

Planning Committee

24 July 2018

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Jim Murray (Chair); Councillors Janet Coles (Deputy-Chair) Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch, Margaret Robinson and Barry Taylor

Quorum: 2

Published: Monday, 16 July 2018

Agenda

- 1 Minutes of the meeting held on 26 June 2018. (Pages 1 - 8)**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 South Downs National Park Authority Planning Applications.**
- 7 Land off Brede Close. Application ID: 180438. (Pages 9 - 22)**
- 8 Hampden Retail Park, Marshall Road. Application ID: 180423. (Pages 23 - 42)**
- 9 Hampden Retail Park Advertisement, Marshall Road. Application ID: 180480. (Pages 43 - 48)**
- 10 Land adjacent to 38 Timberley Road, Timberley Road. Application: 180441. (Pages 49 - 62)**

- 11 **Meads Hollow, 15 Upper Carlisle Road. Application ID: 180362.** (Pages 63 - 74)
- 12 **Summary of local Employment Initiatives created with the development of Eastbourne College.** (Pages 75 - 78)
Report of Senior Specialist Advisor for Planning.
- 13 **Appeal Decision - 29 Chaffinch Road.** (Pages 79 - 80)

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

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.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

Councillor right of address: Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 June 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Colin Murdoch and Barry Taylor

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
Anna Clare, Specialist Advisor for Planning
James Smith, Specialist Advisor for Planning
Joanne Stone, Lawyer

Also in attendance:

Katie Maxwell, Committee Officer

9 Minutes of the meeting held on 29 May 2018.

The minutes of the meeting held on 29 May 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

10 Apologies for absence.

Apologies for absence were reported from Councillors Miah and Robinson.

11 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 Metcalfe MBE, declared a personal and non prejudicial interest in minute 18, land opposite Eastbourne Skate Park, seafront, stating that he had received an email from the applicant the morning of the Planning committee and that he knew the applicant. He did not consider that his acquaintance with the applicant would predetermine his decision and remained in the room and voted thereon.

Councillor Murray declared a personal and prejudicial interest in minute 18, land opposite Eastbourne Skate Park, seafront, as he knew the applicant personally and withdrew from the room whilst the item was considered.

12 Urgent items of business.

The Chair advised the committee that under Section 100B (4) of the LGA Act 1972, and by reason of special circumstance – namely that current Tree Preservation Order (TPO) would lapse prior to the next planning committee – Tree Preservation Order 179, Arundel Court, 20 Arundel Road needed to be considered at this meeting and was in the interests of the preservation of important trees in Eastbourne. Further, a committee decision was required whether or not to confirm the order.

The Members agreed to consider the Tree Preservation Order following the conclusion of the stated applications listed on the agenda.

RESOLVED: That for the reasons detailed above, TPO 179 Arundel Court, 20 Arundel Road be considered at this evening's meeting.

13 2 Burrow Down. Application ID: 180360.

Proposed first floor extension – **OLD TOWN.**

Councillor Ungar, Ward Councillor, Cabinet Member and local resident, addressed the committee in objection stating that the scheme was a poor design and not sympathetic to the surrounding properties.

(NB: Councillor Ungar left the room immediately after addressing the committee so as not to appear having influence on the committee's deliberations).

RESOLVED: (By 5 votes to 1) That permission be granted subject to the following conditions:

1. Time
2. Approved plan
3. For the avoidance of doubt this application promotes extensions to the existing property and does not sanction the demolition of the existing property and rebuild, this should for the content of a further application
4. No permitted development rights to loft space
5. Obscure glazing to all rear first floor windows
6. Removal of permitted development rights for windows on first floor rear elevation
7. The location of the High pressure gas main must be located prior to commencement of works by electronic detection or hand excavation supervised by an SGN representative
8. No mechanical excavations are permitted within 3m of the SGN's pipework at any time

14 Albany Lions Hotel, 41-43 Grand Parade. Application ID: 180476.

Proposed change of use of the function suite/reception rooms, ancillary storage/offices of The Albany Hotel from C1 to C3 to form 10N° one bedroom dwellings. To include roof and side extension to create a first floor and external alterations to the front and side elevation – Proposed change of use of the function suite/reception rooms, ancillary storage/offices of The Albany Hotel from C1 to C3 to form 10N° one bedroom dwellings. To include roof and side extension to create a first floor and external alterations to the front and side elevation – **MEADS**.

The committee was advised by way of addendum report, that a consultee response from East Sussex County Council (ESCC) Highway department had been received, was summarised as follows:

It was considered that the trips generated by the site, and the associated parking demand, would not have a significant impact on the local highway network. Suitable cycle parking had been proposed and the refuse collection was assumed to be the same as the existing arrangement and was therefore acceptable.

Using the ESCC parking calculator, the 10 one-bedroom flats would have an expected parking demand of seven vehicles. There appeared to be capacity on-street to accommodate this level of parking.

A consultee response from Southern Water had also been received in which a request was made for an informative to be added to remind the applicant that a formal application was required for connection to the public sewerage system.

Additional plans showing railings to the rear of the building had been received. These had been added to provide defensible space to the lower ground floor windows and amenity space to the rear of the building. As such, the recommended condition requiring additional details of defensible space measures could be removed as this had now been addressed. The approved plans condition would also be updated accordingly.

A proposal to refuse the application based on the loss of a tourism business and the overbearing appearance, proposed by Councillor Taylor and seconded by Councillor Murdoch, was lost by 2 votes to 3 with 1 abstention.

RESOLVED: (By 4 votes to 2) That permission be granted subject to the following conditions:

1. 3 year time limit
2. Approved Plans
3. Flood resilience measures
4. Drainage survey
5. Materials

6. Construction Hours
7. Construction Method Statement
8. Cycle Storage details
9. Bin Storage details.
10. Local Labour Agreement.

15 Land off Biddenden Close, Biddenden Close. Application ID: 180437.

Demolition of existing garages, and construction of 5no 2 bed 4 person houses; including associated parking, access, & landscaping – **LANGNEY**.

RESOLVED: (By 5 votes to 1) That permission be granted subject to the following conditions:

1. Time for commencement
2. Approved drawings
3. Materials to be as stated on the approved drawings unless agreed otherwise
4. Car parking to be laid out as approved prior to first occupation
5. Removal of permitted development rights for outbuildings, extensions, alterations to roofs and no windows within the side elevations of the dwelling houses
6. Windows in the front (east) elevation at first floor level of properties 4 and 5 shall be obscurely glazed and fixed shut unless over 1.7m above the floor of the floor
7. Notwithstanding the approved drawings, the car parking space for plot 2 shall be increased in width to 3m
8. Details of surface water disposal details
9. Prior to commencement details of finished floor levels shall be submitted
10. Submission of evidence of completion of surface water details
11. Prior to demolition and/or construction submission of a construction management plan
12. Standard hours of working condition

Informative:

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.

16 Lanark Court/Lanark Close 1, Hamsey Close. Application ID: 180439.

Demolition of existing garages, and construction of 4no 1 bed 2 persons flats; including associated parking, access, & landscaping – **RATTON**.

Mrs May addressed the committee in objection stating that the proposal would exacerbate the already existing lack of provision for parking in the area. She also raised concerns regarding access for emergency vehicles.

Councillor Belsey, Ward Councillor, addressed the committee in objection raising concerns regarding parking and the overdevelopment of the area.

RESOLVED: (By 4 votes to 3 on the Chair's casting vote) That permission be granted subject to the following conditions

1. Time for commencement
2. Approved drawings
3. Materials to be as specified unless agreed otherwise
4. The internal layout of the flats shall be as approved unless agreed otherwise in writing by the Local Planning Authority
5. Tree protection condition
6. Details of Landscaping condition
7. Cycle storage to be provided prior to first occupation and retained as such thereafter
8. Car parking to be laid out as approved prior to first occupation
9. Car parking to be unallocated
10. Details to be provided to prevent the discharge of surface water onto the highway
11. Refuse storage area to be provided to first occupation and retained as such thereafter
12. Details of surface water disposal
13. Submission of evidence of surface water details
14. Prior to demolition and/or construction submission of a construction management plan
15. Standard hours of working condition

Informative:

Southern water informative

17 Lanark Close 2/Lanark Court, Hamsey Close. Application ID: 180440.

Demolition of existing garages, and construction of 3no 1 bed 2 persons flats and 1no 2 bed 4 persons maisonette; including associated parking, access, & landscaping – **RATTON**.

Councillor Belsey, Ward Councillor, addressed the committee in objection raising concerns regarding parking and the overdevelopment of the area.

RESOLVED: (By 4 votes to 3 on the Chair's casting vote) That permission be granted subject to the following conditions:

1. Time for commencement
2. Approved drawings
3. Materials to be as specified unless agreed otherwise

4. The internal layout of the flats shall be as approved unless agreed otherwise in writing by the Local Planning Authority
5. Tree protection condition
- 6 Details of landscaping condition
7. Submission of details of cycle storage, to be provided prior to first occupation and retained as such thereafter
8. Car parking to be laid out as approved prior to first occupation
9. Car parking to be unallocated
11. Details to be provided to prevent the discharge of surface water onto the highway
12. Refuse storage area to be laid out prior to first occupation and retained as such thereafter
13. Details of surface water disposal
14. Submission of evidence of surface water disposal
15. Prior to demolition and/or construction submission of a construction management plan
16. Standard hours of working condition

Informative:

Southern water informative

18 Land opposite Eastbourne Skate Park, seafront. Application ID: 180461.

Installation of a temporary metal storage container for use as storage for jet skis and ancillary equipment for a Jet Ski Hire service – **SOVEREIGN**.

The committee was advised by way of an addendum report, that a petition signed by 19 residents of Columbus Drive and Cabot Close objecting to the proposal, had been received stating the facility would be noisy and dangerous to promenade users. An additional objection received stated that:

1. The existing jet skiers did not respect the beach and drive on the promenade which was dangerous.
2. Jet Skiing was not environmentally friendly it was smelly and noisy
3. No buoys made it unsafe
4. Transport impacts

The committee discussed the application and felt that the scheme was of a poor design and visually intruded on the relatively unspoiled area.

NB: Councillor Murray withdrew from the room whilst this item was considered.

RESOLVED: (By 3 votes to 2) That permission be refused on the grounds that the proposed development by virtue of the size, style and location is an inappropriate form of development unsympathetic to the setting and character of the wider area contrary to Policy B2 and D10a of the Core Strategy Local Plan 2013 and the core principles and paragraph 64 of the National Planning Policy Framework 2012.

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.

19 South Downs National Park Authority Planning Applications.

There were none.

20 Appeal decision - 90, 91, 92 & 93 Dominica Court.

The inspector dismissed the appeal.

21 Tree Preservation Order 179, Arundel Court, 20 Arundel Road.

The Committee considered the report of the Director of Service Delivery which sought confirmation of a Tree Preservation Order (TPO). The Senior Specialist Adviser for Planning sought delegated authority to be authorised in the making of a TPO in respect of a tree at Land at Arundel Court, 20 Arundel Road, Eastbourne, BN21 2EL No.179 (2018)

The tree was a maturing Common Beech and was positioned at the front elevation and south west of the corner of the building.

Objections from the landowner were detailed within the report.

It was considered that the reasons given in objection to the imposition to the Order fell short of overcoming the importance of the tree to the area and that the Order was justified. It was therefore recommended that the Order be confirmed, without modification, on the grounds that it was considered to be an arboricultural feature in its own right and also provided significant visual amenity to the area.

Mrs Cully addressed the committee on behalf of the land owner..

RESOLVED: (Unanimous) That the Eastbourne Borough Council Tree Preservation Order (Land at Arundel Court, 20 Arundel Road, Eastbourne, BN21 2EL) No.179 (2018) be confirmed without modification.

The meeting ended at 8.30 pm

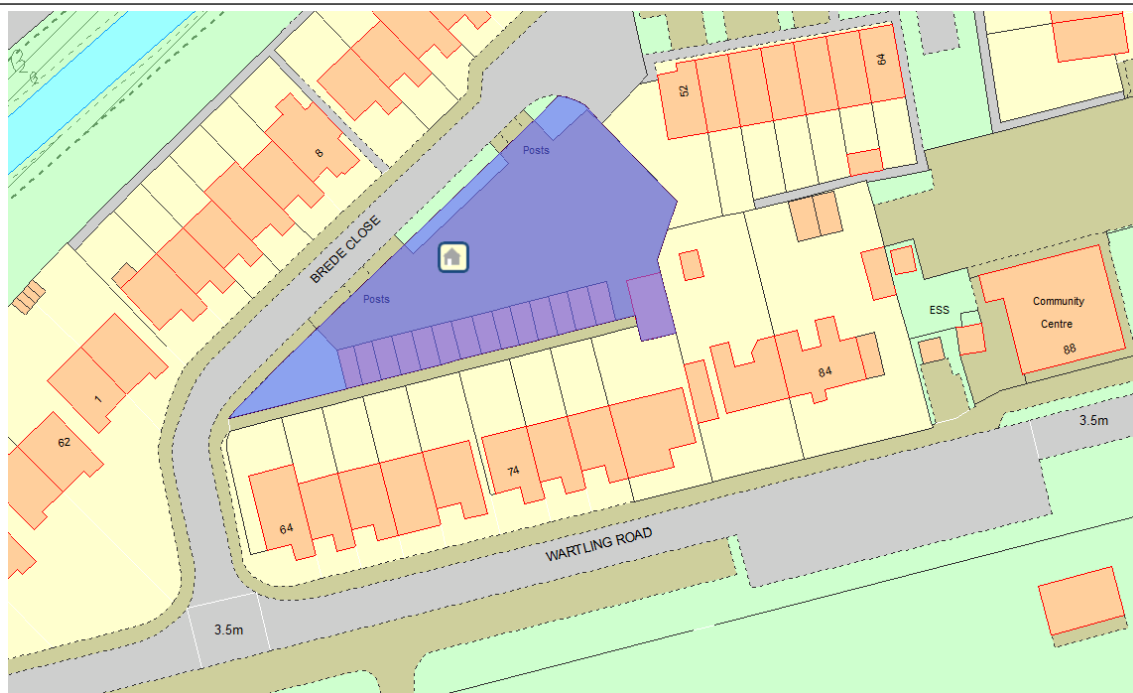
Councillor Jim Murray (Chair)

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Agenda Item 7

| | | |
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| App.No: 180438 | Decision Due Date: 25 June 2018 | Ward: Devonshire |
| Officer: Anna Clare | Site visit date: 4 June 2018 | Type: Planning Permission |
| Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 16 July 2018 Press Notice(s): n/a | | |
| Over 8/13 week reason: To seek amendments to garage access | | |
| Location: Land off Brede Close, Brede Close, Eastbourne | | |
| Proposal: : Demolition of existing garages, and construction of 6no new dwellings, 1no. 1 bed 2 persons, 5no. of 2 bed 4 person houses; including associated parking, access, & landscaping. Amended plans submitted to provide improved access to proposed garages by moving the proposed development 1.4m further into the site. | | |
| Applicant: Eastbourne Homes Ltd | | |
| Recommendation: Grant Planning Permission subject to conditions | | |

Contact Officer(s): **Name:** Anna Clare
 Post title: Specialist Advisor - Planning
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000



1 Executive Summary

- 1.1 The application is bought to committee given the application is submitted by Eastbourne Homes Ltd and given the nature of the proposal the redevelopment of a garage court.
- 1.2 The proposal will result in the net gain of six residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.
- 1.3 Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2012
 - 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
- 2.2 Core Strategy Local Plan 2013 Policies
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C8: Langney Neighbourhood Policy
 - D1: Sustainable Development
 - D5: Housing
 - D8: Sustainable Travel
 - D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - UHT1: Design of New Development
 - UHT4: Visual Amenity
 - UHT7: Landscaping
 - HO2: Predominantly Residential Areas
 - HO6: Infill Development
 - HO8: Redevelopment of Garage Courts
 - TR2: Travel Demands
 - TR6: Facilities for Cyclists
 - TR11: Car Parking

3 Site Description

- 3.1 Brede Close is an existing dead end street, running behind the section of Wartling Road which runs between the existing Crumbles Sewer and the Sovereign Leisure Centre Roundabout. There are residential properties only to the northern part of Brede Close. The site refers to an existing garage court of 14 garages and a hard surfaced parking forecourt to the southern part of Brede

Close, the car parking is informal and not laid out. There is an existing sub station to the south-eastern corner of the site, situated on the southern side of Brede Close.

