



Planning Committee

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

Agenda

- 1 Minutes of the meeting held on 25 July 2017.** (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 2a-2b Pevensey Road. Application ID: 170827. (Pages 5 - 10)**7 5 Meads Street. Application ID: 170022.** (Pages 11 - 16)**8 21 Susans Road and 10 Pevensey Road. Application ID: 170725.**
(Pages 17 - 28)**9 Heatherley Hotel. Application ID: 170820.** (Pages 29 - 42)**10 Site 8, Sovereign Harbour. Application ID: 170685 and 170885.**
(Pages 43 - 52)**11 St Andrews Church, Blackwater Road. Application ID: 170156.**
(Pages 53 - 72)**12 The Pilot Pub, 89 Meads Street. Application ID: 170822.** (Pages 73 - 82)**13 Affordable Housing Supplementary Planning Document.** (Pages 83 - 170)

Report of Director of Strategy, Planning and Regeneration.

14 Update on Housing Delivery. (Pages 171 - 178)

Report of Director of Strategy, Planning and Regeneration.

15 Planning Performance Quarter 2 (April to June) 2017. (Pages 179 - 192)

Report of Senior Specialist Advisor for Planning.

16 Appeal Decision. (Pages 193 - 196)

2-4 Moy Avenue.

17 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, 25 July 2017
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Coles (Deputy-Chairman) Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson, Taylor and Hearn (as substitute for Murray)

18 Minutes of the meeting held on 20 June 2017.

The minutes of the meeting held on 20 June 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

19 Apologies for absence.

Councillor Murray.

20 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.

21 1 Goldsmith Close. Application ID: 170634.

Proposed three bedroom dwelling – **LANGNEY**.

Mrs Caffery addressed the committee in objection stating that the scheme would result in overlooking, increased parking issues and had the potential to exacerbate the flooding issues.

Mr Tinwell addressed the committee in response stating that the scheme had been designed to match the surrounding properties and that this included the materials proposed. He also stated that parking had been provided on site and it was his aim to support and protect any wildlife located on site. The Flood Risk Assessment would be adhered to, as would current planning standards.

For the purposes of clarity, and to directly address Mrs Caffrey's concerns over the accuracy of the planning application, the concerns raised and the officer's response are detailed below:

- a) There were currently two vehicle spaces – there was one?

- There was one parking space in front of the garage. The garage was considered to provide one parking space and therefore there were two parking spaces
- b) There would be four vehicle spaces in proposed development – where? The plans showed two.
- The existing dwelling benefited from two parking space. The proposed dwelling was to be served by two parking spaces and therefore there would be four parking spaces overall
- c) There were no protected species in the area – there were bats and toads (later not protected but rare)
- The site lies between two Local Wildlife Sites however, there were no significant concerns with regard to ecology as the ecological assessment was carried out in accordance with best practice and the site offers negligible bat roost potential (please refer to report for more details)
- d) The site was not vacant – it had been unoccupied for approximately six months
- Reference to the existing property’s vacancy or non-vacancy within the application documents could not be located
 - Whether the existing property had been vacant for a short period of time or not was not a consideration relevant to the decision to approve or refuse consent
- e) There were no trees or hedges on development site – there were at least two very mature trees on site, which would have to be removed
- Report states, “There were not considered to be any negative impacts on trees of any significance resulting following development”
 - The Specialist Advisor (Arboriculture) stated the following: “[The] trees would be categorised as C3 under the cascade chart of BS5837, and therefore should not be considered a constraint to this development”

For the avoidance of doubt, there were no concerns over the accuracy of the detail of the planning application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Drawings 3) Development in accordance with FRA 4) Hours of development 5) Matching materials to Goldsmith Close 6) Enhancements implemented in accordance with Ecology Assessment 7) Remove PD windows from flank.

Informative:

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity

check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The applicant's attention is drawn to the need for a licence for the construction of the new access. The applicant should contact East Sussex Highways on 0345 60 80 193 to apply for an appropriate licence/agreement to ensure the construction is up to an acceptable standard.

The applicant was advised to seek the installation of an 'H' bar line to the front of the parking spaces to ensure ease of access and egress. This can be obtained by This can be obtained by contacting East Sussex Highways on 0345 60 80 193.

22 36 Wish Hill. Application ID: 170748.

Refurbishment of existing bungalow to consist of proposed new utility and swimming pool extensions, conversion of garage to form annexe bedroom and ensuite along with new parking area for 2no. vehicles – **RATTON.**

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission 2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building. This applies unless details on the approved plans indicate otherwise 3) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 5th June 2017:

- Drawing Number 1714/04 B- Proposed floor plan
- Drawing Number 1714/05 B- Proposed elevations
- Drawing Number 1714/01 A- Site location
- Drawing Number 1714/07 A- Proposed Block Plan

4) The driveway hereby approved must use permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally 5) The developments approved as part of this application hereby approved shall be used for purposes ancillary to the enjoyment of 36 Wish Hill, Eastbourne, BN20 9EY as a residential property and shall be used for no other purpose in perpetuity 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved 8) prior to its installation details of the pool pump equipment shall be submitted including running/operational decibel levels. The details as submitted shall be agreed in writing and be retained as such thereafter.

23 Site 8, Pacific Drive. Application ID: 170685 (VCO).

Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space – **SOVEREIGN**.

Members agreed to defer this item to allow officers to seek further clarification on the proposed drainage arrangements.

RESOLVED: (Unanimous) That this item be deferred to a future meeting of the committee to allow officers to seek further clarification on the proposed drainage arrangements.

24 Planning Performance Quarter 2 (April - June) 2017.

At the Chairman's request, the committee agreed to defer this item for consideration at the August Planning committee.

RESOLVED: That the report be deferred for consideration at the next Planning committee.

25 Appeal Decision.

31 Baldwin Avenue. The Inspector dismissed the appeal.

26 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 6.45 pm

**Councillor Coles
(Deputy Chairman in the Chair)**

Agenda Item 6

App.No: 170827	Decision Due Date: 11 th September 2017	Ward: Devonshire
Officer: Thea Petts	Site visit date: 1 st August 2017	Type: Planning Permission
Site Notice(s) Expiry date: 11 th August 2017 Neighbour Con Expiry: 11 th August 2017 Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: 2a-2b Pevensey Road, Eastbourne		
Proposal: Create new suite on second floor to include cabaret and lounge and provision for restaurant and exotic dancing. Across other floors, sui generis nightclub use to be retained with ancillary offices and store. Nightclub use hours of operation to be extended to be 8:00am-4:00am Monday-Saturday and 8:00am-3:00am on Sundays and Bank Holidays. Lap dancing to occur concurrently between 10:00pm-4:00am on Monday-Saturday and 10:00pm-3:00pm on Sundays and Bank Holidays (revised description)		
Applicant: F. Forte Developments Ltd		
Recommendation: Subject to no further representations being made (raising new issues) from 2 nd round of public consultation then the Senior Specialist Advisor Approve in consultation with the Chair be delegated to grant planning permission subject to conditions.		

Executive Summary:

Existing nightclub to be reconfigured internally to provide a self-contained unit for cabaret, exotic dancing and a restaurant on the upper floor.

Property is located in the 'late night' zone of the town centre and the proposed use is considered to be a town centre use supporting the night time economy and as such is considered to be acceptable in principle.

Scheme recommended for approval subject to conditions

Planning Status:

Nightclub with ancillary storage and offices across four levels

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy

2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
9. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
D1: Sustainable Development
C1: Town Centre Neighbourhood Policy
D10: Historic Environment
D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas
HO20: Residential Amenity
NE14: Source Protection Zone
TC7: Supporting the Evening and Night-time Economy
TC24: Potential Area of Change
TR2: Travel Demands
TR7: Provision for Pedestrians
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Conservation Area

Site Description:

The application site stands on the north east side of Pevensey Road close to the junction with Terminus Road. The property shares boundaries with 2c Pevensey Road to the side (south west), 2 Pevensey Road to the other side (north east) and 16 Langney Road to the rear.

The property is accessed by the public from the front. There are two access doors in situ. The second floor is currently part of the nightclub, with a lounge area, toilets and a bar.

The street frontage gives the impression of a two storey property, but in fact has a basement and a second floor. The property has recently been subject to development and alteration. Works have included those granted planning permission in 2016 (ref: 161087) which proposed several changes to the internal configuration and the installation of a balcony area to the front elevation; a balcony has now been installed.

Relevant Planning History:

There is an extensive planning history related to a nightclub use on the site that authorised the nightclub use to operate until 2:00am throughout the week (case refs: 890390, 940566 and 010242).

Proposed development:

The applicant seeks planning permission to create a self-contained unit on the second floor within the property to provide cabaret, exotic dancing and

restaurant facilities. The self-contained unit would be accessed via a separate existing staircase and entrance would be at the top of the stairs.

The self-contained unit would have a stage, seating area (tables), two lounges, seating, a bar, toilets and a kitchen as well as changing rooms and facilities for staff.

Consultations:

Internal:

Specialist Advisor (Environmental Health/licensing) The activity proposed by this submission would require amendments/alterations to the their license and will be assessed under the licensing regulations/acts.

Specialist Advisor (Planning Policy) – no objection, support in principle

- Policy C1 is The Town Centre Neighbourhood Policy, which aims to strengthen and regenerate the area to increase the amount of tourism, cultural and community facilities available in the neighbourhood
- The evening and night-time economy will be supported in order to promote Eastbourne as a broad and inclusive destination resulting in contribution to the vitality and viability of the Town also the individual and cumulative impact of proposals will be considered in order to minimise potential for noise, nuisance and disturbance
- As a 'Potential Area of Change', it is important for the Council to consider alternative uses and patterns of development in order to maintain the vitality and attractiveness off the Town Centre
- There is a requirement to protect the residential and environmental amenity of existing and future residents
- The redevelopment of this site supports the vision explained in the Town Centre Neighbourhood Policy C1, encouraging potential economic gain and increased employment. This application is strengthened through Policy TC7 which states it will support the Evening and Night-time Economy which contributes to vitality and viability of the Town Centre, as well as a potential increase in footfall towards this area of the town.

Neighbour Representations:

No objections or other representations have been received

Appraisal:

Principle of development

The principle of the change of use and creation of a self-contained unit is considered to be acceptable in this Town Centre location, subject to the requirements of adopted policies which seek to preserve and protect the amenity for nearby occupiers/businesses.

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

The operational use of the proposed unit is to extend late into the night. There are implications of noise disturbance with the extension of the nightclub hours. However, permissions previously granted allow the nightclub use to extend to 2:00am. As such, the extension of the operational hours to 4:00am are not considered likely to significantly disturb amenity beyond that authorised by

previous consents. Principle for the late operation of the unit, therefore, has already been set for the historic nightclub use.

Further to this, there is not predominance of residential units on within the immediate vicinity of the site. There are some residential units on the same stretch of Pevensey Road, but some doors down.

This area of the town has been identified by policy to accommodate late night uses and support the night time economy. Therefore, as no significant impacts on residential amenity have been identified , the scheme is considered to be in accordance with adopted policy.

Impacts on highway network or access:

The impact on the Highway is likely to be minimal. Although customers will likely visit the unit, they will not necessarily drive to the location and require parking. As with a lot of the night time uses in the Town Centre parking is unlikely to be required. The scheme having no parking provision, therefore, raises no significant concerns.

Sustainable development implications:

The ambition of the Town Centre Local Plan is to allow for diversification in the Town Centre uses to ensure vitality of the Town Centre going forward. This area of Pevensey Road has had the potential to contribute significantly to the night time economy, but many units there have remained closed for some time. The development, if carried out, would add to the offering of one of the larger units on the street, which has the potential to have a knock on effect for the rest of the empty units in this part of Pevensey Road.

This scheme is considered to provide diversity and has the potential to contribute positively to the night time economy. In sustainability terms, the development is likely to have a positive effect.

Design issues:

There are no external alterations included as part of the scheme. As such, there are no associated design concerns.

Planning obligations:

It is not considered that the development would require planning obligations to ensure acceptability, although conditions will be required.

Impacts on trees:

There are not considered to be any effects on trees.

Other matters:

During the initial consultation, the opening/operational hours were not explicitly advertised in the description of the development. To ensure that a fair and transparent consultation takes place, a second consultation has been undertaken with the hours of opening included in the description of development, for clarity.

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 proposed unit is likely to add diversity to the night time economy offering and support the vitality of the Town Centre offering. As such, the scheme is recommended for approval subject to the imposition of conditions.

Recommendation:

Subject to no further representations being made (raising new issues) from 2nd round of public consultation then the Senior Specialist Advisor Approve in consultation with the Chair be delegated to grant planning permission subject to conditions.

Conditions:

1. Time (implement within 3 years)
2. Drawings (in accordance with the approved drawings)
3. Hours of operation (to limit the hours of use to those applied for)

Informatives:

Licencing requirements

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**.

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Agenda Item 7

App.No: 170022 (PPP)	Decision Due Date: 10 March 2017	Ward: Meads
Officer: Neil Holdsworth	Site visit date: Numerous visits	Type: Planning Permission
Site Notice(s) Expiry date: 9 February 2017 Neighbour Con Expiry: 9 February 2017 Press Notice(s):		
Over 8/13 week reason: reported to Committee out of time due to further evidence being submitted by the applicant		
Location: 5 Meads Street, Eastbourne		
Proposal: Proposed change of use from Class A2 (Financial and professional services) to Class C3 (residential Dwelling), and two floor rear extension.		
Applicant: Caroline Murrell		
Recommendation: Refuse Planning Permission		

Executive Summary:-

Scheme proposes the change of use of the ground floor of a vacant bank building into residential. This proposal would result in the creation of an element of non-active frontage within a prominent part of the Meads District Centre. The loss of commercial use/floorspace from the application property is likely to have a negative impact upon the character and commercial viability of the Meads District Centre.

Application is recommended for refusal

Planning Status:

Former bank building within the heart of the Meads Conservation Area.

National Planning Policy Framework:-

Para 18-22 Building a Strong and competitive Economy

Para 23 – 27 Ensuring the Vitality of Town Centres.

Para 126 – 141 Conserving the Historic Environment

Eastbourne Core Strategy Policy

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Developments

C11 Meads Neighbourhood Policy

D4 Shopping Meads Street District Shopping Centre

D5 Housing

D10 Historic Environment

Archaeological Notification/Conservation Area

Borough Plan Policies

HO2 Predominantly Residential Areas
H020 Residential Amenity
UHT1 Design of new development
TR11 Car Parking
SH1 Retail Hierarchy
SH7 District, Local and Neighbourhood Centres

Site Description:

The application site relates to the ground floor (former trading area) of a former bank building located at the junction of Dalton Road and Meads Street.

Relevant Planning History:

160003

Conversion of an existing maisonette at second and third floor level into two self-contained flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace. (Re-submission).

Planning Permission on

Approved conditionally

29/02/2016

161188

Approval of matters reserved by condition (Condition 3: Drawings of Windows) of original permission 160003: Conversion of an existing maisonette at second and third floor level into two self-contained-flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace.

Approved conditionally

09/11/2016

Proposed development:

There are two elements to this application:-

1. Conversion of the ground floor into self-contained apartment
2. Two storey rear extension to increase the size of the ground floor and first floor apartments.

The applicant has submitted supporting evidence that outlines merits of the scheme and the problems they have had in securing a commercial tenant for the building.

The supporting evidence can be summarised as:

Hunt Commercial:- Acknowledges the length of time the building has been vacant...sporadic take up of units in secondary areas such as Meads since the

2008...recommended that the terms of the rent should be £18K and reduce to £15K is a reasonable level for the current marketplace...advertising boards on site and information is displayed on company website and on regular mailing lists...very little interest in the site has been received that of those who have engaged there have been no discussions over terms...would be costly to convert to commercial business space...freeholder is willing to offer flexible terms... limited footfall with parking issues would appear to be discouraging likely tenants...given the black of commercial traction they recognises the benefits of residential conversion

Reid & Dean:- Letting agent since 2015 at rate of £22K, similar to other recent lets in the area...site advertised to let on website, internet , shop windows display boards and advertising boards on site...recognised that rate level should change and dropped to £18K...have not encouraged restaurants cafes etc give the Meads Community Associations objection to such units/activities...identified that the freeholder would consider in supporting relevant conversion costs...little to no interest...recognises that the unit has been marketed to a wide audience with little interest so the conversion to residential would appear to be appropriate.

Consultations:

Internal:

Conservation Area Advisory Group Feb 2017: The Group was in favour of retaining the ground floor for commercial use as any residential use would fundamentally impact the character of the conservation area. No objections were raised to the design of the rear extension.

Specialist Advisor (Conservation) Accepting that the external alterations to the fabric of the building are likely to have limited impacts upon the character and appearance of the Conservation Area it is considered that the loss of the commercial space would be likely to have more severe impact by creating an element of 'dead' frontage which may have an adverse impact on the viability of the centre. Any diminishing of the viability of the centre may well have an adverse impact upon the wider character of the area.

External:

Meads Community Association has objected to the proposal and in the main they raise the following issues:-

- Meads centre is identified as a District Shopping Centre providing a range of National and Local independents trading; as such full exploration of all town centre uses should be demonstrated prior to any units' loss to residential. The failure to do this would result in the scheme being contrary to adopted Planning Policy
- Currently only 2 vacancies including the application site delivering a vacancy rate go 7.5% down from 13% in Q1 2017
- Extremely prominent building (4th largest within the centre)
- Centre is currently going through a renaissance with a number of recent lets within the centre. 50% of the premises have been trading for less than three years and 4 units have opened during 2017.
- Question the veracity of the supporting evidence over the marketing of the unit.
- Recent trader's survey indicates that they employ 160 people and as such the continued support for the commercial sector would help to sustain local viability and make a significant contribution to the local economy.

- These factors indicate that the area is considered to be a viable commercial destination.

Representative from Knight Frank Surveyors:-Given professional experience in the field and knowledge of the local demography there is the potential for the site to support café/restaurant and or doctors surgery/consulting rooms; recognises that the site is referred to in the 2012 Meads Conservation Area Appraisal as a key focal point within the area and as such is important in supporting the character of the Conservation Area; if the proposal is supported then the properties Nos 1a 3a and 3b would be functionally disconnected from rest of the main shopping street which in turn may affect the retail function of this District Centre; questions whether the property has been adequately and suitably marketed.

County Archaeologist – Although the application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals, for these reasons no further recommendations to make.

Neighbour Representations:

Other than the representations from The Meads Community Association referred to above there are no other third party objections received.

Appraisal:

Principle: In isolation there is no objection in principle to the development of new residential accommodation within the established development boundaries of the Borough as additional accommodation would contribute as a windfall site to the Councils housing need/requirements.

It is considered however that the overriding material consideration in this case is the loss of the commercial floor space from this District Centre and set against this background the principle of the loss of the commercial floorspace is considered to be unacceptable.

Retail impact Policy Context : Within the Council's Development Plan it identifies a retail hierarchy across the Borough and aligned with the hierarchy it recognises that different centres perform (in terms of supporting the community) in different ways and as such the assessment of town centre/commercial uses and change of use away from commercial are identified for particular scrutiny.

The application site is located in the Meads District Shopping Centre within the hierarchy of the borough and this is the second highest area of protection for commercial floorspace. Policy D4 of the Core Strategy which give the direct policy context for the application proposal outlines that new development will be supported which complies with the sequential order of shopping centres, is appropriate in scale and function to its location, integrated within the existing shopping area, will not have an unacceptable impact including cumulative impact of the vitality and viability of the Town Centre and surrounding district, local and neighbourhood shopping centres, and helps maintain and develop the range of shops to meet the needs of the local community within the centre.

Policy SH7 of the Borough Plan states that within the district shopping centres a change of use from class A1 uses to class A2 and A3 uses will be allowed under certain defined

circumstances and the introductory text to this policy outlines that where a proposal would create dead frontage then this may impact upon the viability of the centre. Given the above policy position an assessment needs to be made to determine whether the loss of the commercial floor space would impact upon the attractiveness/viability and sustainability of the centre.

Retail Impact Policy Assessment:

Whilst it is noted that the unit in question appears to be a relatively long term vacant unit (since 2014 according to the applicants supporting evidence) and in that regard has not contributed recently to the commercial function of the centre. However given the lack of commercial use of the premises and if supported the permanent residential use of the property will result in a permanently deactivated frontage.

This in turn will have the result of dissecting the commercial frontage and severing/isolating units 1a 3a 3b from the rest of the centre, potentially making the trading of these units harder going forward given the reduction in footfall/passing trade. If this were to happen there is the potential that support for this scheme would be seen as cementing the impression of a declining centre making other units difficult to let.

Based on the evidence submitted with the application the Council are not satisfied that the unit has been adequately and robustly marketed with a view of seeking a commercial tenant (any commercial town centre use) at letting rates that are realistic and therefore its loss should be resisted as a matter of principle.

Notwithstanding the long term vacancy there is a reasonable possibility in the Council's view that given the size and location of the unit and its reuse either as a retail unit or for another commercial use that would generate footfall and contribute positively to the vitality and viability of this district centre which would support the long established planning policy position.

For these reasons the change of use is considered to fail the policy tests and is recommended for refusal .

Extensions:

The scheme promotes a two storey rear extension that would add to the residential floor space of the ground and first floor apartments if the change of use were to be supported. In isolation and in design terms there is no objection to the external appearance of this extension and it would not materially impact upon the character and appearance of the host property in particular or the wider conservation area in general.

There are some questions over the size of the residential flats (ground floor some 171sqm) that the proposed extension would create and whether they would facilitate the future subdivision of the property into smaller units, however this will be determined if and when an application is received for that purpose

Car parking:

The scheme does not propose any off street car parking to support the change of the use or the extended residential footprint. Given the location and nature of the existing building/plot and the current lawful use of the application site it is considered that a refusal based solely on the lack of car parking could not be substantiated or justified.

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.

Recommendation:**Refuse Planning Permission**

The Council consider that it is undesirable for the ground floor of this building to change to a use falling within C3 use class as the building is located with the Meads District Shopping Centre and its loss and replacement with a residential use at ground floor would harm the vitality and viability of this shopping area, detrimental to its on-going sustainability, This is contrary to policy D4 of the adopted Cores Strategy (2013) and the policy SH7 of the Borough Plan 2007 (saved Policies)

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 8

App.No: 170725	Decision Due Date: 3 rd August 2017	Ward: Devonshire
Officer: Thea Petts	Site visit date: 1 st August 2017	Type: Planning Permission
Site Notice(s) Expiry date: 2 nd July 2017 Neighbour Con Expiry: 2 nd July 2017 Press Notice(s): N/A		
Over 8/13 week reason: Cycle of Planning Committee meetings and an extension of time is being sought		
Location: 21 Susans Road, Eastbourne and 10 Pevensey Road		
Proposal: <ul style="list-style-type: none">• Full height extension to side of Susans Road elevation (north west elevation) with false pitch roof and front facing windows and door to street• infilled shop window on Susans Road elevation to be replaced with door to street and window,• two roof lights to rear,• installation of light wells (to street) with associated lower ground floor door and window configurations and decorative railings to be installed along road- facing frontages.• Conversion of shop unit to residential with all associated internal alterations and removal of shopfront on Pevensey Road elevation to provide bay window.• Development will result in net increase of three dwellings, 6 to 9 (revised description)		
Applicant: Mr Perkins		
Recommendation: Approve conditionally		

Executive Summary:

Proposed development includes the reconfiguration and extension of a building currently in mixed use to provide all residential units with a net gain of three new residential flats.

The scheme has been amended since its last submission to provide a more visually harmonious development befitting the street, with less opportunity for overlooking and improved internal reconfiguration with a reduction in

numbers of bedrooms. As such, it is considered that the proposed scheme is appropriate and is recommended for approval subject to conditions and planning obligations.

Planning Status:

Mixed use property located within a Conservation Area and adjacent to a Grade II Listed Building

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- D1: Sustainable Development
- C1: Town Centre Neighbourhood Policy
- D10: Historic Environment
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO6: Infill Development
- HO20: Residential Amenity
- NE14: Source Protection Zone
- TR2: Travel Demands
- TR7: Provision for Pedestrians
- TR11: Car Parking
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT15: Conservation Area

Technical Housing Standards

Nationally Described Space Standard

Site Description:

The application property is a three storey property which stands on the corner of Susans Road and Pevensey Road.

The bulk of the 21 Susans Road frontage has the general appearance of a residential property, with the corner on the crossroads at ground floor level

given over to a shopfront and associated advertisements. The front elevation is stepped (difference of approx. 0.45m), with a portion of the building at the Pevensey Road end projecting slightly further forward than the bulk of the elevation. To the north is a void between nos. 21 and 23 Susans Road and enclosed by a wall and double gates at ground floor level. The side elevation (facing 23 Susans Road) is free from adornments or features, except for a window serving each of the storeys towards the rear.

A thin diagonal elevation addresses the corner at the crossroads, enhancing the prominence and subtle design influences of the building when viewed from the direction of the crossroads.

The Pevensey Road elevation appears to be more of a mixed use, with full width retail unit to the ground floor and two storeys of residential above.

The building is rendered and painted white and the windows appear to be uPVC units.

Approximate details of the existing units within the building appear below:

Unit	No. of bedrooms	Internal floor space
Shop (over basement and ground floors)	N/A	124m ²
Basement Flat	1	38m ²
Ground Floor Flat	1	31m ²
Flat 1	1	30m ²
Flat 2	1	56.5m ²
Flat 3	1	54.5m ²
Flat 4	1	30m ²

Relevant Planning History:

EB/1979/0052

ENLARGED RESTAURANT WINDOW & ERECTION EXTRACTOR TRUNKING FRONTING SUSANS ROAD

Approved Conditional

1979-03-13

EB/1978/0296

C/U GRD/FL FROM LAUNDERETTE TO RESTAURANT/TAKE AWAY

Approved Conditional

1978-07-04

EB/1977/0427

C/U GRD/FL FROM LAUNDERETTE TO RESTAURANT

Approved Conditional

1977-11-22

EB/1976/0575
C/U GRD/FL FROM LAUNDERETTE TO HAIRDRESSER'S SHOP
Approved Conditional
1977-01-05

EB/1975/0223
RESITING ENTRANCE TO NO. 10 PEVENSEY RD & BLOCKING UP WINDOW TO
21 SUSANS RD
Approved Conditional
1975-06-03

EB/1967/0474
CONV SHOP TO SELF-SERVICE LAUNDERETTE
Approved Conditional
1967-09-21

EB/1967/0238
C/U GRD/FL SHOP BETTING OFFICE
Approved Conditional
1967-05-04

EB/1993/0361
FORMATION OF SELF CONTAINED FLAT TO LOWER GROUND FLOOR
Approved Conditional
1993-10-12

EB/1991/0334
CHANGE OF USE FORM OFFICE TO CAR HIRE BOOKING OFFICE
Refused
1991-09-24

EB/1990/0174
CHANGE OF USE FROM GUEST HOUSE TO OFFICES ON GROUND FLOOR AND
BASEMENT AND FOUR FLATS ON FIRST AND SECOND FLOORS, INCLUDING
NEW OFFICE FRONT
Approved Conditional
1990-05-22

EB/1989/0391
CHANGE OF USE FROM VACANT GUEST HOUSE TO 5 SELF-CONTAINED
FLATS
Approved Conditional
1989-09-08

020168
Change of use of ground floor and basement from retail (Class A1) to
restaurant (Class A3) and installation of extraction flue on rear elevation.
Planning Permission

Refused
20/06/2002

160376

Four storey extension to North-west elevation and conversion of retail unit to residential accommodation. Use of extended building as 9 residential units. Reinstatement of light wells with decorative railings. Associated internal and external works .

Planning Permission

Refused

27/05/2016

940124

Change of use of maisonette on first and second floors to two self-contained flats, together with alterations to existing shopfront.

Planning Permission

Approved conditionally

26/01/1995

940269

Formation of self-contained flat to the upper ground floor.

Planning Permission

Approved unconditionally

20/04/1994

940547

Change of use of ground floor from retail to offices. Installation of a new shop front.

Planning Permission

Withdrawn

20/10/1994

Proposed development:

The applicant seeks planning permission to internally and externally reconfigure the building and build a full height extension to the side which would accommodate a maisonette and bin stores (separate, with access gate) for the building.

Some excavation work would be required in order to reconfigure and extend the basement level – also a part of the proposal.

The development would result in the net gain of three dwellings (nine residential units proposed) and the existing retail unit operating at ground floor level would be lost.

The proposed side extension would have a false pitch roof, the ridge height of which would sit slightly below the existing ridge height, giving it the appearance of being subordinate to the existing building. Further to this, the

front elevation of the extension is to be set back from the existing front elevation by approx. 0.35m.

The building would be served by three principle accesses, all of which would be on Susans Road. The two basement flats would have ancillary accesses via patio doors at a basement level. Steps ascend from here to street level on the Pevensy Road side. A bay window is to be constructed on the Pevensy Road side to replace the shopfront. The bay is to continue down to basement level also. It is proposed that metal railings are installed along the street frontages. It is suggested within the applicant's Design and Access Statement that railings were in place historically.

Further detail regarding the proposed development appears below (measurements are approximate):

<u>Unit</u>	<u>No. of bedrooms</u>	<u>Proposed total internal floor space</u>	<u>Total internal floor space required by the Nationally Described Space Standard (based on minimum occupancy)</u>
Flat 1	1	43.8m ²	39m ²
Flat 2	2	67.2m ²	61m ²
Flat 3	1	38.4m ²	39m ²
Flat 4	1	54.6m ²	39m ²
Flat 5	1	32.3m ²	39m ²
Flat 6	2	56m ²	61m ²
Flat 7	1	34.7m ²	39m ²
Flat 8	2	54.2m ²	61m ²
Maisonette	1	45.9m ²	39m ²

Consultations:

Internal:

Specialist Advisor (Planning Policy) – no objection

- The vision for the Town Centre neighbourhood is to maintain its status as a sustainable centre including delivering new housing through conversions, infill development and redevelopment
- The proposal would result in the loss of a retail unit in the Town Centre Neighbourhood. However the proposal site is not within a designated shopping centre
- The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of two dwellings
- Public Realm Quality and Priorities policy (TC13) of the Town Centre Local Plan states that Susans Road is a location which will form the

- priority for public realm enhancements within the Town Centre. Susans Road forms an important linkage into the town centre and is one of the main streets that many visitors experience first. The proposal would enhance the overall appearance of the proposal site and would therefore be in accordance with TC13
- Town Centre Local Plan Policy TC24: Potential Areas of Change supports redevelopment of the area at Langney Road and Pevensey Road for a mix of town centre uses with a focus on A1 retail etc. The proposal would lose the retail provision but increase the net residential dwellings by two.
 - The net additional residential units will count as a windfall contribution towards meeting the town's housing target set out in the Core Strategy
 - It should be noted that one of the proposed dwellings is below the size recommended by the DCLG technical housing standards

External:

Environment Agency – no comments have been received

Highways ESCC – no objection subject to conditions and planning obligation

- A similar application for fewer units on the site had been submitted and met with approval
- The site is well connected to shops, services and public transport
- Main issue is the narrowing of the footway as a result of creating the basement level. The footway must be maintained to a minimum of 2m.
- A stopping up order will be required to free up the part of the footway to be included in the development to release highway rights. The best way to obtain this order is by making an application to the Department for Transport, National Casework Team, if planning consent is granted.
- Further details will be required prior to demolition, commencement or occupation (see attached conditions)
- Subject to a stopping up order being granted and design of the basement being accepted by Highways the applicant will need to enter into a Sec 278 legal agreement with East Sussex County Council to enable the works to take place within the highway.
- The existing section of dropped kerb leading to the rear of the property should be removed and kerbing and footway reinstated.

