

## Planning Committee

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

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## Agenda

- 1 Minutes of the meeting held on 29 August 2017.** (Pages 1 - 10)
- 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 7 Upperton Road. Application ID: 170813. (Pages 11 - 30)****7 20 Upperton Road. Application ID: 170964. (Pages 31 - 44)****8 26 Walnut Tree Walk. Application ID: 170759. (Pages 45 - 50)****9 125 Langney Road. Application ID: 170928. (Pages 51 - 62)****10 South Downs National Park Authority Planning Applications.**

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

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

**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](http://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.

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Tuesday, 29 August 2017  
at 6.00 pm



## Planning Committee

Present:-

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

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### **27 Minutes of the meeting held on 25 July 2017.**

The minutes of the meeting held on 25 July 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### **28 Apologies for absence.**

There were none.

### **29 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.**

Councillor Coles advised the Chairman that she would withdraw from the room whilst minute 35 St Andrews United Reform Church, Cornfield Lane, was considered. In her previous role of Mayor of Eastbourne, Councillor Coles openly supported the proposal and therefore stated that she had predetermined her decision on this scheme.

### **30 Urgent item of Business.**

The Senior Specialist Advisor for Planning advised the committee that under Section 100B (4) of the LGA Act 1972, and by reason of special circumstance – namely that planning permission in this case would expire prior to the next planning committee – Langney Shopping Centre Application ID:171070 needed to be considered at this meeting and was in the interests of the economic development of Eastbourne.

The Members agreed to consider the application following the conclusion of the stated applications listed on the agenda.

**RESOLVED:** That for the reasons detailed above, Langney Shopping Centre Application ID: 171070 be considered at this evening's meeting.

### **31 2a-2b Pevensey Road. Application ID: 170827.**

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) – **DEVONSHIRE**.

The committee was advised that for the purposes of clarification and in response to concerns raised by the applicant, the 'nightclub' use referred to in the description of the development and the body of the report referred to the nightclub use of the second floor – the self-contained unit.

**RESOLVED: (By 7 votes with 1 abstention** - Councillor Taylor abstained from voting on this item) That subject to no further representations being made (raising new issues) from 2<sup>nd</sup> round of public consultation the granting of permission be delegated to the Senior Specialist Advisor for Planning, in consultation with the Chair, and subject to the following 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)

**Informative:**

Licencing requirements

**32 5 Meads Street. Application ID: 170022.**

Proposed change of use from Class A2 (Financial and professional services) to Class C3 (residential Dwelling), and two floor rear extension – **MEADS**.

This item was withdrawn.

**33 21 Susans Road and 10 Pevensey Road. Application ID: 170725.**

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) – **DEVONSHIRE**.

Conservation Area Advisory Group considered the application on 22 August 2017 and commented as follows:

The Group agreed that the proposal would enhance the surrounding Conservation Area.

This was supported by the Specialist Advisor for Conservation who had no objections and further commented:

This application sought consent for adaptations to a prominent corner building located in the Town Centre and Seafront Conservation Area. The surrounding area was busy and vibrant, with a diversity of retail and residential uses, and with considerable current development interest, including the Central Methodist Church immediately opposite the side elevation on to Susan s Road.

In essence, the application looked to redevelop the site for residential use after a period of mixed tenure, which involved modification to the front and side elevations as well as the construction of a new extension to the rear of the property, albeit in a recessed position with limited visual impact on the wider streetscape. The adaptations to the front and side would see the removal of an underwhelming commercial shopfront and signage, which it was suggested be replaced by bay windows that broadly mirror the design at upper levels and create an effect that was more sympathetic to the setting. It was unfortunate that new windows were not timber, reflecting the Council's preference in the guidance note currently out for consultation, but the use of a design that mirrors the sash form was helpful and appreciated in a location that evidenced significant loss of features. The intention to replace railings to the frontage, drawing on a historic local tradition, was welcome as an attempt to add character, personality and authenticity to the development.

The committee discussed the application and felt that they did not have enough information relating to the treatment of the lower level and the sizes of the proposed flats and their compliance with National space standards.

Mr Perkins, applicant, addressed the committee stating that he addressed previous concerns on the proposed extension and that bin storage had been provided within the site.

**RESOLVED: (Unanimous)** That the application be deferred to allow officers to seek further confirmation on room sizing and additional details to allow for a better understanding of the proposed pavement grates and light wells.

#### **34 Heatherley Hotel. Application ID: 170820.**

Application for removal of condition 13 following grant of planning permission (141521) to allow the creation of 28 residential flats – **DEVONSHIRE.**

Mr Aggrawaral, applicant, addressed the committee stating that the hotel had been empty for some time and that he had failed to secure funding for the holiday let part of the development.

The committee discussed the application and agreed that holiday let provision was an important part of this development and for the future of tourism in Eastbourne.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that the proposed loss of this holiday accommodation provision in the Primary Sector of the Tourist Accommodation Area identified by the Tourist Accommodation Retention SPD is considered to be harmful to the character, form and function of this area which would be likely to affect the local tourist economy and as such is found to be discordant with Policy TO2 of the Eastbourne Borough Plan in conjunction with the Tourist Accommodation Retention SPD.

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.

**35 Site 8, Sovereign Harbour. Application ID: 170685 and 170885.**

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 (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 holder facilities (Ref: 131002) (Previously approved 160092) -

**SOVEREIGN.**

The committee was advised that the discharge of condition application in relation to amendments to the drainage strategy for the site had been withdrawn. Instead the developer would commence the drainage strategy approved under discharge of condition application Ref: 160092. The approved drainage strategy used soakaways to discharge surface water from the site. East Sussex County Council Suds Team had confirmed that the changing of the surface from permeable to impermeable was acceptable in terms of the drainage scheme. The use of impermeable block paving would not impact on this drainage system as the open space was drained through gully's to the soakaway.

Mr Bannerman, on behalf of the Sovereign Harbour Residents Association, addressed the committee in objection stating that he had concerns about the non-permeable paving and the run off into the harbour.

Members discussed the application and felt that the developer had been aware of the issues relating to the paving, tarmac and levels and planting and that public consultation had been instrumental in forming the current application.



The Specialist Advisor Planning queried whether there were any amendments to the scheme that could be supported, Members felt that none of the amendments were acceptable.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that 1) by virtue of the increased ground levels and therefore additional steps between the walk-ways the public open space would be less inclusive/accessible to all members of the public, the retention of the tarmac areas would be out of keeping with the wider Harbour area within which all public footpaths are paved in similar finishing material contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013. 2) The overall design of the public open space by virtue of the size and shape of the planters including the integral seating design is considered to be a downgrading from the original design concept and as such would be out of keeping with and detrimental to the character of the wider Harbour area contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013 and contrary to the original design concepts as outlined with the parameter plans of Outline Planning Permission for the development of the site for 8 dwelling houses (Ref: 131002)

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.

**36 St Andrews Church, Blackwater Road. Application ID: 170156.**

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) – **MEADS.**

Mr Mooney, on behalf of Park Lodge residents – addressed the committee in objection stating that the proposal was an over development which would result in congestion in the surrounding roads and increased pressure on parking.

Mr Jones addressed the committee in objection stating that the additional three parking spaces was still not enough for a development of this size.

Mr Hollobone addressed the committee in objection stating that the proposal was still an over development. He also raised concerns regarding the impact on residents during the construction of the development and the treatment of waste water.

Councillor Smart, Ward Councillor, addressed the committee in objection stating that the scheme was a gross over development. He also expressed concerns about the validity of the parking survey.

Mr Winch, on behalf of the applicant, addressed the committee in response stating that the development would provide much needed accommodation.

The spire, façade and roof would be retained. He also advised that a Construction Management Plan would be submitted.

The committee discussed the application and did not feel that parking was an issue in this town centre location.

A motion to refuse the application proposed by Councillor Taylor and seconded by Councillor Murdoch was lost 3 votes to 4.

**NB:** Councillor Coles withdrew from the room whilst this application was considered.

**RESOLVED: (By 4 votes to 3)** That permission be granted subject to S106 to cover local employment initiatives and affordable housing delivery and the following conditions: 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

**37 The Pilot Pub, 89 Meads Street. Application ID: 170822.**

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 – **MEADS**.

The committee was advised that further survey work had been requested by East Sussex County Council Highways department in relation to the use of the car park, in order to justify the loss of parking by the extension to the building. This had been carried out by the applicant, however to give the East Sussex County Council Highways department time to comment on the survey results in full officers requested that the application be deferred until the next Planning Committee 26 September 2017.

**RESOLVED:** That this item be deferred to allow East Sussex County Council Highways to consider and comment on the additional survey information regarding the use of the car park in full.

**38 Langney Shopping Centre. Application ID: 171070. (Urgent Item)**

The committee was advised that under planning application reference 130229, permission was granted for an extension to the Langney Shopping Centre to provide 33,000sqft of new retail floor space.

The above planning permission was granted subject to S106 agreement and the necessary planning conditions one of which stated that the development would need to commence within the three years from the date of the approval; thus the permission would expire on the 23<sup>rd</sup> September 2017.

The applicants had let a construction tender to build the extension however an element of the finance to support this tendering process was based on the increased marketability of the site. For the applicant this related to supporting all retail uses (Class A1 – A5) to take up the new floor space.

As Members were reminded that the original scheme was retail (shopping) led and that there were no conditions or floorplans attached to the original permission that controlled the nature of occupation. The current application therefore sought to clarify the full nature of the uses that could occupy the new extension.

Planning Application Reference: 171070 sought to clarify the likely tenant (uses) that could occupy the extension to the Langney Shopping Centre. The applicants were seeking to establish that a flexible permission be established that would allow any use (A1-A5) could occupy any of the units within the proposed extension. The supporting statement outlined why such a flexible permission would be in accordance with National advice within the NPPF and also accord with the spirit of the Councils Local Plan and Core Strategy.

Officers acknowledged that since the original consent there had been factors (Internet retail activity- retail and funding confidence pre Brexit) that had influenced the viability of town and district centres and as such the continued reliance on a purely shopping (A1) scheme would be unlikely to be sustainable and there was a high probability that the scheme would carry vacant units.

Officers therefore felt that a more flexible approach would mitigate the impact of a reliance solely on shopping. However as applied for there was the risk that all of the units could be lost to non-traditional retail uses and this would be equally regrettable.

Officers were therefore recommending a condition controlling the extent of the units that could be move away from retail. The drafted condition would allow the two units at the entrance to be occupied by A1-A5 and any other would be resisted as they would take the percentage of non-retail (shopping) floor space over 25%.

**RESOLVED: (Unanimous)** That permission be granted subject to the following condition: 1) Unit MSU 3 as shown in plan 1129.4/P (-) 102 REV N, shall not be used for any purpose other than within Class A1 shops. Unless otherwise approved in writing by the local planning authority, no more than 25% of the floor space of the other proposed retail units (SU1, 2,3&6, 7&8, 9,10,11,15A, 15,16, and 18) shall be used for any purpose other than within Class A1 shops)

### **39 Affordable Housing Supplementary Planning Document.**

The committee considered the report of the Director of Strategy, Planning and Regeneration seeking Members views on the Affordable Housing Supplementary Planning Document (SPD) due to be considered by Cabinet on 13 September 2017.