- 3.2 To the west the site is the Regency Park Development a modern housing development. Brede Close is a dead end, with no vehicle or pedestrian access through to the adjacent development.
- 3.3 There is a single tree within the site adjacent the substation within the south-east corner.
- 3.4 The properties of Brede Close and Wartling Road to the south are of a similar character and style, two storey single dwelling houses with small front garden areas.

4 Relevant Planning History

- 4.1 No relevant to the application.

5 Proposed development

- 5.1 The application proposes the erection of a terrace of 6 dwellings, 1 one bedroom flat at first floor to the east of the terrace with two undercroft parking spaces, and 5 three storey town houses with garages at the ground floor.
- 5.2 The properties are proposed facing north-west onto Brede Close. Three car parking spaces and landscaping is proposed to the south of the site at the entrance of Brede Close. A further two car parking spaces and refuse storage area are proposed to the northern boundary retaining an access road to the existing sub station at the south-eastern corner of the site.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

- 6.1.1 The sycamore tree on the site is proposed to be removed. This is located on the southern aspect of the propose dwellings and would therefore case significant shade for the early part of the day. The tree would also harbour aphids and they would deposit honeydew over much of the garden. Similarly the tree will also produce prolific numbers of seedlings. Therefore I doubt that the future occupants will want ta tree in this position and I think they will collectively set about trying to get it removed. Therefore no objection in principle in terms of the existing trees. A condition relating to Landscaping is recommended.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 The site is located in Seaside Neighbourhood in a predominantly residential area as defined by the Core Strategy (adopted 2013) and Eastbourne Borough Plan, respectively. The vision for Seaside Neighbourhood is to play an important role in the delivery of housing. The vision will be promoted by providing new housing through redevelopment.

- 6.2.2 The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.
- 6.2.3 The site was assessed for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.
- 6.2.4 Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 448 dwellings in Seaside Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. Seaside Neighbourhood is defined as a sustainable neighbourhood and Policy B1 states that priority will be given to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land. Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 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'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of six dwellings.
- 6.2.5 HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes 12 car parking spaces which has been assessed as sufficient.
- 6.2.6 Policy US5 (Tidal Flood Risk) states '*Development will not be permitted in areas considered to be in consultation with the Environment Agency, at an unacceptable risk of flooding from the sea. In areas which are at risk from flooding, where, in consultation with the Environment Agency, planning*

permission is granted development will be required to comply with construction standards and minimum floor levels.' Reference should be made to Strategic Flood Risk Assessment (SFRA) when considering location and potential future flood risks to developments and land uses. The site for the application is in Flood Zone 3; this is classed as high probability of land having 1 in 200 or greater annual probability of sea flooding. The flood risk assessment of the site enclosed with the proposal documents states that 'Construction of the proposed development will not increase the flood risk of the neighbouring properties. It is stated in policy D9 of the Core Strategy that 'development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere' will be supported.

- 6.2.7 In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

6.3 CIL

- 6.3.1 The development of housing is liable to CIL, however no payment will be liable as the proposed dwellings are to provide social housing.

6.4 Southern Water

- 6.4.1 A formal application for connection to the sewer is required in order to service this development. Informative requested.

6.5 Environment Agency

- 6.5.1 We have no objection to the proposed development as submitted, subject to the inclusion a condition in relation to the carrying out of the development in accordance with the FRA, and an informative to advise the future occupants to sign up for the Flood Warning Service given the location of the site.

6.6 East Sussex County Council Highways

6.6.1 Trip generation

Based on an estimated average of 5-6 trips per day for each unit, the expected additional trips are expected to rnaake between 30 and 36. This does not factor in existing trips to the garages. Consequently, it is not considered that additional trips due to this proposal would result in a significant increase on existing levels of traffic, and would generate a negligible impact on the local highway network.

6.6.2 Parking/cycle provision

The application proposes to provide 12 parking spaces, 7 of which are within garages. The ESCC parking calculator estimates the parking demand arising

from the development is 6 spaces. ESCC guidance for Parking at Residential Developments stipulates that garage will only count as 1/3rd space each due to their limited use. As such, the considered parking provided is 7 spaces. The parking provision is therefore sufficient for the proposed development.

- 6.6.3 An amended plan was submitted, along with an associated swept path plan showing the development moved further from the kerblines, thereby allowing access and egress from the proposed garages without risk of collision with vehicles parked opposite on Brede Close.
- 6.6.4 The parking demand in the existing garages and in the hardstanding area in front of the garages would be required to be accommodated. It is not expected that all the garages in use will be for the parking of vehicles, but it is assumed that the forecourt area would be used by local residents. As such, the estimated number of displaced vehicles is 17 (6 in garages, 11 on the hardstanding area). Unless otherwise proven through parking surveys of current usage for these areas are provided, the applicant is required to demonstrate capacity for 17 vehicles in the local highway network.
- 6.6.5 The applicant has submitted a Technical Note, which accepts that the available parking on Vine Square is unlikely to be used by residents. It also states that Eastbourne Borough Council own the grass verge area on Wartling Road where parking currently occurs. Confirmation has been subsequently received from the Planning Officer that Eastbourne Borough Council owns and is responsible for the maintenance of this area of land, and the council do not have plans to remove the informal arrangement of parking at present.
- 6.6.6 It is considered that the total available parking capacity, as identified in the parking survey, is 22 spaces. 17 spaces are required to accommodate informal parking that currently occurs within the site so the parking survey sufficiently demonstrates that this is achievable.
- 6.6.7 **Accessibility**
The site is situated within walking distance of local shops and services, with a retail park approximately 500m to the north of the site. Footways in the area are generally in good condition and there are suitable crossing facilities where appropriate. The nearest bus stop is approximately 230m east of the site and has services running from Eastbourne Town Centre, Sovereign Harbour and Langney. The nearest train station is Eastbourne Railway Station, with regular services to Lewes, Brighton and London and is accessible by bus from the site.
- 6.6.8 **Construction**
The access to the site is via Wartling Road and Brede Close, two narrow cul-de-sacs. Construction activity at the site could have a significant impact on the flow of traffic and pedestrian safety in the surrounding highway network. It would therefore be necessary for a Construction Traffic Management Plan to be provided, with details to be agreed.

7 Neighbour Representations

- 7.1 Objections have been received from 7 surrounding residential properties on the

following grounds;

- Loss of garages
- Impact on parking
- Due to the location of the driving test centre, Brede Close is used by driving instructors
- Princes Park attracts people parking in the Close
- Providing more dwellings will make the road busier
- Over development/over crowding
- Additional noise and pollution from more traffic
- Visual impact
- Impact on the existing properties light/outlook/privacy
- Proposed properties are higher than existing and therefore overbearing
- Design is out of keeping with existing properties
- Limited access for deliveries/services
- Loss of view
- Impact on wildlife

Councillor Wallis has commented on the application questioning what the impact will be on the existing residents.

64 Wakehurst comment in support in principle for the development but ask for a pedestrian route to be considered between Regency Park development and Brede Close.

8 Appraisal

8.1 Principle of development:

- 8.1.1 The principle of the redevelopment of the garage court for residential development is acceptable.
- 8.1.2 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.
- 8.1.3 The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, 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'.
- 8.1.4 The proposal will result in the net gain of six residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important
- 8.1.5 Therefore the principle of the development is acceptable.

- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The proposal is three storeys to overcome flooding issues by placing all living accommodation on the upper floors and to provide garage accommodation for a vehicle at ground floor. The height is minimised by incorporating gable ends to either front and rear elevation and pitched roof between.
- 8.2.2 The proposed properties are upside down, with bedrooms at first floor and living accommodation at second floor level. The properties are proposed to face the existing properties on the northern side of Brede Close, north-west. With the rear elevation facing south-west, towards the rear elevation of properties to the rear on Wartling Road which face south.
- 8.2.3 The five dwelling houses proposed three storeys are to the northern end of the terrace with the southern most property a two storey building with garage at ground floor and a one bed flat at first floor level. The terrace of three storey properties will be situated between 15m and 30m from the rear elevation of the existing properties. The siting of the proposed development was amended during the application, moving the block 1.5m closer to the rear of the site to provide improved access to the garages following concerns raised by ESCC Highways.
- 8.2.4 Whilst they are higher than the existing it is not considered they would create a significantly overbearing relationship with the existing properties. Only the last two properties (plots 5 and 6) are proposed with windows in the rear elevation at second floor level. The three in closest proximity to the existing residential properties are proposed with rooflights to serve the third floor and all will have windows to the front elevation.
- 8.2.5 The proposed first floor flat has windows serving the hall way and living area to the rear elevation and an external staircase from the hall. This will be some 16m from the rear elevation of the existing properties of Wartling Road. The staircase has a small platform area which is not large enough for use as a terrace; and gives access to the rear garden for the flat. The use of the staircase could be limited by condition for access purposes only.
- 8.2.6 It appears that the layout of the site has been carefully considered to minimise the impacts in on the existing properties. The proposed development is to the north of the existing Warling Road properties and therefore is unlikely to cause any significant overshadowing regardless of the height.
- 8.2.7 To the front elevation the properties will appear as town houses with a small window in the gable end to serve the second floor. It is not considered that this elevation will cause significant overlooking either perceived or actual towards the existing properties to the front to warrant the refusal of the application.
- 8.2.8 Therefore on balance given the orientation, the layout and the proposed fenestration it is not considered the development will significantly impact on the existing properties to warrant the refusal of the application.

8.3 Impact of proposed development on amenity of future occupiers

- 8.3.1 The total proposed internal floorspace for the one-bedroom dwellings falls within the accepted minimum GIA (50m²) for a one storey, one bedroom flat (approximately 52m²).
- 8.3.2 The total proposed internal floorspace for the two-bedroom dwellings falls within the accepted minimum GIA (75m²) for a three storey, two bedroom dwelling (approximately 80m²).
- 8.3.3 The dwellinghouses are townhouses, with ground floor garages to provide car parking. The first floor is proposed bedrooms with the living accommodation within the roofspace at second floor level. To protect the amenity of the existing properties on Wartling Road three of the 5 properties which are in closest proximity are proposed with rooflights only to the rear living space, windows are proposed to the kitchen area at the front of the property. The two eastern most properties are proposed with rear elevation windows at second floor level. It is not ideal to have only rooflights to the rear living space, however this is open plan and natural light and ventilation will be provided.
- 8.3.4 Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'. Therefore the proposal is in accordance with policy B2 of the Core Strategy. The NPPF (para 9) aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the choice of high quality homes. Policy D1 considers sustainable development and the proposal is demonstrating efficient use of land and infrastructure, in line with policy.
- 8.3.5 Therefore on balance the proposal is considered to provide an acceptable standard of amenity for future occupiers.

8.4 Design issues:

- 8.4.1 The proposed town houses with garages at ground floor is not evident in the immediate area which is predominantly two storey residential properties. However there are town houses elements within the adjacent Regency Park Development. They are not considered an unusual form of development generally, especially on confined sites with a general lack of on street car parking. The layout and separation distances are considered reasonable within an urban environment and are evident in the surrounding area. Therefore the proposal would not be out of character with the surrounding pattern of development.
- 8.4.2 The development is proposed to be constructed in yellow brick with grey tiled roof and dark grey fibre cement cladding fixed vertically to the first floor and side elevations. The existing properties of Brede Close and Wartling Road are red brick with red tile cladding at first floor and brown tiled roof. The adjacent

Regency Park development is a more modern development with a mix of materials, including render, red brick and cladding. Given the mixed character within the wider area, the proposed materials and the style of the proposed properties is considered acceptable.

8.5 Impacts on trees:

- 8.5.1 There is no objection in principle to the loss of the sycamore tree. There are elements of landscaping to the proposal which will soften the appearance of the development. The landscaping content will be secured by condition to be implemented pre occupation of the dwellings.

8.6 Impacts on highway network or access:

- 8.6.1 Based on estimated average trips per day for each unit, and considering the existing use of the garages, it is not considered that additional trips due to this proposal would result in a significant increase on existing levels of traffic, and would generate a negligible impact on the local highway network.
- 8.6.2 The application proposes to provide 12 parking spaces in total, given 5 of these are garages which ESCC guidance stipulates will only count as 1/3rd space the total parking spaces provided is considered to be 6 spaces. The ESCC parking calculator estimates the parking demand arising from the development is 6 spaces, therefore the parking provision is therefore sufficient for the proposed development.
- 8.6.3 ESCC Highways consider that the parking survey of available surrounding on street parking should show space for the displacement of 17 vehicles (6 in garages, 11 on the hardstanding area). The Applicant has provided details of the occupiers of the garages which shows that 5 of the garages are occupied by immediately surrounding properties. Therefore it can be considered these could be housing vehicles otherwise vying for on street parking spaces.
- 8.6.4 It is considered that the parking survey shows available parking capacity of 22 spaces, when including the informal parking area, owned by Eastbourne Borough Council adjacent to Princes Park. ESCC Highways have not raised an objection to the application. Therefore it is considered that the displaced parking can be accommodated on street. As such it is not considered that a reason for refusal on the grounds of the impact on parking generally in the area could be justified.
- 8.7 Conclusion
- 8.7.1 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.
- 8.7.2 Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore In accordance with paragraph 14 of the NPPF, 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’.

8.7.3 The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.

8.7.4 Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

9 Human Rights Implications

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

10 Recommendation

10.1 Grant Planning Permission subject to the following conditions

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 development hereby permitted shall be carried out in accordance with the following approved drawings;
17-076 0007 P04 Proposed Site Plan S03 Brede Close
17-076 0008 P03 Proposed Floor Plans S03 Brede Close
17-076 0009 P04 Proposed Floor Plans S03 Brede Close
17-076 0010 P02 Proposed Indicative Street Scenes
17-076 0011 P02 Sketch Section ***needs amending
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the development hereby permitted shall be as stated on the approved drawings, unless agreed otherwise by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.
4. Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the

sooner.

