

Planning Committee

25 September 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, 17 September 2018

Agenda

- 1 Minutes of the meeting held on 28 August 2018. (Pages 1 - 12)**
- 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 25 Rodmill Drive. Application ID: 180696. (Pages 13 - 24)**
- 7 48 St Leonards Road. Application ID: 180533. (Pages 25 - 38)**
- 8 60 Northbourne Road. Application ID: 180231. (Pages 39 - 50)**
- 9 74 Beach Road. Application ID: 180538. (Pages 51 - 68)**
- 10 Summary of Planning Performance - January 2018 - June 2018. (Pages 69 - 80)**

11 South Downs National Park Authority Planning Applications.

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.

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

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.

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

Website: <http://www.lewes-eastbourne.gov.uk/>

**modern.gov app available**

View upcoming public committee documents on your [iPad](#) or [Android Device](#) with the free modern.gov app.

This page is intentionally left blank

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 28 August 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Md. Harun Miah, Colin Murdoch, Margaret Robinson 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
Suki Montague, Lawyer

Also in attendance:

Katie Maxwell, Committee Officer

33 Minutes of the meeting held on 24 July 2018.

The minutes of the meeting held on 24 July 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

34 Apologies for absence.

An apology for absence was reported from Councillor Metcalfe MBE.

35 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 Taylor declared an interest in minute 37, land off Brede close as he had raised concerns at a previous Council meeting regarding Council policy for loss of parking for residents as a result of the redevelopment of Council owned garages. He felt that this had predetermined his decision of future applications of this nature. Councillor Taylor withdrew from the room whilst the application was considered and did not vote thereon.

Councillor Taylor also declared an interest in minutes 39 and 40, Victoria Drive Bowling Club, The Drive, 153 Victoria Drive, as his daughter lived in the vicinity of the application site. He did not consider that this would predetermine his decision on the application.

Councillor Coles declared an interest in minutes 39 and 40, Victoria Drive Bowling Club, The Drive, 153 Victoria Drive, as a patient of the practice in Green Street. She did not consider that this would predetermine her decision on the application.

Councillor Murdoch declared an interest in minute 41, as he had been appointed as a member of the Wish Tower Project Board. He did not consider that this would predetermine his decision on the application.

36 254 Victoria Drive. Application ID: 180582.

Proposed loft conversion to include hip to gable roof extension, dormer to the rear, two roof lights to the front and one window to the side – **OLD TOWN.**

Resolved: (Unanimous) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 05 June 2018:
 - Drawing No. DWG2 – Pro S/F Plan
 - Drawing No. DWG3 – Section A:A
 - Drawing No. DWG4 – Pro F/F Plan
 - Drawing No. DWG5 – Pro Rear Elev
 - Drawing No. DWG6 – Pro Front Elev
 - Drawing No. DWG7 – Pro Side Elev
 - Drawing No. DWG8 – Pro Side Elev
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
4. Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, not shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

37 Land off Brede Close, Brede Close. Application ID: 180438.

Demolition of existing garages, and construction of six new dwellings one 1 bedroomed and five 2 bedroomed 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 – **DEVONSHIRE.**

Mr Stidder, on behalf of the residents of Brede Close, addressed the committee in objection stating that the development would result in a loss of daylight and privacy and would increase congestion and flooding.

Councillor Wallis, Ward Councillor, addressed the committee in objection stating that he was concerned about the loss of parking for local residents, the height of the proposed development, the potential risk of flooding, the loss of light and privacy and the narrow access road to the site.

The committee was advised, by way of addendum report, that two additional objections had been received as follows;

- Damage to wall around garage forecourt shows the access is narrow and results in difficulty with access. Concern that more buildings will generate more traffic, more parking issues and make the close more inaccessible
- Flooding will be aggravated by additional further development
- Loss of parking spaces for existing residents
- Impact of already high houses and flats on site adjacent, danger of Brede Close being surrounded by high rise and high density developments
- During winter when the sun is low the residents will not benefit from it
- Impact from events in Princes Park on traffic and parking
- Impacts on flooding
- Impact on wildlife
- Eastbourne Core Strategy pledges to increase access to open space and resist the loss of amenity space. This proposal rejects this.

The committee was further advised, by way of addendum report that Councillor Wallis had written in objection covering the following:

- The design is not in keeping with the neighbourhood
- The height of the proposed buildings would be intrusive and impact on existing residents privacy
- The area is already heavily developed
- The area suffers from excessive on street parking
- The cul-de-sac is narrow and access is already difficult for emergency or delivery vehicles.

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

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

1. The development hereby permitted shall be begin before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings;
17-076 0007 P04
17-076 0008 P03
17-076 0009 P04
17-076 0010 P03
17-076 0011 P03
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.

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 scaled plan showing vegetation to be retained and trees and plants to be planted
- proposed hardstanding and boundary treatment
- a schedule detailing sizes and numbers of all proposed trees/plants
- sufficient specification to ensure successful establishment and survival of new planting
- Any new tree(s) that die(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.

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

- Ground floor is to be used for garages, storage and access only, with living accommodation restricted to the first floor and above
- Ground floor levels are set as high as is practicable, and no lower than 3.5mAOD
- First floor levels are set no lower than 6.2mAOD
- 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.

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, roof light 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.

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 hard surfacing 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.

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.

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.

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.

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.

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.

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.

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.

15. No development shall commence until details of the relocation or removal of the telegraph pole(s) on the site, with the necessary agreement from the provider/owner has been submitted to and approved in writing by the Local Planning Authority, the telegraph pole(s) shall thereafter be removed or relocated prior to the commencement of development in accordance with the details approved.

Informative

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>.

38 Greencoat House, 32 St Leonards Road. Application ID: 180556.

Provision of five new residential flats through construction of new fourth floor level to accommodate two flats and change of use of ground floor from clinic (use class D1) to residential (C3) to accommodate 3 flats – **UPPERTON**.

Resolved: (Unanimous) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begin before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-
 - 14019/TP/001;
 - 14019/TP/010;
 - 14019/TP/011;
 - 14019/TP/012;
 - 14019/TP/013;
 - 14019/TP/014;
 - 14019/TP/015;
 - 14019/TP/016;
 - 14019/TP/017;
3. Prior to commencement of development, details of all materials to be used on the external surfaces of the development hereby permitted (including balcony screening) shall be submitted to and approved by the Local Planning Authority.
4. The parking facilities shown on approved plans 14019/TP/010 and 14019/TP/011 shall be surfaced and marked out prior to the occupation of the development hereby approved. Thereafter, the parking facilities shall be maintained in place and be used for no other purpose for the lifetime of the development.
5. No ground excavations or changes in ground level shall take place within the outermost limit of the branches of the Acer sp. tree within the car parking area to the rear of the site and shown on plan 1419/TP/010. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this area.

39 Victoria Drive Bowling Club, The Drive, 153 Victoria Drive. Application ID: 180450.

Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) and discharge of conditions 19 (Travel Plan) and 20 (Arboriculture Assessment) following outline approval (with Vehicular Access Agreed) development of a medical centre (Ref: 160788) – **OLD TOWN**.

Dr Gaffney addressed the committee in support stating that the existing practice needed to expand to cater for patient's needs. The proposal had now received full approval from NHS England. Dr Gaffney also stated that the expected demand for the site had been considered for the next 30 years.

Councillor Ungar, Ward Councillor, addressed the committee in support stating that the site had been well designed to include the retention of the tree screening. It was also anticipated that Albert Parade would benefit from increased footfall.

Resolved: (Unanimous) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings;
8494 P002 Rev A – Proposed Site Plan
8494 P003 Rev A – Ground Floor with Context
8494 P004 Rev A – First and Second Floor
8494 P005 Rev A – Proposed Elevations Sheet 1 of 2
8494 P006 Rev A – Proposed Elevations Sheet 2 of 2
8494 P007 Rev A – Elevation Detail
8494 P009 Rev A – Streetscene
8494 P011 – Site Section
2. Notwithstanding the approved drawings prior to their installation details of the Solar PV units to the roof of the building shall be submitted to and approved in writing by the Local Planning Authority, to include details of the manner of fixing to the building, thereafter the panels shall be installed in accordance with the approved details and retained as such unless agreed otherwise in writing by the Local Planning Authority.
3. Prior to the commencement of the above ground build details shall be submitted to and approved in writing by the Local Planning Authority of measures to obscure or otherwise mitigate overlooking from all windows at first and second floor level of the building in the western elevation including the waiting area windows facing south and west. The approved measures shall thereafter be installed prior to the first occupation of the building.
4. The Arboricultural Method Statement (section 8 of the Arboricultural Report 12.01.18) and associated tree protection plan (appendix 3 of the Arb Report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

5. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
6. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.
7. Prior to installation gates or other means of restricting access to either the vehicular or pedestrian access to the site shall be submitted to and approved in writing by the Local Planning Authority, works shall thereafter be carried out in accordance with the approved details.
8. Prior to the occupation of the development hereby approved details of the location and installation of two electric vehicle charging points to parking spaces shall be submitted to and approved in writing by the Local Planning Authority, thereafter the charging points shall be install in accordance with the approved details prior to the occupation of the building and retained as such thereafter unless agreed otherwise by the Local Planning Authority.
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.
10. The building hereby approved shall not be occupied until such time as the approved the car parking within the red line has been constructed and provided in accordance with the approved drawing 8494 P002 Rev A – Proposed Site Plan. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles; car parking shall only be allocated as set out on the approved drawing unless agreed otherwise in writing by the Local Planning Authority.
11. The building hereby approved shall not be occupied until such time as the approved the car parking, motorcycle and cycle parking and associated landscaping shown within the blue line on approved drawing 8494 P002 Rev A – Proposed Site Plan is fully implemented and available for use; thereafter the car parking, motorcycle and cycle parking shall be retained for that use and shall not be used for any other purpose; car parking shall only be allocated as set out on the approved drawing unless agreed otherwise in writing by the Local Planning Authority.

Informative

In relation to condition 4 of the original outline planning permission details shall include the material of the hard standings, pedestrian walkways and parking areas, and full details at an appropriate scale of the pergola to the entrance way, and the steps including details of walls and railings between the site and Victoria Drive this should also be supported by a statement setting out how the level access from Victoria Gardens will be accessible for

all users, including gradients of paths and locations of curbs/buffers to walkways.

40 Victoria Drive Bowling Club, The Drive, 153 Victoria Drive (Parking). Application ID: 180454.

Demolition of existing outbuildings and creation of 10 parking spaces, one disabled parking space, motorcycle parking with ground anchors, cycle storage and associated hard and soft landscaping works in relation to Reserved Matters application for the development of a medical centre (Ref: 180450) – **UPPERTON**.

Resolved: (Unanimous) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begin before the expiration of three years from the date of permission.
3. The development hereby permitted shall be carried out in accordance with the approved drawings and completed prior to the first occupation of the main medical centre approved under reference; 180450
8494 P053 - Proposed Site Plan.
3. Once constructed the car, motorcycle and cycle parking facilities shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles or bicycles.

41 Wish Tower Cafe, King Edwards Parade. Application ID: 180642.

Demolition of existing temporary cafe building and replacement with permanent single-storey building to be used as a restaurant – **MEADS**.

A motion to refuse the application, proposed by Councillor Taylor and seconded by Councillor Murdoch was lost by 4 votes to 2 with 1 abstention. Councillor Taylor requested a named vote as follows: (For: Murdoch and Taylor. Against: Coles, Choudhury, Miah and Murray. Abstained: Robinson).

The committee discussed the application and suggested that the wall to the rear of the development, which formed part of the ancient monument, would require some protection from delivery vehicles.

Resolved: (By 4 votes to 2 with 1 abstention. For: Coles, Choudhury, Miah and Murray. Against: Murdoch and Taylor. Abstained: Robinson).

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begin before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-
3321-D100 rev P4 Ground Plan

3321-D201 rev P4 Proposed South-West Elevation

3321-D202 rev P3 Proposed North-West Elevation

3321-D203 rev P4 Proposed North-East Elevation

3321-D204 rev P4 Proposed South-East Elevation

3321-D254 rev P2 Section AA

3. Prior to the completion of building works, a full schedule of external materials and finishes to be used for the walls, roof and decked area as well as for any balustrading, shall be submitted to and approved by the Local Planning Authority. The approved materials shall thereafter be maintained in place throughout the lifetime of the development.

4. Prior to the occupation of the development hereby approved, a Delivery & Service Management Plan, which includes details of types of vehicles used for deliveries and servicing, method and frequency of deliveries, turning facilities and timetabling of deliveries to minimise conflict with surrounding road and parking users shall be submitted to and approved by the Local Planning Authority. All deliveries and servicing of the development shall therefore be carried out in accordance with the approved plan.

5. Prior to the occupation of the building, details of all measures to enhance building accessibility including accessible toilet facilities and wayfinding signage, shall be submitted to and approved by the Local Planning Authority and such measures shall thereafter be provided and maintained in place throughout the lifetime of the development.

6. Prior to the occupation of the building, the bin storage facility shall be erected in the position shown on approved plan 3321-D100 rev P4 in accordance with details to be submitted to and approved by the Local Planning Authority. The bin store shall thereafter be maintained in place throughout the lifetime of the development.

7. Any digging, trenching, ground levelling or other excavation works carried out on land outside of the existing concrete plinth area shall be supervised by a qualified member of the Chartered Institute for Archaeologists.

8. Prior to the occupation of the development hereby approved, details of secure cycle parking facilities for staff and customers shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

9. Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include:-

a) details of all hard surfacing;

b) details of all boundary treatments;

c) details of all proposed planting, including quantity, species and size

All soft landscaping shall be carried out in the first planting season following the first occupation of the building. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. Prior to the occupation of the development hereby approved, details of all external lighting shall have been submitted to and approved by the Local

Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.

11. All plant and machinery shall be housed within the roof top plant deck. This shall include odour control equipment which is to be installed prior to the occupation of the approved development and maintained in place thereafter.

12. No customers/patrons to be on site outside of the hours 08:00 – 00:00 on any day. No staff to be on site outside of the hours of 07:30 – 00:30 on any day.

13. Consumption of alcohol on the premises shall be for diners only and served direct to the table by waited service. There shall be no vertical drinking anywhere with the application site.

42 South Downs National Park Authority Planning Applications.

There were none.