The committee was advised that as a result of changes in national policy and updated information on development viability, the Council had prepared a new Affordable Housing Supplementary Planning Document to update the position relating to affordable housing contributions sought from development.

The Affordable Housing SPD would provide a detailed explanation in support of the implementation of Policy D5: Housing of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It contained advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.

A draft Affordable Housing SPD was published for consultation with the local community and other stakeholders for an eight week period between 26 May and 21 July 2017. The results of the consultation were detailed within the report.

The SPD would need to be adopted by Full Council before it could be used to help secure affordable housing through development proposals and the Planning committee was asked to comment on the final version of the Affordable Housing SPD, which would be report to Cabinet on 13 September 2017 before going to Full Council on 15 November 2017.

**RESOLVED:** That Cabinet be advised that the Planning committee endorse the Affordable Housing Supplementary Planning Document as detailed within the report.

### **40 Update on Housing Delivery.**

The committee considered the report of the Director of Regeneration and Planning providing Members with an update on recent housing delivery for the first quarter of the 2017/2018 financial year and the current position in relation to the Five Year Housing Land Supply.

Members noted that the report identified the number of units granted permission, the number of units with permission that had yet to start construction and the total number of units completed as follows:

- 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 across 17 sites.
- 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.

Following the end of the first quarter 2017/18, there were 2,441 units to deliver over the remaining 9 and three quarter years of the plan period. This equated to 250.4 units per year. 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 would apply from November, this suggested that the 20% buffer should now be used. This equated to an additional years' worth of the target, making the Five Year Housing Land Supply requirement for Eastbourne 1,502 units. The Council was required to identify sufficient land to meet this requirement.

The committee was advised that the current assessment of the Five Year Housing Land Supply identified that as of the end of the first quarter 2017/18, Eastbourne had a supply of housing land equivalent to 876 units, comprising sites with permission, including those were construction had and had not started.

The Assessment showed that Eastbourne currently had a 2.9 year supply of housing land (or 58% of the Five Year Housing Land Supply requirement including 20% buffer). The Council was 626 units short of having a Five Year Housing Land Supply (including 20% buffer). 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.

**RESOLVED:** That the report be noted.

#### **41 Planning Performance Quarter 2 (April to June) 2017.**

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance for the second quarter of 2017 (April to June).

Given the many varied types of planning applications received, central Government required all Councils to report performance in a consistent and coherent manner. To this end the many varied applications were combined together into three broad categories Major, Minor and Other. Government had recently amended the criteria for the assessment of the Council's performance which was detailed in the section regarding special measures within the report.

The report detailed the following elements:

**Special Measure Thresholds** – Looking at new government targets  
**Planning Applications** – Comparing volumes/delegated and approval rates

**Pre Application Volumes** – Comparison by type and volume over time

**Refusals of Applications** – Comparison of ward and decision level

**Appeals** – An assessment the Council's appeal record over time

**Planning Enforcement** – An assessment of volumes of enforcement related activity.

Members were aware that Government had recently introduced new National performance criteria against which all Council's would be judged. Failure to perform against those targets ran the risk of the Council be designated as 'Non- Performing' and special measures would be initiated by Government. The assessment of the draft against this new 'special measure' threshold had two sections - Speed of decision and Quality of decision - and would be reviewing the Council's performance on a backward rolling two year basis, the detail of which was highlighted in paragraph 2.2 of the report.

If the Council were identified as not complying with these standards/criteria they would be declared as 'non performing' and formal designation would follow.

Speed of Decision - It is considered that there was significant headroom against these targets and as such the risk of Special Measures for Non-Performance was low, however given the low volumes of major applications there was the potential for volatility in the performance.

Officers were encouraged to negotiate an extension of time with the applicant and / or developer to mitigate the risk level.

Quality of Decision – Members were advised that given the very low volumes of major applications progressed within the survey period, the implications of this were that a small number of appeal decisions could have a significant impact upon performance. 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. Officers would advise on this issue when major applications were discussed at future meetings and Members were requested to be mindful of the impact and consequences of refusing major applications.

**RESOLVED:** That the report be noted.

**42 Appeal Decision.**

- 1) 2 Moy Avenue. The appeal was dismissed by the Inspector.

**43 South Downs National Park Authority Planning Applications.**

There were none.

The meeting closed at 9.00 pm

**Councillor Murray (Chairman)**

# Agenda Item 6

<b>App. No:</b> 170813	<b>Decision Due Date:</b> 26 <sup>th</sup> September 2017	<b>Ward:</b> Upperton
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> Various	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 22 <sup>nd</sup> September 2017		
<b>Neighbour Con Expiry:</b> 22 <sup>nd</sup> September 2017		
<b>Press Notice(s):</b> 22 <sup>nd</sup> September 2017		
<b>Over 8/13 week reason:</b> To accommodate amendments to scheme		
<b>Location:</b> 7 Upperton Road, Eastbourne		
<b>Proposal:</b> Demolition of existing buildings and redevelopment to form 58 sheltered apartments (38 one bedroom and 20 two bedroom) for the elderly including communal facilities, access, car parking and landscaping. (Similar to previously submitted application, PC/150803, but with fewer units)(amended scheme)		
<b>Applicant:</b> Mr Alex King		
<b>Recommendation:</b> Approve subject to conditions and delegate to the Senior Specialist Advisor to modify the S.106 Agreement attached to 150803 to deliver local labour initiatives.		

## Executive Summary:

This application is reported to Planning committee as it relates to a major application.

The application proposal is highly similar to the scheme approved under ref: 150803 (please see previous report for reference below current report), however the building has been reduced in size and the number of units proposed has been reduced by 3 apartments in order to accommodate exiting below ground infrastructure.

The scheme is still considered supportable in this strategic location and as such, is recommended for conditional approval and subject to retaining control over local labour issues.

The former committee report for 150803 is appended as Appendix No 1.

## Proposed development:

The scheme is essentially the same as the previously approved scheme for new sheltered housing for the elderly (ref: 150803), but with a reduction in

size of the building and number of units to be provided (curtailing of the south east end of the building).

Changes from the previously approved scheme include:

- Reduction in the number of units created from 61 to 58
- The number of 2 bedroom units has reduced to 19 (from 24)
- The number of 1 bedroom units has increased to 39 (from 37)
- The length of the building has been reduced by approx. 4m on the south east side adjacent to the Council/post office car park
- The footprint of the approved scheme was approximately 945m<sup>2</sup> and the current scheme has an approximate footprint of 887m<sup>2</sup>
- The two internal staircases now appear at each end of the building
- There are to be two lifts instead of one
- The rear facing units in the south of the building no longer have balconies (12 units in total), where all units in the previous scheme had balconies/patios. These balconies have been replaced with Juliette balconies instead.
- The Guest Suite is to be located now on the second floor, not the ground floor
- The plant room is now at the southernmost end of the building on the lower ground floor
- The layout of the car parking spaces has been amended, but 21 spaces are still to be provided (consistent with previous scheme)
- Landscaping has been slightly amended

**Consultations:**

Internal:

Housing Services Manager – no comments received

Specialist Advisor (Arboriculture) – condition recommended in line with previous consent

Specialist Advisor (Environmental Health) – no comments received

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

External:

Southern Water – no objection, informative recommended

Environment Agency – no comments received

County Archaeologist – no objection

South East Water Limited – no comments received

SUDS – recommend conditions

ESCC Highways – response to second consultation not yet received



**Neighbour Representations:**

3 objections have been received and cover the following points:

- Southfields Road is a busy thoroughfare
- Upperton Road congestion may worsen
- There is already a predominance for care homes/sheltered housing
- Lorries cause delays with current works on the site
- Access from Southfields Road for construction should not be used as it is not safe for nearby residents
- Proposed parking access is not appropriate
- Proximity to Council car park access is inappropriate
- All access into the site should be via Upperton Road instead

**Appraisal:**

The scheme brought forward for consideration remains similar to that approved under planning application reference 150803. There are no new policy issues to consider and there has been no significant change to the site circumstances/characteristics. Given this it is considered that the material planning considerations and assessment of the issues relating to the proposal remain the same as previously considered and as such are included in the previous committee report (attached as Appendix 1)

**Conclusion:**

The principle for the scheme has already been set on the site and this slightly reduced scheme is not considered to give rise to any concerns. As such, the development is considered appropriate and is recommended for approval.

**Recommendation:**

Approve subject to conditions and S.106 Agreement for Local Labour Initiatives

**Conditions:**

Conditions should mirror those of the previous consent (as detailed in attached Decision Notice dated 3rd February 2016). There are not considered to be any additional conditions required or changes to those attached to the previous consent.

**Informatives:**

- 1) Southern Water connection application required

**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.

**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.

Previous Committee Report attached below as Appendix 1

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APPENDIX 1

<b>App.No:</b> 150803 (PPP)	<b>Decision Due Date:</b> 8 October 2015	<b>Ward:</b> Upperton
<b>Officer:</b> Leigh Palmer	<b>Site visit date:</b> 28/09/15	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 10 September 2015		
<b>Neighbour Con Expiry:</b> 10/09/15		
<b>Press Notice(s)Published:</b> 25/08/15		
<b>Over 8/13 week reason: Reported to Committee within statutory framework</b>		
<b>Location:</b> 7 Upperton Road, Eastbourne		
<b>Proposal:</b> Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping		
<b>Applicant:</b> Mr Alex King		
<b>Recommendation:</b> Subject to S106 covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report.		