Details shall include:

a) a scaled plan showing vegetation to be retained and trees and plants to be planted:

b) proposed hardstanding and boundary treatment

c) a schedule detailing sizes and numbers of all proposed trees/plants

d) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that dis(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures detailed within the FRA:

1. The measures as stated in paragraph 7.1.2 shall be implemented:

i. Ground floor is to be used for garages, storage and access only, with living accommodation restricted to the first floor and above

ii. Ground floor levels are set as high as is practicable, and no lower than 3.5mAOD

iii. First floor levels are set no lower than 6.2mAOD

2. All Flood Resistant and Resilient construction measures proposed within paragraph 7.1.4 of the FRA are implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority to the dwellings hereby approved.

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

7. Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, raised platforms or hardsurfacing shall be erected within the curtilage of dwelling houses hereby approved other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.

8. Notwithstanding the approved drawing, prior to the first occupation of the development hereby approved details of the enclosure to the proposed bin storage shall be provided and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved drawings prior to the first occupation of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

9. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

10. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 17-076 0007 P04 Proposed Site Plan S03 Brede Close

Reason: In the interests of road safety.

11. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

12. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

13. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

14. No development shall take place, including any ground works or works of

demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

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

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

Informative

1. Advice to Applicant: As the development is within Flood Zone 3, we strongly advise that the occupants of the properties sign up to our Flood Warning Service. More details can be found here:
<https://www.gov.uk/sign-up-for-flood-warnings>

11 Appeal

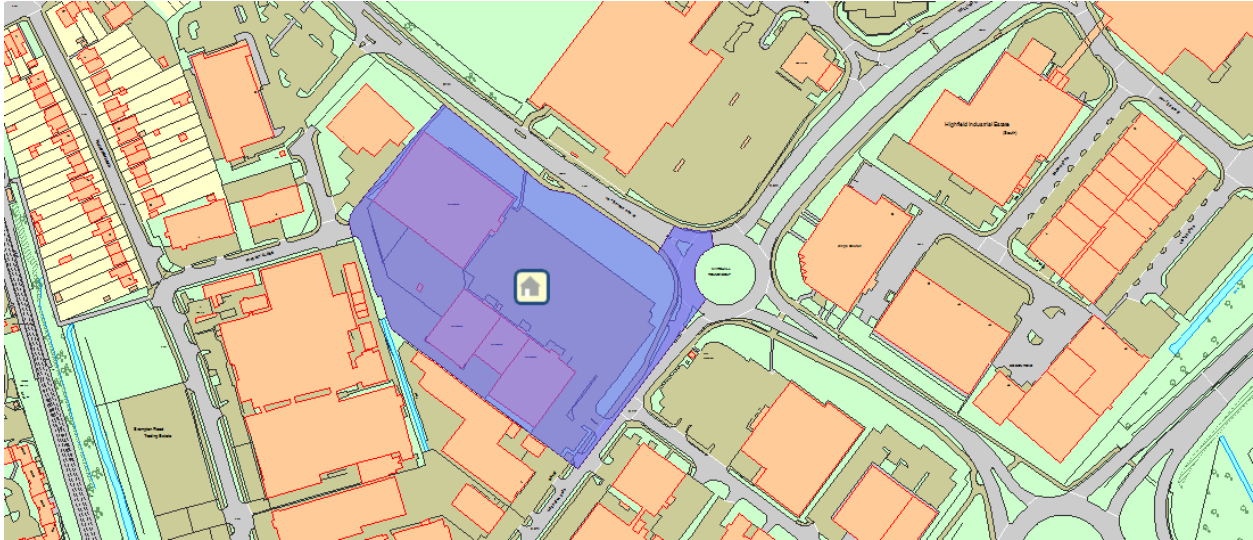
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

12 Background papers

The background papers used in compiling this report were as follows:

- **Case file**

| | | |
|---|---|-------------------------------------|
| App.No: 180423 | Decision Due Date: 26 July 2018 | Ward: Hampden Park |
| Officer: Anna Clare | | Type: Planning Permission |
| Site Notice(s) Expiry date: 24 May 2018 Neighbour Con Expiry: 8 June 2018 Press Notice(s): 7 May 2018 | | |
| Over 8/13 week reason: n/a | | |
| Location: Hampden Retail Park, Marshall Road, Eastbourne | | |
| Proposal: : Erection of three new retail units comprising; one attached Use Class A1 unit and two detached A1/A3 units (including a drive-thru); external refurbishment of the existing retail units; reconfiguration of the existing car park and access, and associated works. | | |
| Applicant: Eastbourne Borough Council | | |
| Recommendation: A: Subject to legal agreement covering : <ul style="list-style-type: none"> • Local Employment Issues • Highway Issues; <ul style="list-style-type: none"> • The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement. • Provision of signage from the site to the Station and bus stops • Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00. • Highway improvement works; • Widening the Marshall Road two-lane approach; and • Widening the entry width of the Lottbridge Drove (North) arm. • Travel Plan surveys and monitoring reports should be secured through an s106 agreement. <p>Then planning permission be granted subject to conditions outlined at the end of the report.</p> <p>B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.</p> | | |

Contact Officer(s):**Name:** Anna Clare**Post title:****E-mail:** anna.clare@eastbourne.gov.uk**Telephone number:** 01323 4150000**1 Executive Summary**

- 1.1 The application is brought to Planning Committee given the applicant is Eastbourne Borough Council and as the proposal constitutes a major development by virtue of the size of the floorspace proposed to be constructed over the three new units.
- 1.2 In principle the proposed development is considered acceptable as it will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.
- 1.3 Therefore it is recommended that planning permission is granted subject to Legal Agreement and conditions.

2 Relevant Planning Policies

- 2.1 Eastbourne Borough Plan 2001-2011
NE16 (Development within 250m of former landfill site)
UHT1 (Design of New Development)
UHT4 (Visual Amenity)
UHT6 (Tree Planting)
UHT7 (Landscaping)
US4 (Flood Protection and Surface Water)
US5 (Tidal Flood Risk)

TR2 (Travel Demands)
TR6 (Facilities for Cyclists)
TR7 (Provision for Pedestrians)
TR11 (Car Parking)

- 2.2 Eastbourne Core Strategy 2006-2027
B1 (Spatial Development and Strategy)
B2 (Creating Sustainable Neighbourhoods)
C7 (Hampden Park Neighbourhood)
D4 (Shopping)
D5 (Housing – Low Value Neighbourhoods)
D8 (Sustainable Travel)
D10a (Design)

- 2.3 Employment Land Local Plan 2016
EL1 (Employment Land Strategy)

3 Site Description

- 3.1 Hampden Park Retail Park is currently made up of 5 individual Class A1 retail units providing a total of 5917sqm of floorspace. An existing car park provides 274 car parking spaces and is accessed from Marshall Road to the south-east of the site.
- 3.2 To the North the site sits adjacent to Lottbridge Drove, between the car park area and the road is a large grass verge with some low level shrubs/planting.
- 3.3 The west of the site borders the Brampton Road Industrial Estate which consists of a number of commercial/industrial uses. The closest residential properties are to the north-west on Brampton Road.

4 Relevant Planning History

- 4.1 None specifically relevant to this application.

5 Proposed development

- 5.1 The application proposes the following;
- The creation of three new units within the site, units 5, 6, and 7.
 - Unit 5 is proposed to be a new Class A1 (retail) unit of 743.2sqm floorspace, Units 6 and 7 to be Class A3 (restaurants and Café) of 167.2sqm floorspace each.
 - Recladding the existing buildings
 - Amendments to the access and circulation from Marshall Road including changes to the car parking arrangement, resurfacing and white lining.
 - Extension of the communal service yard and provide an exit only for new unit 5 onto Marshall Road, retaining the existing access from Faraday Close.
 - Pedestrian access onto Lottbridge Drove north of the site and south-east onto Marshall Road.

6 Consultations

6.1 Regeneration Manager

6.1.1 The application is eligible for local labour agreement in accordance with the Local Employment and Training Supplementary Planning Document's threshold for a commercial development, namely the creation of 1,000sqm (gross) and a development of strategic importance. It is also likely that the three new retail units will create in excess of 25 new jobs.

6.1.2 In the event that the application is approved, Regeneration request a local labour agreement for both construction and operational employment and training.

6.2 Specialist Advisor (Arboriculture)

6.2.1 The proposal seeks to utilise a sizable portion of the verge area bordering Lottbridge Drove & Marshall Road. This area of verge is part of a large space which is set against the Marshall Roundabout and is considered to be part of the character of the area. Whilst it is accepted this is an industrial/retail park complex, its appearance is an important issue and one that can have quite a profound impact on the local environment.

6.2.2 I note that Unit 6 is set back from the road but is likely to require visual exposure to potential customers from the surrounding road network. None-the-less, there is an opportunity to plant trees to form a strong architectural feature in this area and along this and the adjacent street to try and offset the harsh urban landscape. There is an existing stand of IIRC Italian Alders nearby so a similar pattern/planting distances to reflect this existing feature would go some way in mitigating the impact of the development.

6.2.3 Similarly, the large hard standing of the car parking area could be significantly softened with the planting of medium sized trees. This would visually break up the large surface area and provide a more pleasant environment for users of the car park and thus improve the mood. It is suggested that medium sized and ornamental trees are used, such as *Sorbus aria Magnifica* and *Acer campestre Elegant* (these are just suggestions) planted every 10 or so parking spaces. The planting pit must be sufficient to support the growth of the trees for years to come and would therefore require a volume of soil beneath the surrounding hard surfaces.

6.2.4 A condition is requested regarding the submission of landscaping details.

6.3 Specialist Advisor (Planning Policy)

6.3.1 The application site is situated in the 'Hampden Park Neighbourhood' as identified by Policy C7 in the Eastbourne Core Strategy (2013). Policy C7 is The Hampden Park Neighbourhood Policy, which sets out the vision for this area as the following; "*Hampden Park will increase its levels of sustainability and reduce*

the levels of deprivation in the neighbourhood whilst assisting in the delivery of housing and employment opportunities for the town". This vision will be promoted through a number of factors including 'Improving the public realm in residential and shopping areas to create a sense of place'.

- 6.3.2 As stated in the Employment Land Local Plan (ELLP) when considering proposals for employment development, the Council will take a positive approach that reflects the "presumption in favour of sustainable development" set out in paragraphs 14 and 15 of the NPPF. Policy EL1 of the ELLP states that job growth and economic prosperity in Eastbourne will be supported in order to enable the achievement of a sustainable economy. It states that this will be achieved by encouraging development which supports improvements in the local jobs market through creation of additional jobs and employment diversification and seeking Local Labour Agreements on all development of 1,000sqm or more, to secure local employment and training measures as part of development proposals. Therefore, as this application proposes an increase in retail floor space of 1077sqm, it would be eligible for a Local Labour Agreement.
- 6.3.3 Class A1 and A3 uses are defined in the glossary of the NPPF as 'Main town centre uses.' As paragraph 24 states *"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered."* The Hampden Retail Park is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location, which means the sequential test needs to be applied.
- 6.3.4 The aim of the sequential test is to ensure that main town centre uses are directed towards town centres first, and only where they cannot be accommodated in or on the edge of town centres should main town centre uses be permitted elsewhere. Therefore the purpose of the sequential test is to direct retail development to the most sustainable location(s) and at the same time protect the vitality of town centres, rather than to simply enable the modernisation of the offer at an undesignated retail park.
- 6.3.5 The NPPG confirms that applicants are expected to demonstrate flexibility in terms of scale, form and layout of the proposal in their application of the sequential test. It states that where there are no sequentially preferable sites for the proposal, the sequential test is passed. In relation to the sequential test, the development of town centres (highest in the retail hierarchy), would be preferable over 'out-of-town' (lowest in retail hierarchy) sites.
- 6.3.6 The Planning statement provides assessments of other retail locations within the borough in relation to the sequential test. This demonstrates that there are no suitable and available retail units in sequentially preferable designated centres, or suitable sites on the edge of any designated centres. Additional evidence provided clarifies that a unit at Sovereign Harbour is unlikely to become available in the near future, and that a class A3 unit that is current available would not be large enough to be suitable to accommodate the proposal as a

whole. Therefore it is considered that evidence has been supplied to demonstrate that the sequential test has been passed.

6.3.7 Policy D8 (sustainable travel) of the Core Strategy that's that new developments should '*make walking, cycling and accessibility to public transport a priority in the design of their layouts; provide for the needs of pedestrians and cyclists, including people with disabilities and mobility difficulties*'. The development includes provision for two cycle parking areas, allowing 10 cycle spaces (higher than East Sussex Guidance suggested figure of 7) which improve the current situation at the park of no cycle parking facilities. There are currently 280 spaces on site and after the parking reconfiguration it proposes 288 with 19 disabled bays and 4 parent/child bays, compliant with the East Sussex Guidance and local policy.

6.3.8 The NPPF (paragraph 26) explains that retail developments outside of the town centre proposing an increase in floor space over 2,500sqm, should provide an impact assessment. As this development is proposing an increase of 1,077sqm, an impact assessment is not required.

6.3.9 The site is identified as being in 'Flood Risk Zone 3' for tidal flood risk and the NPPF classifies retail areas as being 'less vulnerable' to flooding, suggesting that retail development would be appropriate in this zone without the exception test needing to be applied. The site is also protected by a series of coastal flood defences implemented by the LPA.

6.3.10 It is important to note that this application would be liable for CIL as per Eastbourne current charging schedule for A1-A5 use class.

6.3.11 To conclude, this development complies with a number of national and local policies. It will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy. It should also benefit from a Local Labour Agreement as it meets the threshold set in the NPPF. Finally, the application provides assessments of other retail locations within the borough, evidencing no suitable alternative or preferable location for the proposed retail units. With this, the site location would pass the sequential test and comply with national policy.

6.4 CIL Consultations

6.4.1 As per the Eastbourne Charging Schedule A1-A5 use classes are liable for CIL and therefore this application for planning permission will be CIL liable.

6.5 Southern Water

6.5.1 The exact position of the foul and surface water sewer crossing the site must be determined on site before the layout of the proposed development is finalised.

6.6 Environment Agency

- 6.6.1 No objection is raised to the proposed development subject to a condition regarding the implementation of the submitted Flood Risk Assessment.
- 6.7 County Archaeologist
- 6.7.1 Although this application is situated on the edge of 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.
- 6.8 South East Water
- 6.8.1 No response received.
- 6.9 Highways ESCC
- 6.9.1 *Comments in Italic are further to the original consultation response following submission of further clarification/details.*
- 6.9.2 The site is currently accessed from Marshall Road with a servicing/delivery access from Faraday Close, (to the back of the retail units away from the car park).
- 6.9.3 Footways surround the site with a controlled pedestrian crossing on Lottbridge Drove and informal crossing points on Marshall Road, providing access to the wider pedestrian network and other retail areas.
- 6.9.4 This site is served by bus routes 55, 55A and The Loop, serving Langney, Beachlands and Eastbourne Town Centre. The closest stops are on Lottbridge Drove.
- 6.9.5 It is also noted that the northern extents of the site, as encompassed by the red site boundary shown on the proposed plans, is within ESCC Highway Boundary. However, there does not appear to be any development within that area.
- 6.9.6 Access
The applicant proposes to move the entrance to the site approximately 26m north on Marshall Road. The existing access is proposed to be closed and the footway re-instated.
- 6.9.7 Dropped kerbs and tactile paving should be provided along the Marshall Road access junction for pedestrians with a visual or physical disability. These are shown on drawing 17167/006. The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement. Although the Road Safety Audit did not raise the close proximity between the proposed access and the Dunelm's car park access as a safety issue, ESCC believe that this arrangement could raise the risk of collisions, as drivers may not anticipate vehicles exiting the other car park.