Neighbour Representations:

Three objections have been received and cover the following points:

- The area is already overdeveloped and this proposal will worsen the situation
- A neighbour wishes to install windows in the side elevation in the future, which would likely not be possible if the development goes ahead

- Excavation as part of the development may compromise nearby buildings
- The applicant has failed to deliver on previous issues and if there are problems, may not attend to them
- One parking space will be lost
- Loss to light to properties on rear of Pevensey Road
- Air circulation will be reduced following development
- Emergency escape would be lost as a result of development

Appraisal:

Principle of development:

The principle of extending an existing building to provide additional residential units in a Conservation Area is considered appropriate subject to compliance with adopted policies including those covering requirements for appropriate development within a Conservation Area and adjacent to a Listed Building (Central Methodist Church).

Design issues:

The proposed design is considered to generally fit in with the character of the existing building and wider area. Previously, a similar scheme had been refused planning consent (Ref: 160376), partly due to the impact of the visual bulk on the street scene and character of the area. An element of one of the reasons for refusal of this previous scheme was that the loss of the gap would be visually unacceptable. However, the current scheme has set the front elevation of the proposed extension slightly back from the principle elevation on Susans Road. As such, it is considered to be in keeping with the appearance of this road facing elevation in continuing the stepped character.

A small portion of existing ground wall protruding from the front of 23 Susans Road will lessen the visual impact of the extension when viewed from the junction of Langney Road and Susans Road (to the north west).

It is noted that the visual gap (approx. 4.5m) between nos. 21 and 23 Susans Road will be lost as a result of development. However, this gap does not appear to provide any significant visual relief as it is not part of a regular rhythm of the built form and nor is it even easily visible in the street scene unless viewed from directly opposite. As such, this current proposal (the extension element in particular) is considered to develop this area appropriately without negatively encroaching on the street scene.

The reinstatement of railings and the basement level are necessary as to facilitate the creation of light wells within the street; it is acknowledged that these formerly existed. In addition, the railings provide an additional aesthetic element to the appearance of the building, which actually reflect the building's heritage.

Residential amenity for future occupiers

It is acknowledged that one flat within the proposed scheme falls short of the requirements set by the Nationally Described Space Standard. However, it is also noted that a number of the units in situ currently fall short of the current standard by a more significant amount. Although these existing units cannot be assessed against current standards, it is clear that the proposed development would allow for better levels of internal floor space, for example. As such, the proposed scheme is considered to make an improvement on the existing situation as well as providing three new residential units.

Despite the removal of some windows to the rear (reducing the possibility for overlooking), the scheme is considered appropriate in terms of the delivery of natural light into the proposed units. There are not any related concerns with regard to this matter. It is noted that basement flats will have less access to direct natural light, although street level light wells are being created and as such it is not considered that the proposal would provide for substandard living environment. The prevalence for basement flats is already set across the town and particularly in this area and it is considered that the inclusion of basement flats add to the diversity of the residential offering for the town.

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

An objection has raised a concern that light would be lost to the rear of 12 Pevensy Road if the development goes ahead. Due to the orientation of the existing built form and the height of existing buildings, it is not considered possible that this rear facing window would be capable of receiving direct sunlight. The development may impact upon potential light to the parts of the rear yards/garden area for this property, however it is not considered that this degree of light loss would sufficient to justify/sustain a refusal of planning permission.

There are no existing windows nor accesses from the side elevation of 23 Susans Road which would be compromised as a result of development.

Impact on character and setting of a listed building or conservation area:

Unlike the former proposal (ref: 160376), it is not considered that the proximity of the Central Methodist Church – a building which has since been subject to a Planning Committee resolution to partly redevelop to provide residential flats (refs: 170033 & 170036) – will be affected by the granting of consent for this scheme for a building located opposite its flank wall elevation.

It is noted that the side extension will be visible from Susans Road to the north west (looking south east). Prominent in the built form of this street scene and the longer view towards the application site is the part of the Central Methodist Church subject to the redevelopment. Looking from the

south on Susans Road (past the junction with Pevensey Road) the prominent tower occupying the corner of the church site will not be compromised by the extension as it is unlikely that the extension would even be visible. Therefore, there is not considered to be any demonstrable harm from this angle.

Impacts on trees:

There are street trees lining Pevensey Road. It will be necessary to demonstrate within the Traffic Management Scheme (required by condition) as to whether street trees are likely to be affected by the construction of the development and if so what protection shall be implemented to ensure the safety of said street trees.

The above point aside, it is not considered that any other arboricultural issues are likely to result from the development.

Impacts on highway network or access:

The existing void between nos. 21 and 23 Susans Road appears large enough to accommodate a car, however, the gates in place there would not meet Highways standards as they do not allow 5.5m between them and the Highway. As a result, it is not considered that this space can be fully considered to be a parking space and as such, the development would not lose a parking space. It is noted that the space could potentially be used for parking if the gates were removed.

The scheme provides no off-street car parking. However, it is considered that due to its sustainable location, the development, which increases the number of residential dwellings on the site by three, will not result in a severe detrimental impact on the Highway as a result of a lack of parking. Locally there are still unrestricted parking bays and occupiers of flats are less likely to own cars. This being the case, parking is not considered to be a significant issue in this case.

It is noted in the response from ESCC Highways that in order to make the development acceptable, there are many details which are still required. These will be delivered by planning condition discharge applications.

Future obligations:

An agreement with the Highway Authority would be required in order to carry out works to the Highway. This agreement can only be sought following other processes (stopping up order) required by that Authority and those other processes are open to public consultation and as such are not controlled by the granting of this permission. However, to make this scheme acceptable, requirements made by the ESCC Highways department should be delivered and this process will be controlled by planning conditions and planning obligations (Section 278 Agreement) associated with this consent.

Sustainable development implications:

The new residential units are considered to be located in a sustainable location, with easy access to amenities and public transport routes. Therefore, in this respect the development is considered to make good use of a central location in contributing to the Council's shortfall in meeting its five year housing land supply.

Other matters/ responding to representations received:

It is not considered that a speculative proposal or new windows in the side elevation of an adjacent property can be considered to be a constraint to development.

Any excavation required would need to be carried out in a safe way. However, it is considered that the additional information required as part of recommended conditions will be sufficient. In addition, the scheme will require Building Control approval, which will ensure compliance with the Building Regulations.

It is not considered that private matters between the applicant and other parties outside of this planning application process can be given any weight when informing this recommendation/decision

A concern has been raised by a member of the public concerning the potential loss of an emergency access by closing the void between nos. 21 and 23 Susans Road. However, on closer inspection, it would appear that this area is sealed off by high walls with no through access and would not provide a useful escape route in an emergency. This being the case, it is not considered that this should constrain development.

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 development is not considered likely to result in a significant reduction in levels of residential amenities for surrounding occupiers, nor is the overall design likely to compromise the character of the street scene or adjacent Listed Building. Amenity for future occupiers is generally found to be acceptable and as such, the scheme is recommended for approval subject to conditions and obligations relating to the Highway. For the avoidance of doubt, the reasons for refusal of the previous similar scheme are considered to have been appropriately overcome.

Recommendation:

Approve conditionally and subject to a between the applicant and East Sussex County Council

Conditions:

1. Time (commence within three years)
2. Drawings (in accordance with the approved drawings)
3. Construction Method Statement
4. Hours of Development
5. Matching materials
6. Traffic Management Scheme & Associated Tree Protection Detailed
7. No occupation until existing vehicular access is physically closed
8. No occupation until all of the operational development required to facilitate the scheme have been implemented in agreement with ESCC Highways.
9. No contaminated materials to be imported to the site.
10. Notwithstanding the details shown on the plans hereby approved the second floor flank bathroom window shall be deleted from the scheme and a roof light installed.

Informatives:

Party Wall Agreements may be required

Stopping up Order

Section 278 Agreement with ESCC Highways to include Drawings of levels, sections and structural calculations for works within the highways.

Licence to remove access and kerb required from ESCC Highways

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 9

App.No: 170820 (VCO)	Decision Due Date: 21 August 2017	Ward: Devonshire
Officer: Thea Petts	Site visit date: Numerous	Type: Variation of Condition
Site Notice(s) Expiry date: 21 July 2017		
Neighbour Con Expiry: 21 July 2017		
Press Notice(s): NA		
Over 8/13 week reason: Given cttee cycle this application is being reported to planning committee beyond the 8 week determination period; an extension of time is being negotiated.		
Location: Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne		
Proposal: Application for removal of condition 13 following grant of planning permission(141521) to allow the creation of 28 residential Flats		
Applicant: Mr A. AGGARAWAL		
<p>Recommendation:</p> <ol style="list-style-type: none"> 1. Agree that in principle that holiday let tie can be lifted 2. Defer the application and invite officers/owner negotiate an alternative layout/mix similar to that within Table No 2. 3. Delegated to the Senior Specialist Advisor to negotiate relevant adaptations, alterations to the S106 agreement. 		

Background:-

Members will recall that an earlier application was reported to this committee that promoted the conversion of a former hotel into a mixed development comprising 12 holiday flats and 16 residential apartments. The proposed holiday lets would be operated/managed by an existing hotel in Royal Parade. This application was granted and supported with a legal agreement in April 2016. The full committee report for this case is appended to this report in **Appendix 1**.

The applicants have supplied a statement outlining that they have been unable to secure development finance or a development partner to support the conversion works and operate the holiday let element of the consent if it were not to be run by the existing Royal Parade hotel. This has resulted in the building remaining empty, falling further into disrepair and now becoming more of a focus for anti-social behaviour.

The application is accompanied by a statement from The Eastbourne Hospitality Association (EHA) that outlines that building (having been vacant for a significant

number of years) has not contributed to the holiday infrastructure of the town and as such its loss would not be felt. In addition given the key/prominent location of the existing building and its current state of disrepair (visual eyesore) it impacts heavily on the character and appearance of the area, which has its own tourist impacts. In view of these issues the EHA fully support the application.

It is noted that since the earlier application that the Seafront Local Plan did not materialise and that an updated/revised Tourist Accommodation strategy has been adopted. In broad terms this strategy has identified a primary secondary location for tourist accommodation and also outlined the type/scope and nature of supporting evidence that is required to support any change of use away from tourist accommodation. The strategy also recognised the important part that the EHA could have in evaluating the merits of a particular submission

Officers Assessment:-

Principle:-

It is clear that by way of the earlier approval that Members are satisfied that the loss of the former hotel has been justified and is acceptable.

What falls to be considered/determined under this submission therefore is whether Members remain of the view that some form of holiday accommodation should be provided/retained at the site.

Officers acknowledge that the building has been vacant for a significant period of time and as such has not made a positive contribution either to holiday accommodation at the site or the character of the wider area. Set against this background there is some merit in the officer's views in exploring alternatives development options for the site.

Space Standards:-

If members were to support the deletion of the holiday unit tie from the scheme then it would result in 28 self contained flats. These flats would vary in type and size and when assessed against the National Space standards only two would deliver accommodation above this minimum threshold. It should be noted however that 16 of the units have already obtained consent for residential use under the previous approved scheme and could still be implemented in that regard.

It is acknowledged that full compliance with the National Space standards may well be an unrealistic ambition for this site given that it relates to the conversion of an existing building and that the former support for holiday lets (and their small size) was on the understanding that these units would not be occupiers/patrons sole place of residence.

Affordable Housing:-

At present, no Affordable Housing assessments/statements have been included within the submitted documents. It is anticipated that an Affordable Housing contribution would be required unless the applicant can demonstrate that such a contribution would make the development unviable. Notwithstanding this, the application site stands within a Low Value Neighbourhood and as such in policy terms there would be a 30% Affordable Housing Contribution.

Further to this officers will seek a resolution in negotiating an amended scheme.

Below are two tables:

- table 1 outlines the dwelling mix and their relative sizes
- table 2 highlights a potential alternative layout that has been prepared by officers.

It is clear from these tables that support for the current scheme would deliver 28 small apartments the majority of which do not comply with the National Space Standards and if an alternative layout could be delivered there is the potential for fewer apartments but built to a higher/greater space standard

TABLE 1:
Application proposed layout/mix (shaded non compliance with National Space Standards)

Flat Number	Type	Size (m2)	National Space Standards (m2)
1	2 Bedroom 4 Person	59	70
2	2B 4P	54	70
3	1B 2P	32	50
4	2B 4P	60	70
5	2B 4P	64	70
6	1B 2P	26	50
7 Holiday Flat (HF)	2B 4P	51	70
8 HF	1B 2P	34	50
9 HF	1B 2P	40	50
10	2B 4P	62	70
11	2B 4P	66	70
12	1B 2P	27	50
13 HF	1B 2P	41	50
14 HF	2B 3P	53	61
15 HF	1B 2P	41	50
16	2B 4P	60	70
17	2B 4P	67	70
18	1B 2P	43	50
19	1B 2P	42	50
20 HF	1B 2P	34	50
21 HF	1B 2P	39	50
22 HF	2B 3P	47	61
23	1B 2P	46	50
24	2B 3P	47	61
25	2B 4P	71	70
26 HF	1B 2P	37	50
27 HF	1B 2P	51	50
28 HF	1B 2P	41	50

TABLE 2
Potential alternative layout/mix (Shaded non compliance with National Space Standards).

Flat Number	Type	Size	National Space Standards
1	2 Bed 3 Person	69	61
2	2B 3P	64	61
3	1B 2P	39	50
4	1B 2P	44	50
5	2B 4P	68	70
6	2B 3P	62	61
7	2B 3P	62	61
8	1B 2P	40	50
9	1B 2P	42	50
10	2B 4P	60	70
11	2B 4P	63	70
12	2B 3P	65	61
13	2B 3P	66	61
14	1B 1P	36	39
15	2b 4P	58	70
16	2B 4P	65	70
17	2B 3P	63	61
18	2B 3P	61	61
19	1B 2P	25	39
20	2B 3P	56	61
21	2B 3P	61	61
22	1B 2P	28	50
23	2B 3P	56	50
24	2B 4P	58	70

Parking: It is also acknowledged that given the footprint of the site and its site coverage that there is limited availability for off street parking to support the former or proposed use. It is clear therefore that there will be a reliance on any shortfall being accommodated within the surrounding highway network. The principle of reliance on off-street parking was accepted on the recent approval given and as such remains relevant with this submission.

Recommendation:-

- 1 Agree that in principle that holiday let tie can be lifted
- 2 Defer the application and invite officers/owner negotiate an alternative layout similar to that within Table No 2 or better.
- 3 Delegated to the Senior Specialist Advisor to negotiate relevant adaptations/alterations to the S106 agreement.

Appendix 1

App.No: 141521 (PPP)	Decision Due Date: 25 March 2015	Ward: Devonshire
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Officer: Leigh Palmer	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 2 March 2015		
Neighbour Con Expiry: 2 March 2015		
Press Notice(s): 17 February 2015		
Over 8/13 week reason:		
Location: Heatherleigh Hotel, 63-66 Royal Parade, Eastbourne		
Proposal: Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge.		
Applicant: Mr A Aggarwal		
Recommendation: Grant Permission subject to conditions and legal agreement. The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.		

Executive Summary:-

This application proposes the loss of hotel accommodation within the defined tourist accommodation zone; policy (TO2) is long standing and is in essence a negative/restrictive policy with only the loss of accommodation being supported in wholly exceptional circumstances and based on sound and robust evidence.

Members should note that this policy along with the policy outlining the extent of the Tourist Accommodation Zone itself (TO1) will be reviewed under/within the emerging Seafrost Local Plan; this policy review is in its formative stages and as such it should carry very little weight in the assessment of this application.

Members should also note the views of the Council's Tourism Officer (TO) and Eastbourne Hospitality Association (EHA) (in relation to the Courtlands Hotel application) whereby they suggest in broad terms that if Eastbourne is to prosper then there needs to be a refocus in the type and nature of the accommodation that is provided. Both the TO and EHA outline in their responses that it would be preferable if Eastbourne had fewer bed-spaces but of a higher quality. This higher quality would support the ambition to move

Eastbourne away from the coaching trade and more over to the independent traveller. In this regard this application mirrors the ambitions of the TO and EHA.

Notwithstanding the support for the scheme from the TO and EHA members should have regard to four issues:-

1. The deliverability of the enhanced accommodation.

Officers are satisfied that sufficient controls could be delivered via planning conditions and S106 agreement to ensure that the retained holiday accommodation is refurbished prior to a proportion of the residential units being sold/occupied (see conditions below).

Members should be aware that whilst we can control the delivery of the enhanced holiday accommodation the planning system cannot make someone actually open and run the business.

2. The prematurity of supporting the scheme ahead of the Seafront Local Plan.

Any decision would be based on the evidence behind the application and all other material considerations. If refused then the decision would be based on the policy as it currently stands and as Members will be aware this is a longstanding policy that has been consistently applied. Support for the scheme could only be made if the evidence supported the claim that the current business was unviable.

The Seafront Local Plan is in its very formative stages and should not carry any material weight in the determination of this application, so there are no issues on prematurity grounds here.

3. Whether this scheme provides a set of unique circumstances such that they could not be readily repeated on other sites/properties in the Tourist Accommodation Zone and thereby reduce the accommodation in an uncontrolled manner.

The site has been vacant for a significant period of time and as such has not made a contribution to the available holiday accommodation within the tourist accommodation zone. Notwithstanding this it remains appropriate that officers assess and test the application against current policy.

Officers are satisfied that if refurbished the type and nature of the accommodation falls within the grading threshold that is very common within Eastbourne (2* - 3*) and to some extent there may be perceived to be an oversupply. In this regard the delivery of fewer bed spaces at the site but finished to a higher/more modern quality would add to the range/type of accommodation available and may better support the wider tourist economy.

In addition to the grading level, the size, location and the room frequency rates (an indication of the client group and repeat business) are such that the principle of the loss of tourist accommodation could be supported, especially as the use has been redundant for a significant period of time. In addition this scheme proposes the retention of enhanced accommodation within a building that will have the ability to operate independently.

The retained holiday lets will be serviced and managed by a parent hotel with seafront location and as such the likelihood of this set of circumstances being repeated elsewhere in the Tourist Accommodation Zone is remote/ but not unlikely.

As with any application any future submission that promotes the loss of tourist accommodation would be based on its individual merits and as such whilst supporting the scheme would not create such a precedent that would obstruct alternative decisions on other sites/properties in the future.

4. Whether members feel that sufficient evidence accompanies the application to demonstrate that the current business is unviable.

In broad terms officers accept that the provision of a smaller operating establishment supported by a parent hotel would make the business more viable and deliver a return on investment that would be likely to sustain going forward.

The evidence submitted with the application has been independently assessed by an external consultant; their conclusions are that the scheme has satisfactorily assessed and demonstrated compliance with the local policy and as such the loss of the tourist accommodation is acceptable in principle.

Scheme proposes the reuse of a vacant hotel within the tourist accommodation zone into a mix of holiday flats and residential apartments for open sale/let.

It is considered that the proposal has satisfactorily demonstrated that the hotel in its current form is redundant and unviable and that the split use for/as holiday lets supported by an existing 'parent' hotel and open use residential accommodation is considered to be appropriate and acceptable.

A suite of conditions are proposed to control the long term availability of the holiday let accommodation.

Constraints:

Town Centre and Seafront Conservation Area, and within the Tourist Accommodation Zone.

Relevant Planning Policies:

National Planning Policy Framework

The NPPF was formally adopted on 27 March 2012 and sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of achieving sustainable development, which should be interpreted and applied locally to meet local aspirations.

Paragraph 21 goes on to state that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow for rapid response to changes in economic circumstances.

With regard to main town centre uses, such as hotels, paragraph 24 states that local planning authorities should apply the sequential test and require such uses to be located within town centres, and then to edge of centre sites.

The NPPG was published as an online resource to guide plan-makers, applicants and decision-makers on 6th March 2014. With regard to tourism, paragraph 007 of the section on ensuring the viability of town centres, directs the reader to tourism planning guidance hosted on the Visit England website. This states that:-

"There may be circumstances where a traditional market has changed and the local tourism provision needs to restructure; in some areas long standing changes in visitor numbers may have left a considerable surplus of hotel, guest house, pub and bed & breakfast accommodation. This can leave many businesses struggling on very low turnover, unable to reinvest in improving their facilities. In such circumstances, owners and developers will need to work collaboratively with local planning authorities and others to provide where appropriate a productive alternative use for premises."

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood
C3 Seaside Neighbourhood Policy
D3 Tourism Tourist Accommodation Area
D5 Housing Low Value Neighbourhoods
D10 Historic Environment Archaeological Notification Area
D10 Historic Environment Conservation Area

Eastbourne Borough Plan Saved Policies 2007

TO1 Tourist Accommodation Area
TO7 Preferred Area for Tourist Attractions
TO9 Commercial Uses on the Seafront
TO8 New Tourist Attractions and Facilities
TO2 Retention of Tourist Accommodation
TO5 New Tourist Accommodation
UHT15 Conservation Area
US5 Tidal Flood Risk

Site Description:

The application site comprises the Heatherleigh Hotel, a 55 bedroom hotel on a level rectangular site of some 0.093 hectares, located at the junction of Royal Parade and the Redoubt Road. It incorporates a small 'bedsitter' manager's flat.

It is situated towards the north-eastern periphery of the Tourist Accommodation Area as defined in the Eastbourne Borough Council Local Plans, but backs onto substantial residential hinterlands beyond. It is only 150 metres from the absolute north-eastern boundary of the Tourism Accommodation Area which sits at the junction of Royal Parade and Carlton Road.

The site is located directly opposite the Redoubt Fortress and areas of greensward, as well as the bowling greens, beyond which is the shingle bank leading up to the coastal walk and cycle way, and beach. Properties along the frontage in this part of the Town feature a variety of hotels, guest houses, private houses and tourism-let apartments.

The application building, which rises to maximum height of 4 storeys above street level; (5 including the basement), is effectively comprised of 2 large properties which appear to have been amalgamated following the granting of planning permission in 1958.

The premises also include a block of 7 garages, (proposed to be partially demolished); along the back of the site, together with some open parking, fronting onto the Rylstone Road at the rear, a wholly residential road as are others in the vicinity to the rear.

The general theme of local development in this area is a narrow strip of often tourism related uses along the frontage, (within the Tourist Accommodation Area), and a substantial residential hinterland beyond, with predominantly recreational uses opposite. The road frontage is generally similar in style along this frontage, with the feel of originally having been residential properties, such as that of the application site, with largely similar Victorian and possibly Edwardian styling.

The character is markedly different further along Royal Parade to the south-west, where the properties are generally much more substantial and higher. They have a different character, materials and design, mostly in hotel use, from the junction between Royal Parade and Cambridge Road, and heading further south-west, towards the pier and the central part of the seafront area, and commencing with the Langham Hotel.

Relevant Planning History:

Following the creation of the hotel in the 1950's there has been numerous applications relating to extensions and adaptations to the hotel building.

Proposed development:

Application seek approval to convert the existing vacant hotel into 28 flats, 12 would be tourist lets and the remaining 16 would be for open market occupation.

In terms of the actual conversion works, these are taking place over all 5 floors of the property, as follows;

- **Basement:** Conversion to 6 flats; (4 x 1 bedroom and 2 x 2 bedroom).
- **Ground floor.** Conversion to 7 flats; (3 x 1 bedroom and 4 x 2 bedroom).
- **First Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Second Floor:** Conversion to 6 flats; (3 x 1 bedroom and 3 x 2 bedroom).
- **Third floor:** Conversion to 3 flats; (1 x 1 bedroom and 2 x 2 bedroom).

Therefore, the scheme will provide a total of:

- **28 flats**, The flat sizes range from 25.5 sq. metres to 71 sq. metres
- 14 x 1 bedroom and 14 x 2 bedroom,

The flats are also:

- Divided into **holiday lets** and **open market units**, with:
- **12 holiday let units** and **16 open market**, and therefore almost a 50/50 split. The split reflects the differences between the 2 separate original dwellings which made up the current hotel, and are clearly separated by the main staircase.
- The applicants have very carefully laid out the development so that the **holiday let units would all be sited in the westernmost part of the premises**, the 'half' of the floor space which belonged to the dwelling which was incorporated into the overall hotel following the 1958 planning permission.

This layout will therefore ensure that the units are properly segregated, and that they follow a logical division, thus ensuring that the holiday and open market lets are wholly separated, and make it much less likely that there could be future support for the loss of these holiday lets to unrestricted housing. The holiday let units will be spread out over the 4 floors of the western-most half whilst the open market housing will be laid out over the 5 floors of the eastern-most element.

The **Holiday let** units would be laid out as:

- **9 x 1 bedroom and 3 x 2 bedroom flats.**
- This **number of 1 bedroom flats will be appropriate as the smaller unit elements** would be more likely to be marketable as holiday lets, with a significant part of business being for the singles market or couples, but allowing for a few family units as well.

The holiday lets would also be operated in conjunction with the applicants' core business of coaching holidays from their nearby business centre at the Hilton Royal Parade, where these units would be administered in connection with their overall holiday business.

Supporting Reports:-

The application has been submitted with a number of supporting reports which in the main conclude that the building has fallen into significant disrepair and that the costs involved in bringing it back to current standards at a time when the hotel market is in a state of flux would be unviable and also unrealistic.

Given the sustainable location and that the proposed use would be likely to result in a reduction in the level of private motor vehicle use then the change of use is likely not to result in any material increase in off-site impacts.

The support for the application would retain an element of tourist accommodation at the site and would also realise the full development potential of the site.

To the rear of the plot the scheme proposes 7 off-street parking spaces along with bike storage for 20 cycles and a further enclosure that would accommodate up to 24 refuse/recycling bins.

Consultations:

Internal:

Estate Manager:- No comments/objections to the scheme

Tourism Manager:- No direct response to this application but in relation to a very similar application at the Courtlands Hotel they supported the views of the Hospitality Association whereby the view that fewer bed-spaces but higher quality was promoted.

External:

Southern Water Services:- No objections subject to an informative requiring the applicant obtains SW approval for the conventions prior to the sue commencing.

Environment Agency:- No objections to the proposal

Eastbourne Hotels' Association:- Support the application for the following reasons:

- The hotel is unsustainable in its current form
- Evidence from other recent applications still stand
- The hotel has not contributed to the hotel stock for a significant period of time.
- Not economically viable to refurbish and run as a hotel
- Fewer holiday rooms but better quality would be better for the town as a whole.
- Parking no worse than as its former use as a hotel
- Further deterioration would be harmful to the area and may follow the same path as the Lynwood and the Latham
- Town has more than adequate bed stock to cope with demand (Premier Inn and the re-opening of the Ambassador

County Archaeologist:- Works involved do not constitute any risk to archaeological remains and thereby no objections are raised

Highways ESCC

Neighbour Representations:

1 letter of support has been received commenting in the main on the following issues:-

- No realistic chance of the property ever being viable as a hotel again,

5 letters of objection has been received and cover the following points:-

The area already suffers from parking issues, particularly in the summer months. I don't believe the proposal adequately deals with the parking issues for 28 new dwellings.

No constriction works before 9am and or after 6PM as this may conflict with guests at nearby properties.

Concerns over the likely occupiers of the users

This area due in part local support and investment from the local community is a safe environment and an attractive holiday spot, anything that would detract from this would be damaging to Eastbourne's Tourism as a whole

Refuse areas being unsightly

The rear of the building needs to be refurbished as much as the front as this is where the wider community live.

Appraisal:

Principle of development:

The proposal complies with the adopted planning policy for the loss of tourist accommodation and as such there is no objection to the principle of the change of use.

The scheme proposes the retention of an element of tourist accommodation with the remainder of the property being converted into residential apartments. It is considered that the proposed residential accommodation would provide 'windfall' units in an area of the town where they are needed and given the general sustainable location of the site it is considered to be supportable in this regard.

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

The property has a history of hotel/holiday accommodation and as such the local community would have experienced some degree of activity associated with this business operation. It is accepted that this activity has reduced during the periods of inactivity/close business. Notwithstanding this a refusal based on the impacts from the increased commercial activity at and within the vicinity of the site could not be substantiated.

Similarly local residents will experience some loss of amenity through the activity associated with on street parking, however it is considered that this loss of amenity would be less than the if/when the hotel was fully functioning.

Design issues:

The application proposes that the new uses should follow broadly the former split between the properties. In addition the scheme relates to a change of use and as such save for modest repairs and refurbishment there are no significant external changes.

Given this it is considered that there should not be any material impacts upon the character of the host property or the character of the wider area

Impacts on highway network or access:

It is accepted that the site has not been active for a number of years and to some regard the local community has grown used to this. The regeneration of the site into holiday accommodation and also open market residential properties would generate some

pressure for on street parking, however when compared to the lawful use of the site the impacts are considered to be less than substantial in NPPF terms and therefore a refusal on this issue could not be sustained

Other matters:

The applicants are happy to accept controls/limitations upon the tourist and residential accommodation in order to ensure that the long term availability/retention of the tourist accommodation.

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.

Recommendation:

Grant Permission subject to conditions and legal agreement.

The S106 should cover local employment initiatives, the delivery of affordable housing and controls over the timing of the delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 5 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.

Conditions:

1Time Limit

2 In accordance with the approved drawings

3Details, including Samples, of a Good Quality of Materials to be used on external elements of the proposed development, where required, to be submitted to the satisfaction of the Council.

4Controls over Construction and Demolition Times.

5Making good after demolition of conservatory and garages.

6Tree Planting and Landscaping.

7Boundary Treatment.

8Refuse enclosure.

9Vehicle and bicycle parking to be provided and retained, in accordance with the approved plans,

10Surface and Foul Water Drainage Arrangements.

11Hard Surfacing Details.

12Details of any external lighting required.

13Controls to ensure retention of tourist let uses.

14Control to limit the occupancy of the open residential units instil such time as the holiday accommodation has been refurbished and is trading. (Ok to delete if dealt with via the S106)

Appeal:

Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

Agenda Item 10

App.No: 170685 (VCO) 170885 (DOC)	Decision Due Date: 13 July 2017	Ward: Sovereign
Officer: Anna Clare	Site visit date: 29 June 2017	Type: Variation of Condition
Site Notice(s) Expiry date: 27 June 2017 Neighbour Con Expiry: 27 June 2017 Press Notice(s): n/a		
Over 8/13 week reason: To bring to planning committee		
Location: Site 8, Pacific Drive, Eastbourne		
Proposal: 170685 (VCO) Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space. 170885 (DOC) Application for approval of details reserved by condition 171 (SurfaceWater Drainage), 178 (Surface Water Drainage - Highways), 179 (Proposed Construction Details of Roads), 196 (Infiltration of SurfaceWater) and 198 (Foul Sewerage Disposal) of planning permission granted 2 December 2014 for the development of Site 8 for up to 8 dwellings, open space and berth holder facilities (Ref: 131002) (Previously approved 160092)		
Applicant: Port Moresby Homes Limited		
Recommendation: 1. 170685 (VCO) Grant the variation of condition amending the drawing numbers of the approved scheme subject to agreement over the surface water discharge details (in discussion with ESCC as the LLFA, SUDS Team) Informative: The applicant is reminded that other conditions of the original consent still apply unless discharged.		

