

Planning Committee

23 October 2018

EASTBOURNE

Borough Council



Working in partnership with **Eastbourne Homes**

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, 15 October 2018

Agenda

- 1 Minutes of the meeting held on 25 September 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 15 Hatfield Road. Application ID: 180801. (Pages 13 - 22)**
- 7 2-4 Moy Avenue. Application ID: 180006. (Pages 23 - 44)**
- 8 Site 8, Pacific Drive. Application ID: 180858. (Pages 45 - 52)**
- 9 Appeal Decision - 2 Upland Road. (Pages 53 - 58)**
- 10 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.

Speaking at Planning

Registering your interest to speak on Planning Applications

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

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

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

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

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

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

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

- Objector
- Supporter
- Ward Councillor(s)

- Applicant/agent

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

Information for councillors

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

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

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

Democratic Services

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

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



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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 25 September 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

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

Officers in attendance:

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

Also in attendance:

Katie Maxwell, Committee Officer

43 Minutes of the meeting held on 28 August 2018.

The minutes of the meeting held on 28 August 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

44 Apologies for absence.

There were none.

45 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Coles declared a personal and prejudicial interest in minute 48, 60 Northbourne Road, as an acquaintance of the applicant. She withdrew from the room whilst the item was considered and did not vote thereon.

46 25 Rodmill Drive. Application ID: 180696.

Proposed erection of one three bed detached dwelling to include two off road parking spaces on land within curtilage of 25 Rodmill Drive – **RATTON**.

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 following approved drawings:-
 - 2018-36-02b;
 - 2018-36-03c;
 - 2018-36-04c;
 - 2018-36-05c;
 - 2018-36-06;
 - 2018-36-07b;
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 dwelling house other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
4. 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.
5. 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 two 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.
6. 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;

7. 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.

8. 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.

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. 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>

47 48 St Leonards Road. Application ID: 180533.

Outline application (relating to layout, scale and means of access) for new build three storey residential accommodation consisting of nine separate residential units (5 x 1 bed, 2 x 2 bed, 2 x 3 bed) with 11 allocated car parking spaces.

(Amended description following the reduction in the size of the proposed development) – **UPPERTON**.

Mrs Smith addressed the committee in objection stating that the development would block the daylight to the rear building and would be harmful to the vulnerable residents living in her block.

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 or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

2. 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.

3. 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.

4. 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.

5. The development hereby permitted shall not be occupied until the 11 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.

6. 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.

7. 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.

8. 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.

9. 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.

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.

48 60 Northbourne Road. Application ID: 180231.

Proposed new two bedroom dwelling – **ST ANTHONYS.**

Mrs Appleyard addressed the committee in objection stating at the plans were not an accurate representation of the scheme. She also stated that there would be a loss of light, result in overlooking and would exacerbate the existing parking issues.

Mr Halliwell addressed the committee in objection stating that the proposal would result in overlooking and exacerbate the existing parking issues.

Mr Achilleous, applicant, addressed the committee in response stating that the siting of the access was the most appropriate given the existing double yellow lines. He also stated that the windows would be situated above the stairwell so as to not allow overlooking.

The committee was advised, by way of an addendum report, that revised elevated drawings had been received as the previous drawings were inconsistent with the floor plans recommended for approval. Officers outlined the detail to members for clarity, and suggested the appropriate amendments to condition two as detailed and included below.

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

Resolved: (By 6 votes with 1 abstention) That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
SK 3 Revision D;
SK4 Revision E;
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.
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.
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.
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:
 - a. All mitigation measures listed in Paragraph 7.8 are incorporated.
 - b. 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.
 - c. Site owners/occupiers sign up to the EA Flood Warning Service

(Paragraph 78), 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 (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.

7 (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).

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.

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.

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.

49 74 Beach Road. Application ID: 180538.

Change of use extension and conversion of children's nursery, to form eight self-contained residential flats, consisting of five x 1 bed flats and three x 2 bed flats. (Amended description following reductions) – **DEVONSHIRE.**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
2. The 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.
3. 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.
4. 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.
5. 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.
6. Prior to the occupation of the development, the following matters relating to sustainable urban drainage shall be addressed:-
 - a. 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.

b. 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.

c. 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.

d. Evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs

7. 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:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

8. 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.

9. 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,

- a. the anticipated number, frequency and types of vehicles used during construction,
- b. the method of access and egress and routeing of vehicles during construction,
- c. the parking of vehicles by site operatives and visitors,
- d. the loading and unloading of plant, materials and waste,
- e. the storage of plant and materials used in construction of the development,
- f. the erection and maintenance of security hoarding,
- g. 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),
- h. details of public engagement both prior to and during construction works.

Informative:

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>

50 Summary of Planning Performance - January 2018 - June 2018.

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of planning performance January 2018 to June 2018.

The report detailed the following elements:

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

Pre Application Volumes – Comparison by type and volume over time

Refusals of Applications – Comparison of ward and decision level

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

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

Resolved: That the report be noted.

51 South Downs National Park Authority Planning Applications.

There were none.

The meeting ended at 7.23 pm

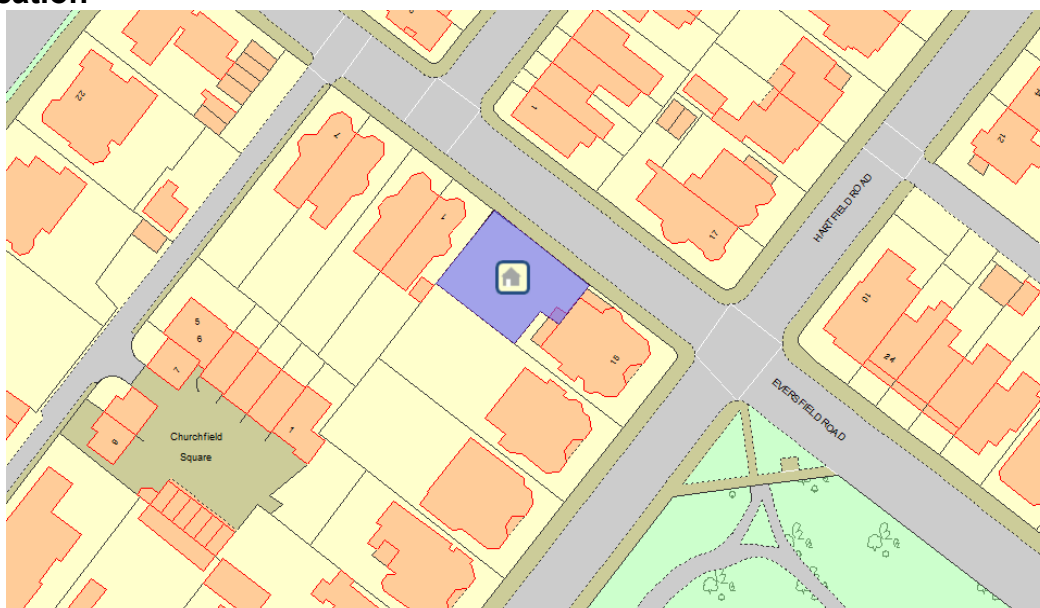
Councillor Jim Murray (Chair)

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Agenda Item 6

App.No: 180801	Decision Due Date: 10 th October 2018	Ward: Upperton
Officer: James Smith	Site visit date: September 25 th 2018	Type: Planning Permission
Site Notice(s) Expiry date: 8th September 2018 Neighbour Con Expiry: 8 th September 2018 Press Notice(s): N/A		
Over 8/13 week reason: In order to take the application to Committee. Extension of time agreed with applicant.		
Location: 15 Hartfield Road, Eastbourne		
Proposal: : Proposed change of use of land at the rear of 15 Hartfield Road from residential curtilage and parking to commercial parking for use by St Anne's Veterinary Group, Eastbourne with part of a low level wall to be rebuilt, provision of new sliding entrance gate and a widened vehicle cross over.		
Applicant: Mr Paul Bowler		
Recommendation: Approve conditionally		
Contact Officer(s):	Name: James Smith Post title: E-mail: Telephone number:	

Map location



1 Executive Summary

- 1.1 The application is being taken to Committee as officers consider that the history of the site justifies the need for member scrutiny.
- 1.2 The proposed application overcomes raised against the previous scheme as it can be demonstrated that hours of use can be effectively controlled and sufficient screening can be provided to minimise visual impact upon neighbouring residents.
- 1.3 The proposed use would not detract from the character and setting of the surrounding Conservation Area and would provide a viable use for the site, which is currently in a poor state of upkeep.
- 1.4 The proposed use would not result in any negative impact in terms of traffic generation and would relieve parking pressure on surrounding roads.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 2. Achieving sustainable development
- 4. Decision-making
- 11. Making effective
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

2.2 Eastbourne Core Strategy Local Plan Policies 2013

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

2.3 Eastbourne Borough Plan Saved Policies 2007

- NE14: Source Protection Zone
- NE18: Noise
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT5: Protecting Walls/Landscape Features
- UHT7: Landscaping
- UHT15: Protection of Conservation Areas
- HO20: Residential Amenity
- TR11: Car Parking

3 Site Description

- 3.1 The site was formerly part of the rear garden of 15 Hartfield Road, a large detached dwelling which has since been subdivided into flats. The site itself flanks Eversfield Road. It has been annexed and is largely hard surfaced in concrete although it is partially overgrown in places. An approximately 1.6 metre high brick and stone wall delineates the boundary alongside Eversfield Road, with a gap formed to allow for access from the road via a dropped kerb crossover. The northern site boundary is shared with 1 Eversfield Road and the brick and stone wall continues along this boundary. The western boundary is marked by fencing and hedging and borders the rear amenity space used by the occupants of flats at 13 Hartfield Road.
- 3.2 The site is predominantly flat but is slightly raised above the level of the dwellings that line Hartfield Road.
- 3.3 The site is located within the Upperton Conservation Area which is made up of the original Upperton Estate, which was developed towards the end of the 9th Century. Hard and soft landscaping is recognised as an important characteristic by the Conservation Area Appraisal document, which was issued in 2011.

4 Relevant Planning History

- 4.1 850183
Change of Use to 5 self-contained flats.
Approved Conditionally
26/06/1985
- 4.2 040566
Removal of Condition 2 of planning permission ref EB/1985/0176 requiring parking provision on site
Approved
08/11/2004
- 4.3 040787
A pair of semi-detached three bedroom 2-storey dwellinghouses.
Refused
08/11/2004
- 4.4 110419
Erection of three two bedroom self-contained flats with off street parking at front.
Refused
27/10/2011
- 4.5 120617
Erection of 2 No. 3 bedroom dwellings with off street parking at front.
Refused
18/01/2013
- 4.6 120617
Erection of 1 No. 3 bed detached chalet bungalow.
Refused

09/01/2014

4.7 160259
Erection of detached 5 bed dwelling on land rear of 15 Hartfield Road facing Eversfield Road.
Refused
28/04/2016

4.8 171202
Proposed change of use of land at rear of 15 Hartfield Road from residential curtilage and parking to commercial parking for use by St Anne's Veterinary Group, Eastbourne.
Refused
05/12/2017

5 Proposed development

5.1 The proposal involves surfacing the site in 'grasscrete' and providing a total of 10 off street car parking spaces which would be allocated exclusively for use by staff at St Anne's Veterinary Group, which is based at 6 St Anne's Road, which is approximately 215 metres walking distance from the site.

5.2 Access to the car park would be controlled by a sliding railing gate which would be activated by pin code only. The gate would be approximately 1.5 metres in height. The existing dropped kerb crossover would be widened to 4.5 metres in order to meet ESCC Highways standards.

5.3 The northern, western and southern car park boundaries would be marked by a combination of 1.8 metre high timber post and rail fencing with beech hedging planted to the front of it.

6 Consultations

6.1 County Archaeologist:

6.1.1 Although this application is situated within an Archaeological Notification Area, based on the information provided, I do not believe that any significant archaeological remains are likely to be affected by these proposals.

6.2 Specialist Advisor (Conservation):

6.2.1 This application seeks permission for a change of use to the rear of this property from residential curtilage to allow for designated parking for a local veterinary practice. It is proposed that a gate is installed at the entrance to provide security and privacy, which, along with perimeter planting, will screen the change and create a contained and discrete space. In conservation terms, it is not anticipated that the proposed works will create any significant challenge to the character and appearance of the broader environment and on this basis, I do not wish to register an objection.

6.2.2 However, I would ask that a condition be applied requiring that a design for the

gate is submitted for our agreement before works go ahead in order to ensure that any installation is sensitive to its setting and locationally appropriate.

6.3 County Highways:

6.3.1 The proposed parking makes use of an existing access off an unclassified road. In addition, the proposed parking is likely to keep parked cars off the highway and, as such, we need not be formally consulted.

6.4 Southern Water:

6.4.1 No development or new tree planting shall be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public gravity sewer.

6.4.2 In order to protect drainage apparatus, Southern Water requests that, if consent is granted, a condition is attached to the planning permission.

7 Neighbour Representations

7.1 5 letters of objection received, raising the following concerns:-

- The use of the site for commercial car parking would not preserve or enhance the Upperton Conservation Area
- Would result in unacceptable living conditions to occupants of 15 Hartfield Road due to loss of privacy, air pollution and noise.
- Will increase volume of traffic and result in highway safety issues.
- Vehicles would be in and out all day and evening.
- Light pollution from car park lighting and car headlights.
- Will there be a management plan for the car park?
- This plot was never designed to accommodate a car park, it is a back garden.
- The boundary wall will be lowered and this would create a commercial, municipal looking eyesore.
- Would lead to a plethora of similar applications.
- Surface water would overload the sewerage system.

7.2 1 letter of comment raising the following points:-

- Do not object to the proposal but maintenance work needs to be carried out on the wall before the beech hedge is planted.
- Could the ground level of the site be brought down to previous levels as hardcore has been dumped on it over the years, raising the height.
- If these issues are addressed, I feel the proposal would be a good use of the land.

8 Appraisal

8.1 Principle of development

- 8.1.1 The site is located within the built-up area where the principle of development is considered to be acceptable.
- 8.1.2 The site has been annexed from the rear garden of 15 Hartfield Road for a substantial period of time, having originally been required, by planning condition, to be used as a car parking area serving the flats contained within that property. This requirement was removed following the approval of application 045066 and has since been annexed so as to be a separate planning unit to 15 Hartfield Road. It is therefore not considered to represent garden land.
- 8.1.3 Chapter 11 of the Revised National Planning Policy Framework (NPPF) instructs Local Planning Authorities to make efficient use of brownfield land, particularly as a means to respond to identified needs such as house building. The site has been the subject of numerous applications for housing that have all been refused, including those that have been subject to appeals. As such, it is considered that the site is not viable for residential development and, as such, an alternative use is more appropriate.
- 8.1.4 It is therefore considered that the principle of using the site for car parking is acceptable, subject to an assessment being made of potential impacts upon the character and appearance of the surrounding Conservation Area, the amenities of neighbouring residents and impact upon parking and highway safety.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.2.1 The site borders residential properties on three sides, these being 1 Eversfield Road to the west, 13 Hartfield Road to the south and 15 Hartfield Road to the east. 13 and 15 Hartfield Road have been subdivided into flats whilst 1 Eversfield Road is an individual dwelling.
- 8.2.2 A previous application for a car park occupying the site was refused under 171202 due to the amount of noise and disturbance that would have been generated and the negative impact this would have had upon the occupants of the above-mentioned properties.
- 8.2.3 The proposed application includes measures to address the previous reason for refusal. The hours of use of the car park would be restricted to the core business hours of the veterinary practice, these being as follows:-
- 08:00 – 19:00 Monday to Friday;
 - 09:00 – 16:00 Saturday
 - 09:30 – 12:00 Sunday/Bank Holidays

Concerns were raised against the previous application as no means for controlling the hours of use of the car park had been provided. The current application includes a sliding metal railing gate that could only be operated by keypad access. As such, the use of the car park could be sufficiently controlled to prevent use outside of the above hours, thereby reducing potential amenity impact.

- 8.2.4 Boundary treatment in the form of timber fencing and beech hedging would screen the site, ensuring its visual impact is reduced as well as preventing overspill from car headlights towards the windows of neighbouring properties. The screening would also help to dampen noise emissions. The amount of parking has also been reduced from 12 spaces to 10, thereby reducing intensity of the use and ensuring parking spaces are positioned slightly further away from neighbouring properties.
- 8.2.5 The level of parking provided would not be significantly greater than that which may have been expected had the site been used for car parking associated with the neighbouring flats, which is a common arrangement in such situations. Furthermore, as the parking would be used by staff members, there is less likely to be vehicle movements continuing at different times throughout the day as they are more likely to be concentrated around the start and end of shifts. As such, there would be unlikely to be sustained levels disturbance emanating from the site.

8.3 Design Issues and Impact on Conservation Area

- 8.3.1 The proposed would maintain the boundary walling adjacent to Eversfield Road, although a small section would be removed to allow for widened access. This wall contributes to the overall characteristic of walled boundaries maintained alongside Eversfield Road. The use of a metal railing gate across the opening would be in keeping with other gates nearby. It is also noted in the appraisal for the Upperton Conservation Area that cast iron railings were once a common feature but a large proportion had regrettably been removed over time.
- 8.3.2 The Upperton Conservation Area is noted for the presence of landscaping and gardens. Whilst the proposed car park would be hard surfaced, this is not different to the current arrangement on site. Furthermore, it is intended to use grasscrete and this would allow for an element of greenery on the site surface. Additional landscaping would be provided in the form of a beech hedge to be installed on all site boundaries adjoining neighbouring properties. It is considered that this hedging would soften the visual impact of the proposed car park as well as integrate with surrounding landscaping, thereby assisting visual integration of the site with its surroundings.
- 8.3.3 The Council's Specialist Advisor for Conservation is satisfied that the proposed development would create a contained and discrete site that would not negatively impact upon the overall character and setting of the Conservation Area.

8.4 Impacts on Trees

- 8.4.1 There are a number of shrubs and small trees distributed around the edges of the site, most of which are a legacy of the site becoming overgrown due to falling out of use. None of these are considered to provide any significant amenity value either on their own or as a group and it is not considered that their loss would be detrimental to the character and appearance of the surrounding area. Furthermore, the planting of the beech hedge would ensure more

sympathetic landscaping for the site.

8.5 Highway Impact

8.5.1 The proposed use would provide off street car parking for staff of the veterinary surgery in an area which is subject to parking pressure, particularly as a result of the number of large properties that have been converted to flats, with limited on site parking being provided. The site benefits from dropped kerb access from the road, and this would be widened in order to ensure that it is suitable for the proposed car park use. It is not considered that the widening of the access, by approximately 1.3 metres, would result in a significant reduction in the capacity of on-street car parking.

8.5.2 It is not considered that there would be any significant increase in traffic, given that the car park would serve an existing use. The gates do not open outwards across the highway and, therefore, will not form an obstruction to pedestrians and traffic when in use.

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 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.

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:-

2017-94-03;
2017-94-04;

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

10.4 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, have been submitted to and approved by the Local Planning Authority.

The development shall then be implemented in accordance with the approved

level details.

Reason: In order to safeguard the amenities of neighbouring residents

- 10.5 Prior to the commencement of development, full details of all boundary screening including surfacing, fencing, landscaping walls (including any necessary repairs to the existing wall), shall be submitted to and approved by the Local Planning Authority and the approved details shall thereafter be provided and maintained in place throughout the lifetime of the development.

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: In order to safeguard the amenities of neighbouring residents.

- 10.6 Prior to the commencement of the development, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers.

Reason: In order to protect drainage apparatus.

- 10.7 Prior to the commencement of the development, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers.

Reason: In order to protect drainage apparatus.

- 10.8 Prior to the commencement of the development, details of surface water drainage, including measures to prevent discharge of surface water onto the highway and surrounding properties shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and flood management.

- 10.9 The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety.

- 10.10 Prior to the use of the car park, full details of the design and appearance of the gate as well as a method statement regarding the automatic operation of the vehicular access gate shall be submitted to and be approved in writing by the Local Planning Authority. The vehicular access gate shall thereafter be operated in strict accordance with the approved method statement at all times.

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

10.11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff employed by St Anne's Veterinary Group.

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

10.11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff employed by St Anne's Veterinary Group.

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

10.12 The car park hereby permitted shall not be operational except between the hours 08:00 – 19:00 Monday to Friday; 09:00 – 16:00 Saturday and 09:30 – 12:00 Sunday/Bank Holidays

Reason: To safeguard the amenities of the locality

10.13 No external lighting shall be installed within the car park unless and until details of such lighting have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of the locality

10.13 **Informative:**

The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a widened 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.