- 6.9.8 A new service exit onto Marshall Road is proposed south of Unit 5. This point will provide egress onto Marshall Road for two 7.5t Vans per day and one articulated vehicle per week. Furthermore, it is unclear how the one-way system of the servicing access would be controlled. Vehicles could still potentially access from Marshall Road, which could increase conflicts and would require those vehicles to reverse back out in an unsafe manner.
- 6.9.9 *Vehicle tracking has subsequently been provided. The swept path analysis showing the Rigid Truck accessing and egressing the site is acceptable. Furthermore proposals within the Addendum Technical Note are generally sound showing space for vehicles to wait for/pass each other to the rear of unit 5, and vehicles waiting on Marshall Road wouldn't necessarily be a concern.*
- 6.9.10 Furthermore, visibility splays have not been provided for the servicing access onto Marshall Road. The access should be shown to be able to provide a visibility splay in line with DMRB without the use of third-party land. The Stage 1 RSA carried out for the proposals also raised the issue of visibility at this egress. The applicant's team stated that vehicle speeds coming out of the site will be low. This would not have an effect on the visibility requirement, as the relevant speed when determining the visibility splay is that on the public highway.
- 6.9.11 Pedestrian/Cyclist Considerations- wider network
The most likely route from the site to Hampden Park Station is via Marshall Road, Brampton Road and a dedicated footpath between Brampton Road to the Station. While this footpath provides pedestrians with an easy connection to the Station, it is considered that the existing path is not sufficiently attractive to pedestrians, especially more vulnerable pedestrians due to a lack of informal surveillance and the poor quality footpath condition. The lack of signage between the site and the station also discourages people to use this route.
- 6.9.12 In order to encourage more people to use the train when visiting the retail park and use this pedestrian route, the applicant should provide signage from the site to the Station. This should be secured via condition or a s106 agreement.
- 6.9.13 Cycle routes run within close proximity to the site, which indicates that the development has the potential to generate more cycling trips. As part of the proposed vehicle traffic mitigation, the applicant proposed to reduce the width of the cycle refuge at the Marshall Roundabout, which was also raised as a safety concern as part of the Stage 1 RSA. Prioritising vehicle traffic over sustainable travel modes in this way is not considered to be in line with ESCC policy, especially as this would actively decrease safety for cyclists and make the site's surrounding area less attractive to cyclists. This is not considered to be acceptable.
- 6.9.14 The applicant should provide an alternative design proposal for the Marshall Roundabout that does not impact on the safety of cyclists. The proposals should aim to enhance cycling facilities, as this would potentially reduce the number of vehicle trips to the site, reducing pressure on the surrounding junctions as well as parking space.
- 6.9.15 *An Addendum Technical Note has been submitted which states as part of the*

upgrade works, addition information will be provided to customer on route to Hampden Park Station as well as local bus stops. An amended drawing also shows that the relocation of the cycle crossing will be retained to a minimum width of 1.75m as per existing conditions, with markings and dropped kerbs repositions and realigned with the central island. This has been confirmed as acceptable to ESCC Highways.

6.9.16 Public Transport

A bus stop is located directly adjacent to the site on the south side of Lottbridge Drove and directly opposite the site on the north side of the Lottbridge Drove carriageway. The northern bus stop has real-time passenger information, which is lacking from the bus stop of the south side of the carriageway. The development will increase the use of public transport in the area and a contribution towards providing Real Time Passenger Information (RTPI) is required to help provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00. These works should be secured by legal agreement and would help the development meet the targets that would be set in the Travel Plan.

6.9.17 Traffic Impact - Traffic Surveys

The applicant has undertaken Manual Classified Counts at Marshall Roundabout and the site access junction on a Friday, Saturday, and Sunday during store opening times to understand the current operation of the local network. Average queues were also observed at the Marshall Roundabout and baseline junction modelling has been calibrated to match these observed queues. This is generally considered to be a good survey approach.

6.9.18 Traffic Impact - Trip Generation

The Manual Classified Counts undertaken at the site access have been used to determine the vehicle trip generation assessment for the development. No trip generation assessment has been undertaken for other modes of transportation. However, it is considered that the development will increase trips by those other modes as well.

6.9.19 Because the proposed development includes two new food and beverage units, one of which will have a drive-thru facility, it is considered that the trip generation cannot be determined simply by factoring up trips for the existing site up to match an increase in floor area. This would only be considered acceptable for the new Unit 5, as it is considered likely to be a retail unit similar to the others at the site.

6.9.20 The drive-thru facility especially would be expected to significantly add to vehicle trip demand at the site, which could affect the capacity of the site access junction as well as the Marshall Road roundabout. The small food and beverage Unit 7 would also be expected to add some dedicated trips to the site, though it is accepted that a portion of trips to this unit would likely be linked trips.

6.9.21 The applicant should survey a similar drive-thru facility in the area to determine the trip generation, or use the industry standard TRICS database to determine a robust trip generation for the proposed drive-thru and food-retail unit.

- 6.9.22 The trip generation as set out in the TA is not considered to be an accurate representation of the expected trip generation for the development.
- 6.9.23 **Junction Capacity Assessment and Impact**
The junction capacity modelling methodology within the Transport Statement is considered to be generally sound. However, as the trip generation is considered likely to be an under-estimate of the number of trips to and from the site, the junction modelling is also expected to be inaccurate.
- 6.9.24 The surveys show that the Marshall Roundabout is expected to operate at or over capacity (RFC of 1.00 or more) in 2027 on Saturdays and Sundays in the peak. The modelling shows the proposed development would be expected to exacerbate this issue, pushing the junction further past capacity. The applicant proposes the following mitigation:
- Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
- 6.9.25 The submitted modelling shows that these proposed works would likely mitigate the effect of the development, but would keep the junction operating at or over capacity. Visitors to the proposed development would therefore still likely experience delays and significant queueing. As visitors and staff associated with the proposed development would use Marshall Road, the applicant should provide a contribution to improvements to this junction, to mitigate the impact of the proposed development.
- 6.9.26 The site access junction is shown to be able to operate within capacity based on the trip generation assessment set out in the TA. However, this junction should be re-assessed following revisions to the trip generation.
- 6.9.27 General engineering design principles as set out in the Design Manual for Roads & Bridges (DMRB) are that when designing priority junctions and roundabouts, RFC levels should not exceed 0.85 (85%) during peak conditions. Not only does this provide for a margin of error in any calculations, experience has shown that in practice, queues and delays can start to form prior to the 100% threshold being reached. The applicant should therefore show RFC levels of 0.85 or less in the peak 2027 + Development scenario for the site access junction.
- 6.9.28 **Accident Data**
The accident data review is considered to be too sparse. There have been several crashes within the site's immediate surrounding area. The applicant should provide more detail on the crashes that occurred at the Marshall Roundabout and on Lottbridge Drove to show the percentage of collisions involving a pedestrian or cyclists, as well as a short description of each one, to ensure there are no existing highway safety issues that may be exacerbated by the expected additional trips to the site caused by the development.
- 6.9.29 *Further analysis was submitted as part of the Addendum Technical Note which has been confirmed to sufficiently detailed and acceptable by ESCC highways.*
- 6.9.30 **On-Site Car and Cycle Parking**
It is proposed that 288 car parking spaces will be provided in line with ESCC

- 6.9.31 Guidance for the extended retail park. This is considered acceptable and sufficient evidence has been prepared to support the view that the proposed development would not result in overspill parking onto the public highway or the surrounding car parks.
- 6.9.32 It should be noted that the Manual Classified Counts show that the existing site generally has spare parking capacity on Fridays, Saturdays and Sundays. The lowest number of available spaces recorded on Friday was 182, on Saturday it was 150, and on Sunday the minimum was 183. This suggests that there is not a current parking accumulation issue.
- 6.9.33 Cycle parking is proposed to be provided in line with ESCC guidance. This is considered acceptable.
- 6.9.34 **Refuse and Servicing**
Servicing of the proposed food and beverage retails units is to be undertaken from within the car park outside of operational hours to reduce conflict with vehicles and pedestrians. This is considered to be acceptable. Servicing of the existing units is proposed to remain generally similar to the existing situation which is considered acceptable.
- 6.9.35 **Travel Plan**
A Travel plan has been submitted as part of the application. This Travel Plan is considered to be generally sound. The Travel Plan commits the applicant to baseline surveys at six months post occupancy and surveys at Year 3 and Year 5 of occupation.
- 6.9.36 The travel surveys undertaken should be TRICS compliant and these should be supported by cycle parking and car parking occupancy surveys. The results of these surveys should be communicated to the LPA and ESCC via a monitoring report.
- 6.9.37 The surveys and monitoring reports should be secured through an s106 agreement.
- 6.9.38 **Construction**
A Construction Traffic Management Plan will need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission. Tracking of construction vehicles on-site would also be required for each construction phase. Drawings should also be submitted showing hoarding lines and welfare areas, as well as any pedestrian re-routing required during construction.
- 6.9.39 *The trip generation data is currently being considered by ESCC Highways at the time of publication of this report and will be reported on verbally/in an addendum report for Committee.* Notwithstanding this the proposed changes are unlikely to have any material impact upon the local highway network and is therefore considered acceptable in NPPF high way terms.

6.9.40 Crime Prevention Design Officer

6.10 I ask whether A3 & A5 usage needs to be requested if the proposed unit number 6 is to be a drive through venture as well as a sit down restaurant for hot and cold foods and drink. I ask that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters /waitresses. Substantial food shall be available at all times.

6.10.1 I recommend that external doors and ground floor or any easily accessible windows conform to LPS 1175 SR2. Additional advice on roller shutters, gates, lighting safes and strong-rooms and intruder alarms, can be found within the SBD Commercial Developments 2015 document.

6.10.2 I was pleased to note that new service yard will be gated. I recommend that the proposed locations for the two cycle storage / park are relocated to more centralised locations that have more footfall and increased natural surveillance over them, as the proposed areas are on the peripheral of the development with reduced natural surveillance.

6.10.3 Given the addition of a proposed drive through A3 unit to the retail park and no opening times disclosed, consideration is to be given to controlling the car park after hours to prevent loitering and rogue parking as this usage has the potential to create a honey spot possibly increasing into a hot spot.

7 Neighbour Representations

7.1 No comments received from the public consultation.

8 Appraisal

8.1 Principle of development:

In principle this development complies with a number of national and local policies. It will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.

8.1.1 Therefore the application is supported in principle providing there are no significant impact in terms of the detailed design proposals and highways impacts in accordance with local and national planning policies.

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

8.2.1 There are no residential properties in the immediately surrounding area. The site is situated adjacent to but does not form part of the Bampton Road industrial

Estate.

8.2.2 Therefore the proposals will have no impact on residential amenities.

8.2.3 Unit 5 is proposed to the western boundary of the site, there are existing commercial/industrial units to site adjacent which form part of the Brampton Road Industrial Estate. Given the nature of the uses here it is not considered that the bulk or scale of the proposal will cause significant issues to the occupiers or users of these adjacent buildings.

8.4 Design issues:

8.4.1 Works to the existing buildings consist of;
Overcladding the roofs with trapezoidal metal cladding
Elevations to be overclad in horizontal or trapezoidal cladding

8.4.2 The cladding to the existing elevations is designed to provide a crisp and contemporary feel to the car park frontage. On the B&Q frontage, which is a stand alone unit the brick columns are proposed to be retained to provide a contrasting element to the cladding. New signage is also proposed to each unit which is the subject of a separate advertisement consent application.

8.4.3 The elevation treatments for the refurbished facades are to match with the new units with the exception of Unit 6.

8.4.4 Unit 6 is a drive-thru unit detached from the other units situated to the north-west of the site. This building is proposed to be class A1/A3, and is proposed part rendered, part clad with horizontal timber boarding with a standing metal seamed roof. Unit 6 is a single storey building on a lesser scale than the existing units on the site to reflect its siting between the main units and the road. The proposed landscaping will assist with softening the visual appearance of the rear elevation which is the drive thru frontage. The proposal is considered a step between the road and the larger units. Equally the proposed unit 7 is detached from the existing B&Q building between this and the Road. This is proposed to a lesser scale, single storey at just over 5m in height. Again this provides a step up in the built form between the road and the existing units and is considered an appropriate design concept to lessen the impacts of the proposal on the streetscene.

8.4.5 Unit 5 is proposed to follow the scale of the existing units, matching the adjacent unit in terms of height and in continuing the terraced visual appearance. This is considered entirely appropriate for this boundary of the site which is set away from Lottbridge Drive.

8.4.6 The proposed materials are considered acceptable and will improve the visual appearance of the retail park which is currently tired and unkempt. A condition is considered prudent to ensure that the cladding to the buildings is undertaken as one operation to ensure that not some units and not others are clad to maintain a standard appearance.

8.5 Landscaping:

- 8.5.1 Bar the existing grass verge adjacent Lottbridge Drive and Marshall Road, with some low level shrub planting there is little landscaping to the existing site which is dominated by the large expanse of hard surface car parking.
- 8.5.2 New landscaping is proposed to the site as part of the development. Around the proposed unit 6 the grass verge is proposed to be retained to provide a visual separation between the car park and the road. New trees are proposed adjacent to the existing B&Q unit to the rear of the proposed unit 7, and to the south adjacent to new unit 5. An additional 6 trees are proposed running in a line through the car park area to soften the appearance of the large expanse of car park.
- 8.5.3 New landscaping is proposed to the north and south boundaries to the site, with low level planting adjacent Lottbridge Drive and Marshall Road. New access points are also proposed for these areas improving pedestrian links.
- 8.5.4 The landscaping and position of new trees assists within mitigating the impacts of the development. The retention of the grassed area to the northern boundary with Lottbridge Drive is welcomed and will soften the appearance of the proposed development whilst maintaining the character of the area. A grass verge is maintained for the majority along both sides of Lottbridge Drive and other parts of Willindon Drive and whilst the area is industrial/retail in its nature this landscaping is considered very much part of the character of the area, softening the harsh industrial buildings.
- 8.5.5 Overall the landscaping is considered to be improved, whilst the grass verge adjacent Lottbridge Drive is reduced this is retained in keeping with the wider character of the area.
- 8.6 Impacts on highway network or access:
- 8.6.1 The proposals include amendments to the existing access, creation of new servicing access, alterations to the highway on Marshall Road, relocating the existing pedestrian/cycle crossing. The Highways issues have been considered fully by ESCC Highways who agree the access arrangements and alterations to the highway are acceptable.
- 8.6.2 It is proposed that 288 car parking spaces will be provided in line with ESCC Guidance for the extended retail park. This is considered acceptable and sufficient evidence has been prepared to support the view that the proposed development would not result in overspill parking onto the public highway or the surrounding car parks.
- 8.6.3 The applicants submitted capacity counts show that the existing site generally has spare parking capacity on Fridays, Saturdays and Sundays. The lowest number of available spaces recorded on Friday was 182, on Saturday it was 150, and on Sunday the minimum was 183. This suggests that there is not a current parking accumulation issue.
- 8.6.4 Cycle parking, improvements to the access for pedestrians, and improvements

to the signage for sustainable travel (to train station and bus stops) will assist with users travelling by sustainable means. A Travel Plan has been submitted with the application which is acceptable and commits the applicant to encouraging sustainable travel particularly by staff of the units.

8.6.5 Therefore the proposals are considered acceptable.

8.6.6 A S106 agreement and conditions are proposed to mitigate any highways issues and ensure the delivery of the highway works. A s106 is required to secure a number of highways improvements including;

- The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement.
- Provision of signage from the site to the Station and bus stops
- Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00.
- Highway improvement works;
 - Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
- Travel Plan surveys and monitoring reports should be secured through an s106 agreement.

8.7 Other issues:

8.7.1 There is a culvert owned by Southern Water running along the grass verge north of the site. In order to facilitate the development the culvert needs to be re-directed. Drainage plans have been submitted as part of the application and the Applicant is in discussion with Southern Water over the re-direction of their assets.

8.8 Conclusion:

8.8.1 The proposed development is considered acceptable in principle following the submission of a sequential test which provided assessments of other retail locations within the borough, evidencing no suitable alternative or preferable location for the proposed retail units. The proposal would also be supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.

8.8.2 The works to the existing buildings are considered will improve their visual appearance, and the new units will fit within the site without harm to the character or appearance to the wider area given the landscaping improvements. Car parking provision is increased and is considered acceptable following capacity surveys and the wider highways works are considered acceptable.

8.8.3 Therefore the proposal is considered acceptable. The proposed improvements to the existing units are welcome, the new units will be visually in keeping with the existing and retention of the grass verge with additional landscaping will improve the visual appearance without harm to the character of the wider area.

9 Human Rights Implications

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

10 Recommendation

A: Subject to legal agreement covering :

- Local Employment Issues
- Highway Issues;
 - The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement.
 - Provision of signage from the site to the Station and bus stops
 - Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00.
 - Highway improvement works;
 - Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
 - Travel Plan surveys and monitoring reports should be secured through an s106 agreement.

Then planning permission be granted subject to conditions outlined below;

B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.

10.1 Schedule of Conditions

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 development hereby permitted shall be carried out in accordance with the approved drawings;
4158-155 Tree Plan
4158-301 Rev P Proposed Site Plan
4158-306 proposed Elevations
4158-307 Unit 6 Proposed Elevations
4158-308 Shopfront Details
G22765 0101 Rev P1 Proposed Drainage Layout
Reason: For the avoidance of doubt and in the interests of proper

planning.

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of that part of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures details within the FRA:
 - a. All occupants will sign up to the Flood Warning Service, as stated in FRA sections 6.1 and 7.
 - b. A flood preparation and evacuation plan is drawn up, as recommended in FRA Sections 6.2 and 7, for identification and provision of a safe route into and out of the site to an appropriate safe haven.
 - c. Flood resilience and resistance measures are incorporated into the design, as advised in Section 6.3 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework for Flood Risk and Coastal Change to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future Occupants.

5. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - i. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - ii. location, type and materials to be used for hard landscaping including specifications, where applicable for:
 1. permeable paving
 2. tree pit design
 3. underground modular systems
 4. Sustainable urban drainage integration
 5. use within tree Root Protection Areas (RPAs);
 - iii. a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - iv. specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

v. types and dimensions of all boundary treatments

6. All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
7. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.
8. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide suitable car-parking space for the development
9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with policy/para...
10. Development shall not commence until a Construction Traffic Management Plan has been submitted and agreed, and the approved Plan shall be implemented and adhered to in full throughout the entire construction period, the Construction Traffic Management Plan must include but not be limited to, tracking of construction vehicles for each phase of development (if phased), details of hoardings/welfare areas, and pedestrian re-routing required during construction.
Reason: In the interests of highway safety and the amenities of the area and in accordance with policy/para...
11. The vehicle electric charging point shown on approved drawing 4158 301 Rev P shall be installed and made available for use prior to the first occupation of the new units and thereafter shall be retained in perpetuity.
Reason: To encourage environmentally friendly modes of transport.

Informatives

1. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property.
2. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

11 Appeal

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

12 Background papers

The background papers used in compiling this report were as follows:

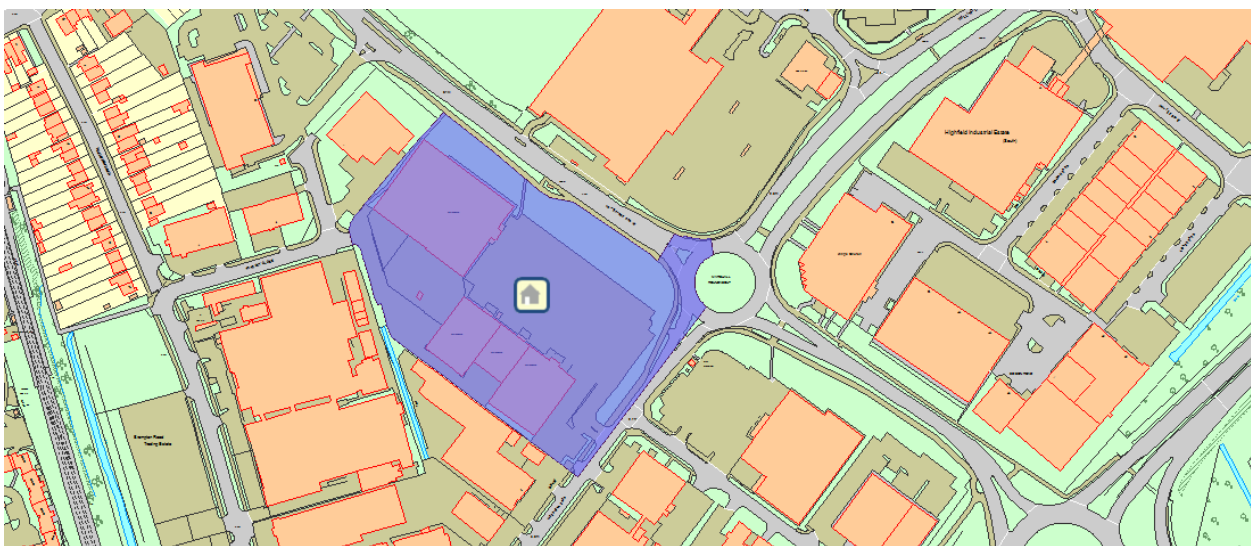
- **Case File**

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|--|--|-------------------------------|
| App.No: 180480 | Decision Due Date: 4 July 2018 | Ward: Hampden Park |
| Officer: Anna Clare | | Type: Advertisement |
| Site Notice(s) Expiry date: 10 June 2018 Neighbour Con Expiry: 10 June 2018 Press Notice(s): n/a | | |
| Over 8/13 week reason: n/a | | |
| Location: Hampden Retail Park, Marshall Road, Eastbourne | | |
| Proposal: : One internally illuminated totem sign. | | |
| Applicant: C/O Agent | | |
| Recommendation: Grant advertisement consent subject to the standard advertisement conditions as set out in this report. | | |

Contact Officer(s): **Name:** Anna Clare
 Post title:
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000

Map location (as in Lewes with * at location of application) This needs to be agreed either to include or not as long as there is consistency with Lewes and Eastbourne)



1 Executive Summary

- 1.1 The application is brought to Planning Committee given the applicant is Eastbourne Borough Council and as the proposal relates to the major development to provide additional units at the site.
- 1.2 The advertisement totem sign is considered acceptable in principle, no significant harm is considered with regards to highway safety or the visual amenity of the area. Therefore it is recommended that advertisement consent is granted.

2 Relevant Planning Policies

- 2.1 Eastbourne Borough Plan 2001-2011
UHT12 Advertisements

Eastbourne Core Strategy 2006-2027
D10a (Design)

3 Site Description

- 3.1 Hampden Park Retail Park is currently made up of 5 individual Class A1 retail units providing a total of 5917sqm of floorspace. An existing car park provides 274 car parking spaces and is accessed from Marshall Road to the south-east of the site.
- 3.2 To the North the site sits adjacent to Lottbridge Drove, between the car park area and the road is a large grass verge with some low level shrubs/planting.
- 3.3 The west of the site borders the Brampton Road Industrial Estate which consists of a number of commercial/industrial uses. The closest residential properties are to the north-west on Brampton Road.

4 Relevant Planning History

- 4.1 180423
Erection of three new retail units comprising; one attached Use Class A1 unit and two detached A1/A3 units (including a drive-thru); external refurbishment of the existing retail units; reconfiguration of the existing car park and access, and associated works.
Planning permission
Reported elsewhere on this Agenda

5 Proposed development

- 5.1 The application seeks advertisement consent for the proposed erection of an advertisement totem sign, 1.8m square, to a height of 10m situated adjacent the South-eastern boundary of the site with the Marshall Roundabout.

6 Consultations

6.1 East Sussex County Council Archaeologist

- 6.1.1 Although this application is situated on the edge of 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.

7 Neighbour Representations

- 7.1 No representations received.

8 Appraisal

8.1 Impact on highway safety

- 8.1.1 The totem is proposed adjacent to the boundary of the site with the Marshall Road roundabout. Given that the sign is not proposed with moving parts and only static internal illumination is proposed it is not considered that the sign would distract motorists at the roundabout. Therefore it is not considered that the totem sign will have significant impacts on highway safety to warrant a refusal of the application.

8.2 Impact on the amenity of the area

- 8.2.1 The existing totem is small and offers little in terms of actual advertising of the units at the retail park. The redevelopment of the park forms separate application for planning permission.
- 8.2.2 The sign is large at 10m in height, however this is broadly in line with other totems along Lottbridge Drove. Morrisons approved totem is 6m, Tesco 7m and McDonalds 12m.
- 8.2.3 The replacement totem sign is required to be larger given the number of units now proposed at the site. Each individual advert on the totem sign is not considered excessive in size.
- 8.2.4 The application for planning permission seeks retention of the grass verge with additional low level planting, this is considered part of the character of the area. The signage will not distract from this and on balance is considered an acceptable addition to the street scene which will not cause significant harm to the visual amenity of the area to justify refusal of the advertisement consent.
- 8.3 Conclusion
- 8.3.1 On balance the proposed totem sign is considered acceptable given the amount of signage required for the additional units, and given other totem signs along Lottbridge Drove. It is not considered the advertisement will result in significant impacts on highway safety and the impact on the visual amenity of the area is

not consider significantly harmful. Therefore it is recommended that advertisement consent is granted.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant advertisement subject to the following standard advertisement conditions and that development is carried out in accordance with the approved drawing;
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or;
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
 6. The development hereby permitted shall be carried out in accordance with the approved drawings 4158-151E.

11 Appeal

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

12 Background papers

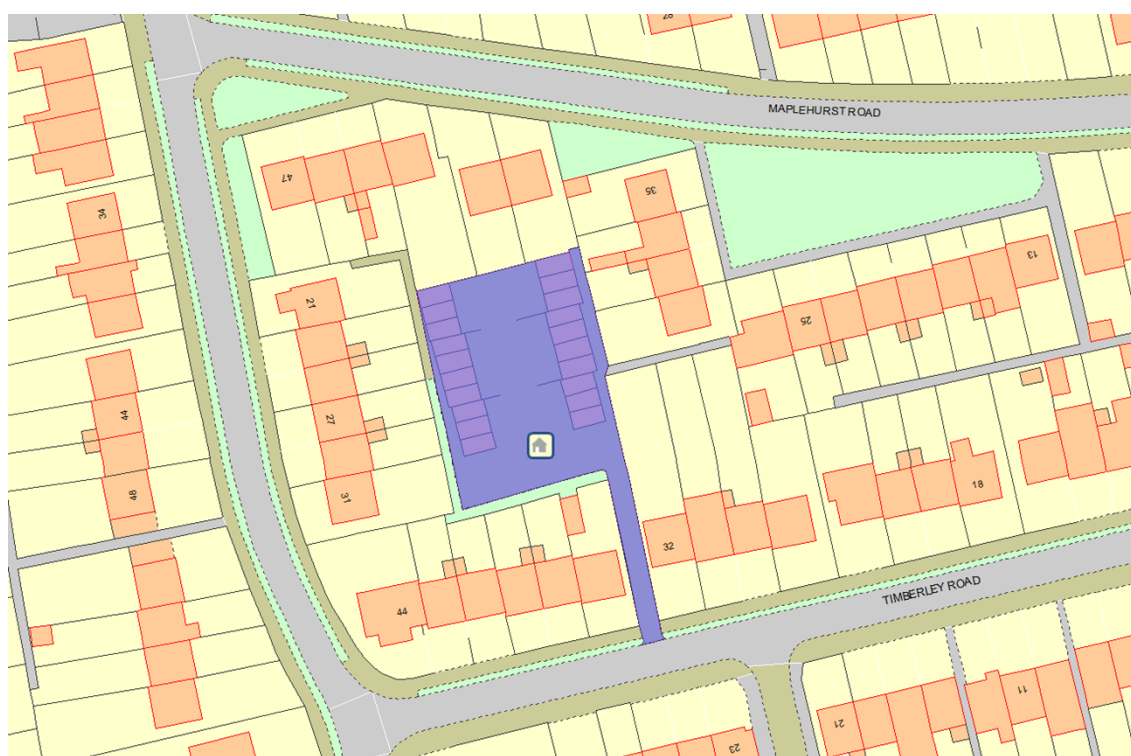
The background papers used in compiling this report were as follows:

- **Case File**

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| | | |
|---|---|-------------------------------------|
| App.No: 180441 | Decision Due Date: 25 June 2018 | Ward: Ratton |
| Officer: Anna Clare | Site visit date: 24 May 2018 | Type: Planning Permission |
| Site Notice(s) Expiry date: 27 May 2018 Neighbour Con Expiry: 31 May 2018 Press Notice(s): n/a | | |
| Over 8/13 week reason: To seek further clarification over access arrangements, and amendments to the scheme | | |
| Location: Land adjacent to 38 Timberley Road, Timberley Road, Eastbourne | | |
| Proposal: : Demolition of existing garages, and construction of 4no 2 bed 4 person houses; including associated parking, access, & landscaping | | |
| Applicant: Eastbourne Homes Ltd | | |
| Recommendation: Grant planning permission subject to conditions | | |

Contact Officer(s): **Name:** Anna Clare
 Post title:
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000



1 Executive Summary

- 1.1 The application is brought to committee given the application is submitted by Eastbourne Homes Ltd and given the nature of the proposal the redevelopment of a garage court.
- 1.2 The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.
- 1.3 Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2012
 - 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
- 2.2 Core Strategy Local Plan 2013 Policies
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C7: Hampden Park Neighbourhood Policy
 - D1: Sustainable Development
 - D5: Housing
 - D8: Sustainable Travel
 - D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - UHT1: Design of New Development
 - UHT4: Visual Amenity
 - UHT7: Landscaping
 - HO2: Predominantly Residential Areas
 - HO6: Infill Development
 - HO8: Redevelopment of Garage Courts
 - TR2: Travel Demands
 - TR6: Facilities for Cyclists
 - TR11: Car Parking

3 Site Description

- 3.1 The site refers to an existing garage court of 20 garages, accessed by an existing vehicular access from the south onto Timberley Road.

- 3.2 The site is surrounded on all four sides by two storey single family dwellings of a similar style and character. The site is not situated within a conservation area.
- 3.3 The site is sloped by approximately 1m from the west to east, with properties to the East lower than those to the west.

4 Relevant Planning History

- 4.1 No relevant planning history.

5 Proposed development

- 5.1 The application proposed the demolition of the existing garages on the site and the erection of a terrace of 4, 2 bed, 2 storey residential properties.
- 5.2 The proposal is to utilise the existing access into the site, with a terrace of 4 dwelling facing south with private rear gardens. 9 car parking spaces are proposed within the site.

6 Consultation

6.1 Specialist Advisor (Arboriculture)

- 6.1.1 There are no trees on the site to be impacted by the development. The site is not readily visible to the wider public and access is narrow with limited space for planting.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 The site is located in Hampden Park Neighbourhood as defined by the Core Strategy (adopted 2013). The vision for Hampden Park Neighbourhood is to increase its level of sustainability whilst assisting in the delivery of housing. The vision will be promoted by delivering housing through infill development on underused land.
- 6.2.2 The site was assessed (ref:HA44) for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable. The NPPF encourages effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. As the site has been identified in the SHELAA, it is considered that the principle of residential development is accepted for this proposal.
- 6.2.3 Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically a total of 84 dwellings in Hampden Park Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. Old Town Neighbourhood is defined

as a sustainable neighbourhood, it is ranked number one in section B2 of the Core Strategy. Policy B1 states that priority will be given to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land. Furthermore the National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 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'. In addition, national policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. The site has previously been identified in the Council's SHELAA (2017) and the application will result in a net gain of four dwellings.

- 6.2.4 Policy HO8 of the Eastbourne Borough Plan states that planning permission will be granted for the redevelopment of garage courts for residential purposes subject to a well-designed development in terms of siting, scale and materials, no significant harm to residential, visual and environmental amenity, no adverse effect on road safety and provision of adequate car parking. The proximity of neighbouring residential buildings form an important consideration in the determination of the application and these are detailed matters for consideration by the case officer. TR11 of the Eastbourne Borough Plan considers car parking, and new developments must comply with approved maximum car parking standards. The proposal includes nine car parking spaces.
- 6.2.5 Policy US4 of the Eastbourne Borough Plan states that 'All development should make adequate provision for floodplain protection and surface water drainage.' On site remediation through Sustainable Drainage Systems (SuDS) would be required to deal with surface water run-off and drainage into the Eastbourne Park Flood Storage area.
- 6.2.6 The development would provide affordable housing, in line with paragraph 159 of the National Planning Policy Framework (NPPF), the proposal addresses the need for affordable housing. Furthermore policy D5 of the Core Strategy identifies a significant level of need for affordable housing in Eastbourne and the current proposal will provide a positive contribution to this need.
- 6.2.7 In conclusion, the proposal will have a positive contribution to housing numbers and is considered to be in accordance with adopted policy. The garage court is currently not vacant. However the Design and Access statement suggests that the garage court site is currently underutilised and no longer provides an important function for the local area. Furthermore the Core Strategy identifies a significant level of affordable housing need and it is important to maximise the provision of affordable housing. We consider the application to provide sustainable development in line with the NPPF. Therefore there is no objection from a planning policy perspective.

6.3 CIL

- 6.3.1 The development of housing is liable to CIL, however no payment will be liable as the proposed dwellings are to provide social housing.
- 6.4 East Sussex County Council Highways
- 6.4.1 **Trip Generation and Impact**
The applicant has not provided trip generation analysis as part of this application, but based on an estimated average of 5-6 trips per day for each unit, the expected trip generation from the proposed dwellings is expected to range between 20 and 24 one-way movements per day. This does not factor in existing trips to the garages. Consequently, it is considered that additional trips due to this proposal would not result in a significant increase on existing levels of traffic, and would generate only a negligible impact on the local highway network.
- 6.4.2 **Access**
The existing access is narrow, at approximately 3m in width. The planning officer has indicated that the applicant proposes to widen this to approximately 4m by taking part of the front garden of the adjacent property. The adjacent property owner would have to agree to this and the sale of their land to facilitate the widening. However the narrow width of the access (even at 4m) would prevent two-way vehicle flow. As such, vehicles may have to reverse to allow other vehicles to pass, but, given the quiet nature of Timberley Road, and the relatively low number of houses proposed, it is not expected that this would cause any undue safety concerns.
- 6.4.3 It should be noted though that the submitted Highways Letter only shows swept paths for a large car. It is considered that the site should be able to accommodate delivery vehicles. As such, I would request that swept paths are provided showing a 4.6 tonne panel van able to access and egress the site in forward gear, including appropriate turning manoeuvres on site.
- 6.4.4 Furthermore, swept paths for fire tenders have not been submitted within the Highways Letter. Turning for fire tenders would not be possible on site, but plans should be provided showing fire tenders accessing the site, and reversing back to the highway. ESFR should be able to give a further view regarding the appropriate measures required in this instance.
- 6.4.5 **Refuse Collection**
The applicant has indicated that there would be a refuse collection point to the south-east of the site. The collection staff would be required to walk to the collection point from the highway, as there is insufficient width for refuse vehicles to use the access. The applicant has stated that the Eastbourne Borough Council (EBC) have agreed that the proposed refuse collection point is acceptable, though this should be confirmed by EBC's waste management team, as the collection point is located approximately 35m away from the highway, which is beyond the recommended maximum distance stated in ESCC good practice guidance.
- 6.4.6 **Parking / Cycle Provision**
The applicant is proposing 9 vehicle parking spaces on site. ESCC's parking calculator indicates that the expected parking demand for the proposed 4

houses is 5 vehicles if unallocated. Furthermore, the proposed development should cater for the expected displacement of vehicles from the existing garages. The submitted Highways Letter indicates that, from information obtained from EBC, 11 of the garages are void or leased to residents living at least a mile away from the site. If all the garages leased locally (9) are used for parking, then the required number of additional vehicles that should be accommodated is 9. Overall, the proposals should demonstrate sufficient capacity for 14 vehicles.

- 6.4.7 The applicant has undertaken a parking survey for streets within a 200m radius of the site. The area surveyed is considered acceptable. The submitted Highways Letter states that there is capacity for 48 vehicles within walking distance of the site during weekdays, and 60 during the weekend. As such, it is considered that the proposals can adequately accommodate the proposed parking demand, through parking provision on site and capacity on-street.
- 6.4.8 Consideration should also be given to the future maintenance of the car park. As it is intended that the car park is off the public highway, but intended to be available for public use/current users of garages, the maintenance of the car park is the responsibility of the applicant. If the applicant decides to sell the development or individual dwellings, the car park might not be maintained by future owners. Taking this into account, I would request further details regarding the management of the parking area.
- 6.4.9 The dimensions of the parking bays are measured as 4.8m x 2.4m, which is below the required standards as set out in ESCC's 'Guidance for Parking at Residential Developments'. Furthermore, if parking bays 1 and 9 are adjacent to walls, these should be widened to 3.0m as per ESCC standards, and swept paths should be provided to demonstrate access is possible.
- 6.4.10 The applicant has not proposed cycle parking spaces, though a shed has been provided towards the rear of each house, which could be used for this purpose. It is considered that this would be acceptable and should be secured by condition.
- 6.4.11 **Walking and Cycling**
The site is located within walking distance of local shops. Furthermore, Hampden Retail Park is within 1.5km of the site, which, whilst being beyond the recommended maximum walking distance of 800m as per IHT guidance, is within comfortable cycling distance. The footways in the area are generally of sufficient width and condition.
- 6.4.12 **Public Transport Accessibility**
The nearest bus stops are approximately 200m east of the site. The bus stops serve Shinewater, Langney, Willingdon Trees and Eastbourne Town Centre. The nearest rail station is Hampden Park, approximately 1.1km east of the site, serving Hasting, Eastbourne, Brighton and London.
- 6.4.13 **Construction**
Given that the existing access is narrow, and would not be able to accommodate large construction vehicles, construction activity could have a significant impact

on the flow of traffic and pedestrian safety on the surrounding highway network. It would therefore be necessary for a Construction Traffic Management Plan to be provided, with details to be agreed.

6.5 East Sussex County Council Highways Further Comments dated 1 July 2018.

The applicant has submitted additional information on 26 June, consisting of a drawing (116.0004.002) showing the swept paths for a 7.5t panel van and a fire tender. The swept paths show the vehicles reversing into the site, and egressing the site in forward gear. Whilst this would not be ideal, it is considered that the infrequent nature of these types of manoeuvres would mitigate this, and is therefore acceptable in this instance.

6.5.1 In addition, the applicant has confirmed via the planning officer that the properties will be managed by Eastbourne Borough Council / Eastbourne Homes Ltd for a minimum period of 40 years. Furthermore, the applicant has indicated that a contractual obligation would be created to ensure future owners of the development would be responsible for the maintenance of the parking area.

6.5.2 It is considered that the submitted information satisfactorily addresses my previous concerns regarding access and the maintenance of the car park.

6.6 East Sussex Fire and Rescue Service

6.6.1 Whilst the access width is acceptable no turning space is provided which is required given the distance. Where it is not possible or reasonably practical to achieve vehicle access requirements for a pumping appliance to within 45m of all points within a dwelling-house, a relaxation may be acceptable if a domestic sprinkler system is installed. The fitting of a sprinkler system will enable fire appliance access to be extended to a maximum of 90m from all points within the dwelling.

7 Neighbour Representations

9 Objections have been received and cover the following points, any comments which are not material planning considerations are not included;

- Impact on surrounding residential properties
 - Privacy
 - Noise
 - Overshadowing
- Over developing the site
- Create a feeling of overcrowding
- Design of the proposed dwellings is out of keeping
- Narrow width of the access
- Impact from the demolition of the garages
- Access for emergency vehicles
- Demolition of the garages is a removal of the amenity of the residents who rent them.
- Impacts on services, GP's, Schools etc.

- Risk of Flooding
- Impact on parking in the area
- Water pressure/capacity

8 Appraisal

8.1 Principle of development:

- 8.1.1 The principle of the redevelopment of the garage court for residential development is acceptable in principle.
- 8.1.2 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the overall assessment deemed the site suitable for housing and potentially developable.
- 8.1.3 The National Planning Policy Framework (NPPF) supports sustainable residential development. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the, 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'.
- 8.1.4 The proposal will result in the net gain of four residential dwellings in a sustainable location. Whilst it is acknowledged that the garage court is still in use the applicant states it is underused and no longer an important
- 8.1.5 Therefore the principle of the development is acceptable

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

- 8.2.1 The dwellings are proposed as a terrace central to the site facing south. There is a separation distance, elevation to elevation of 25m with the properties to the south on Timberley Road, and between 20 and 27m with properties to the north on Maplehurst Road. This proximity of residential properties is considered reasonable in an urban environment and is evident elsewhere in the immediate area. Therefore the proposal is not considered out of keeping with the pattern of development in the area.
- 8.2.2 The properties most affected by the proposal will be 29 and 31 Maplehurst which are the terrace to the east of the proposal. The end of terrace will be within 3m of the end of No.29 Maplehurst rear garden, just under 13m from the rear elevation of their property. The end property is propose with a gable fronted hipped roof to minimise the impact on this property. Given the orientation of the properties there will be a limited amount of light loss to the rear gardens of these properties and a general loss of some outlook to NO.29. However given no windows are proposed in the side elevation, which can be controlled by condition, it is not considered there would be a detrimental impact on the privacy afforded these properties.

- 8.2.3 Some overlooking will be increased from the rear upper floor windows towards the further properties of the terrace no.33 and 35 however this overlooking already occurs from other properties in close proximity and from the garage court itself.
- 8.2.4 Properties to the west 21-31 Meadowlands will be less impacted by the development given the slightly longer gardens, a separation distance of 15m elevation to side elevation and the orientation will not result in a loss of light or overshadowing from the proposed development.
- 8.2.5 The dwellings were originally proposed with large windows to the bedrooms on the front and rear elevations at first floor level however these were reduced in size following concerns raised regarding the perception of overlooking.
- 8.2.6 An alley/walkway is proposed to be retained around the properties and rear gardens to retain the access afforded to all properties surrounding rear gardens.
- 8.2.7 The access is proposed to be widened by taking 0.8m of the front garden of the existing property to the east No.32 Timberley Road. This property is under the same ownership. This will result in this property having windows directly onto the access road, however the existing low level wall affords little privacy from the existing access. Given the number of dwellings and considering the existing use it is not considered that this proposal will increase comings and goings to an extent to be significantly detrimental to the occupier of this property.
- 8.2.8 The property to the west of the access is under separate ownership and no alterations to this are proposed. The owners of this property object to the application including on the grounds of impact on their privacy both to the rear and side. The property has existing windows in the side elevation however these are already overlooked from the existing access. Again it is not considered that the use of the access way given the number of properties and considering the existing use will have significant additional impacts on this property.
- 8.3 Impact of proposed development on amenity of the future occupiers:
- 8.3.1 The total proposed internal floor area of the four two-bedroom dwellings fall within the accepted minimum as recommended by the DCLG's Technical Housing Standards (79m²) for a two storey, two bedroom house (approximately 81-82m²).
- 8.3.2 Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to 'Protect the residential and environmental amenity of existing and future residents'.
- 8.3.3 The proposed units are considered to provide a good standard of accommodation for future occupiers in accordance with policy B2 of the Core Strategy and The NPPF (para 9) which aims to pursue sustainable development and seeks positive improvements in the quality of the built environment as well as in people's quality of life. Improvements include: replacing poor design with better design; improving the conditions in which people live; and widening the

choice of high quality homes. Policy D1 considers sustainable development and the proposal is demonstrating efficient use of land and infrastructure, in line with policy.

8.4 Design issues:

8.4.1 The materials proposed are a yellow stock brick to the ground floor of the elevations off set with a grey fibre cement board fixed vertically at first floor level and to either gable end, with a grey artificial slate tiled roof.

8.4.2 The development is two storeys in height which is as per the pattern of the wider development of the area. The existing surrounding properties are red brick with brown tile. The design is considered acceptable and whilst in contrast to the existing properties has limited impacts on the street scene given the site is contained to the rear of other properties.

8.4.3 Given the location/context this design response is considered appropriate as are the materials.

8.5 Impacts on trees:

8.5.1 There are no trees on the site to be impacted by the proposal.

8.6 Impacts on highway network or access:

8.6.1 No objection in principle is raised by ESCC Highways, further swift path analysis of the largest vehicles expected to enter the site have been provided at their request. The ESCC Parking Demand Calculator anticipates that the proposed developments would result in the following parking demands. The calculator takes into account Census data by ward and by housing tenure. If spaces are unallocated the development, 4 dwellings which are 'affordable' according to the calculator would create a demand for 4 car parking spaces. If allocated at 1 space per unit, the demand created would be 5.7 spaces. Whether the spaces are allocated or not could be controlled by condition if felt necessary.

8.6.2 In total 9 parking spaces are proposed within the site, it is not indicated if these would be allocated or unallocated. The car parking spaces are 2.4m by 4.8m which is in line with the Manual for Streets Guidance. East Sussex Standards require 2.5m x 5m spaces therefore the proposal is slightly below this. It is considered the 9 spaces fill for the width of the site, to provide 10cm wider spaces will result in the loss of 1 space so providing 8 parking spaces. As the width distance is so minimal it is considered reasonable to accept the Manual for Streets width measurement to allow more spaces to be provided.

8.6.3 The total number of spaces provided is therefore considered to meet the demands created by the development. It would not be considered that the development of the 4 residential properties would create additional traffic generation on the surrounding highway network when compared with the existing 20 garages to warrant a refusal of the application on the grounds of additional vehicle movements.

- 8.6.4 Further to comments by ESCC Highways Consultation has taken place with ESFRS who state that whilst the width of the access is acceptable no turning head is proposed. Therefore the properties would need to be installed with a sprinkler system which increases the maximum distance from 45m to 90m for a fire appliance. The rear elevation of the furthest property is 70m.
- 8.6.5 In relation to refuse collection, the proposed collection point at the top of the access road is 26m from Timberley Road. The Good Practice Guide for Developers for refuse and recycling storage within Eastbourne advises on a distance up to 25m from a vehicular access. Whilst slightly over this recommendation the access is flat and straight and as such it is considered on balance this is reasonable.
- 8.6.6 Eastbourne Homes Ltd, the Applicant has confirmed that it is the intention that the car parking along with the property would be managed by EBC/EHL therefore ensuring the car parking is retained in the long term.
- 8.7 Conclusion:
- 8.7.1 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.
- 8.7.2 Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore In accordance with paragraph 14 of the NPPF, 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'.
- 8.7.3 The proposal will result in the net gain of four residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and impacts of the development of existing residential properties are considered acceptable.
- 8.7.4 Therefore the benefits of the proposal are considered to outweigh any harm caused and as such it is recommended that planning permission should be granted subject to conditions.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant planning permission subject to the following conditions;

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 development hereby permitted shall be carried out in accordance with the approved drawings;
17-076 0007 P04 Proposed Site Plan
17-076 0008 P03 Proposed Plans and Elevations Plots 1. 2. 3 and 4
17-076 0009 P01 Proposed Indicative Street Scenes
3. Reason: For the avoidance of doubt and in the interests of proper planning.
4. The external finishes of the development hereby permitted shall be as stated on the approved drawings unless agreed otherwise in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.
5. Prior to the commencement of development details of the finished floor level of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of surrounding residents given the ground level differences across the site.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses, and no outbuildings shall be erected within the curtilage of the dwellings other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties
7. Prior to the commencement of the development details of foul and surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure satisfactory foul and surface water drainage is provided to the development.
8. Of the 9 parking spaces hereby approved a maximum of one parking space per dwelling shall be allocated, the rest shall remain unallocated for additional vehicles/visitors.
Reason: To ensure visitor parking spaces are maintained within the site.
9. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in

connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed In writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

10. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 17-076 0007 P04 Proposed Site Plan

Reason: In the interests of road safety.

11. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

12. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

13. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

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

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

- details of site welfare structures

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

15 Notwithstanding the details shown on the plans hereby approved all dwellings shall be fitted with a 'sprinkler system' prior to the first occupation and this facility shall remain maintained and functional for the life of the development.

Reason:- in the interest of fire safety.

11 Appeal

- 11.1 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.

12 Background papers

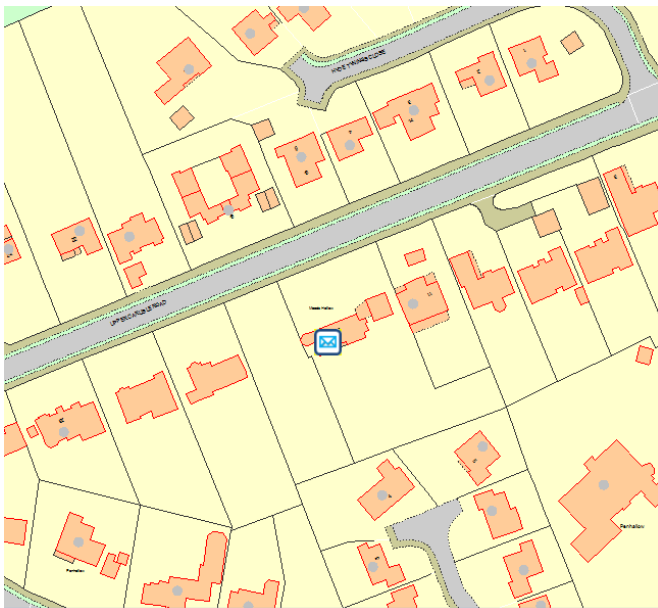
The background papers used in compiling this report were as follows:

- **Case file**

| | | |
|---|--|-------------------------------------|
| App.No: 180362 | Decision Due Date: 7 June 2018 | Ward: Meads |
| Officer: Anna Clare | Site visit date: 15 June 2018 | Type: Planning Permission |
| Site Notice(s) Expiry date: 14 May 2018 Neighbour Con Expiry: 14 May 2018 Press Notice(s): n/a | | |
| Over 8/13 week reason: To seek amendments to the scheme. | | |
| Location: Meads Hollow, 15 Upper Carlisle Road, Eastbourne | | |
| Proposal: : Proposed Erection of a detached 5bedroom dwelling with a detached double garage | | |
| Applicant: Mr & Mrs Garner | | |
| Recommendation: Grant planning permission subject to conditions | | |

Contact Officer(s): **Name:** Anna Clare
 Post title: Specialist Advisor - Planning
 E-mail: anna.clare@eastbourne.gov.uk
 Telephone number: 01323 4150000

Map location



1 Executive Summary

- 1.1 The application is brought to committee at the discretion of the Senior Specialist Advisor following the level of objection and given the previous application for a dwelling at the site was determined at Planning Committee.
- 1.2 The principle of the erection of a dwelling on the site has been agreed by the previous application. This proposal amends the design of the dwelling with a more modern design concept. The proposal given the mix of character in Upper Carlisle Road is considered acceptable.
- 1.3 The bulk and scale of the property, the footprint and location within the site is in line with the previous approval. Details submitted in relation to the rear raised patio assure limited overlooking and privacy impacts on existing residential properties. Therefore it is recommended that planning permission is granted subject to conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C11: Meads Neighbourhood Policy
 - D5: Housing
 - D10A: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - NE14: Source Protection Zone
 - NE28: Environmental Amenity
 - UHT1: Design of New Development
 - UHT2: Height of Buildings
 - UHT4: Visual Amenity
 - UHT5: Protecting Walls/Landscape Features
 - HO2: Predominantly Residential Areas
 - HO6: Infill Development
 - HO20: Residential Amenity
 - TR11: Car Parking

3 Site Description

- 3.1 Upper Carlisle Road lies within a predominantly residential area, primarily characterised by large detached dwellings on generously sized plots. There is a wide range of styles and ages of the properties. The plot of land to which this application relates currently forms part of the side and rear garden of 15 Upper Carlisle Road, a large detached dwelling set within an extensive plot on the southern side of Upper Carlisle Road. The plot extends the full depth of the curtilage, backing onto Lordslaine Close, and flanking No.19 to the west.

The site slopes down from the public highway (from north to south) and up from

3.2 no.15 towards no.19 (from east to west).

3.3 The site contains a number of trees, some mature, along the front side and rear boundaries. Three large Holm oaks on the south west boundary adjoining 19 Upper Carlisle Road are protected by a tree preservation order.

3.4 The site is not listed, nor is it situated within a conservation area or an Area of High Townscape Value.

4 Relevant Planning History

4.1 120503

Erection of a detached house with integral garage to the side of 15 Upper Carlisle Road (outline application).

Outline (some reserved)

Approved conditionally

05/11/2012

131052

Lateral reduction of three Holm oaks (adjacent to 9 Upper Carlisle Road) by 30% to good growth points.

Tree Works - Tree Preservation Orders

Approved conditionally

16/12/2013

141184

Holm oak (T1) - reduce height by 3m and lateral spread by 2m & shape to balance; Holm oak (T2) - reduce height by 2m and crown to east by 3m & shape to balance; Holm oak (T3) - reduce height by 3m and lateral spread by 1m to north to avoid failure; felling of two Holm oaks (T4 & T6).

Tree Works - Tree Preservation Orders

Approved conditionally

20/10/2014

150080

Erection of a detached 4 bedroom dwelling with a detached double garage at the front on land within the curtilage of 15 Upper Carlisle Road.

Planning Permission

Approved conditionally

02/09/2015

180075

2no.Holm Oak - Reduce crown by 2-3m to suitable growth points.

1no.Holm Oak - Reduce lowest easterly limb back to main stem and reduce crown to suitable growth points by 1m.

1no. Monterey Cypress - Reduce crown to suitable growth points by 25% due to wind damage.

Tree Works - Tree Preservation Orders

Approved conditionally

5 Proposed development

- 5.1 The application proposes the erection of a 5 bedroom detached dwelling with a detached garage.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

The development appears to be just located outside the root protection zone for the TPO trees, so planning conditions should suffice in this case.

I have no adverse comments to make with regards the proposed landscaping scheme.

6.2 Specialist Advisor (Planning Policy)

The site is located within the 'Meads Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C11 is the 'Meads Neighbourhood' policy, which sets out the vision for this area as the following; *'Meads will strengthen its position as one of the most sustainable neighbourhoods in the town. It will make an important contribution to the delivery of housing and increasing its importance to the tourism industry, whilst conserving and enhancing its heritage and historic areas.'* This vision will be promoted through a number of factors, including 'Providing new housing through redevelopments and conversions in a mix of types and styles'. It has been identified in the Core Strategy as the second most sustainable neighbourhood in the borough.

The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas. Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 1 dwelling and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

The Core Strategy states that the Meads Neighbourhood is the town's second most sustainable neighbourhood. It also states that "Meads will make an important contribution to the delivery of new housing and this should be provided in a mix of types and styles". Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. The site is within the curtilage of an existing dwelling, which means that it is classed as 'greenfield' land. However, the National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs.

The NPPF requires local planning authorities to identify and update annually, a

supply of specific deliverable sites sufficient to provide five years worth of housing. As of 1 April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals.

It is important to note that this application would be liable for CIL under Eastbourne's current charging schedule.

To Summarise, this is within a predominantly residential area as identified through Policy HO2, as well as being a windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. The site is within the curtilage of an existing dwelling, which means that it is classed as 'greenfield' land and the NPPF supports sustainable residential development in order to meet local and national housing needs. There will be a net gain of 1 dwelling and this will contribute to Eastbourne's Five Year Housing Land supply. Therefore, policy would recommend this application is granted.

6.3 CIL

The development would be liable for a CIL payment. The necessary forms have been submitted.

6.4 ESCC Highways

On this occasion it is not considered necessary to provide a formal Highway Authority comment and advise you to consult the minor planning application guidance (2017)

7 Neighbour Representations).

7.1 3 Objections have been received and cover the following points:

- Loss of the trees to the front boundary
- Objection to propped laurel on front boundary in place of mature trees

15 Meads Road - Impact of side elevation windows on the adjacent property and impact on loss of light from the location of the dwelling.

8 Appraisal

8.1 Principle of development:

As of 1 April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. Therefore in accordance with para 14 of the NPPF, 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'.

- 8.1.1 This is within a predominantly residential area as identified through Policy HO2, as well as being a windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. Therefore in principle the development which will be a net gain of 1 dwelling and this will contribute to Eastbourne's Five Year Housing Land supply is supported in principle.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The actual position of the dwelling is the same as previously approved. The preserved trees have dictated the siting of the building close to the boundary of 15 Upper Carlisle Road. The site is situated to the west of no.15 and therefore will have limited impacts in terms of the bulk of the property. Given the previous consent the location, and bulk is considered acceptable.
- 8.2.2 The neighbouring property at No.15 has commented on the number of windows in the side elevation, stating these should be obscurely glazed to prevent overlooking. The windows at first floor level on this side elevation serve two en-suite bathrooms these can therefore be controlled by condition to be obscure.
- 8.2.3 The first floor has been set back to reduce the impact on adjoining properties, whilst allowing the living space on the ground floor to be enlarged as a result of having to reduce the footprint on the west side of the site. No balustrade is proposed to the glass roof, the door at first floor level has restricted access to the flat roof by way of a Juliette balcony.
- 8.2.4 The feature staircase to the side elevation facing 19 Upper Carlisle Road is to be fully glazed, the dwelling is set away from the boundary by approximately 8m and the location of the protected trees on the boundary prevents some overlooking towards the adjacent property. The reduction in size of the windows in line with the previous consent was discussed with the Agent however they wish to retain the full glazing. On balance whilst the windows are extensive they serve a stairwell and therefore on balance would not result in significant levels of overlooking to the neighbouring property.
- 8.2.5 Due to the slope of the land from front to rear, the proposed dwelling would require a patio to the rear to provide level access from the ground floor, and this is the case with all the existing properties on this side of the street. This was also included on the originally approved dwelling, subject to a condition regarding further details of levels and a privacy screen, which have been submitted with this application. The proposal includes a rear raised section 2m in depth, which steps down to a lower section of patio. A 2.1m high obscure glazed screen is proposed to the upper section to reduce overlooking towards the neighbouring property which is situated on lower ground level. This would be level with the height of the door and therefore is acceptable. The bulk of the rear addition and the obscure screen is not considered detrimental to the adjacent residential property and is in line with that previously approved.
- 8.2.6 Given all of the above and the distance between the adjoining properties (and a rear garden depth of 30m), it is considered that there would no adverse impact on the amenities of adjoining residents.

8.3 Design issues:

- 8.3.1 The proposed dwelling is situated in the same location as the previously approved dwelling and is much the same shape (ref: 150080). However the detailed design is altered to provide a more modern design approach. The previous dwelling was proposed to be brick and a more traditional design. This dwelling is proposed to be rendered in a 'light grey' colour with grey aluminium windows and natural slate tiled roof.
- 8.3.2 There are a mixture of designs of property in the immediately surrounding area, therefore the modern design approach is considered reasonable and without harm to the existing street scene.
- 8.3.3 To the front of the site a new access is proposed within the existing wall and the blocking up of the existing pedestrian gate. The majority of the wall will be retained and therefore the impact on the street scene will be limited. The access is in line with the previous approval.

8.4 Impacts on trees:

- 8.4.1 The dwelling is situated within the same location as previously approved, which was informed by the position of the protected trees to the western boundary. The application includes tree protection measures and conditions are proposed to ensure the trees are protected during the course of the application.
- 8.4.2 The landscaping plans show the removal of the existing vegetation to the front boundary with the planting of Laurel, the trees shown removed have already been removed. Mixed planting within the site and lawn to the side rear, apart from under the tree canopy which is to be mulch.
- 8.4.3 No objection in principle is raised to the removal of what was a neglected boundary treatment to facilitate a more formal residential boundary treatment by way of a laurel hedge. Whilst residents objections are noted the landscaping plans are considered acceptable.

8.5 Impacts on highway network or access:

- 8.5.1 The proposed access is situated in the same position as the previously approved access. Therefore no objections are raised. The property is provided with off street parking as are the other properties on the road, therefore there is no concern raised about the impact on the highway network of additional on street parking demand.