2. 170885 (DOC)

Grant the discharge of conditions 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads) 196 (Infiltration of Surface Water) and 198 (Foul sewerage Disposal) subject to the confirmation from ESCC SUDS on the additional information requested.

Executive Summary:

Planning permission was granted for the development of Site 8 as part of the outline application in 2014 for the development of a number of sites across the Harbour.

Site 8 was granted permission for 4 pairs of semi-detached properties, 8 in total and on site these are nearing completion, with works immanent on the public open space to the rear of the site adjacent the Harbour.

The public open space element of the scheme was an important part of the overall design concept for the development and remains integral to the success of the development for all parties involved.

170685 (VCO) The Variation of Condition (VOC) application seeks to amend external landscaping features/aspects of the original approval. In the whole the amendments are considered acceptable with some improvements. Therefore it is recommended that this application is supported.

170885 (DOC) The Discharge of Conditions (DOC) application is reported here given the interrelated nature of the proposed details with the proposed changes (VOC application referred to above) and seeks to re-discharge conditions in relation to 178 (surface water drainage), 179 (proposed construction of Roads), 196 (infiltration of Surface Water) and 198 (foul sewerage disposal) of the original decision to grant outline permission for the site (ref: 131002).

The main element of the changes relate to alterations to the drainage strategy which supports the above ground changes which are subject to the VOC application.

The details are deemed to be acceptable.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C14 Sovereign Harbour Neighbourhood Policy
- D5 Housing

Eastbourne Borough Plan Saved Policies 2007

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT4 Visual Amenity

UHT7 Landscaping

UHT10 Design of Public Areas

Site Description:

Site 8 refers to a plot on the harbour edge facing onto Pacific Drive. Planning permission was granted in 2014 for the development of site 8, among other sites within the harbour, for up to 8 residential properties. Reserved matters were later approved in 2015 for the design of the 8 properties. The properties are nearing completion and consist of 4 pairs of semi-detached dwellinghouse facing Pacific Drive, with public open space to the rear of the site at the edge of the Harbour.

Relevant Planning History:

141469

Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) relating to condition 1 of outline application ref: 131002 for the development of site 8 at Sovereign Harbour for up to 8 dwellings, open space and berth holder facilities and related discharge of conditions.

Approved conditionally

09 June 2015

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne, including Site 8 – Up to 8 dwellings, open space and berth holder facilities.

Approved conditionally

02 December 2014

160092

Application for approval of details reserved by condition 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads), 196 (infiltration of Surface Water) and 198 (foul Sewerage Disposal) of planning permission granted 2 December 2014 for the development of site 8 for up to 8 dwellings, open space and berth holders facilities (Ref: 131002).

Discharged

07 March 2016

Proposed development:

Variation of condition

The application proposes to vary condition 2 (development to be carried out in accordance with approved drawings) of the Reserved Matters for the development of the site as follows;

The variation of condition 2 in relation to approved drawings is to amend some elements of the approved scheme as set out below;

1. Amend the type of block paving originally approved to the public open space areas from Tegula Priora permeable block paving to a concrete block paving and header course to match the existing walkway/promenade adjoining the site.
2. Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.
3. Amend the public open space configuration of planters and seats to the public open space
4. Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of external parking spaces from 7 to 9.

The application originally also proposed an amendment to the front boundary treatment of the properties, from a brick plinth with railing above to only a railing. This was objected to by members of the public and prospective purchasers, and following consideration by the developer has been removed from the scheme.

Discharge of Conditions

The application seeks to re-discharge conditions in relation to the surface water drainage strategy for the site following the proposed above ground amendments as considered under the Variation of Condition application above.

Consultations variation of condition:

Neighbour comments/objections

16 objections have been received from local residents, in the main their objections can be summarised as:

- Will the seating be accessible for older and disabled residents?
- No justification for the proposed changes
- Impact of use of non-permeable paving on standing water and therefore users of the site
- Retention of tarmac areas does not reflect the current built environment
- Unless the proposals enhance the current scheme, increase the sustainability of the neighbourhood and provide additional public amenity the application should be rejected.
- The plans differ from the originally approved plans
- The proposed changes do not improve the appearance or amenity of the original design.
- The site is high profile, the changes do nothing to improve the appearance or amenity of the original scheme.
- Developer is proposing these changes on the grounds of reduced costs/improved profit.

- The positioning of the seating area was determined through public consultation and was considered to be the most advantageous for users of the area.

Sovereign Harbour Residents Association

- Change to non-permeable surface runs contrary to the NPPF regarding sustainable drainage. The use of non-permeable paving will increase the quantity of run-off and is also more likely to result in 'ponding' in parts. There should be no further run-off into the harbour waterways.
- No drainage strategy available, it is not acceptable for a developer to propose a drainage condition change without explaining how it would comply with policy.
- Object to the developers seeking to weaken or remove conditions and change plans already approved following lengthy consultation and negotiation. Such continuous attempts, not in line with the Sovereign Harbour SPD should be resisted.

Prospective Purchasers: Three purchasers of the properties objected to the amendment to the front boundary treatment of the property on grounds of security, privacy and aesthetics.

Consultations discharge of conditions:

Environment agency

Recommend discharge of conditions. Pleased to see the proposed scheme to use bio-retention area/rain gardens to provide pollution prevention and control on surface water quality prior to the discharge to the harbour.

Southern Water

No objections raised.

East Sussex County Council Highways

The information provided is suitable to allow the conditions to be discharged.

East Sussex County Council – SuDS Team

We note that the proposals have been amended with the surface water now discharging at an unrestricted rate to the Marina immediately adjacent to the development. This is acceptable in principle. However, we request that the applicant provides written confirmation from the operator of the Marina that they are will to accept this discharge.

We note that condition 171 of the outline planning permission requires that proposed discharge rates should be no more than the existing runoff rates. However, given the water will be discharged to the marina, adjoining the sea we agree that the runoff rate would not need to be controlled.

Requested further information regarding the water level within the marina and any variation of this level as a result of the tide. If the marina water level varies with the tide then the calculations should consider the Mean High Water Springs level for the submerged outfall.

Sovereign Harbour Residents Association

Object to the proposal on the following grounds;

- The effectiveness of the revised drainage scheme depends on all of the component parts working, all of which are liable to become blocked with silt and debris
- The drainage strategy is almost entirely situated within the public areas which are likely to flood when the system fails
- The normal rise and fall of groundwater levels and tides will introduce silt and dirt into the system
- The proposed maintenance schedule shows a frequent need for maintenance, intended to be carried out by a maintenance company. When will this be set up, will the home owners be aware of the liability?
- The drainage strategy is fraught with risks which seem to be borne entirely by the Local Authorities and local residents.
- Public walkways are now proposed to laid at a significant fall due to the type of block which makes public access more difficult.

Appraisal:

Principle of development:

In principle there is no reason to refuse the variation of condition unless the details of the variation are not considered acceptable in their own right.

There is no reason to refuse the discharge of condition application if all expert consulted bodies have confirmed the strategy is acceptable in principle.

Appraisal

Amendment 1 Block Paving - Amend the type of block paving originally approved to the public open space areas from Tegula Piora permeable block paving to a concrete block paving and header course to match the existing walkway/promenade adjoining the site.

In principle there is no objection to the use of a non-permeable brick instead of the permeable brick providing it is shown that the overall drainage strategy is not jeopardised. The design and appearance of the brick will match the existing harbour walkways which will maintain continuity of finishes around the harbour, this will be visually more attractive and more practical for on-going maintenance of the public area.

Changes to the Drainage Strategy

The submitted surface water drainage statement states that the presence of the gravel layer at the site with a high groundwater tables is such that the groundwater is in continuity with the water level within the Harbour. With groundwater measured at 1.4m below ground level, discharging surface water through traditional soakaways would not be appropriate as they would not function (unable to percolate into surround ground given high water table).

Given the soakaway issue as outlined above the applicants have submitted a designed/engineered drainage solution. The amended scheme proposes to discharge runoff from the houses, driveways and parking areas through overland flows, channel drainage and pipework directed to the planters for infiltration and water quality improvements before discharging into the harbour. The landscaped planters act as natural filtration and bio retention areas that will help to support the planting and

manage water flows, the applicants submitted documents state this will provide an environmentally sound response to drainage management for the site. The maintenance and management of the future drainage system will fall to the Management Company of the properties.

ESCC Highways have confirmed that the adopted harbour walkways are impermeable and surface water drains into the Harbour. They have also confirmed no objection to the proposal.

The recommendation for the scheme currently before members is on the basis that consultees (ESCC SUDs) are satisfied that the designed drainage details subject of the DOC application are acceptable.

Amendment 2 Retention of Tarmac - Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.

The existing tarmac drive to the north and the footpath to the south are in good condition. The proposal reduces waste from the site, and reduces the impact on surrounding residential properties from the works required to remove the tarmac.

The proposal will result in a clear definition/demarcation of the driveway and the public open space at the point they merge by changes in material.

The existing tarmac footpath to the north is not in a good state of repair and should be replaced with the block paving for continuity with the wider area.

Amendment 3 Public Open Space Configuration - Amend the configuration of planters and seats to the public open space

The number of planting beds is not changing from the previously approved scheme, however their configuration is changing in that they are enlarged and shape altered to be more angular. The number of benches has increased from 4 – 6, although their design/form has changed.

The development of the houses has resulted in some shingle being excavated, some spoil is needed to create the permitted scheme but some would be 'waste' which would need to be transported off site. This proposal seeks to retain that spoil on site to minimise construction waste by raising the upper walkway, increasing the number of steps between the walkways but retaining full accessibility from both ends of the public open space via re-modelled ramps.

The planters shape is altered to a more angular shape, their size is increased, this assists with the designed drainage strategy as outlined above. In principle there is no objection to the angular planters in replacement of the slimmer curved approved planters. The additional soft landscaping is considered to improve the scheme overall. The planters are created by railway sleepers as previously agreed.

The amended scheme also proposes the alteration to seating provision from 4 heritage seats all on the lower open space area, to 4 timber seats built into the planters at lower level and 2 heritage seats at the upper level. It is considered that the increase in seating is acceptable, heritage seating is still provided by way of two benches.

Amendment 4 Car park boundary and planting layout - Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of parking spaces from 7 to 9.

The moving closer of the parking area to the substation would remove the unofficial access through, however this is considered acceptable and it has not as part of the applications to develop the site ever been an official pathway.

The increase in space allows the reconfiguration of the parking bays and the increase in numbers which is considered an improvement. The area also sees an increase in soft landscaping which is an improvement visually for the area.

The parking area is to be laid out in a contrasting concrete paver to define the public and semi - private space which is also demarked by 600mm galvanised railings surrounding and a barrier to the entrance to prevent unauthorised use.

Discharge of Conditions

The discharge of conditions has been confirmed as acceptable by the Environment Agency, Southern Water and Highways. ESCC SUDs Team have confirmed no objection in principle but request further details regarding water levels and the tide of the Marina and written confirmation from Premier Marina's to accept the discharge to the Marina. Therefore it is recommended that the conditions are discharged subject to the confirmation from SUDs that the strategy is acceptable.

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 proposed above ground amendments are not in and of themselves unacceptable and some are considered will improve the public open space.

The amendments to the drainage strategy to facilitate the above ground changes are also considered acceptable.

It is acknowledged that the public open space is an important part of the development as it is for the wider benefit of the community. It is considered that the proposals are acceptable and therefore the variation of condition application should be approved and the conditions discharged.

Recommendation:

3. 170685 (VCO)

Grant the variation of condition amending the drawing numbers of the approved scheme subject to agreement over the surface water discharge details subject to the confirmation from ESCC SUDS on the additional information requested.

Informative: The applicant is reminded that other conditions of the original consent still apply unless discharged.

4. 170885 (DOC)

Grant the discharge of conditions 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads) 196 (Infiltration of Surface Water) and 198 (Foul sewerage Disposal) subject to the confirmation from ESCC SUDS on the additional information requested.

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App.No: 170156 (PPP)	Decision Due Date: 12 May 2017	Ward: Meads
Officer: Neil Holdsworth	Site visit date: Numerous	Type: Planning Permission
Site Notice(s) Expiry date: 10 March 2017 Neighbour Con Expiry: 10 March 2017 & 14 July Press Notice(s): Published 20 February 2017		
Over 8/13 week reason: reported to committee out of time given committee cycle and requests for further drawings/information an extension of time is being negotiated.		
Location: St Andrews United Reformed Church, Cornfield Lane, Eastbourne		
Proposal: Demolition of St Andrews Church and Albury House behind retained facade to Blackwater Road. Construction of 3-4 Storey building comprising 35 (down from 36) residential units and 13 (up from 10) parking spaces accessed from Wish Road and Cornfield Lane (AMENDED APPLICATION)		
Applicant: Rev David Yule		
Recommendation: Approve subject to Conditions and S106 covering affordable housing and local employment issues.		

Executive Summary:-

Members will recall that this application was reported to Planning Committee in May with a resolution to refuse planning permission with the official minute reading:-

'...That permission be refused on the grounds that the proposed development by reason of the number of flats proposed represents a gross overdevelopment of this restricted site, this has manifested in a parking density significantly below prescribed standards and layout is such that the proposed garages are of a size/location that would inhibit ease of use; this may lead to a further reduction in available parking at the site.

The lack of off-street parking proposed by this scheme would be likely to increase indiscriminate on street parking in an area of acknowledged parking stress. This increase in on street parking may lead to highway and pedestrian safety issues.

The scheme would therefore fail policies 10A of the Eastbourne Core Strategy, Policies TR11 of the Eastbourne Borough Plan as well as paragraphs 32,56 -68 of the National Planning Policy Framework...'

Proposed Development:-

Following this committee resolution a revised submission was received; this revision involved the deletion of one (1 bedroom) ground floor apartment (adjacent to Bourne Motors on Cornfield Lane) with three parking spaces.

The off-street parking/garages has been rationalised across the entire development resulting in 13 accessible spaces with refuse and recycling stores. All of the garages have secure lateral garage doors.

Representations:-

195 letters were issued to the local community outlining that the Council were considering a revised proposal and as a result of this further round of consultation the following representations were received:-

- 2 letters of support commenting in the main on the following issues
 - Church has reached the end of its life
 - Would provide much needed housing

- 13 letters of objection commenting in the main on the following issues
 - Roads in the area are too narrow
 - Insufficient parking
 - Not enough parking for the scheme
 - Number of spaces should reflect the number of flats
 - Significant parking problems in the area
 - Very limited disabled parking for the scheme
 - Overlooking issues
 - Noise
 - General disturbance in the area potential for ASB issues
 - Overdevelopment of the site/area
 - Too many flats and those that are provided are too small
 - Potential for refuse and fire safety is the narrow lanes/streets are blocked by indiscriminate parking
 - Increase in localised pollution by cars driving around trying to find an on-street parking space
 - Units may be sublet, this may have wider social and site issues/factors

- ESCC Highways have responded to the revised scheme with the following comments and their full response is appended to this report for information purposes in Appendix 2. In summary their comments are as follows:-
 - Support for the principle of the development
 - Main issue is related to the limited parking provided, however given the location, the availability of on street parking and parking permits and the previous use on the site a severe impact is unlikely and a refusal based solely on limited parking could not be supported.
 - The site is considered to be in a sustainable location.
 - Recommend that conditions are applied to any approval covering the following issues
 - No occupation until accesses have been constructed
 - Cycle parking
 - Construction Management Plan to be submitted
 - No surface water to discharge onto the highway
 - No occupation until car park layout has been provided
 - Dropped kerb details

- Travel Plan to be submitted

Officer comments:-

It is acknowledged that the extent of the off street car parking has been increased from the first scheme and that the level of parking proposed presents the maximum potential if the historic fabric of the existing building is to be retained.

Officers have acknowledged the views/recommendations of Members from the May Planning Committee however without the support of the Highways Authority a refusal based solely on the lack of off-street parking and or the impacts upon the local road network by indiscriminate on-street parking could not be sustained.

Officers are maintaining their support for the scheme for the reasons contained within the May report which is attached in full below Appendix 1.

Recommendation:-

Grant Planning permission subject to S106 to cover local employment initiatives and affordable housing delivery.

- 1 Time Limit**
- 2 Approved Drawings**
- 3 External Materials**
- 4 Hard and soft landscaping**
- 5 Demolition and construction method statement outlining:**
 - **Building recording prior to demolition**
 - **how salvaged materials key features will be removed/stored and reused**
 - **façade retention safeguarded**
 - **Hours of operation**
 - **Site storage and welfare facilities**
 - **Routes for demolition and delivery vehicles**
 - **Parking regimes for construction workers vehicles**
- 6 SUDS**
- 7 parking to be provided and made available before use commences**
- 8 cycle parking provided and made available before use commences**
- 9 Refuse/recycling before the uses commences**
- 10 No occupation until access have been constructed**
- 11 No surface water to discharge onto the highway**
- 12 Details of dropped kerbs to be supplied**
- 13 Travel Plan to be submitted**

The officers report from Mays committee is appended to this report.

APPENDIX No 1 Officers Report May 2017

App.No: 170156 (PPP)	Decision Due Date: 12 May 2017	Ward: Meads
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Officer: Neil Holdsworth	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 10 March 2017		
Neighbour Con Expiry: 10 March 2017		
Press Notice(s): Published 20 February 2017		
Over 8/13 week reason: reported to committee out of time given committee cycle and requests for further drawings/information		
Location: St Andrews United Reformed Church, Cornfield Lane, Eastbourne		
Proposal: Demolition of St Andrews Church and Albury House behind retained facade to Blackwater Road. Construction of 3-4 Storey building comprising 36 residential units and 11 parking spaces accessed from Wish Road and Cornfield Lane		
Applicant: Rev David Yule		
Recommendation: Approve subject to Conditions and S106 covering affordable housing and local employment issues.		

Executive Summary:

Members will recall that the Emanuel Churches of Eastbourne are coming together to form a common congregation and that this congregation would occupy the redeveloped United Reform Church site in Upperton Road (currently subject to S106 legal agreement).

Members were informed at the application stage of the Upperton Road redevelopment scheme that in order for the new development to commence/conclude then the church community would have to fully realise their assets; in some part this meant that the redundant and vacant sites would need to be redeveloped with the monies raised contributing to the realisation of their new project/scheme. This application therefore relates to one of their vacated sites and as such it is considered that the redevelopment of the United Reform Church site is a material consideration that should be given significant weight in the assessment/decision of this scheme.

Proposed development in terms of retained historical fabric, scale, mass and design of new building are such that the development is considered to be acceptable in broad townscape terms.

When assessed against the lawful use of the site it is considered that the limited number of off street car parking spaces proposed is acceptable and should not give rise to any material highways impacts.

The scheme is recommended for Conditional approval subject to S106 agreement to cover affordable housing and local employment issues.

Planning Status:

St Andrews Church is a vacant locally listed building located within an area of high townscape value in Eastbourne Town Centre.

Eastbourne Core Strategy Policy

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Development Sustainable Neighbourhood

C1 Town Centre Neighbourhood Policy

D1 Sustainable Development

D5 Housing

D8 Travel Demands

D10 Historic Environment Building of Local Interest

D10 Historic Environment Area of High Townscape Value

D10A Design

LCF21 Retention of Community Facilities

Borough Plan Policies

Eastbourne Borough Plan 2001-2011

UHT 2 Height of Buildings

UHT 4 Visual Amenity

UHT16 Area of High Townscape Value

UHT18 Buildings of Local Interest

UHT 19 Retention of Historic Buildings

HO2 Predominantly Residential Areas

HO18 Accessible Housing

NE14 Source Protection Zone

TR11 Car Parking

TR12 Parking for those with mobility issues

Site Description:

The application site relates to a now vacant church building (Gothic Style 1878) with ancillary mid-20th Century buildings, these are located on a corner plot at the junction of Blackwater Road, Cornfield Lane and Wish Road. It is acknowledged that in hierarchy terms Blackwater Road is the principle highway with Wish Road and Cornfield Lane being principally service roads that provide rear access to residential units and also commercial businesses.

The existing accommodation covers virtually the whole of the application plot and in broad terms there are no significant changes of level across the site.

The site is located outside but adjacent to the boundary with the Town Centre and Seafront Conservation Area.

Relevant Planning History:

St Andrews Church was designed by F.J. Baker in 1878, as a Presbyterian place of worship to serve the Lower Meads community. The church was built over a 20 year period and extended to the south to incorporate accommodation for the church warden. Albury House is a more recent addition and is currently used in part by Eastbourne Food Bank.

The building was deemed by Historic England as not of nationally noteworthy quality for it to be Statutory Listed, notwithstanding this the building has been identified as having some merits and appears on Eastbourne's Local List of Heritage assets.

The applicant has supplied evidence outlining the repair works required within their 5 year maintenance programme. This evidence confirmed that the building was beyond economical repair/maintenance such that the building (for public use) is uninsurable, hence the building is now vacant with the congregation have relocated.

Proposed development:

Application proposes the façade retention of the key elevations of the existing church building facing Blackwater Road and Wish Road. All other parts of the Church and ancillary buildings are to be demolished to be replaced with a new building comprising 36 flats (27 X 1 bedroom flats and 9 X 2 bedroom flats), the full mix of the units and its relationship to the National Space Standards is outlined below.

The development has a broadly 'J' shaped footprint with:-

- 7 flats, 10 spaces and central courtyard on the ground floor
- 11 flats on the first floor
- 11 flats on the second floor
- 7 flats on the third floor (within roof space)

There are three pedestrian access points to the development two to/from Cornfield Lane and the other from Wish Road, all flats within the development will have access to a lift.

The scheme proposes 10 car parking spaces including 1 disabled space, these car parking spaces are located within two blocks, 6 spaces accessed via Cornfield Lane and 4 spaces accessed off Wish Road. Within these car parking areas there is also accommodation for cycle and refuse stores. These car parking areas will include horizontal sliding doors, this would provide defensible space for the car park holders and also reduce the impacts of anti-social behaviour that can often be associated with undercroft parking areas.

A central landscaped amenity area is also proposed, this provides circulation to and around all elements of the scheme as well as providing the potential for some soft landscaping.

Flat No/Type/location	Proposed Space	National Space Standards
GROUND FLOOR		
10 Car Parking Spaces Central Courtyard Garden		
1 X 2 Bed-3 Person	63	61
2 X 1 Bed-2 Person	55	50
3 X 1 Bed-2 Person	63	50
4 X 1 Bed-2 Person	87	50
5 X 2 Bed-3 Person	70	61
6 X 2 Bed-3 Person	88	61
7 X 1 Bed-2 Person	72	50

FIRST FLOOR		
8 X 2 Bed-3 Person	64	61
9 X 1 Bed-2 Person	55	50
10 X 1 Bed-2 Person	58	50
11 X 1 Bed-2 Person	58	50
12 X 1 Bed-2 Person	65	50
13 X 1 Bed-2 Person	87	50
14 X 2 Bed-3 Person	69	61
15 X 2 Bed-3 Person	70	61
16 X 1 Bed-2 Person	71	50
17 X 1 Bed-2 Person	50	50
18 X 1 Bed-2 Person	53	50
SECOND FLOR		
19 X 2 Bed-3 Person	63	61
20 X 1 Bed-2 Person	57	50
21 X 1 Bed-2 Person	60	50
22 X 1 Bed-2 Person	60	50
23 X 1 Bed-2 Person	65	50
24 X 1 Bed-2 Person	87	50
25 X 2 Bed-3 Person	72	61
26 X 2 Bed-3 Person	69	61
27 X 1 Bed-2 Person	71	50
28 X 1 Bed-2 Person	51	50
29 X 1 Bed-2 Person	53	50
THIRD FLOOR		
30 X 1 Bed-2 Person	57	50
31 X 1 Bed-2 Person	51	50
32 X 1 Bed-2 Person	60	50
33 X 1 Bed-2 Person	54	50
34 X 1 Bed-2 Person	54	50
35 X 1 Bed-2 Person	62	50
36 X 1 Bed-2 Person	60	50

The application is supported by a number of supporting information/reports; these are summarised below:-

Transport Assessment: *lawful use as a church had a parking demand which has is absorbed within the local highway network. The proposed development of 36 flats is likely to be attractive to those who chose to live/work in a town centre location and as such the impacts upon the local highway network directly from this scheme is neutral.*

The parking spaces provided by this scheme are of a size suitable for disabled drivers.

Both of the town centre churches forming the wider congregation (combined Emanuel churches) do not have any off street car parking for parishioners so in a wider town centre context the redevelopment of the Upperton United Reform Church with an element of off-street parking is considered to be an enhancement.

A parking capacity survey has been undertaken and this has concluded that there is sufficient capacity in the wider network to accommodate surplus parking and that this is mitigated by the sites proximity to town centre and thereby its accessibility to other services and public transport links.

Services Assessment Report: *the new building will be designed to 'Lifestyle Home' standards; incorporate sustainable drainage attenuation measures within the central courtyard/amenity area and the potential grey water harvesting will be explored at the detailed design stage.*

Historical Building Assessment: *This report concludes that from the perspective of the built heritage, it is considered that the proposed scheme will secure the significant elements of the heritage asset. It is considered that the archaeological potential of the site is low given the post medieval development on/near to the site.*

Historical Environment Report: *Since the last Quinquennial inspection was carried out an inspection has been made which has identified substantial problems with the existing installation requiring significant expenditure to rectify in order to obtain insurance cover for a public building. This and other structural/building fabric repair issues has led to the conclusion that the building is not fit for purpose and that any redevelopment should be respectful to the historic environment.*

Design and Access Statement: *Reaffirms the results from the Quinquennial report in that the building is beyond sustainable economic repair and that the building is uninsurable for/as a public building. The congregation are keen to ensure that the development on this site maximises the return such that it would assist in the delivery of their new combined church in Upperton Road*

The key features/assets from within the existing building (stained glass windows, pews, organ, slates) will be salvaged and reused. The scheme seeks to retain the two key facades onto Blackwater Road and also Wish Road; in addition other key roofline features will be salvaged and or rebuilt/reused at the site.

The D&A also recognises the wider benefits that this scheme brings to the town in that the four churches combining to form the new Emmanuel Congregation and Community Project are providing a new facility which will be available for the whole community to use fully funded by the net redevelopment proceeds and supplemented by substantial donations. Not only will the new church be an enhancement to Eastbourne, it will release much needed residential development on the three redundant church sites, two of which are in the Town centre and all are considered to be brownfield sites and thereby safeguarding/mitigating the needs for greenfield land. The redevelopment will also make full use of the latest Green technology.

Affordable Housing: *This statement outlines that the applicants will honour their affordable housing requirements for this scheme. Given the issues with pepper potting throughout the development it is acknowledged that the it is likely to result in an S106 to cover off site delivery.*

Consultations:

Internal:

Conservation Area Advisory Group: The Group applauded the proposal's intention to retain the facade of the local landmark building. The demolition of Albury House was considered acceptable in the circumstances given that the facade of the church would be retained. The Group supported the principle of the proposal's modern contemporary design and considered that in terms of conservation design it would form a good relationship with the surrounding conservation area.

Specialist Advisor (Economic Development) – S106 agreement to cover local labour agreement

Specialist Advisor (Planning Policy) – Support in principle, would deliver housing in a sustainable location, site has been identified in the SHLAA, would comply with the Meads Policy C11 of the core strategy by providing new housing through redevelopment and conversions in a mix of type and style, including affordable housing, within the existing urban area.

Specialist Advisor (Conservation) No objections to the proposal, key themes from response contained below

This applicant seeks permission to demolish the bulk of a well-established town centre worship centre and neighbouring building currently used for community purposes in order to create a significant apartment complex at the heart of the Town Centre. In total, the development site comprises a C19th church, associated halls dating back to the early C20th and a further mid C20th building. Unsurprisingly, the proposition has generated substantial interest, reflecting its high profile location, concern at the loss of (most of) a local landmark and a complex of detail issues related to apartment volume on site, access and parking. This consultation is necessarily limited in its scope, and can only consider issues relating to conservation and the site's heritage status, including attempts to fuse elements of the retained façade with new build in a residential campus context.

For context, it is worth noting that the project site does not form part of any Historic England national listing, though it is locally listed, and it sits outside the boundary of a Conservation area, although it is proximate to one. It also sits immediately behind Cornfield Terrace, which is group listed. An attempt was made to secure national listing, though this was unsuccessful, generating a response from Historic England that acknowledged its "pleasing" status whilst deeming it "architecturally undistinguished." The main features identified as of note in this assessment were the building's stained glass windows, to include pieces designed by Morris and Co and M C Farrar Bell, and it is heartening to discover that these will be removed and retained for use in the new combined Emmanuel Church that will house worshippers from St Andrews, and other sites across the borough, thereby safeguarding the building's most prized heritage assets for re-installation in a new setting.

In process terms, the item was presented to the borough's Conservation Area Advisory Group on 4 April 2017, where it was commended by members. The

Eastbourne Society planning advisor, in his written submission to CAAG, also applauded the application.

I share this positive reading of the development proposal and want to start my consultation by noting the widespread affection for a visible and popular building that has featured in so many local journeys through the town centre for over a century, effectively becoming a landmark local feature that is a treasured part of our collective municipal memory. This is reflected in its local listing. The retention of major elevations is a defining and highly commendable feature of the application, allowing for a new lease of life and continuing physical presence for some of the most visible parts of the existing building on the radically reconfigured site, effectively providing a bridge from an extended past, and a connector to, the unashamedly contemporary housing development at its rear. The remainder of the existing building will be demolished but materials from it, most notably slates, brick and stone work, will also be removed and re-used to support the renovation of the retained facades, further reinforcing the concept of fusion between old and new. Specific areas of heritage upgrade and advantage include the restoration of the fleche, the rebuilding of turrets and renovations to the stone tracery.

By contrast, the new-build element resists the temptation for a redbrick pastiche and instead opts for a strikingly contemporary design, whilst respecting the broad form and height of predecessor buildings. Overall, I think this works well, generating colour, texture and playfulness through the inventive use of colour panels, to derive a vibrant town centre aesthetic that takes inspiration from a vibrant and eclectic immediate location; one that successfully accommodates a diverse mix of retail, hospitality, commercial and residential uses. More specific feedback about enhancing the impact of entrance areas has been provided in face-to-face meetings with the applicants.

In my professional opinion, the application offers a pragmatic solution to changing times for a traditional faith institution, conserving key elements, including its most important facades, as an integral and embedded element of an exciting new complex that is heavily influenced by the site's history, context and surroundings. On this basis, I am happy to support the application.

Specialist Advisor (Waste) It is recommended that space is provided for 8 X 1280ltr bulk bins (4 refuse and 4 recycling). These bins should be located as close to the highway as possible.