**Executive Summary:-**

*The application relates to redevelopment of the former Caffyns Garage site on Upperton Road. The proposed use and scale of development accords the local policies contained within the development plan including the Eastbourne Town Centre Local Plan (ETCLP) and as such there are no objections in principle to the proposed redevelopment.*

*It is considered that the location, design and siting of the building is such that it would not give rise to a material loss of amenity sufficient to justify a refusal of planning permission.*

*The proposed use is considered to meet a local need and the level/density of off street parking is deemed to be acceptable for this client group.*

*Issues over demolition and construction access are to be controlled via planning condition.*

*Subject to a S106 (Legal Agreement) covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report.*

**Town Centre Action Plan adopted November 2013**

*TC1 Character Areas*

*TC2 Town Centre Structure – 'Improved appearance from Upperton Road*

*TC3 Mixed use developments*

*TC6 Residential development within the Town Centre.*

*TC9 Development Quality*

*TC10 Building Frontages and Elevations*

*TC11 Building heights*

*TC12 Servicing Access and Storage*

*TC15 Parking*

*TC17 Strategic Approach to Town Centre Development Sites – 'delivering 450 units.*

*TC20 Development opportunity site 3 – 'Active frontage, pedestrian access, 3-6 storey in height, mix of uses, public realm, access and amenity issues.*

**Eastbourne Core Strategy Policy**

*Eastbourne Core Strategy Local Plan 2006-2027*

*B1 Spatial Development Strategy and Distribution*

*B2 Creating sustainable Neighbourhood*

*C1 Town Centre Neighbourhood Policy*

*C2 Upperton Neighbourhood Policy*

*D1 Sustainable Developments*

*D2 Economy*

*D10a Design*

*D5 Housing*

*D8 Sustainable Travel*

**Borough Plan Policies**

*Eastbourne Borough Plan 2001-2011*

*TR4 Quality Bus Corridors*

*HO1 Residential Development within the Existing residential area*

*HO20 Residential Amenity*

*BI17 design Criteria*

*TR11 Car Parking*

*HO2 Predominantly Residential Areas*

*NE3 Conserving Water Resources*

*NE4 Sustainable Drainage Systems*

*NE5 Waste minimisation  
NE11 Energy efficiency  
NE12 renewable energy  
NE28 Environmental Amenity  
UHT1 design of new development  
UHT2 Height of buildings  
UHT4 Visual Amenity*

**Site Description:**

*The application site relates to the former Caffyns Garage site (now vacant) fronting Upperton Road close to its traffic light junction with The Avenue.*

*The site is broadly rectangular in shape measuring 0.25 ha with a frontage along Upperton Road of some 70 m and a depth of plot of approximately 37m. The site currently has vehicle access points from Upperton Road and Southfields Road; the Upperton Road access is achievable by virtue of the floor level of the existing building.*

*There is approximately a storey height difference in levels down from Upperton Road to Southfields Road.*

*To the rear of the application plot is Southfields Court a 5 storey block with flat roof, this building fronts Southfields Road and has very, limited external space. To the west of the site lies the Council Staff carpark and the parking area connected with the Royal Mail sorting office. Opposite side of Upperton Road there are number of large flatted buildings and offices comprising 5-6 storeys in height. To the west of the site (up Upperton Road) lies Marlborough Court and large sheltered block over 5 storeys.*

*Southfields Road itself is characterised predominantly by large Victorian/Edwardian villas on substantial plots, for the most part the properties closet to the application site entrance have been converted into apartments and or care homes.*

*The site is located with the Town Centre boundary and approximately 200m of Eastbourne Train Station.*

*The site has been identified within the Town Centre Local Plan as a suitable development site. Policy TC20 deals with development opportunity site No3 and the parameters of this policy have been outlined within the policy section above.*

**Relevant Planning History:**

*The most relevant planning history is outlined below:-*

*EB/1963/0367*

*Erection of petrol station, showroom offices, repair shop and car park on roof of basement workshop  
Approved Conditional  
1963-09-26*

*EB/1963/0055  
Petrol service station, show room workshop, offices and parking and block of flats on 4 upper floors and garages /stores on ground floor  
Approved Conditional  
1963-02-21*

*130152  
Demolition of existing one and two storey offices and showroom  
Notification  
Issued  
29/05/2013*

*Adjacent site:-  
970355  
Erection of 4/5 storey building containing 66 very sheltered housing apartments with common areas comprising lounge, office, dining room, kitchen, staff areas, car park and site works.  
Planning Permission  
Approved conditionally  
02/01/1998*

***Proposed development:***

*General Concept:-  
The scheme relates to the demolition of the entire building to be replaced by a new building providing accommodation for 61 units for private sheltered accommodation. The scheme is to be built/managed by Churchill Retirement Living a specialist provider delivering accommodation that is designed to meet the needs of the independent retired people and provides self-contained apartments for sale within the block.*

*It is intended that the apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those over this age with the a partner at least 55 can live in the development. The applicants outline that even with the age restriction as outlined above the average age of the occupiers' within their portfolio is 79, the majority of which are single female households.*

*The development will have a 'lodge manager' employed by the management company and will provide general site maintenance of the buildings/gardens and also security to the residents. The 'lodge manager' is on site during working hours and when off site there is an emergency alarm system fitted in*

*each apartment and communal areas. The development will be accessed via a video entry system from both the car park level and from Upperton Road.*

*New Building:-*

*The new building is to have 5 storeys fronting onto Upperton Road and given the change of levels 6 storey to the rear. The building is to have a flat roof and proposed to use a range of external finishes including facing brick, render and slate coloured cladding panels.*

*The proposed building incorporates a curved façade to the southern corner of the building in order to provide some visual interest to views from The Avenue and also views to the site up from the train station and from the Town Centre.*

*A brick and flint boundary wall is proposed along the Upperton Road frontage of the site.*

*Separation Distances & Height:-*

*The building is to be located close to the Upperton Road boundary of the site and is kinked at the middle of the building, this reflect the curvature of this part of Upperton Road. The frontage of the building is some 30+m from properties on the opposite side of Upperton Road. The building is proposed to be sited so the back to back distance is some 21+m from the rear of the property Southfields Court. Marlborough Court which lies to the eastern boundary of the site has an 'H' shaped footprint and to the central limb of the 'H' there is a separation of some 18m and a back to back distance to the bottom limb of the 'H' in excess of 23m.*

*The external height of the building is broadly similar with the properties to the north (opposite) and east (adjacent) of the site and approximately 4m above the height of Southfield Court (rear).*

*Access & Parking:-*

*The scheme proposes pedestrian access from the street level on Upperton Road, there is also pedestrian access from within the building (lower ground floor level car park level). Vehicular access to the site is from Southfields Road and provides access to 21 car parking spaces (7 Undercroft and 16 open).*

*Accommodation schedule:-*

*Lower Ground Floor:*

- Access/parking
- Waste/recycling store
- Buggy store
- Communal lift to all floors
- Communal lounge
- Plant room
- 1 x 2bedroom flat

*Ground Floor:*

- *3 x 2 bedroom flats*
- *9 x 1 bedroom flats*
- *Entrance foyer from Upperton Road and lift to all floors*
- *Guest suite*

*First, second, third and Fourth Floor:*

- *5 x 2 bedroom flats*
- *7 x 1 bedroom flats*

*The scheme therefore proposes 61 residential apartments with the following mix:-*

*37 x 1 bedroom apartments*

*24 x 2 bedroom apartments*

*Amenity Space/balconies:-*

*All of the apartments have access to the communal landscaped garden on the lower ground floor as well as direct access to a private balcony ranging in size from 5sqm for the main bulk of the units and up to 12sqm for the apartments on the southern corner.*

*Supporting documentation:-*

*The application is accompanied by a number of supporting documents whose content can be summarised as:-*

*Design & Access Statement:- Re-uses town centre brownfield site, promotes a scheme that in design terms is respectful to the characteristics of the site and existing buildings. Scheme complies with National & Local Policies that promotes sustainable development in appropriate locations and supports a client group where there is a large demand for this downsizing accommodation. Scheme would help to meet the Councils housing pressures. There is a growing demand to meet the needs and requirements of an ageing population.*

*Ecological Report: - The site has low ecological value; this will be enhanced by virtue of the introduction of communal landscaped areas.*

*Flood Risk Assessment:- The site will have negligible flood risk, accept the need for further work to satisfy the requirements of the Lead Local Flood Authority (see response below)*

*Transport Assessment:- the site is in a highly sustainable location in relation to public transport, shops and other goods and services. Excellent bus connections/frequency to a number of destinations. 21 car parking spaces is considered entirely appropriate for the scheme/client group. Vehicular access will be onto Southfields Road and given the very limited vehicle movements*

*connected to the use of the site there will not be any material impact upon the local highway network.*

*Housing Need:- Given the demographics both locally and nationally there is a shortfall in this type of accommodation within Eastbourne and that there is growth in the 65+ age group with the 75+ age group is forecast to rise by 75% by 2037.*

*Stakeholder Engagement:- Feedback from the public exhibition/training events; the majority of those that engaged in the process were complimentary/supportive of the proposal. Other comments received relating to the following:*

- *Level of parking provision*
- *Access to the site*
- *Construction disturbance*
- *Need for housing for younger people*
- *Overprovision of retirement housing.*

*Response to Eastbourne Design Review Panel (EDRP):- The proposed development was reported to the EDRP where a number of issues were raised:*

*Development site providing an opportunity to provide a building that enhances the approaches to Eastbourne Town Centre, the new building should address this.*

*Scale and design of the elevations needs to ensure that the development has a degree on architectural consistency (integrated development)*

*Key feature on the corner to provide visual interest*

*Car parking and landscaping needs to be rationalised to provide more useable and pleasant environment.*

*Privacy of amenity space*

*Alternative amenity space within elements of the building*

*The applicant contends that the current proposal has addressed/mitigated the concerns raised by the EDRP*

### **Consultations:**

#### Internal:

*Housing Services Manager:- No objection to the principle of the development and given the viability assessment submitted with this project it is accepted that the scheme cannot deliver either on or off site affordable housing units.*



*Specialist Advisor (Planning Policy) Recommendation: Planning Policy support this development proposal in principle, subject to detailed consideration on matters relating to affordable housing and transport provision.*

*Strategy and Commissioning (Regeneration):- Subject to the inclusion of a local labour agreement then no objections are raised.*

*External:*

*East Sussex County Council Lead Local Flood Authority (ESCC SUDS):- Concludes that the conceptual surface water strategy is acceptable for managing run off generated by the development and recommend conditions (outlined below) to any consent to mitigate the risks:*

*Prior to construction of the proposed development, a drainage survey is undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.*

*The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha.*

*A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for the maintenance needs to be satisfied with the submitted details.*

*Adult Social Care:- The tenure of outright sale is likely to meet a need in Eastbourne given the demographics. However, it would have been good to have seen a different model proposed such as extra care housing or a model which allowed for an on-site care service particularly as there is very little available for owner occupiers who would like to remain independent but have care and support needs.*

*Some of the flats are small and below (usually one bed in this client group is 54 Sqm these are average 49sqm, in addition some two beds are below the space standards.*

*Access to outside space should be fully explored for the well-being of the residents.*

*Highways ESCC:- To be reported at Planning Committee*

*Neighbour Representations:*

*135 neighbour letters were sent out resulting in 10 objections being received commenting in the main on the following issues:-*

- loss of light*
- Overshadowing*
- Construction from Southfields Road may cause congestion and highway safety problems*
- Access would be better from Upperton Road*
- Double yellow lines in area for safety reasons*
- Southfields Road is an accident black spot*
- Loss of privacy*
- Building is too close to Upperton Road*
- Pedestrian Access should be introduced linking Upperton and Southfields*
- Construction Noise and Dust*
- Loss of View*

*The Council have received 3 letters of support to the proposal.*

***Appraisal:***

*Principle of development:*

*The site is located with Development Opportunity Site 3 (Policy TC20 of the Eastbourne Town Centre Local Plan [ETCLP], 2014). The proposal would provide sheltered housing for the elderly (considered to be C3 Planning Use Class), which is in need locally, in line with Paragraph 50 of the NPPF. The application would provide 61 net dwellings, going some way to meeting the overall housing delivery target for the Development Opportunity Sites within the Town Centre neighbourhood. The application does not prevent the remainder of the Development Opportunity Site coming forward for a mix of uses, therefore is not contrary to Policy TC20 of the ETCLP. The proposal is in general conformity with the Town Centre neighbourhood vision (Policy C1 of the Eastbourne Core Strategy Local Plan, 2013) in that it "delivers new housing through redevelopment";*