9 Human Rights Implications

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

10 Recommendation

10.1 Grant planning permission subject to the following conditions;

10.2 Conditions:

- 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 plans:

2018-16-02 – Proposed Ground and First Floor Plans

2018-16-03a - Proposed Second Floor and Roof Plans

2018-16-04 – Proposed Elevations

2018-16-05 – Patio Plan & Site Section

2018-16-06a – Patio Rear Sectional Elevation & Side Elevation

2018-16-07 – Wheel Wash Area Plan

2018-16-08 - Hard Surface Finishes

2018-16-10 – Proposed Foul Drainage

2018-16-11 – Service Intake & Tree Protection Plan

2018-16-12 – Proposed Street Scene Elevation

2018-16-13a – Site Layout Plan and Section

2018-16-14 – Landscaping Plan

2018-16-15 – Existing and Proposed Front Boundary

2018-16-31 – Propose Garage Plan & Elevations

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

- 3) The external facing materials shall be as submitted within the approved Materials Schedule unless agreed otherwise in writing by the Local Planning Authority;

Roof Tile: Forna Especial Spanish Natural Slate

Windows and Doors: Aluminium Framed double glazed Grey (RAL 7016)

External Walls: Smooth Render (Grey)

Eaves and Rainwater: Upvc Graphite Coloured

Reason: To secure that the development has a satisfactory appearance.

- 4) No demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

- 5) No works shall commence on site until the two street trees in Upper Carlisle Road either side of the proposed access are protected with timber hoarding and chestnut pale fencing in accordance with approved drawing 2018-16-32. Such hoarding shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of soils, goods, fuels or chemicals or other material shall take place inside the fenced area.
Reason: To ensure that the trees are adequately protected from damage to the health and stability throughout the construction period in the interest of amenity.
- 6) All existing trees and shrubs (including the street trees) not scheduled for removal shall be fully safeguarded during the course of the site works and building operations in accordance with the local planning authorities Supplementary Planning Guidance and relevant British Standards (BS 5837: 2012). No work shall commence on site until all trees and shrubs to be protected are fenced with 2.4m minimum height heavy-duty hoardings securely mounted on scaffold poles, and the temporary chestnut paling is installed in accordance with approved drawing 2018-16-11. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.
- 7) No bonfires or burning of materials shall take place anywhere on the site.
Reason: In the interests of the health and retention of the preserved trees and residential amenity.
- 8) The landscaping shown on approved drawing 2018-16-14 shall be implemented in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no

services shall be dug or laid into the ground other than in accordance with the approved drawing 2018-16-11.

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

- 10) The development shall not be occupied until the obscure glass screen to the rear patio has been implemented in accordance with drawing 2016-16-06. The screen shall be permanently retained thereafter.

Reason: To safeguard the amenities of the adjoining occupiers.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, hard surfaces, walls or fences of any kind shall be erected within the curtilage of the approved dwelling, between its flank wall and the boundary with 19 Upper Carlisle Road or within 9m of any of the preserved trees without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the root protection areas of the preserved trees are safeguarded from disturbance/damage.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties.

- 13) No part of the first flat roof at the rear of the dwelling hereby permitted shall be used as a balcony, nor shall the railings enclosing it be raised or any first floor windows altered to form doors.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

- 14) No works or development shall commence until the new vehicular access has been provided in the position shown on the approved plan and the existing pedestrian access has been blocked up in matching brickwork.

Reason: To ensure that the street tree and the trees on the site are adequately protected during construction works.

- 15) No development shall take place until vehicle wheel washing equipment has been provided within the site in accordance with drawing 2018-16-07 Wheel Washing Area Plan. The equipment shall be retained for the duration of the construction in accordance with the approved details to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and to prevent damage to and contamination of adjacent roads.

16) No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by, an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

17) Following completion of the works a statement by an accredited person, someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the suds scheme approved under condition 15 has been fully implemented shall be submitted to the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

18) No changes in soil levels shall occur within the root protection area of all trees indicated as retained

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

11 Appeal

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

12 Background papers

The background papers used in compiling this report were as follows:

- Case file

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| | |
|------------------------|---|
| COMMITTEE | PLANNING |
| DATE | July 2018 |
| SUBJECT | Summary of local Employment Initiatives created with the development of Eastbourne College. |
| REPORT OF | Leigh Palmer Senior Specialist Advisor (Planning) |
| Ward(s) | ALL |
| Purpose | This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period |
| Contact | Sara Taylor Regeneration Officer Sara.taylor@lewes-eastbourne .go.uk 01323 415 609 |
| Recommendations | That Members note the content of this report |

Eastbourne College Project 150 – Unilateral Undertaking Local Labour Agreement Summary Report

Local Labour Obligations

A Unilateral Undertaking Local Labour Agreement in respect of the Eastbourne College Project 150 development was signed on 17 July 2014. The agreement specified:

- **25% of the work during the construction phase should be for small and medium enterprises unless otherwise agreed with the Council;**
- **Guaranteed job interviews for unemployed persons who have undertaken specific pre-employment training related to the development;**
- **A commitment of advertising new construction vacancies locally;**
- **Using reasonable endeavours to work with the Council in the development and implementation of an Employment and Training Plan (ETP) to deliver a recruitment and training campaign linked directly to the construction and operational jobs within the Development to prepare the labour market and match suitable candidates to job specifications;**
- **Measures to seek the recruitment of apprentices, the provision of work experience placements for unemployed persons, the provision of work experience placements for those aged 14 – 18 years in education and NVQ training for sub-contractors associated with the construction of the Development.**

Local business was defined as those whose principal place of business was in East Sussex. Local labour was counted at two levels, within the Borough of Eastbourne and East Sussex. The obligation was for East Sussex.

The development commenced in November 2015 with an estimated completion of December 2017. The development provided new classrooms, dining hall, café, etc. The first phase, the Nugee building was completed in 2017 with final completion and handover of the Winn Building in March 2018. A small VINCI team remained during April 2018 to complete snagging works and clear the site.

The main contractor, VINCI Construction UK Limited engaged early in September 2015 to determine and agree the construction Employment and Training Plan (ETP).



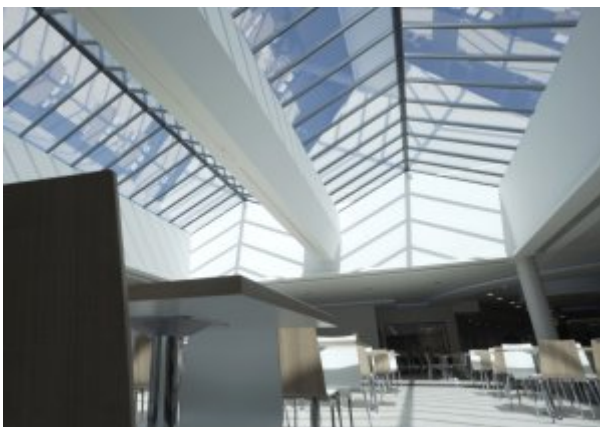
In the Autumn of 2015, the VINCI team met with the Council's Neighbourhood Team and ongoing ad hoc contact was maintained as and when required with the Neighbourhood Advisors. Additionally, regular construction monitoring took place with the site office and the Council's Regeneration monitoring assistant.

Local Construction Employment and Training

From November 2015 to March 2018, East Sussex local labour for all contractors on the development ranged from 42% at its lowest to 79% at its highest with an average of 63% - 66%. The reporting for East Sussex local labour exceeded the 25% target.

Including VINCI, a total of 47 sub-contractors were on site, eight of whom were based in East Sussex, achieving about 17%, 8% short of the 25% target for local small and medium enterprises (SMEs). Of the eight local SMEs, three were based in Eastbourne, one of whom was on site from June 2016 to completion with a further three being on site from June/July 2016 to February 2017 and June/July 2017 until completion. The local SMEs had the largest number of employees on site. In the initial months all of the local SMEs employed Eastbourne residents and latterly 30% - 50% were Eastbourne residents. The eight SMEs employed 95% of staff from East Sussex.

On commencement of development, following local advertising via Jobcentre Plus and partners, two local people were recruited to on site Welfare Officer and Traffic Marshall posts. The development supported 22 unemployed people into work.



A 'Meet the Buyer' event was organised at the Town Hall in April 2016 to promote contracting opportunities to local SMEs. This was advertised in the Council's e-business newsletter and social media sites and flyers were distributed to local building supply companies. The event was well attended by local SMEs, some of whom successfully secured contracts on the development.

During the build there were eight apprentices with the main contractor and three sub-contractors and one apprentice completion. Sub-contractors reported two NVQ starts and one NVQ completion. The target was six apprentice starts, three completions, two NVQ starts and seven NVQ completions.

VINCI run a two year Level 3 Technical Construction Apprenticeship and the Eastbourne development provided practical experience for four in house apprentices. The Project 150 VINCI team attended the Big Futures Show in March 2017, promoting their apprenticeship programmes. A Site Technician apprentice was appointed via the Training and Apprentices in Construction (TrAC) scheme. (The first TrAC apprentice who commenced in January 2016 left for personal reasons and a new local apprentice commenced in October 2016.) After a year in post, the second TrAC apprentice secured a place on the VINCI apprenticeship scheme and remained on site.

Six work experience placements for the unemployed were accommodated during the build phase enabling valuable on the job experience. One of the placements was offered a six month contract in the site office. There was also one work experience placement for those aged 14 to 18 years. The work experience target for the unemployed was nine and for those aged 16-18 years was eight. Work experience on construction sites is hard to deliver for health and safety and insurance reasons. The non-achievement of the work experience targets was compensated by extra curricula activities, namely:

A senior VINCI director attended Go Construct Construction Ambassador training organised by East Sussex County Council. The VINCI team supported careers activities, namely:

- Careers session at the Eastbourne Academy, January 2016
- Talk on challenges with ground and water to Physics students at Eastbourne College, June 2016
- TrAC Apprenticeship Workshop, September 2016
- Careers evening at St Catherine's College, October 2016 and March 2017
- Exhibiting at the Big Futures Show in March 2017

The Site Manager delivered training sessions to unemployed CSCS candidates at local training provider, Crossland and Dudson. In September 2016, a joint employability session with Randstad recruitment was arranged for candidates completing the CSCS course. This provided the candidates with interview experience and resulted in four of the five candidates being offered employment via the agency, one of whom gained paid employment on the Eastbourne College site.



Community Engagement

Two local projects were successful in securing funding from the VINCI Foundation. The community based projects were with local groups Wayfinder Woman and Crossland and Dudson/Helen Owen Marketing.

Local Economic Benefits

- Due to award of contract, sub-contractor, Hannafinn employees who lived out of the area signed to a six month let on a house in Sovereign Harbour
- VINCI executive stayed at View Hotel, regularly and other non-local sub-contracting personnel stayed in local hotels
- VINCI company cars serviced at local garages
- Building materials purchased from Parkers Building Supplier and sundry items from Screwfix
- Eastbourne College used a local East Sussex company, Identity, to provide site hoarding and promotional literature
- Second Considerate Constructor report had an improved score (40/50)
- Site Manager awarded Performance Beyond Compliance Certificate.

Observations

The apprentice and NVQ completion and work experience targets were not achieved. The fall in local unemployment, particularly those aged under 24 years and the introduction of the apprenticeship levy in April 2017 impacted on recruitment. Fewer apprenticeship starts impacted the NVQ starts. As previously mentioned, health and safety, insurance and Construction Skills Certification Scheme (CSCS) compliance make it difficult to offer work experience placements on construction sites.

Summary

A good working relationship was established between VINCI Construction UK Limited and the Council. VINCI were keen to meet and where possible exceed their local labour obligations. There were constraints due to the nature of the construction industry and falls in local employment, however, opportunities to support local labour and the economy remained a priority during the build.

Recommendations

- To explore initiatives that will promote the construction industry and attract new entrants

Sara Taylor
Regeneration Officer
May 2018

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Appeal Decision

Site visit made on 21 June 2018

by Megan Thomas Barrister-at-Law

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

Decision date: 5 July 2018

Appeal Ref: APP/T1410/D/18/3200181

29 Chaffinch Road, Eastbourne, East Sussex BN23 7SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Bill Plows against the decision of Eastbourne Borough Council.
- The application Ref PC/170978, dated 27 July 2017, was refused by notice dated 15 January 2018.
- The development is "retention of boundary fence 1.9m high as a replacement for existing trees, shrubs and hedge up to 2m high."

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already taken place and plans have been submitted as part of the application process seeking retrospective planning permission for the development as shown in the plans. The fact that the fence has already been erected does not affect my consideration of the merits of the appeal.

Main Issue

3. The main issue in the appeal is the effect of the development on the character and appearance of the area.

Reasons

4. 29 Chaffinch Road is a two storey dwelling situated at the end of a terrace opposite a school. It has a rear garden and an area of land to its north which includes land to its north east. This north eastern portion is forward of the front elevation of the dwelling. Sandpiper Walk lies to the north and a public footpath separates the appeal site from nos 2, 4, 6 & 8 Sandpiper Walk. There is no vehicular access to the front of these four properties. The public footpath turns northwards and follows part of the side garden to 2 Sandpiper Walk (which has a close boarded fence on part of its boundary). The public footpath also runs southwards and follows the eastern boundary of the appeal site. 3 Sandpiper Walk lies to the south of the public footpath and shares part of its boundary with the appeal site (broadly to the north west).
5. A fence has been erected around part of the red-lined appeal site. This land includes land not owned by the appellant (which is sometimes the case with planning applications). That factor is not one which is relevant to the main

issue I have identified above and it has not influenced my consideration of the appeal.

6. The appellant has produced evidence which indicates what was on the appeal site prior to the works which are the subject of the appeal. Broadly speaking there was an outer hedge and an inner fence. The latter followed the approximate line of the front elevation of the dwelling and turned westwards to meet the existing fence on the common boundary with 3 Sandpiper Walk. There was a hedge around part of the perimeter of the appeal site and so there was a finger of land between the hedge and the inner fence, the interior of which could not be easily seen from the public realm.
7. The new fence which has been erected is partly along the common boundary with 3 Sandpiper Walk and is slightly lower than the older common boundary fence it joins. The new fence then runs around the perimeter of the appeal site heading eastwards and then turning south and then turning east so it encloses the area of the land to north and north east of the dwelling.
8. The fence is about 1.8m high. Where it adjoins the public footpath its extent and its height combine to make it domineering and unneighbourly. There is generally an open plan character to the housing estate. On the evidence before me, even with the previously-existing hedge in place I consider that the appeal site appeared more open than it is with the new fence in place. The new fence significantly detracts from the locally distinctive openness of the area. In particular, the view from Chaffinch Road from outside the school or from the footpath in front of 19-27 (odd) Chaffinch Road is harmed by the part of the fence fronting the access drive to 29 Chaffinch Road because it cuts down the previously more verdant and open vista.
9. The appellant and the occupants of 3 Sandpiper Walk highlight the fact that there tended to be criminal and anti-social behaviour on parts of the land that has been fenced off and I have considerable sympathy with that state of affairs and can understand how such activity occurred given the finger of concealed land between the former inner fence and the former hedge. However, I have balanced that and other factors such as the existence of other nearby close-boarded fences near footpaths in the area, against the harm to the character of the area and those factors do not outweigh the harm I have identified in the particular circumstances of this case.
10. I conclude, therefore, that the development significantly and unacceptably harms the character and appearance of the area and is contrary to saved policies UHT1 and UHT4 of the Eastbourne Borough Plan 2007 and policy D10A of the Eastbourne Core Strategy Local Plan (adopted 2013).
11. Having taken into account all relevant representations made including the increase in security for the appellant arising from the new fence and the previous noise caused by parents calling for their concealed children, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR