.0 Five Year Housing Land Supply Assessment

6.1 The annual requirement over the remaining plan period is 245 units per year, and therefore the five year requirement is 1,225 units. The additional 5% buffer equates to an additional 61 units, making the Five Year Housing Land Supply requirement for Eastbourne **1,286** units. Eastbourne Borough Council is required to identify sufficient land to meet this requirement.

6.2 The current assessment of the Five Year Housing Land Supply identifies that as of 30 September 2016, Eastbourne has a supply of housing land equivalent to **849** units. This currently consists of sites with permission, including those where construction has started and those where construction has not started. This is because it is currently not possible to identify any housing development sites that have the potential to come forward within the next five years.

6.3 The Assessment shows that Eastbourne currently has a **3.47 year** supply of housing land (or **66%** of the Five Year Housing Land Supply requirement including 5% buffer). As demonstrated in Figure 4, Eastbourne Borough Council is 437 units short of having a Five Year Housing Land Supply (including 5% buffer).

Figure 4 - Five Year Housing Land Supply



- 6.4 As a five year housing land supply cannot be demonstrated, current policies cannot be relied upon to justify a refusal of permission and therefore there is a significant risk of future planning refusals for residential development being overturned at appeal.
- 6.5 The under delivery of housing continues to increase the Five Year Housing Land Supply requirement, as under delivery increases the annual target used to calculate the requirement. In addition, a low rate of sites being granted permission means that the number of units in the Five Year Housing Land Supply is falling. Both factors combined mean that it will be very difficult for a Five Year Housing Land Supply to be identified in the near future, unless additional housing development sites can be identified.

7.0 Conclusion

- 7.1 National planning policy places considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne have been falling over recent years, and the annual delivery targets are not being achieved. This trend is expected to continue.
- 7.2 Eastbourne Borough Council is required to identify sufficient land to accommodate the next five years' worth of annual housing target. At present this would equate to land for 1,286 units. Currently, it is only possible to identify a 3.47 year supply of housing (equating to 849 units).
- 7.3 The rate of housing delivery impacts on the Five Year Housing Land Supply. In simple terms, the less units are delivered, the higher the Five Year Housing Supply requirement rises.
- 7.4 The lack of a Five Year Housing Land Supply is a material consideration and

means that Local Plan policies cannot be relied upon to refuse planning application. Therefore there is a significant risk that refusal for residential development will be overturned on appeal.

- 7.5 As sites are built out they are removed from the Five Year Housing Land Supply, which means additional sites need to be granted permission to replace them. Evidence suggests that that only 78% of units granted permission eventually get built. This means that in order to average the construction of 240 units per year, an average of 308 units need to be granted permission on an annual basis. Since 2013, an average of 270 units have been granted permission per year.
- 7.6 It is recognised that part of the issue is a lack of sites coming forward for development. Currently the majority of sites coming forward are windfall sites, which means that they haven't been identified as a potential development site prior to the application being submitted.
- 7.7 Housing delivery could be boosted through the identification of new sites with housing potential, as it may encourage landowners to submit an application and provides an opportunity to identify and address wider issues that may be preventing sites from coming forward. The identification of sites will also mean that the Five Year Housing Land Supply is increased.
- 7.8 The process for identifying additional sites is currently underway through the Strategic Housing & Employment Land Availability Assessment. This study is due to be completed in spring 2017. The more sites identified as developable through this process, the closer to the Five Year Housing Land Supply requirement will be. This will give Members better control over approvals and greater comfort that refusals won't be overturned on appeal.
- 7.9 Members will continue to be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

Background Papers:

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027
- National Planning Policy Framework (2012)

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

Appendix 1 – Housing Delivery Statistics for Quarter 2 2016/17 by Ward

Ward	No. of Completions (in Q2)	Newly Committed (in Q2)	Total Commitments (all outstanding/extant permissions)	Under Construction (at time of survey in Q2)
Devonshire	7	11	101	32
Hampden Park	0	1	14	0
Langney	0	0	3	0
Meads	0	8	43	61
Old Town	0	1	9	0
Ratton	28	0	5	1
Sovereign	0	1	143	19
St Anthonys	0	0	61	0
Upperton	3	14	309	47
TOTAL	38	36	689	160