*The Eastbourne Borough Plan (2003) contains a specific planning policy (Policy HO17: Supported and Special Needs Housing' in relation to the development of residential care homes (C2 Planning Use Class). The proposal generally meets the following criteria contained in the policy, in that the site is in a sustainable and accessible location near to public transport routes, and the scheme's design is functional to the needs of its occupants.*

*It is considered therefore that the principle of residential development in the manner proposed is acceptable.*

*It is acknowledged that as a society the population is ageing and as such there is an increasing requirement to meet the needs and requirements of this sector of the community. The applicants are a specialist provider in this field and would go some way to meeting Eastbourne's demand for elderly sheltered accommodation. In this regard there is no objection to the principle of development.*

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

*It is considered that the size, scale and height of the proposed buildings accords with both Planning policy (TC20 of the Eastbourne Town Centre Local Plan) and the character of the surrounding area.*

*The scheme promotes the redevelopment of a brownfield parcel of land within Eastbourne Town Centre, given this urban location it is considered that the scheme proposes sufficient separation distances between the proposed development and Southfields Court and Marlborough Court (18m – 23m) to mitigate any loss of amenity through direct overlooking and or over-dominant relationship.*

*The proposed building broadly maintains the building heights of those that adjoin/about the plot, given this and the separation (back to back) distances and the orientation/siting of the building it is considered that the development would not have any material impact upon the amenities of the occupiers of the adjoining and nearby properties.*

*It is accepted that this site has a number of site constraints making it more difficult to build, none more so than the limited access to the site from Southfields Road and the change in levels up to the Upperton Road.*

*Some respondents have commented on these constraints and raised concerns over the potential conflict and potential highway safety issues that may occur if the scheme is demolished/constructed from Southfields Road.*

*It is accepted that with any development scheme there will be noise/disturbance issues along with greater pressure on the local highway network given the removal of demolition materials from the site and the delivery of construction materials. It is considered that this loss of amenity occurs for a relatively short period of time given the commercial pressure for the scheme to be considered so that revenues can be secured.*

*Both Southfields road and Upperton Road have issues in terms of appropriateness for the siting of the demolition/construction access. Given the desire to maintain the openness of the more strategic route it is considered that Southfields Road would be more appropriate. This position has been verbally agreed by ESCC Highways. In addition a demolition and construction method statement will be controlled via planning conditions.*

Design & Layout Issues:

Members will note the site forms part of a key development within the ETCLP and as such the broad parameters of the redevelopment have been promoted/supported by this policy document, namely the storey height and the desire to accommodate a key architectural feature of interest on the elevation facing the train station.

In addition and as outlined earlier in this report the scheme at pre application stage was reported to Eastbourne's Design Review Panel. This panel raised a number of design issues that needed further exploration. It is considered that the application now before members have addressed these key themes.

The overall design concept is acceptable and given the policy issues outlined above it is considered to be in conformity with the development plan and as such a refusal based on the design principles could not be justified or substantiated.

It is noted within the response from Adult Social Care that some of the flats have a modest internal floorspace. The applicant contends that the size of the proposed flats is consistent with the rest of their portfolio and has developed over a number of years to deliver the size/quality of accommodation that is required by their client group. Notwithstanding this it is considered that the development also incorporates communal lounge/garden and also private balconies in excess of 5sqm in area; these features when taken/assessed collectively with the internal floor space of the individual flats is considered to provide a level of accommodation suitable for the client group.

Given this a refusal based on the size (individual floorspace) of the proposed flats could not be justified/substantiated.

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

There are no buildings of local/national historic importance on or near the site that will be affected by the development.

The site is not located within a conservation area or an area of High Townscape Value.

Given this it is considered that the mixed character of the local street scene outlines the context within which the appropriateness of this development should be assessed.

Impacts on trees & Biodiversity:-

Given the former use and nearly 100% site coverage there is little scope for any existing habitat. Notwithstanding this the scheme promotes a landscaped

*garden which would enhance the local biodiversity as well as providing some visual enhancements to this part of the site.*

*Impacts on highway network or access:*

*The impacts upon nearby residential properties from demolition/construction of the scheme has been outlined in previous sections of this report.*

*The density of parking is considered acceptable for this use/client group given the age of the residents and car ownership across the applicant's portfolio.*

*Given the very low car ownership/occupancy of the residents it is considered that the off street carparking is sufficient to meet staffing and visitor needs and as such there should not be any material impact upon the local highway network and given this impact is less than severe in NPPF terms then a refusal based on highway impact could not be justified/substantiated.*

*Sustainable development implications:*

*The applicant outlines that with the redevelopment of a town centre brownfield site, utilising modern construction techniques and incorporating (where possible) other sustainable features (SUDS) the scheme would deliver a highly sustainable form of development.*

*In addition for all those residents who down size into this scheme their former accommodation would be reused and thereby to some extent reduce the pressure for the release of further developable land.*

*Other matters:*

*Affordable housing and CIL and S106 agreement:-*

*The scheme has been assessed and evaluated and it can not sustain (viability) the delivery of on-offsite affordable housing units. Given this no affordable housing contributions are sought.*

*As the scheme proposes flats then there is no CIL requirement.*

*It is recommended that if the scheme be supported then a S106 should be entered into securing local labour contributions in line with the Local Labour and Training Technical Note (linked to Policy D2 'Economy' of the Eastbourne Core Strategy Local Plan, 2013) and also limitations over the age of the occupants of the scheme in order to prevent the scheme being occupied in the open market and thereby placing greater pressure on parking and amenity space.*

***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:**

Subject to a S106 agreement covering 'Local Labour Initiatives' and 'age of resident restriction' then the scheme be granted subject to conditions

**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**.

**DECISION NOTICE COPY  
APPENDIX 2**

Application No. PC/**150803**

Mr. Alex King  
Millstream House  
Parkside  
Chirstchurch Road,  
Ringwood  
BH243SG

**TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION TO DEVELOP LAND SUBJECT TO CONDITIONS**

**Location:** 7 Upperton Road, Eastbourne  
**Proposal:** Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping

**Decision Date:** 3<sup>rd</sup> February 2016

In pursuance of their powers under the above Act, the Council as Local Planning Authority hereby permit you to develop land in accordance with the proposals set out in your application and shown on the plan(s) listed, subject to the conditions as specified hereunder:-

**SEE SCHEDULE OF CONDITIONS AND REASONS ATTACHED**

This permission must **not** be treated as an **approval under the Building Regulations** which may require **a separate application** and is granted subject to due compliance with the general statutory provisions in force in the Borough and nothing herein shall be regarded as dispensing with such compliance.

Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

This permission does not convey any approval to carry out alterations to the public highway, which will require separate consent from the Highway Authority.

Dated: 03/02/16



.....  
Leigh Palmer  
**Senior Specialist Advisor**

### **SCHEDULE OF CONDITIONS AND REASONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.  
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The proposed development shall be carried out in strict accordance with the following drawings  
Elevation CRC\_20054 EB\_P21  
Elevation CRC\_20054 EB\_P20  
Site Location Plan 50054 EB PO1  
Floor Plans 20054 EB PO3  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the amended plans to which the permission relates.
3. Prior to their installation all external materials shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter.  
Reason In the interest of the character and the amenity of the area.

4. *Prior to their installation all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter.  
Reason: In the interest of the character and amenity of the site and surrounding area.*
5. *Prior to the first occupation of any element of the building hereby approved refuse/recycling shall be made available to residents along with a statement for the presentation of bins on collection day. The presentation statement shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter.  
Reason In order to ensure that sufficient space is made available for waste and recycling facilities and that a satisfactory collection regime is in place. .*
6. *Prior to the first occupation the buggy (electric) store shown on the drawings hereby approved shall be made available to residents and be retained as such thereafter.  
Reason: In order to ensure that sufficient space is made available and retained for the use of the occupiers of this building.*
7. *Prior to the first occupation of any part of the building hereby approved the car park shall be laid out in accordance with the approved details . The car park should be retained for the use of vehicle parking thereafter.  
Reason In order to ensure that sufficient car parking is retained to meet the likely needs/requirements of the occupier of this building.*
8. *Prior to the commencement of any development in connection with the development hereby approved a demolition/construction method statement shall be submitted and approved in writing by the local planning authority. The details as approved shall be implemented in accordance with the approved details.  
Reason: In the interest of the residential amenity and highway/pedestrian safety.*
9. *No plant machinery to be used outside of the following times 08:00 – 18:00 Monday to Friday and 08:00 13:00 Saturdays and not at all on Bank or public holidays.  
Reason In the interest of residential amenity.*
10. *Prior to commencement other than demolition full hard and soft landscaping details shall be submitted to and approved in writing by the local planning authority the details as approved shall be implemented at the site prior to the first occupation and be retained as*



- such thereafter. Unless previously agreed in writing by the Local Planning Authority*  
*Reason: In the interest of maintaining the character and appearance of the site and surrounding area.*
11. *Prior to construction of the proposed development, a drainage survey shall be undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.*  
*Reason: In the interests of preventing localized flooding.*
  12. *The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations and these should be submitted to and approved in writing by the Local Planning Authority. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha. Any drainage infrastructure required to facilitate the runoff rates and hydraulic calculations referred to above shall be implemented at the site and be retained as such thereafter.*  
*Reason: In the interest of preventing localized flooding.*
  13. *A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system.*  
*Reason: In the interest of preventing localized flooding.*
  14. *Prior to the commencement of development other than demolition a contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority. Any remedial works shall be implemented prior to the commencement of any element of the construction hereby approved.*  
*Reason In the interest of the character and appearance of the site and surrounding area.*
  15. *The Building shall not be occupied until details of all exterior lighting have (including security lighting) have been submitted and approved. The details as approved shall be implemented and retained as such thereafter.*  
*Reason: In the interest of the character and amenity of the site and surrounding area and in the interest of residential amenity*

16. *Before the development hereby permitted is commenced full details of all proposed extract flues, ventilation systems and meter boxes shall be submitted to and approved. The details as approved shall be implemented at the site and be retained as such thereafter.*
  
17. *The development shall not be occupied until a means of access for pedestrians from Upperton Road has been constructed in accordance with the approved plans].*  
*Reason: To ensure that a satisfactory road access for pedestrians/cyclists is provided.*
  
18. *The development shall not be occupied until the existing accesses from Upperton Road shown on the approved plan has been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Director of Communities, Economy and Transport. These works will need to be licensed by ESCC prior to commencement.*  
*Reason: In the interests of highway.*
  
19. *Prior to demolition works commencing on site a Traffic Management Scheme, including details of the loading lay by in Upperton Road shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the busy nature of the approach roads the hours of delivery/ collection should avoid peak traffic flow times)*  
*Reason: In the interests of highway safety and for the benefit and convenience of the public at large*
  
20. *During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads*  
*Reason: In the interests of highway safety and for the benefit and convenience of the public at large*
  
21. *The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles*  
*Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway*

.....  
 Leigh Palmer  
**Senior Specialist Advisor**

# Agenda Item 7

<b>App. No:</b> 170964 (PPP)	<b>Decision Due Date:</b> 21 September 2017	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 11 September 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 26 August 2017 <b>Neighbour Con Expiry:</b> 26 August 2017 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Committee cycle and extension of time agreed		
<b>Location:</b> 20 Upperton Road, Eastbourne		
<b>Proposal:</b> Add two additional floors (Seventh and Eighth) to existing building to provide 7 new flats, alter sixth floor elevations, replace and enhance windows and doors from ground level to sixth floor including new entrance and vertical features to elevations. Form access and balconies to and from South facing first floor flats. Externally add refuse and cycle stores, compounds for electric sub-station and parking and alter both access ways onto Upperton Road.		
<b>Applicant:</b> Mr Zach Chaudry		
<b>Recommendation:</b> Grant planning permission subject to conditions		

## Executive Summary:

This application is being reported to planning committee at the discretion of the Senior Specialist Advisor in order to seek Members views/comments on the issues relating to this form of development.