11 **Appeal**

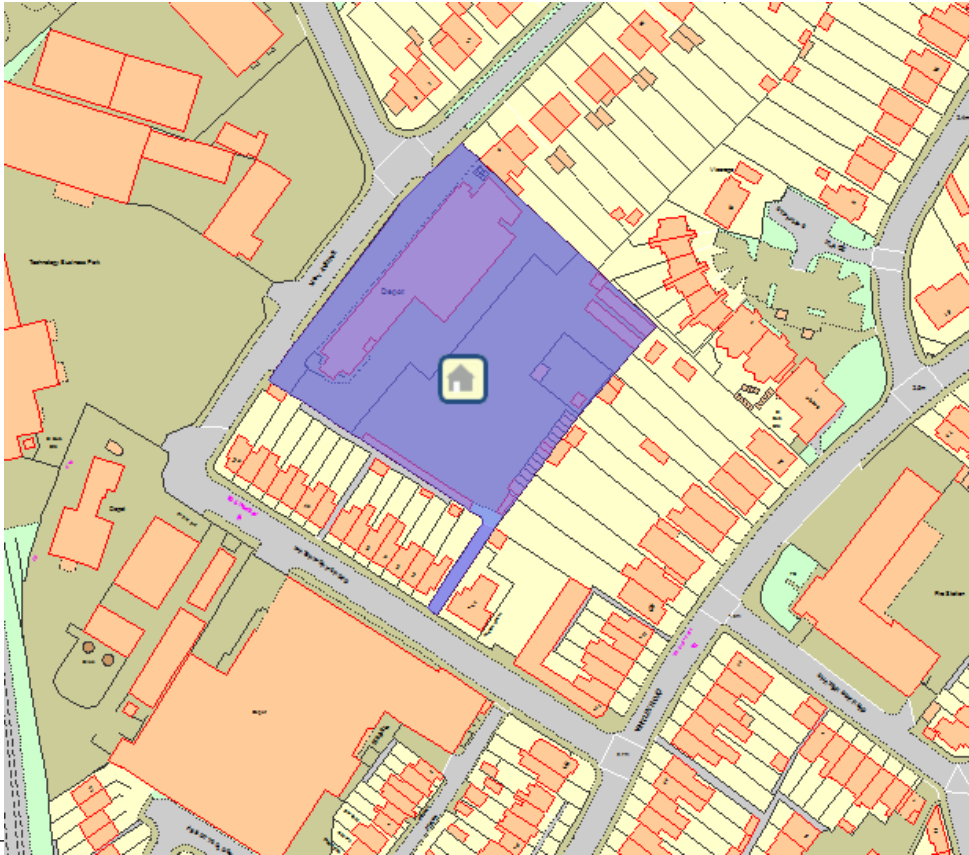
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 7

App.No: 180006	Decision Due Date: 6 April 2018	Ward: St Anthonys
Officer: Anna Clare	Site visit date: 7 September 2018	Type: Planning Permission
Site Notice(s) Expiry date: 3 February 2018 Neighbour Con Expiry: 3 August 2018 Press Notice(s): 19 January 2018		
Over 8/13 week reason: To negotiate amendments following concerns regarding the flood risk at the site.		
Location: 2-4 Moy Avenue, Eastbourne		
Proposal: Proposed refurbishment and extension to existing former telephone exchange building and the construction of 2no. part two, three and four storey buildings to the rear to provide a total of 85 residential units, 58no. 1 and 2 bed flats and 27no two storey 1 and 2 bed maisonettes. A total of 88 on site car parking spaces will be provided.		
Applicant: Moy Court Limited		
Recommendation: Grant planning permission subject to conditions outlined at the end of the report and subject to completion of a S106 Legal Agreement covering the following; <ul style="list-style-type: none">• Local Employment Issues• Affordable Housing Issues• Highway Issues; the financial contribution to real time passenger information for two bus stops in Ringwood Road (£25k), the Travel Plan and its associated audit fee (£6k). If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.		

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

Map location



1 Executive Summary

- 1.1 The application is brought to planning committee as the development constitutes a major development given the number of units proposed. The application follows a previously refused scheme which was dismissed at appeal in 2017. The scheme has been redesigned to overcome the issues raised in the appeal decision. The number of units has been decreased (from 95 to 85) and the overlooking impacts on surrounding residential properties have been reduced by reducing balconies and windows on elevations facing out of the site, and moving Block 3 further within the site.
- 1.2 The revised National Planning Policy Framework 2018 supports the redevelopment of brownfield sites with high density housing developments, and the site is considered to make a weighty contribution to our housing delivery within a sustainable location.
- 1.3 The proposal is considered an appropriate scale and design for the surrounding area. There will be impacts on the surrounding highway network from increased activity, access and vehicle movements given the site has been vacant for a number of years, and overlooking to existing properties will occur however it is considered that the benefits of the scheme outweigh the harm caused individually or collectively from these issues.
- 1.4 It is therefore recommended that planning permission is granted subject to conditions and the satisfactory completion of the legal agreement.

2 Relevant Planning Policies

2.1 National Planning Policy Framework

- 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
- B2 Creating Sustainable Neighbourhoods
- C6 Roselands & Bridgemere Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D8 Sustainable Travel
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- US4 Flood Protection and Surface Water
- US5 Tidal Flood Risk
- UHT1 Design of New Development
- UHT2 Height of New Buildings
- UHT4 Visual Amenity
- HO2 Predominantly Residential Areas
- HO7 Redevelopment
- HO20 Residential Amenity
- NE14 Source Protection Zone
- TR6 Facilities for Cyclists
- TR11 Car Parking

3 Site Description

- 3.1 The site consists of an existing building, part 3 part 4 storeys in height, a former BT Telephone Exchange Centre including maintenance/service yard for operational needs/requirements for the wider BT network. The building has been vacant and abandoned for a number of years. The rest of the site is an existing hardstanding and outbuildings/garages.
- 3.2 The site is situated at the corner of Moy Avenue and Waterworks Road, opposite the junction with Courtlands Road. To the north-west lies the Courtlands Road industrial estate which has a variety of uses including Class B1 Business premises and A1 Retail.
- 3.3 The site surrounded by residential properties to the north, east and south. With Moy Avenue evens numbers to the north, properties of Whitley Road to the east and properties of Waterworks Road to the south. There are two vehicular accesses existing from Moy Avenue, and an additional pedestrian access from Waterworks Road to the south-east corner of the site. There are no significant changes of levels across the site and no significant trees or areas of soft landscaping.

- 3.4 The site is known to accommodate the Horsey Sewer the precise location/deviation across the site is unknown. A condition requires the previous location to be determined prior to the commencement of development any significant deviation from the proposed layout will require a fresh consent.

4 Relevant Planning History

- 4.1 130708
Demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping.
Planning Permission
Approved conditionally
16/01/2015
- 4.2 160929
Proposed refurbishment and extension to existing telephone exchange building and the construction of two number; part three, part four storey buildings to the rear to provide a total of 95 one and two bedroom flats, with 91 on site car parking spaces.
Planning Permission
Refused for the following reason;
By virtue of the scale of development, the number of units, the height, bulk and mass of the proposed buildings on the site (blocks 2 and 3) the proposal is considered an unneighbourly over development of the site with an overbearing relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of light, outlook, privacy from overlooking to properties and their rear gardens contrary to saved policy HO20 of the Borough Plan 2007, Policy B2 of the Core Strategy Local Plan 2013 and Paragraph 17 of the National Planning Policy Framework 2012.
17/11/2016
Dismissed by appeal decision dated 26 July 2017

5 Proposed development

- 5.1 The application proposes the conversion and extension to the existing building on the site, Block 1, to create 38 flats and the erection of two further blocks, Block 2 to the south of the site containing 20 maisonnettes/flats and Block 3 to the east of the site containing 27 maisonnettes/flats. Therefore providing 85No. 1 and 2 bed maisonnettes/flats across the site.
- 5.2 Block 1 Conversion and Extension consists of 4 storeys providing a total of 38 flats. The ground floor consists of 5 flats each with a small terrace, undercroft parking spaces, bins and bike storage. The first, second and third floors consists of 11 flats on each floor each with a terrace area. The upper floors are accessed via 2 stair blocks to the rear of the building.
- 5.3 Block 2 New Build consists of 20 maisonnettes/flats over 4 storeys. The ground and first floors providing 11No. 1 and 2 bed maisonnettes, with 5 flats at second floor level, and 4 flats at third floor level, with the top two floors partially in-set towards the site side from the edge of the lower levels of the block.

- 5.4 Block 3 New Build consists of 27 flats over 4 storeys arranged in an 'L' shape with a central corridor. The first and second floor levels provide 15 No. 1 and 2 bed maisonettes, with 7 flats at second floor level and 5 flats at third floor level, with the second and third floor partially in-set from the edge lower levels of the block.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

- 6.1.1 The proposal is to refurbish and extend an existing commercial building to residential as well as to construct additional residential buildings. The proposal site is located in the Roselands and Bridgemere neighbourhood. The vision of the Roselands and Bridgemere neighbourhood is to contribute to the delivery of housing. This will be achieved by delivering additional housing through making more efficient use of land.
- 6.1.2 The National Planning Policy Framework (NPPF) is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has been formally identified for development within the Council's Strategic Housing Land Availability Assessment (SHLAA) and therefore is considered to be an identified site and part of the land supply identified to meet the housing targets set out in the Core Strategy. It is also identified as a key area of change on the Roselands and Bridgemere neighbourhood key diagram. The Council relies on identified sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan) and to support sustainable growth identified in the Roselands and Bridgemere neighbourhood. The application contributes positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in ensuring the housing target for the neighbourhood (116 total dwellings) is delivered over the plan period.
- 6.1.3 The application results in a net gain of 89 dwellings (as originally submitted), which means that it would deliver more than identified in the SHLAA to assist housing delivery in the neighbourhood and the town as a whole. Furthermore the site has been identified in the more recent SHELAA (site reference RO03) and is considered deliverable. The development would not be liable to a Community Infrastructure Levy payment, but would be required in the first instance to provide on-site delivery of affordable housing in line with policy D5 (Housing) of the Core Strategy and the Affordable Housing SPD. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals.

- 6.1.4 As originally submitted the total proposed GIA for the one bedroom and two bedroom dwellings (approximately) fall within the accepted minimum GIA (50m² and 61m², respectively) and the two bedroom, two storey dwellings fall within the accepted minimum GIA (79m²) as outlined by the DCLG technical housing standards.
- In accordance with Policy US5 of the Core Strategy, reference should be made to Strategic Flood Risk Assessment (SFRA) when considering location and potential future flood risks to developments and land uses. The site for the application is in Tidal Flood Zone 2; this is classed as medium probability of land having 1 in 200 and 1 in 1000 annual probability of sea flooding and Fluvial Flood Zone 2; this is classed as Medium Probability of land having 1 in 100 and 1 in 1000 annual probability of river flooding. It is recommended that a flood risk assessment of the site is considered for this development. Planning Practice Guidance classifies the proposal as More Vulnerable in terms of the Flood Risk Vulnerability. Therefore an Exception Test would not be required. Additionally, Policy US4 (Flood protection and Surface Water Disposal) states that 'All development should make adequate provision for floodplain protection and surface water drainage.' On site remediation through Sustainable Drainage Systems (SuDS) would be required to deal with surface water run-off and drainage.
- 6.1.5 In conclusion, the proposal will have a significant contribution to housing numbers and is considered to be in accordance with adopted policy. Therefore there is no objection from a planning policy perspective.
- 6.2 Policy Update following updated National Planning Policy Framework July 2018
- 6.2.1 The updated NPPF does not change the policy response provided above however in addition it should be noted that the revised NPPF supports higher density housing developments in general.
- 6.2.2 Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Section c of this paragraph states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 6.3 Specialist Advisor (Economic Development)
- 6.3.1 In accordance with the thresholds for development detailed on page 11 of the Local Employment and Training Supplementary Planning Document (SPD) adopted on the 16 November 2016 the proposed development qualifies for a Local Labour Agreement.
- In the current climate there is a need to nurture and support the construction sector; this site would offer construction employment and training opportunity to local people and boost the supply chain economy.

6.4 Specialist Advisor (Arboriculture)

6.4.1 No trees or vegetation on the site should be considered a constraint to development

6.5 Southern Water

6.5.1 Following our initial investigations, there is currently adequate capacity in the local sewerage network to accommodate a foul flow for a foul discharge rate of 1l/s (gravity)

6.5.2 Southern water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.5.3 We initially thought that the 1050mm surface sewer crossing the site would be public and therefore we have requested a 5 metres clearance distance either side of the external edge of the sewer to protect it from construction works and future maintenance. However, after further assessment it was found that the sewer is privately owned and the applicant should contact the owner/s in that regard.

6.4 Environment Agency

6.4.1 The EA originally objected to the application as the same Flood Risk Assessment had been submitted from the previously refused application. This was as updated climate change modelling has become available since the previous application was made. In the absence of an updated FRA the flood risks resulting from the proposed development were unknown. An updated FRA was subsequently submitted and the application was amended to remove ground floor self contained accommodation from Blocks 2 and 3. The proposed self contained accommodation did not provide a safe means of access and/or egress in the event of flooding. Following the re-design of the scheme with maisonettes to the ground floor of Blocks 2 and 3 the EA removed their objection to the proposal stating as below.

6.4.2 We consider that planning permission could be granted to the proposed development, as submitted, if a condition regarding the implementation of the flood risk assessment is included. 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 East Sussex County Council Highways

6.5.1 The applicant seeks approval for the redevelopment of the existing telephone exchange site to provide a total of 89 residential units (1 and 2 bed flats). It is noted that this application is fundamentally a resubmission of a previous application (planning reference 160929), with minor changes to the layout of the site and a reduction from 95 to 89 residential units (as shown in Drawing No. 190_P001 dated 14/11/17).

6.5.2 Following review of the updated Transport Assessment, it is considered that the highways impact of the proposed development would not significantly differ from

the previous application. In preparing my response I have also considered a document prepared by local residents (titled "Transport Assessment Concerns") which has questioned the information contained in the Transport Assessment.

- 6.5.3 In principle, the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network.
- 6.5.4 Access - The site lies within a 30mph speed limit whereby the visibility splay distances at the junction of with Moy Avenue should be 2.4 x 43m. These splays have been demonstrated by the applicant and are considered acceptable. The positioning of the access is to remain the same; this provides a suitable stagger between the junction with Courtlands Road and the access into Parker Building Supplies and The Be Group. The current access to the site is 14.6m wide at the channel line and 10m at the back of the footway, this is wide enough to cater for a two-way flow of traffic and would therefore be acceptable in its current form. It has been noted that vehicles park in this section of Moy Avenue between Waterworks Road and Courtlands Road even though there are waiting restrictions (double & single yellow lines) in place. This is mainly an enforcement issue as the presence of the lines allows tickets to be issued during the times of operation.
- 6.5.5 Traffic Generation and Impact - The site is currently occupied by a building previously used as a telephone exchange site. The site has subsequently been granted planning permission for 36 houses (planning reference: 130708). The updated Transport Assessment has used the TRICS database to consider the number of trips that would be associated with the proposed use on the site and the previously consented use, rather than the former use as a Telephone exchange site. Table 7.4 in the Transport Assessment indicates that a development of 36 houses is likely to produce 24 trips in the AM peak and 18 in the PM. The same table incorrectly indicates that a development of 89 flats is likely to increase the number of trips to 26 in the AM peak and 29 in the PM peak – these are the trip generation figures from the previous application HW/EB/16/0929 for 95 flats.
- 6.5.6 Instead, checking against the trip rates provided in Table 7.2, the trip generation for the 89 flats would be 24 in the AM peak and 27 in the PM peak. The increase of 9 trips in the PM peak hour is considered low level and can be accommodated in the existing highway network without significant issue or additional congestion.
- 6.5.7 Parking/Cycle Provision - It is noted that the transport assessment uses an earlier version of the East Sussex County Council Car Ownership Parking Demand Tool. Census 2011 data indicates car ownership in St. Anthony's ward of approximately 1.1 vehicles per household. The proposed flats are expected to have lower car ownership levels than that for houses, which is reflected in the ESCC Parking Demand Tool.
- 6.5.8 Using the 2017 version of the tool, this development, if using the data for St. Anthony's ward, should be provided with 64 car parking spaces. It is noted that the site is near the ward boundary, and the proposed housing stock is not typical of St. Anthony's ward, and parking demand is likely to differ.

Using a combination of St. Anthony's, Devonshire and Upperton ward data to obtain a more representative figure on car ownership (an average of 0.9 vehicles per household across the three wards) suggests the provision of 60 spaces would be acceptable.

- 6.5.9 The overall provision of 88 car spaces (reduced from 91) represents an approximate 50% increase in parking above the level required. Whilst this could be considered excessive, it would minimise the likelihood of overspill parking and a refusal on highway grounds would not be justified as a severe impact would be unlikely to be created. Therefore, the proposal is in accordance with the transport requirements of the National Planning Policy Framework. Cycle parking has been provided in accordance with the East Sussex County Council Standards. The 95 cycle spaces proposed should be covered and secure and located within the site in a convenient location for users.
- 6.5.10 Highway Safety - The Transport Assessment has reviewed the collision data around the site and has identified no significant issues on Moy Avenue. Whilst a wider search area would have been desirable to consider junctions with other roads, including the A2021 Whitley Road and Ringwood Road, having reviewed the collision map myself I am satisfied that no significant collision trends exist in the vicinity of the development site.
- 6.5.11 Accessibility - There are a variety of travel choices available in Eastbourne. Bus stops are within 250m of the site with services running between Sovereign Harbour and the Town Centre. There are also regular train services from Eastbourne Railway Station to Lewes which provide connections for onward journeys. Eastbourne Railway Station is 1.2 km away which is the recommended maximum walking distance however it should be noted that walking and cycling distances for commuting exceed this distance. The IHT 'Providing for Journeys on Foot' indicates that although desirable walking distances for commuting is 500m the preferred maximum is 2km. The same applies for acceptable walking distance to town centres, the desired is 200m but the preferred maximum is 800m. In terms of accessibility for non-car users, this site is within an acceptable distance to encourage the use of sustainable transport. The distances to Bourne Primary School and Sainsbury's as stated in Table 5.1 of the Transport Assessment have been checked and are considered reasonable assuming implementation of the proposed pedestrian access to Waterworks Road.
- 6.5.12 It is noted that this development will create a greater demand for public transport and in order to encourage its use the two closest bus stops to the site in Ringwood Road should be upgraded to include high level kerbs, new bus stop flags and poles for both stops and a new shelter on the southern side. In addition a contribution towards providing Real Time Passenger Information (RTPI) is required to help provide better, more reliable information about bus services. To provide two RTPI signs would require a contribution of £25,000.00. These works should be secured by legal agreement and would help the development meet the targets that would be set in the Travel Plan. Pedestrian facilities connecting the site to public transport and the Town Centre are generally good.
- 6.5.13 Travel Plan - A Travel Plan has been proposed as there are potential opportunities to enhance sustainable transport modes therefore reducing the

need for major transport infrastructure. Details of a Travel Plan have been included within the Transport Assessment. The measures proposed include carrying out baseline surveys in order to set targets. Once targets have been set a travel plan coordinator will be appointed to introduce provide advice of walking and cycling routes to and from the site and the promotion of the use of public transport. This will include details of bus services, timetables and route information. This is considered acceptable as a method to raise awareness of alternative modes of travel to and from the site. The site is accessed via Whitley Road; this will potentially encourage sustainable alternatives given the congestion on this road during peak times. If journey times to and from site take as long as walking or cycling trips then this can discourage car trips. The travel plan should incorporate the local cycle (Horsey Cycle Route) network to promote sustainable travel, the route will run along Waterworks Road, Moy Avenue and along onto Courtlands Road. A Travel Plan Statement Audit fee of £6,000 would be required and secured through a 106 agreement.

- 6.5.14 Internal Layout - The submitted Addendum to the Transport Statement includes swept path drawings which demonstrate that a 12.0 metre refuse vehicle and a fire tender can circulate the site and avoids conflicts between vehicles and pedestrians, accommodating that concern raised in the Stage 1 Road Safety Audit. As such, it is considered that the internal layout as shown in drawing no. 190_P001 rev C is considered acceptable.
- 6.5.15 Conclusion - In principle, the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network. The quantum of parking which can be achieved exceeds that required by the ESCC Parking Demand Tool and would minimize the likelihood of overspill parking. The submitted Addendum to the Transport Assessment and revised plans sufficiently address previously raised concerns. As such, I recommend approval subject to conditions as well as a Section 106 legal agreement to secure the Travel Plan including audit fee and financial contribution for Real Time Passenger Information.
- 6.6 SUDS
- 6.6.1 The proposal for the management of surface water runoff is acceptable in principle. Conditions requested regarding a drainage investigation of the existing on site surface water drainage network, and a maintenance and management system of the proposed drainage system.
- 6.7 Crime Prevention Design Officer
- 6.7.1 Comments regarding Secured by Design Principles in terms of access to the buildings and cycle storage. Recommendation that parking bay no.39 is removed as this is totally unobserved area and there is a very unobserved access to the vehicle from Waterworks Road (amended plan submitted with this space removed)
- 6.8 Wealden District Council
- 6.8.1 Object to the application on the basis of potential impacts upon the Lewes

Downs, Pevensey Levels and Ashdown Forest. Stating that at this stage it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the development.

6.9 Planning Policy Response to Wealden Objection

6.9.1 This application for residential development is screened out from the requirement for a site-specific Appropriate Assessment of the impacts in relation to the Ashdown Forest, Lewes Downs and the Pevensey Levels. This is because the application is not considered to give rise to significant adverse effects, alone or in combination with other plans and projects, on these European protected sites.

6.9.2 With regard to the Pevensey Levels we are content that Natural England do not currently see atmospheric pollutants as a risk to the integrity of the site. With respect to Lewes Downs SAC and the Ashdown Forest SAC recent modelling and air quality calculations (undertaken by Lewes DC, the SDNPA and Tunbridge Wells BC) to assess the air quality impacts on these sites has been undertaken, in combination, with growth in surrounding areas including the adopted (2013) Eastbourne Core Strategy quantum of growth.

6.10.3 This Habitat Regulations Assessment work has formally concluded no likely significant effects on these habitats resulting from the growth in the associated adopted and emerging Local Plans. A conclusion supported by Natural England.

7 **Neighbour Representations (please include a para that states that only objections that are material planning considerations will be included).**

7.1 89 comments have been received from 55 surrounding properties, Objections cover the following points:

- Overdevelopment of the site
- Design of the new blocks
- Highway Impacts and Safety
- Impacts on the Waterworks Road Junction
- Impact on Parking
- Impact on infrastructure and amenities (schools, GP and medical assistance)
- Access for construction traffic
- Additional demands on foul sewer
- Concern over the culvert running through the site its stability and safety during construction
- Impact on the Horsey Sewer
- The proposal does not differ significantly from the previous refusal
- Impact on character of the area of high density housing
- No buildings of this size in the area
- Impacts on Amenity increased noise/cars
- Overbearing nature
- Significant loss of light and overlooking of neighbouring properties
- There are no safe crossings for pedestrians across any of the main roads in the area.

- Impact of construction on local businesses in terms of road closures and disruptions
- Family homes would be in keeping with the housing stock
- Increased pollution
- Decreased size of the amenity space within the development
- Development should be for families
- Proposed flats are overcrowded and unpleasant to live in
- What about flats with disabled access
- Block 2 will loom over Waterworks Road properties
- The increased height of Block 1 will be visible from some distance
- Overshadowing of back garden of 2 St Philips Place
- Questions raised over the content of the Transport Assessment.
- Lack of formal daylight/sunlight assessment submitted

8 Appraisal

8.1 Assessment of proposed against issues raised by the appeal decision

8.1.1 A previous application for redevelopment of the site was refused in 2016, and later dismissed at appeal. This application is broadly similar, the number of units has been amended from 95 to 85, with block 3 moved within the site further from the common boundary. The previous application was refused at Planning Committee as it was considered that the proposal would by virtue of the scale of the development, the height, bulk and mass be an unneighbourly over development of the site with an overbearing relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of light, outlook and privacy from overlooking to properties and their rear gardens.

8.1.2 Summary of Inspectors Comments

In his decision on the appeal the Inspector stated that the siting of Blocks 1, 2 and 3 relative to the adjoining dwellings would mean that actual harmful window to window overlooking would be unlikely to occur. However, because the north eastern elevation of Block 3 and the South Western elevation of Block 2 would be punctuated by so many windows at first and second floor levels, that Block 2's and 3's presence could give rise to the occupiers of the neighbouring dwellings perceiving that they were being overlooked, particularly when using their gardens. There is also a strong likelihood that the use of the first and second floor balconies in Block 3's North Eastern elevation and Block 2's South Western elevation would be likely to give rise to harmful overlooking of the adjoining properties. The occupiers of the neighbouring dwellings might therefore be less inclined to use their gardens.

8.1.3 The Inspector stated that Block 2's North Eastern elevation sited around 12m from No.6 Moy Avenue's side boundary and the blocks width and height would mean its siting would give rise to an unacceptable sense of enclosure for the users of No.6s rear garden and would have a harmful effect on the outlook from No.6's Garden. However that the distances between Block 3 and No.6 and the properties in St Philips Place would mean that Block 3's siting would not cause any harmful loss of outlook from the interior of those neighbouring dwellings and

that the outlook from within the interior of No.6 would be improved to some degree because of the partial demolition of the northern end of the existing building.

8.1.4 The Inspector also stated that given the siting of the Blocks and the length of gardens and taking into account the orientation and heights of the blocks relative to the neighbour dwellings, the development would not give rise to a loss of outlook or an unacceptable loss of light to the interiors or gardens of the neighbouring properties

8.1.5 The Inspector concluded that whilst the development would make a weighty contribution to the supply of housing in the area and there would therefore be significant economic and social benefits associated with the development he found that the adverse impact on the living conditions of residents of the area would significant and demonstrably outweigh the development benefits and therefore dismissed the appeal.

8.1.6 Scheme amendments to mitigate impacts raised at appeal

The provision of maisonettes at ground and first floor level of Blocks 2 and 3, reduces overlooking impacts on the surrounding residential properties. The first floor windows serving bedrooms reduces the perceived overlooking towards surrounding properties by reducing the use of these windows. The previously refused application proposed flats over all floors of the rear blocks, with balconies at first and second floor levels viewing towards the boundaries of the site facing the rear elevations/gardens of Waterworks Road.

8.1.7 Block 2 is now proposed with the upper two floors, second and third floor level set in from the lower sections, with only windows serving a corridor at second and third floor level further reducing overlooking impacts. Block 2 is proposed 12m from the boundary with properties of Waterworks Road, 28m from the rear elevation of the properties themselves. Similarly with Block 3 this is moved further from the boundary and the upper two floors are set in with windows only serving a corridor facing the boundary of the site with the boundary of the rear garden of No.6 Moy Avenue. Following the previous refusal and Inspectors decision this Block is moved further within the site and is now proposed at least 12.5m from the boundary.

8.1.8 The changes to the proposed scheme since the previous refusal are considered to overcome the reasons for refusal in relation to the impacts on the adjacent residential properties taking into consideration the Inspectors appeal decision.

8.2 Impact of proposed development on amenity of future occupiers:

8.2.1 Maisonettes are proposed to Blocks 2 and 3 as the Environment Agency will not support the provision of self contained accommodation at ground floor levels within new build developments in Flood Risk areas. The proposal of maisonettes overcomes flooding concerns, and they also reduce overlooking issues from the first floor windows facing out of the site towards existing residential properties.

8.2.2 The majority of the proposed units meet the DCLG Technical housing

standards recommended minimum internal floorspace standards as set out in the table below. One unit within Block 2 is slightly under sized at 55m² for a 1 bed maisonette, the standard recommends a minimum of 58m². Overall the unit provides a good layout, with access to natural light and ventilation. one of the 2 bed maisonettes is also slightly undersized by 1m. These are considered marginal and on balance acceptable.

Number of beds/bed spaces	No. of units	DCLG's Technical Housing Standards Floorspace m²	Proposed floorspace m²
1 Bed Maisonettes	3	58	Min 55 (1 Unit) Max 59
2 Bed Maisonettes	23	70	Min 69 Max 92
1 Bed Flats	17	50	Min 51 Max 68
2 Bed Flats	42	61	Min 62 Max 90
Total	85		

8.2.3 None of the maisonettes have ground floor private amenity space, where these face onto the central public space balconies are provided for some private amenity space at first floor level. Ideally houses would be provided with private amenity space, however as these are 1 and 2 bed maisonettes, rather than dwelling houses no objection in principle is raised to the lack of private amenity space for the maisonettes. Where possible throughout the site, without overlooking surrounding residential properties the flats are provided with balconies to provide some private amenity space which is acceptable in principle.

8.2.4 Overlooking within the site will occur between the blocks, with separation distances of 23m between Block 2 and 3 generally and 7.5m at the closest point. Block 1 and 2 are sited 11m² apart, and Block 1 and 3 of 7m. Windows in elevations which overlook each other are limited. These impacts are considered reasonable for a development of this nature of multiple blocks within a site.

8.2.5 Overall the flats will all have good levels of outlook and provision of natural light. Communal amenity space is proposed to the centre of the site. Therefore it is considered that the proposal will result in a good standard of accommodation for future occupiers of the development.

8.3 Layout, Design and Scale issues:

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

8.3.2 The positioning of the blocks also provides the opportunity to create a central amenity area within the centre of the development; this pocket park would provide external amenity space for the enjoyment of the residents of this development.

- 8.3.3 The layout is considered to maximise the potential of the site whilst offering a buffer to surrounding properties by setting the buildings in from the boundary with car parking to the edges of the development. The location of Block 3 has been moved further from the boundary from the previously refused scheme this is now 12.5m from the boundary (previously 10.5m). In layout terms the development is considered to be acceptable.
- 8.3.4 The ground floor of the blocks is to be formed from a dark stock brick, with a lighter mix of three stock bricks to create a flecked appearance to the intermediate floors. The top floors are proposed timber/composite vertical cladding which provides a contrasting finish to the top floors and has the effect of reducing the visual mass and bulk at this level. Details of the proposed materials will be required to be submitted by condition
- 8.3.5 Projecting bay windows and recesses are proposed to break up the facades and provide more interest. The buildings are horizontal/linear in appearance which assists with reducing the visual bulk of the buildings. Similarly the recessed upper floors in a contrasting material help to reduce the visual mass and scale of the proposed development. The remodelled frontage building shares the common architectural reference and the material palette with the new buildings to the rear.
- 8.3.6 It is accepted that the design and external appearance of the proposed blocks is of a different scale, design and appearance to that of the predominant pattern of residential properties (primarily two storey family dwellings) immediately adjacent the site. However the existing building and yard are of a much larger scale than the residential properties adjacent and the character of the wider commercial area to the north is more varied and does not just include smaller residential properties.
- 8.3.7 In his appeal decision the previous Inspector stated in terms of the character and design of the proposed development that the sites scale and that of nearby commercial premises would mean that this redevelopment would not be out of character with the development in the surrounding area, and considered that the development contemporary appearance would be appropriate to its surroundings. Therefore the proposed scale, character and design are considered an appropriate approach for the site to maximise the provision of housing.
- 8.4 Impacts on highway network or access:
- 8.4.1 The site has been vacant for a number of years, therefore the surrounding Highway network will see an increase in vehicle movements resulting from the development. It is considered that the highways impact of the proposed development would not significantly differ from the previous application to which no objection was raised by ESCC Highways and the application was not refused for Highway related impact reasons. ESCC highways confirm that the proposed redevelopment of the site at this scale is acceptable in terms of traffic impact expected on the surrounding network.
- 8.4.2 A stage 1 safety audit for the access to the site was requested by ESCC Highways. This was completed and with swept path drawings demonstrating that a 12m refuse vehicle and fire tender can circuit the site. Therefore the access and layout is considered acceptable.