The meeting ended at 7.45 pm

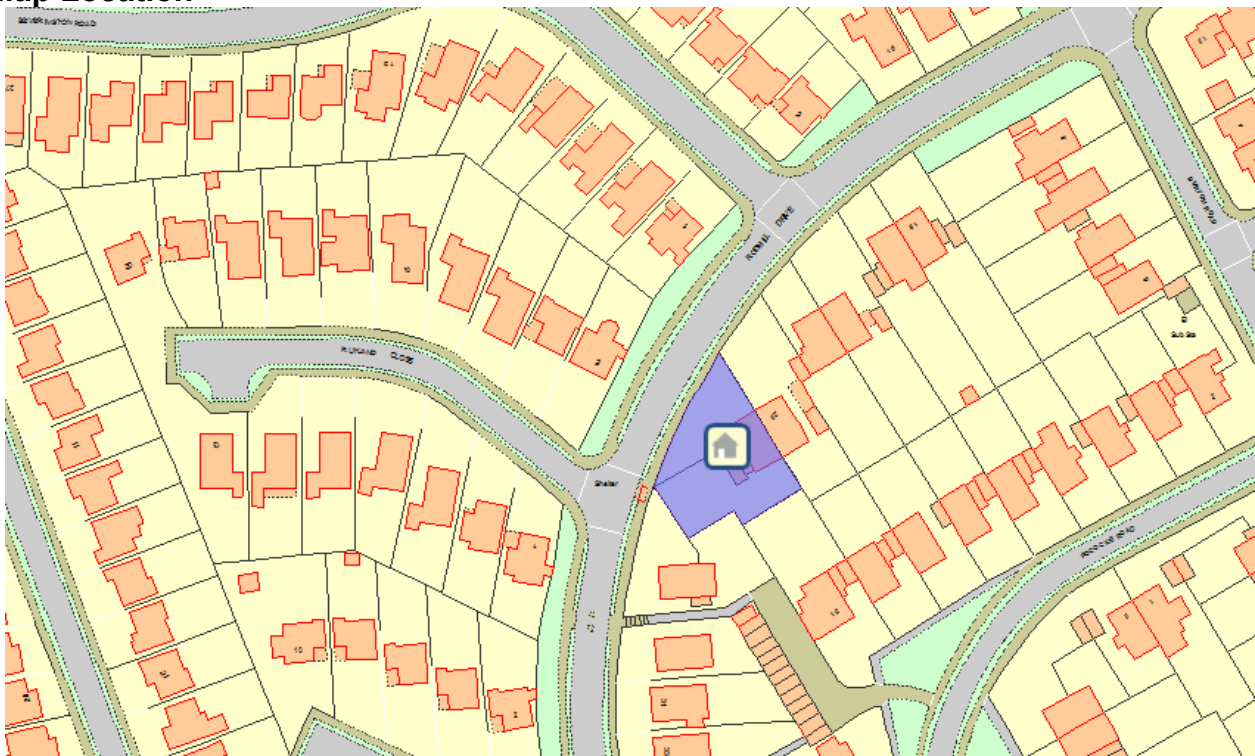
Councillor Jim Murray (Chair)

This page is intentionally left blank

App.No: 180696	Decision Due Date: 4 th September 2018	Ward: Ratton
Officer: James Smith	Site visit date: 26 th July 2018	Type: Planning Permission
Site Notice(s) Expiry date: 9 th August 2018 Neighbour Con Expiry: 9 th August 2018		
Over 8/13 week reason: Original scheme unacceptable. Revised plans received 4 th September 2018. Application required to be determined by Planning Committee.		
Location: 25 Rodmill Drive, Eastbourne		
Proposal: : Proposed erection of 1no three bed detached dwelling to include 2no off road parking spaces on land within curtilage of 25 Rodmill Drive.		
Applicant: Mrs Julie Chaplin		
Recommendation: Approve conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: James.Smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026

Map Location



1 Executive Summary

- 1.1 This application has been brought to Committee due to more than 6 letters of objection being received, given that the officer recommendation for the application is to approve.
- 1.2 The proposed development would not appear disruptive or incongruous within the wider street scene, nor would it cause undue harm to the amenities of neighbouring residents.
- 1.3 The proposed dwelling would provide acceptable living conditions for future occupants whilst the occupants of 25 Rodmill Drive would also continue to have access to adequate outdoor amenity space and suitable living conditions.
- 1.4 A sufficient level of off-street car parking would be provided for both the existing and proposed dwellings. The revised site access meets all relevant safety standards required by East Sussex County Council Highways.
- 1.5 The proposed development therefore represents an acceptable example of infill development that would contribute towards the housing needs of the Borough without having any significant adverse impact that would outweigh its benefits. As such, it is considered to be in accordance with local and national planning policies and legislation.

2 Relevant Planning Policies

2.1 National Planning Policy Framework (Revised 2018)

2: Achieving sustainable development
4: Decision Making
5: Delivering a sufficient supply of homes
9: Promoting sustainable transport
11: Making effective use of land
12: Achieving well designed places

2.2 Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution Sustainable Centre
B2: Sustainable Neighbourhood
C5: Ocklynge & Rodmill Neighbourhood
D5: Housing
D10a: Design

2.3 Eastbourne Borough Plan Policies 2007

UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
HO20: Residential Amenity
TR11: Transport & Parking

3 Site Description

- 3.1 The site is occupied by a semi-detached bungalow dwelling which has red brick elevation walls, other than the frontage which is finished with tile hanging. The roof is gable ended to either side. A glazed lean-to extension, which includes the main entrance to the dwelling, has been added to the side of the dwelling. Adjoining the lean-to extension is a flat roof garage.
- 3.2 The dwelling is set back from the road and also angles away from the course that the road follows. To the front of the dwelling is a lawn area which includes some ornamental planting but no trees of any significance. There is also a block paved driveway which is accessed via a dropped kerb crossover onto Rodmill Drive. The front lawn extends to the side of the dwelling. There is a garden to the side of the dwelling that is enclosed by an approximately 1.8 metre high brick wall. There is also a garden area to the rear of the dwelling.
- 3.3 Rodmill Drive is cut into the side of a hill and, as such, the surrounding area, as well as the site itself, displays fluctuations in topography. The level of the site slopes downwards from Rodmill Drive. As Rodmill Drive curves round to the west of the site, this means the western side of the site is at a higher level than the area on which the existing dwelling is located. Dwellings on Pocock's Road, which the site backs on to, are at a lower level than those on Rodmill Drive. This is also the case for the dwellings on Rodmill Drive, to the south of the site, as whilst the road itself climbs upwards to the south, the dwellings are cut into the hillside.
- 3.4 The site is not the subject of any specific planning constraints or designations.

4 Relevant Planning History

- 4.1 No site history relevant to the determination of this application.

5 Proposed development

- 5.1 The proposal involves the erection of a new detached dwelling which would be positioned predominantly within the garden area to the side of the existing dwelling. The proposed dwelling would have a gable roof, with a small dormer included within the front roof slope and roof lights incorporated into the rear roof slope in order to allow for the provision of a bedroom within part of the roof space.
- 5.2 The crossover serving the existing dwelling would be widened in order to allow for both the existing and proposed dwellings to be served by it. A driveway would be provided to the front of the proposed dwelling and an attached single garage would also be provided. The existing driveway to the front of 25 Rodmill Drive would also be extended slightly to the side in order to provide additional parking and turning space for the occupants of that dwelling.
- 5.3 The ground level of the site of the proposed dwelling would be reduced to a similar height of that of the existing dwelling, as would the garden to the rear of the proposed dwelling.

- 5.4 The proposed dwelling would measure approximately 6.25 metres to roof ridge height, with the roof eaves being at approximately 2.25 metres. The width of the dwelling frontage would be approximately 10.9 metres, with the attached garage adding a further 3 metres in width. The depth of the main dwelling would be approximately 7.55 metres with an additional porch projection to the front and the garage, which is set back from the building frontage, projecting a further 2.1 metres to the rear.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

- 6.1.1 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.
- 6.1.2 The Borough Plan Policy HO2 identifies this location as being predominantly residential. Although the site would be classified as 'greenfield' land; the NPPF supports sustainable residential development in order to meet local and national housing needs. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 1 dwelling.
- 6.1.3 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 positively contribute towards Eastbourne's Five Year Housing Land supply. Therefore, policy would recommend this application is granted.
- 6.1.4 It is important to note that this application would be liable for CIL under Eastbourne's current charging schedule.

7 Neighbour Representations

- 7.1 7 letters of objection have been received in which the following points were raised:-
- Double-storey building when all other structures in adjoining areas are bungalows.
 - Privacy issue due to windows and doors to rear, particularly first floor

- windows.
- Overshadowing and invasion of privacy to the property to the side. Will result in extra traffic emerging onto a very busy main bus route and road
- Development too close to the bus stand which would probably need to be relocated meaning a longer walk for passengers.
- Will result in accidents as the drive merges onto the main road on the bend of a steep hill.
- Construction works and traffic will cause mayhem for residents on Rutland Close as happened during road resurfacing works.
- Even if rear first floor windows are obscure glazed they could be opened and allow views of properties to rear.
- Would block sunlight into gardens on Pocock's Road.

8 Appraisal

8.1 Principle of development:

- 8.1.1 Para. 11 of the revised NPPF (2018) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.
- 8.1.2 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.
- 8.1.3 Currently, Eastbourne is only able to demonstrate a 3.26 year supply of land. This proposal, by providing a net increase of one dwelling, would make a contribution towards increasing the number of year's supply of housing land.
- 8.1.4 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change;
- 8.1.5 Para. 127 refers to potential imp[acts on character and remarks that development should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'
- 8.1.6 It is therefore considered that the principle of the development, including the loss of a section of garden land, is acceptable, subject to the development being sympathetic to local character.

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

- 8.2.1 The originally submitted design of the proposed development included a substantial rear dormer window. Concerns were raised by neighbouring residents that their properties would be overlooked by these windows and these concerns were considered to be valid. These concerns were relayed to the applicant and an amended scheme was provided. As a result, there would be no windows at first floor level to the rear of the proposed dwelling.
- 8.2.2 The revised scheme incorporates roof lights within the rear roof slope. These roof lights would provide light and ventilation to the proposed first floor bedroom but would be angled upwards so as to prevent opportunities for intrusive views. A condition would be attached to restrict permitted development rights for the proposed dwelling in order to prevent a dormer being added at a later date without first obtaining planning permission.
- 8.2.3 Other windows to the rear of the building would be at ground floor level and views from them towards neighbouring residential property would be interrupted by site boundary treatment, full details of which will be secured through the use of a planning condition.
- 8.2.4 The proposed front facing dormer would look out towards the road and the side roof slope of 2 Rutland Close, which is approximately 28 metres to the north. Given the distances involved, and the lack of any habitable room windows in direct line of sight from the dormer window, it is not considered it would allow intrusive views towards this property. The proposed ground floor windows to the front and side of the building would also face out towards the road.
- 8.2.5 As the first floor rooms within the proposed dwelling are incorporated within the roof space, the height of the building is kept to a minimum, with the roof ridge height being only approximately 0.3 metres above the ridge height of the existing dwelling at 25 Rodmill Drive.
- 8.2.6 The lowering of ground levels within the site would assist in achieving this relationship. It is appreciated that, owing to the site being on a hillside, the properties to the rear on Pocock's Road, as well as those to the south on Rodmill Drive, are at a lower level than the site. However, the modest height of the proposed dwelling, which is similar to that of existing dwellings on Rodmill Drive coupled with the distances maintained between it and dwellings on Pocock's Road, which at approximately 28 metres is substantial and similar to that maintained between existing dwellings on Rodmill Drive and Pocock's Road, are considered to prevent the proposed dwelling from having an overbearing presence towards those properties.
- 8.2.7 In regards to 27 Rodmill Drive, which is closer to the site than dwellings on Pocock's Road, the distance maintained between the buildings is approximately 13.5 metres. It should be noted that this is the closest point as the proposed dwelling angles away from the neighbouring property. Furthermore, the relationship is between the flank elevations of each dwelling, both of which do not contain any primary windows serving habitable rooms. A distance of 13.5 metres between the flank elevations of neighbouring buildings is considered to be acceptable and is in excess of the general separation between dwellings lining Rodmill Drive.

- 8.2.8 The proposed dwelling is positioned to the north/northwest of neighbouring properties on Rodmill Drive and Pocok's Road. As such, it would not provide any significant obstruction to sunlight permeation towards those properties, bearing in mind the trajectory of the sun across the sky throughout the daytime.
- 8.3 Impact of the proposed development on amenity of future occupants:
- 8.3.1 The proposed dwelling would provide 3 bedrooms, 2 at ground floor level and one within the roof space. The amount of usable floor space provided would be approximately 96 m². This is compliant with the minimum floor space requirement of 93 m² for a 3 bedroom two-storey dwelling, providing occupation for up to 5 persons.
- 8.3.2 All rooms are considered to be of a suitable size and shape to provide functional and adaptable living space and the overall layout of the building is uncomplicated and, therefore, easy to navigate.
- 8.3.3 All primary habitable rooms are well served by windows and openings that would allow a good level of natural light to permeate into the building as well as to provide effective natural ventilation, which would have its effectiveness enhanced due to the multiple aspect nature of the dwelling.
- 8.3.4 The proposed dwelling would have access to private outdoor amenity space of approximately 165 m² in area, which is considered to be ample for a small family dwelling. 75 m² of rear garden space would also be maintained for the occupants of the existing dwelling at 25 Rodmill Drive, which is also considered to be adequate for a dwelling of its size.
- 8.4 Design Issues:
- 8.4.1 Although occupying garden space, the proposal would not result in 'back land' development as it would occupy a side garden and the dwelling would directly engage with the street scene. Furthermore, the rear garden to the existing building would be retained in its entirety and, as such, the character of the remaining plot would be consistent with neighbouring plots. The current width of the two plots formed as a result of the proposed development would be approximately 13 metres for the plot to remain occupied by 25 Rodmill Drive and 19.5 metres for the plot to be occupied with the new dwelling. This is consistent with plot widths for nearby development.
- 8.4.2 The footprint of the proposed dwelling, as originally submitted, occupied the majority of the width of the plot. As a consequence, the western elevation of the dwelling would have been within close proximity to the highway. It is considered that, in this form, the dwelling would have detracted from the character and appearance of the surrounding area as the proximity to the street would have disrupted the established rhythm of development on Rodmill Drive, with buildings being set back from the street.
- 8.4.3 The applicant, in response to these concerns, has amended the scheme, substituting the originally proposed double garage for a single garage and pulling the western elevation of the dwelling further away from the site boundary.

This provides a degree of separation between the building frontage and the edge of the site. Whilst, due to the tapering nature of the front boundary, the south-western corner of the proposed dwelling is closer to the highway than the immediate neighbouring dwellings, the broad pattern of development is consistent with the surroundings in that a demonstrable set back is maintained. It should also be noted that the separation distances between building frontages and Rodmill Drive fluctuate along the length of the road and can therefore not be regarded as a rigid building line. It is therefore considered that the positioning of the proposed dwelling is sympathetic towards the general spatial pattern of development on Rodmill Drive.

- 8.4.4 The proposed dwelling incorporates rooms within the roof space. This is not commonly seen on Rodmill Drive, most likely a result of the shallow pitch of the roofs on neighbouring dwellings meaning that it is difficult to provide sufficient ceiling height without increasing the overall roof height. Nevertheless, although there is a localised group of bungalows on this section of Rodmill Drive, two-storey and chalet style dwelling, many of which have dormers, are a regular occurrence within the wider area, including directly opposite the site on Rutland Close as well as nearby to the north and south on Rodmill Drive.
- 8.4.5 The proposed dwelling has been designed to integrate with neighbouring dwellings. The gable ended roof design replicates the prevalent roof form within the street scene whilst the roof eaves height matches adjacent dwellings. The roof ridge height is only marginally taller than that of adjacent buildings and, as such, the roof would not appear incongruous or overly dominant. The front roof dormer is of modest proportions and does not overwhelm the main form of the roof. It is therefore considered that the proposed dwelling would assimilate with neighbouring buildings, replicating general characteristics whilst allowing for an element of change in terms of providing a more efficient use of the site by allowing for rooms in the roof space, as supported by para. 127 of the NPPF (2018).
- 8.4.6 The proposal would result in the loss of small amount of ornamental landscaping to the front of the dwelling, including a modestly sized Leylandii type tree. It is not considered that this tree possesses any significant amenity value either as a single tree or part of a wider group. There would also be an increase in hard surfacing to the front of the site as a result of the provision of a driveway for the proposed dwelling as well as the extension of the existing driveway at 25 Rodmill Drive. A significant proportion of plots on Rodmill Drive have hard surfacing to the front, some of which occupy the majority of the front amenity space. It is considered that the proposed increase in hard surfacing would therefore be acceptable, subject to a landscaping condition to ensure provision of soft landscaping to the site frontage is maintained, and a further condition to ensure the hard surfacing is suitably drained so as to prevent discharge of surface water on to the public highway.
- 8.5 Impacts on Highways Network or Access:
- 8.5.1 It is not considered that the provision of one small family dwelling on Rodmill Drive would result in any increase in traffic of a significance that is likely to have a material impact on the overall flow of traffic on the road.

- 8.5.2 The ESCC Car Ownership Parking Demand suggests that the proposed 3 bedroom dwelling would generate demand for 2.26 car parking spaces whilst the existing 2 bedroom dwelling requires 2.23 spaces. These figures include visitor parking. Both proposed dwelling would be served by a driveway that could accommodate 2 cars as well as a turning area. Additional room for parking could also be provided within the attached garage, which has dimensions that exceed the minimum size requirements stipulated by ESCC. Sufficient space would be provided at 25 Rodmill Drive for 2 cars to be parked off street, with space also provided for turning in order to ensure that vehicles can enter and leave the site in forward gear.
- 8.5.3 Rodmill Drive is not a classified road and, as such, planning permission would not be required for works to widen the crossover alone. It should be noted that double yellow lines are in place along the entirety of Rodmill Drive and, as such, widening the crossover would not result in the loss of any on street car parking capacity. This also means that there would not be cars parked either side of the crossover that may have the potential to obstruct visibility.
- 8.5.4 The width of the extended crossover complies with the minimum standards set out in ESCC Highways standing advice set out in their Minor Planning Application Guidance. The required 43 metre visibility splays either side of the driveway entrance can be provided. It is noted that there is a bus shelter within the splay to the south of the crossover and there is also a low brick wall present on the boundary on either side of the crossover. However, para. 3.4.8 of the above-mentioned guidance allows for obstructions up to 1 metre high when there is a verge present, as is the case here. As such, the presence of the wall is acceptable. In addition, the bus shelter is a glazed structure that does not occupy the full width of the splay and can therefore be seen around, as well as through. Para. 3.4.8 states that such structures within a visibility splay are acceptable.

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 It is recommended that the application is approved, subject to the conditions set out below.
- 10.2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

- 10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

2018-36-02b;
2018-36-03c;
2018-36-04c;
2018-36-05c;
2018-36-06;
2018-36-07b;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 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 and for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan

- 10.5 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing dwelling at 25 Rodmill Drive.

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

- 10.6 The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan site plan 2 cars to be parked on each site and to provide turning space to allow for vehicles to enter and leave the site in a forward gear. Thereafter, the parking and turning spaces shall be maintained in place throughout the lifetime of the development.

Reason: To enable vehicles to enter and leave the site in a forward gear in the interest of highway safety.

- 10.7 Before any work, including demolition commences on site a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will detail:

(i) the estimated volume of spoil to be removed from the site;
(ii) a designated route or routes that vehicles may use when removing spoil from the site and all the routes of vehicles delivering construction materials
(iii) vehicle wheel cleaning provisions;
(iv) road cleaning provisions;
(v) Location, number and size of any temporary buildings/structures needed for the demolition/construction phases;

- (vi) Details of site compound including means of enclosure;
- (vii) Details of height of stored materials;
- (viii) Details of site hoarding;
- (ix) Confirmation that at all times materials, plant and machinery shall be stored within the confines of the site, and additionally shall be kept clear of all public highways and rights of way.

The Construction Management Plan must also include a pre-commencement condition survey of the existing grass verge, a post completion survey shall be carried out and any damage cause to the verge during construction shall be made good prior to the occupation of the dwelling to the Satisfaction of the Local Planning Authority.

Upon approval the Method Statement shall be implemented to the satisfaction of the Local Planning Authority;

Reason: In the interest of the amenities of the site and surrounding area, including in the interest of capacity of the local highway network to carry large vehicles.

- 10.8 Prior to occupation of the approved dwelling, full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) site boundary treatment;
- (iii) car parking layouts;
- (iv) hard surfacing materials;
- (v) soft landscaping plans;
- (vi) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (viii) implementation timetables.

All hard and soft landscape works shall be carried out 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.

- 10.9 The hard standing areas hereby approved shall be surfaced in porous materials

and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard standing to a permeable or porous area or suitable soakaway within the curtilage of the property.

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

10.10 Informative:

10.11 The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

10.12 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 019) or www.southernwater.co.uk . Please read our New Connections Services Charging Arrangements document, which has now been published and is available to read at <https://beta.southernwater.co.uk/infrastructure-charges>

11 Appeal

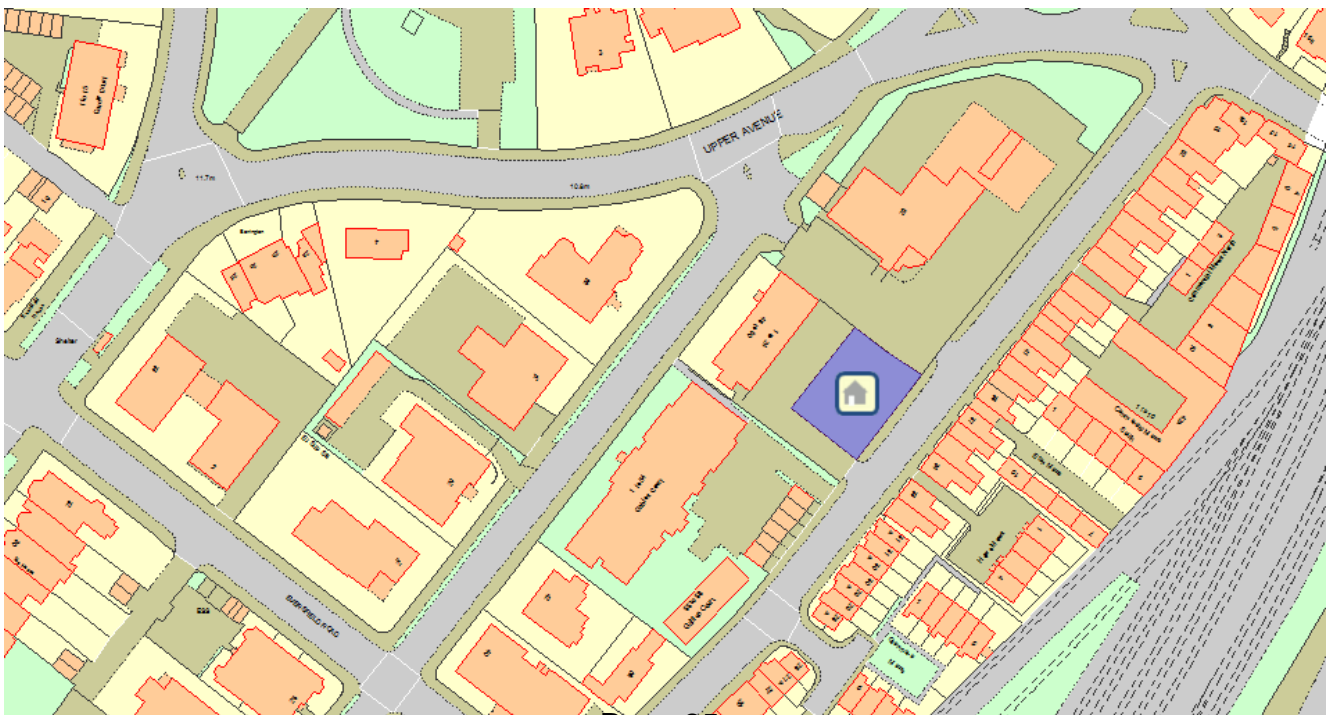
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 7

App.No: 180533	Decision Due Date: 8 th October 2018	Ward: Upperton
Officer: James Smith	Site visit date: 27 th July 2018	Type: Outline (some reserved)
Site Notice(s) Expiry date: 2 nd August 2018 Neighbour Con Expiry: 2 nd August 2018		
Over 8/13 week reason: Scheme amended as original development was not acceptable in planning terms.		
Location: Land Rear Of 48 St Leonards Road, Commercial Road, Eastbourne		
Proposal: : Outline application (relating to Layout, Scale and Means of Access) for new build 3 storey residential accommodation consisting of 9 separate residential units (5 x 1 bed, 2 x 2 bed, 2 x 3 bed) with 11 allocated car parking spaces. (AMENDED DESCRIPTION FOLLOWING REDUCTION IN SIZE OF PROPOSED DEVELOPMENT).		
Applicant: Mr G Khalil		
Recommendation: Approve conditionally		

Contact Officer(s): **Name:** James Smith
 Post title: Specialist Advisor
 E-mail: James.Smith@Lewes-Eastbourne.gov.uk
 Telephone number: 01323 415026

Map Location:



1 Executive Summary

- 1.1 The application has been brought to Committee during to more than 6 letters of objection being received, given that the officer recommendation is that the application is approved.
- 1.2 The application is for outline permission with some matters reserved (appearance and landscaping). The access, layout and scale of the development have been provided and will be considered within this report.
- 1.3 The provision of high density residential development within a town centre is actively encouraged by local and national planning policy and, as such, the principle of the development is considered to be acceptable. The principle has also been established as a smaller scheme for the site has already been approved.
- 1.4 The scale of the proposed roof extension has been reduced from that which was originally submitted in order to respond to officer concerns regarding the amenities of neighbouring residents. It is considered that the revised design would not result in unacceptable harm towards the amenities of neighbouring residents.

2 Relevant Planning Policies

2.1 National Planning Policy Framework (Revised 2018)

2: Achieving sustainable development
4: Decision Making
5: Delivering a sufficient supply of homes
7: Ensuring the vitality of town centres
9: Promoting sustainable transport
11: Making effective use of land
12: Achieving well designed places

2.2 Eastbourne Town Centre Local Plan 2013

TC1: Character Areas
TC6: Residential Development in the Town Centre
TC10: Building Frontages and Elevations
TC11: Building Heights

2.3 Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution Sustainable Centre
B2: Sustainable Neighbourhood
C1: Town Centre Neighbourhood Policy
D5: Housing Low Value Neighbourhoods
D10a: Design

2.4 Eastbourne Borough Plan Policies 2007

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

HO20: Residential Amenity

TR11: Transport & Parking

3 **Site Description**

- 3.1 The site falls within Eastbourne Town Centre. It is currently hard surfaced and is occupied by a car park that is enclosed by a low brick wall and railings, forming an annexe within the wider parking area to the rear of 48 – 50 St Leonards Road (Esher House). The site slopes gently downwards from west to east. There is also a slight downward slope to the rear of the site towards Esher House. Access to the car park is provided by way of an opening in the perimeter wall, adjacent to the car park serving St Marys House.
- 3.2 The site faces on to Commercial Road which is flanked by a mixture of commercial and residential buildings. The western side of the road is characterised by four and five storey buildings, the majority of which have flat roofs or mansard style flat roofing and were generally originally built to accommodate offices although a number have since been converted to residential use. These buildings generally face on to St Leonards Road, with the Commercial Road aspect being set back from the street and parking facilities being provided to the rear of the building.
- 3.3 The eastern side of Commercial Road is markedly different in character, being lined by domestic building, predominantly in the form of two-storey terraces of residential dwellings behind which are sites backing on to the railway which traditionally accommodated low rise small warehouses and industrial buildings, some of which have since been removed and replaced by mews style residential developments.

4 **Relevant Planning History**

- 4.1 100463
Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces.
Refused - 06/12/2010 – Appeal Dismissed - 06/05/2011
- 4.2 150141
New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces. (Amended description).
Refused - 09/07/2015 - Appeal Allowed - 26/02/2016
- 4.3 160538
New build 3 storey residential accommodation consisting of 11 dwellings and 11 car parking spaces
Refused – 16/11/2016

5 Proposed development

- 5.1 The proposal seeks outline permission, with appearance and landscaping as reserved matters, for the erection of a three-storey flat roof building that would accommodate 9 separate residential units, (5 x 1 bed, 2 x 2 bed, 2 x 3 bed). Undercroft car parking would be provided at ground floor level, with 11 allocated car parking spaces in total.
- 5.2 The building would occupy a plot that would be annexed from the existing car parking area to the rear of 48-50 St Leonard's Road, a former office building which has been converted to residential flats. Other than a ground floor 2 bedroom unit, all flats would be located on the first and second floors.
- 5.3 The proposed building would measure approximately 24.35 metres in width by 16.5 metres in depth and 9.3 metres in height. This means the building would occupy the full width of the site and the majority of its depth, with room for small amenity areas and access retained to the front and rear.
- 5.4 The ground floor unit has access to a private terrace whilst all remaining units have access to private balcony space.
- 5.5 A new vehicular crossover would be formed on Commercial Road to provide designated access to the site.

6 Consultations

6.1 Planning Policy:

- 6.1.1 The Core Strategy states that the Town Centre Neighbourhood is one of the town's most sustainable neighbourhoods. It also states that 'The Town Centre will make an important contribution to housing needs as a sustainable centre. Future residential development will be delivered through conversions and changes of use of existing buildings'. Policy B1. As mentioned in the Spatial Development Strategy, explains that higher residential densities will be supported in these neighbourhoods. The site would be considered a brownfield site and the strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'.
- 6.1.2 This site would be considered a windfall site, as it has not been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 9 residential units. The Council relies on windfall sites as part of its Spatial Development Policy B1, as stated in the Core Strategy.
- 6.1.3 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 1st 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. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph

14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

6.1.4 Policy TC6 of the Eastbourne Town Centre Local Plan covers residential development in the town centre. Proposals for new residential development in the Town Centre must demonstrate how the following details have been addressed:

- Protecting the amenity of residential occupiers by minimising potential conflicts between different land uses including noise disturbance, smell and vibration through the design and siting of servicing areas, ventilation and mechanical extraction, and external light sources.
- Provision of a mix of dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
- Provision of outdoor amenity space in the form of a shared communal garden, useable private balcony or roof terrace that forms an integral part of the design of the building.
- Provision of adequate bin and recycling storage that is screened from publicly accessible locations including adjoining streets, parking facilities and open space.

The application conforms to all of the above points. There are no obvious conflicts involving noise disturbance, smell and vibration. The development will provide a mix of one, two and three bedroom flats. There will be private balconies for each flat. Bins will be screened from view in a storage area.

6.2 ESCC Highways:

6.2.1 It is noted that previous applications (150141 and 160538) on this site for a similar scheme with a comparable parking ratio attracted a highway recommendation for approval. However, it is noted that the previous applications were unclear on whether parking was allocated or unallocated. This application states that parking is allocated and, as such, would require more spaces than is currently proposed. Given the existing parking pressures in the area, the overspill parking that would be likely as a result of this application could impact on highway safety and the flow of traffic on the local highway network. As such, I would recommend that this application is refused on highway grounds.

6.2.2 (Further response following receipt of revised plans) I have looked at the expected demand for the proposed composition on the ESCC Parking Demand Calculator. If the applicant were to provide allocated parking, then an expected demand of 12 vehicles would be expected. Whilst the difference between the expected demand (12) and the proposed parking provision (11) is small (1), it is considered that any overspill parking would also have to consider the displaced parking from the existing usage as an unofficial car park to the local highway network in addition to the overspill from the site, as this would potentially exacerbate a poor existing situation. As such, I would recommend that unallocated parking should be considered for at least some of the flats. If, for example, the one-bedroom flats were unallocated, and the two and three-bedroom were allocated, then the parking provision could be shown to accommodate proposed demand.