This application follows an application under Prior Approval under Class O, part 3 of schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (As amended) for the change of use of the former operational offices of the East Sussex Fire and Rescue Service (ESF&R), to 73 residential units.

This application proposed to erect an additional two storeys onto the roof of the existing building to provide an additional 7 residential flats (80 in total); further alterations to facilitate the change of use are also proposed as part of the application.

The proposal is considered acceptable in principle, the alterations to the building and site are considered acceptable in terms of the bulk and scale of the proposal and the detailed design will preserve the character of the adjacent Upperton

Conservation Area. As such it is recommended that the application should be supported given the benefits of the proposal and the lack of any significant or demonstrable harm to warrant the refusal of the application.

### **Relevant Planning Policies:**

#### National Planning Policy Framework

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 12. Conserving or enhancing the historic environment

#### Eastbourne Core Strategy Local Plan Policies 2013

- B1 – Spatial Development Strategy and Distribution
- B2 – Creating Sustainable Neighbourhoods
- C2 – Upperton Neighbourhood Policy
- D1 – Sustainable Development
- D5 – Housing
- D10 – Historic Environment
- D10a – Design

#### Eastbourne Borough Plan Saved Policies 2007

- UHT1 – Design of new development
- UHT2 – Height of buildings
- UHT4 – Visual Amenity
- UHT15 – Protection of Conservation Areas
- HO2 – Predominantly residential areas
- HO20 – Residential amenity
- TR2 – Travel demands
- TR6 – Facilities for cyclists
- TR11 – Car parking

### **Site Description:**

The existing building on the application site is a 6 storey building with 6<sup>th</sup> floor recessed within mansard roof.

The site is not situated within a conservation area, however the Upperton Conservation Area runs to the rear of the site in the middle of Upperton Lane.

The building is currently vacant following the cessation of the use by ESF&R, prior approval has been granted for the conversion of the building into 73 flats.

To the east of the site, sits the low level Chantry House, which is currently offices with a large car park to the rear.

To the west are a block of flats facing the corner of Upperton Road and Hartfield Road, and the Elim Family Church Building with church at ground and first floor (used as Little Acorns nursery) and residential flats above.

**Relevant Planning History:**

161312

Change of use from B1 (office) to C3 (dwelling houses) - creation of 32no. 1 bed apartments and 24no. 2 bed apartments.

Prior Approval

Approved conditionally

16/12/2016

170527

Change of use from Office Building, Class use B1 (a) to Residential (use class C3). Comprising of 73 apartments (35 x 1 Bedroom units and 38 x 2 Bedroom Units)

Prior Approval

Approved conditionally

08/05/2017

170868

Alterations to elevations to include replacement of windows and conversion of rear walkway to balconies and alterations to external areas to include installation of new sub-station and cycle stores, amendment to car parking, widening of access ways, redesign of the main entrance and re-landscaping.

**Proposed development:**

The application proposes to provide 7 additional residential flats at the site by way of a two storey extension at roof level and alterations to the existing 6<sup>th</sup> floor mansard.

The application also proposes alterations to the external appearance of the building and the site consisting of:

- Replacement of windows and doors to all elevations of the building;
- Addition of vertical cosmetic 'ladder-fin' features to front and side elevations ;
- Formation of accesses and additional balconies to first floor flats;
- Formulation of 8 parking spaces to the front forecourt area;
- Installation of a substation, generator, water storage to the front forecourt;
- Installation of cycle storage units to the front and rear of the building to provide secure cycle storage for 50 bicycles;
- Installation of a refuse store to the western boundary, with internal access from within the building and external access to the Upperton Road frontage for collection;
- Widening of the two access points and reconfiguration of landscaping to allow access by a refuse truck from Upperton Road;

- Widening of the existing access off Upperton Lane to the rear to allow the waiting of a vehicle off the lane;

## **Consultations:**

### Specialist Advisor (Waste)

The alterations to the front access will allow for a refuse truck to enter and exit the site in a forward gear. The amount of refuse storage is acceptable for the number and type of dwellings proposed and is situated in a suitable location for collection.

### Specialist Advisor (Planning Policy) No objection

*The proposal site is situated in a predominantly residential area in the Upperton Neighbourhood, as defined by the Eastbourne Borough Plan and the Core Strategy, respectively. The vision for the Upperton Neighbourhood is to make a significant contribution to the delivery of housing in the town which will be achieved by delivering new housing through redevelopment and conversion of existing properties.*

*Paragraph 47 of the National Planning Policy Framework suggests that for local authorities to significantly boost the supply of housing they should set out an approach to housing density to reflect local circumstances. The proposal site is centrally located in a sustainable neighbourhood with good access to the railway station and bus links. The application will increase the density of the development and provide a greater number of net dwellings. Policy D1 of the Core Strategy refers to sustainable development and states that development should conserve scarce resources, making efficient use of land and infrastructure and ensuring good connections to public transport. Moreover, as the proposal is situated in a sustainable neighbourhood, higher residential densities will be supported in accordance with policy B1 of the Core Strategy.*

*The proposal is in general conformity to adopted policy so there is no objection from a planning policy perspective. However any impact on residential amenity needs to be addressed.*

### Specialist Advisor (Conservation and Design) No objection subject to conditions controlling external materials.

*The site is situated on the border with the Upperton Conservation Area which runs to the north of the site in Upperton Lane and includes those properties opposite of Upperton Gardens but not the site itself.*

*This intention is to recommission the site for high volume residential use through the creation of 80 mainly 1 and 2 bed apartments. In order to*

*maximise the development potential, the suggestion is that the building is further extended to accommodate 2 new levels.*

*The original building is an imposing –if widely unloved- contemporary red brick design, very much illustrative of an era where institutional presence and power was signified by a showcase headquarters building able to project that confidence and purpose. With its broad frontage, sweep drive and stepped entrance, the building dominates at both street and aerial levels, forming part of a mixed street scene comprising both commercial and residential uses. The two immediately adjoining buildings are also of a contemporary design; though lower level, with a diverse mix of residential accommodation within the vicinity, to include modern flats, period town housing and even a listed C19th building. The overall local design effect might effectively be characterised as one of bricolage.*

*The 2 main areas of interest for this response are 1) the addition of the new storeys on top of the existing structure and 2) adaptations through the introduction of new windows, doors and vertical fins. My feeling is that, with regard to 2) planned changes such as the incorporation of quality contemporary fittings, in a modish grey finish, will operate to soften the uncompromising visual aspect. The addition of vertical fins should also subdue the building's horizontal muscularity and create a new visual emphasis that is more playful and engaging.*

*The addition of new-storeys is clearly controversial, given the borough's predominantly low rise local building culture. This proposed upward development will undoubtedly have an impact on the immediate environment, which comprises mid-height commercial buildings, tall Victorian terrace housing and a cluster of low level commercial buildings, inevitably inviting accusations that the adapted building projects an over large and dominating presence on a prominent, if mixed, gateway setting. That said, the new build is recessed, limiting the adverse effect, and is not precedent setting, given the presence of other examples of higher rise structures within easy walking distance of this address. The most obvious are Hamilton House, at 8 storeys, and South View, a 12 storey residential block located towards the neighbouring Old Town conservation area. Having viewed the site on a number of occasions, from different perspectives, my feeling is that there is impact, but that it is limited and manageable given its busy, fast flowing and connective location.*

*Overall, my sense is that the planned adaptations to this building offer a new lease of life to a tired corporate headquarters unlikely to be remodelled for ongoing commercial use. This proposal to regenerate the site as a housing complex, however, builds on a well- established and commercially successful tradition of recommissioning such sites for contemporary*

*apartment living, working creatively with its bulk and form to realise a high volume alternative use.*

Southern Water No objection subject to conditions controlling sewer protection during construction and an informative requiring their approval for further connections.

East Sussex County Council Highways No objections subject to widening of the access to the rear to allow two-way waiting/passing

#### *Parking*

*In accordance with the ESCC parking calculator the additional 7 units should be provided with 5 parking spaces, provided these are unallocated. The existing parking provision approved (planning reference 170527) for the 73 units is 54 spaces. This application provides an additional 7 spaces (5 unallocated and 2 disabled spaces). Although the 61 spaces are still slightly short of the 69 spaces recommended for the whole development, given the reduction in overall demand from the former consented use and the central location this number is considered acceptable.*

*Cycle Storage has been indicated with 50 spaces will be provided. This allocation is adequate, it should be noted that cycle storage should be covered, secure and located conveniently for users.*

#### *Traffic Generation*

*The submitted Transport Assessment provides information on the likely trip generation by both the previous consented use and proposed use, using the TRICS database. Having carried out my own analysis using TRICS, I agree the trips suggested in the TA provide an appropriate assessment of the proposed development. Given there would be a reduction in the scale of the development I am satisfied there will be no significant issues as a result of this proposal. TRICS indicates the daily trips generated by the consented office use could have been in the region of 491, in comparison to the residential use which would generate approximately 160 to 240 daily trips.*

#### *Access*

*There are two access points off Upperton Road (A259) and a third access off Upperton Lane (UC2127). All access points appear to currently operate with a traffic light, one way system as neither access is of suitable width to accommodate two way vehicular flows. Both access points on Upperton Road are to be widened and will be of sufficient width to accommodate two way traffic and are therefore considered acceptable. The access off Upperton Lane is currently gated with an electronic access system, this access will be widened to allow waiting off the lane for a vehicle if necessary.*



### *Refuse collection*

*It is suggested that refuse collection will take place off Upperton Road (A259), a plan showing tracking has been provided that demonstrates that the existing access will need to be widened and realigned in order to accommodate the refuse vehicle.*

### *Accessibility*

*There are a variety of travel choices available in Eastbourne. The site is sustainably located along the A259 with bus stops adjacent to the site and the Town Centre and Railway Station are within walking distance which will significantly reduce the reliance on the private car.*

### The Eastbourne Society Object

*Built in 1974, this former office block was – even at the time – more than high enough in the surrounding residential area. However, the mansard sixth floor helped to soften the height and the appearance in the public realm. The addition of two extra storeys presents an unwelcomed overpowering appearance in the public realm, not just the immediate vicinity, but also when viewed from the approach out of the town centre and up the Upperton Road.*

*The original copper-clad sixth floor mansard roof is planned to be replaced by three storeys in, I consider, an unsympathetic design to the building on which they stand. These three storeys are far too box-like, stacked on the top of the block.*

*There is the addition of vertical ladders applied all around the building, reaching from the ground to the top floors, clearly added as a feature to breach up the original horizontal fenestration design. Again I consider that they do nothing to enhance the design of the building, but more importantly they could present a problematic security hazard for many of the apartments over which they pass, and the penthouse.*

### Neighbour Representations:

10 Objections have been received along with a petition signed by 25 residents. Objections cover the following points:

- Over development of the site
- Overly dominant
- Design is inconsistent/out of character with the area
- Towers over surrounding buildings
- Long range views
- Increase in height is out of keeping with the historic townscape
- The design is architecturally inconsistent and will result in an unsightly 'cobbled together' design
- Reduction in light and outlook from rear gardens of Upperton Gardens.