8.4.3 The ESCC highways response outlines in further detail the calculation undertaking in relation to the car parking provision. Although the total number of spaces was reduced (from 91 to 88) following the swept path analysis and the comments of the Crime Prevention Officer, the number is still significantly over that required (64 spaces) as set out in the ESCC Parking Demand Calculator. Whilst it could be considered excessive the number would minimise the likelihood of overspill parking and a refusal on the grounds of car parking provision would not be justified as a severe impact would be unlikely to be created. Therefore the proposal is considered acceptable in scale and no reasons for refusal regarding highway impacts or parking can be substantiated.

8.5 Affordable Housing:

8.5.1 Policy D5 of the Core Strategy Local Plan and the Affordable Housing Technical Note 2017 requires that the site provide 30% affordable housing on site. This equates to 25.5 units. The applicant accepts this policy position and has confirmed agreement to the S106 agreement requiring Block 2 to be provided as Affordable Housing. Block 2 provides 20 units, a commuted sum in lieu of the further 5.5 units will also be secured through the S106 agreement.

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

8.6 Impacts on trees:

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

8.7 Planning obligations:

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

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

8.8 Other matters:

8.8.1 The precise location of the existing sewer through the site is unknown and a condition is recommended that the exact location of the sewer is established prior to the commencement of the development and details of all foul and surface water drainage should be submitted for subsequent approval. It is acknowledged that this could have implications on the layout of the site. However it has been confirmed by Southern Water and the owner of the site that the sewer is in privately owned and therefore under their control. Members should be aware that any significant divergence from the layout plans proposed under this application should form the content of a further submission to the Council and any such

application will be reported back to planning committee for determination.

8.9 Conclusion

- 8.9.1 The scheme is considered to be an appropriate redevelopment of this parcel of previously developed land and would not give rise to any substantive issues that would warrant or justify a refusal of planning permission. The provision of the residential units in the number proposed by this scheme would go some way to contributing to the shortfall in the Councils 5YHLS and would also ensure that this development site is maximised to its full potential. Subject to S106 to cover infrastructure issues then the scheme is considered to be acceptable making an efficient use of this land within a sustainable location.

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 (This must include the reasons for each condition).**

- 10.1 A: Subject to a S106 Legal Agreement to cover:-

1. Local employment issues
2. Affordable housing delivery
3. Travel Plan and Associated Audit fee of £6,000
4. Highway infrastructure to provide two bus stops with RTPI £25,000

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

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings;
190_P001 Rev D – Proposed Site Layout
190_P004 Rev C – Block 1 Ground & Plant Mezzanine
190_P005 Rev B – Block 1 First & Second Floor Plan
190_P006 Rev A – Block 1 Third Floor & Roof Plan
190_P007 Rev C – Block 1 North & East Elevation

190_P008 Rev C – Block 1 South & West Elevations
190_P009 Rev A – Block 1 Section AA
190_P010 Rev B – Block 1 Demolition & New Construction Layout
190_P011 Rev C – Block 2 Ground & First Floor Plan
190_P012 Rev B – Block 2 Second & Third Floor Plan
190_P013 Rev B – Block 2 Roof Plan
190_P014 Rev C – Block 3 North & East Elevations
190_P015 Rev C – Block 3 South & West Elevations
190_P016 Rev C – Block 3 Ground & First Floor Plan
190_P017 Rev B – Block 3 Second & Third Floor Plan
190_P018 Rev B – Block 3 Roof Plan
190_P019 Rev C – Block 3 North & East Elevations
190_P020 Rev C – Block 3 South & West Elevations
Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To ensure a satisfactory appearance to the development. ++

4. No development shall take place until such time as a method statement has been submitted to ascertain the exact position of the sewer crossing the site; thereafter works shall be carried out in accordance with the approved details. Details of the location of the sewer shall thereafter be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site and if any layout changes are proposed following the investigation a revised layout plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason: To ascertain the exact position of the sewer within the site and any impact this could have on the position of the buildings. ++

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

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area.

6. a) No works or development shall take place until 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) means of enclosure/boundary treatments where

- replaced;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
- (vii) planting plans;
- (viii) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (ix) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (x) implementation timetables.

b) 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.++

7. The development shall not be occupied until details of the layout of the reconstructed access and specification for the construction of the access which shall include details of drainage have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.++
8. The development shall not be occupied until parking areas have been provided in accordance with details submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.++
9. Prior to demolition works commencing on site 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 vehicles, wheel cleaning facilities, contractor parking and compound for plant/machinery and materials clear of the public highway. (Given the restrictions of the access hours of delivery/ collection should avoid peak traffic flow times).

Reason: In the interests of highway safety and for the benefit and convenience of the public at large++

10. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

11. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.++

12. Prior to the commencement of development a drainage investigation of the existing on-site surface water drainage network should be undertaken to determine its suitability for conveying surface water from the site. The findings of the survey should be submitted to and agreed by the local planning authority before any construction commences on site. Where a SUDS scheme is to be implemented the drainage details submitted shall specify the responsibilities for the implementation of the SUDS scheme and a timetable for implementation. Thereafter works must be carried out in accordance with the agreed details.

Reason: To ensure suitable surface water disposal from the site.

13. Prior to the commencement of development a maintenance and management plan for the entire drainage system should be submitted to the planning authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including any piped drains, and the appropriate authority should be satisfied with the submitted details.

Reason: To ensure satisfactory future maintenance and management of the drainage system.++

14. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure satisfactory foul and surface water disposal.++

15. All roads that form part of the development hereby permitted that are not to be offered for adoption shall be laid out and constructed to standards at, or at least close, adoptable standards.

Reason: In the interest of highway safety and for the benefit and convenience of the public at large.

16. No satellite dishes or aerials shall be erected to any elevation of any of the Blocks at any time.

Reason: To protect the visual appearance of the buildings from clutter.

17. The access path shown on the approved drawings between the site and Waterworks Road shall be laid out as approved and open to the public prior to the occupation of the units and thereafter retained as such unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide an additional and shortened access to the site from Waterworks Road.

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

New-build blocks 2 and 3 provide duplex units only across the ground and first floors. Finished floor level of the first floor in these blocks is to be set above 5.94mAOD – at least 300mm above the modelled 1 in 200 (2115) undefended flood scenario of 5.64mAOD, as stated in Section 4.2.1 & 6 of the FRA.

1. Ground Finished Floor levels in Block 1 are to be set no lower than the 4.5mAOD suggested in Sections 4.2.1 & 6 of the FRA to provide an additional margin of protection and limit the residual risk associated from flooding.
2. An appropriate site-specific Flood Warning and Emergency Evacuation Plan must be prepared prior to occupation, as stated in Sections 4.2.1, 4.2.7, & 6 of the FRA, and implemented as detailed in Section 4.2.7. The plan must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the development. The development is also to sign up to the Environment Agency's Flood Warning Service (Section 4.2.7).
3. Appropriate Flood Resilient and Resistant Construction Methods are to be adopted, including incorporation of the measures stated in Section 4.2.6 of the FRA.

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

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (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 maximise the safety of future occupants.++

Informatives

1. The reconstruction of the access will need to be carried out under the appropriate license. The applicant should contact East Sussex Highways

on 0845 60 80 193 to apply for a licence to ensure the construction is up to an acceptable standard.

2. The works required to improve the two closest bus stops will need to be carried out under the appropriate licence/agreement. The applicant should contact ESCC on 01273 482254 to apply, this will ensure that the works are carried out to an acceptable standard.
3. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition the number of properties served, and potential means of access before any further works commence on site.
4. 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 S)21 2SW (Tel: 03303030119) or www.southernwater.co.uk.
5. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance.
6. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed and a fee is payable with each application.

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

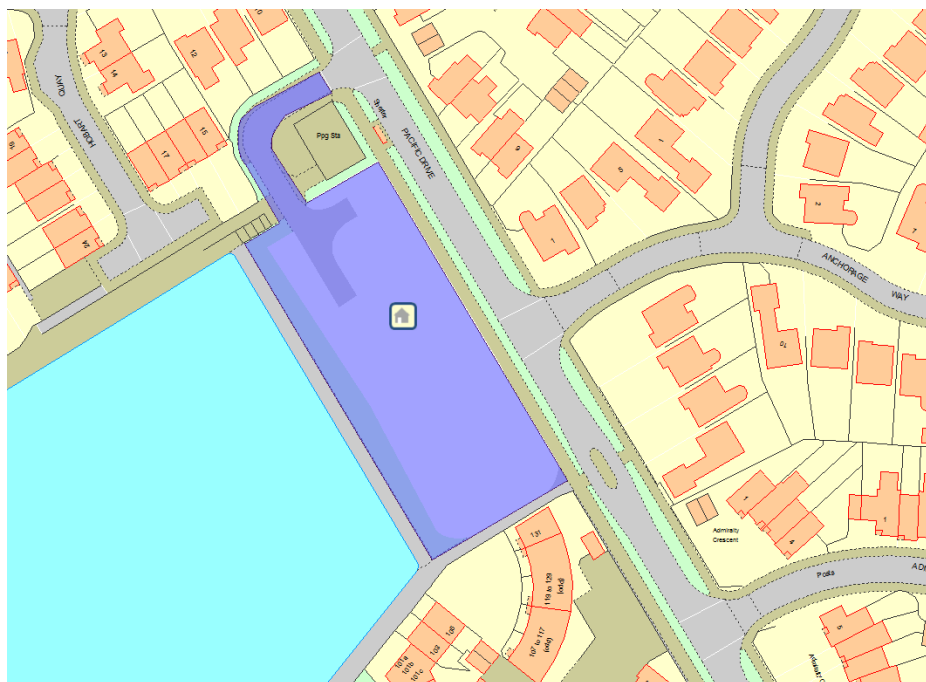
The background papers used in compiling this report were as follows:

- Case File

Agenda Item 8

App.No: 180858	Decision Due Date: 25 October 2018	Ward: Sovereign
Officer: Anna Clare	Site visit date: 8 October 2018	Type: Variation of Condition
Site Notice(s) Expiry date: 1 October 2018 Neighbour Con Expiry: 1 October 2018 Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Site 8, Pacific Drive, Eastbourne		
Proposal: : Variation of conditions 2 (Approved Drawings) and 3 (Boundary Treatments) following grant of Reserved Matters dated 8 June 2015 for the development of Site 8, for up to 8 dwellings to provide vehicle access gates to the driveway, additional side access to No.1 Port Moresby Place (previously plot 8) amendments to the layout of the car parking area, and alterations to the landscaping plan with retaining wall to area for future berth holder facilities (Ref: 141469).		
Applicant: Port Moresby Homes Ltd		
Recommendation: Grant Planning Permission subject to conditions		

Contact Officer(s): **Name:** Anna Clare
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1 Executive Summary

- 1.1 The application proposed changes to the approved plans of the original Reserved Matters permission for the development of this site for 8 residential properties. The application is brought to committee at the request of the Ward Councillor.
- 1.2 The proposals are considered acceptable for reasons set out in the report and as such it is recommended that the variation of consent is granted.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
 - 4. Decision Making
 - 9. Promoting sustainable transport
 - 12. Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
 - B1 Spatial Development Strategy and Distribution
 - B2 Creating Sustainable Neighbourhoods
 - C14 Sovereign Harbour Neighbourhood Policy
 - D5 Housing
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - US5 Tidal Flood Risk
 - HO2 Predominantly Residential Areas
 - HO20 Residential Amenity
 - UHT4 Visual Amenity
 - UHT7 Landscaping
 - UHT10 Design of Public Areas

3 Site Description

- 3.1 Site 8 refers to a plot on the harbour edge facing onto Pacific Drive. Planning permission was granted in 2014 for the development of site 8, among other sites within the harbour, for up to 8 residential properties. Reserved matters were later approved in 2015 for the design of the 8 properties. The properties are now complete and consist of 4 pairs of semi-detached dwellinghouse facing Pacific Drive, with public open space to the rear of the site at the edge of the Harbour.
- 3.2 The public open space is now largely completed, the block paving, sleeper planters and planting are all installed. The railings to the harbour edge are outstanding, due for installation in early November.

4 Relevant Planning History

- 4.1 170685
Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the

north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space.

Refused 1 August 2017 for the following reasons;

1. By virtue of the increased ground levels and therefore additional steps between the walk-ways the public open space would be less inclusive/accessible to all members of the public, the retention of the tarmac areas would be out of keeping with the wider Harbour area within which all public footpaths are paved in similar finishing material contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013

2. The overall design of the public open space by virtue of the size and shape of the planters including the integral seating design is considered to be a downgrading from the original design concept and as such would be out of keeping with and detrimental to the character of the wider Harbour area contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013 and contrary to the original design concepts as outlined with the parameter plans of Outline Planning Permission for the development of the site for 8 dwellinghouses (Ref: 131002).

4.2 141469

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

Approved conditionally
09 June 2015

4.3 131002

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

Approved conditionally
02 December 2014

5 **Proposed development**

5.1 The application proposes changes to the approved plans of the Reserved Matters permission. The amendments consist of the following;

- Retention of side access to Plot 8, No.1 Port Moresby Place
- Alterations to lighting to the public open space
- Retention of retaining wall to the northern end of the public open space, block paving to the berth holder facilities area previously identified and relocation of cycle racks to this location
- Retention of amended parking layout
- Installation of vehicular access gates to the northern driveway
- Amendments to the planting within the public open space

The application originally proposed the retention of the tarmac to the southern pathway, however following advise that this will not be supported this has been amended, and the pathway will be block paved to match the public open space as per the original approval.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

6.1.1 No objection raised to the proposed planting. The species and size are appropriate for the setting. The primary function of the planting is screening rather than security.

6.2 Sovereign Harbour Residents Association

- 6.2.1
- Raise concerns regarding any amendments to the scheme which weaken the public access to the site.
 - Access between the upper and lower walkway should be wheelchair friendly.
 - Object to any decrease in car parking on the site.

6.3 Southern Water

6.3.1 The proposed construction of vehicle gates within the access road restricts Southern Water's granted access rights to the public Pacific Drive Eastbourne Wastewater pumping station site. Southern Water requires existing access arrangements to the pumping station to be maintained with regards to unhindered 24 hour/7 days a week access.

6.4 Highways ESCC

6.4.1 No objections raised to this application. However the following should be noted:

- Parking – The parking spaces are only 4.8m in length rather than the recommended 5m. In the row of 3 parking spaces two of the spaces are only 2.4m in width rather than the recommended 2.5m. These reduced dimensions will make use of the spaces more difficult. Also the layout of the parking rows (at 90 degrees) will mean some drivers will need to reverse the length of the parking area or make several movements to turn. These points could lead to parking in other areas of Moresby Place. However this is not a reason for an objection as the car park is private and the need for additional turning movements will not affect highway safety.

Gate – The gate is set back at a satisfactory distance from the highway. However its use may mean access to the pumping station will be obstructed.

7 Neighbour Representations

- 7.1 Comments from residents of Port Moresby Place NO.s 2, 3, 5, 7, and 8
- Support moving of cycle racks away from No.8 PMP

- Support the installation of access gates
- Concerned that lack of gates will lead to issues as no deviation between the path and driveway
- Necessary to control access to the site
- Object to the lack of railings shown to the entirety of the car park walls
- Amendments to the planting should be in line with the original and agreed by the Council Arboriculturalist

7.2 Comments from 7 Longbeach View and 6 Eugene Way

- Construction has taken in excess of acceptable time
- Inconvenience to residents preventing access
- Until the existing obligations are met no further actions should be approved.

7.3 10 Hobart Quay which is located to the north of the site object to the installation of gates on the access road given the close proximity to their garden and the noise associated with the gates, concerns regarding emergency access or Southern Water Access feel barrier further into the site would be more appropriate.

Appraisal

8.1 Retention of side access to Plot 8, No.1 Port Moresby Place

8.1.1 The original layout of the property provided access to the basement parking/bin stores etc between each set of semi-detached properties. Therefore plot 8/No.1 PMP was left without a rear access. The side access was constructed to provide this rear access to this property. The area was shown as planted adjacent the walkway. The access is considered acceptable, the materials used match elsewhere on the development and the public pathway adjacent is not impeded. Therefore no objections are raised to the retention of these works.

8.2 Alterations to lighting to the public open space

8.2.1 The original scheme for the public open space proposed 3no. street lamp columns to the edge of the Harbour, with 1no. low level bollard light each side of the three sets of steps between the upper and lower walkway. This is rather excessive and cluttering. One street light was proposed to the southern corner of the Harbour, which is immediately adjacent to an existing street lamp therefore this has been removed from the scheme. The two other lamp columns have been installed as per the approved plan. This application proposes to alter the low level bollard lights to spot lights within the steps themselves, these have been installed into the sleeper sides and illuminate only the steps. This amendment is considered acceptable given it removes clutter and it results in lighting provision to the steps themselves.

8.3 Retention of retaining wall to the northern end of the public open space, block paving to the berth holder facilities area previously identified and relocation of cycle racks to this location

8.3.1 This part of the public open space was originally shown as ramped, though there

was a difference in ground level shown as 1m and therefore the ramp would be steep. Future berth holder facilities were shown in this location. As the berth holder facilities are not forthcoming at this time the developer has block paved the entire area to match the adjacent open space. The retaining wall has been built in a grey brick to match the properties and a railing to match the railing to the front boundary of the properties is proposed atop the retaining wall as a safety precaution given the height. The proposed materials are considered acceptable and relate to the rest of the development. The resulting raised area gives a standing point at a raised level to view over the harbour. This is considered acceptable given the previously approved scheme would have been a steep incline between the lower and upper walkway. Level access is still provided between the walkways to the north, using the existing ramp and to the south where the land slopes between the upper and lower walkways.

8.3.2 The cycle racks which were previously to the centre of this area are proposed moved to the edge of the site and have already been installed. These are hooped metal stands which are appropriate for the setting. Therefore no objection is raised to this minor amendment to their location.

8.4 Retention of amended parking layout

8.4.1 The car parking layout was originally approved with 7 car parking spaces arranged to the northern side of the car park area measuring 2.4m in width each. The car parking layout as already implemented results in an increase in the number of spaces to 8 useable spaces. It is noted the plans shows 9 but the one space to the western edge of the car park is smaller than the rest and unsuitable for a standard size car. The spaces are laid out with 3 to the eastern edge and 5 to the northern edge of the car park with landscaping to the corner adjacent Pacific Drive.

8.4.2 The layout is considered to improve the appearance of the car parking area by incorporating an element of landscaping. Whilst the car parking spaces are marginally smaller than ESCC Highways would recommend they are in line with that previously approved and the layout is workable without impacting on highway safety whilst providing an additional space.

8.4.3 No objections are raised to the amended layout of the parking area. It is noted that objections have been raised to the location of railings to the car park area. The original scheme saw the wall bordering the car parks northern boundary set away from the Pumping Station Wall. Therefore railings were shown atop the low level grey brick wall to the Pacific Drive frontage and to this northern boundary wall. As the car park now abuts the wall of the Pumping Station there is no boundary wall in this location for the railings to site, or need given the location of the wall. Residents have requested that the railings are restarted to the rear of the wall towards the west of the car park boundary. No railings are proposed in this location primarily given that the entrance is open so there is little need for railings here. Railings to the front will restrict members of the public climbing over the low level wall as a short cut. Further railings are considered to spoil the visual appearance of this open area and are considered unnecessary clutter, therefore their installation has not been requested by Officers.

8.5 Installation of vehicular access gates to the northern driveway

- 8.5.1 No gates or other infrastructure to prevent unauthorised access to the driveway or public open space within the site were shown on the previously approved landscaping drawings. The gates now proposed are a simple metal gate design, 1.35m high to the vehicular access only. A pedestrian access is kept clear to the northern side of the driveway. The gates are proposed to be electronically operated and 5m back from the edge of the pavement into the site.
- 8.5.2 The installation of gates will assist with security/preventing unauthorised access to the car park. This driveway does not form part of the public open space which will be offered for adoption to Eastbourne Borough Council, it is understood that the maintenance and management will be by the management company for the development.
- 8.5.3 The gates are considered to give the appearance of a private development, this is not unusual throughout the harbour, where there are many private gated developments. The public open space is to the rear of the site adjacent the harbour edge and not visible from this part of Pacific Drive given the Pumping Station location. It is also considered that the majority of people using the public open space and walkways are local and would be approaching from the harbour side and therefore would not be given the appearance of private estate or put off from entering the public open space. Therefore on balance considering the residents want for a way to restrict access by vehicles the gates are considered a reasonable addition. The design is a modest modern electric gate which is considered in keeping with the modern appearance of the properties. As such no objection is raised in principle to this amendment to the scheme.
- 8.5.4 Southern Waters comments regarding the need for access are noted. The Applicant has confirmed that they would be given access details so the gates would not impede their access. The access rights are also considered a private matter between the landowner and Southern Water.
- 8.6 Amendments to the planting within the public open space
- 8.6.1 The planting within the beds of the public open space is largely in line with the previous approval (bar three species). The Council's Arboriculturalist has confirmed that this type of planting is suitable for the setting. The original planting concept is that of screening not of security but it is noted that additional plants have been incorporated in specific locations to assist with security. No objection is raised to the type of planting and consideration has been given to the depth of soil and room for the plants to grow. Therefore no objection is raised to the amended planting scheme to the public open space.
- 8.6.2 Planting was originally shown within the front gardens of the properties. Individual owners have carried out their own planting/landscaping to the front which is considered acceptable given these are private front gardens with boundary treatments to the road. No objection is raised to the individual planting which has no detrimental impacts on the street scene or the amenity of the area.
- 8.7 Other matters
- 8.7.1 Residents have raised concerns over the lack of demarcation of pavement

adjacent to the driveway. It is considered that the driveway has been block paved in accordance with the approved drawings of the original permission. No demarcation in terms of height of either was shown on the approved drawings and it is not considered that this application can request alterations to the driveway or pathway to demark the walkway. The access is for a limited number of vehicles, and especially with the gates installed cars would be going slowly around this corner therefore reducing and likely conflict between vehicles and pedestrians.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant variation of condition application for the amendments set out in the application.

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

- Case File



Appeal Decision

Site visit made on 8 August 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2018

Appeal Ref: APP/T1410/W/17/3192315

Ridgeland, 2 Upland Road, East Sussex, Eastbourne BN20 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Ferrier of Lucas Design and Construction against the decision of Eastbourne Borough Council.
 - The application Ref PC/170943, dated 24 July 2017, was refused by notice dated 24 November 2017.
 - The development proposed is described as 'erection of two and a half storey building containing 8 no. 2 bed flats and 2 no. 1 bed flats including associated external works following demolition of existing dwelling'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development used by the appellant on the application form refers to a single building containing ten flats. The application drawings show that the development would comprise two blocks rather than one. I have considered the appeal on the basis of the development being for two blocks, which accords with how the Council has described and advertised the development.
3. Further to the parties submitting their cases the Government published the revised National Planning Policy Framework on 24 July 2018 (the revised Framework). Given the references made by the appellant and the Council to the previous version of the Framework in their cases, they have been given the opportunity to comment on the relevant parts of the revised Framework.
4. Prior to the planning application's determination by the Council amended plans concerning the vehicular access were submitted. I have therefore only had regard to the amended plans in determining this appeal.
5. The appellant, the Council and residents have variously referred to a planning application (PC/151314) for a flat scheme concerning the site (No 2), which was refused planning permission. That decision was subsequently appealed and I determined that appeal¹ on 15 November 2016. While the earlier appeal decision is a material consideration, to which I have had regard, I have considered the current appeal afresh, having regard to the cases made by the parties. Given my understanding of the previously proposed development I

¹ APP/T1410/W/16/3153837

consider it unnecessary for me in my reasoning below to make direct comparisons between the current proposal and the earlier scheme.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the surrounding area;
- the effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to whether or not the development would be overbearing; and
- whether the construction phase of the development would make provision for the use of local labour.

Reasons

Character and Appearance

7. No 2, a substantial two storey house, would be demolished and replaced by ten flats in two blocks, with accommodation on three floors. The second floor flats would be housed in the roof space of the blocks and would be illuminated by windows in various dormers. No 2's existing vehicular access would be closed and replaced by a new access that would serve a twelve space parking area.
8. No 2 occupies a prominent position within the middle of the 'Y' form junction between East Dean Road and Upland Road. No 2 occupies a substantial plot in comparison with many of the other dwellings in the local area. No 2's plot is verdant in appearance, given the boundary planting that comprises a combination of trees and hedging. The site's verdant character means that the existing house is well screened and is not prominent in the streetscene, with it being sited virtually equidistant between the site's frontages with Upland Road and East Dean Road.
9. The new blocks by comparison with the house would have significantly greater mass and I consider they would be more overt in the streetscene because all but the ground floor would be readily apparent above the retained boundary planting. The overtness of the blocks would be accentuated when the deciduous retained and/or new planting was not in leaf.
10. Although the blocks would be sited around two metres from one another and I consider that degree of separation would provide limited relief for their combined mass. The ridge line of the blocks would be slightly stepped relative to one another, responding to the site's slope. That aspect of the development would provide some relief for its mass, however, I consider that would be outweighed by the comparatively top heavy appearance of the blocks. In that regard the roofs of both of the blocks would include extensive dummy pitched roofs, a roof form, which with some exceptions, is not prevalent in the local streetscene.
11. I consider the site's prominent location in the middle of the Y junction would accentuate the incongruity of the roof form's appearance. Although the blocks would share some of the vernacular of the neighbouring dwellings, including the Downside Court complex, I consider the incorporation of the

dummy pitched roofs would be a poor design compromise, being indicative of the development being excessive in scale for this site. Given that the dwellings in Downside Court arose from a conversion scheme² I am of the opinion that comparisons between that development and the appeal scheme are of limited assistance to the appellant's case.

12. I am mindful of the nearby recently constructed care home (Beechwood Grove), which is a large building with extensive areas of dummy pitched roofs. However, I consider Beechwood Grove is not directly comparable with the appeal development because the care home is of a much larger scale, creating its own distinctive character. The scale of the care home's roof also means that the points where its main roof planes change direction are widely spaced and because of that I consider the use of the dummy pitched roofs is not particularly obvious. However, I consider the proportions of the blocks would be such that they would not be capable of accommodating the intended dummy pitched roofs in manner that would be sympathetic to the streetscene.
13. Reference has been made to the development detracting from an approach into the South Downs National Park (NP). However, given the scale of the development and its proximity to the other buildings, I consider that it would not harm the visual appreciation of the NP.
14. I conclude that the development would unacceptably affect the character and appearance of the area. I therefore consider that there would be unacceptable conflict with saved Policy UHT1 of the Eastbourne Borough Plan 2001-2011 (the Borough Plan), which was adopted in 2003, Policies B2 and D10A of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy) and paragraphs 124 and 127 of the revised Framework. That is because the development would not be of a good design, with its scale and form failing to be respectful of its surroundings. I consider there would be no conflict with saved Policy UHT2 of the Borough Plan because the overall height of the blocks would be comparable with the nearby dwellings.

Living conditions of the occupiers of neighbouring properties

15. The blocks would be larger than No 2 and their siting would also be different. However, I consider that because of the differences in levels and the scale, location, height and orientation of the blocks relative to 4 Upland Road and 53 East Dean Road that the new buildings would not be overbearing for the occupiers of those neighbouring dwellings. With respect to the neighbouring properties that are further afield, including Downside Court, I consider that the separation distances and scale of the blocks would mean that they would not have an overbearing appearance for the occupiers of those other properties.
16. I also consider that the siting and scale of the blocks relative to all of the neighbouring properties would mean that there would be no unacceptable effects on privacy or the receipt of light for the occupiers of the neighbouring properties.
17. On this issue I conclude that the development would not be harmful to the living conditions of the occupiers of the neighbouring properties. Accordingly I find there to be no conflict with saved Policy HO20 of the Borough Plan and

² As referred to in the representations made by residents of the area

Policy B2 of the Core Strategy because the residential amenity (living conditions) of existing and future residents would be safeguarded.

Use of local labour

18. The scale of the development would require the developer to enter into a planning obligation, made pursuant to Section 106 of the Act, to secure the use of local labour during the construction phase. That requirement arising from the provisions of the Council's adopted Local Employment and Training Supplementary Planning Document of 2016 (the SPD). The appellant has submitted, as part of its appeal case, a willingness to enter into a planning obligation to address this issue. However, a fully executed planning obligation has not been submitted as part of this appeal, albeit an unexecuted obligation has recently been submitted to the Planning Inspectorate. In line with the timetable for this appeal any executed planning application should have been submitted by 30 July 2018.
19. I do not doubt that in time the appellant and the Council would be able to conclude an executed planning obligation to address this issue, making it possible for the construction phase of the development to make provision for the use of local labour. That would make this aspect of the development unobjectionable and it would accord with the SPD. However, the submission of an executed planning obligation would not address the character and appearance concern that I have identified under my first main issue and would to a very limited degree weigh in favour of the development.

Other Matters

20. Concerns have been raised about the adequacy of the on-site parking provision and the ability of the local highway network, most particularly the junction between Upland Road and East Dean Road, to accommodate the traffic generated by the development. However, those concerns are not shared by the highway authority. With respect to traffic generation the highway authority has commented that it considers that the vehicular activity associated with the development would not be prejudicial to highway safety, with the accident records for the area indicating that the incidents that have occurred arising because of driver error rather than the layout of the roads³. On the basis of the highway evidence that is available to me I am not persuaded that there are grounds for me to raise a highway concern with respect to this development.
21. Concern has been raised about the sizes for some of the rooms within the development. However, that matter has not been raised in the reasons for refusal and given my conclusion on the first main issue I consider there is no need for me to consider this matter further.

Conclusions

22. The Council has submitted that it cannot currently demonstrate the availability of a five year supply of deliverable housing sites (an HLS). For the purposes of paragraphs 14 and 49 of the Framework of 2012 that would have meant that the 'tilted balance' in favour of sustainable development would have needed to have been applied. However, former paragraph 14 has been

³ The highway authority's comments stated in the Council's committee report

replaced by paragraph 11 in the revised Framework. In the context of decision making the revised Framework (paragraph 11d) now states:

'... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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.'*

23. While the appeal development would involve the provision of housing in a built up area, I have found that it would be harmful to character and appearance of the area. Accordingly I consider that the development plan policies which are 'most important' for this appeal's determination, ie Policy UHT1 of the Borough Plan and Policies B2 and D10A of the Core Strategy, not to be directly affected by the current HLS position. That is because those policies are of a more generic nature and are not specific to the quantum and location for new housing. I therefore consider that Policies UHT1, B2 and D10A attract great weight for the purposes of the determination of this appeal, with those policies being consistent with the revised Framework's encouragement for well-designed development.
24. For the reasons given above I have found that the development would be harmful to the character and appearance of the area and that harm would give rise to conflict with both local and national policies. Given the harm I have identified, which I consider could not be overcome by the imposition of reasonable planning conditions, I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

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