A full list of sites in each category is available on request

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Appeal Decision

Site visit made on 20 October 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/T1410/D/16/3154455

48 Rockhurst Drive, Eastbourne, East Sussex BN20 8UX

- 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 David McDowell against the decision of Eastbourne Borough Council.
 - The application Ref PC/160127, dated 6 February 2016, was refused by notice dated 26 April 2016.
 - The development is car hard-standing, with retaining garden wall to enclose garden, with fencing on top for security and privacy purposes.
-

Decision

1. The appeal is allowed and planning permission is granted for car hard-standing, with retaining garden wall to enclose garden, with fencing on top for security and privacy purposes at 48 Rockhurst Drive, Eastbourne, East Sussex BN20 8UX in accordance with the terms of the application, Ref PC/160127, dated 6 February 2016, and the plans submitted with it.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the site and surrounding area.

Reasons

3. The development has been completed. It relates to a corner residential plot, where the dwelling is raised above the street level, due to a drop in the road level at this point. This situation differs from other corner plots in Rockhurst Drive where the properties are at a similar level as the street.
 4. The combined height of the retaining wall and privacy fence makes it a prominent feature on this corner plot. However, the enclosure of the side and rear garden with a screen fence is not an unexpected feature within the context of other corner properties in the street, notably Nos 18 and 64. The side and rear garden of the end of terrace house on the corner opposite the site also has a screen wall abutting the street, albeit slightly lower than those other fences. Although in this case the fence is raised significantly higher than the street, and atop a retaining wall, that scenario is seen in the context of the dwelling's already prominent raised corner position. The materials and finish of the combined structure are also of a good quality and complementary to those of other boundary treatments in the street.
-

5. On the approach to the site from the east, the structure is also seen in the context of a prominent side screen fence to No 41 before the site on the opposite side of the street. From that approach it is also seen against the backdrop of the higher flats beyond to the west which lessens its prominence to some extent. From the southern approach, the fence is set back from the street behind the sloping front garden and in line with the front of the house giving it a reduced level of prominence.
6. Although there was previously a vegetated bank on this corner, I have considered the development on its merits and note that such banking is not a characteristic feature of the street generally. Furthermore, the general pleasant openness of the streetscene is still maintained by the fairly open frontages to the dwellings facing the road within the block and the open, largely grassed, areas around the flats on the opposite side of the road to the west.
7. The car hard-standing slopes up away from the road, and is largely screened on the approaches by boundary treatment such that it is not a prominent feature.
8. For the above reasons, the development is not an incongruous or dominating feature of the streetscene and as such does not cause unacceptable harm to the character and appearance of the site and surrounding area. It therefore accords with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan and policy D10a of the Eastbourne Core Strategy Local Plan which together, in respect of this issue, require development to harmonise with the character and appearance of the area and be appropriate in scale, form, materials, setting, alignment and layout.
9. I have had regard to concerns raised by local residents about the loss of on-street parking as a result of the new car hardstanding. However, it is not a significant loss in the context of the amount of remaining on-street parking still available. Furthermore, it has replaced little more than a single on-street space with two off-street spaces, albeit private. I am therefore satisfied that the development is unlikely to have resulted in a material or harmful reduction in the availability of on-street parking in the area.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

Appeal Decision

Site visit made on 4 October 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 18th October 2016

Appeal Ref: APP/T1410/W/16/3153719

Aligra House, 55 Friday Street, Eastbourne, East Sussex BN23 8AX

- 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 Stuart Bellwood against the decision of Eastbourne Borough Council.
 - The application Ref PC/160234, dated 2 March 2016, was refused by notice dated 25 April 2016.
 - The development proposed is demolition of garage at rear of site (accessed from Sorrel Drive) and erection of new dwelling house in its place.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 55 Friday Street (no 55) and the neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal development would involve the construction of a chalet bungalow within the rear garden of No 55. This dwelling would replace a garage and would be served by an existing access via Sorrel Drive. The appealed application having been submitted further to the refusal of planning permission (under Council application reference 141497) for a chalet bungalow of a different design and siting, with a subsequent appeal having been dismissed¹.
4. No 55 is a chalet bungalow and the properties immediately adjoining it in Friday Street and Shinewater Lane are also bungalows, with the properties in Friday Street having relatively large gardens and thus a spacious character. Sorrel Road and the side streets of that road are for the most part characterised by two storey houses of varying types.
5. The proposed chalet bungalow would occupy around two thirds of the No 55's plot width and it would in part be screened by the mature planting in Sorrel Drive's verge. This dwelling would be sited between a detached garage to the

¹ APP/T1410/W/15/3049289

rear of No 57 and the other nearby garages to the rear of 2 and 4 Shirewater Lane (Nos 2 and 4).