- Overshadowing
- Impact of parking on surrounding streets
- Increase in volume of traffic visiting the site and pollution
- Impact on safety in the lane which has no pavements and barely wide enough for two vehicles to pass.
- Increased overlooking to Upperton Gardens
- Reusing the available space for needed residential accommodation is sensible use of the site, increasing its height demonstrates no concern for the neighbouring residents
- Additional height will create a blot on the landscape for generations to come.
- Increase in noise

### **Appraisal:**

#### Principle of development:

At the heart of the NPPF is the presumption in favour of sustainable development.

Eastbourne cannot at this time demonstrate availability of a five year supply of deliverable housing sites. In the absence of such paragraph 14 of the framework indicates that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

The provision of the 7 units on top of the 73 units already approved under the previous Prior Approval application would make a contribution to the supply of housing in the area and there would therefore be economic and social benefits associated with the development.

Therefore give the above the principle of maximising the housing delivery on this site is supported as the site is sustainable given the close proximity to the Town Centre, its services and its transport links.

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

The additional two floors will result in additional height to the building, and introduce activity at roof level by way of terraces. There are residential properties to the north of the site facing north-east and to the east of the site facing south-east. The adjacent building to the west of the site is currently a low level office building with more residential properties to the north-west.

The surrounding properties are likely to have an increased perception of being overlooked given the height of the proposal. However real overlooking already exists and will be increased by the change of use of the building to residential which was granted under the Prior Approval application.

The sixth floor is already set in from the edge of the building, the flat roof area would become an outdoor terrace for the flats at this level. The seventh floor is to the same footprint of the sixth with external balconies providing outside space. The eighth floor is then set in from the seventh floor with the flat roof area forming an external terrace. This reduces the bulk of the proposal at the upper levels, reducing the overshadowing impacts and impacts of perceived overlooking.

It is not considered that the additional storeys given the location and height will result in significantly additional overlooking, real or perceived to warrant the refusal of the application on this basis.

Some properties of Upperton Gardens may see a reduction in light at certain times of the day, and some will have less view of the sky, however it is not considered that the bulk of the development will have significant impacts in terms of loss of light or being overbearing on surrounding properties to warrant the refusal of the application given the set away from other residential properties.

Impact on amenity of future occupiers:

The proposal is to provide an additional 7 residential units at 7<sup>th</sup> and 8<sup>th</sup> floor, all of the flats have access to external space/balcony (3sqm) the units consist of;

- 1 no. 1bed at 46m<sup>2</sup> –exceeds standard of single occupancy (39m<sup>2</sup>)
- 2 no. 2bed 3 person at 72m<sup>2</sup> – Exceeds Standards (61m<sup>2</sup>)
- 1 no.2 bed 4 person at 72m<sup>2</sup> – Exceeds Standard (70m<sup>2</sup>)
- 1 no.2 bed 4 person at 93m<sup>2</sup> – Exceeds Standards (70m<sup>2</sup>)
- 1 no.2 bed 4 person at 114m<sup>2</sup> – Exceeds Standards (70m<sup>2</sup>)
- 1 no. 3bed 5 person at 141m<sup>2</sup> – Exceeds Standards (86m<sup>2</sup>)

Although some flats are shown with two double bedrooms, not all the bedrooms would meet the standard of a double bedroom, therefore these rooms have been treated as single rooms, therefore at single occupancy.

The two units at 8<sup>th</sup> floor will have access onto private terraces, the 6 units at 7<sup>th</sup> floor will have small balconies for private space. It is considered that all proposed units would provide a good standard of accommodation for future occupiers.

Design issues:

Policy UHT1 requires that new development harmonises with the appearance and character of the local environment, is appropriate in scale and form, and that it makes the most effective use of the site with the highest density appropriate to the locality.

The proposal includes the addition of vertical features (ladders-fins) to the elevations of the building. This results in a lessening of the horizontal emphasis that the building currently has. The visual appearance will be greatly improved by

the change in the windows removing the reflective glazing. The changes to the external appearance will result in the building appearing more residential in nature than the existing.

Overall the alterations to the building and the site are considered acceptable. In design terms considering the location and context of the site.

Save for the ceramic tiling to the upper floors there are no other forms of new external cladding to this building. It is considered that the specific detailing of this ceramic cladding should be controlled by condition.

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

The site is situated on the border of the Upperton Conservation Area but not within it. The application has been assessed on the basis of the impact of the setting of the conservation area given the close proximity and the height of the proposed building.

Policy UHT2 states it is a requirement that new development is of a height similar and conforms to that of the majority of surrounding buildings and take full account of its effect on the skyline and long distance views.

The existing building is visible in long range views across the wider Upperton area, therefore the additional height to the building will increase this visibility in this context. Whilst the developments either side of the site may be lower in height there is precedent of higher buildings along Upperton Road. It would not be considered that the height is totally out of keeping considering other developments in the area.

The additional stories are well designed, with light weight materials visually, such as expanses of glass and a ceramic tile a light teal/blue colour which will blend with the natural colour of the sky. Therefore it is not considered that the impact on the additional height given the design would be detrimental to long range views and as such it is considered that the setting of the adjacent conservation area is preserved by the proposed development.

Impacts on trees:

A tree to the rear of the site would be lost to provide the improvements to the access at the rear. This tree is limited in its size and offers limited street scene value to the rear, therefore there is no objection to its removal.

Impacts on highway network or access:

As above in the Consultation response from ESCC Highways the previous office use is considered would if used at full occupancy likely result in more trip generation than the residential use of the building as already granted and in its increased occupancy if this application were granted.

The site has access both onto Upperton Road to the 'front' of the site and Upperton Lane to the 'rear', with the main vehicular access to the rear. Both access' will be improved as part of the application to allow better access to the site. The two access points at the front onto Upperton Road will be widened to allow access by a refuse vehicle. The access to the Lane will be widened to allow the waiting of a vehicle off the lane should another be exiting the site.

In terms of parking in accordance with the ESCC parking calculator the additional 7 units should be provided with 5 parking spaces, provided these are unallocated. The existing parking provision approved under the Prior Approval application for the 73 units is 54 spaces. This application provides an additional 7 spaces (5 unallocated and 2 disabled spaces). Therefore the number of spaces required to serve the additional units are provided.

Although in total when considering the cumulative impact of the development the 61 spaces are still slightly short of the 69 spaces recommended for the whole development, given the reduction in overall demand from the former consented use and the central location this number is considered acceptable. It is not considered that the shortfall would result in severe impacts on the surrounding highway to warrant the refusal of the application in accordance with paragraph 32 of the National Planning Policy Framework.

Cycle Storage has been indicated with 50 spaces to be provided in secure stores located conveniently to encourage transport by sustainable means.

Given the above it is considered that the parking provision is suitable for the additional dwellings created in this sustainable location close to town centre amenities and public transport links. The development will not result in severe harm to the surrounding highway network and as such there is no reason to restrict this additional development on highway or parking grounds.

#### Fire Safety

Given the proposal provides additional storeys at seven and eighth floor to the building a Fire Safety Strategy has been submitted to support the application to show how the proposal will meet the requirements of building regulations in respect of fire safety.

The building is designed with two staircases. The centre staircase will be designed as a firefighting staircase and the north staircase will be designed as a protected staircase. The report shows that the proposal meets the functional requirements of the Building Regulations and therefore there is no concerns regarding the safety of the construction of the additional storeys.

#### Surface Water Drainage

The proposal does not increase the impermeable area of the site. Therefore it is not considered that the proposal will increase the requirements for surface water drainage at the site.

**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 proposal to create an additional 7 residential units on the site is acceptable in principle. The site is a sustainable location close to the Town Centre amenities and local public transport links. Eastbourne are unable to show a five year supply of deliverable housing sites. In the absence of such paragraph 14 of the framework indicates that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. It is not considered that the additional units, or the proposal in terms of the size, design, bulk, or impact on surrounding residential properties scale of the proposed additional storeys would result in significant and demonstrable harm to outweigh the benefits of the proposal.

**Recommendation:** grant planning permission subject to the following conditions and informatives;

Conditions:

1. Time for commencement
2. Approved drawings
3. Sample of materials for external cladding at 6-8<sup>th</sup> floors
4. Parking areas to be provided prior to occupation
5. Cycle parking to be provided prior to occupation
6. No development to commence until vehicular access off Upperton Road has been constructed in accordance with approved drawing
7. Development not to be occupied until the amendments to the Upperton Lane access have been undertaken in accordance with the approved drawing.
8. No development to take place before the submitted of a Construction Management Plan has been submitted.
9. Southern Water condition in relation to protection of the existing sewer on the site.

Informatives;

1. Highways Informative
2. Southern Water Informative

**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 8

<b>App.No:</b> 170759 (HHH)	<b>Decision Due Date:</b> 2 August 2017	<b>Ward:</b> Ratton
<b>Officer:</b> Danielle Durham	<b>Site visit date:</b> 27 June 2017	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 14 <sup>th</sup> August 2017 <b>Neighbour Con Expiry:</b> 14 August 2017 <b>Press Notice(s):</b> NA		
<b>Over 8/13 week reason:</b> Committee cycle		
<b>Location:</b> Ashridge, 26 Walnut Tree Walk, Eastbourne		
<b>Proposal:</b> Proposed rooms in roof with front dormers and rear dormers together with new front porch. (amended description)		
<b>Applicant:</b> Mr P Rogers		
<b>Recommendation:</b> Approve Conditionally		

**Executive Summary:** This application has been called to planning committee by the ward councillor in order to allow them the opportunity to address Members with their views/comments.

Applicaton relates to a front porch and the conversion of the existing loft space into a fourth bedroom with ensuite. The conversion of loft space is supported by two dormer windows and one rooflight to the front elevation and two dormer windows to the rear. It is considered that the proposed design and scale of the dormer windows are appropriate to the character of the host dwelling and would not materially affect the character of the site or surrounding area.

Scheme is recommended for approval.