External:

Environment Agency -

County Archaeologist – Conditional support of the scheme

Highways ESCC- require further design details to be clarified

SUDS – Required clarification on design issues to manage surface water runoff

Eastbourne Society – No comment directly received however they commented when the case was reported to Conservation Area Advisory Committee; this is reported in the Conservation Officers response (above).

Neighbour Representations:

20 Objections have been received and cover in the main the following points:

Noise and disturbance

The quietness of the area will be disturbed

Surrounded by narrow roads, may lead to highway issues

Need a method statement to ensure the highways network will not be impacted

Insufficient parking

Rain and waste water needs to be adequately dealt with

Existing business in the area, these should not be impacted by the development

New residents may complain about long standing existing businesses

Loss of an important local building is very regrettable

Loss of view would be harmful

Loss of light

Extra traffic generation

There is significant ASB in the area

Would it not be better to knock it down and start again?

No pavements in the area, pedestrian safety

Area overrun by cars

Development should be two beds to fit into the area

Lack of mix of properties through the scheme

Whole building should be converted

Overdeveloped

Lack of street lighting

Party walls around the site need to be retained

Overlooking potentially from the site

Is the stained glass window being retained?

Covered parking areas may increase ASB and litter issues

Flat roof may assist in access/trespass issues

Appraisal:

Principle of development:

The application relates to a brownfield site in a sustainable location within Eastbourne Town Centre which has been identified as being suitable for residential redevelopment within its Strategic Land Availability Assessment.

The scheme supports the retention/relocation of community facilities on an allied site (United Reform Church Upperton Road), it is considered that there is no objection in principle to the loss of community facility nor for it to be replaced by residential apartments.

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

The scheme has been designed to retain the important key facades/elements of the existing building and that the new build elements will fall within the existing silhouette of the existing main church building (as it abuts Blackwater Road, Wish Road and Cornfield Lane).

In addition as the new build element runs along Wish Road and Cornfield Lane it is acknowledged that the size and scale diminishes to a level that is more respectful to the scale of the buildings that form these streets. Given this the development should not give rise to any material increase in dominance nor result in any significant loss of light to the occupiers of the adjacent properties.

It is accepted that the development of apartments on this site will create habitable rooms and living spaces where none formerly existed and in some parts these are in elevated positions, however given this browfield site is located within Eastbourne Town Centre it is considered that the degree of separation between this development the occupiers of nearby residential properties is deemed acceptable and the scheme has been designed (with its window arrangement) to mitigate the overlooking that might ensue.

Design issues:

The building/scheme has been designed to attain BREEAM level 4, Lifestyle Homes standards and also flat sizes in excess of those recommended in the National Guidance.

It is accepted that majority of the apartments are single aspect however all habitable rooms are served via an external window that looks out either onto the street or over/into the internal courtyard amenity space. It is considered that this arrangement provides sufficient daylight/ventilation to the new apartments and as such in this regard it is considered to provide a quality form of living environment for the future occupiers of this block.

The internal courtyard/amenity space provides not only circulation around the development but also a private and secure landscaped area which is considered to be added value to the future residents of the scheme, especially given this town centre location. In addition this central courtyard area provides/enables the potential for an element of sustainable drainage to be implemented at the site. The precise details of this sustainable drainage will be controlled via planning condition however it is clear that to increase the degree/amount of permeable surfaces at the site and the inclusion of storage tanks would help to stem the run off rates of surface water and thereby make a positive enhancement to mitigating localised flooding.

All floors and thereby all apartments are served by passenger lifts; this does result in this development being accessible to all sectors of the community. In addition door entry system will also help to increase site security for residents.

The internal layout has been designed so that similar uses/activities (bathrooms/bedrooms/kitchens) are stacked over each other and thereby attempting to reduce the noise impacts from apartment to apartment. This is considered to add to the quality of the living environment for the future occupiers of this block.

Impact on character and setting of site and the surrounding area

It is accepted that the existing church building commands a prominent position within the street and the principle elevations command significant heritage value. However Heritage England in 1978 declined to Statutory List the building quoting: *...St Andrews United Reform Church, built in 1878 to the design of FJ Barker and extended in the early 20th Century is a pleasing but architecturally undistinguished*

late 19th Century red brick gothic revival church. Although it has some fittings of interest, including stained glass by Morris and Co, the interior is not of particular merit. While the church has townscape value and local historic interest, in the national context it lacks the special interest to warrant inclusion in the Statutory List..

Notwithstanding this the building has been placed on the Councils Local List of Heritage Buildings as recognition of its heritage asset value and the importance it visually makes to this street in particular and the wider street scene in general. The applicants have acknowledged this and are proposing the retention of two key facades (façade retention on Blackwater Road and Wish Road). It is considered that the façade retention and that the proposed new-build element is limited to the height of the existing silhouette help to mitigate the visual impacts of the development in the street scene.

In townscape terms and impact upon the character and appearance of this site and the wider area is deemed acceptable.

The new build element is separated from the heritage element by a simple link brick and glass element; these form the main stairway cores but also provide a visual transition between the old and the new. The elevations to the new build element utilize brick and render cladding, projecting windows under a standing seam metal faux pitched roof. It is considered that the design and appearance of the new build element is of sufficient quality to be respectful to but not compete with the main retained heritage element of the scheme.

Impacts on trees:

There are no trees on the site and therefore none impacted by this development. There is the potential to increase the biodiversity of the site with sensitive planting within the central landscape courtyard/amenity area.

Impacts on highway network or access:

A number of third party representations received highlight the lack of parking at the site as an overriding issue for them and that any displaced parking would have a significant impact upon the available on-street parking in the locality and may give rise to indiscriminate on street parking causing highway safety issues as well potentially impacting on local businesses.

In isolation it is clear that the scheme does not deliver the minimum off-street car parking spaces required by the number of apartments proposed. However this position is balanced by comparing the the lawful use of the site as a community building that operated without off-street spaces (for its congregation) since it opened and added to its town centre location in close proximity to goods/services and public transport links.

Given the awkward layout/footprint of the application site it is considered that the delivery of more spaces could not be accommodated without compromising the quality of the scheme. Further car parking spaces could be provided but this would be at the expense of the number of proposed flats, the loss of the internal amenity space, loss of the key facades as well as increasing significantly to the overall building costs which may impact the viability of the scheme.

Sustainable development implications:

The development has been designed to achieve BREAAAM level 4 and Lifetime homes standards as well as other sustainable initiatives like sustainable drainage and grey water harvesting. This scheme would therefore ensure that the new building would be built to high thermal efficiency standards and thereby reducing/mitigating the energy consumption. In addition by limiting the number of parking spaces at the site it may also encourage the use of other forms of transport that would support wider sustainable principles.

Other matters:

It is recognised that support for this scheme will in part support the wider community initiative of the delivery of the Upperton Road United Reform Church. Members will note that the principle of the Upperton Road United Reform Church has been accepted and its delivery in terms of support the amalgamation of four of Eastbourne congregations into one central hub is considered to be a material consideration that should be given significant weight in the assessment of this proposal.

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:

This scheme promotes a sustainable form of development in a highly sustainable location and as such is considered to accord with the National advice and also adopted local Plan Policies.

In addition it is acknowledged that the following key themes can be drawn in conclusion from the proposal:

- the scheme in isolation does not comply with the adopted parking standards however it is clear therefore that a judgement needs to be made as to where the overriding material consideration falls in the case. Officers have concluded that the impacts upon the local highway network are at worst neutral in comparison to the site lawful use. Given this town centre location a refusal based solely on the lack of car parking could not be substantiated.
- The existing church building is unsustainable by the present congregation in terms of its maintenance and repair regime and has had to be vacated owing to the lack of insurance cover, which is unobtainable in its present condition.
- That support for this scheme would support in part the wider Emanuel Church's ambition to realise a new community church on Upperton Road.
- Much needed town centre accommodation will be released by a sympathetic residential development which will include a contribution to affordable housing
- The profile and the existing key features of the existing church building has been used to limit the scale of the new development and thereby mitigating

the impacts into the street scene. In addition existing slates will be salvaged and reused.

- A comprehensive repair and resoration scheme to the retained facades will ensure the important features will not be lost.
- Existing stained glass will be removed and re-used in the Upperton Road United Reform Church.

Recommendation:

Grant Planning Permission subject to S106 to cover local employment initiatives and affordable housing delivery.

Conditions:

1 Time Limit

2 Approved Drawings

3 External Materials

4 Hard and soft landscaping

5 Demolition and construction method statement outlining:

14 Building recording prior to demolition

15 how salvaged materials key features will be removed/stored and reused

16 façade retention safeguarded

17 Hours of operation

18 Site storage and welfare facilities

19 Routes for demolition and delivery vehicles

20 Parking regimes for construction workers vehicles

6 SUDS

7 parking to be provided and made available before use commences

8 cycle parking provided and made available before use commences

9 Refuse/recycling before the uses commences

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**.

The full response from East Sussex County Highways Department is attached below as Appendix 2

APPENDIX 2

**To: Head of Planning
Eastbourne Borough Council
1 Grove Road, Eastbourne**
FAO: Neil Holdsworth



APPLICATION NUMBER	HW/17/0156
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Applicant: Rev David Yule

Location: St Andrews United Reformed Church, Cornfield Lane, Eastbourne East Sussex, BN21 4NG

Development: Demolition of St Andrews Church and Albury House behind retained façade to Blackwater Road. Construction of 3-4 Storey building comprising 35 residential units and 13 parking spaces accessed from Wish Road and Cornfield Lane

Road Name or Number	U2056/U2061/U2062	Consultation Date	14 February 2017	Use Class	
National Grid Reference	561213 98640	Contact Officer	Kate Bishop 01273 482254		

Highway Authority Position:

No objection		Objection	
No objection subject to the imposition of conditions	X	Objection due to insufficient information	

This response follows my previous comments dated 24th February 2017 following further information that has been submitted.

Summary

This application seeks approval for the change of use from Church (D2 use) to 35 residential units comprising of 1 & 2 bed flats. The main highway issue related to this proposal is the limited parking provided, however given the location, the availability of on street parking and parking permits, and the previous use on the site a severe impact is unlikely and a refusal based solely on limited parking provision could not be supported. The site is centrally located so is well connected to shops, services and public transport so can be considered to be in a sustainable location.

Car and Cycle Parking Provision

The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces. The Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 32 spaces provided all spaces are unallocated.

The 13 on-site parking spaces proposed (if they are all unallocated) fall significantly short of this figure by 19 spaces. The site is currently located in Zone S so parking is controlled and residents are required to purchase a permit before they can park in the area. Following consultation with the ESCC Parking Team, permits are still issued for this zone and there is no waiting list. It should be noted that the issue of a permit does not guarantee that space will be available on street. 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". This could be the case where adjacent streets are able to easily accommodate the increase in parking or where a low car ownership is proposed". A parking survey submitted by the applicant has established that there is adequate on street parking to accommodate the overspill parking.

The submitted plan (Drawing No.SAE.16/154 Rev F) indicates that the spaces will be accessed directly from Cornfield Road and Wish Road. While this arrangement is acceptable because the roads are unclassified and benefit from parking restrictions that allow free flow of traffic and emergency access, I have the following comments to make.

Garages with sliding doors are proposed; in order for garages to be included in the parking calculation they need to meet the required dimensions of 3m x 6m. In addition the garages are directly adjacent to the highway which would mean that any vehicle using the garages would have to wait within the carriageway for the doors to open.

Undercroft/carport parking could be provided as an alternative to garages provided it meets the required dimensions of 2.8m x 5m to ensure that drivers who reverse into the spaces (as recommended within the Highway Code) will be able to open their doors. Parking should be unallocated to ensure that parking is on a first come first serve basis to ensure maximum usage of these spaces.

In accordance with the East Sussex County Council's adopted parking standards a 1 or 2 bedroom flat should be provided with between 0.5 and 1 cycle spaces per unit depending on the level of communal storage. Therefore the 18 cycle parking spaces are adequate.

Pedestrian Access

The application proposes three new pedestrian access points, one onto Wish Road and two onto Cornfield Lane, the access into the East Foyer appears to be located where there is a metal cover in the footway. At this stage it is not clear what this serves, with the potential increase in footfall at this point this metal cover should be removed with the footway reinstated. In order to improve the pedestrian facilities in the area dropped kerbs and tactile paving should be provided across both Cornfield Lane and Wish Road at the junction with Blackwater Road. As the implementation of dropped kerbs and access works would be minimal it can be secured through a planning condition and involve applicant entering into a Licence agreement with the County Council which would need to be agreed prior to commencement of development. It is also noted that there is a section of dropped kerb along Cornfield Lane with access to the church entrance, this will become redundant as part of this proposal and as such will need to be removed with kerbing reinstated.

It is understood that the existing section of church wall (East side) fronting Cornfield Lane is to be rebuilt and replaced. If possible it would be beneficial to set the wall back increasing the width of the footway to a minimum of 1.8m which would allow greater use of the footway for any residents accessing the East Entrance. The footways along Cornfield Lane are limited and as such the use of Blackwater Road onto Cornfield Road may be a preferable route. If this is an option the additional width would need to be dedicated as highway.

Traffic Generation and Impact

The site is currently occupied by a building previously used as a Church. The submitted Transport Statement has used the TRICS database to consider the number of trips that would be associated with the proposed development. Having looked at these figures and carried out my own analysis using TRICS it is evident that the proposal will result in approximately 65-87 vehicular trips per day. Although it is difficult to assess the number of trips associated with the existing use class it is likely that a similar level of trips could be associated with the building if utilised to its full. Taking the above observations into account I would have no major concerns with the impact this development would have on the site access or the surrounding highway network.

Accessibility

There are a variety of travel choices available in Eastbourne. The site is located within walking distance of the bus stops and the Railway Station both providing regular services for onward journeys. There is good access to shops and other services which will limit the need to travel by car. While I consider this to be a sustainable site in transport terms I recommend the developer/applicant submit a Travel Plan Statement which will include measures to increase residents' awareness and use of sustainable travel options which would help reduce the level of car ownership and parking demand.

Waste Collection

The plans have been revised and now indicate a separate access to the bin store both to the rear of the parking spaces located off Cornfield Lane and Wish Road. The waste team would need to have access to this bin storage to prevent the need for kerbside collection.

3. Construction

Taking into account the restricted access and area for loading/unloading area a Construction Traffic Management Plan would need to be provided with details to be agreed.

4. Conditions

Should the Local Planning Authority be minded to approve this planning application an amended plan showing the removal of the garage doors,

increase in width of car ports/undercroft parking and confirmation that the waste team will have access the bin storage area, I also recommend that any consent shall include the following attached conditions

1. No part of the development shall be occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

2. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

3. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Reason: In the interests of highway safety and the amenities of the area.

4. No part of the development shall be occupied until provision has been made within the site, in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

5. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

6. No part of the development shall commence until details have been submitted and approved by the Local Planning Authority in consultation with the Highway Authority to implement dropped kerbs (including tactile paving) across Wish Road

and Cornfield Lane at the junction with Blackwater Road and be provided prior to occupation in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To enhance non-car travel options in accordance with current sustainable transport policies.

7. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport

Notes

The off-site works (dropped kerbs/tactile paving /remedial works to footway) and construction of the new accesses will need to be carried out under the appropriate licence. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.

Signed: Kate Bishop Date: 20/7/17

For Director of Communities, Economy and Transport
On behalf of the Highway Authority

HT401

App.No: 170822	Decision Due Date: 17 August 2017	Ward: Meads
Officer: Chloe Timm	Site visit date: 25 July 2017	Type: Planning Permission
Site Notice(s) Expiry date: 15 July 2017		
Neighbour Con Expiry: 15 July 2017		
Press Notice(s): 30 June 2017		
Over 8/13 week reason: Given committee cycles the applicaton is reported outside of the 8 week determined period; an extension of time is being negotiated.		
Location: The Pilot, 89 Meads Street, Eastbourne		
Proposal: Two storey extension to the rear of existing building to include demolition of the existing disabled toilet and the construction of a new formal restaurant area with new disabled toilet and new managers studio flat at first floor level.		
Applicant: Ms Lisa Carter		
Recommendation: Approve Conditionally		

Executive Summary:

This application is seeking permission for an additional rear extension to the property. The proposal is a two storey extension with the ground floor forming an extended restaurant area with new disabled access toilet and the first floor being for staff living accommodation.

It is considered that the proposed developments are acceptable and would accord with National Advice and Local Policies.

The application has had a number of objections from neighbours, following review of the application there is not sufficient adverse impacts to neighbouring properties or to the character of the immediate and wider area to warrant refusal in this case. The application is recommended for approval subject to conditions.

Planning Status:

The pilot is a well-established public house located in the heart of the Meads area of Eastbourne.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C11 Meads Neighbourhood Policy
- D5 Housing
- D10 Historic Environment
- D10a Design

Eastbourne Borough Plan Saved Policies 2007

- UHT15 Conservation Area
- HO2 Predominantly Residential Areas
- NE14 Source Protection Zone
- HO20 Residential Amenity
- UHT4 Visual Amenity

Site Description:

The site consists of a two storey public house with existing single storey rear extension located on the corner of Meads Street and Holywell Road in the heart of the Meads Conservation Area.

The site benefits from having a courtyard garden and also a carpark court to the rear of the property containing 15 spaces.

Relevant Planning History:

EB/1961/0052

Provision of car park and alterations to enlarge vehicle access
Approved Unconditional
1961-01-26

120079

Installation of metal fire escape from the first floor accommodation at the rear and erection of secure external store unit in car park.
Planning Permission
Approved conditionally
05/04/2012

120195

Installation of a replacement ventilation/extraction duct on the side/rear elevation.
Planning Permission

Approved conditionally
27/04/2012

150047

Demolition of existing single storey toilet accommodation and external store enclosure, and erection of a single storey extension at the side to provide an enlarged restaurant area and toilet facilities, involving the rearrangement of the existing fire escape staircase to first floor.

Planning Permission

Approved conditionally

11/03/2015 this approval has been implanted at the site.

Proposed development:

The proposal is seeking permission for an additional rear two storey extension which will form a new dining restaurant area on the ground floor and studio flat for staff accommodation on the first floor.

The proposed extension will be approximately 10m by 6m and to maximum height of approximately 6.32m to the top of the pitched roof. The pitched roof will be half hipped to the southern gable facing the car park entrance.

Ground Floor

The proposal for the ground floor is to create an additional dining area (28 additional covers) for the already established restaurant at the Pilot Inn.

The development will see the existing disabled access toilet removed to create a corridor from the current to the new dining area and a new disabled access toilet installed into the new extension. The new extension will also create a new lobby and will house an internal staircase to the new proposed staff accommodation at first floor level.

To the south elevation will be new double doors into the new lobby with canopy above, to the east elevation will be three small windows, one to service the newly created disabled toilet and two for the new dining area. To the north elevation will be sliding doors leading to the courtyard garden and a separate window and to the West elevation will be bi-fold doors leading to the existing courtyard garden.

Solar shading will be erected to the North West corner of the new extension above the new proposed doorways leading to the existing courtyard garden.

First Floor

The first floor of the proposed extension will see the creation of a studio flat to be used as staff accommodation. The accommodation will be within the pitched roof of the extension.

To the East elevation will be four roof lights, to the West elevation will be one roof light, to the South elevation there are to be no windows to the first floor

and to the North elevation will be glazing to fit the shape of the pitched roof approximately 2m high and 3.94m wide.

Two chimneys will be installed, one to the West side of the extension to service a feature fireplace in the new proposed restaurant and one to the East side to service the new boiler for the accommodation.

A new refuse and recycling store will also be created to the East elevation which will see the relocation of the bins from the driveway entrance to an enclosed area out of public view to the rear facing the car park court.

The kerb within the existing carpark will be modified to provide wider access past the new proposed extension. Approximately 2.7m of the kerb will be removed.

Consultations:

Conservation Area Advisory Group:- The proposal was reported to the group as a Pre Application proposal. In response to the pre application proposal the Group felt that the scheme would have a neutral effect on the character and appearance of the conservation area but requested officers to negotiate revisions to the scheme.

Internal:

Specialist Advisor (Environmental Health) No objections subject to appropriate conditions relating to a construction method statement

Specialist Advisor (Conservation) No objections; their full response is outlined below:-

This application seeks consent for adaptations to the rear of a commercial property based within the Meads Conservation Area. The Pilot Inn is a popular and successful restaurant and bar situated on Meads Street, the main retail, service and social artery centre at the heart of the conservation area, and this proposal seeks to extend the footprint of the building to provide a new formal restaurant area and disabled WC at ground level, and with a new studio apartment for staff planned for the upper level. The site has already been extended over a number of previous alterations, to take account of changing patterns of consumption and growing demand for its current food and drink services. A pre-application for the build has already been presented to CAAG in May 2017, and following feedback at that session this proposal seeks to adopt a more integrative approach, to address the challenge of creeping drift at the back of the building, one of the issues identified at that CAAG session.

In broad terms, the application mainly aims to rationalise the incremental architectural clutter in a more coherent way. This is addressed by a proposal to demolish an existing toilet block and establishing food and disabled washroom facilities within a single new building, thereby establishing a clearer flow between elements of the pub, as well as stronger framing at its

rear. Efforts have also been made to reduce the impact of an earlier contemporary window design and to design out the potential for overlook from the new studio apartment into residential property on Meads Street. The area to the side and rear of the car park is overlooked by the rear of other adjacent property, to include a mix of period housing and high-volume modern apartments. There is no sense that works planned will detract from this view, or create an additional adverse effect.

In my professional opinion, the application has taken on board feedback from CAAG, helpfully addressing a number of concerns raised about bulk, form and creeping drift in a capable way, such that the item now presents acceptably. As such, I do not wish to register an objection.

External:

Highways ESCC request further survey work is undertaken to ascertain the availability of spaces within the car park in order to ensure that an appropriate level of parking is retained to support the proposal.

Neighbour Representations:

8 representations have been received commenting in the main on the following issues:

- The size of the proposal will cause loss of amenity, light and privacy to adjoining neighbours.
- Concerns over the premises being used for live music, parties and functions.
- The amount of noise the new extension will cause with increased number of customers.
- Concerns the managers flat will be used for guest accommodation and not staff.
- Loss of car parking spaces causing The Pilot customers to park on the streets causing lack of parking for residents who pay permits for parking in the area.
- The proposal is overdevelopment of the site.
- The design of the proposal is not aesthetic to the surrounding Meads area.
- The new entrance to the extension will be closer to the residents and cause more noise.
- The movement of the kerb will bring vehicles closer to neighbouring properties.
- Encouragement for gulls to nest on the roof of the property
- Increased kitchen smells
- Outdoor lighting causes a nuisance to neighbouring properties.
- With an increase of customers there are concerns about an increase in noise and anti-social behaviour.

A letter of support was received from Downs Edge, Holywell Avenue, stating they welcome the moving of the refuse bins from adjacent their boundary,

the proposed extension is well thought out in terms of scale and massing, and would not have a detrimental impact upon their dwelling.

Appraisal:

Principle of development:

There is no objection in principle to the proposed development to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

The main issues to consider in the determination of this application are:

1. The effect the proposed development will have to the visual amenities of the surrounding conservation area
2. Implications/impacts upon residential amenity
3. Impacts upon highway parking
4. Expanding local enterprise

1. The effect the proposed development will have to the visual amenities of the surrounding conservation area

Design issues:

The proposed alterations to the building have been designed to be sympathetic to the building and are considered appropriate in terms of scale and bulk.

Impact on character and setting of a listed building or conservation area:

The scheme was reported to CAAG at pre application stage and obtained their support subject to detailed design issues; these recommended changes have been incorporated into this scheme and as such is considered to have the support of CAAG.

The property is an unlisted building located in the Meads Conservation area. Whilst the proposed extension is to the rear of the property it will be visible from the public highway due to the property being located on a corner plot and the access driveway to the side providing a view of the extension. However it is set back from the street scene with the majority of the proposal hidden behind the existing property and existing extension. It is not thought that the development will have a detrimental effect on the character of the Conservation Area.

2. Implications/impacts upon residential amenity

Adjoining occupiers

It is thought that the proposed development will not adversely affect the amenity of the adjoining properties of 81, 83, 85 and 87 Meads Street due to there being enough distance between the properties and the new proposal. The new proposed first floor may be visible from the properties but should not cause excessive loss of light or overshadowing.

79 Meads Street shares its boundary with the existing courtyard garden and the carpark of the site. The proposal will be visible from the rear garden of this property and will introduce overlooking into the rear garden, it is considered that this relationship gives rise to a potential for overlooking and as such may result in a loss of residential amenity. As the scheme is acceptable in all other respects it is recommended that the high-level gable end window is either, fitted with obscure glass and fixed shut, and/or deleted from the scheme. It is considered that there remain 4 roof lights with the development providing sufficient light and ventilation to this apartments and thereby providing an adequate living environment for the occupiers of the unit.

Noise and Nuisance

The proposal is for commercial purposes and will be used to increase the amount of covers connected to the existing restaurant of The Pilot and to provide staff accommodation above. Whilst there are resident concerns' regarding additional noise from the new location of the entrance lobby to the new restaurant area the site as existing currently is an entrance and exit to the courtyard garden, it is not thought that the new proposed entrance will cause any increase in noise to surrounding residents sufficient to substantiate a refusal of planning permission.

The removal of part of the kerb from inside the carpark is not thought to have any detrimental impact to the adjacent properties. The removal of the kerb is required to widen the access due to the layout of the carpark and the angle that vehicles will have to enter the carpark this will not bring vehicles any closer to the neighbouring properties and as such is not considered to be a determinative issue.

The new proposal incorporates a pitched roof and as such is common with many other developments across the town and there is nothing intrinsic to this design to encourage/discourage nesting birds. Any noise pollution issue that results from nesting birds will be investigated by Specialist Advisor (pollution) with appropriate action taken under environmental health legislation.

The proprietor will have to submit an application for variation to the license which will include any amendment to regulated entertainment, this issue will be determined under the relevant licencing legislation.

Conditions will be set to control construction management issues.

3. Impacts upon highway & parking

Parking & Highway Issues

Using current parking standards the existing pub would require 19 spaces and the extension would require a further 12 (31 in total). It is clear that this quantum (existing or proposed) cannot be accommodated within the existing off-street parking area connected with the pub and as such it is recognised that the pub has successfully operated with a lack of parking.

Given the parking scenario as outlined above it is acknowledged that the proposal will have the potential to place greater burden on the parking spaces within the existing parking court and also those available spaces on the wider public highway network. However it is considered that the loss of two spaces from the existing car park will be mitigated by requiring formal marking out of spaces thus ensuring that parking is more efficiently allocated and that the provision of cycle parking will encourage non-car trips.

The proposal will see the car parking spaces decrease from fifteen to thirteen. The Pilot is located within the heart of the Meads Conservation Area and also close to on the main shopping street of Meads and therefore there will always be demand for on street public parking. The loss of two parking spaces from The Pilot's dedicated carpark for the reasons outlined above is not thought to be enough to warrant refusal of the application when the scheme is acceptable in all other respects.

4. Expanding local enterprise/business

It is recognised that across the country there are many public houses that are closing with many being converted into residential properties, set against this background the desire of the owners to expand the current business is reflective of their current confidence and should be supported in principle.

It is considered that the expansion of the existing business would help to foster the local economy not only in terms of direct employees but also within the wider supply chain.

It is considered therefore that support for this initiative will help to sustain this important community facility into the future.

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:

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area, nor would the issues that result from the lack of parking be sufficient to justify a refusal of planning permission when the scheme is acceptable in all other respects. The proposal therefore complies with local and national policies and is recommended for approval subject to conditions.

Recommendation:

Approve Conditionally

Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22 June 2017:

- Drawing No. 1712-P-109 Proposed Ground Floor
- Drawing No. 1712-P-110 Proposed First Floor
- Drawing No. 1712-P-111 Proposed Roof Plan
- Drawing No. 1712-P-112 Proposed South Elevation
- Drawing No. 1712-P-113 Proposed East Elevation
- Drawing No. 1712-P-114 Proposed North Elevation
- Drawing No. 1712-P-115 Proposed West Sectional
- Drawing No. 1712-P-116 Existing and Proposed Parking

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

- 3) Works of construction or demolition, including the use of plant and machinery, necessary to implementation of this consent shall be limited to the following times.

Monday-Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted.

Reason: To protect the amenity of the surrounding properties.

- 4) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 5) The first floor accommodation hereby approved is to only be used by members of staff and at no time is to be used for separate residential or guest accommodation.

Reason: To protect the amenity of neighbouring properties and future occupiers.

- 6) Notwithstanding the details shown on the plans hereby approved the first floor window in the northern elevation facing no 79 Meads Street shall either be deleted from the proposal or be fitted with obscure glass and be non-openable. No further windows/doors/roof lights/dormer windows shall be inserted into the external fabric of the building without prior written approval from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

Informative

An application for variation to the license will need to be submitted prior to the use of the new ground floor of the extension.

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**.

COMMITTEE	PLANNING
DATE	29 August 2017
SUBJECT	Affordable Housing Supplementary Planning Document (SPD)
REPORT OF	Director of Strategy, Planning & Regeneration

Ward(s) All

Purpose To seek Planning Committee views on the Affordable Housing Supplementary Planning Document (SPD) that is due to be considered by Cabinet on 13 September 2017.

Contact Matt Hitchen, Senior Planning Policy Officer
1 Grove Road, Eastbourne
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations 1. That Planning Committee provide comments on the Affordable Housing SPD, which will be reported orally to Cabinet on 13 September 2017.

1.0 Introduction

1.1 There is an on-going need for the provision of affordable housing in Eastbourne. The private rented sector doubled in the period between 2001 and 2011 whilst the proportion of households that live in affordable housing and mainly rent from social housing landlords fell slightly over the same period. Analysis from the Strategic Housing Market Assessment (2017) suggests that this is a result of challenges with the delivery of affordable housing and increasing unaffordability of owner occupation as house prices have continued to rise, as without dual incomes and/or access to savings/equity the owner occupied market remains unaffordable to the vast majority of households.

1.2 A significant proportion of affordable housing is delivered through the planning system. As part of planning permissions, Local Plan policy requires that applicants for housing developments make a contribution towards the delivery of affordable housing, either on-site or elsewhere in the town.

1.3 As a result of changes in national policy and updated information on development viability, Eastbourne Borough Council has prepared a new Affordable Housing Supplementary Planning Document to update the position

relating to affordable housing contributions sought from development.

- 1.4 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.5 The Affordable Housing SPD will provide detailed explanation in support of the implementation of Policy D5: Housing of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.6 A draft Affordable Housing SPD was published for consultation with the local community and other stakeholders for an 8 week period between 26 May and 21 July 2017. The results of the consultation are detailed in this report.
- 1.7 In order for it to be a material consideration in the determination of planning applications and help to secure affordable housing contributions in development, the Affordable Housing SPD needs to be formally adopted by Full Council.