6. While the currently proposed chalet bungalow would be of a simpler design to that of the earlier scheme, its provision would nevertheless involve the subdivision of No 55's plot, leaving the host and new properties with comparatively small plots when compared with the immediately adjoining properties. The current scheme also differs from the earlier one in that the new dwelling would be sited slightly further in advance of what would be its rear boundary. However, that siting relationship would still be a comparatively cramped one and uncharacteristic of the nearby properties in Friday Street and Shinewater Lane.
7. While I recognise that the dwelling would be sited further away from the public highway than the properties in Sorrel Drive and the side streets leading from that road, those dwellings form part of a comprehensively planned housing area and the circumstances that gave rise to their layout are not comparable with those of the appeal development. I am also not persuaded that the presence of No 4's garage provides a justification for the appeal development, given that the former is an ancillary residential building and is scaled as such, while the chalet bungalow would be significantly larger and would have a different purpose, serving as a dwelling in its own right.
8. For the reasons given above I conclude that the development would be harmful to the character and appearance of the area. There would therefore be conflict with saved Policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011 (the Borough Plan) which was adopted in 2003 and Policy D10A of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy), insofar as the layout and density of the development would not contribute to the distinctiveness of its surroundings. As I have found that the development would be harmful to the character and appearance of the area there would also be conflict with the National Planning Policy Framework (the Framework), most particularly paragraphs 56, 57, 58, 60, 63 and 64.
9. While conflict with Policy B1 of the Core Strategy has been cited, I find this policy to be of limited relevance to this case. This is because it sets out the general spatial development strategy and distribution for development in the Council's area and identifies only a very general density range for the Langney sub-area. The appellant contends that Policy HO8 (redevelopment of garage courts) is relevant to this case. However, I find policy HO8 is not a relevant policy because the development concerns a site occupied by a single domestic garage rather than a garage court.

Living Conditions

10. The principal rear elevation of the dwelling would be around 2.0 metres from what would be the shared rear boundary with No 55 and that siting of the rear elevation would be around twice the distance envisaged under the previous scheme. While the amended offset from the shared rear boundary would improve the outlook for the users of No 55's rear garden, that improvement would be a modest one. I therefore find that when regard is paid to the siting, height and width of the dwelling and the comparatively short retained garden for No 55, that the new dwelling's presence would unacceptably affect the outlook for the occupiers of No 55. I, however, recognise that the window

configuration to the rear of dwelling would be such that the occupiers of No 55 would experience no loss of privacy.

11. Application drawing 222FS22/04a (proposed first floor plan) has a notation suggesting that the forward facing window serving Bedroom 1 might be incorporated into an en-suite bathroom at some future date. If this bathroom was to be provided, and that would seem to be the appellant's intention otherwise there would be no need for the first floor plan to have been notated in that way, then the only window serving Bedroom 1 would be the one facing towards No 57's garden. The presence of that side window could result in an actual or perceived loss of privacy for the occupiers of No 57. While there is an evergreen hedge between No 57's driveway and rear garden area, which would be capable of providing privacy screening for the occupiers of No 57, there can be no guarantee that that hedge would be retained in perpetuity. In order to safeguard the long term privacy for the occupiers of No 57 a condition could be imposed requiring Bedroom 1's side window to be fitted with obscured glazing.
12. However, if Bedroom 1's side window was the only window serving this room, fitting it with obscure glazing would result in harmful living conditions for the occupiers of the new dwelling because no outlook would be possible from this room. Accordingly given the appellant's apparent intention to convert part of Bedroom 1 into a bathroom, I consider it would be inappropriate for me to impose a condition requiring the side window to be fitted with obscure glazing. There would therefore be potential for No 57's garden to be unacceptably overlooked, given that there would be reliance upon a hedge for screening and the retention of that hedge would not be under the control of the occupiers of the new dwelling.
13. I am content that the dwelling's siting and height would be such, given the separation distances involved, that it would not adversely affect the outlook for the occupiers of No 57 or No 4.
14. For the reasons given above I conclude that there would be unacceptable harm to the living conditions for the occupiers of Nos 55 and 57. There would therefore be conflict with Policies HO6 and HO20 of the Borough Plan in that there would be an unacceptable loss of outlook for the occupiers of No 55 and the potential for the occupiers of No 57 to unacceptably overlooked. I also find there to be conflict with the fourth core planning principle set out in paragraph 17 of the Framework, in that the development would not secure a 'good standard of amenity' for all existing and future occupants of land and buildings.

Other Matters

15. I am sympathetic to the appellant's wish to provide accommodation for his relatives and I accept that architecturally the design of the dwelling would be unobjectionable and that there would be no adverse effect upon the planting in the Sorrel Drive's verge. However, I find those matters to be outweighed by the harm that I have identified.

Conclusions

16. I have found that the development would be harmful to the character and appearance of the area and the living conditions for the occupiers of Nos 55

and 57 and as such there would be conflict with local and national planning policies. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

Appeal Decision

Site visit made on 4 October 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 3rd November 2016

Appeal Ref: APP/T1410/W/16/3152137 182-184 Seaside, Eastbourne BN22 7QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Greatglen Estates Limited against the decision of Eastbourne Borough Council.
 - The application Ref PC/160332, dated 23 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is change of use from retail (A1) to residential (C3).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class M(a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use from Class A1 (retail) to Class C3 (residential) at 182-184 Seaside, Eastbourne BN22 7QR in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph M.2(1) of the GPDO and subject to the following additional condition:
 - 1) The dwellinghouses shall not be occupied until details for the storage of refuse have been submitted to and approved in writing by the local planning authority. The approved refuse storage arrangements shall be provided prior to the first occupation of the dwellinghouses and shall be retained and used for no other purpose thereafter.

Procedural Matters and Main Issue

2. I have based the description of the proposal used in the formal decision above on the contents of the covering letter dated "6 June 2014" that accompanied the application, in line with the answer to question 4 on the application form.
 3. Having regard to the limitations set out in Paragraph M.1 of the GPDO, and subject to obtaining prior approval, and the procedural requirements set out in Paragraph W of the Order, I am content that the change of use from retail to two Class C3 dwellinghouses comes within the scope of the permitted development rights available under Class M. With regard to the five conditions set out in Paragraph M.2(1), which establish the basis for the consideration of prior approval applications made under Class M, the Council's sole matter of concern relates to condition (d)(ii), namely 'whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the
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impact of the change of use ... where the building is located in a key shopping area, on the sustainability of that shopping area ...'. I shall therefore treat the provisions of condition M.2(1)(d)(ii) as being the main issue for consideration.

Reasons

4. The development would involve the change of use of the front half of the ground floor of the premises at 182 and 184 Seaside (Nos 182 and 184) from a shop into two self-contained flats. The application has been made on the basis that the conversion scheme would require no external alterations, albeit that the internal layout of the premises would need to be changed. The rear of the ground floor and the whole of the first floor of Nos 182 and 184 are subject to an express planning permission (Council reference 120603) for six flats. The submitted existing plans suggest that the express permission has been implemented.
5. The shopping centre that the premises are in is classified by the Council as being a 'district shopping centre' under the provisions of Policy D4 of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy). This centre, as shown on the adopted Policy Map, extends along both sides of Seaside, albeit that the runs of commercial premises are interrupted by Seaside's various junctions with side streets or other non-commercial premises, such as the extensive Carter Barracks, which have been excluded from the designated district centre. This shopping centre is characterised by a large number of small units, occupied either by a diverse range of Class A1 independent businesses or various other Class A and non-Class A commercial occupiers. The 'Sainsbury's Local' store is a notable exception because of its comparatively large size.
6. Nos 182 and 184 are currently vacant and it is submitted that they were last occupied by a retail business in 2012 and have been on the market since July 2011. At the time of my site visit a marketing board was visible, albeit not prominently, and its wording refers to the premises being marketed on an 'all enquiries' basis, i.e. not being limited to a specified use such as one falling within Class A1. A brief summary of the marketing exercise is set out in an email from the appellant's marketing agent¹ and this states that 1,500 applicants have been advised of the premises' availability. It is submitted that the marketing campaign has resulted in seven viewings, with no offers being made. While the Council is critical of the submitted marketing evidence, it has provided no expert evidence of its own to counter that of the appellant. Notwithstanding the limitations of the appellant's evidence, given its specialist nature, I find that it attracts more weight than the Council's submissions.
7. I found this shopping centre to be busy and currently there is a low vacancy level. Given the large number of small units and their diverse occupation, I consider it very unlikely that a residential conversion at Nos 182 to 184 would have any significant effect on this centre's attractiveness as a shopping destination.
8. Nos 182 and 184 have been vacant for around four years and I consider that if demand for premises of this type was greater than their supply then a new occupier would have been likely to have come forward by now. I recognise

¹ The Ross and Co email of 27 October 2015 contained within Appendix 1 to the appellant's grounds of appeal

that this development would result in some fragmentation of the retail frontage in this part of Seaside, however, as I have indicated above, breaks in the commercial frontage occur nearby and they do not seem to be affecting the vitality of this shopping centre. I observed the conversions at Nos 78 and 92 and found the interruptions to the active retail frontage arising from their presence to be having a very limited effect on the area's overall character as a shopping street. The premises' long term vacancy is not contributing to the shopping centre's vitality and their empty appearance is not presenting a 'welcoming façade'. I find that the reoccupation of Nos 182 and 184 as dwellinghouses would improve the premises' appearance and would not result in the creation of an unwelcoming façade.

9. For the reasons given above I conclude that this development would not be harmful to the sustainability of the Seaside district shopping centre. Accordingly this change of use would not be an undesirable one for the purposes of condition M.2(1)(d)(ii) of the GPDO.
10. Sub-paragraph 10 of Paragraph W of the GPDO explains that in determining Class M applications regard shall be paid to the National Planning Policy Framework (the Framework) '... so far as relevant to the subject matter of the prior approval, as if the application were a planning application ...'. As I have found that this development would not be harmful to the sustainability of the shopping centre, there would be no conflict with paragraph 23 of the Framework or any other paragraphs in section 2 of the Framework (Ensuring vitality within town centres).
11. The Council contends that there would be conflict with Policy D4 of the Core Strategy and saved Policy SH7 of the Eastbourne Borough Plan 2001-2011, which was adopted in 2003. However, as the principle of this development is already established by the GPDO, only limited regard can be paid to any relevant development plan policies.
12. In any event I find Policies D4 and SH7 to be of limited relevance. This is because Policy D4 seeks to protect 'larger units' from changes of use and as the floor area involved is quite modest I do not consider that this proposal affects a larger unit for the purposes of Policy D4. The other elements of Policy D4 address new retail development rather than the introduction of residential accommodation and are therefore not relevant. Policy SH7 seeks to maintain the vitality and viability of local shopping centres by discouraging the loss of Class A1 premises, however, reference is only made to changes of use involving Classes A2 or A3. Policy SH7 is therefore not applicable to a residential conversion.
13. The parties have also referred to Policy C3 of the Core Strategy which identifies the policy approach for the wider Seaside Neighbourhood. Amongst other things this policy promotes greater economic activity through the regeneration of the commercial areas and the provision of new housing. Given the limited impact this development will have upon the sustainability of the commercial area I find there to be no particular conflict with Policy C3.

Conditions

14. Paragraph W13 of the GPDO states that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval scheme. I consider it necessary to impose a condition concerning

the storage of refuse in order to safeguard the appearance of the area and the living conditions of the occupiers of neighbouring properties and the development.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that under condition M.2(3) development under Class M is permitted subject to conditions requiring it to be completed within three years, starting with the prior approval date, and the permitted development shall be used as dwellinghouses within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, except to any extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

Grahame Gould

INSPECTOR