6.3 ESCC Drainage:

- 6.3.1 It is our understanding from the information submitted that the surface water management system for the site will incorporate green roofs before discharging into the public sewer network. However the applicant has not submitted information of discharge point, hydraulic calculations, capacity, and rate/connection agreements with Southern Water.
- 6.3.2 The public sewer record shows a public surface water sewer in St Leonard's Road approximately 30m away from the development. The connection to that sewer will involve the outfall pipe going through a land which appears to be owned by a third party. The applicant should submit written evidences by the owners of the third party land confirming that they authorise the passage of any drainage asset for their land.
- 6.3.3 The British Geological Survey data shows the site within an area potential for groundwater flooding to occur at surface and below the ground level. If an underground drainage feature is considered, the detailed design of that feature should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.
- 6.3.4 Nevertheless considering that the proposed planning application will not result in an increase in the impermeable area, and the green roof will suppose betterment in the current situation; therefore the Lead Local Flood Authority has no objection to this planning application.

7 **Neighbour Representations**

- 7.1 Twelve letters of objection have been received from members of the public. The letters raise the following points:-
- 7.2
- Height is unsuitable. Would lead to loss of light and privacy.
 - Not enough parking is provided for the amount of flats proposed and an existing car park will be lost.
 - Would generate noise, dust and disruption.
 - Unsafe access for cars
 - Construction workers would park on surrounding roads.
 - Overdevelopment of the site
 - Previous applications have been turned down by the Council.
 - Occupants would park on neighbouring property.

8 **Appraisal**

8.1 Principle of development:

- 8.1.1 Para. 11 of the revised NPPF (2018) states that decision taking should be based

on the approval of development plan proposals that accord with an up-to-date development plan without delay.

- 8.1.2 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.
- 8.1.3 Currently, Eastbourne is only able to demonstrate a 3.26 year supply of land. This proposal, for 11 additional units, would make a contribution towards increasing the number of year's supply of housing land.
- 8.1.4 Para 85 (f) of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.
- 8.1.5 Para. 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. The potential for development of car parks is specifically mentioned in part d) of the paragraph.
- 8.1.6 In regards to the increase in number of flats provided over those approved under 150141, para. 123 of the NPPF states that, 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities'. Part a) of the paragraph states that a significant uplift in residential densities within town centres is required. Policy B1 of the Eastbourne Core Strategy recognises the Town Centre Neighbourhood as a sustainable neighbourhood and Policy C1 suggests development of 180 dwellings per hectare as being an appropriate density.
- 8.1.7 It is therefore considered that the site represents an appropriate location for high density residential development, subject to accordance with relevant up-to-date policies within the Core Strategy and Eastbourne Borough Plan.
- 8.2 Impact of the proposed development on amenity of adjoining occupiers and surrounding area:
 - 8.2.1 It is noted that in dismissing the appeal for application 100463, which was for a three-storey building, the appeal inspector did not consider that a building of this height would have an adverse impact upon the amenities of the occupants of properties on Commercial Road. Esher House was still in office use at this time so amenity impacts on this building were not taken into consideration.
 - 8.2.2 The proposed building would be positioned to the rear of 48-50 St Leonard's Road (Esher House), a 6-storey building (with basement level parking) which was originally in use as offices but has since been converted to residential use.

Approximately 12.4 metres would be maintained between the rear elevation of Esher House and the rear elevation of the proposed building. Although the degree of separation is less than is commonly the case for new development, it is consistent with the more intimate spatial characteristics of the surrounding town centre environment. This is demonstrated by the relationships between other nearby buildings such as 1 – 54 Gable Court and 55 – 58 Gable Court as well as the mews properties on Commercial Road. It is also noted that the precedent of a building with an identical footprint to the proposed, albeit a two-storey building, has been established following the approval of 150141.

- 8.2.3 The building frontage is stepped slightly back from the road, in a similar arrangement to other nearby buildings facing on to the northern side of Commercial Road, with over 15 metres maintained between in and dwellings on the opposite side of the road. It is considered that this represents a standard relationship between buildings on opposing sides of roads and, given this, and the modest height of the building, aided by the use of a flat roof, it is not considered that the proposed building would appear overbearing towards properties on Commercial Road.
- 8.2.4 Given that the ground floor of Esher House is used as a basement level car park, the only properties with their outlook impacted as a result of the development would be first and second floor flats. As the proposed building would be only three-storeys in height, and the third-storey would be recessed from the front and rear elevation, it is considered that the proposed building would not appear oppressive, with outlook offered to the sides and above the structure. It is also considered that the height of the building, in relation to neighbouring habitable room windows, would not be so great as to cause undue levels of overshadowing towards these rooms.
- 8.2.5 The proposed building would include flats with habitable room windows within the rear elevation that would face towards habitable room windows on the rear elevation of Esher House. This relationship would be no different to that of the approved two-storey building (150141). The majority of the windows would serve bedrooms rather than more frequently used rooms such as the main living area. It is therefore considered that the level of overlooking offered by the proposed building would not be invasive. It is considered that a sufficient amount of separation would be maintained between the building frontage and dwellings on Commercial Road. It is also noted that the windows on the building frontage are slightly angled so as not to look directly towards those properties. As such, it is not considered that these properties would be subjected to invasive levels of overlooking.
- 8.2.6 Balconies would be provided for first and second floor flats, on the eastern (front), southern (side) and western (rear) elevations. The rear elevation, which is within the closest proximity of any neighbouring residential properties, has only one balcony which is modestly sized and would not allow for large congregations of people to gather on it. As such, it is not considered that this balcony would result in disturbance to the occupants of properties within Esher House.
- 8.2.7 The proposed residential use of the development would be compatible with the

surrounding environment which includes residential flatted development of similar and larger scale to the proposed scheme as well as office uses.

8.3 Impact of the proposed development on amenity of future occupants:

- 8.3.1 The individual units within the proposed building all comply with 'Technical housing standards – nationally described space standard' in terms of overall floor area as well as room sizes. Each unit has an uncomplicated internal layout that would allow for ease of circulation.
- 8.3.2 All habitable rooms would be served by windows that would allow for a suitable level of natural light permeation as well as adequate ventilation. A number of the units are dual aspect, which further increases the effectiveness of natural lighting and ventilation.
- 8.3.3 All units have access to private outdoor amenity space whilst there is also a small amount of outdoor communal space. It is considered that the amount of amenity space provided is sufficient given the building would house predominantly small residential units that have good access to the town centre and nearby public open space such as Hartfield Square Gardens which is an approximately 120 metre walk from the site. It is therefore considered that future occupants would have access to adequate outdoor amenity space.
- 8.3.4 The site is located within the town centre where the buildings in the immediate surrounding area are in mixed use, primarily for residential and office purposes. There are no heavy industrial or other noise generating uses within close proximity that would have the potential to detract from the amenities of future occupants or have their continued operation prejudiced against by the presence of residential flats.

8.4 Design Issues:

- 8.4.1 Whilst the final appearance of the development is a reserved matter, the application includes details of layout and scale and, therefore, the parameters for footprint, building height and mass would be dictated by these characteristics. The height, mass and footprint of the building shown on the submitted elevation plans could therefore not be altered at the reserved matters stage.
- 8.4.2 The proposal would introduce a three-storey flat roof building in a prominent position within the Commercial Road street scene. Although there is not continuous development fronting onto the northern side of Commercial Road, there is a ribbon of such development adjacent to the site, comprised of 55 – 58 Gable Court and associate garages and 59 Commercial Road (Limes Cottage). There is no formal building line along this part of the road but the proposed building would be set slightly back from the road with a low brick wall and railings adjacent to the street, in a similar arrangement to the existing buildings.
- 8.4.3 The flat roof design of the proposed building would appear in keeping with the appearance of the surrounding area due to the presence of a number flat roof buildings, primarily on St Leonard's Road, which back on to Commercial Road.

These buildings are generally of multiple storeys and are set on higher ground, increasing their prominence. The proposed building would be lower than the building on St Leonard's Road behind it and this would ensure that a smooth visual transition between the taller buildings on St Leonard's Road and the lower, more domestic scale buildings on Commercial Road is maintained, preventing the development from appearing jarring or incongruous.

8.4.4 The third storey of the proposed building would be recessed and utilise external finishes that contrast with the remainder of the building. It is considered that these design attributes would reduce the visual impact of the building, break up its mass and prevent the building from appearing monotonous within the street scene.

8.4.5 The site is located within the town centre where the buildings in the immediate surrounding area are in mixed use, primarily for residential and office purposes. There are no heavy industrial or other noise generating uses within close proximity that would have the potential to detract from the amenities of future occupants or have their continued operation prejudiced against by the presence of residential flats.

8.4.6 The proposed building possesses a wide frontage which contains a number of windows and openings, ensuring it presents as a principal elevation and engages effectively with the overall street scene

8.5 Impacts on Highways Network or Access:

8.5.1 The proposal would involve the loss of a parking area which is currently used for parking by staff working in the offices at the neighbouring building, 52 St Leonards Road (St Marys House). It is accepted that the proposal would result in the loss of some parking, although the offices will continue to be served by the car park within the St Marys House site curtilage. The principle of the development of this car park has already been established through earlier approvals. ESCC Highways have stated that, as the car park site is under separate ownership, its continued use as a car park cannot be controlled and can be removed at any time.

8.5.2 The proposed new crossover that would serve the development is of acceptable dimensions and would not present any hazard to traffic. The new access is required as the current access to the site is on the St Marys House site and use of this access for the development would require the crossing of third party land.

8.5.3 It is not considered that the proposed use would generate an increase in traffic that would be unsustainable for the surrounding road network. The ratio of parking provided, at 11 spaces serving 9 units (1.2 spaces per unit), would be higher than that of the previously approved scheme (1 space per unit). It is considered that this quantum of parking is acceptable, provided at least some of the parking spaces are retained as unallocated as statistics show that this discourages high levels of car ownership within developments. The site is also within a Town Centre location with good levels of access to public transport, reducing reliance of private motor vehicles. Secure, covered cycle parking is also included to further encourage use of sustainable transport methods.

- 8.5.4 Given the potential for disruption during the construction of the development, a condition will be attached to any approval granted to require the submission and approval of a Construction Traffic Management Plan to include, but not be restricted to, details relating to traffic management, contractor parking, hours of deliveries and storage of plant, machinery and building materials.

10 Recommendation

- 10.1 It is recommended that the application is approved, subject to the following conditions:-

- 10.2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

- 10.3 Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i) appearance (including full schedule of external materials);
- ii) landscaping (including details of the green roof).

The reserved matters shall comply with the parameters set out for access, scale and layout established by this outline permission and be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 10.4 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

A002 - Site Plan;
D001 Rev. A - Ground Floor Plan as Proposed;
D002 Rev. A - First Floor Plan as Proposed;
D003 Rev. A - Second Floor Plan as Proposed;
D005 Rev. A - South Elevation as Proposed;
D006 Rev. A - West Elevation as Proposed;
D007 Rev. A - North Elevation as Proposed;
D008 Rev. A - East Elevation as Proposed;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.5 The development hereby permitted shall not be occupied until the new site access crossover shown on approved plan D001 Rev. A has been constructed and surfaced. The crossover shall thereafter be maintained in place throughout the lifetime of the approved development.

Reason: In the interests of highway safety and accessibility.

- 10.6 The development hereby permitted shall not be occupied until the 11 x car parking spaces shown on approved plan D001 Rev. A have been surfaced and marked out. The parking spaces shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned be used for no purpose other than for the parking of vehicles.

Reason: To ensure adequate parking provision for the development and to prevent overspill to on street car parking in accordance with Policy TR11 of the Eastbourne Borough Plan (2007).

- 10.7 The allocation of parking spaces to specific flats shall only be allowed with the prior written approval of the Local Planning Authority. A proportion of parking spaces must be retained as unallocated at all times.

Reason: To ensure adequate parking provision for the development and to prevent overspill to on street car parking in accordance with Policy TR11 of the Eastbourne Borough Plan (2007).

- 10.8 The development shall not be occupied until the cycle parking area has been provided in accordance with approved plan D001 Rev. A and the area shall thereafter be retained for that use and for no other purpose.

Reason: On order to support the use of sustainable methods of travel.

- 10.9 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of construction and delivery vehicles, wheel cleaning facilities, traffic management (to allow safe access for construction vehicles), contractor parking and a compound for plant/machinery and materials clear of the public highway. Associated traffic should avoid peak traffic flow times.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

- 10.10 Prior to commencement of development, a surface water management scheme shall be submitted to and approved by the Local Planning Authority. This should include, but not be limited to, the following details:-

- If surface water is to be discharged into the public sewer, it should be limited to a rate agreed with the utility provider and be no more than the existing run-off rate for all rainfall events, including 1 in 100 years (plus climate change). Evidence must be provided in the form of hydraulic calculations which take connectivity of the drainage system as well.

Evidence of a rate of discharge being agreed with the utility provider must also be included.

- The condition of the surface water sewer which will take surface water runoff from the development shall be investigated and any required improvements that would be required.
- If relevant, evidence that third party landowners agree to the passage of drainage assets across their land.
- A management and maintenance plan for the entire drainage system clearly stating who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the plan will remain in place throughout the lifetime of the development.

Reason: In order to prevent an increase in surface water flood risk.

Informative:

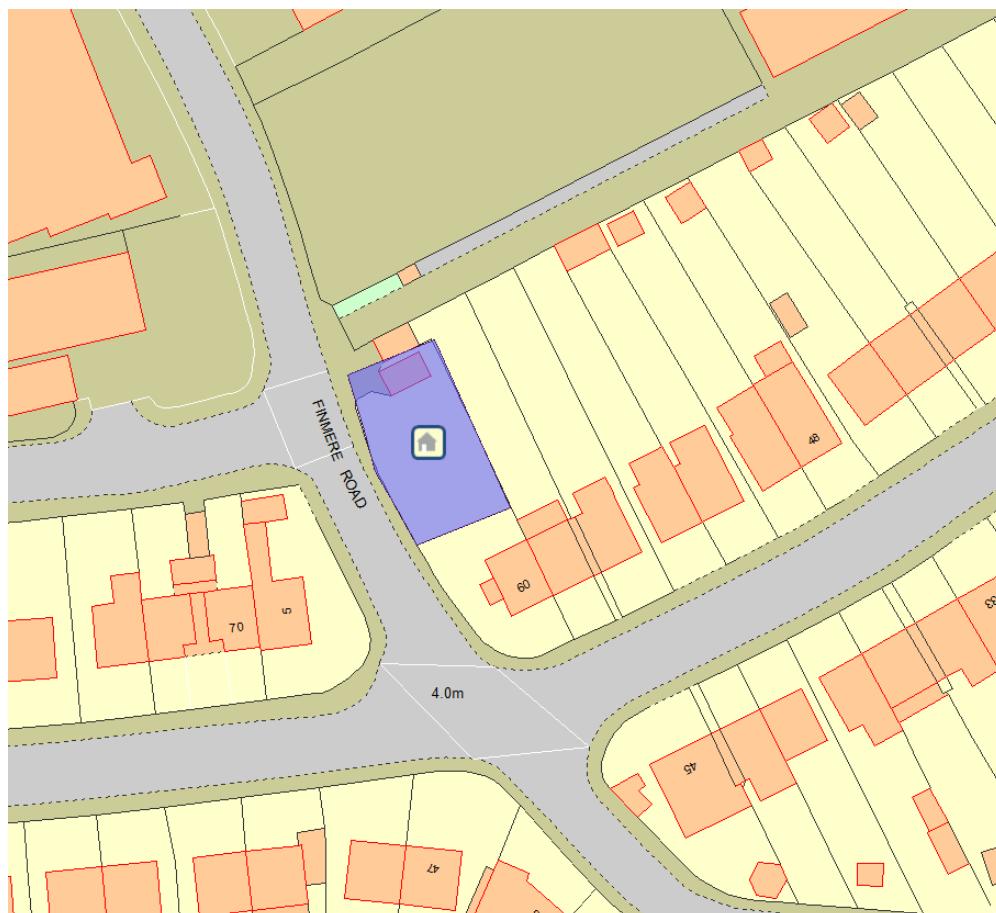
The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

This page is intentionally left blank

Agenda Item 8

App.No: 180231	Decision Due Date: 31 October 2018	Ward: St Anthonys
Officer: William De Haviland-Reid	Site visit date: 20 April 2018	Type: Planning Permission
Site Notice(s) Expiry date: 11 August 2018 Neighbour Con Expiry: 11 August 2018 Press Notice(s): N/A		
Over 8/13 week reason: To negotiation amendments to the scheme and bring to committee.		
Location: land to the rear of 60 Northbourne Road, Eastbourne		
Proposal: : Proposed new 2 bedroom dwelling.		
Applicant: Mr Paul Achilleous		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** William De Haviland-Reid
 Post title: Customer Caseworker
 E-mail: William.dehaviland-reid@lewes-eastbourne.gov.uk
 Telephone number: 01323 415696



1 Executive Summary

- 1.1 This application has been brought to committee due to the volume of objections received from members of the public, given that the officer recommendation is to approve the application.
- 1.2 A previous application for the erection of a new dwelling on the site was refused. The current application has responded to objections raised by officers in refusing the previous scheme as well as concerns raised by neighbouring residents during the consultation process. An amended Flood Risk Assessment (FRA) was also received following objections from the Environment Agency.
- 1.3 The proposed development has overcome previously raised objections regarding the retention of a sufficient amount of private amenity space for the occupants of 60 Northbourne Road, visual impact within the surrounding area and the overshadowing of neighbouring properties.
- 1.4 It is considered that the proposed dwelling could be accommodated within the site without compromising the character and appearance of the surrounding area or the amenities of neighbouring residents whilst also providing suitable amenities for future occupants. It is therefore recommended that the application is approved

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 1. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

2.2 Core Strategy Local Plan 2013 Policies

- B2 Creating Sustainable Neighbourhoods
- C6 Roselands & Bridgemere Neighbourhood Policy
- D5 Housing
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO20 Residential Amenity
- UHT1 Design of New Development
- UHT4 Visual Amenity
- US1 Hazardous Installations
- US4 Flood Protection and Surface Water
- US5 Tidal Flood Risk

3 Site Description

- 3.1 The application site forms part of the residential curtilage of 60 Northbourne Road, an end of terrace property which stands on the corner of Northbourne Road and Finmere Road and shares a rear boundary with the industrial estate. The site has been annexed from the main rear garden at 60 Northbourne Road, with a gateway and fencing used as a partition. The total area of the site measures 293m².
- 3.2 The existing dwelling house fronts Northbourne Road and flanks Finmere Road. The property benefits from a front garden and sizable rear garden, divided by a fence with an off road parking space.
- 3.3 The rear garden appears to have been subject to historic alteration in that it has been shortened to provide a garage and vehicular access for the adjoining property at no. 58 Northbourne Road. Further to this, a dropped kerb and vehicular serves the host property to provide off-road parking at the far end of the garden, adjacent to the garage serving no. 58.

4 Relevant Planning History

- 4.1 000171
Erection of garage at rear accessed from Finmere Road.
Planning Permission
Approved unconditionally
10/05/2000

- 4.2 170668
Proposed new 3 bedroom dwelling
Planning Permission
Refused for the following reasons:

1. The proposed development would have a significant negative impact on the host dwelling, no. 60 Northbourne Road due to the reduction in the private amenity space serving this dwelling to facilitate the development. The new dwelling would reduce the amount of natural light received by adjacent gardens, at nos. 56 and 58 Northbourne Road. For these reasons the scheme is found discordant with Policy HO20 of the Borough Plan Saved Policies.

2. In design terms, the scheme is inappropriate with regard to siting, scale and layout. The proliferation of parked cars to the front worsens the visual impact of a property which would look out of character and out of place. Outlook from neighbouring properties to the east of the site would be unacceptably affected too. Therefore, the scheme is found to be discordant with Policy D10a of the Core Strategy and Policies UHT1 and UHT4 of the Borough Plan Saved Policies.

3. The conflict in the operational uses of the new residential dwelling and the established designated Industrial Estate contravenes the strategy formed to deliver, protect and support uses within employment land. Therefore, the scheme contravenes Policies BI2 of the Borough Plan Saved Policies and

5 Proposed development

- 5.1 The applicant seeks to erect a 2 bed detached property to the rear of 60 Northbourne Road.
- 5.2 Off-street car parking for the proposed dwelling would be provided to the north of the dwelling in the form of 2 x tandem parking spaces which would be served by way of widening the existing crossover to the rear of the site. An additional two spaces would be provided for use by the occupants of 60 Northbourne Road.
- 5.3 The proposed dwelling would provide 91.2 m² of floor space, distributed over ground and first floor levels.
- 5.4 The proposed dwelling would be approximately 6.86 metres in height to roof ridge level and 5.05m to the eaves level. The roof would be hipped on all sides and surfaced with interlocking tiles.
- 5.5 The north elevation of the proposed dwelling would be the principle elevation, incorporating the main access to the property from the drive. It would also include 4no. windows, 2 at first floor level and 2 at ground floor level of the property.
- 5.6 The east elevation would not have any windows, save for a skylight with obscured glass in the roof of the property.
- 5.7 The south elevation would have patio doors which allow access to the rear garden. It would also feature 2no. windows, one on the first floor level which serves a bathroom and is obscure glazed and one is on the ground floor which serves a toilet and is also obscure glazed. The proposed design of the obscure glazed windows on the South elevation has been amended in order to make use of high level fan lights to minimise overlooking onto neighbouring properties.
- 5.8 The original application included 2no. windows at ground floor and 2 no. windows at first floor level within the western of the dwelling. Amended plans were received (and re-consulted) which saw the removal of one of the first floor windows, with the remaining window being made obscure glazed in order to prevent any undue overlooking or perceived overlooking.
- 5.9 Covered bin and cycle storage would be provided, adjoining the eastern elevation of the proposed dwelling. Full details of these structures are not included on the submitted elevation plans and, as such, a condition would be attached to any approval to require the submission of such details.

6 Consultations

Internal:

- 6.1 Specialist Advisor (Planning Policy):
Full support from a planning policy perspective

- 6.2 CIL
Development is CIL liable
- 6.3 Senior Caseworker Contamination
No evidence of on-site contamination, conditions requiring presence absence surveys will be attached to any approval.
- 6.4 East Sussex County Council Highways
Recommend that the development be in accordance with their standing advice on minor applications.
- 6.5 Environment Agency
No Objection as long as the following condition is attached to the decision notice:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref 3887, June 2018) and the following mitigation measures detailed within the FRA:

1. All mitigation measures listed in Paragraph 7.8 are incorporated.
2. Sleeping accommodation is located on the first floor throughout the lifetime of the development, and finished first floor levels are to be set no lower than 5.92mAOD as stated, to ensure safe refuge, as explained within Paragraph 7.8.
3. Site owners/occupiers sign up to the EA Flood Warning Service (Paragraph 7.8), and an evacuation plan is implemented, including identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as stated within the 'Flood Evacuation Plan' section of the FRA. This will need to be approved by the Lead Local Flood Authority.

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.

7 Neighbour Representations – Only material representations are considered.

- 7.1 Following the amended plans being submitted and re-consultation the neighbouring comments remain as below:

Objections have been received from 44, 48, 50, 54, 58 Northbourne Road and 5 Finmere Road, covering the following points:

- Worried that the proposal will affect the privacy of neighbouring properties
- Concerned property will be used for rental purposes and have a detrimental effect on the private area of the garden with different tenants moving in and out.
- House placement will impact character of area and look out of place in the street scene.
- Car parking will become an issue on the street and will increase traffic

- pressure and pedestrians.
- Believes intended use of property does not fulfil housing need.
- Application states that site has been unused for several years, objector states this is untrue and the land has been rented out for storage.
- Will result in over-development
- Overcrowding land intended as green space.
- Building will be overbearing and detrimental to the amenity of neighbouring properties, as well as overshadowing.
- No need for more housing in the area
- Loss of light to neighbouring properties.
- Applicants reduction in length of property does not effectively deal with overshadowing and proposed development appears to be taller than other builds in the area.
- Believes house would be better built next to 60 Northbourne Road, not behind it.
- Overshadowing is likely to block light to rear gardens and rear elevations of properties, such as upstairs bedrooms.

8 Appraisal

8.1 Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs.

8.1.1 The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of one dwelling.

8.1.2 The main issues to consider when assessing this application is how the proposal will affect the amenity of the neighbouring properties and amenity of the local street scene, including highway impacts and flood risk potential.

8.2 Impact of proposed development on amenity of adjoining occupiers:

8.2.1 The original application was refused due to concerns relating to the amount of private amenity space that would remain available for use by the occupants of 60 Northbourne Road, the visual impact of the development, potential for overlooking and overshadowing of neighbouring properties and concerns relating to the proximity of the proposed dwelling to the adjacent industrial estate.

8.2.2 The previously refused scheme had the rear boundary of the curtilage of the proposed dwelling within 2.5m of the rear elevation of 60 Northbourne Road, resulting in an unacceptably small rear garden for the existing dwelling. The revised application has pulled back the proposed site boundary further to the north, providing a 5.3m long garden to the rear of 60 Northbourne Road, thereby ensuring a sufficient amount of garden space is retained for the occupants of

that property. A condition will be placed on the decision notice which ensures compliance.

- 8.2.3 The garden of the proposed development would measure 126m² which is the side and rear garden incorporated. It is considered this is adequate garden amenity for a 2 bed 2 storey property.
- 8.2.4 While it is acknowledged that the property has not changed in orientation or approximate height, based on the sun rising in the East and setting in the West, it is likely that any overshadowing generated by the development would be concentrated to the rear of the rear gardens at 58 and 56 Northbourne Road. The gardens along Northbourne Road measure 30m in length, as such it is unlikely the application can be refused based on this. It should also be noted that each property has a 1.8m panel fence which separates them, already causing overshadowing.
- 8.2.5 The eastern elevation of the proposed dwelling would be set 3.5m away from the curtilage of 58 Northbourne Road and would be stepped further back in part. This set back has been increased from the 2 metre set back shown in the previously refused scheme. The hipped roof of the proposed dwelling would also angle away from the eastern boundary, reducing any overbearing impact. The first floor level of the proposed dwelling would be finished in render so as to break up the appearance of a flat brick wall, when viewed from 58 or 56 Northbourne Road.
- 8.2.6 The roof lights on the Eastern part of the roof were of concern in the previous application in that there would be perceived overlooking, the applicants have reduced the number of roof lights to one and have proposed the remaining roof light be obscure glazed to further reduce the overlooking effect. It is considered that the change is enough to reduce the perceived overlooking to neighbouring properties to an acceptable level.
- 8.2.7 As such it is considered there will be no issues of overlooking in this proposal. A condition will be placed on the application to remove PD Rights for Windows/Doors to ensure the amenity of the neighbouring properties is protected.
- 8.2.8 The North and West elevations look onto the industrial estate and onto the highway respectively, as such it is considered that the proposal will not affect the amenity of the neighbouring properties in this regard.
- 8.2.9 The nationally described space standards require a 2 bed 2 storey property to have at least 79m² floor space and the proposed property more meets this standard with a combined ground floor and first floor area of 91.2m².
- 8.3 Design issues and surrounding area:
- 8.3.1 It is noted that the proposed property does not have a door which faces the highway. This is acceptable on balance given the side access facilitates the layout of the property to provide the staircase at the rear therefore not requiring any windows within the East elevation. The presence of windows would also

help the proposed dwelling engage within the street scene.

- 8.3.2 The proposed property will be located close to the industrial estate in Finmere Road, with a private road separating the proposed property and the nearest industrial unit and its service and storage yard. Whilst it is noted that noise could be of concern given how close the proposed property will be to the industrial estate, for the yard area is used by a builders merchants (a sui generis use), which operates at working hours only and could not be sued for any noise generating industrial uses without first obtaining planning permission. As such, it is not considered that the future occupants of the dwelling would be subjected to undue levels of noise, air or light pollution nor would the continued use of the neighbouring site be prejudiced by the presence of the proposed dwelling. Appropriate sound proofing of the proposed dwelling would also be secured during the Building Regulations process.
- 8.3.3 The design of the property is not too dissimilar to the properties located in Northbourne Road which share features such as render on the first floor and upvc windows, meaning the property would be in keeping with the appearance of surrounding residential development.
- 8.3.4 Finmere Road is mostly industrial estate, however the presence of the proposed building on the outskirts of the industrial estate would not seem out of place due to a recognisable separation line being present, and would serve to further define the line between residential and industrial.
- 8.3.5 The property would be fairly unique in its location, being the only residential property in that part of Finmere Road; the street scene itself is of no historical relevance and has no definable features that would be at risk should the proposed property be erected. Furthermore, the dwelling would visually assimilate with the predominantly residential areas to the south of the site.
- 8.3.6 It is considered that due to the location, and size of the area to be developed the proposed development would not have a significant adverse impact on the amenity of the street scene.
- 8.4 Impacts on highway network or access:
- 8.4.1 The parking area of the property has been designed for allocation of 2 no. cars, with an additional 2 spaces retained for use by the occupants of 60 Northbourne Road, in order to compensate for the loss of existing parking spaces as a result of the proposed development. An existing crossover access from Finmere Road would be widened in order to serve the development. It is considered that allowing for parking for 4 motor vehicles will help alleviate on street parking, even with the loss of 1.6m of kerb.
- 8.4.2 Finmere Road carries traffic to and from the industrial estate on a regular basis. While it is likely that the inclusion of the footpath nearest the North elevation will allow a good visibility splay for drivers to see traffic and pedestrians coming from left, the fencing furthest away from the North elevation and nearest to the existing garage will likely block the view of pedestrians and traffic coming from the right. As such, a condition shall be placed on the application which states the

existing fence should be reduced to 1m in height, allowing the driver to see traffic and pedestrians.

8.4.3 The dropped kerb is to be widened from 1.44m to 3.1m to allow for the proposed parking and access to and from Finmere Road, a lamp post will also need to be re-located. The local authority cannot give authorisation for such works as they fall under East Sussex County Council Highways and as such an informative will be placed on the application to make the applicant aware that permission will need to be sought from East Sussex County Council for such works to go ahead.

8.4.4 Finmere Road is not a classified road and, therefore, planning permission is not required for access to and from the highway from the LPA.

8.5 Other Matters:

8.5.1 *Flood Risk:*

The application submitted a full Flood Risk Assessment for this application upon request by the EA.

After re-consultation the EA no longer object to the proposal but have requested a condition is attached to any approval to ensure that relevant mitigation measures set out within the FRA are incorporated within the development and adhered to.

8.5.2 *Housing needs:*

Currently the Borough does not meet the required 5 years' worth of housing land supply and this application would contribute a net gain of 1 dwelling towards this.

Use as residential dwelling for renting purposes:

The property will be classed as C3 Dwelling house, whether the owner decides to live in the property or rent the property to tenants is not a consideration that can be taken into account when assessing this application.

8.5.4 *Potential Land Contamination:*

As outlined earlier in this report a condition will be placed onto the decision notice concerning the potential for the site.

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 Approve Conditionally

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 development hereby permitted shall be carried out in accordance with the approved drawings submitted on 18 July 2018:

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) 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 existing or approved dwelling house (including any new window, dormer window, door, roof light or other openings) and no outbuildings shall be erected within the curtilage of the dwelling 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 for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan.

- 4) Prior to the occupation of the proposed dwelling hereby approved, the fence located on the southern site boundary of the proposed property shall be positioned in the location shown on Drawing No. SK3 Revision B.

Reason:

To ensure the amenity of 60 Northbourne Road is safeguarded.

- 5) No part of the development shall be occupied/brought into use until visibility splays of 43 metres by 2.4 metres have been provided at the site vehicular access onto Finmere Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety

- 6) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref 3887, June 2018) and the following mitigation measures detailed within the FRA:

1. All mitigation measures listed in Paragraph 7.8 are incorporated.
2. Sleeping accommodation is located on the first floor throughout the lifetime of the development, and finished first floor levels are to be set no

lower than 5.92mAOD as stated, to ensure safe refuge, as explained within Paragraph 7.8.

3. Site owners/occupiers sign up to the EA Flood Warning Service (Paragraph 7.8), and an evacuation plan is implemented, including identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as stated within the 'Flood Evacuation Plan' section of the FRA. This will need to be approved by the Lead Local Flood Authority.

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 ensure safe access and egress from and to the site and reduce the risk of flooding to the proposed development and future occupants.

- 7) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.

Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local

Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: To safeguard the health of future residents or occupiers of the site

- 8) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding.

- 9) The windows of the development shown on the approved plans as being obscure glazed shall remain obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjacent Properties.

10.3 **Informative**

- 1) The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- 2) The applicant is advised that the proposed development is liable for CIL and as such the CIL process will commence once the decision notice has been issued.

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**

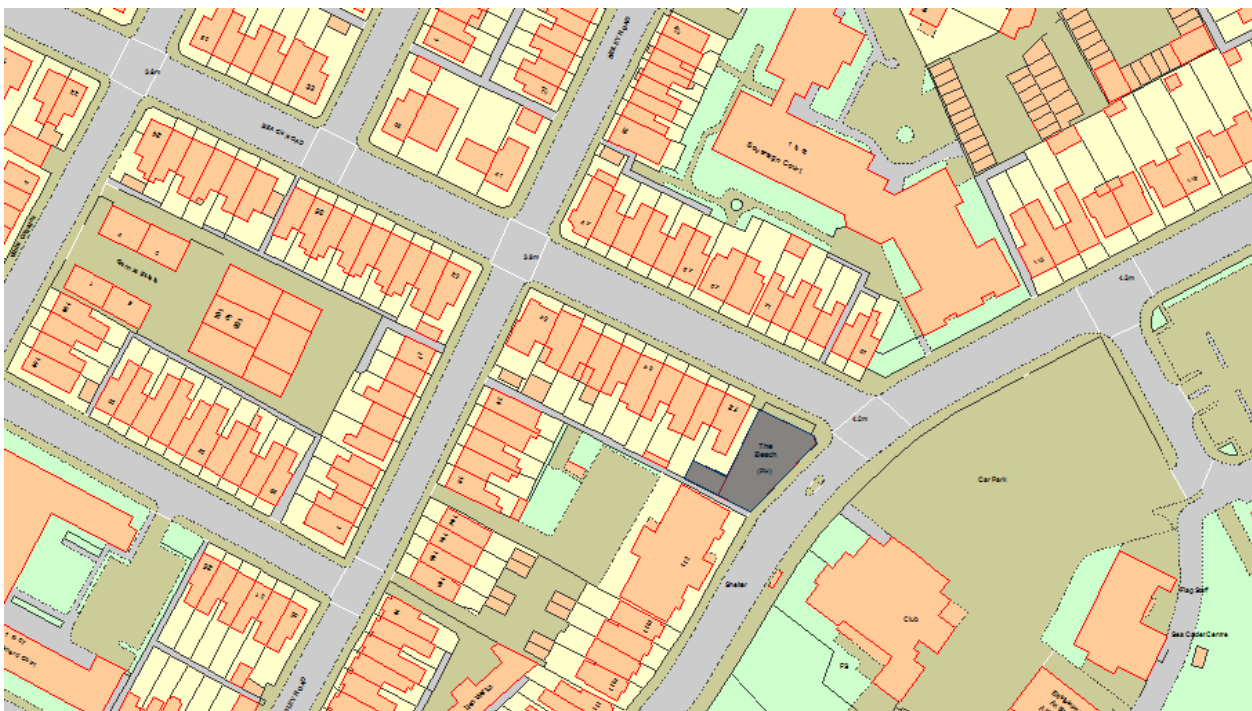
The background papers used in compiling this report were as follows:

- Case file

Agenda Item 9

App.No: 180538	Decision Due Date: 19th July 2018	Ward: Devonshire
Officer: James Smith	Site visit date: 25 th June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 17 th June 2018		
Neighbour Con Expiry: 17 th June 2018		
Over 8/13 week reason: Initial scheme unacceptable. Revised plans provided. Amendments required for Flood Risk Assessment and Transport Assessment.		
Location: Lions Cub Nursery, 74 Beach Road, Eastbourne		
Proposal: : Change of use extension and conversion of children's nursery, to form 8 x self-contained residential flats, consisting of 5 x 1 bed flats and 3 x 2 bed flats. (Amended description following reductions).		
Applicant: Sheikh Gulzar		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: James.Smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026



1 Executive Summary

- 1.1 This application has been brought to Committee due to over 6 letters of objection being received, given that the officer recommendation is for the application to be approved.
- 1.2 The proposed development would utilise a vacant building for the provision of residential units for which there is an identified need. The extensions to the building would allow the site to be used at greater efficiency, thereby improving sustainability levels.
- 1.3 The extensions to the building would not compromise the existing character and appearance of the surrounding area nor would they be unduly detrimental to the amenities of neighbouring residents.
- 1.4 Although there is no on-site parking provided, it has been demonstrated that the level of car parking generated by the proposed development could be accommodated on the surrounding public highway network.
- 1.5 Effective mitigation and resilience measures have been incorporated into the proposed development to ensure that future occupants are not subjected to unacceptable danger as a result of flooding. Acceptable surface water drainage methods can be secured by condition in order to reduce the likelihood of surface water flooding affecting future occupants and neighbouring residents.
- 1.6 It is therefore recommended that the application is approved, subject to the conditions set out in this report.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

2: Achieving Sustainable Development
4: Decision-making
5: Delivering a sufficient supply of homes
8: Promoting healthy and safe communities
9: Promoting sustainable transport
11: Making effective use of land
12: Achieving well-designed places
14: Meeting the challenge of climate change, flooding and coastal change

2.2 Core Strategy Local Plan 2013 Policies

B1: Sustainable Neighbourhood
B2: Creating Sustainable Neighbourhoods
C3: Seaside Neighbourhood Policy
D5: Housing
D10a: Design

2.3 Eastbourne Borough Plan Saved Policies 2007

NE4: Sustainable Drainage Systems
UHT1: Design of New Development
UHT4: Visual Amenity
UHT7: Landscaping
HO1: Residential Development Within the Existing Built-Up Area
HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO20: Residential Amenity
TR6: Facilities for Cyclists
TR11: Car Parking
TO7: Preferred Area for Tourist Attractions
LCF21: Retention of Community Facilities
US4: Flood Protection and Surface Water Disposal
US5: Tidal Flood Risk

3 **Site Description**

- 3.1 The site is occupied by a detached building situated on a corner plot where Beach Road meets Royal Parade. The building consists of a two-storey structure which provides the main entrance and faces on to Beach Road. This element is the original building. It has painted render and pebbledash elevation walls with a shallow pitched hipped roof which is surrounded by a parapet wall.
- 3.2 A single-storey element is attached to the main building. This extension faces on to Royal Parade and is a flat roof structure with a parapet wall surround. Its footprint exceeds that of the original building. A modestly sized two-storey gable roof structure has been added to the north-western elevation of the single-storey extension.
- 3.3 Access is provided to a small yard area to the rear of the site via a dropped kerb on Beach Road. The access is fairly narrow, being positioned between 74 Beach Road and the flank wall of 72 Beach Road and a metal railing gate is in position at the entrance. There is a footpath (not a public right of way) which passed to the rear of the site and runs between Royal Parade and Sidley Road, serving the rear of properties on Beach Road.
- 3.4 The building is currently vacant but was most recently in use as a Nursery (use class D1) although prior to 2013 the building had been in use as a Public House.
- 3.5 The northern side of Royal Parade and the secondary roads which branch off from it, of which Beach Road is an example, are characterised by a dense arrangement of predominantly two and three-storey buildings, the majority of which accommodate individual residential dwellings or flats, that are generally set slightly back from the road, with low boundary walls or railings positioned on the front boundaries. The southern side of Royal Parade is markedly different as it is bordered by car parks, green space and sporadic low rise recreational buildings and structures which, in turn, back on to the beach.
- 3.6 The entire site falls within Flood Zone 3.

4 Relevant Planning History

4.1 120391

Change of use from public house (A4) to a day nursery (D1) together with internal and external alterations including the provision of an acoustic screen on the flat roof to form an external play area at first floor level.

Planning Permission

Approved conditionally

08/02/2013

5 Proposed development

5.1 The proposal would replace the existing permitted use of the building as a nursery (use class D1) with residential (C3) use, with internal and external modifications made in order to achieve this.

5.2 The existing two-storey element of the building, which faces on to Beach Road would not be the subject of any significant external modifications, with alterations restricted to reconfiguration of windows and other openings. An additional storey would be added to the single-storey extension to the rear of the main building, which flanks Royal Parade. This vertical extension would have a flat roof, with a parapet wall feature.

5.3 The extended building would accommodate 8 x residential flats, arranged as follows:-

2 x 2 bed and 2 x 1 bed flats at ground floor level.

1 x 2 bed and 3 x 1 bed flats at first floor level.

5.4 The two-storey gable roof extension to the rear would be removed, with part of its walls retained up to 2 metres in height, and the space provided would be used for cycle parking, bin storage as well as private amenity space serving both of the 2 bedroom flats at ground floor level.

5.5 The proposed development would not incorporate any designated off-street car parking spaces.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 Policy C3 of the Core strategy explains that the vision for the 'Seaside Neighbourhood' is; "Seaside will experience reduced levels of deprivation and enhance its level of sustainability, whilst reversing the decline in commercial and business activity, playing an important role in the delivery of housing, expanding its contribution to tourism and conserving its historic areas". The application proposal looks to comply with the vision by delivering additional housing.

6.1.2 Saved Borough Plan Policy LCF21 advises on the importance of 'Retention of Community Facilities'. It states that planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions)

unless it can be demonstrated either that:

- a) There is no longer a demonstrable need for the facility; or
- b) Compensatory provision to equivalent community benefit will be made in the immediate vicinity.

It would need to be evidenced that either of the above two factors have been addressed before making any changes to this site use class. The planning statement provided explains that due to economic changes such as; a rise in the number of hours of free childcare entitlement (from 16 hours to 30 hours per week) the rise in business rates and other associated costs of the nursery, it is no longer viable or sustainable to run and there are no plans for the Lion Cub Nursery to resume trading. The planning statement also states that there are “at least 7 other Nurseries within 1.5 miles of the site, the nearest being ‘Tots and Time Out Nursery’ about 200m from the site, at 32-34 Eshton Road. Therefore, there is a significant number of other Nurseries within the town” arguing that that there may no longer be a demonstrable need for the facility. Additionally, Eastbourne is only able to demonstrate a 3.16 year supply of housing land; this application proposes to provide equivalent community benefit through an increase in residential accommodation by 10 units, providing a mixture of dwelling types of one, two and three bedroom flats, which will contribute to the windfall addition for housing.

- 6.1.3 The Core Strategy has identified Seaside as a sustainable neighbourhood in the town (Policy B2). Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. The Borough Plan saved Policy HO2 identifies this location as being predominantly residential and National Policy (NPPF) supports sustainable residential development. This site would be considered a brownfield site and the strategy states that ‘in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne’s housing provision to be provided on brownfield land’.
- 6.1.4 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). The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 10 dwellings.
- 6.1.5 It is important to note that as this application is for 10 units, it does not meet the threshold for contribution towards affordable housing. Also, this application is not liable for CIL as it is a development of flats, which are not chargeable under Eastbourne’s current charging schedule.
- 6.1.6 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.

- 6.1.7 To conclude, this application complies with national and local policy. The change of use from D1 to C3 has been considered by Policy LCF21; however it is determined that in this case, the loss of D1 would not be detrimental to the sustainability of the area. It is noted that Flat 2 falls slightly short of the Nationally Described Space Standards by 1.5sqm however, the other 9 units all meet or exceed the standards and therefore it is not considered to have an adverse effect on the living conditions proposed. Additionally, the NPPF supports sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application will result in a windfall addition of dwellings. Therefore, policy has no objections to this application.

6.2 CIL

- 6.2.1 Currently the CIL charging schedule does not include flats. Therefore, this permission would not be CIL liable.

6.3 Southern Water

- 6.3.1 No objections subject to a condition relating to foul sewerage and surface water disposal methods.

6.4 Environment Agency (Following revisions to scheme)

- 6.4.1 Following the submission of an amended Flood Risk Assessment we are happy to remove our outstanding objection subject to the inclusion of the following condition, in any permission granted.

- 6.4.2 We consider that planning permission could be granted to the proposed development, as submitted, if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

6.5 Highways ESCC

- 6.5.1 No car parking spaces are proposed as part of the development. ESCC's 'Guidance for Parking at New Residential Development' states applicants should use the East Sussex County Council Car Ownership Parking Demand Tool to determine the likely demand for parking at the site. Where this level is not met on-site, the applicant is required to demonstrate that there is adequate capacity to accommodate this on street and, in response to the Highway Authority's original comments, the applicant has now submitted a parking survey.
- 6.5.2 For the amended development proposals, ESCC's Car Ownership Parking Demand Tool shows that for an eight-unit development of the composition proposed, six unallocated spaces for residents should be provided to accommodate demand. It is noted that this is a reduction on the previous demand of eight vehicles for the previously proposed 10 units.

- 6.5.3 The survey covered streets within an approximate 200m radius of the site which is considered to be acceptable for a residential survey. Full surveys were carried out at 3am and 5am which is when residential demand would be expected to be highest and therefore in line with ESCC's Guidance for Parking at New Residential Development. Informal surveys were also conducted at 3pm and 8pm.
- 6.5.4 The surveys indicate that there is overnight parking available in the roads surveyed, including Beach Road. However, parking stress is high in certain roads (84% in Beach Road) and the methodology used has the potential to over-estimate the number of spaces available in practice. For example, the number of spaces has been calculated as a division of 5m and, in some cases, the length of road sections have been rounded up to give an extra space (e.g. 54m = 11 spaces). In practice, where people park in the individual sections and gaps left between vehicles will reduce the available capacity from that calculated in theory.
- 6.5.5 Nevertheless, the surveys have indicated approximately 100 on-street spaces within 200m of the site. Even if this figure is considered to be an overestimate, the surveys do suggest that the anticipated level of additional demand generated by the development (six vehicles) could be accommodated. In addition, the applicant has surveyed the Fisherman's Green car park opposite the site and the Redoubt car park to the south, both of which offer free parking between 6pm and 8am and show very low occupancy at these times. However, the parking capacity in these car parks are not public highway, and could be closed at any time, thereby removing the capacity provided within. Despite this, it is considered that the parking demand generated by this development could be accommodated on-street, and would not warrant a refusal on parking grounds.
- 6.5.6 It is noted that the submitted parking survey was completed on Tuesday 24 July 2018. This was in the first week of the school holidays which is not normally considered a neutral month for conducting parking surveys as residential demand typically reduces, as detailed within the industry standard Lambeth Methodology, and an additional survey during term time would normally have been requested. However, as the results of the survey are not considered to be marginal, an additional survey would not be required on this occasion.
- 6.5.7 Having considered the level of demand expected to be generated by the revised development proposals, the availability of some on-street parking and potential alternative off-street parking, it is not considered that the development proposals could be deemed to amount to a severe impact in this instance. Refusal on these grounds would not therefore be warranted under the National Planning Policy Framework (2018, para 109).
- 6.5.8 The revised size of the development proposals means that a minimum of four spaces should be provided. However, given the accessible location and expected on-street car parking demand, provision above this level would be preferred.
- 6.5.9 The revised ground floor plan (drawing 278100-22-A) shows amended cycle parking arrangements. The drawing shows a proposed cycle store, which the

drawing state is able to hold eight bicycles. As with the Highway Authority's original comments, the space remains constrained and would not allow stands of the recommended type (Sheffield stands) to be laid out in accordance with guidance (Manual for Streets paragraph 8.2.22). It is recommended that the size of the store be increased and, subject to this, stands may need to be angled to ensure they are accessible. It is recommended that further details of the cycle parking, including stand type, be secured by condition.

- 6.5.10 An amended refuse storage location is also indicated on the revised plan 278100-22-A. The bins are now located closer to the edge of the property for collection which would be in accordance with the ESCC 'Good Practice Guide for Property Developers: Refuse and Recycling Storage at New Residential Development within the Eastbourne, Hastings Wealden and Rother Council Areas', though the acceptability of the proposals should be confirmed with Eastbourne Borough Council's Waste Management Team.
- 6.5.11 This does reduce the associated alleyway width to approximately 1.2m but this would remain sufficient to access the bike store and within the absolute minimum outlined in the Department for Transport's 'Inclusive Mobility' for wheelchairs to pass at a pinch-point, should this be necessary for residents accessing the rear ground floor flats.
- 6.5.12 As stated in the original comments, were planning permission to be granted, a Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure as little on-street parking occurs as possible 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.
- 6.5.13 The revisions to the development proposals, together with the submission of additional information suggests that there would be sufficient parking capacity within the local highway network to accommodate the demand generated by the proposed development, and would overcome my previous objections. The Highway Authority recommend approval of the application, subject to inclusion of the necessary conditions provided below.

6.6 SUDS

- 6.6.1 The information submitted by the applicant in support of the planning application has not satisfied the Lead Local Flood Authority and does not assure us that surface water and local flood risk have been adequately taken into account. However this a brownfield site which is 100% impermeable, the majority of the changes are internal and the public sewer records show a public surface water sewer in Royal Parade Road adjacent to the application site. Therefore, there is a potential for the applicant to discharge surface water runoff to the public surface water sewer subject to Southern Water's agreement.
- 6.6.2 The supporting Flood Risk Assessment indicates that permeable pavement could be used to manage surface water runoff from the application site. We would recommend that the permeable pavement is implemented. However, any

design of the permeable pavement should include the management of impacts of high groundwater. If the existing drainage system on site is re-use, an investigation into its condition should be carried out and any required improvements undertaken prior to occupation.

- 6.6.3 The LLFA has not provided any comments on the tidal/coastal flood risk, which is a responsibility of the Environment Agency. If the Local Planning Authority is minded to grant planning permission, the LLFA requests conditions to ensure surface water runoff from the development is managed safely:

7 Neighbour Representations

- 7.1 17 letters of objection have been received from neighbouring residents, all of which were sent before the amount of units in the scheme was reduced. The points raised are summarised below.

- Would result in on street parking that would pose a hazard to pedestrians.
- Car parking is already difficult due to a number of nearby uses as well as tourists.
- Can rarely access disabled bay close to the site.
- Residents will not use the Fisherman's Green car park as have to pay for permit. This happened with the nursery staff.
- The drainage system frequently backs up and Southern Water have said that it the shared drainage system is inadequate for current amount of properties.
- Construction works will cause a nuisance to neighbouring residents.
- Would block light to neighbouring properties which are already overshadowed by nearby flats.
- Would result in a loss of privacy to the rear of properties on Beach Road.
- There are not enough nurseries nearby.
- There should be fewer flats, and they should be larger units for families.
- The bin stores are too close to neighbouring gardens.
- The exterior design is out of keeping with surrounding housing.
- Would result in noise, pollution and congestion.

8 Appraisal

- 8.1 Principle of Development:

- 8.1.1 Para. 92 (c) of the Revised National Planning Policy Framework 2018 (NPPF) instructs that planning decisions should 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.

- 8.1.2 Policy LCF21 of the Borough Plan reflects this by setting out the following:-

Planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions) unless it can be demonstrated either that:

- a) there is no longer a demonstrable need for the facility; or

b) compensatory provision to equivalent community benefit will be made in the immediate vicinity.

- 8.1.3 The applicant has stated that the nursery use, which has operated for a period of 5 years following change of use from a public house, is no longer viable due to the expansion of the number of hours for free childcare entitlement and related issues with central government funding coupled with an increase in business rates and wage expenditure. The applicant also lists a number of alternative nurseries within a 1.5 mile radius of the site.
- 8.1.4 Given the relatively short period in which the nursery operated, the unlikelihood that such a use could continue to function and the presence of other nurseries nearby, it is considered, in this instance, that the loss of the nursery use would be acceptable.
- 8.1.5 Para. 118 (d) of the NPPF states that Local Planning Authorities should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.'
- 8.1.6 Para. 123 of the NPPF states that 'here there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.' It is noted that the proposal involves the removal of an existing two-storey building to the rear of the site. However, it is not considered that this would lead to an inefficient use of the site as the building would not be suitable for residential occupation due to its proximity to neighbouring properties and the limited outlook that would be available.
- 8.1.7 The proposed scheme would not only make use of a redundant building but would increase the efficiency of the use by providing an additional storey above a significantly sized single-storey element of the existing building. The site would also contribute to the addressing of an identified need for housing within the Borough, which is evidenced by the current supply of housing land, that currently falls markedly below the 5 year supply required by the NPPF.
- 8.1.8 Para.11 (d) of the NPPF maintains that, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing site, permission should be granted for development unless it is within a specially protected area resulting in a clear reason for refusal or if '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.'
- 8.1.9 The principle of the development is therefore considered to be acceptable.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The proposed development does not significantly alter the existing two-storey element of the building but does involve an additional storey being added to the

single-storey section of the building, which is positioned to the east of the rear gardens of properties on Beach Road. It is considered that, whilst the increase in height as a result of the extension would undoubtedly also increase the visual prominence of the building, it would not be to the detriment of the amenities of neighbouring residents, for a number of reasons, as set out below.

- 8.2.2 The height of the extension would be kept to the minimum due to the use of a flat roof, with parapet wall. This would mean that the increase in height would be no greater than 2.6 metres above that of the existing single-storey element. Given the minimal increase in height of the building, as well as the positioning of the extension, which is not directly in the line of sight of any main habitable room windows, with the only windows facing directly towards the extension being small kitchen windows at 112 Royal Parade, it is not considered that the extension would introduce undue levels of overshadowing or overbearing above that already present as a result of the intimate arrangement of surrounding buildings. Furthermore, the demolition of the two-storey gable roof building to the rear of the site (with walls retained to single-storey level) would remove an existing overshadowing element which is in a more impactful position than the proposed extension.
- 8.2.3 The majority of windows and openings that would serve the proposed flats would face out onto Beach Road or Royal Parade and, therefore, not allow for any intrusive views towards neighbouring property. An angled oriel arrangement has been employed for first floor windows on the rear elevation of the building which would otherwise allow direct views towards the rear gardens of residential properties on Beach Road. There would be modestly sized first floor balconies facing out towards Royal Parade which would not impact upon residential amenities. A small amount of amenity space would be provided at ground floor level to the rear of the property, with any impact upon neighbours consistent with that which would be produced by any of the existing gardens to the rear of Beach Road.
- 8.2.4 A bin store would be provided to the rear of the site, on part of the existing access which also serves the rear of 72 Beach Road. The bin store would be in a similar position to the existing bin storage arrangements. Given the proximity to the neighbouring dwelling, as well as windows of the proposed flats, a condition would be attached to any approval given to ensure that the bins are housed within a secure and covered storage structure in order to prevent vermin and odour emissions.

8.3 Living Conditions for Future Occupants:

- 8.3.1 The gross internal area (GIA) provided within each of the proposed units is as follows:-

Unit 1 (2 bedroom 3 person) – 61.7 m²
Unit 2 (2 bedroom 3 person) – 64.1 m²
Unit 3 (2 bedroom 3 person) – 62.7 m²
Unit 4 (1 bedroom 2 person) – 54.1 m²
Unit 5 (1 bedroom 2 person) – 50.2 m²
Unit 6 (1 bedroom 2 person) – 53.2 m²

Unit 7 (1 bedroom 2 person) – 53.2 m²

Unit 8 (1 bedroom 2 person) – 51 m²

All units are therefore compliant with Technical housing standards – nationally described space standard (2015) which require 1 bedroom 2 person flats to provide at least 50 m² GIA and 2 bedroom 3 person flats to provide 61 m².

8.3.2 The layout of each unit is uncomplicated and all rooms are of a sufficient size and suitable shape to allow for them to be functional and able to accommodate their intended uses. All units are dual aspect, with all habitable rooms served by windows that would allow for a good level of permeation of natural light into all rooms as well as provide natural ventilation. Due to the constraints of the site, notably the lack of space available for amenity purposes, it is best suited to smaller units as are proposed. A small amount of external amenity space is also provided for all 2 bedroom units. The site is also within close proximity of the beach and large public recreation spaces such as Princes Park

8.3.3 It is therefore considered that the proposed scheme would provide good quality living standards for all future occupants.

8.4 Design issues:

8.4.1 The existing building consists of three distinctive elements, the two-storey frontage onto Beach Road, the large single-storey flat roof element to the rear and the two-storey gable roof element positioned behind the flat roof section.

8.4.2 The Beach Road frontage would only be altered cosmetically and this characterful element of the overall building would therefore be maintained within the Beach Road street scene. The first floor extension over the existing single-storey element, which flanks Royal Parade, would alter the appearance of the building within the street scene but is considered to represent an improvement as the single-storey extension is currently slightly discordant as all surrounding buildings are at least two-storeys in height.

8.4.3 The proposed extension would provide additional height but not to the extent that it would overwhelm the main building, which would maintain dominance due to its greater height. The extension would replicate architectural features of the existing building such as the parapet wall and pilasters and the distinctive doorways that face onto Royal Parade would be retained. As such, the extension would possess interesting characteristics that would prevent it from appearing monotonous within the street scene and would also effectively complement the main element of the building, maintaining visual subservience towards it whilst integrating towards it in an effective and uncontrived way.

8.4.4 Both street frontages of the building contain a number of windows and doors, ensuring that they engage within the street scene and provide a positive contribution towards the character and appearance of the surrounding area. The space to the rear of the site, where amenity space and cycle storage is provided, is fairly secluded. However, all areas would be secured so as not to attract anti-social behaviour in an isolated location. The occupation of the building would also provide increased surveillance of this area, further discouraging anti-social

behaviour.

- 8.4.5 The two-storey gable roof building to the rear of the site has no significant street scene presence due to its positioning and the level of screening provided by taller surrounding structures. It is also considered to possess little architectural merit and, as such, it is not considered that the loss of this structure would result in a negative impact upon the character and appearance of the surrounding area.
- 8.4.6 The more functional elements of the development, such as bin and cycle storage areas, will be positioned in to the rear of the site where visual impact would be minimised and adequate screening would be provided.
- 8.5 Impacts on highway network or access:
- 8.5.1 The proposed development would not provide associated off street parking. It is accepted that the constraints of the site, which is already largely built upon, result in a lack of available space for on-site car parking. The development would therefore only be acceptable if it can be demonstrated that there is sufficient on-street parking capacity to absorb the parking demand generated by it.
- 8.5.2 It is noted that the Fisherman's Green Car Park is located directly opposite the site and that yearly parking permits can be purchased for this facility. Whilst it is possible that future residents may use this facility for car parking, there is no legal mechanism to secure this arrangement and, as such, it cannot be assumed that this would be the case and future residents cannot be forced to use the car park. The car park is also not part of the public highway and could be closed at any time. As such, the presence of the car park has limited weight in the assessment of parking impact of the development.
- 8.5.3 A Transport Statement, which included recently conducted parking surveys, was submitted by the applicant and has been assessed by East Sussex County Highways. Given the size of the units to be provided and the sustainable nature of the site location, which is close to the Local Shopping Centre on Seaside as well as public transport links, it is anticipated that the development would generate a demand for 6 car parking spaces. ESCC Highways have confirmed that they are satisfied that this level of car parking can be accommodated on surrounding streets without a detrimental impact and, as such, it is considered that the proposed development is acceptable on highway grounds.
- 8.5.4 Cycle storage is provided as part of the development and this is considered to be crucial in supporting the use of this mode of travel, which would reduce reliance on motorised vehicles. A condition will be used to ensure that a sufficient number of spaces are provided and that they are maintained in place.
- 8.5.5 Due to the level of activity that would be generated in the construction of the development and the confined nature of the site, a condition requiring a Construction Traffic Management Plan would be attached to any approval given to ensure deliveries are timed so as to have a minimal impact upon the free flow of traffic and to ensure responsible parking by contractors.

8.6 Flood risk and drainage impact:

- 8.6.1 The site lies within Flood Zone 3. The use of the building for residential accommodation has the same vulnerability rating as the previous nursery use as per para. 066 of the Flood Risk and Coastal Change guidance issued by the Ministry of Housing, Communities and Local Government.
- 8.6.2 A Flood Risk Assessment (FRA) has been provided by the applicant and been assessed by the Environment Agency. The FRA includes mitigation measures to ensure that future occupants are not subjected to unacceptable risks to their safety as a result of flooding. This includes the infilling of the existing basement level to prevent any possibility of it being used for residential accommodation in the future, the incorporation of various flood resistance and resilience measures into the development, signing up to flood alerts and adhering to a site specific Flood Emergency Evacuation Plan.
- 8.6.3 Provided the measures set out in the FRA are employed and maintained, it is considered that the proposed development would be acceptable on flood risk grounds. A planning condition will be used to secure this.
- 8.6.4 It is noted that a number of objectors have questioned the ability of existing drainage infrastructure to cope with the proposed development. In regards to surface water drainage, the proposal would not introduce any increase in impermeable area on site, given that the extension would be built entirely over the footprint of the existing single-storey extension and that the remainder of the site is already hard surfaced. The submitted Flood Risk Assessment suggests that permeable paving may be used for hard surfacing as a means to reduce surface water run-off if necessary.
- 8.6.5 There is a public surface water sewer below Royal Parade which could be utilised, subject to agreement with Southern Water and the submission of details of discharge rates and methodology. This can be achieved by condition.
- 8.6.6 A condition would also be attached to any approval given to require a survey of the existing drainage arrangements, the results of which would be submitted to the Lead Local Flooding for comment, in order for any possible improvements to be identified. A maintenance and management plan for the drainage system would also be required in order to ensure site drainage continues to function correctly throughout the lifetime of the development.

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 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.2 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 Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

278100 No. 10 Rev A;
278100 Drawing No. 22 Revision A;
278100 Drawing No. 23 Revision A;
278100 Drawing No. 25 Revision A;
278100 Drawing No. 26 Revision A;
278100 Drawing No. 27 Revision A;

Reason: For the avoidance of doubt and in the interests of proper planning.

10.4 All external materials shall be in accordance with the schedule of materials provided on approved drawings 278100 Drawing No. 26 Revision A and 278100 Drawing No. 27 Revision A;

Reason: In the interests of the character and appearance of the surrounding area.

10.5 Prior to the occupation of the development, details of hard and soft landscaping, to include defensible space for ground floor amenity areas, details of a covered and secure bin store and details of all balcony screening, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the character and appearance of the surrounding area, security and the amenities of neighbouring residents.

10.6 Prior to the commencement of development, details of the proposed means of foul sewerage and surface water disposal shall be submitted to, and approved in writing, by the Local Planning Authority, in consultation with Southern Water.

Reason: In the interests of resilience to flooding.

10.7 Prior to the occupation of the development, the following matters relating to sustainable urban drainage shall be addressed:-

1. Detailed design of the permeable pavement which is proposed by the FRA shall be provided and, thereafter, implemented. If connection directly to the public sewer is proposed, surface water runoff should be limited to

a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Hydraulic calculations should be submitted in support of the surface water drainage strategy together with evidence that Southern Water agrees to the proposed surface water discharge rate and connection.

2. If it is proposed to re-use existing connections, the condition of the existing surface water drain shall be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the surface water sewer shall be carried out prior to construction of the outfalls.
3. A maintenance and management plan for the entire drainage system shall be submitted to the planning. This plan shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be provided to the Local Planning Authority.
4. Evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of resilience to flooding.

10.8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (v2, August 2018) and the following mitigation measures detailed within the FRA:

1. The cellar/basement level is to be filled in as part of the development, as stated in Paragraph 2.4, so it cannot be used for residential accommodation at any point in the future.
2. Appropriate flood resistance and resilience measures are incorporated within the development, as detailed in Paragraph 8.1 and Appendix F, to help prevent flood water entering the property and limit the damage caused to the structure and fittings.
3. Floor levels are to be raised at least 300mm above the existing ground level, set no lower than the 4.5mAOD suggested in Paragraphs 8.2 & 11.11 of the FRA to provide an additional margin of protection.
4. Site owners/occupiers sign up to the Environment Agency's Flood Warning Service, as detailed in Paragraph 9.10 of the FRA, in order for them to have sufficient time to evacuate the site in advance should it be required.
5. A site-specific Flood Emergency Evacuation Plan is implemented as part of the development, as stated in Paragraph 9.12 and outlined in Appendix G. This is because ground floor occupants have no access to safe refuge

on site (Paragraph 9.11), thus require identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

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 ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

- 10.9 No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The 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.

- 10.10 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,

1. the anticipated number, frequency and types of vehicles used during construction,
2. the method of access and egress and routeing of vehicles during construction,
3. the parking of vehicles by site operatives and visitors,
4. the loading and unloading of plant, materials and waste,
5. the storage of plant and materials used in construction of the development,
6. the erection and maintenance of security hoarding,
7. 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),
8. details of public engagement both prior to and during construction works.

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

10.10 Informative

- 10.11 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 019) or www.southernwater.co.uk . Please read our New Connections Services Charging Arrangements document, which has now been published and is available to read at <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.

COMMITTEE	PLANNING
DATE	September 2018
SUBJECT	SUMMARY OF PERFORMANCE OF PLANNING For Jan –June 2018
REPORT OF	Leigh Palmer Senior Specialist Advisor (Planning)
Ward(s)	ALL
Purpose	This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period
Contact	Leigh Palmer Leigh.palmer@eastbourne.gov.uk 01323 415 215
Recommendations	That Members note the content of this report

1.0 Introduction

- 1.1 Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.
- 1.2 Given the many & varied types of planning applications received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end the many & varied applications are clumped together into three broad categories as identified by Govt. legislation (Major, Minor and Other) and the government have recently amended the criteria for the assessment of the Council's performance (see section on special measures below)
- 1.3 Members will receive in other briefing papers snapshot performance data and these indicate the direction of travel across a number of key indicators. This report looks at the performance of the DM team across a number of elements of work in the following sections and goes into more depth than the snapshot data:
 - **Section 2 Special Measure Thresholds** – looking at new government targets
 - **Section 3 Planning Applications** – comparing volumes/delegated and approval rates
 - **Section 4 Pre Application Volumes** – comparison by type and volume over time
 - **Section 5 Refusals of Applications** – comparison of ward and

decision level

- **Section 6 Appeals** – An assessment our appeal record over time
- **Section 7 Planning Enforcement** – An assessment of volumes of enforcement related activity.

2.0 Special Measures

2.1 Members may be aware that the Government have recently introduced new National performance criteria (Nov 2016 on speed and quality) against which all Council's will be judged. Persistent failure to perform against these targets runs the risk of the Council being designated as 'Non- Performing' and special measures will initiated by Central Government.

2.2 The assessment of the new 'special measure' threshold has two limbs to it and reviews our performance on a backward rolling two year basis, see tables 1 & 2 below. This performance data is on a backward rolling two years' worth of data. The data below is taken from the Govt figures as highlighted on their live data set tables.

SPEED OF DECISION

It is evident from the figures below that the decisions taken for the survey period are currently above the special measures threshold.

For the rolling two years the minimum level required is:-

Govt Target Majors 60%	EBC 85%
Govt Target Non Majors 70%	EBC 84%

2.3 Risk Area

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

Officers are encouraged to offer/negotiate an 'extensions of time' with the applicant/developer this should help to mitigate the risk level.

2.4 QUALITY OF DECISION

This section looks at appeal decisions and specifically the number/volume that have been allowed/overturned at appeal. It is clear from the data below that the Council are running in excess of these special measure thresholds.

Overturned Appeals

Govt Target Majors 10%	EBC 7%
---------------------------	--------

Govt Target Non Majors 10%	EBC 84% 1%
-------------------------------	---------------

2.5 Risk Area

One area for Members to note is the criterion relating to overturned Major appeals and the fact that given the very low volumes of Major application received and even less refused that an overturned appeal can have a significant impact upon performance.

2.8 Given the huge potential swing in performance as a result of the very low volumes involved that there is a very high risk of the Council falling under special measures threshold in this category.

Officers will advise on the this issue when major applications are discussed/debated at future planning committees and Members are requested to be mindful of the impacts and consequences of refusing major applications.

3.0 Planning Applications

3.1 Given the new 'Non-Performing' special measure thresholds referred to above it is clear therefore that there remains the need for (quarterly) reporting of performance to Planning Committee so that issues, trends and pressures can readily be identified and dismissed.

3,2 The figures in **Tables 1 – 2** below include the data from the Government return (currently excludes 'Notifications Prior Approvals and Certificates of Lawful development, trees and pre application submission). It is accepted that the Government have changed the content of the data that analyse, however this data is reported here to give the year of year comparison.

3.3 Table 1

Decisions	2014	2015	2016	2017	2018
All determined	596	545	569	598	273
Delegated	521 (87%)	472 (87%)	505 (89%)	559 (93%)	240 (88%)
Granted	546 (92%)	488 (90%)	515 (91%)	544 (91%)	244 (89%)
Refused	50 (8%)	57 (10%)	54 (10%)	54 (9%)	29 (10%)

3.4

Table 2	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569

2017	All determined	598
2018	All determined	274
2018 Q1 (Jan – Mar)	All determined	146
	Delegated	126 (86%)
	Granted	131 (90%)
	Refused	15 (10%)
2018 Q2 (Apr - Jun)	All determined	127
	Delegated	114 (90%)
	Granted	112 (88%)
	Refused	14 (11%)
2018 Q3 (Jul - Sep)	All determined	
	Delegated	
	Granted	
	Refused	
2018 Q4 (Oct - Dec)	All determined	
	Delegated	
	Granted	
	Refused	

- 3.5 It is clear from the tables above that the volume of the cases determined during the survey period has percentage levels consistent with previous years and as such there are no areas of concern.
- 3.6 It is considered that in granting planning permission for around 90% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of the applicants and only where there are substantive material planning considerations is an application refused. (see appeal section below)
- 3.7 It is acknowledged that in 2017 the % of applications determined at delegated level has significantly increased; this is reflective of the changes made to the Council's scheme of delegation.
- 3.8 **All Application Data:**
Members should note that the Table 5&6 includes further application data by ward.
- 3.9 **Table 3**
Number for the Calendar Year 2018 and the calendar years 2016.

Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions). This table gives the full

account of the workload coming through the section.

Table 3

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	1381
2018 half year	652

4.0 **PRE-APPLICATION ADVICE**

- 4.1 In addition to the formal applications received the Council for this survey quarter offers a paid for pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the years 2014-16 and a rolling number for the current year.

Table 4

PROCESS NAME	NUMBER 2018	NUMBER 2017	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	0	0	53
PRE APP HOUSEHOLD ER	64	96	220	163	126
PRE APP MEDIUM	52	102	147	159	108
PRE APP MAJOR	10	17	18	10	16
TOTAL	126	215	385	332	303

- 4.2 This information is considered to be relevant given that it is a barometer of the additional workload of the team. Members should note a significant spike being reported during 2016 and if this level continues there may well be a staffing/resource issue.
- 4.3 Members should be aware that the 2016 spike has been arrested to some extent following the introduction of a pre-application charging regime as of the 1st April 2017. The payments have yielded for this financial year of £8,515 whilst this remains significantly below the profiled budget the income does help to support the running of this element of the DM service.
- 4.4 In addition Members should note that our returns to central government are based a prescribed application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

5.0 REFUSALS

5.1 Members requested further information on the number and break down of the refusal issued for the calendar year 2017 (to date). This information is highlighted within **tables 5 & 6** below.

5.2 Member should be aware that in common with other years we refuse fewer than 10% of the all applications received, with the overwhelming majority being refused at delegated level. For 2018 (part Year):- 34 cases were refused at Delegated and 9 were refused at Planning Committee level.

5.3 **TABLE 5**

REFUSALS BY WARD

Devonshire	6
Langney	4
Meads	11
Old Town	5
Ratton	5
St Anthony's	3
Upperton	6
(blank)	
Grand Total	40

5.4 **TABLE 6**

REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

CCC Planning Committee	9
DDD Delegated List	34
Grand Total	43

5.5 For the survey period there have been nine applications that have been refused at committee and include (Conversion of Savoy Court Hotel to flats – Tyre fitting centre at Langney Shopping Centre – redevelopment of 3 Granville Road.)

6.0 APPEALS

6.1 As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the year 2018 have received 7 appeal decisions and the decision letters have been reported to committees through the year.

6.2 Appeals decided by development type/application

TABLE 7

Householder	2
Planning Permission	4
Tree Works - Tree Preservation Orders	1
Grand Total	7

6.3 APPEAL ANALYSIS

The appeal decisions letters received during 2017 have been analysed with the various decision permutations reported below.

Table 8

6.4

	Officer Approve Cttee Refuse Appeal decision- Allowed	Officer Approve Cttee Refuse Appeal decision - Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0 (0%)	4 (40%)	2 (20%)	4 (40%)
2015	0 (0%)	3 (21%)	2 (14%)	9 (65%)
2016	5 (18%)	1 (4%)	5 (18%)	17 (61%)
2017	0 (0%)	3(21%)	1(7%)	10(71%)
2018	0 (0%)	0(0%)	2 (28%)	5 (72%)

6.5 The above **table 8** identifies the relevant decisions permutations and it is acknowledged that the appeal volume is comparable to the levels of previous years. It is acknowledged that the highest volume appeal category continues to be the 'planning permission' type (4 cases for 2018 to date); this is a wide and divers category covering all things from changes of use to replacement windows. The appeal rate/volume will continue to be monitored going forward with any trends that can be identified being reported via this report.

6.6 It is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level. It is considered therefore that reporting the appeal decisions in full to planning committee under a separate cover to this report will assist in understanding trends and common issues.

6.7 Appeal Analysis **Table 8 Column 1**

Officer recommendation for approval – Member overturned –

Appeal Allowed (Officers right Members were wrong) It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decisions received to date there are no instances this year where this scenario has occurred.

6.8 Appeal Analysis **Table 8 Column 2**

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This shows that officers are not always right, there are no instances this year where this scenario has occurred. .

6.9 Appeal Analysis **Table 8 Column 3**

Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong. This shows that officers and Members are in tune but the decisions have been overzealous with their recommendation and it has not been supported by the Planning Inspectorate.

6.10 This is also often a category where appeal costs can be awarded

6.11 It is acknowledged that there are 2 appeals falling into this category within the survey period however it is important to continue to monitor as it is an indication that Officers may not be following planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

6.12 In essence it is important that officers do not shy away from making difficult recommendations especially where recommendations are in accordance with national and local advice/policies.

6.13 Appeal Analysis **Table 8 Column 4**

Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal refused (officers and Members were right). This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The higher the % the better, Members will note that this category is usually by far the largest, this is a reflection that the decisions that were taken were consistent with National and Local Policy advice/guidance

6.14 **Appeal Costs**

As members will be aware the appeal process can award costs to any party involved in the appeal process where it can be demonstrated that any party has acted unreasonably. During 2018 to date the Council have not received an award of costs.

6.15 There are no appeal costs for the Quarter survey period forming the content of this report.

6.16 Members should note that collectively we should strive to avoid costs claims. Legal and Planning Officers will advise members at Planning Committee (prior to making a decision where there is the likelihood of a cost claim being successful).

6.17 Risk Area

Given the changes to the way the Government now assess what constitutes a good/well performing Council there is a very high risk of special measures on major applications being overturned at appeal.

In an attempt to mitigate this risk case officers are encouraged to negotiate extension of time with the applicant/developer.

If/when an award of costs is made there is the potential for financial risk and also a reputational risk and as such these have to be closely monitored and where possible lessons should be drawn from these cases. In this regard the regular reporting on appeal decisions to planning committee should help to inform this issue.

7.0 **PLANNING ENFORCEMENT**

7.1 As outlined in the Planning Enforcement Policy Statement regular reporting of the enforcement function to Planning Committee is considered important as it keeps members aware of the cases and issues that are live in their area and it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

7.2 Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the 'Driving Devonshire Forward' policy

document.

Below in Table 9 highlights the number of enforcement cases opened/closed in 2017.

7.3

TABLE 9 Closed/Received Annual

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	337	347
2018	106	147

- 7.4** It is important to note that the closure rate is generally consistent with the volume of the new cases received and as such there should not be an expanding backlog of live cases. Members should note that the number of cases created for the first six months of the year exceeds those closed. Notwithstanding this Members should note that the volume of cases on the over 6 month's old list hovers around the 30 cases around 25% of all live cases. It is noted that for the survey period there has been an unusual spike in long standing cases. In part this is due to a focus on clearing planning applications. This will be reviewed in the next report where it is expected that the number will revert to more the norm of 30 live cases

TABLE 10 Cases over 6 months old

7.5

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32
2017	39	22	29	47
2018	39	49		

7.6 Enforcement Related Notices served in 2017

7.7 As members may know there are many differing types of enforcement notices the main ones being:-

- Enforcement Notice
- Stop Notice
- Temporary Stop Notice
- Planning Contravention Notices
- Breach of Condition Notices
- Injunctions

For the Calendar year 2018 to date 3 notices (3% of all cases received) have been served.

It is clear that therefore that in excess of 97% of all enforcement cases are resolved/closed without the need to resort to a formal notice.

7.8 As Members will acknowledge from the adopted Planning Enforcement Policy that the serving of a notice is the last resort and that wherever possible a negotiated solution is preferable.

7.9 In terms of proactive monitoring of planning cases the following has been adopted:-

o **Monthly Site Meetings.** In relation to the Major development sites will ensure early warning of potential breaches of planning control or where the developer wishes to alter their scheme for whatever reason and given this early warning officers can advise on the best ways forward.

- **Planning Condition Monitoring.** Using our back office system we are now regularly monitoring conditions of key decisions/cases, these are primarily planning committee cases.

7.10 Risk Area

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.

8.0 **LEGAL AND HUMAN RESOURCES**

8.1 Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

It is considered that the current workload/capacity and the current level of performance can be sustained with/by the current establishment. However some scrutiny over the volume of work across the whole service area including pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.

8.2 Risk Area

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form

a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.

8.3 Risk Area

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.