**Planning Status:**

A residential property in a predominantly residential area

**Constraints:**

**Area of High Townscape Value**

Area of High Townscape Value

**Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

C12 Ratton & Willingdon Village Neighbourhood Policy

D5 Housing

High Value Neighbourhoods  
D10 Historic Environment  
Archaeological Notification Area  
D10a Design  
Area of High Townscape Value

Eastbourne Borough Plan Saved Policies 2007

UHT16 Area of High Townscape Value  
US4 Flood Protection and Surface Water  
HO2 Predominantly Residential Areas  
HO20 Residential Amenity  
UHT4 Visual Amenity

**Site Description:**

The site consists of a large two storey detached dwelling house with garage protruding on the front elevation. The site has a large front garden and drive way. This area is characterised predominantly by large detached dwellings that have different designs and styles although there is some consistency in the palette of materials used.

**Relevant Planning History:**

No relevant planning history

**Proposed development:**

The applicant is seeking planning permission for a single storey extension to the front elevation to form a porch.

The applicant is also seeking permission to convert the roof space to habitable rooms with dormers to the front and rear and roof lights on the front elevation.

There is also proposed removal of a door on the side elevation of the main dwelling, along with the addition of a door on the side of the garage and a small window added on the side elevation of the main dwelling.

**Consultations:**

External:

County Archaeologist - *Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.*

Old Ratton Residents Association: There is no precedent for second floor front facing dormer windows or velux windows on the front elevation. Loss of privacy from the dormers to the rear. The front door should be wooden and the garage doors should also be replaced with wooden doors.

Neighbour Representations:

*In response to two rounds of formal consultation two letters of objection have been received covering in the main the following points;*

- *Inaccurate drawings (Officer comment – following this comment amended plans were requested from the applicants and now form the basis of the application before members)*
- *Wider public consultation should be undertaken. (Officer comment consultation has been undertaken (by letter) in accordance with the Councils normal procedure)*
- *The proposed alterations will make the property out of keeping with the other properties.*
- *Loss of privacy by the front and rear dormers.*

*Support:*

Three letters of support have been received commenting in the main that the development would be in keeping with the other houses in the road.

**Appraisal:**

Principle of development:

There is no objection in principle to the proposed development and making alterations 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).

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

Dormers to the rear-

Dormers can be built under permitted development not requiring planning permission as such it is considered that the dormers proposed would not cause any additional overlooking than would be provided by dormers under permitted development. Due to the siting of the dormers there would be no overshadowing or loss of light. The views afforded from these windows would also be similar to those of the first floor windows. As such it is considered that there is no reasonable ground for refusal of the dormers on the rear elevation.

Dormers to the front-

It is considered that the proposed dormers to the front would not cause a significant adverse impact by way of loss of privacy for the following reasons. The views afforded from the rooms benefiting from the dormers are predominantly visible from the public domain. In addition there is a distance of over 40m between the proposed dormer and the front of the facing property. At a distance of 40m it is considered that there would be no significant overlooking in addition to this distance any view afforded from these windows would be similar to those afforded to the first floor windows of the property.

The proposed dormers would not cause any loss of light or overshadowing of neighbouring properties due to their siting on the roof.

Porch-

Porches can be built under permitted development however the proposed porch is too large to fall under this. It is considered that due to its location in the middle of the building that it would not cause an adverse impact to the neighbouring properties by way of loss of light or over shadowing. There is a window proposed on the side elevation, this

is considered to not cause a significant adverse impact of overlooking due to the fact that this room would not result in significant dwell time and it is a significant distance from the neighbouring property. In addition a smaller, fully glass porch could be installed under permitted development.

Associated alterations-

The proposed addition of a door to the garage, removal of door to the side elevation and addition of small window the side elevation is likely to fall under permitted development. However it is considered that the moving of a door would not increase loss of privacy or create a loss of light. The additional window is small and would also be afforded views similar to those available from the existing windows on the ground and first floor.

Design issues:

It is considered that the proposed developments are appropriate in terms of size and scale in relation to the host property and the surrounding area. All the properties in this area are designed to be different, some with hipped roofs, cat-slide roofs, some with pitched roofs, with different house sizes, some with garages protruding beyond the front elevation some with in the foot print of the main dwelling. Properties 24, 18, 12 and 19 Walnut Tree walk have dormers or dormer type windows on the front elevations of the property and are of similar design to that being proposed. It is accepted that the siting of the dormers at second floor level does not have precedent in the immediate vicinity however it is considered that in the wider context that dormer windows at this level are a common design features that are reflective of home-owners looking to meet/accommodate their changing family needs and requirements.

In summary the proposed developments although visible in the public realm are considered in keeping with the design of the dwelling and the surrounding area and it will not significantly adversely impact the visual amenity or the street scene such that the scheme should be refused.

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

The property is not a listed building and is not in a conservation area. It is at a sufficient distance from a conservation area that any development would be unlikely to significant adversely impact the Ratton Conservation area. The proposed works are minimal and elements of the proposal could be completed under permitted development.

Impacts on trees:

There are no trees in the location of the proposed porch as such there would be no loss of trees as part of this application as the other developments fall with in the foot print of the existing dwelling

Impacts on highway network or access:

The proposed developments would not result in the loss of parking spaces; it is considered that the proposals would adversely impact the public highways.

Other matters:

The applicants have proposed timber windows and doors to match the existing.

**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. Proposal therefore complies with local and national policies.

**Recommendation:**

Approve conditionally

**Conditions:**

- 1) time limit
- 2) Approved drawings

**Informatives**

- 1) It is recommended to seek permission from the covenant holder, if permission is required under a covenant to perform alterations to the property.

**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 9

<b>App. No:</b> 170928	<b>Decision Due Date:</b> 27 October 2017	<b>Ward:</b> Devonshire
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 11 <sup>th</sup> September 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 25 <sup>th</sup> August 2017 <b>Neighbour Con Expiry:</b> 25 <sup>th</sup> August 2017 <b>Press Notice(s):</b> 25 <sup>th</sup> August 2017		
<b>Over 8/13 week reason:</b> committee cycle and an extension of time sought.		
<b>Location:</b> Coda Bar, 125 Langney Road, Eastbourne		
<b>Proposal:</b> Demolition of existing Coda bar Class A4 and erection of a 4 storey building to provide 10 residential apartments with associated secure parking, cycle storage, refuse and recycling storage, amenity space and external landscaping.		
<b>Applicant:</b> Mr Gary Ablewhite		
<b>Recommendation:</b> Approve conditionally and subject to S.106 Agreement for Local Labour initiatives		

## **Executive Summary:**

This application is being reported to planning committee as it is a major application.

Scheme proposes the demolition of the existing building (Coda Bar) and replacement with 10 flats across four floors with associated parking (13 spaces).

Scheme represents an appropriate redevelopment of this sustainable brownfield site and as such complies with national advice and local plan policy.

Recommended for approval subject to conditions and s106 covering local labour initiatives.

## **Planning Status:**

Public house/bar with bedsitting rooms over (across 3 ½ floors) and associated car park

## **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
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

#### Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D10: Historic Environment

D10a: Design

#### Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO20: Residential Amenity

NE14: Source Protection Zone

LCF24: Redevelopment of Public Houses

TR6: Facilities for Cyclists

TR11: Car Parking

UHT1: Design of New Development

UHT4: Visual Amenity

US5: Tidal Flood Risk

#### Local Employment and Training Supplementary Planning Document

#### Technical Housing Standards

Nationally Described Space Standard

#### **Site Description:**

The application site, which is roughly triangular in shape, stands on the north-side of Langney Road, where it adjoins Bourne Street. The application site shares boundaries with Rush Court to the side (North West) and Bourne Primary School to the other side and the rear (north and north east). To the immediate east, fronting the road stands a former substation (outside of the site). A triangular shaped island stands in the road in front of the site in the middle of the Bourne Street and Langney Road junction. This island hosts a pumping station and public conveniences (now closed).

The building on the site is detached, has three and a half floors and is Victorian, retaining some traditional features (such as timber sliding sash windows). A car park stands to the side of the building (east) and is accessed via an existing dropped kerb at the centre of the front of the site.



The established street scene is somewhat eclectic, with Coda Bar remaining as one of the few Victorian buildings on the north side of this stretch of Langney Road. To the west and north (Bourne Street) lie various blocks of flats of three storeys, built in a generic style with pitched roofs. To the east stands the Salvation Army Citadel, this has a unique and bold appearance in the street. The Bourne School buildings are set back from the road, meaning that the backdrop for the development is predominantly open space of the playground serving the school.

**Relevant Planning History:**

001333

Demolition of existing public house and re-development for six one-bedroom and three two-bedroom flats.

Planning Permission

Approved conditionally

14/03/2001

060021

Amendment to Condition 1 of planning permission EB/2000/0655 to extend the period in which development must be commenced by 3 years.

Planning Permission

Approved conditionally

20/03/2006

980592

Change of use from electricity substation to store.

Approved unconditionally

09/04/1998

**Proposed development:**

The proposal is to demolish a current Public House with residential accommodation over (mixed use class A4/C3) and to erect a four storey building to provide ten self-contained residential units. The building is broadly rectangular in shape over four floors under a flat roof and providing undercroft access to a rear car park court containing 13 car parking spaces and cycle storage space.

The proposed accommodation schedule:

Unit	Occupancy	Floor Space	Complies with Nationally Described Space Standard?
1	2 bed, 3 person	65m <sup>2</sup>	Yes
2	1 bed, 2 person	50.5m <sup>2</sup>	Yes
3	2 bed, 3 person	65.5m <sup>2</sup>	Yes
4	1 bed, 2 person	50m <sup>2</sup>	Yes
5	1 bed, 2 person	50m <sup>2</sup>	Yes
6	1 bed, 2 person	59m <sup>2</sup>	Yes
7	2 bed, 3 person	66m <sup>2</sup>	Yes
8 (2	2 bed, 3 person	70m <sup>2</sup>	Yes

storey)			
9 (2 storey)	2 bed, 3 person	71.5m <sup>2</sup>	Yes
10	2 bed, 4 person	94m <sup>2</sup>	Yes

### **Consultations:**

#### Internal:

Specialist Advisor (Arboriculture) – no comments received

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

- The vision for Seaside is to enhance its level of sustainability and to play an important role in the delivery of housing.
- The National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs
- The site has previously been identified in the Council’s Schedule of Development Sites for the Core Strategy, site reference CC171. The application will result in a net gain of ten dwellings, which will provide one additional unit to the potential number identified in the Schedule of Development Sites. This additional unit will further assist in meeting the housing target on a site which has already been identified as suitable for development.
- The proposal is contrary to policy LCF24. However, the loss of the existing public house has been accepted, in principle, through a previous lapsed permission (ref: EB/2000/0655).
- As of July 2016, Eastbourne had a 2.9 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies 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 this Framework taken as a whole’.
- It is considered that the positive contribution to the housing target is a benefit which outweighs the loss of the public house. Therefore the proposal is in accordance with the NPPF.
- The development doesn’t meet the threshold for affordable housing.
- Although it is considered that the loss of the public house in the Seaside Neighbourhood is contrary to policy, Eastbourne cannot demonstrate a five year housing land supply and therefore the policy is considered out of date. Moreover the proposal would positively contribute to the housing numbers.

Specialist Advisor (Conservation) – no comments received

Regeneration – recommend approval subject to Local Labour Agreement

- In accordance with p.11 of the Council's Local Employment and Training SPD, this proposal qualifies for a local labour agreement as it meets the residential threshold for development

External:

Southern Water – recommend conditions

- The applicant should confirm the actual location of the foul sewer
- The sewer can potentially be redirected as long as there is no hydraulic capacity lost as a result (includes requirements of such a redirection)
- Southern Water requires a formal application for connection to the sewer (covered by
- informative)
- If drainage apparatus is diverted, a condition is recommended pertaining to the measures to be taken in diverting the sewers
- It is the developer's responsibility to make suitable provision for the disposal of surface water

East Sussex Building Control Partnership – no comments received

Environment Agency – no comments received

County Archaeologist – recommends a condition

- The submitted desk-based assessment shows that the existing pub has a moderate heritage significance and a low – moderate potential for pre-historic and Romano-British archaeological remains to be buried on the site
- Deposits are most likely to survive in the enclosed yard to the rear of the pub
- In light of the findings of the desk-based assessment, a programme of archaeological works and written scheme of investigation should be secured by way of condition

Highways ESCC – recommend conditions

- The ESCC Parking Calculator requires 12 parking spaces to serve the development; the 13 spaces provided are adequate
- Parking spaces 10-13 might be difficult to access and manoeuvrability within the site might require extra movements, however, this is not considered likely to negatively affect the highway
- The proposed cycle parking numbers comply with ESCC standards, however this provision needs to be covered
- The proposed development will likely be fewer than the number of trips associated with the current A4 and HMO use and as such, the highway network will be unlikely to be affected
- The applicant has provided a travel plan; this is considered acceptable as a method to raise awareness of and encourage other modes of travel from the site

- The access is not to be subject to alteration to facilitate the development. The access is considered appropriate for serving the proposed development and will accommodate two way vehicular flows
- The refuse collection point is within the site and within 25m of the highway and as such, is considered to comply with the relevant good practice guidance
- The site is within easy reach of public transport links. There are bus stops serving major routes within 250m of the site and Eastbourne Railway Station is 1km away, which is an acceptable distance. The site is also within an acceptable walking distance to the Town Centre.
- The proximity of Bourne County Primary School to the site requires the need for a Construction Traffic Management Plan (condition recommended)
- Hardstanding should be drained by means of oil trap gullies or oil/petrol interceptors

**Neighbour Representations:**

No objections have been received.

Two notes of support have been received and cover the following points:

- Proposed scheme will regenerate the area
- The redevelopment will be better than a closed pub
- Hopefully parking will not be affected, but otherwise development is likely to be better than existing

**Appraisal:**

Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs. The site has previously been identified in the Council’s Schedule of Development Sites for the Core Strategy, site reference CC171 and a previous permission (ref: 001333) has set the principle for residential development on the site.

As the Council cannot demonstrate a five year housing land supply, local policies in relation to housing should be regarded as not up to date. Para 14 of the NPPF identifies that where relevant policies are not up to 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 this Framework taken as a whole'*

Residential amenity for future occupiers

The development proposes the creation of 10 flats, all of which comply with or exceed the requirements of the Technical Housing Standard in terms of overall floor space. The proposed bedroom sizes also significantly exceed these requirements.

Unit	Occupancy	Floor	Complies with Nationally
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		Space	Described Space Standard?
1	2 bed, 3 person	65m <sup>2</sup>	Yes
2	1 bed, 2 person	50.5m <sup>2</sup>	Yes
3	2 bed, 3 person	65.5m <sup>2</sup>	Yes
4	1 bed, 2 person	50m <sup>2</sup>	Yes
5	1 bed, 2 person	50m <sup>2</sup>	Yes
6	1 bed, 2 person	59m <sup>2</sup>	Yes
7	2 bed, 3 person	66m <sup>2</sup>	Yes
8 (2 storey)	2 bed, 3 person	70m <sup>2</sup>	Yes
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10	2 bed, 4 person	94m <sup>2</sup>	Yes

The current scheme does provide suitable outlook for future occupiers. It is noted that there will not be far reaching views offered to the rear of the ground floor units as a wall bounds the west of the site (Rush Court). However, there are no windows proposed to look out onto this wall and the rear and front facing windows are considered adequate in providing light to habitable rooms.

Some amenity space is allocated for each unit. This is considered to be a desirable feature and merit to the scheme. Most of the amenity space is provided by balconies, but the ground floor units have small gardens and a terrace.

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

The removal of the public house use and its replacement with self-contained residential units and ancillary car parking is likely to have a positive effect on the residential amenity enjoyed by nearby residents. This is principally due to the late opening hours of the existing pub and associated potential for late night noise nuisance and ASB.

The existing building on the site is tall; the proposed building is to be no taller, but will have increased bulk. Nevertheless, the proposed building is not likely to affect the amount of light received into adjoining residential sites. It is noted that the Bourne School playground may be affected by some light loss, but this is not likely to be significant such that the application should be resisted on this issue when the scheme is acceptable in all other respects.

It is noted that the proposed building has many balconies serving the residential units. However, it is not considered that these balconies will result in a material loss of privacy for any adjacent property. The Bourne Scholl playground will be overlooked, but this is not considered to reduce privacy – especially considering that the playground is already significantly overlooked by the existing and neighbouring buildings.

As the development site is located within immediate proximity of many dwellings, the hours of construction and demolition shall be controlled by condition in order to preserve amenity.

Design issues:

The design of the current proposal is modernist influences and does not propose a pastiche of the existing building. The previously approved scheme (ref: 001333) proposed a development which would pick-up on the features of the building to be demolished. However, it is not considered that a modern development should be rejected just because of a departure from the existing character of the site. The existing building and car park, although they have not attracted enforcement action under Section 215 of the Town and Country Planning Act 1990 (as amended), are not in the best condition and do not contribute positively to the appearance of the area. That being said, the existing building has the potential to contribute positively to the street scene, but as it is not Listed and offers few distinctive features for the historic fabric of the area (above ground), its loss is considered acceptable.

The bulk of the proposed building is stacked towards the front, with the tallest part of the building located to the centre-west of the site (close to the position of the building to be demolished). As the existing building is built up against the highway, the character of a tall and flat frontage is already present. The triangle island in the middle of the road will buffer the visual appearance of any development on the site when viewed from Langney Road, a main thoroughfare.

The proposed scheme is considered to be appropriate in this location, with a number of design details included which echo the more distinctive and positive design choices used in the area. The most notable would be the use of brickwork to form the essential shape of the building and to highlight details. The use of this material is a key element to the harmonious blending of the old development with the new in this location.

The visual emphasis is to the design draws the eye to the horizontal, much like the Victorian terraces of Langney Road and the more modern blocks of flats on Langney Road and Bourne Street. Balconies too are included within the design to the front and rear. Both of which are commonplace on the nearby blocks.

The depth of the proposed building is considered to be appropriate for the site, with a good amount of open space to the rear of the site it is not considered that the site would be overdeveloped.

Issues with the positioning of a foul sewer running under the site have led to the designing of the scheme to respond sensitively to this constraint. The inclusion of undercroft parking and the retention of the existing access are symptomatic of this constraint also.

However, the off-road parking will resultantly be obscured from view of the street. This is considered to be an additional benefit in favour of the proposed scheme as it allows compliance with relevant policies which seek to avoid having extensive off-road parking visible from the street.

Impact on historic assets:

The site does not fall within an Archaeological Notification Area, nor is the building Listed or is it within a Conservation Area. However, ESCC Archaeology has been consulted as the scheme constitutes 'major' development. It has subsequently recommended a condition requiring archaeological investigation due to the potential for significant pre-historic and Romano-British finds on the site (specifically below the existing beer garden to the rear).

Impacts on trees:

As all proposed buildings and their foundations are to be located outside of the tree root protection areas there should be no effect on tree roots as a result of development. However, to ensure trees are not damaged by bonfires on the site, a condition requiring that no bonfires are made on the site will be attached to any consent granted.

Further to this, there are not considered to be any other requirements for tree protection.

Impacts on highway network or access:

When consulted, ESCC Highways do not consider that the scheme is inappropriate – indeed the proposed scheme exceeds the parking space requirements by one space. The number of cycle parking spaces has been provided for each dwelling in line with ESCC recommendations also. However, the cycle parking needs to be covered and secure to comply with ESCC recommendations. As such, details will be secured by way of a condition.

Overall, the current use is considered to exceed the number of trips to and from the property in comparison to the proposed use. Therefore, this is considered not to have a negative effect on the highway network.

ESCC support the inclusion of the Travel Plan and have requested a condition is attached to any permission granted to ensure its implementation.

Planning obligations:

The proposed development reaches the threshold for the requirement of a Local Labour Agreement as ten residential units will result from development (in-line with the adopted SPD). As such, this should be secured using a S.106 agreement if the scheme is approved.

Sustainable development implications:

The location of the site for housing is considered to be sustainable in terms of its proximity to travel links and nearby amenities.

Other matters:

A public sewer runs through the centre of the site. Southern Water requested confirmation from the applicant about the location of this sewer, as the plans available to Southern Water show only the approximate location of this sewer. The applicant has confirmed that the sewer location as referred to in the planning application documents is accurate.

The existing public house has previously attracted some anti-social behaviour and the revocation of the license last year (August 2016). Although this is not in itself considered to be a material planning consideration, the potential for crime and disruption of residential amenity is considered to have the potential to be a material consideration. As such, the proposed development, if it goes ahead, would attend to this issue and remove the potential for anti-social behaviour associated with the public house use.

The loss of the public house is technically contrary to Policy LCF24 of the Borough Plan (Saved Policies). However, as the Council cannot demonstrate a five year housing land supply, this policy is considered to be out of date and the principle of the redevelopment of the site was set previously in 2000 (ref: 001333). Therefore the scheme should not be refused based on this policy.

The provision for waste storage is considered appropriate and corresponds to requirements previously discussed with the Specialist Advisor for Waste.

**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 development is considered to be appropriate for the site and coupled with the demolition of the existing public house, may have a positive effect on this part of the town. The design is considered to be good and the provision for the amenity of future occupiers is also appropriate.

As such, the scheme is recommended for conditional approval and subject to a S.106 Agreement for Local Labour Initiatives.

**Recommendation:**

Approve conditionally with S.106 Agreement for Local Labour initiatives



**Conditions:**

1. Time
2. Drawings
3. Construction Method Statement – temporary buildings etc.
4. Hours of demolition/construction
5. Car parking prior to occupation
6. Secure and covered cycle parking prior to occupation
7. Vehicle turning space in accordance with plans prior to occupation
8. Construction Management Plan
9. Submitted Travel Plan shall be implemented prior to occupation
10. Visibility splays to be provided prior to occupation and retained thereafter
11. Programme of archaeological works to be submitted prior to development and a written record of findings to be submitted within 3 months of completion of archaeological works
12. No bonfires
13. No contaminated materials to be brought on site

**Informatives:**

- 1) Southern water - connection to sewer

**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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