2.0 Background

- 2.1 Policy D5: Housing of the Eastbourne Core Strategy Local Plan, which was adopted in 2013, required all development involving a net increase in housing units to make a contribution towards affordable housing. As market conditions vary across the town, the level of contribution required varies across the town. The level of contribution represents a starting point that can be negotiated if evidence can prove it would make development unviable.
- 2.2 In 2013, an Affordable Housing Implementation Technical Note was published, which provided an explanation of how Policy D5 will be implemented, including the type of affordable housing to be sought, how the financial viability of development will be assessed and how any commuted sum payments will be calculated.
- 2.3 However, in 2014 the Government introduced a policy through a Written Ministerial Statement whereby developments of 10 units or less would be exempt from affordable housing contributions. This policy has since been transposed into national planning guidance¹. This means that Core Strategy Policy D5 can no longer be implemented as it was originally intended and now contributions can only be sought of developments of 11 units or more.
- 2.4 The Affordable Housing SPD updates the Affordable Housing Implementation

¹ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

Technical Note to take account of the changes to the contribution threshold, and also to update the considerations that will be taken into account in assessing viability of development and the indicative values used to calculate commuted sums.

3.0 Approach to Affordable Housing Contributions

- 3.1 National Planning Guidance is clear that planning obligations, including those in the form of affordable housing contributions, should not prevent development from coming forward².
- 3.2 In order to take account of development viability, the Core Strategy divides the neighbourhoods in the town into 'High Value' and 'Low Value' neighbourhoods, which reflects disparity between house prices and impacts on the viability of development. This is established through Core Strategy Policy D5 and cannot be changed through this SPD.
- 3.3 Since the introduction of the national threshold, an affordable housing contribution will be required where a development results in the creation of 11 or more residential units. The strong presumption is that the affordable housing contribution should be delivered on-site, unless off-site provision, free serviced land or a financial contribution (commuted sum) in lieu of on-site provision can be robustly justified.
- 3.4 Through Core Strategy Policy D5, the starting point for affordable housing contribution is set at 40% in 'High Value' neighbourhoods and 30% in 'Low Value' neighbourhoods. For example, for a development of 15 residential units in a 'High Value' neighbourhood, the affordable housing contribution would be 6 affordable units (15 x 40% = 6).
- 3.5 Where evidence proves that this level of contribution will not result in a viable development, the contribution can be negotiated to a level that will enable a viable development.
- 3.6 The new SPD, which will replace the 2013 Affordable Housing Implementation Technical Note, sets out:
- Policy requirement for the delivery of affordable housing on all residential development sites;
 - Type and standard of affordable housing that is likely to be sought;
 - Assessment of financial viability of the development;
 - Calculation of any commuted sum payments;
 - Delivery agencies for the affordable housing.

4.0 Planning application process

² <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 004 Reference ID: 23b-004-20150326)

- 4.1 The SPD provides a detailed summary of the stages involved in seeking affordable housing contributions, from pre-application stage through to submission and determination of a planning application.
- 4.2 Applicants are encouraged to undertake pre-application discussion to discuss financial viability to deliver the affordable housing requirements. During these discussions, regard will be made to:
- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
 - The location and character of the site;
 - The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
 - The current availability of affordable housing in the local area when measured against demand for such accommodation; and
 - Any updated national policy and/or guidance to be implemented.
- 4.3 If a developer considers that the mandatory requirements of the affordable housing policy cannot be met on a particular site, this must be justified in an evidenced and 'open-book' financial viability assessment and supporting statement, including all necessary information to demonstrate and justify residual values. If an independent opinion from a viability expert is required to corroborate the evidence, this will be at the expense of the applicant.

5.0 Commuted Sum

- 5.1 If it is not possible to deliver affordable housing on-site or off-site, or if the required contribution results in a percentage of an affordable unit to be delivered, then commuted sum payments will be considered. The SPD sets out how commuted sums will be calculated.
- 5.2 The SPD sets out an affordable housing payment table, which identifies the required financial contribution per square metre for different types and sizes of development. This is used to calculate what total financial contribution is required towards affordable housing.
- 5.3 In the 'Low Value' Market Areas, negative viability is likely to be demonstrated for some types of residential development if the affordable housing policy is delivered. Where the commuted sum payment table in the SPD (Appendix 3, Table 3, p24) shows a potential negative viability level within the 'Low Value' Market Area, a commuted sum payment will not be requested. Also, if a commuted sum requirement equates to less than £1,000 for the whole development scheme, then a financial contribution will not be sought for the development.

6.0 Consultation

6.1 The Draft SPD was published for consultation for an 8 week period between 26 May and 21 July 2017. During the consultation on the Affordable Housing SPD, a total of 8 representations were received. This included representations from Bespoke, Natural England, Southern Water, East Dean & Friston Parish Council, RentPlus, Highways England and Historic England, and one individual.

6.2 The representations and the recommended officer response to the representations are contained in Appendix 1. A schedule of changes recommended in light of those representations is provided as Appendix 2. An amended version of the Affordable Housing SPD as a result of the recommended changes is provided as Appendix 3. A summary of the main issues raised during the consultation is provided below.

6.3 Consistency with emerging national policy approach

6.3.1 A representation raised a concern that the starting point for negotiating tenure mix does not yet reflect the emerging policy approach proposed by successive Government consultations, which seek to widen the definition to allow an even more flexible and responsive set of tenures. The representation considers that it is necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough.

6.3.2 The starting point for tenure mix of affordable housing is identified in Core Strategy Policy D5: Housing as being 70:30 Rented to 'shared ownership', and it is not possible to change adopted policy through a SPD. However, the SPD does state that there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs, and that the Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.

6.3.3 Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.

6.4 Space and Accessibility Standards

6.4.1 A representation raised a concern that the space and accessibility standards identified in the SPD are not contained in Local Plan policy, and the cumulative impacts of standards could create a burden on viability of

development. It is therefore not consistent with the national Planning Policy Guidance.

6.4.2 It is accepted that the national space standards are not reflected in local policy due to the Core Strategy being adopted prior to the publication of the DCLG's Space Standards in March 2015. However, Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes *protect(ing) the residential and environmental amenity of existing and future residents*. The national space standards are considered to be an acceptable guide as to what level of space provision would be required in order to ensure that residential amenity is not adversely impacted, and therefore how Core Strategy Policy B2 is applied.

6.4.3 It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.

6.4.4 However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.

6.5 Infrastructure and design issues

6.5.1 A representation raised a concern that there is no real vision for how housing can provide anything wider than just the buildings themselves, and that the SPD does not refer to design and sustainable travel options. In addition, another representation requested that the SPD consider traffic flows in and out of town.

6.5.2 In response to these representations, it should be noted that the Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy D5). It is not within the scope of the Affordable Housing SPD to consider design or infrastructure. These issues will be considered through the preparation of the new Eastbourne Local Plan.

7.0 Conclusion

7.1 A new Affordable Housing SPD has been prepared to provide updated detail on the implementation of Core Strategy Policy D5: Housing, specifically in relation to affordable housing contributions. The new SPD will replace the existing Affordable Housing Implementation Technical Note and reflects changes in national policy and development viability in Eastbourne.

- 7.2 Public consultation was undertaken on a draft Affordable Housing SPD, resulting in 8 representations being received. As a result of these representations, a small number of modifications to the Affordable Housing SPD are recommended.
- 7.3 The SPD will need to be adopted by Full Council before it can be used to help secure affordable housing through development proposals. Planning Committee is asked for their views on the final version of the Affordable Housing SPD, which will be reported orally to Cabinet on 13 September 2017 before going to Full Council on 15 November 2017.
-

Background Papers:

- Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)
- Affordable Housing Supplementary Planning Document (EBC, 2017)
- Affordable Housing SPD Sustainability Appraisal Screening Report (EBC, 2017)
- Affordable Housing SPD – Statement of Consultation (EBC, 2017)
- Affordable Housing SPD Equalities Impact Assessment (EBC, 2017)
- Strategic Housing Market Assessment (Arc4, 2017)
- National Planning Policy Framework (DCLG, 2012)
- Town & Country Planning (Local Planning) (England) Regulation 2012

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

APPENDIX 1

Table of Representations Received on Draft Affordable Housing SPD

Rep ID	Name	Representation	Officer Response
AH_SPD/1	Paul Humphreys (Bespoke)	<p>There is no real vision of how housing developments can provide anything wider than just the buildings themselves.</p> <p>Bespoke want the SPD to reflect a vision of a more sustainable town with active travel options. I would refer you to Wealden generally, but Hailsham specifically, as to good practice and what is required. They have the idea of a green corridor for active travel with each new development connecting to this solution. In Wealden this is an enhanced Cuckoo Trail.</p> <p>Design should ensure that there are direct routes for pedestrians and cyclists. Too often meandering streets are built to slow traffic but add to the distance for pedestrians. Designs should have permeability for non-vehicle traffic and given this as pre-design guidance</p> <p>Design should ensure that cars cannot, or need not park, on the pavements.</p> <p>Build community resources, open spaces and schools that people can get to without the need for driving</p>	<p>The Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy D5). It is not within the scope of the Affordable Housing SPD to consider how development can provide anything wider than just the buildings themselves, or to introduce active travel options.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will review all planning policy and create new policies for the growth of the town over the plan period. Issues such as design and travel options could be considered through the new Local Plan.</p>
AH_SPD/2	Gaurav Bijlani	<p>I am glad you are thinking of affordable housing.</p> <p>I would like you to look at traffic flow in and out of town and near A27, DGH, Lottbridge roundabout etc.</p> <p>As we are growing as a community, we need traffic to flow and make this town inviting to habitants and visitors alike.</p> <p>If part of affordable housing funding is used for 21st century would be appreciated.</p>	<p>The Affordable Housing SPD provides guidance on the implementation of an existing policy (Core Strategy Policy D5), and therefore cannot address issues relating to highways infrastructure.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will consider the level of growth required in Eastbourne over that period, and identify the infrastructure issues that need addressing to accommodate</p>

Rep ID	Name	Representation	Officer Response
			that growth, including addressing issues associated with highways.
AH_SPD/3	Sharon Jenkins (Natural England)	Whilst we welcome this opportunity to give our views, the topic of the Affordable Housing Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Comments noted.
AH_SPD/4	Charlotte Mayall (Southern Water)	I confirm we have reviewed the document, and that Southern Water has no comments to make at this time.	Comments noted.
AH_SPD/5	Katrina Larkin (East Dean & Friston Parish Council)	East Dean and Friston parish council's planning committee took note of your draft Affordable Housing SPD at their meeting on 20th June 2017. They generally welcome your proposals, and thank you for giving them the opportunity to comment, but do not wish to make any specific comments on the draft.	Comments noted.
AH_SPD/6	Meghan Rossiter (Tetlow King Planning) on behalf of Rentplus	The starting point for negotiating tenure mix, whilst in line with existing policy, does not yet reflect the emerging policy approach proposed by successive Government consultations. This includes the introduction of rent to buy within the National Planning Policy Framework, which sought to widen the definition to allow an even more flexible and responsive set of tenures that better reflects the reality of delivering affordable housing across the country. Whilst Eastbourne experiences a continued acute need for affordable housing, particularly for family sized housing, it is considered necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough. Rent to buy is not an intermediate tenure, instead being defined more clearly as a hybrid, providing affordable rent for the period in which tenants save towards full purchase	It is appreciated that national policy with regards to the definitions of affordable housing is likely to evolve over time. With this in mind, the Introduction of the Affordable Housing SPD explains that the document 'has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence'. In addition, para 2.2 of the SPD refers to future changes in the definitions of affordable housing superseding the definitions set out in the SPD. In terms of tenure mix, the starting point is identified in Core Strategy Policy D5: Housing as being 70:30 rented to 'shared ownership', and it is not possible to change adopted policy through a SPD. However, Core Strategy Policy D5 states that proposals for

Rep ID	Name	Representation	Officer Response
		<p>of their home. As tenants rent for between 5 to 20 years at an affordable rent the model does not fit within the current definition of intermediate housing; the specifics of the Rentplus model are discussed more fully in the enclosed Statement. As a hybrid model, the tenure enables households to access affordable rented housing that does not require them later to move house in order to purchase, or to staircase ownership; this gives rent to buy households the certainty of a secure tenancy and the ability to achieve their aspiration to own their own home. For the duration of the tenancy the homes are managed by the partner Registered Provider, enabling the family time to integrate with the surrounding community and contribute to their local area. This contributes to the creation of stable and balanced communities.</p> <p>The Rentplus model seeks to enhance the affordable housing already being delivered in the borough, either as a standalone product or as part of the overall affordable housing offer on mixed development sites. With house prices and rents continuing to rise beyond reach for many within Reading, Rentplus provides an opportunity for those trapped by not being able to save for a mortgage deposit, to use an affordable rent period to save towards purchasing their home. This can have a real impact on affordability, improving the ability to deliver even more affordable housing on residential schemes across the Borough, and enabling even more households to access housing they can afford.</p>	<p>housing must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. The SPD explains that the affordable housing requirement will be applied in a flexible way on a site-by-site basis, and there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.</p> <p>In addition, Section 8 of the SPD explains that 'Eastbourne Borough Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Eastbourne Borough.' The intention is to maximise affordable housing in the Borough. To this end, the Council will work with a number of developers and providers, which may use different models and deliver various affordable housing tenure types.</p> <p>Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.</p>
AH_SPD/7	Meghan Rossiter (Tetlow King Planning) on behalf of Rentplus	Whilst paragraph 3.10 (and Section 6) indicates that the Council will seek to deliver all affordable housing in accordance with the nationally prescribed space and accessibility standards, the adopted Plan does not include these and the PPG specifically states:	It is accepted that the national space and accessibility standards are not reflected in local policy. This is due to the Core Strategy being adopted prior to the publication of the DCLG's Space Standards in March 2015. However, it is considered that the amount of space provided by accommodation can have a significant effect on residential

Rep ID	Name	Representation	Officer Response
		<p><i>"Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard."</i> (Paragraph: 018 Reference ID: 56-018-20150327)</p> <p><i>"Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations ... They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements."</i> (Paragraph: 008 Reference ID: 56-008-20160519)</p> <p>It is also important to note that the NPPF emphasises that the site and scale of development in plans should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. In order to be appropriate, the cumulative impact of these standards and policies should not put the implementation of the plan at serious risk; the implementation of the optional technical standards has potentially major consequences for viability and should only be considered through a review of the Eastbourne Plan. Introducing the standard through the SPD does not comply with the PPG and therefore all reference to the national space and accessibility standards should be removed until such time as the Borough Council introduces such policies in the Local Plan.</p>	<p>amenity, which may impact on the acceptability of a development proposal.</p> <p>Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes protect(ing) the residential and environmental amenity of existing and future residents. The national space standards are considered to be an acceptable guideline as to what level of space provision should be required in order to ensure that residential amenity is not adversely impacted.</p> <p>Whilst not meeting the space standards may not on its own be an acceptable reason for refusing development, it is considered the accommodation provided at significantly below this standard will have a negative impact on residential amenity and could be refused in accordance with Core Strategy Policy B2.</p> <p>It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.</p> <p>However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.</p> <p>In terms of accessibility standards, the SPD will be amended to make it clear that although it is the Council's desire to see affordable housing built to Level 2 of the Accessibility Standard and comply with require M4(2) in the</p>

Rep ID	Name	Representation	Officer Response
			Building Regulations, the Council is unable to insist upon this.
AH_SPD/8	David Bowie (Highways England)	Having reviewed the published documentation, we do not have any comments on the Eastbourne Borough Council Affordable Housing Supplementary Planning Document	Comments noted.
AH_SPD/9	Alan Byrne (Historic England)	Historic England has no comments to make, in our view the document deals with matters outside our remit and raises no issues that are likely to impact on the historic environment.	Comments noted.

APPENDIX 2

Schedule of Changes to the Draft Affordable Housing SPD

Note: Deleted text highlighted by ~~strikethrough~~. New text highlighted in red and underlined.

Ref	Section	Modification
C/1	Introduction – Status of Supplementary Planning Document	Amend para 1.18: This draft <u>The</u> Affordable Housing SPD has been prepared for <u>was subject to public</u> consultation with the local community and other stakeholders <u>between 26 May and 21 July 2017</u> .
C/2	Introduction – Status of Supplementary Planning Document	Amend para 1.19: Once adopted, the <u>The</u> Affordable Housing SPD will be <u>is</u> a material consideration in the determination of planning applications. It will then supersede <u>has superseded</u> the Affordable Housing Implementation Technical Note, which was adopted 2004 <u>2013</u> .
C/3	Introduction - Consultation	Delete para 1.20 to para 1.22.
C/4	Policy Guidance	Amend para 3.4: The Community Infrastructure Levy (CIL) Charging Area covers all areas within the local authority boundary excluding the South Downs National Park (the South Downs National Park <u>Authority</u> adopted CIL in April 2017). However, the regulations regarding CIL give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. Eastbourne has no affordable housing requirement on developments of 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). This reflects the national policy position on this matter.
C/5	Policy Guidance – Development Site Standards and Characteristics	Amend para 3.9: A particular site's characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size, taking into account the expected <u>space standards guidelines</u> for affordable housing. The Council's planning team will advise on the exact tenure, type and

Ref	Section	Modification
		size split on each site through pre-application discussions.
C/6	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.10:</p> <p>It is expected that affordable housing provided on-site will be subject to the same standards and be indistinguishable from the open market housing. The provision of on-site affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within market housing, in order to fully reflect the distribution of property types and sizes in the overall development. The Council understands that pepper-potting may not be possible on developments sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions will be required between the Council and the applicant/developer on a site-by site basis. It is expected that the nationally described space standards, as set out in Section 6 of this document, will also be adhered to. <u>In order for development to comply with Core Strategy Policy B2: Creating Sustainable Neighbourhoods, and in particular, protect the residential and environmental amenity of existing and future residents, the nationally described space standards will be used as a guideline as to what size of accommodation is desirable to ensure residential amenity is protected.</u></p>
C/7	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.12:</p> <p>The housing <u>proposals</u> should comply with <u>consider</u> all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.</p>
C/8	Policy Guidance – Development Site Standards and Characteristics	<p>Add new paragraph after para 3.12:</p> <p><u>Information gathered from the Council’s Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:</u></p> <ul style="list-style-type: none"> • <u>1 bedroom: 40 per cent;</u> • <u>2 bedrooms: 30 per cent;</u> • <u>3 bedrooms: 20 per cent; and</u> • <u>4+ bedrooms: 10 per cent.</u>
C/9	Policy Guidance – Delivery of	Amend para 3.16:

Ref	Section	Modification
	Affordable Housing Provision	The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider. A copy of the template of a Nominations Agreement will be attached as part of the Section 106 Agreement template. This will be made available at the moment the planning application is made.
C/10	Policy Obligations – Prioritisation of Affordable Housing	Amend bullet points in para 4.6: <ul style="list-style-type: none"> i. The Council’s on-site preferred mix; ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s); iii. A level of affordable housing on-site which is less than the specified threshold; iv. Serviced plots <u>onsite</u>; v. <u>Service plots offsite</u>; vi. <u>Transfer of land</u>; vii. A commuted sum
C/11	Policy Obligations – Section 106 agreements and Unilateral Undertakings	Add new paragraph after para 4.20: <p><u>Mortgagee in Possession Clauses</u></p> <p><u>In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.</u></p>
C/12	Expected Standards	Amend Section Heading: <p>Expected Standards <u>Guidance on Standards for Development</u></p>
C/13	Expected Standards	Amend para 6.1: <p>The Council’s expected space standards for affordable housing, taken from the DCLG document Technical housing standards – nationally described space standard are set out in Table 4. <u>The Council will use the nationally described space standards, taken from the DCLG Technical Housing Standards, as a guideline for space provision in housing development, including affordable housing, to ensure that development protects the residential amenity of existing and future residents in accordance with Core Strategy Policy</u></p>

Ref	Section	Modification
		B2: Creating Sustainable Neighbourhoods. The space standard guidelines are set out in Table 4.
C/14	Expected Standards – Quality of Design, Materials and Construction	<p>Amend para 6.4:</p> <p>The Council requires would prefer that all affordable homes to be built to Level 2 of the Accessibility Standard, and in all cases to comply with requirement M4(2) of Approved Document M: access to and use of buildings, volume 1: dwellings. There may also be a requirement desire for M4(3) category homes to be supplied on the site, which will be advised at the point of the planning application being submitted. Further information regarding building regulations is set out in the Department for Communities and Local Government’s Approved Documents.</p>
C/15	Appendix B – Commuted Sum Methodology	<p>In Appendix B, amend text:</p> <p>DVS have assessed the average development costs per unit type taking account of their own experience and similar studies carried out in the region as follows:</p> <p>Build Costs – BCIS median rates adjusted for location</p> <ul style="list-style-type: none"> a. Flats – £1,481 per sqm b. Houses – £1,216 per sqm c. Bungalows – £1,440 per sqm d. Site and Infrastructure Costs – Flats 10%, Houses and Bungalows 15% e. External Works – 5% f. Contingencies and Insurances – 4.5% g. Planning Fees – £500 per unit h. Survey Costs – £500 per unit <p>Professional Fees – 8.00 %</p> <p>Marketing and Sales Costs – 2% of sales value plus £600 per unit for legals</p> <p>Finance Costs – 7% including arrangement fees</p> <p>Land Costs – 1.75% fees etc plus holding cost of land for the development programme at 7%</p> <p>Developers Profit – 17.5% on private</p> <p>The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in Autumn 2016 and is set out in the tables</p>

Ref	Section	Modification
		<p><u>below. The Serviced Plot Value is derived from the difference between the Development Value and the Development Cost.</u></p>
C/16	Appendix B – Commuted Sum Methodology	In Appendix B, add Viability Appraisals for each type of unit.

APPENDIX 3

Affordable Housing Supplementary Planning Document (2017)

Eastbourne

AFFORDABLE HOUSING

Supplementary Planning Document



November 2017



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1.0 Introduction

- 1.1 There is an on-going need for the provision of affordable housing in Eastbourne. The private rented sector doubled in the period between 2001 and 2011 whilst the proportion of households that live in affordable housing and mainly rent from social housing landlords fell slightly over the same period. Analysis from the Strategic Housing Market Assessment (2017) suggests that this is a result of challenges with the delivery of affordable housing and increasing unaffordability of owner occupation as house prices have continued to rise, as without dual incomes and/or access to savings/equity the owner occupied market remains unaffordable to the vast majority of households.
- 1.2 A significant proportion of affordable housing is delivered through the planning system. As part of planning permissions, Local Plan policy requires that applicants for housing developments make a contribution towards the delivery of affordable housing, either on-site or elsewhere in the town.
- 1.3 As a result of changes in national policy and updated information on development viability, Eastbourne Borough Council is preparing a new Affordable Housing Supplementary Planning Document to update the position relating to affordable housing contributions sought from development.
- 1.4 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.

Background

- 1.5 The Borough of Eastbourne covers a total area of 4,500 hectares, a significant proportion of which is Downland (39 per cent) and located in the South Downs National Park. There is a limited supply of developable land given the urban area's tight confinement by the National Park, the sea, and land subject to flood risk. The Borough has recently seen a growing and increasingly diverse population established, with many younger families having moved to the area.
- 1.6 The Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) states that 'Eastbourne needs to provide new homes to meet local needs.' In 2006,

the South East Plan targeted the delivery of 4,800 dwellings in Eastbourne between 2006 and 2026. Over the plan period, this translated into an annual requirement of 240 dwellings per year. The Council saw 1,377 new homes built between 2006 and 2011, and gave permission for a further 1,035 to be completed. To ensure that Eastbourne provided a 15-year supply of housing on adoption of the Core Strategy, the remaining annual target was adjusted to 222 dwellings per year until 2027. This equates to a new overall total of 5,022 dwellings between 2006 and 2027.

1.7 According to the Eastbourne Strategic Housing Market Assessment [SHMA] (2017), the following demographic drivers will continue to influence the operation of the Eastbourne Housing Market Area:

- An increasing population, with a 19.2 per cent increase (19,600 additional people) between 2015 and 2039¹, and with a projected increase in all age cohorts and particular growth of those aged 65 and over;
- 2014-based DCLG household projections suggest that the total number of households in Eastbourne is expected to increase from 45,427 in 2015 to 59,285 in 2039, an increase of 23.4 per cent;
- For open market housing, at borough level the minimum income required is £27,648 for lower quartile or entry-level renting, and £39,471 for lower quartile or entry-level house prices.
- Analysis indicates that individual lower quartile earnings are not sufficient to afford any tenure of dwelling across every neighbourhood. For median earnings, social renting is affordable along with affordable and market rent in some neighbourhoods;
- Upper quartile earnings are not sufficient to provide individuals with a range of housing tenure choices. These earnings are sufficient for renting across much of Eastbourne, but median/average house prices and even starter homes remain unaffordable.

1.8 The SHMA shows that there is a need for a wider variety of housing across Eastbourne, with a particular need for larger family accommodation and affordable units as part of the overall supply of housing. However, the National Planning Guidance is clear that planning obligations, including those in the form of affordable housing contributions, should not prevent development from coming forward². Whilst it is clear that the planning system alone will not be able to deliver all the affordable housing needed in

¹ According to ONS 2014-based sub-national population projections.

² <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

Eastbourne, it should ensure that the proportion of affordable housing within a development is maximised.

- 1.9 The Eastbourne Core Strategy Local Plan, which was adopted in 2013, contains Policy D5: Housing, which required all development involving a net increase in housing units to make a contribution towards affordable housing. As market conditions vary across the town, the level of contribution required varies also. The Core Strategy divides the neighbourhoods in the town into 'High Value' and 'Low Value' neighbourhoods, which reflects disparity between house prices and impacts on the viability of development (Appendix A). Within 'High Value' neighbourhoods the affordable housing requirement is 40%, whilst in 'Low Value' neighbourhoods the affordable housing requirement is 30%. The level of contribution represents a starting point that can be negotiated if evidence can prove it would make development unviable.
- 1.10 Since the publication of the Written Ministerial Statement in November 2014, a national threshold of 11 units or more applies to affordable housing contribution. This means that affordable housing contributions can no longer be sought on developments of 10 units or less. This threshold has been transposed into Planning Practice Guidance³.
- 1.11 The supporting text to Policy D5 explains that the affordable housing requirement will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. Where a developer considers that the affordable housing requirements cannot be met on a particular site, and where replacement affordable units are not being provided by the developer on another site agreed with the Council, it will be necessary to secure the due affordable contribution in the form of a commuted sum.
- 1.12 However, the Council is committed to the fundamental principle of planning obligations to deliver affordable housing. Such obligations should not be used to 'buy' a planning permission nor should they be used as a method to tax a developer. Therefore, any development which is unsuitable in planning terms cannot be made acceptable by applying developer contributions to the scheme. Planning obligations cannot be sought or used to mitigate an existing problem in the area. They can only be sought against a future need that would be created by the proposed development.

³ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

Purpose of this document

- 1.13 The purpose of this Supplementary Planning Document (SPD) is to provide a detailed explanation in support of the implementation of Core Strategy Policy D5: Housing. This includes advice concerning the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.14 This policy guidance relates to Eastbourne Borough. It specifically refers to the areas within the Eastbourne Borough Council Planning Authority boundary and the Eastbourne Borough Council Housing Authority area covering the whole Borough. It does not refer to the area of the Borough designated as the South Downs National Park.
- 1.15 This document should be read in conjunction with Policy D5 of the Core Strategy, and other relevant documents including the [National Planning Policy Framework](#) and the [Planning Practice Guidance](#), when considering making a planning application within the Borough. This document should be used as a guidance tool from the earliest stages of the development process of any site, including during purchase negotiations and the preparation of development schemes. Entering into discussion with the Council, including Planning and Housing Officers, at a very early stage in planning for a residential development scheme is strongly advised, to clarify and establish the policy requirements for affordable housing on a particular site.
- 1.16 The SPD is intended to guide the Council, developers, agents and other stakeholders in relation to:
- Policy requirement for the delivery of affordable housing on all residential development sites;
 - Type and standard of affordable housing that is likely to be sought;
 - Assessment of financial viability of the development;
 - Calculation of any commuted sum payments;
 - Delivery agencies for the affordable housing.
- 1.17 The document has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence.

Status of Supplementary Planning Document

- 1.18 The Affordable Housing SPD was subject to public consultation with the local community and other stakeholders between 26 May and 21 July 2017.
- 1.19 The Affordable Housing SPD is a material consideration in the determination of planning applications. It has superseded the Affordable Housing Implementation Technical Note, which was adopted 2013.

2.0 Definitions

2.1 This Affordable Housing SPD adopts the definitions outlined in the National Planning Policy Framework [NPPF] (2012) as the following:

Affordable housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing

Owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency (HCA).

Affordable rented housing

Let by local authorities or private registered providers of social housing to households who are eligible for social rented housing.

Affordable Rent

Subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing

Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.

Starter homes

The Housing and Planning Act 2016⁴ defines a Starter Homes as a new dwelling which is available for purchase by qualifying first-time buyers at least 23 years old and under the age of 40, and is to be sold at a discount of at least 20% of the market value. Starter Homes are to be sold for less than the price cap of £250,000 outside of Greater London and £450,000 inside Greater London.

Serviced Plots

The Homes and Communities Agency⁵ defines Serviced Plots as “shovel ready” sites with planning permission, where plots or parcels are laid out and the land is ready for construction. Access is provided and each plot or parcel has utilities/services provided to the plot/parcel boundary.’

- 2.2 If any of the definitions set out above are updated within the National Planning Policy Framework, or if any of the definitions not included in the NPPF are updated by the relevant organisation, the updated definitions will supersede those set out in this Affordable Housing SPD.
- 2.3 Reference is often made to ‘low cost housing’ when the term affordable housing is used. It is important to note that such housing may not fall within the above definitions, and therefore would not qualify towards the policy target of affordable homes.
- 2.4 The expectation is that affordable rents will be restricted to no more than the Local Housing Allowance rate due to affordability, although some specialist accommodation may justifiably be higher.

⁴ Housing and Planning Act 2016 (2016) Part 1: New Homes in England; Chapter 2: Starter Homes.

⁵ HCA (June 2015) Custom Build Serviced Plots Loan fund Prospectus – Continuous Market Engagement (p3).

3.0 Policy Guidance

- 3.1 Eastbourne Borough Council expects all developments, including those contributing affordable housing, to be delivered in line with national and local policies. The relevant policies include:

The National Planning Policy Framework and Planning Practice Guidance

- 3.2 Since the revocation of the South East Plan, the scale of future housing growth needs to have due regard to the policies set out in the NPPF and the Planning Practice Guidance. Paragraph 47 of the NPPF states that Local Plans should meet the full Objectively Assessed Need (OAN) for market and affordable housing as far as is consistent with other policies of the Framework.

- 3.3 Eastbourne Borough Council's SHMA calculates an Objectively Assessed Need figure ranged between 555 dwellings and 743 dwellings per year. This takes account of the need to deliver more affordable and market housing for an increasing number of households, takes account of recent trends in net in-migration and supports substantial economic growth.

The Community Infrastructure Levy (CIL)

- 3.4 The Community Infrastructure Levy (CIL) Charging Area covers all areas within the local authority boundary excluding the South Downs National Park (the South Downs National Park Authority adopted CIL in April 2017). However, the regulations regarding CIL give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. Eastbourne has no affordable housing requirement on developments of 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). This reflects the national policy position on this matter.

Vacant Building Credit

- 3.5 Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, and where this results in an overall increase in floorspace in the proposed development, the developer can be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be

required for any increase in floorspace. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. Further information is available from the [Planning Practice Guidance - Planning obligations](#) webpage.

Local Policy

- 3.6 For the avoidance of doubt, in the event of any future change in Government policy that requires alternative thresholds, levels of types of affordable housing to be provided by development, the resulting national policy position will supersede the relevant part(s) of Policy D5 below, where necessary.

Policy D5: Housing

Proposals for housing will be in accordance with the approach set out in Policy B1: Spatial Development, with a focus of delivering housing within the sustainable centres and sustainable neighbourhoods and must take account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings.

The Council will work with partner organisations to ensure that there is an appropriate supply of high quality affordable housing distributed throughout Eastbourne. This will be achieved by having regard to the up-to-date strategic housing market assessments.

All development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).

The Council recognises that market conditions vary across Eastbourne. In order to ensure that developments remain economically viable, the proportion of affordable housing sought will vary. In developments within Neighbourhoods in High Value Areas, 40 per cent affordable housing will be sought on all sites. In developments within Neighbourhoods in Low Value Areas, 30 per cent affordable housing will be sought on all sites.

Where the percentage (either 30 or 40%) does not result in a whole residential unit being required (i.e. 0.66 or 1.33), a commuted sum will be sought for the remaining requirement. Every whole affordable unit required should be delivered on site to ensure an appropriate mix of housing types and tenures throughout Eastbourne.

Tenure mix – 70:30 Rented to 'shared ownership' adjusted where necessary to balance housing need and makes schemes viable, subject to negotiation. 30% 'shared ownership' to include other forms of intermediate tenure include intermediate rented.

The affordable housing should be a mix of housing sizes and types in proportion to the housing being developed in each scheme and informed by evidence of housing need contained in the most up-to-date Housing Market Assessment. Affordable housing will be distributed across the whole site and will be indistinguishable from other forms of development on the site.

Tenure Mix

- 3.7 The Council's Housing and Planning Officers will be directly involved in negotiating and agreeing the tenure mix on all residential development schemes in Eastbourne Borough. Policy D5: Housing of the Core Strategy provides the starting point for the consideration of the tenure mix of the development scheme, for a ratio of 70% rented to 30% shared ownership, with flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if it is necessary and agreed by the Council and the developer, to secure the viability of the development.
- 3.8 Further information regarding the assessment of housing needs of Eastbourne Borough, including tenure mix, is outline in the SHMA:

Development Site Standards and Characteristics

- 3.9 A particular site's characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size, taking into account the space standards guidelines for affordable housing. The Council's planning team will advise on the exact tenure, type and size split on each site through pre-application discussions.
- 3.10 It is expected that affordable housing provided on-site will be subject to the same standards and be indistinguishable from the open market housing. The provision of on-site affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall

development. The Council understands that pepper-potting may not be possible on developments sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions will be required between the Council and the applicant/developer on a site-by site basis. In order for development to comply with Core Strategy Policy B2: Creating Sustainable Neighbourhoods, and in particular, protect the residential and environmental amenity of existing and future residents, the nationally described space standards will be used as a guideline as to what size of accommodation is desirable to ensure residential amenity is protected.

- 3.11 Within flatted developments it is accepted that management and other requirements could mean floors, wings or whole blocks will generally be designated for affordable or market housing, or that on larger developments affordable housing is likely to be provided in small clusters around the development. Any such management issues will be taken into consideration in order to arrive at a consensus which is beneficial to the provision of affordable housing.
- 3.12 The housing proposals should consider all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.

Delivery of Affordable Housing Provision

- 3.13 Information gathered from the Council's Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:
- 1 bedroom: 40 per cent;
 - 2 bedrooms: 30 per cent;
 - 3 bedrooms: 20 per cent; and
 - 4+ bedrooms: 10 per cent.
- 3.14 Housing proposals will be expected to make efficient use of land in accordance with Policy D1: Sustainable Development of the Core Strategy. Policy D1 states: '*All new development should be sustainable and be well designed and constructed and demonstrate that it has taken account of the principles of sustainable development by: Conserving scarce resources, making efficient use of land and infrastructure*'. Any proposal that appears to have an artificially low density as a possible measure to avoid the required thresholds for affordable housing will be scrutinised and may be refused

planning permission, where they fail to make efficient use of land and provide appropriate levels of affordable housing.

- 3.15 Affordable housing should be delivered by one of the housing providers who have a strong stake within the area. The choice of housing provider should be agreed upon by the developer with the Council. The developer should dispose of any affordable housing to the housing provider either on a freehold basis or on a long lease, at a peppercorn rent, of at least 125 years.
- 3.16 It is expected that the majority of new affordable housing delivered in line with this SPD will be delivered without the aid of a grant. The price to be paid by the housing provider or other private sector body to the developer will therefore need to be an amount that delivers the housing as affordable housing without the input of social housing grant.
- 3.17 The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider.

Timeline

- 3.18 The Council expects delivery of affordable housing to be considered by the developer as a priority contribution, after the provision of essential development pre-requisites, such as highways requirements and flood storage provision, for example.
- 3.19 The Council expects that affordable rented housing units will, unless there are exceptional circumstances, be handed over to the agreed housing provider by the time no more than 40 per cent of the open market units on the site have been sold or occupied.
- 3.20 The Council expects that shared ownership housing units will, unless there are exceptional circumstances, be handed over to the agreed housing provider by the time no more than 50% of the open market units on the site have been sold or occupied.
- 3.21 The Council is willing to negotiate the timeline for the affordable rented housing units and the shared ownership housing units, to agree upon a phasing plan. This will be reflected in the Section 106 Agreement. The Council expects that all of the affordable housing units will be constructed in accordance with the planning permission.

4.0 Policy Obligations

Application of Policy

- 4.1 The requirement for affordable housing applies to all developments that would result in net additional residential units being provided within Class C3 Use.
- 4.2 The criteria for determining whether the use of particular premises should be classified within Class C3 Use include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:
- A single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
 - Designed or adapted for residential purposes - containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house⁶.
- 4.3 The affordable housing policy applies to sheltered, extra care and assisted living residential development in the same way as it does to general dwelling houses, where each residential unit is designated within Class C3 Use. It also applies to conversions and subdivisions where there is a net residential gain of 11 or more dwelling units, in reference to the national planning policy position, and in accordance with the thresholds set out in Policy D5 of the Core Strategy. The affordable housing requirements do not apply to developments designated within Class C2 Use.

⁶ DCLG (November 2012) Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation (pp 2-6)

Prioritisation of Affordable Housing

- 4.4 The strong presumption is that the policy of affordable housing will be delivered on all developments of 11 or more dwelling units, unless off-site provision, free serviced land⁷ or a financial contribution (commuted sum) in lieu of on-site provision can be robustly justified. In the event that delivery of the required number of affordable housing units is justified as undeliverable, the Council will work through a series of options outlined in paragraph 4.6 of this SPD, to ensure that the development remains viable.
- 4.5 The policy is not intended to operate in a way that renders development non-viable and thereby reduces development coming forward. Section 7 of this SPD explains in more detail how viability issues will be considered, so that where it is demonstrated that development would not be viable with the contribution required under the policy, the level of contribution can be reduced or waived to ensure that development remains viable.
- 4.6 The priority for Eastbourne Borough Council is to increase the number of affordable homes within the Borough, and ideally developers will build the correct number and mix of affordable dwellings as directed by Policy D5 of the Core Strategy, in line with the Planning Practice Guidance. However, where this is not possible the Council will work to a five tier system of general principles, weighted towards the independently assessed financial viability of each of the following options. The Council recognises there will be variation in circumstances, and will assess each development on a site-by-site basis. The order of preference is:
- i. The Council's on-site preferred mix;
 - ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
 - iii. A level of affordable housing on-site which is less than the specified threshold;
 - iv. Serviced plots onsite;
 - v. Service plots offsite;
 - vi. Transfer of land;

⁷ Free serviced land is land with planning consent for unrestricted residential development (i.e. not restricted to purely affordable housing use, with no restrictive covenants, easements etc. in place), free of land purchase cost excluding any incidental costs that may be incurred in procuring the land (i.e. legal and surveyor fees) with fully serviced road and pedestrian access, utility services provided on site and with no abnormal costs free from contamination.

- vii. A commuted sum.

Payment and Allocation of Commuted Sums

- 4.7 If, following negotiations between Eastbourne Borough Council and the applicant, the outcome is that a commuted sum is to be paid to the Council, the commuted sum will be based on the size of the dwellings as agreed between the Council and the applicant during the planning application stage. The sum to be paid will be calculated based on the size of the internal floor area of the proposed dwellings, on a per square metre (sqm) basis. The methodology used to calculate the contribution per square metre is set out in Appendix B.
- 4.8 The Council is aware that during pre-application discussions, applicants/developers may assert that affordable housing would be undeliverable on a development site, before submitting a formal planning application. In some circumstances it will be agreed between the Council and the applicant/developer that a commuted sum will be paid to the Council, in lieu of the affordable housing which would have been built. The commuted sum to be paid will be based on the dwelling type and size of the affordable housing which the Council deems would be most suited to the current housing needs on that particular development site, following discussions with the applicant/developer.
- 4.9 The commuted sum to be paid and the payment schedule will be reflected in the Section 106 Agreement or Unilateral Undertaking. The expectation is that the commuted sum will be paid prior to the commencement of the development and this will be reflected in the Section 106 Agreement or Unilateral Undertaking. However, Eastbourne Borough Council recognises the potential for economic conditions to change. With reference to this, the Council may agree to an alternative payment schedule.
- 4.10 The Planning Practice Guidance⁸ states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). If the number of dwellings to be built on a development site is below the threshold regarding the number of units required to contribute affordable housing, but has a combined gross floorspace of more than 1,000 sqm, the Council expects that either affordable housing units will be built on the

⁸ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

development site, or a commuted sum will be paid to the Council. The number of affordable units to be built on the development site or the commuted sum to be paid, will apply to the total development site in line with the thresholds as stated in Core Strategy Policy D5, i.e. 40 per cent affordable housing or the equivalent commuted sum will be sought from the applicant/developer in High Value Market Areas, and 30 per cent or the equivalent commuted sum in Low Value Market Areas.

- 4.11 In circumstances where a development consists of 10 units or less, but it is determined that a commuted sum is to be paid to the Council due to the development exceeding a combined gross floorspace of 1,000 sqm, the commuted sum to be paid will be calculated based on the size of the gross internal floor area of the proposed dwellings on a per sqm basis, as specified by the Royal Institution of Chartered Surveyors at September 2015⁹. The calculation includes integral garages, and excludes ancillary uses such as sheds, greenhouses and adjacent garages.
- 4.12 The Council will have a maximum of 10 years from the date of payment to spend the commuted sum. Where a financial contribution is secured via a Section 106 Agreement or Unilateral Undertaking, the contribution will be 'ring-fenced' and used to meet the Council's affordable housing objectives.
- 4.13 In order to maximise the benefits derived from deployment of any commuted sums in addressing the affordable housing needs of the Borough, the Council will prioritise expenditure on a one-for-one basis. Where this is not possible, the Council will look to maximise the number of units to be built.
- 4.14 The intention will be to spend any commuted sums within the close geographical proximity to where the commuted sum was generated, but may be spent anywhere in the Borough. In some circumstances, commuted sums may be pooled and used to enable the provision of affordable housing, as determined by the Council.
- 4.15 Monitoring will be on a site-by-site basis and the Council will report where funds have been allocated and spent. This information will be reported on an annual basis. Through the Section 106 Agreement the Council will expect to index the agreed financial contribution from the date of the agreement to the date of payment. A relevant method of indexation will be applied and will be specified in the Section 106 Agreement.

⁹ Royal Institution of Chartered Surveyors (September 2015) Gross Internal Floor Area (GIFA) and International Property Measurement Standard (IPMS) for Offices.

Planning Obligations - Section 106 Agreements and Unilateral Undertakings

- 4.16 Planning Obligations can be secured through either a Section 106 Agreement or a Unilateral Undertaking depending on the nature of the development.

Section 106 Agreements

- 4.17 A Section 106 Agreement is a legal agreement or undertaking between the Council and an applicant/developer, executed as a deed, to restrict the use of the land or to do any of the things listed in Section 106(1) of the Town and Country Planning Act 1990. The Council will require the Section 106 Agreement to be executed by all those with an interest in the land and the obligations will generally be binding against all those party to the agreement and their successors in title. An obligation requires the applicant/developer to provide either a financial contribution, physical infrastructure or a management plan in relation to their development proposal, and otherwise restricts what can be done with land following the granting of planning permission. Planning obligations are now mainly used to deliver site-specific mitigations that may be required to make the development acceptable in planning terms.
- 4.18 A Section 106 Agreement will be drawn up by the Council, which forms the legal framework in order that the applicant/developer delivers affordable housing on-site, off-site, or contributes financially through a commuted sum payment or serviced plots. The purpose of a Section 106 Agreement is to ensure that the affordable housing complies with the Council's housing and planning policies, and secures affordable housing in perpetuity for local people most in need, and at prices and rents which remain affordable.
- 4.19 For all planning applications that require affordable housing, the affordable housing will be secured through the signing of a Section 106 Agreement. This relates to all sites above the stated thresholds. Further information regarding Section 106 Agreements is available from the Eastbourne Borough Council website.

Unilateral Undertakings

- 4.20 A Unilateral Undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990. Unlike Section 106 agreements, Unilateral Undertakings do not have to be entered into by the Local Authority.



A unilateral undertaking comes into effect when planning permission, to which the unilateral undertaking is linked, is granted. Unilateral Undertakings are sometimes used for small scale applications, and should be used where financial contributions are known at an early stage and the package of planning obligations is relatively straight forward.

Mortgagee in Possession Clauses

- 4.21 In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.

5.0 Commuted Sums

- 5.1 In line with the Planning Practice Guidance, an affordable housing contribution is sought from residential developments which involve a net gain of eleven or more units (Class C3 Use) on-site. The Council understands that occasionally it may be difficult to provide affordable homes within the smallest developments, and therefore on such sites a commuted sum based on the associated thresholds of affordable housing set out in Policy D5 (40 per cent in High Value Market Areas; 30 per cent in Low Value Market Areas) may be accepted towards improving the provision of affordable housing off-site.
- 5.2 The size of any affordable housing will be agreed between the Council and the applicant/developer during the application stage. If, following the submission of a planning application, the applicant/developer subsequently asserts that the affordable housing component of the development is unviable, a commuted sum may be sought. The commuted sum will be based on the size of the affordable housing which it was originally agreed would be built. However, if no agreement in terms of size can be reached, the commuted sum to be paid will be based upon the average (mean) internal dwelling size of all dwellings across the development site.
- 5.3 The Core Strategy divides Eastbourne into 14 neighbourhoods. For the purposes of affordable housing requirements, Eastbourne Borough Council has chosen to divide these neighbourhoods into two market value areas, which reflect the disparity between dwelling prices across the Borough. This has a significant impact on residual site values and the financial viability of delivering affordable housing on-site. Developments located in neighbourhoods within High Value Market Areas are required to deliver 40 per cent affordable housing; and developments within Low Value Market Areas are required to deliver 30 per cent affordable housing. The Market Value Areas are summarised in Table 1 below. Appendix A contains a map displaying the High Value and Low Value Market Areas.

Table 1 - High Value and Low Vale Market Areas

High Value Market Neighbourhoods <i>(40% affordable housing requirement)</i>	Low Value Market Neighbourhoods <i>(30% affordable housing requirement)</i>
Neighbourhood 2: Upperton	Neighbourhood 1: Town Centre
Neighbourhood 4: Old Town	Neighbourhood 3: Seaside
Neighbourhood 5: Ocklynge & Rodmill	Neighbourhood 6: Roselands & Bridgemere
Neighbourhood 10: Summerdown & Saffrons	Neighbourhood 7: Hampden Park
Neighbourhood 11: Meads	Neighbourhood 8: Langney
Neighbourhood 12: Ratton and Willingdon	Neighbourhood 9: Shinewater & North Langney
Neighbourhood 14: Sovereign Harbour	Neighbourhood 13: St Anthony's & Langney Point

- 5.4 The policy thresholds (40 per cent or 30 per cent) may result in a percentage of an affordable housing unit being required (i.e. less than 1 whole unit). In these instances a commuted sum will be applicable for that percentage. Table 2 displays the level of affordable housing requirements for developments of 11 net units and over, up to 20 residential units, within both the High Value and the Low Value Market Areas.

Table 2 - Affordable Housing Requirements

Net residential units	High Value Market Area (40% affordable housing requirement)		Low Value Market Area (30% affordable housing requirement)	
	Whole affordable unit required	Part of unit (commuted sum required)	Whole affordable unit required	Part of unit (commuted sum required)
11	4	0.4	3	0.3
12	4	0.8	3	0.6
13	5	0.2	3	0.9
14	5	0.6	4	0.2
15	6	n/a	4	0.5
16	6	0.4	4	0.8
17	6	0.8	5	0.1
18	7	0.2	5	0.4
19	7	0.6	5	0.7
20	8	n/a	6	n/a

Commuted Sum Calculation

- 5.5 The Council’s approach to calculating the off-site financial contribution (the commuted sum) is to base the calculation on the cost of providing affordable housing on another site. This is taken as the cost of making serviced land available within an equivalent development to construct affordable housing.
- 5.6 The basis for calculating the cost to the developer of on-site provision is outlined in the Affordable Housing Commuted Sum Payment Table (Table 3), which is arranged by value market area, housing type and size of dwelling. Where the policy results in a percentage of a unit to be provided, this percentage can be calculated in monetary terms using this Payment Table.
- 5.7 A commuted sum will only be applicable to developments where delivery on-site is assessed as unviable, or where a financial contribution in lieu of a percentage of a unit is required. The Council will use the Affordable Housing Commuted Sum Payment Table to calculate the commuted sum payments. This method calculates the contributions required by assessing the average market sales values of housing and calculating the development costs to

show the service plot values, which are then expressed as a commuted sum. The commuted sums for dwellings of various sizes and located in both of these market areas are summarised in the table below. Appendix B of this SPD explains the methodology used to construct the Affordable Housing Commuted Sum Payment Table.

- 5.8 In using the Payment Table, the commuted sum for each unit will be calculated based on the internal floor area (sqm) of the development. This will be multiplied by the 'contribution per sqm' cell in the Payment Table. If the calculation required relates to a percentage of a unit, then a percentage of this sum will be calculated.
- 5.9 The Council will regularly review the Affordable Housing Commuted Sum Payment Table, to reflect any changes in economic viability over the lifetime of the Core Strategy. This will ensure that commuted sums remain financially viable for all relevant development types, and that affordable housing contributions will not compromise residential development in the foreseeable future. Monitoring arrangements are explained in Section 9.

Application of Commuted Sums

- 5.10 In the following instances it may not be considered appropriate to deliver affordable housing units on-site. In these instances the Council may alternatively seek either a commuted sum, free serviced land or off-site provision:
- Where the policy requirement results in a percentage of less than one whole unit being provided. A commuted sum will be required for this percentage of a unit. Commuted sum payments will be calculated using the Payment Table which is explained in this Technical Note. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing;
 - Where the development is in the form of a flatted development, including new build and conversion or refurbishment of existing buildings, where it would not be possible on technical or architectural grounds to provide a separate entrance and access areas for the affordable housing separate from that fitted for housing provided at full market rates. This will be independently assessed and verified;
 - Where the development consists of a high value flat or similar development with high service charges, which would affect the overall



affordability of housing. The relevant housing provider will assess whether the housing is affordable.

Instances of Negative Viability

- 5.11 In some instances negative viability will be demonstrated for residential units if the affordable housing policy is delivered in full on the development scheme. The Affordable Housing Commuted Sum Payment Table calculations display a potential negative viability level within the Low Value Market Area for flatted schemes, and within the High Value Market Area for studio flats. In these instances if the on-site delivery of affordable housing is justified as unviable, and commuted sums would be the only available option, then a financial contribution will not be sought for that development scheme.

Table 3 – Affordable Housing Commuted Sum Payment Table

Eastbourne Borough - High Value Market Area* **

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat
Unit Size - m ²	39	50	61	74
MV completed unit	£95,000	£165,000	£200,000	£275,000
Serviced plot value per unit	-£3,546	£26,894	£32,708	£63,246
Contribution per sq. m	£0	£538	£536	£855

Commuted Sum Values	2 Bed House	3 Bed House	4 Bed House	5+ Bed House
Unit Size - m ²	79	93	106	119
MV completed unit	£250,000	£350,000	£450,000	£575,000
Serviced plot value per unit	£56,457	£106,305	£157,618	£224,166
Contribution per sq. m	£715	£1,143	£1,487	£1,884

Commuted Sum Values	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	50	70	86
MV completed unit	£200,000	£275,000	£310,000
Serviced plot value per unit	£50,273	£68,341	£56,499
Contribution per sq. m	£1,005	£976	£657

Eastbourne Borough - Low Value Market Area* **

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat
Unit Size - m ²	39	50	61	74
MV completed unit	£75,000	£125,000	£150,000	£175,000
Serviced plot value per unit	-£17,619	-£1,251	-£2,473	-£7,115
Contribution per sq. m	£0	£0	£0	£0

Commuted Sum Values	2 Bed House	3 Bed House	4 Bed House	5+ Bed House
Unit Size - m ²	79	93	106	119
MV completed unit	£180,000	£220,000	£260,000	£320,000
Serviced plot value per unit	£7,204	£14,835	£23,931	£44,743
Contribution per sq. m	£91	£160	£226	£376

Commuted Sum Values	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	50	70	86
MV completed unit	£165,000	£220,000	£250,000
Serviced plot value per unit	£25,647	£29,642	£14,282
Contribution per sq. m	£513	£423	£166

* Unit sizes taken from *Table 1 - Minimum gross internal floor areas and storage (m²) - Technical housing standards – nationally described space standard (DCLG, March 2015; P.5).*

**Figures have been rounded to the nearest £.

- 5.12 The following worked examples demonstrate how to calculate the commuted sum for a proposed development, if on-site delivery of the affordable housing is assessed as being unviable, or where a commuted sum for a percentage of a unit is required.

Worked example for commuted sum payment in lieu of delivery of affordable housing units

Development: Net delivery of 15 two bedroom flats within the High Value Market Area, each with an internal floor area of 65 square metres.

Policy requirement of 40 per cent affordable housing: $0.40 \times 15 = 6$ affordable units

Delivery:

- (1) On-site delivery of 6 affordable units, appropriately arranged on the site; or
- (2) If justified as unviable to deliver 6 two bedroom flats on-site, and if tiers I to VI as set out in paragraph 4.6 are assessed as undeliverable and it is agreed by the Council, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 6 two bedroom flats at £536 per sqm.

The financial contribution would be calculated as:

$$6 \text{ units} \times 65 \text{ sqm} \times \text{£}536 = \text{£}209,040$$

Worked Example for commuted sum payment for a percentage of an affordable unit

Development: Net delivery of 12 two bedroom houses within the Low Value Market Area, each with an internal floor area of 80 square metres.

Policy requirement of 30 per cent affordable housing: $0.30 \times 12 = 3.6$ affordable units.

Delivery:

- (1) On site delivery of 4 affordable units, appropriately arranged on the site; or

- (2) On-site delivery of 3 affordable units and a commuted sum for 0.6 (60 per cent) of a two bedroom house, calculated from the Affordable Housing Commuted Sum Payment Table at £91 per sqm.

The financial contribution would be calculated as:

$$0.6 \text{ units} \times 80 \text{ sqm} \times \text{£}91 = \text{£}4,368$$

- (3) If justified as unviable to deliver the affordable units on site, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 3.6 two bedroom houses at £91.19 per sqm.

The financial contribution would be calculated as:

$$3.6 \text{ units} \times 80 \text{ sqm} \times \text{£}91 = \text{£}26,208$$

Indicative values of commuted sums to be paid are displayed in Appendix C.

Commuted Sums of less than £1,000

- 5.13 If a commuted sum requirement, calculated from the Payment Table, is calculated as less than £1,000 for the whole development scheme, then a financial contribution will not be sought for this development.

6.0 Guidance on Standards for Development

6.1 The Council will use the nationally described space standards, taken from the DCLG Technical Housing Standards¹⁰, as a guideline for space provision in housing development, including affordable housing, to ensure that development protects the residential amenity of existing and future residents in accordance with Core Strategy Policy B2: Creating Sustainable Neighbourhoods. The space standard guidelines are set out in Table 4.

Table 4 - Expected gross internal floor areas and storage (m2)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

6.2 The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts,

¹⁰ DCLG (March 2015) Technical housing standards – nationally described space standard (p5)

flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m²). The Gross Internal Areas in Table 3 will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Quality of Design, Materials and Construction

- 6.3 Development schemes should be designed with a view to reducing any ongoing management, maintenance and repair costs. Developments should also make use of good quality materials. This will reduce the risk of properties no longer being kept in good condition, falling into disrepair or blighting the area in the future. Designs which do not accommodate the long-term maintenance requirements, or use of low quality materials will not be acceptable to the Council.
- 6.4 The Council would prefer that all affordable homes be built to Level 2 of the Accessibility Standard¹¹, and in all cases to comply with requirement M4(2) of Approved Document M: access to and use of buildings, volume 1: dwellings¹². There may also be a desire for M4(3) category homes to be supplied on the site, which will be advised at the point of the planning application being submitted. Further information regarding building regulations is set out in the Department for Communities and Local Government's [Approved Documents](#).

Secured by Design

- 6.5 The Council expects that affordable housing will comply with the relevant and appropriate recommendations laid down in the most current Secured by Design guidance, issued by the Association of Chief Police Officers (ACPO).

¹¹ DCLG (August 2013) Housing Standards Review: Illustrative Technical Standards Developed by the Working Groups.

¹² DCLG (March 2016) Approved Document M: access to and use of buildings, volume 1: dwellings.

7.0 Planning Application Process for Residential Developments

- 7.1 The key stages involved in processing the affordable housing requirements for residential development schemes are set out below. A process map outlining the key stages of the affordable housing viability contribution process in line with the affordable housing requirements of Core Strategy Policy D5 is provided in Appendix D. This covers the expectations of applicants before a planning application is formally submitted to the Council (pre-application) and includes all the relevant stages involved in processing the application through to determination by the Council. Further information regarding the planning application process is available from the Council's [Eastbourne Planning Guide](#) webpage.

Step 1 – Pre-application Discussions

- 7.2 The Council encourages all applicants (whether developers, land agents or individuals) to undertake pre-application discussions with the Council's Planning and Housing Officers to discuss any proposed residential developments. In order to deliver the requirements of the housing policy, it will be essential to discuss the financial viability of the scheme at an early stage, and particularly if the prospective applicant believes that viability may be compromised as a result of the Council's affordable housing policy. Appendix E provides advice regarding the information applicants should consider in their financial viability appraisals of development schemes for affordable housing.
- 7.3 The affordable housing policy will be applied in line with Core Strategy Policy D5. This will involve taking into account other planning considerations which may affect the affordable housing to be provided. Regard will be made to:
- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
 - The location and character of the site;
 - The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
 - The current availability of affordable housing in the local area when measured against demand for such accommodation; and

- Any updated national policy and/or guidance to be implemented.

Step 2 – Financial Viability Assessment of the Development

- 7.4 When assessing the financial viability of a residential development the applicant should refer to the considerations listed in Appendix E of this SPD, unless there are any justified overriding factors. The Council recommends using an independent viability expert to assist in assessing the viability of the proposed development. Applicants may use their own viability assessment toolkit to assess financial viability, for which their figures should be independently verified by a qualified valuation officer or an organisation that is a full member of the Royal Institute of Chartered Surveyors (RICS), prior to the submission of the application. Should any such viability assessment assert that a development is unviable, the Council will, if necessary, commission an independent viability expert to scrutinise the assessment. The cost of any such assessment will be paid by the applicant.
- 7.5 If an applicant/developer considers that the mandatory requirements of the Council's policy in respect of affordable housing cannot be met on a particular site, then any such representation must be justified in an evidenced and 'open-book' Viability Assessment and supporting statement, including all necessary information to demonstrate and justify residual values. These should be provided by the applicant/developer to the Council during the pre-application discussions. The Council will therefore need to receive all the required figures for the Viability Assessment, including a Residual Valuation prior to the application being validated for consideration. This will prevent unnecessary delays to applications being decided. If the application is submitted without a satisfactory Viability Assessment, then it is likely that the application will be recommended for refusal.

Step 3 – Open Book Approach with Eastbourne Borough Council

- 7.6 The 'open book' approach detailed above will allow any reduced or amended affordable housing contribution to be assessed and agreed prior to the submission of a formal planning application. In this way data which the applicant may regard as commercially sensitive will remain outside the public domain. This approach will also assist in the efficient consideration of the planning application.

- 7.7 If the Council is required to seek an opinion from an independent viability expert, then this cost will be borne by the applicant. A liability notice to pay the viability expert fees will be issued by the Council, from which there will be a four week period for the Council to receive payment from the applicant. If this payment is not received then the application cannot be progressed. The independent viability expert will consider the financial impact of the cost of the affordable housing on the overall viability of the development. In making this assessment, the viability expert will build in an assumed acceptable developer profit level. If the provision of affordable housing in line with the Council's policy is proven to affect the overall viability of the development, the viability expert will calculate the total viability shortfall cost: the additional sum required to make the development viable for the developer with on-site affordable housing provided.

Step 4 - Next Steps if the site is assessed as unviable

- 7.8 If it is agreed that the requirements of the Council's affordable housing policy will render a site unviable, the Council's Housing and Planning Officers will work with the applicant/developer until overall delivery is considered viable. The Council's general preferences, in line with the overall provisions of Policy D5, are set out in order of priority in paragraph 4.6. Listed below, in sequential order, are options the Council will work through with the applicant/developer on a site-by-site basis to ensure viability. This provides further elaboration of the options discussed in the Core Strategy:
- An amended mix of affordable tenures to deliver in full the required quota of affordable homes on the application site;
 - Delivery in full of the required quota of affordable homes on an alternative suitable and serviced site elsewhere within the Borough, completion of such homes to be achieved within a similar time line to that established for the affordable housing originally proposed for the application site;
 - A reduction in the number of affordable homes to be delivered on the application site;
 - Free serviced land, to provide sufficient land to provide in full the required quota of affordable homes, with full and unfettered ownership of the land transferred to the Council. In this instance, the Council would require the applicant/developer to either obtain planning permission on the land prior to transfer, or to demonstrate that the site is clearly developable and with no undue planning risk or abnormal development costs associated with it;

- A commuted sum equivalent in value to the cost to the developer of on-site provision. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing. As stated above, commuted sums will need to be spent by the Council within 10 years from the date of payment;
- Support for an application to the HCA for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that HCA policy is not to award grant funding to schemes subject to the provisions of a Section 106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- An application to the Council for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that the Council does not award grant funding to developments subject to the provisions of a Section 106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.

7.9 Applicants/developers should be aware that alternatives to on-site provision can only proceed with the agreement of the Council. Offers of alternative arrangements or provision will not automatically be accepted by the Council without working through the options in paragraph 7.8 above.

8.0 Delivery Organisations

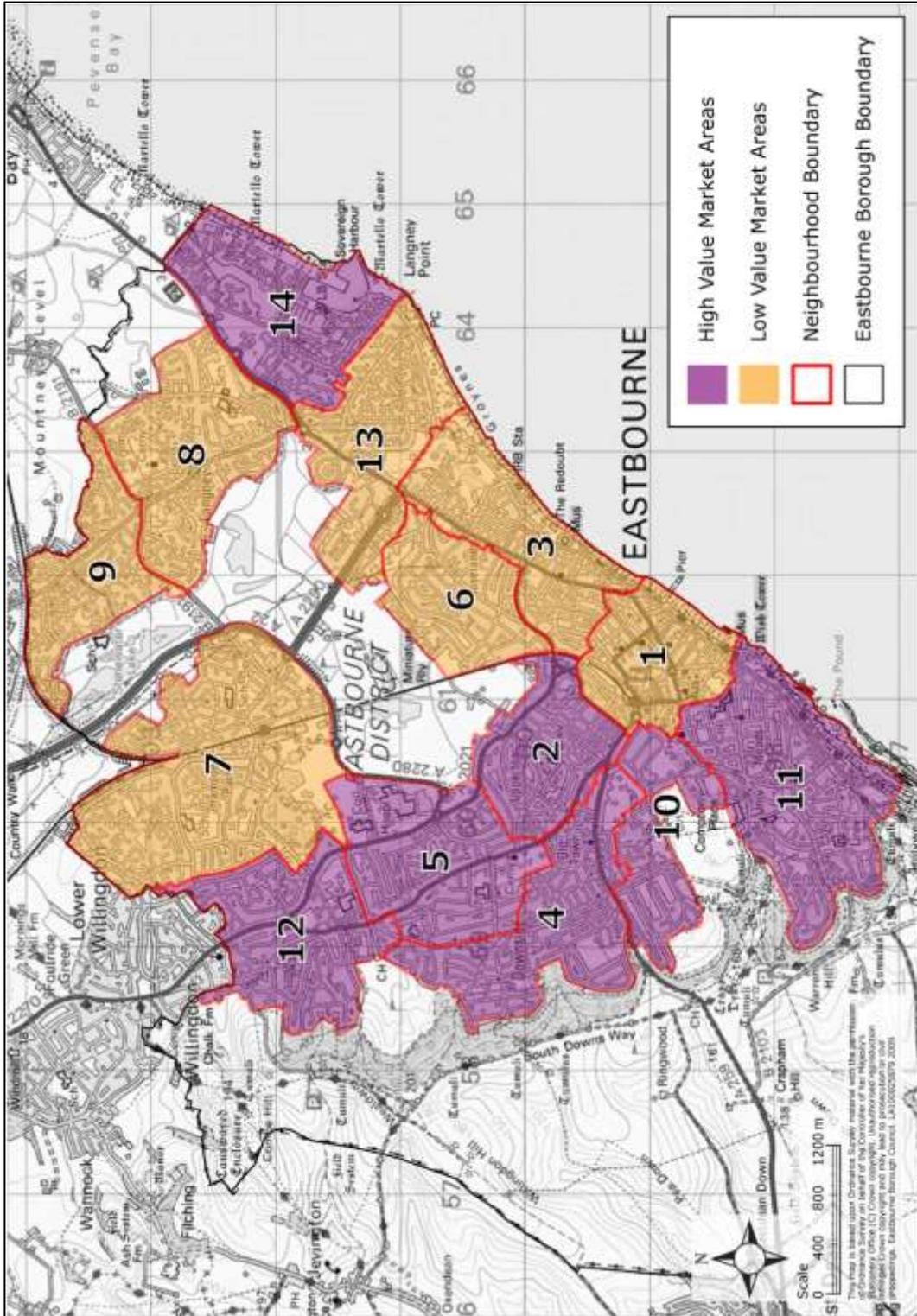
- 8.1 The Homes and Communities Agency (HCA) is responsible for registering and regulating providers of social housing. HCA maintain a Statutory Register of Providers of Social Housing (the register), which lists private (both not for profit and for profit) and local authority providers. HCA upload a monthly spreadsheet of current registered providers which lists the names, registration numbers, registered office addresses, type of provider, registration date and legal entity. HCA also publish a list of registrations and de-registrations to the register each month. The Registered Provider information is available from the [Homes and Communities Agency](#) website.
- 8.2 Eastbourne Borough Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Eastbourne Borough.
- 8.3 Support for a housing provider will be determined by the Council's Housing Officers with reference to the housing provider's approach to housing management and maintenance. Particular regard will be given to the relationship between the housing provider and the Council in terms of support for the Council's corporate and housing priorities. This includes such activities as estate and neighbourhood management, housing opportunities for homeless and other vulnerable clients, quality of property maintenance and participation in economic development initiatives.
- 8.4 Whilst Eastbourne Borough Council works with some affordable housing providers more frequently than others, the Council does not maintain a formal list of affordable housing preferred partners. However, the Council can provide a list containing a number of partners it has previously worked with which provide and manage homes, if requested. Developers would normally contact providers themselves in order to make the necessary arrangements.
- 8.5 In all instances, the Council will expect to be granted nomination rights to all tenures of affordable housing, to enable the Council to support those people registered on the Housing Register. The Council will make use of such nomination rights in line with its prevailing Allocations Policy. Further information relating to nominations is available from the Council's [Housing Allocation Policy](#) document.

9.0 Monitoring

- 9.1 Each year the Council prepares an Authority Monitoring Report (AMR), which is published on the Council's website on or before 31st December each year. One of the principal functions of the AMR is to monitor policies and report on their respective performances over the previous financial year. It reports progress on the policies and related targets in the Core Strategy and includes progress against any relevant targets and highlights any unintended significant effects of the implementation of the policies on social, environmental and economic objectives.
- 9.2 The Council will continue to carefully monitor housing delivery on a quarterly basis and will take appropriate action should the annual target not be realised. Annual Housing rates are published in the AMR each year.
- 9.3 In the event of a fall of 10 per cent or more in East Sussex average house prices (Land Registry House Price Index June 2011 baseline) the local planning authority will review the targets and thresholds of this policy guidance.

Appendices

Appendix A: Map showing High and Low Value Market Areas



Appendix B: Commuted Sum Methodology

Based on information provided by the District Valuation Service (DVS) January 2017

There are a number of methods to calculate the contributions required for part or whole units to be provided off site.

The three often used are:

- 1) Land Value provision – Assessment of the developer’s contribution expressed as land value after undertaking residual appraisals taking account of value less costs.
- 2) Revenue Gap – The Market value less the affordable housing revenue from the registered provider.
- 3) Build costs – Physical cost of provision.

Whilst other methods are used these are the three most common, and after discussions with the Council, the DVS are of the opinion that the Land Value method is the most applicable in the circumstances.

This assessment calculates the contributions required by assessing the average sales values of market housing and then deducting the development costs to show the residual land value required, which is then expressed as a commuted sum. The contribution is expressed per unit at a particular dwelling size and per sqm for each dwelling type.

Unit Types:

This Assessment has assumed the following unit types and areas:

Unit Type	Size (sqm)
Studio Flat	39
1 Bedroom Flat	50
2 Bedroom Flat	61
3 + Bedroom Flat	74
2 Bedroom House	79
3 Bedroom House	93
4 Bedroom House	106

Unit Type	Size (sqm)
5 + Bedroom House	119
1 Bedroom Bungalow	50
2 Bedroom Bungalow	70
3 Bedroom Bungalow	86

Market Sales Values:

DVS have undertaken detailed market sales research into the sales values achieved across all regions in the Borough and property types, and then averaged for the high and low value areas as defined. In addition DVS have averaged across the house types of terraced, semi-detached, town houses and detached.

The key sources for the research are DVS’s own internal data base of property sales and other data available on the internet and from local knowledge.

From the research the following average market values have been adopted:

Property Type	Size (sqm)	High Value Area (£)	Low Value Area (£)
Studio flat	39	95,000	75,000
1 bedroom flat	50	165,000	125,000
2 bedroom flat	61	200,000	150,000
3+ bedroom flat	74	275,000	175,000
2 bedroom house	79	250,000	180,000
3 bedroom house	93	350,000	220,000
4 bedroom house	106	450,000	260,000
5+ bedroom house	119	575,000	320,000
1 bedroom bungalow	50	200,000	165,000
2 bedroom bungalow	70	275,000	220,000
3 bedroom bungalow	86	310,000	250,000

Development Costs:

The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in

Autumn 2016 and is set out in the tables below. The Serviced Plot Value is derived from the difference between the Development Value and the Development Cost.

Contribution per sqm calculation:

This is calculated by dividing the Serviced plot value per unit for each type of dwelling in the Affordable Housing Commuted Sum Payment Table by the Unit size m² of the dwelling displayed in the Payment Table. This provides the contribution per sqm the Council expects to receive for each dwelling type, irrespective of the size of the dwelling. Applicants/developers should multiply the size of the dwelling which was scheduled to be built by the contribution per sqm for that particular dwelling type.

Summary:

DVS have determined to use the Land Value provision in determining the contributions required in lieu of a part of a unit on site or a contribution for a total off site provision if agreed.

The two value areas for the Borough have been predetermined as High Value Market Areas and Low Value Market Areas, which DVS have adopted and the property types have been agreed.

DVS have assessed the average market sales value for each property type for the two value areas.

DVS have also assessed all applicable development costs.

The result is a residual land value for each property type and then expressed as both a lump sum for a particular dwelling size and rate per sqm for each dwelling type.

High Value Market Area: Development Costs

Studio Flat (39 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£57,759.00
Site infrastructure & Other Works	£5,775.90
External Works	£2,887.95
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£1,992.69
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£5,313.83

Finance Costs

Building Costs	£2,517.04
Professional Fees	£185.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£1,900.00

Developers Profit (17.5%)

£16,625.00

Total Development Cost

£99,057.39

Residual Land Value

Gross	-£4,057.39
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Development Value:

£95,000.00

Acquisition Costs (Net)	-£3,986.39
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Holding Cost (Land interest)	-£439.98
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Serviced Plot Value:

-£3,546.40

1 Bed Flat (50 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£74,050.00
Site infrastructure & Other Works	£7,405.00
External Works	£3,702.50
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,554.73
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £6,812.60

Finance Costs

Building Costs	£3,192.43
Professional Fees	£238.44

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,300.00

Developers Profit (17.5%) £28,875.00

Total Development Cost **£134,230.69**

Residual Land Value

Gross £30,769.31

Development Value: **£165,000.00**

Acquisition Costs (Net) £30,230.84

Holding Cost (Land interest) -£3,336.63

Serviced Plot Value: **£26,894.21**

2 Bed Flat (61 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£90,341.00
Site infrastructure & Other Works	£9,034.10
External Works	£4,517.05
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,116.76
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£8,311.37

Finance Costs

Building Costs	£3,867.81
Professional Fees	£290.90

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,000.00

Developers Profit (17.5%)

£35,000.00

Total Development Cost**£162,579.00**Residual Land Value

Gross	£37,421.00
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Development Value:**£200,000.00**

Acquisition Costs (Net)	£36,766.14
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Holding Cost (Land interest)	-£4,057.95
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Serviced Plot Value:**£32,708.19**

3 Bed Flat (74 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£109,594.00
Site infrastructure & Other Works	£10,959.40
External Works	£5,479.70
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,780.99
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£10,082.65

Finance Costs

Building Costs	£4,665.99
Professional Fees	£352.89

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

Developers Profit (17.5%)

£48,125.00

Total Development Cost

£202,640.63

Residual Land Value

Gross	£72,359.37
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Development Value:

£275,000.00

Acquisition Costs (Net)	£71,093.08
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Holding Cost (Land interest)	-£7,846.67
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Serviced Plot Value:

£63,246.41

2 Bed House (79 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£96,064.00
Site infrastructure & Other Works	£14,409.60
External Works	£4,803.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,458.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £9,222.14

Finance Costs

Building Costs	£4,278.23
Professional Fees	£322.78

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

Developers Profit (17.5%) £43,750.00

Total Development Cost **£185,408.25**

Residual Land Value

Gross £64,591.75

Development Value: **£250,000.00**

Acquisition Costs (Net) £63,461.39

Holding Cost (Land interest) -£7,004.35

Serviced Plot Value: **£56,457.04**

3 Bed House (93 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£113,088.00
Site infrastructure & Other Works	£16,963.20
External Works	£5,654.40
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,071.17
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£10,856.45

Finance Costs

Building Costs	£5,014.69
Professional Fees	£379.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£7,000.00

Developers Profit (17.5%)

£61,250.00

Total Development Cost

£228,377.88

Residual Land Value

Gross	£121,622.12
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Development Value:

£350,000.00

Acquisition Costs (Net)	£119,493.73
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Holding Cost (Land interest)	-£13,188.74
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Serviced Plot Value:

£106,304.99

4 Bed House (106 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£128,896.00
Site infrastructure & Other Works	£19,334.40
External Works	£6,444.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,640.26
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £12,374.02

Finance Costs

Building Costs	£5,698.54
Professional Fees	£433.09

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£9,000.00

Developers Profit (17.5%) £78,750.00

Total Development Cost **£269,671.10**

Residual Land Value

Gross £180,328.90

Development Value: **£450,000.00**

Acquisition Costs (Net) £177,173.14

Holding Cost (Land interest) -£19,554.92

Serviced Plot Value: **£157,618.22**

5 Bed House (119 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£144,704.00
Site infrastructure & Other Works	£21,705.60
External Works	£7,235.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£5,209.34
Insurances	£2,604.67
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£13,891.58

Finance Costs

Building Costs	£6,473.56
Professional Fees	£486.21

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£11,500.00

Developers Profit (17.5%)

£100,625.00

Total Development Cost

£318,535.16

Residual Land Value

Gross	£256,464.84
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Development Value:

£575,000.00

Acquisition Costs (Net)	£251,976.70
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Holding Cost (Land interest)	-£27,811.13
------------------------------	-------------

Serviced Plot Value:

£224,165.57

1 Bed Bungalow (50 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£72,000.00
Site infrastructure & Other Works	£10,800.00
External Works	£3,600.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,592.00
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £6,912.00

Finance Costs

Building Costs	£3,237.22
Professional Fees	£241.92

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,000.00

Developers Profit (17.5%) £35,000.00

Total Development Cost **£142,483.14**

Residual Land Value

Gross £57,516.86

Development Value: **£200,000.00**

Acquisition Costs (Net) £56,510.31

Holding Cost (Land interest) -£6,237.15

Serviced Plot Value: **£50,273.17**

2 Bed Bungalow (70 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£100,800.00
Site infrastructure & Other Works	£15,120.00
External Works	£5,040.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,628.80
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£9,676.80

Finance Costs

Building Costs	£4,483.11
Professional Fees	£338.69

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

Developers Profit (17.5%)

£48,125.00

Total Development Cost

£196,812.40

Residual Land Value

Gross	£78,187.60
-------	------------

Development Value:

£275,000.00

Acquisition Costs (Net)	£76,819.32
-------------------------	------------

Holding Cost (Land interest)	-£8,478.69
------------------------------	------------

Serviced Plot Value:

£68,340.63

3 Bed Bungalow (86 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£123,840.00
Site infrastructure & Other Works	£18,576.00
External Works	£6,192.00
Code 4	£8,668.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,718.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,582.14

Finance Costs

Building Costs	£5,792.33
Professional Fees	£440.38

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,200.00

Developers Profit (17.5%)

£54,250.00

Total Development Cost**£245,359.95**Residual Land Value

Gross	£64,640.05
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Development Value:**£310,000.00**

Acquisition Costs (Net)	£63,508.85
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Holding Cost (Land interest)	-£7,009.59
------------------------------	------------

Serviced Plot Value:**£56,499.26**

Low Value Market Area: Development Costs

Studio Flat (39 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£57,759.00
Site infrastructure & Other Works	£5,775.90
External Works	£2,887.95
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£1,992.69
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£5,313.83

Finance Costs

Building Costs	£2,517.04
Professional Fees	£185.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£1,500.00

Developers Profit (17.5%)

£13,125.00

Total Development Cost

£95,157.39

Residual Land Value

Gross	-£20,157.39
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Development Value:

£75,000.00

Acquisition Costs (Net)	-£19,804.64
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Holding Cost (Land interest)	-£2,185.87
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Serviced Plot Value:

-£17,618.76

1 Bed Flat (50 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£74,050.00
Site infrastructure & Other Works	£7,405.00
External Works	£3,702.50
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,554.73
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£6,812.60

Finance Costs

Building Costs	£3,192.43
Professional Fees	£238.44

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£2,500.00

Developers Profit (17.5%)

£21,875.00

Total Development Cost**£126,430.69**Residual Land Value

Gross	-£1,430.69
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Development Value:**£125,000.00**

Acquisition Costs (Net)	-£1,405.66
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Holding Cost (Land interest)	-£155.14
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Serviced Plot Value:**-£1,250.51**

2 Bed Flat (61 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£90,341.00
Site infrastructure & Other Works	£9,034.10
External Works	£4,517.05
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,116.76
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£8,311.37

Finance Costs

Building Costs	£3,867.81
Professional Fees	£290.90

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,000.00

Developers Profit (17.5%)

£26,250.00

Total Development Cost

£152,829.00

Residual Land Value

Gross	-£2,829.00
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Development Value:

£150,000.00

Acquisition Costs (Net)	-£2,779.49
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Holding Cost (Land interest)	-£306.78
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Serviced Plot Value:

-£2,472.71

3 Bed Flat (74 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£109,594.00
Site infrastructure & Other Works	£10,959.40
External Works	£5,479.70
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,780.99
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£10,082.65

Finance Costs

Building Costs	£4,665.99
Professional Fees	£352.89

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,500.00

Developers Profit (17.5%)

£30,625.00

Total Development Cost**£183,140.63**Residual Land Value

Gross	-£8,140.63
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Development Value:**£175,000.00**

Acquisition Costs (Net)	-£7,998.17
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Holding Cost (Land interest)	-£882.77
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Serviced Plot Value:**-£7,115.39**

2 Bed House (79 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£96,064.00
Site infrastructure & Other Works	£14,409.60
External Works	£4,803.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,458.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £9,222.14

Finance Costs

Building Costs	£4,278.23
Professional Fees	£322.78

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,600.00

Developers Profit (17.5%) £31,500.00

Total Development Cost

£171,758.25

Residual Land Value

Gross £8,241.75

Development Value:

£180,000.00

Acquisition Costs (Net) £8,097.52

Holding Cost (Land interest) -£893.74

Serviced Plot Value:

£7,203.78

3 Bed House (93 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£113,088.00
Site infrastructure & Other Works	£16,963.20
External Works	£5,654.40
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,071.17
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £10,856.45

Finance Costs

Building Costs	£5,014.69
Professional Fees	£379.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,400.00

Developers Profit (17.5%) £38,500.00

Total Development Cost**£203,027.88**Residual Land Value

Gross £16,972.12

Development Value:**£220,000.00**

Acquisition Costs (Net) £16,675.11

Holding Cost (Land interest) -£1,840.46

Serviced Plot Value:**£14,834.65**

4 Bed House (106 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£128,896.00
Site infrastructure & Other Works	£19,334.40
External Works	£6,444.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,640.26
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,374.02

Finance Costs

Building Costs	£5,698.54
Professional Fees	£433.09

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,200.00

Developers Profit (17.5%)

£45,500.00

Total Development Cost

£232,621.10

Residual Land Value

Gross	£27,378.90
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Development Value:

£260,000.00

Acquisition Costs (Net)	£26,899.77
-------------------------	------------

Holding Cost (Land interest)	-£2,968.98
------------------------------	------------

Serviced Plot Value:

£23,930.79

5 Bed House (119 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£144,704.00
Site infrastructure & Other Works	£21,705.60
External Works	£7,235.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£5,209.34
Insurances	£2,604.67
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£13,891.58

Finance Costs

Building Costs	£6,473.56
Professional Fees	£486.21

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,400.00

Developers Profit (17.5%)

£56,000.00

Total Development Cost**£268,810.16**Residual Land Value

Gross	£51,189.84
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Development Value:**£320,000.00**

Acquisition Costs (Net)	£50,294.01
-------------------------	------------

Holding Cost (Land interest)	-£5,551.04
------------------------------	------------

Serviced Plot Value:**£44,742.97**

1 Bed Bungalow (50 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£72,000.00
Site infrastructure & Other Works	£10,800.00
External Works	£3,600.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,592.00
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£6,912.00

Finance Costs

Building Costs	£3,237.22
Professional Fees	£241.92

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,300.00

Developers Profit (17.5%)

£28,875.00

Total Development Cost

£135,658.14

Residual Land Value

Gross	£29,341.86
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Development Value:

£165,000.00

Acquisition Costs (Net)	£28,828.38
-------------------------	------------

Holding Cost (Land interest)	-£3,181.84
------------------------------	------------

Serviced Plot Value:

£25,646.54

2 Bed Bungalow (70 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£100,800.00
Site infrastructure & Other Works	£15,120.00
External Works	£5,040.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,628.80
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£9,676.80

Finance Costs

Building Costs	£4,483.11
Professional Fees	£338.69

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,400.00

Developers Profit (17.5%)

£38,500.00

Total Development Cost**£186,087.40**Residual Land Value

Gross	£33,912.60
-------	------------

Development Value:**£220,000.00**

Acquisition Costs (Net)	£33,319.13
-------------------------	------------

Holding Cost (Land interest)	-£3,677.49
------------------------------	------------

Serviced Plot Value:**£29,641.64**

3 Bed Bungalow (86 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£123,840.00
Site infrastructure & Other Works	£18,576.00
External Works	£6,192.00
Code 4	£8,668.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,718.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,582.14

Finance Costs

Building Costs	£5,792.33
Professional Fees	£440.38

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

Developers Profit (17.5%)

£43,750.00

Total Development Cost

£233,659.95

Residual Land Value

Gross	£16,340.05
-------	------------

Development Value:

£250,000.00

Acquisition Costs (Net)	£16,054.10
-------------------------	------------

Holding Cost (Land interest)	-£1,771.92
------------------------------	------------

Serviced Plot Value:

£14,282.18

Appendix C: Commuted Sums – Indicative Values

Eastbourne – High Value Area - 40% Affordable*

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	74	79	93
For 0.5 units	£0	£13,447	£16,354	£31,623	£28,229	£53,152
1 unit	£0	£26,894	£32,708	£63,246	£56,457	£106,305
2 units	£0	£53,788	£65,416	£126,493	£112,914	£212,610
5 units	£0	£134,471	£163,541	£316,232	£282,285	£531,525
10 units	£0	£268,942	£327,082	£632,464	£564,570	£1,063,050

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£78,809	£112,083	£25,137	£34,170	£28,250
1 unit	£157,618	£224,166	£50,273	£68,341	£56,499
2 units	£315,236	£448,331	£100,546	£136,681	£112,999
5 units	£788,091	£1,120,828	£251,366	£341,703	£282,496
10 units	£1,576,182	£2,241,656	£502,732	£683,406	£564,993

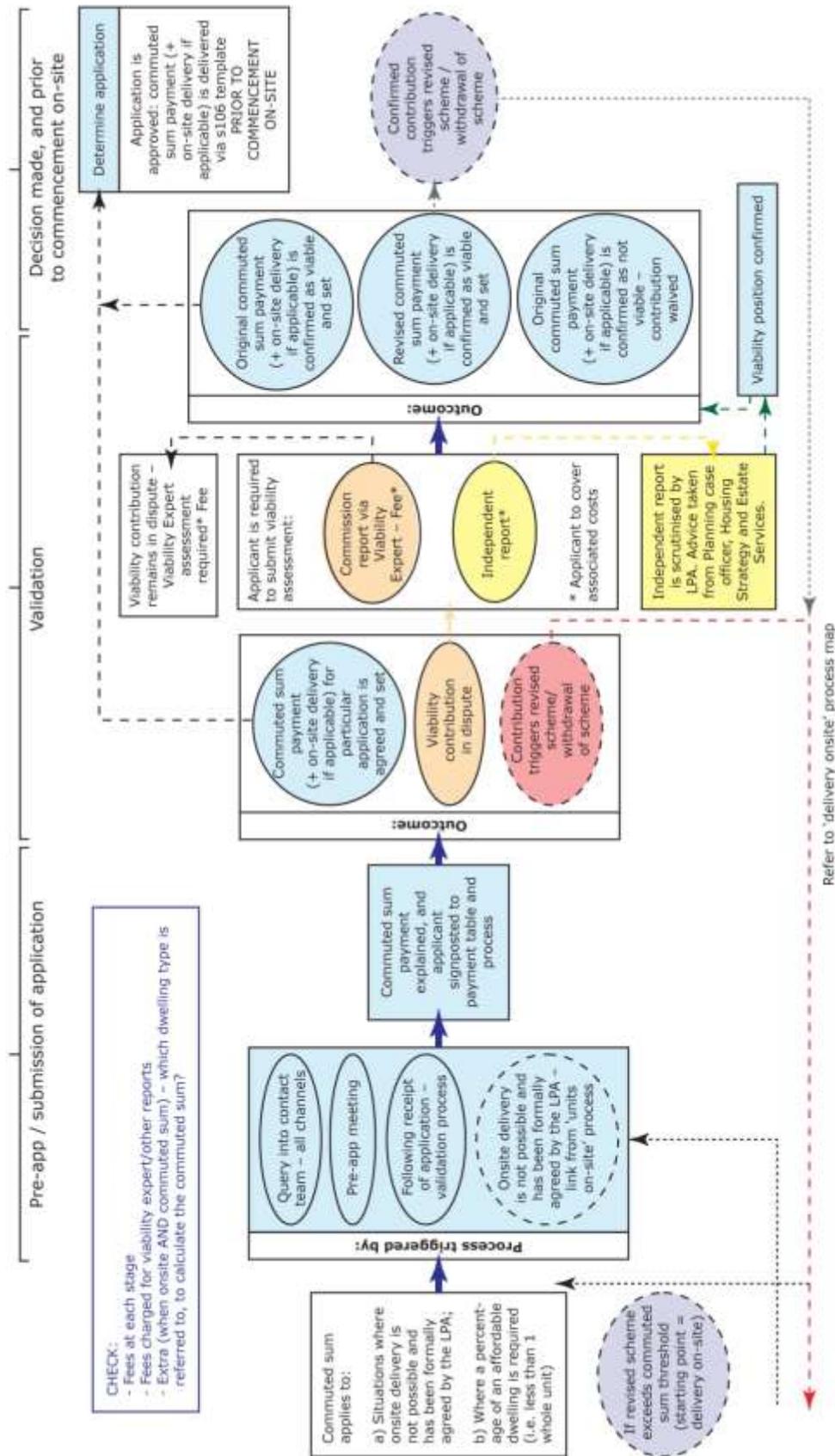
Eastbourne – Low Value Area - 30% Affordable*

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	74	79	93
For 0.5 units	£0	£0	£0	£0	£3,602	£7,417
1 unit	£0	£0	£0	£0	£7,204	£14,835
2 units	£0	£0	£0	£0	£14,408	£29,669
5 units	£0	£0	£0	£0	£36,020	£74,173
10 units	£0	£0	£0	£0	£72,040	£148,347

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£11,965	£22,371	£12,823	£14,821	£7,141
1 unit	£23,931	£44,743	£25,647	£29,642	£14,282
2 units	£47,862	£89,486	£51,293	£59,283	£28,564
5 units	£119,654	£223,715	£128,233	£148,208	£71,411
10 units	£239,308	£447,430	£256,465	£296,416	£142,822

*Commuted Sums based on *Unit Size - m²* provided in this table

Appendix D: Map of Affordable Housing Viability Contribution Process



Appendix E: Considerations for Residential Development Financial Viability Appraisals

VIABILITY ASSESSMENT TEMPLATE	
This template lists the variables that will be required by the applicant/developer to access in order to undertake a viability assessment of a residential scheme.	
Revenue	
Schedule of units and areas (GIAs)	Schedule of accommodation with the gross internal areas (GIA) of all units to be built expressed in square metres.
Private Values with evidence	Market Value of all units with supporting evidence.
Affordable Values with evidence	Affordable Values of all units with supporting evidence.
Ground Rent Value if any	Most flats are sold on a long lease with a ground rent payable, the value of which should be included.
Commercial Value with evidence if relevant	Market value of all commercial units with supporting evidence.
Gross Development Value (GDV)	The total Value of all units to be built as part of the scheme.
Development Costs	
Residual Land Value of the scheme; or	The value that the relevant scheme can afford to pay for the site; or
Market Value of the site	The Market Value of the site with supporting evidence.
Stamp Duty Land Tax and fees	All fees etc. paid on site acquisition including Stamp Duty Land Tax, agent and legal fees.
<i>Construction costs including:</i>	
Base Construction Costs	Build costs of all units assessed using BCIS rates, by a Quantity Surveyor or quotes received from a builder.

Externals	All external costs including access roads, landscaping services to the property etc.
Abnormals	Any additional cost including demolition, remediation, additional costs due to poor ground conditions etc.
Other Costs	Any other relevant costs incurred.
Contingency	A percentage uplift to cover any unforeseen build costs.
Professional and planning Fees	All planning fees paid to the local authority, planning consultants and fees paid to architects engineers etc. in respect of design etc.
Section 106 Contributions/Community Infrastructure Levy (CIL)	Any section 106 or CIL financial contributions that are required for the scheme by the local authority.
Marketing Fees	Fees paid for marketing the units including brochures, advertising, show homes etc.
Sale Fees	Fees paid to agents and solicitors for the sale of the units.
Finance Costs including arrangement fees	Finance costs charged by a bank etc. for borrowing the money in order to undertake the development. The finance should be calculated by means of a cash flow but a scheme programme is to be included to show build and sales periods.
Profit on Private and Affordable Housing	The required profit expressed as a % of the Gross Development Value (GDV) of the scheme to reflect the risk.

Reference should also be made to the Department for Communities and Local Government Viability webpage (March 2014): [Viability - GOV.UK](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281112/20140306_Viability_Webpage.pdf)

Appendix F: Other Key Policies, Documents and Sources of Information

Approved Documents (Building Regulations)

Department for Communities and Local Government (2016)

<https://www.gov.uk/government/collections/approved-documents>

National Planning Policy Framework

Department for Communities and Local Government (March 2012)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Portal

Further information regarding planning and building regulations, and planning applications is available from the Planning Portal

(<https://www.planningportal.co.uk/>)

Planning Practice Guidance

The Department for Communities and Local Government have published this web-based resource to bring together planning practice guidance for England.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)

Eastbourne Borough Council (2013) <http://www.eastbourne.gov.uk/corestrategy>

South Downs National Park Authority Local Plan

Information relating to the South Downs National Park Authority Local Plan can be found on the South Downs National Park Authority website

(<https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/>)

The Building Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/2214/contents/made>

The Homes and Communities Agency

The Homes and Communities Agency is responsible for increasing the number of new homes that are built in England including affordable homes and homes for market sale or rent, and for regulating social housing providers.

(<https://www.gov.uk/government/organisations/homes-and-communities-agency>)

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COMMITTEE:	PLANNING
DATE:	28 August 2017
SUBJECT:	Update on Housing Delivery
REPORT OF:	Director of Strategy, Planning & Regeneration

Ward(s): All

Purpose: To provide Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply

Contact: Matt Hitchen, Senior Planning Policy Officer
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E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations: That Members note the contents of this report.

Executive Summary

- Housing delivery in Q1 2017/18 was 5 (five) net additional dwellings towards the annual target of 245 units
- A total of 113 units were given permission in Q1 2017/18
- There are 556 net additional dwellings with permission that have yet to commence across 74 sites
- There are 320 units under construction across 50 development sites
- The Housing Land Supply currently stands at 2.9 years.

1.0 Introduction

1.1 This report provides an update on housing delivery in the first quarter of the 2017/2018 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 year, 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: the number of residential units built; and 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 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 buffer. This buffer should be 5% unless there is a record of persistent under-delivery of housing, in which case the buffer increases to 20%.
- 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 (NPPF, para 14)*.
- 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.
- 2.5 National policy and case law has shown that the *'demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals'* (*Planning Practice Guidance, Paragraph: 033 Reference ID: 3-033-20150327¹*).
- 2.6 The Government's White Paper *'Fixing Our Broken Housing Market'*, published in February 2017, includes a proposal to introduce a new housing delivery test to assess the number of residential units delivered against the local plan target from November 2017. Depending on the percentage of the target delivered, different responses will be required with the intention of boosting the supply of housing.

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 2016/17, a total of 2,576 units had been delivered since the start of the plan period. This leaves 2,446 units to be delivered until the end of the plan period at an

¹ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

annual average of **244.6** units per year.

- 3.2 Falling housing delivery rates over recent years has meant that the total number of units that have been delivered is now less than the cumulative target. At this point in the plan period, **2,640** units should have been delivered, so actual delivery is 64 units short of the number of houses that should have been delivered at this point in the plan.
- 3.3 In the first quarter of the 2017/18 year, a total of 5 net additional dwellings were completed. The overall provision of 5 net dwellings were provided across 7 sites, with two sites delivering a net loss of housing. The delivery of 5 units is the lowest delivery by a significant margin of any quarter within the plan period.

4.0 New Commitments

- 4.1 During the first quarter of the 2017/18 financial year, a total of 113 net additional units were granted permission across 17 sites.
- 4.2 Of the 113 units granted permission, 73 units (65%) were committed through prior approval for a change of use of office to residential at 20 Upperton Road under permitted development. In total only 3 of the 17 sites resulted in a net increase of 5 or more units, with the majority only resulting in one additional unit.
- 4.3 It has been identified that a total of **5** net additional units across 4 development sites were refused planning permission in the first quarter of 2017/18.
- 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 76% of units granted permission were completed. At a 76% delivery rate, meeting the target of 245 units per year would require 322 units to be granted permission each year.

5.0 Total Commitments

- 5.1 As at the end of the first quarter of 2017/18, there were **556** net additional dwellings with permission that have yet to commence across 74 sites. This includes:
- 102 units at Bedfordwell Road Depot
 - 73 at 20 Upperton Road
 - 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 first quarter of 2017/18, there were **320** units under construction across 50 development sites. This includes:
- 72 units at Site 1, Sovereign Harbour
 - 70 units at Site 7c, Sovereign Harbour
 - 15 units at the Courtlands Hotel, Wilmington Gardens
 - 13 units at land at Sumach Close

6.0 Housing Delivery Test

- 6.1 There is a proposal in the Housing White Paper to introduce a new Housing Delivery Test on local authorities from November. The test will identify the number of houses built against the housing target over a rolling three year period. The first assessment period for the Housing Delivery Test will be for financial years April 2014 – March 2015 to April 2016 – March 2017.
- 6.2 If during the first assessment period the delivery of housing falls below 95% of the target, local authorities will be required to publish an action plan setting out an understanding of the key reasons for the situation and the actions that could be taken to get home-building back on track. Where local authorities are delivering less than 85% of their housing target will also be required to add a 20% buffer to their Five Year Housing Land Supply calculation.
- 6.3 An analysis of housing delivery over the first assessment period shows that 576 units were delivered against a target of 720, which equates to 80% delivery. This means that from November 2017, the Five Year Housing Land Supply buffer will be increased to 20% and an action plan on housing delivery will need to be produced.

7.0 Five Year Housing Land Supply Assessment

- 7.1 Following the end of the first quarter 2017/18, there are 2,441 units to deliver over the remaining 9 and three quarter years of the plan period. This equates to 250.4 units per year.
- 7.2 The delivery of only 80% of the housing target over the last five years, including just one year of exceeding the target, indicates a persistent under-delivery of housing in Eastbourne, and along with the results of the housing delivery test that will apply from November, this suggests that the 20% buffer should now be used.
- 7.3 The additional 20% buffer equates to an additional years' worth of the target, making the Five Year Housing Land Supply requirement for Eastbourne **1,502** units. Eastbourne Borough Council is required to identify sufficient land to meet this requirement.
- 7.4 The current assessment of the Five Year Housing Land Supply identifies that

as of the end of the first quarter 2017/18, Eastbourne has a supply of housing land equivalent to **876** 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.

- 7.5 The Assessment shows that Eastbourne currently has a **2.9 year** supply of housing land (or **58%** of the Five Year Housing Land Supply requirement including 20% buffer). Eastbourne Borough Council is 626 units short of having a Five Year Housing Land Supply (including 20% buffer).
- 7.6 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.
- 7.7 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.

8.0 Conclusion

- 8.1 National planning policy places considerable weight on the delivery of new housing, and the five year housing land supply is a material consideration in the determination of planning applications.
- 8.2 The delivery of just 5 net additional units in the first quarter 2017/18 is a significantly low level of delivery and is the lowest within the plan period so far. This low level of delivery in the first quarter is likely to impact on meeting the annual target of 245 units.
- 8.3 Eastbourne currently has a housing land supply equivalent to 876 units, which represents **2.9 years** supply of land, including the 20% buffer required as a result of persistent under-delivery of housing and the housing delivery test. Therefore a five year housing land supply cannot be demonstrated, which means local plan policies relevant to the supply of housing are out of date and cannot be relied upon to refuse development.
- 8.4 The process for identifying additional deliverable sites is currently underway through the Strategic Housing & Employment Land Availability Assessment. This study is due to be completed over the autumn 2017, and will inform the production of a new Local Plan. 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.

- 8.5 In addition, the introduction of the 'housing delivery test' in the Housing White Paper also means that under-delivery of housing in previous years will make it more difficult to achieve a Five Year Housing Land Supply in the future.

Background Papers:

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027
- National Planning Policy Framework (2012)
- Fixing Our Broken Housing Market – Government White Paper (2017)

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

Appendix 1 – Housing Delivery Statistics by Ward – First Quarter 2017/18

Ward	Net Completions in Year	Net Newly Committed in Year	Total Commitments (not commenced)	Total Under Construction
Devonshire	3	23	83	52
Hampden Park	0	0	0	15
Langney	2	7	33	2
Meads	0	0	39	41
Old Town	0	0	5	7
Ratton	0	0	5	1
Sovereign	0	0	0	156
St Anthonys	0	0	41	24
Upperton	0	83	350	22
TOTAL	5	113	556	320

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

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COMMITTEE	PLANNING
DATE	August 2017
SUBJECT	SUMMARY OF PERFORMANCE OF THE PLANNING SECOND QUARTER 2017 (APR - JUN)
REPORT OF	Leigh Palmer Senior Specialist Advisor (Planning)

Ward(s) ALL

Purpose This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period

Contact Leigh Palmer
Leigh.palmer@eastbourne.gov.uk
01323 415 215

Recommendations That Members note the content of this report

This report was deferred from the July Planning Committee and is reported here in full for debate and discussion.

1.0 Introduction

1.1 Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.

1.2 Given the many & varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end the many & varied applications are clumped together into three broad categories Major, Minor and Other and the government have recently amended the criteria for the assessment of the Council's performance (see section on special measures below)

1.3 This report looks at the performance of the DM team across a number of elements of work in the following sections:

- **Section 2 Special Measure Thresholds** – looking at new government targets
- **Section 3 Planning Applications** – comparing volumes/delegated and approval rates
- **Section 4 Pre Application Volumes** – comparison by type and volume over time
- **Section 5 Refusals of Applications** – comparison of ward and decision level
- **Section 6 Appeals** – An assessment our appeal record over time

- **Section 7 Planning Enforcement** – An assessment of volumes of enforcement related activity.

2.0 Special Measures

- 2.1 Members may be aware that the Government have recently introduced new National performance criteria (Nov 2016 on speed and quality) against which all Council's will be judged. Failure to perform against these targets runs the risk of the Council being designated as 'Non- Performing' and special measures will initiated by Central Government.
- 2.2 The assessment of the new 'special measure' threshold has two limbs to it and will be reviewing our performance on a backward rolling two year basis, see tables below:

1. Looking at the **speed** of decision

The speed with which applications are dealt with measured by the proportion of applications that are dealt with the statutory time or an agreed extended period.

Application type	2018 threshold
Major Speed	60% of all applications (October 2015 – September 2017)
Non Major Speed	70% of all applications (October 2015 – September 2017)

2. Looking at the **quality** of the decision made (with reference to overturned appeal decisions).

Application type	2018 threshold
Major Quality	10% of all appeal overturns (April 2015 – September 2017)
Non Major Quality	10% of all appeal overturns (April 2015 – September 2017)

The quality of decisions made by the Council measured by the proportion of decisions on applications that are subsequently overturned at appeal.

- 2.3 If the Council are identified as not complying with these standards/criteria they would be declared as 'non performing' and formal designation would follow.
- 2.4 In terms of formal designation there are two potential outcomes:-
- Major applications the applicant would have the ability to bypass the

Council and go straight to the Planning Inspectorate for determination. This would mean that the Council would lose deamination control until such time as the designation is lifted.

- Non-Major applications the Council would have to submit the Central Government an action plan addressing the areas of weakness that it has identified as having contributed to the underperformance.

2.5 In analysing this data it is important to note that the development type categories have changed with regard to type of applications falling under the non-major category. The data included in this section of the report has been reproduced in this new format.

2.6 SPEED OF DECISION

It is evident from the table below that the decisions taken for the survey period are currently above the special measures threshold.

Table 1

		Majors						Non-majors							
		Major Decisions within 13 week		PPA, EoT or EIA Decisions		PPA, EoT or EIA Decisions in t		M&O Decisions		M&O Decisions within 8 weeks		PPA, EoT or EIA Decisions		PPA, EoT or EIA Decisions in t	
		All Major Decisions				Out of time	Result					Out of time	Result		
Quarter 01	Oct - Dec 2015	1	0	1	0	1	0.00%		124	96	4	2	26	79.03%	
Quarter 02	Jan - Mar 2016	2	0	2	2	0	100.00%		119	101	5	5	13	89.08%	
Quarter 03	Apr - Jun 2016	4	1	2	2	1	75.00%		151	136	6	6	9	94.04%	
Quarter 04	Jul - Sep 2016	2	0	2	2	0	100.00%		117	96	3	3	18	84.62%	
Quarter 05	Oct - Dec 2016	2	0	1	1	1	50.00%		121	90	2	2	29	76.03%	
Quarter 06	Jan - Mar 2017	1	1	0	0	0	100.00%		105	88	2	1	16	84.76%	
Quarter 07	Apr - Jun 2017	2	0	2	2	0	100.00%		170	146	5	3	21	87.65%	
Quarter 08	Jul - Sep 2017														
total		14	2	10	9	3	78.57%		907	753	27	22	132	85.45%	
		Minimum level require						60.00%							70.00%

2.7 Risk Area

It is considered that there is significant headroom against these targets and as such the risk of Special Measures for Non-Performance is low, however given the low volumes of major applications there is the potential for volatility in the performance.

Officers are encouraged to offer/negotiate an extension of time with the

applicant/developer this should mitigate the risk level.

2.8 QUALITY OF DECISION

This section looks at appeal decisions and specifically the number/volume that have been allowed/overturned at appeal. The Government view that this performance indicator as a measure/reflection on the relevance of an up to date local plan and that the decision makers (officers at delegated and Members at planning committee) make the correct and informed decisions.

Table 2

Criteria: Quality		District matter Majors						Non-majors								
		All Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result	Non-Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result	
Quarter 01	Jul - Sep 2015	0	0	0	0	0			134	11	6	5	1	0	0	
Quarter 02	Oct - Dec 2015	1	0	0	0	0		0.00%	124	19	3	1	2	0	1	
Quarter 03	Jan - Mar 2016	3	0	0	0	0		0.00%	119	14	5	3	2	0	1	
Quarter 04	Apr - Jun 2016	4	1	1	1	0	0	0.00%	151	17	12	8	4	0	2	
Quarter 05	Jul - Sep 2016	2	0	0	0	0		0.00%	117	12	2	1	1	0	0	
Quarter 06	Oct - Dec 2016	2	2	1	1	0	0	0.00%	121	9	4	2	2	0	1	
Quarter 07	Jan - Mar 2017	1	0	0	0	0	0	0.00%	105	5	4	3	1	0	0	
Quarter 08	Apr - Jun 2017	2	0	0	0	0	1	0.00%	171	11	1	1	0	1	0	
	total	15	3	2	2	0	0	0.00%	1042	98	37	24	13	0	1	
		Minimum level required						10.00%								10

2.9 Risk Area

One area for Members to note from this criteria is that given the very low volumes of major applications progressed/determined within the survey period the implications of this are that a small number of appeal decisions can have a significant impact upon performance.

By way of an example Members will note that we still have the BT Site Moy Avenue appeal to be determined and depending on the outcome of the appeal this may have a significant impact upon performance.

2.10 Given the huge potential swing in performance given the very low volumes involved that there is a very high risk of the Council falling under special measures in this category.

2.11 Officers will advise on the this issue when major applications are discussed/debated at future planning committees and Members are requested to mindful of the impacts and consequences of refusing major applications.

3.0 Planning Applications

3.1 Given the new 'Non-Performing' special measure thresholds referred to above it is clear therefore that with the regular (quarterly) reporting of performance to Planning Committee so that issues, trends and pressures can readily be identified and where necessary may give sufficient time to address the issues.

3.2 The figures in Tables 3 – 4 below include the data from the Government return (currently excludes 'Notifications Prior Approvals and Certificates of Lawful development, trees and pre application submission). It is accepted that the Government have changed the content of the data that analyse, however this data is reported here to give the year of year comparison.

3.3 Table3

Decisions	2013	2014	2015	20-16	2017
All determined	574	596	545	569	305
Delegated	510 (89%)	521 (87%)	472 (87%)	505 (89%)	291 (97%)
Granted	521 (91%)	546 (92%)	488 (90%)	515 (91%)	286 (94%)
Refused	49 (9%)	50 (8%)	57 (10%)	54 (10%)	19 (6%)

3.4

Table 4	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569
2017	All determined	305
2017 Q1 (Jan – Mar)		
	All determined	122
	Delegated	115 (94%)
	Granted	116 (95%)
	Refused	6 (5%)
2017 Q2 (Apr - Jun)		
	All determined	183
	Delegated	176 (96%)
	Granted	170 (92%)
	Refused	13 (7%)
2017 Q3 (Jul - Sep)		
	All determined	0
	Delegated	0
	Granted	0
	Refused	0
2017 Q4 (Oct - Dec)		
	All determined	0
	Delegated	0
	Granted	0
	Refused	0

3.5 It is clear from the tables above that the volume of the cases determined during the survey period has percentage levels consistent with previous

years.

3.6 It is considered that in granting planning permission for 96% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of the applicants and only where there are substantive material planning considerations is an application refused. (see appeal section below)

3.7 It is acknowledged that in 2017 the % of applications determined at delegated level has significantly increased; this is reflective of the changes recently made to the scheme of delegation.

4.5 Members should note that the Table 5&6 includes further application data by ward.

4.6 Table 5&6
Number for the Calendar Year 2017 and the calendar year 2016.

Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions). This table gives the full account of the workload coming through the section.

Table 5

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	719

4.7 Table 6

Year 2016

4	DV Devonshire	216
5	HP Hampden Park	71
6	LG Langney	58
7	MD Meads	375
8	OT Old Town	155
9	RN Ratton	145
10	SA St Anthony's	127
11	SV Sovereign	107
12	UP Upperton	179
13	(blank)	
14	Grand Total	1433

4.8 2017

DV Devonshire	77
HP Hampden Park	51
LG Langney	39
MD Meads	178
OT Old Town	76
RN Ratton	85
SA St Anthonys	65
SV Sovereign	54
UP Upperton	94
(blank)	
Grand Total	719

4.9 Risk Area

Members will acknowledge that there has been an increase in the 114 cases in 2016 compared to the 2015, this represents a 9% increase in workload.

It is acknowledged that based on current workload (6 months) that the volume of workload would appear to be sustained. It is considered that this level of workload needs to be monitored as it may have a resource impact going forward.

4.0 PRE-APPLICATION ADVICE

4.1 In addition to the formal applications received the Council for this survey quarter offers a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the years 2014-16 and a rolling number for the current year.

Table 7

PROCESS NAME	NUMBER 2017	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	0	53
PRE APP HOUSEHOLDER	67	220	163	126
PRE APP MEDIUM	64	147	159	108
PRE APP MAJOR	5	18	10	16
TOTAL	136	385	332	303

4.3 This information is considered to be relevant given that it is a barometer of the additional workload of the team. Members should note a significant spike being reported during 2016 and if this level continues there may well be a staffing/resource issue.

Members should be aware that the 2016 spike has been arrested to some

extent following the introduction of a pre-application charging regime as of the 1st April 2017.

- 4.4 In addition Members should note that our returns to central government are based on prescribed application categories and they do not necessarily highlight the volume of work going through the Planning section of the Council.

5.0 REFUSALS

- 5.1 Members requested further information on the number and break down of the refusals issued for the calendar year 2017 (to date). This information is highlighted within tables 8 & 9 below.

- 5.2 Members should be aware that in common with other years we refuse fewer than 10% of the applications received, with the overwhelming majority being refused at delegated level. For 2017:- 9 cases were refused at Delegated and 15 were refused at Planning Committee level.

5.3 TABLE8
REFUSALS BY WARD

Row Labels	REF Refused	Grand Total
DV Devonshire	3	3
HP Hampden Park	3	3
MD Meads	4	4
RN Ratton	2	2
SA St Anthonys	2	2
SV Sovereign	4	4
UP Upperton	4	4
(blank)	2	2
Grand Total	24	24

5.4 TABLE9
REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

CCC Planning Committee	2	2
DDD Delegated List	22	22
Grand Total	24	24

- 5.5 For the survey period there have been two applications that have been refused at committee .

Paint on the Pier and new bungalow at 21 Derwent Road.

6.0 APPEALS

- 6.1 As commented above all applications that are refused have to the potential to

be appealed by the applicant. The Council for the year 2017 have received 5 appeal decisions and the decision letters have been reported to committees through the year.

6.2 Appeals decided by development type/application

TABLE 10

6.3

HHH Householder	1
OSR Outline (some reserved)	1
PCI Prior Notification Class IA	1
PPP Planning Permission	3
Grand Total	6

6.4 APPEAL ANALYSIS

The appeal decisions letters received during 2017 have been analysed with the various decision permutations reported below.

Table 11

6.5

	Officer Approve Cttee Refuse Appeal decision- Allowed	Officer Approve Cttee Refuse Appeal decision - Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0	4 (40%)	2 (20%)	4 (40%)
2015	0 (0%)	3 (21%)	2 (14%)	9 (65%)
2016	5 (18%)	1 (4%)	5 (18%)	17 (61%)
2017	0 (0%)	0(0%)	1(17%)	5 (83%)

6.6

The above table 11 identifies the relevant decisions permutations and it is acknowledged that the appeal volume is comparable to the levels of previous years. It is acknowledged that the highest volume appeal category continues to be the 'planning permission' type (3 cases for 2017); this is a wide and divers category covering all things from changes of use to replacement windows. The appeal rate/volume will continue to be monitored going forward with any trends that can be identified being reported via this report.

6.7

It is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level. It is considered that reporting the appeal decisions in full to planning committee under a separate cover will assist in understanding trends and common issues.

6.8 Appeal Analysis Table 11 Column 1

Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong) It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decisions received to date there no instances this year where this scenario has occurred.

6.9 Appeal Analysis Table 11 Column 2

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This shows that officers are not always right, there are no cases falling into this bracket in this survey period.

6.10 Appeal Analysis Table 11 Column 3

Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong. This shows that officers and Members are in tune but the officers have been overzealous with their recommendation and it has not been supported by the Planning Inspectorate.

6.11 This is also often a category where appeal costs can be awarded

6.12 It is acknowledged that there is 1 appeal falling into this category within the survey period however it is important to continue to monitor as it is an indication that Officers may not be following planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

6.13 In essence it is important that officers do not shy away from making difficult recommendations especially where recommendations are in accordance with national and local advice/policies.

6.14 Appeal Analysis Table 11 Column 4

Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal refused (officers and Members were right). This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The higher the % the better, Members will note that this category is usually by far the largest, this is a reflection that the decisions that were taken were consistent with National and Local Policy advice.

6.15 Appeal Costs

As members will be aware the appeal process can award costs to any

party involved in the appeal process where it can be demonstrated that any party has acted unreasonably. During the survey period the Council received one award of costs

6.16 There are no appeal costs for the survey period.

6.17 Members should note that collectively we should strive to avoid costs claims.. Legal and Planning Officers will advise members at Planning Committee (prior to making a decision where there is the likelihood of a cost claim being successful.

6.18 Risk Area

Given the changes to the to the way the Government assess what constitutes a good/well performing Council means that there is a very high risk of special measures on major applications being overturned at appeal.

In an attempt to mitigate this risk case officers are encouraged to negotiate extension of time with the applicant developer.

If/when an award of costs is made there is the potential for a financial risk and also a reputational risk and as such these have to be closely monitored and where possible lessons should be drawn from these cases. In this regard the regular reporting on appeal decisions to planning committee should help to inform this issue.

7.0 PLANNING ENFORCEMENT

7.1 As outlined in the Planning Enforcement Policy Statement regular reporting of the enforcement function to Planning Committee is considered important as it keeps members aware of the cases and issues that are live in their area and it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

Going forward these statistics are reported to Planning Committee on a quarterly basis with an annual review.

7.2 Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the 'Driving Devonshire Forward' policy document. Below in Table 12 highlights the number of enforcement cases opened in 2017.

TABLE 12

7.3

	7
Devonshire	33
Hampden Park	22
Langney	18
Meads	30
Old Town	19
Ratton	15
Sovereign	8
St Antonys	24
Upperton	16
Grand Total	192

7.4 Cases Closed/Received

TABLE 13 Closed/Received Annual

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	206	192

7.6 It is important to note that the closure rate is generally consistent with the volume of the new cases received and as such there should not be an expanding backlog of live cases. Notwithstanding this Members should note that the volume of cases on the over 6months old list hovers around the 30 cases around 26% of all live cases.

TABLE 14 Cases over 6 months old

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32
2017	39	22	0	0

7.8 **Enforcement Related Notices served in 2016**

7.9 As members may know there are many differing types of enforcement notices the main ones being:-

- Enforcement Notice
- Stop Notice
- Temporary Stop Notice
- Planning Contravention Notices
- Breach of Condition Notices
- Injunctions

For the Calendar year 2017 5 notices (1% of all cases received) have been served.

7.10 It is clear that therefore that in excess of 90% of all enforcement cases are resolved/closed without the need to resort to a formal notice.

7.11 As Members will acknowledge from the adopted Planning Enforcement Policy that the serving of a notice is the last resort and that wherever possible a negotiated solution is preferable.

7.12 In terms of proactive monitoring of planning cases the following has been adopted:-

o **Monthly Site Meetings.** In relation to the Major development sites at Sovereign Harbour and Eastbourne College this will ensure early warning of potential breaches of planning control or where the developer wishes to alter their scheme for whatever reason and given this early warning officers can advise on the best ways forward.

- **Planning Condition Monitoring.** Using our back office system we are now regularly monitoring conditions of key decisions/cases, these are primarily planning committee cases.

7.13 Risk Area

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.

8.0 LEGAL AND HUMAN RESOURCES

8.1 Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

It is considered that the current workload/capacity and the current level of performance can be sustained with/by the current establishment. However some scrutiny over the volume of work across the whole service area including pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.



Appeal Decision

Site visit made on 27 June 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 26th July 2017

Appeal Ref: APP/T1410/W/17/3170214 2-4 Moy Avenue, Eastbourne BN22 8LP

- 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 Lacey of Moy Court Limited against the decision of Eastbourne Borough Council.
 - The application Ref PC/160929, dated 9 August 2016, was refused by notice dated 17 November 2016.
 - The development proposed is refurbishment and extension to existing telephone exchange building and the construction of two number part three, part four storey pavilion buildings to the rear to provide a total of 95 one and two bedroom flats, with 93 on site car parking spaces.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was amended prior to its determination by the Council, with some window alterations being made. I have therefore only had regard to the drawings that formed the basis of the Council's decision.
3. In connection with the appeal the appellant has entered into an agreement under Section 106 of the Act with the Council and East Sussex County Council. The agreement would obligate the appellant to: make provision for 25 affordable housing units; make a contribution of £25,000 towards local transport facilities; participate in local employment and training during the construction phase of the development; and operate a travel plan for the occupiers of the development. I have had regard to the aforementioned obligations.

Main Issues

4. The main issues are the effect of the development on: the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, privacy and light; and the character and appearance of the area.

Reasons

Living Conditions

5. 2 to 4 Moy Avenue comprises a vacant telephone exchange building and ancillary open yard and parking area. The site is bounded to the north, east and south by residential properties in Moy Avenue, St Philip's Place, Whitley
-

- Road and Waterworks Road. Opposite the site there are commercial premises.
6. The development would involve the partial demolition of the telephone exchange and the extension of the retained building to facilitate its conversion into a block of 38 flats spread over four floors (block 1). The development would also involve the construction of two new blocks, blocks 2 and 3, which would be sited behind block 1. The proposed development being an alternative to the scheme for 36 dwellings subject to the extant planning permission granted on 16 January 2015.
 7. Block 2 would be a part three and part four storey building, which would accommodate 25 flats and it would be sited parallel to the rear garden boundaries of some of the houses in Waterworks Road. Block 3 would also be a part three and part four storey building and it would accommodate 32 flats. Block 3 would have an 'L' shaped floorplan and it would have elevations running parallel to the rear gardens of 6 Moy Avenue (No 6) and properties in St Philip's Avenue and Whitley Road.
 8. Many of the flats would have a single aspect and they would have windows and balconies that would face towards the adjoining dwellings to the north, east and south of the site. I consider that the siting of Blocks 1, 2 and 3 relative to the adjoining dwellings would mean that actual harmful window to window overlooking would be unlikely to occur. However, because the north eastern elevation of Block 3 and the south western elevation of Block 2 would be punctuated by so many windows at first and second floor levels, I consider that Block 2's and 3's presence could give rise to the occupiers of the neighbouring dwellings perceiving that they were being overlooked, particularly when using their gardens. I also consider that there would be a strongly likelihood that the use of the first and second floor balconies in Block 3's north eastern elevation and Block 2's south western elevation would be likely to give rise to harmful overlooking of the adjoining properties. The occupiers of the neighbouring dwellings might therefore be less inclined to use their gardens.
 9. I therefore consider that some of the window and balcony arrangements for Blocks 2 and 3 would give rise to unacceptable perceived or actual unneighbourly overlooking of the properties in Moy Avenue, St Philip's Place and Waterworks Road.
 10. I consider that the degree of physical separation between Blocks 2 and 3 and the properties in Whitley Road, and the length of the latter's rear gardens, would mean that the occupiers of the properties in Whitley Road would not experience any unacceptable overlooking. I also consider that the orientation and separation distances for Block 1's windows and balconies relative to the neighbouring properties would mean that Block 1's occupation would not give rise to any unneighbourly overlooking.
 11. Block 3's north eastern elevation would be sited around 12 metres from No 6's side boundary and I consider that this block's width and height would mean that its siting would give rise to an unacceptable sense of enclosure for the users of No 6's well maintained rear garden, which I visited as part of my site visit. I therefore consider that the development would have a harmful effect on the outlook from No 6's garden. I also consider that the outlook from the rear gardens of some of the properties in St Philip's Place would be

adversely affected, albeit to a lesser degree than would be the case from No 6's garden. I, however, consider that the distances between Block 3 and No 6 and the properties in St Philip's Place would mean that Block 3's siting would not cause any harmful loss of outlook from the interior of those neighbouring dwellings. I also recognise that the outlook from within the interior of No 6 would be improved to some degree because of the partial demolition of the northern end of the telephone exchange.

12. Given the siting of Blocks 2 and 3 relative to the ends of the long gardens of the houses in Whitley Road, I consider that the separation distances would mean that the occupiers of the Whitley Road properties would experience no unacceptable loss of outlook. I am also of the opinion that there would be a sufficient degree of separation between Block 1, as extended, and Block 2 and the houses in Waterworks Road for the occupiers of the latter dwellings not to experience an unacceptable loss of outlook.
13. Taking account of the orientation and heights of the Blocks relative to the neighbouring dwellings, I consider that the development would not give rise to any unacceptable loss of light to the interiors or gardens of the neighbouring properties.
14. For the reasons given above I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of some of the neighbouring properties. The development would therefore be contrary to saved Policy HO20 of the Eastbourne Borough Plan (the Borough Plan), Policy B2 of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy) and paragraph 17 (the fourth core planning principle) of the National Planning Policy Framework (the Framework). That is because the development would cause unacceptable losses of outlook and privacy and would therefore not respect and protect the living conditions (amenity) of neighbouring residents.

Character and Appearance

15. The site is in a mixed land use area, with the area immediately to the north, east and south of the site being residential in character, while there are commercial premises immediately to the west and in Moy Avenue and Courtlands Road. The telephone exchange and its yard are much larger in scale than the dwellings that immediately adjoin the site. In that respect the site's existing character is comparable with the other nearby commercial premises.
16. I consider that the site's scale and that of the nearby commercial premises would mean that this redevelopment scheme would not be out of character with the development in the surrounding area. That is because the scale of individual buildings within the vicinity of the site is very varied and does not just include smaller scale dwellings. I also consider the development's contemporary appearance would be appropriate to its surroundings.
17. I therefore conclude that the scale of the development would not be harmful to the character and appearance of the area. The development would therefore not be in conflict with saved Policies UHT1 and UHT2 of the Borough Plan, Policy D10a of the Core Strategy and paragraph 58 of the Framework. That is because the development's scale and height would not be out of place with the area's character and appearance.

Planning Balance

18. There is no dispute that the Council cannot currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). In the absence of an HLS paragraph 14 of the Framework indicates that planning permission should be granted unless ‘... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted’.
19. The provision of 95 flats, including 25 affordable units, would make a weighty contribution to the supply of housing in the area and there would therefore be significant economic and social benefits associated with this development. I also consider that the development would be in keeping with the character and appearance of the area. However, I have found that the development would cause unacceptable harm to the living conditions of the occupiers of various neighbouring dwellings. I consider that the adverse impact on the living conditions of residents of the area I have identified would significantly and demonstrably outweigh the development’s benefits. I therefore find this development would be an unsustainable one, with there being conflict with both the development plan and the Framework.

Conclusions

20. While the development would not be harmful to the area’s character and appearance, I have found that it would cause unacceptable harm to the living conditions of the occupiers of various neighbouring dwellings. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR