

Planning Committee

22 January 2019



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, 14 January 2019

Agenda

- 1 Minutes of the meeting held on (Pages 1 - 10)**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

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

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 4 Rutland Close, Eastbourne. Application ID: 181031 (Pages 11 - 16)**
- 7 Land West of Cross Levels Way, Cross Levels Way, Eastbourne. Application ID: 180637 (Pages 17 - 36)**
- 8 Westgate Motors, Stansted Road, Eastbourne. Application ID: 180979 (Pages 37 - 50)**
- 9 4 Denton Road, Eastbourne. Application ID: 181020 (Pages 51 - 64)**
- 10 16 Old Drove and land to the rear of 12 & 14 Old Drove, Eastbourne. ID: 181039 (Pages 65 - 76)**

- 11 **2-4 Moy Avenue, Eastbourne. ID: 180006 - amendments** (Pages 77 - 100)
- 12 **South Downs National Park Authority Planning Applications.**
- 13 **Appeal Decision - Land to the rear of 1 Windermere Crescent, Eastbourne**
(Pages 101 - 104)
- 14 **Appeal Decision - Minster House, York Road, Eastbourne** (Pages 105 - 110)
- 15 **College Conservation Area Appraisal** (Pages 111 - 114)
- 16 **East Beach Hotel Replacement Windows** (Pages 115 - 118)

Information for the public

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

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Speaking at Planning

Registering your interest to speak on Planning Applications

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

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

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

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who

asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

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

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

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

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

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

Information for councillors

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

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

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

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

Democratic Services

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

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 11 December 2018 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe MBE, 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

Chris Wright, Specialist Advisor for Planning

Joanne Stone, Lawyer for Planning

Jazmin Victory, Committee Officer

69 Minutes of the meeting held on 20 November 2018

The minutes of the meeting held on 20 November 2018 were submitted and approved and the Chair was authorised to sign them as an accurate record.

70 Apologies for absence

There were none.

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

Councillor Metcalfe MBE declared a personal interest in Planning Application ID 180569 136, Wood Winton, 63a Silverdale Road, Eastbourne as he knew the architect in so far as he had used their services for his own property.

Councillor Metcalfe MBE was of the opinion that he did not have a prejudicial interest in the matter and remained in the room and voted thereon.

Councillor Coles declared she would not take part in Planning Application ID 181008 Rose Corner, 34 Dillingburgh Road, Eastbourne as she had predetermined the matter. She confirmed that she would be speaking from the public gallery in objection to the application on Councillor Ungar's behalf who unfortunately could not attend the meeting and would leave the room for the remainder of the item after speaking, and take no part in the debate or vote on the application.

72 Wood Winton, 63a Silverdale Road, Eastbourne. Application ID: 180569

Outline planning permission for the construction of seven houses on the site. (amended description following reduction of units) – **MEADS**.

Attention was drawn to typographical errors in section 8.1.4 which referred to a development of flats rather than houses.

The committee was advised, by way of an addendum report, that the application had received an additional objection by an occupant of Kesselville Court, to the south of the site. The objector was concerned that the proposed development would cause overshadowing of gardens used by occupants of the flats there.

Councillor Smart requested to speak against application 180569, Wood Winton 63a Silverdale Road, Eastbourne, but was refused by the Chair as there was already one Councillor speaking against the application. This was amicably agreed before the meeting.

Mr Doel addressed the committee in objection of the application, stating that this application proposed an overdeveloped site, which already had a restricted access route. Considering that the site was on the edge of a conservation area, the application was out of character in terms of appearance and the removal of trees which would be required.

Councillor Ballard addressed the committee in objection of the application, stating that the Council were being asked to approve an outline, which meant that key issues would be resolved at later date without input from the planning committee. There was also an issue of overcrowding and this would have a detrimental effect on the surrounding trees and also the already restricted access of the site.

Ms Madell, Eastbourne Heritage and Design Champion, addressed the committee in objection of the application, stating that the accessibility to the site would be too restricted and raised concerns regarding emergency vehicles being able to access the site.

Mr Dato, applicant, had been invited to attend the meeting, but was not present.

The committee discussed the application and agreed that the site was overdeveloped and would produce crowded accommodation with very restricted road access. Although the committee were happy that the existing Wood Winton property would be retained, the site could not adequately accommodate seven additional residential properties without harm to wider area such as the removal of trees.

Councillor Taylor proposed a motion against the officer's recommendation, to refuse the application as set out in the resolution below. This was seconded by Councillor Robinson.

Resolved: (Unanimous): That permission be refused on the grounds that the Council were not satisfied that seven residential properties could be adequately accommodated on the site without causing harm to the character of the wider area, and that the application was likely to result in a cramped over-development of the site with poor access arrangement and poor quality living environment for residents.

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, was considered to written representations.

73 **14-29 Brassey Parade. Application ID: 180913**

Planning permission for the erection of a mansard roof over existing building to provide additional two storeys, formation of additional twenty nine residential flats within first, second and third floors, retention of retail units on ground floor and seven existing residential flats on first floor, and single-storey extension to northern elevation for use as bin and cycle store. – **HAMPDEN PARK.**

Mr Hearn addressed the committee in objection of the application, stating that a three story building would be an overdevelopment of the site. Mr Hearn also raised that there was not adequate parking space which would allow for the safe entry and exit of a large vehicle such as a refuse collection vehicle.

Mr Foster addressed the committee in support of the application, stating that this was best use of the brownfield site as the proposed scheme would provide a valuable contribution towards housing provision within the Eastbourne Borough. Transport assessments had been provided and there had been no objection from the relevant highways bodies. The application was in accordance with National Planning Policies which encouraged mixed-use developments, vertical extensions and more intensive uses of brownfield sites in sustainable locations.

The committee discussed the application and were in agreement that they were happy to see the area being developed. Whilst they acknowledged that there was a shortage of parking spaces across the town, there were excellent public transport links near the site which would provide alternative transport options to residents.

Mr Bennett, applicant, was present but chose not to speak.

Councillor Miah proposed a motion to approve the application subject to the following conditions. This was seconded by Councillor Coles.

Resolved: (By 7 votes to 1 against) That the application be approved subject to the signing of a Section 106 legal agreement to secure provision of affordable housing and the conditions set below:

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:
279800-31 – Location and Block Plan
279800-37 Revision B – Proposed Ground Floor Plan
279800-38 Revision C – Proposed First Floor Plan
279800-39 Revision C – Proposed Second Floor Plan
279800-40 Revision C – Proposed Third Floor Plan
279800-41 Revision C – Proposed Roof Plan
279800-42 Revision B – Proposed Elevations (Sheet 1)
279800-43 Revision B – Proposed Elevations (Sheet 2)

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

3. No development shall take place until details and, where appropriate, 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. Prior to the commencement of development, an Employment and Training Plan shall be agreed with the Local authority together with a written commitment detailing how the developer intends to undertake the works in accordance with the Local Employment and Training Supplementary Planning Document. The Employment and Training Plan must include, but not be limited to, the following details:

a) A Local Employment Strategy to include the advertising of all new construction and operational vacancies locally (i.e. in the Borough of Eastbourne and within East Sussex), a strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed and NVQ training places associated with the construction and operation of the development as appropriate

to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.

b) The agreed Employment and Training Plan shall thereafter be complied with and all construction works to establish the development and the operational stage of the development hereby permitted shall be undertaken in accordance with the Employment and Training Plan Strategy approved pursuant to part a) above.

Reason: To ensure that the development helps secure Local Employment and Training in accordance with the requirements of the Eastbourne Employment Land Local Plan Policy EL1 and to meet the requirements of the Local Employment and Training Supplementary Planning Document adopted on 16th November 2016.

Further conditions relating to highways, parking and construction management will be added in receipt of formal advice from ESCC highways, which is currently awaited. These conditions will be set out on the Committee addendum sheet as below:

Further to paragraph 10.6 of the committee report, detailed comments have now been received from ESCC Highways which include suggested conditions to be attached to any approval. These conditions are listed below and would be added to the approval, if granted:-

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

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

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

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

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

- the anticipated number, frequency and types of vehicles used during construction,

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

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

4. Upon the occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport

74 Kempston, 3 Granville Road, Eastbourne. Application ID: 180985

Planning permission for demolition of existing building, and redevelopment to provide x16 residential units (use Class C3) (x8 net additional), new vehicle access on Granville Road and car parking. (Resubmission following refusal of p/c 180040). – **MEADS**.

The committee was advised that this application had been determined against the Revised National Planning Policy Framework in July 2018.

Councillor Ballard requested to speak against application 180985, Kempston 3 Granville Road, Eastbourne, but was refused by the Chair as there was already one Councillor speaking against the application. This was amicably agreed before the meeting.

Ms Terry addressed the committee in objection of the application, stating that the application was an overdevelopment of the site, the owners had tried to sell the property at an unrealistic sale price and were not marketing the property properly, and that none of the proposed properties in the application would be affordable housing.

Ms Madell (Heritage Champion) addressed the committee in objection of the application, stating that the application worked against preserving the heritage and townscape and was not complimentary to the area.

Councillor Smart addressed the committee in objection of the application, stating that a draft report regarding an extension to the College Conservation area would be presented to the committee in January, and that the property may then be within a Conservation area.

Ms Nagy addressed the committee and was given the opportunity to speak for 6 minutes because she was speaking on behalf of the applicant and herself. She spoke in support of the application, stating that the site had been renovated and was therefore not a historic building. The redevelopment would work in the public interest as it would provide good quality accommodation to the Meads area. The proposed building complied with the parameters and made use of the site well as the design included many features which referred back to the original building, such as the colours of bricks, balconies.

The Chair informed the committee that commenting on the marketing of the site or the demolition of the existing building was not material and should be withdrawn from consideration, referring the committee to paragraph 8.2.4 which specified that the existing building could be demolished without planning permission.

Officer informed the committee that the application could not be refused because of the likelihood that the site could become part of a Conservation area.

Mr Saville, applicant, was present but chose not to speak.

The committee discussed the application and agreed that the proposed building was too large and not keeping with the existing character of the Meads area as it would be removing the garden and replacing it with concrete.

The committee also requested that should the applicant wish to appeal, such an appeal should be in the form of an informal hearing so as to allow all interested parties the opportunity to raise their concerns.

Councillor Taylor proposed a motion against the officer's recommendation, to refuse the application as set out in the resolution below. This was seconded by Councillor Robinson.

Resolved: (Unanimous) That the planning application be refused on the grounds that the proposal, by virtue of the height, footprint, bulk, scale, detailed design and materials is an overdevelopment of the plot which does not respect the character and appearance of the Area of High Townscape Value nor the pattern of development in the area, contrary to saved policies UHT1, UHT4, UHT5 and UHT16 of the Borough Plan 2007, and policies D10 and D10a of the Core Strategy Local Plan 2013.

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, was considered to be an informal hearing.

75 Rose Corner, 34 Dillingburgh Road, Eastbourne. Application ID: 181008

Planning permission for proposed single storey side extension to provide a ground floor flat. – **OLD TOWN**

Councillor Coles addressed the committee (from the public gallery) on behalf of Councillor Ungar, Ward Councillor, who was unable to attend. She addressed the committee in objection of the application, stating that the application proposed a self-contained flat which would be small, overcrowded and not provide good living conditions to the resident.

Mr Foster addressed the committee in support of the application, stating that the accommodation this extension would provide was required within the town.

Mr Bennett, applicant, was present but chose not to speak.

The committee discussed the application and agreed that the extension looked like part of the existing building and were pleased that it would provide the resident with an outside space area.

Councillor Murray proposed a motion to approve the application subject to the following conditions. This was seconded by Councillor Miah.

Resolved: (Unanimous) That the planning application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved drawings:
 - Drawing No. 2018-76-03a- Proposed Floor Plans- Submitted 28 November 2018
 - Drawing No. 2018-76-09 Proposed Layout Plan and garden layout- Submitted 5 November 2018
 - Drawing No. 2018-76-05-Proposed Site Location Plan- Submitted 31 October 2018
 - Drawing No. 2018-76-08- Proposed Refuse and Cycle Storage-

- Submitted 31 October 2018
- Drawing No. 2018-76-04- Proposed Elevations- Submitted 31 October 2018

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

3. No part of the development shall be occupied until the Bin and Recycling Storage facilities have been provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the use of bin/recycling storage,

Reason: to provide adequate refuse disposal for the future occupants.

4. No part of the development shall be occupied until the Cycle parking spaces have been provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

5. No part of the development shall be occupied until the private amenity space to the rear garden is provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the approved new dwelling.

Reason: to provide adequate amenity space for the future occupiers.

6. The boundary fence hereby approved to the centre of the existing rear garden to provide separate amenity space should be no higher than 2m and retained as such.

Reason: To prevent adverse impact to the residential and visual amenity of neighbouring properties in accordance with policies D10a and UHT4.

76 South Downs National Park Authority Planning Applications

There were none.

The meeting ended at 8:06pm

Councillor Jim Murray (Chair)

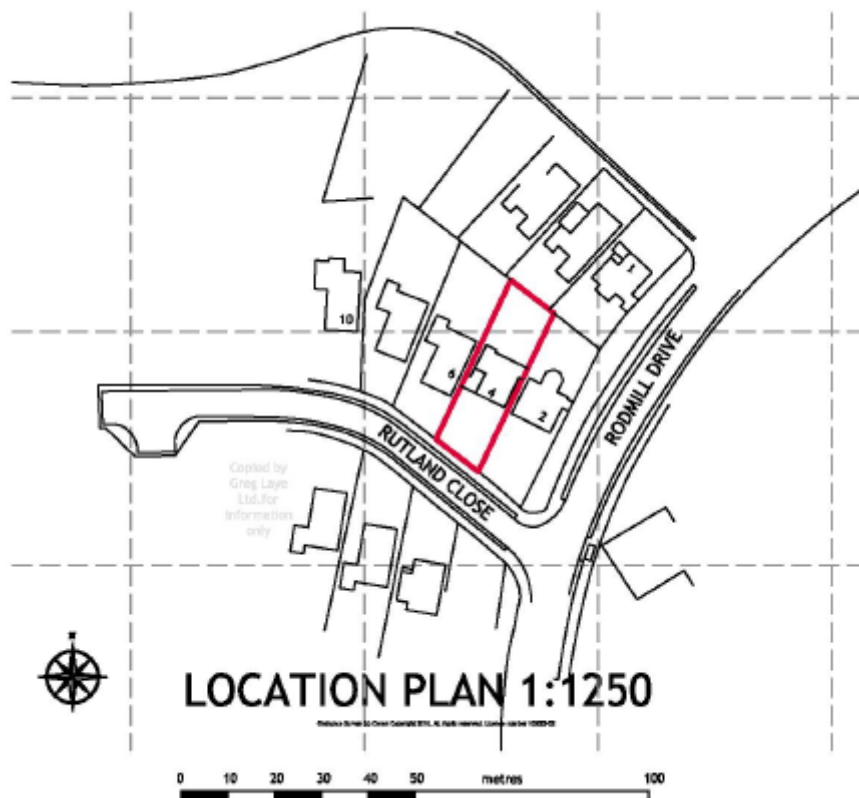
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Agenda Item 6

App.No: 181031(Householder)	Decision Due Date: 18 December 2018	Ward: Ratton
Officer: Wiliam De Haviland-Reid	Site visit date: 28 November 2018	Type: Householder
Site Notice(s) Expiry date: 24 November 2018 Neighbour Con Expiry: 24 November 2018 Press Notice(s): N/A		
Over 8/13 week reason: Committee cycle		
Location: 4 Rutland Close, Eastbourne		
Proposal: : First floor side extension over existing garage		
Applicant: Mr Peter Battcher		
Recommendation: Approve Conditionally		

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

Map location



1 Executive Summary

- 1.1 The application has been called to committee at the behest of Councillor Belsey.
- 1.2 The proposed development is similar to several other applications within the local area including 2 Yieldings Close and 4 Beverington Road.
- 1.3 The proposed development is not considered to be detrimental to the amenity of the local street scene due to being set back and subservient to the host dwelling.
- 1.4 The proposed development would unlikely have a significant effect on the neighbouring property due to the design and dimensions of the proposed extension.
- 1.5 Application is recommended for approval subject to conditions

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
Promoting healthy and safe communities
Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan Policies 2013
B2 Creating Sustainable Neighbourhoods
C5 Ocklynge & Rodmill Neighbourhood Policy
D5 Housing High Value Neighbourhoods
D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007
HO2 Predominantly Residential Areas
HO20 Residential Amenity
UHT1 Design of New Development
UHT4 Visual Amenity

3 Site Description

- 3.1 A detached residential property located within a predominantly residential area. Not located within a conservation area and not a listed building.
- 3.2 Attached to the West elevation of the host dwelling is a flat roof garage which is set back from the principle front elevation but has a carport which sits in-line with the front elevation of the host dwelling.
- 3.3 The boundary treatment of the host dwelling is that of a wall with a fence on top, the carport currently stands against the boundary wall while the garage is set back from the border with a pathway that separates the West elevation of the garage away from the garden wall.
- 3.4 The first floor of the host dwelling is clad in white UPVC boards.
- 3.5 6 Rutland Close, the neighbouring property, is sited on a higher level of land and is separated by the border treatment.

4 Relevant Planning History

- 4.1 080548
10 Yieldings Close, Eastbourne
Proposed first floor extension to side of property
Approve Conditionally
07 October 2008
- 4.2 150008
4 Beverington Road, Eastbourne
Erect first floor addition at side above garage and associated works to form new bedroom with ensuite bathroom.
Approve Conditionally
25 March 2015

5 Proposed development

- 5.1 It is proposed to form a flat roof first floor extension over the existing garage to the side of the dwelling.
- 5.2 The footprint of the garage would not be altered but the first floor level would extend to be 0.30m away from the boundary wall and 0.56m away from the panel fence above the boundary wall shared with 6 Rutland Close. This will be achieved by way of a using a separate supporting wall with the gap between the garage and this wall maintained in use as a covered rear access way.
- 5.3 Overall, the extension would measure 3 metres in width by 7 metres in depth. Roof top height would be approximately 5.3 metres above ground level. It is proposed the roof of the first floor extension will be flat by design and leading into the plane of the existing roof.

6 Consultations

- 6.1 No internal or external consultation

7 Neighbour Representations

- 7.1 1no. Objection raised by 6 Rutland Close raising the following points:
- The design is not in-keeping with the character of the host dwelling or the local street scene.
 - The extension will cause a significant loss of light and will be overbearing/loss of outlook.
 - The extension will cause significant overshadowing.
 - Location of the windows on the proposal will cause overlooking.

8 Appraisal

- 8.1 There is no objection in principle to the proposed development and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).
- 8.2 The main issues to consider when assessing this application is how the proposal will affect the neighbouring properties and the wider street scene.
- 8.3 Impact of proposed development on amenity of adjoining occupiers:
- 8.4 The proposed first floor extension will not have windows on the West elevation. The windows intended to serve the bedrooms on the South elevation of the host property will not offer any more of a view than the existing, based on the standard 45 degree viewing angle, no overlooking would be caused to 6 Rutland Close. It has not been made clear if the window that serves the bathroom will be obscure glazed and as such a condition shall be placed on the decision to reflect this, protecting the amenity of the occupiers/neighbours.

8.5

It is acknowledged that there would be some loss of light and overshadowing caused by the proposed development however given the border treatment between the two properties and that the rooms that would be affected are not habitable rooms it is considered that this would be acceptable.

8.6

Water run off could be of concern, with a lack of information on how this would be dealt with a condition will be added to the final decision to state how this should be dealt with.

8.7

Design issues and surrounding area:

8.7.1

The design of the first floor extension is considered to be sympathetic to the host dwelling due to materials being used to match existing, being set back from the principle elevation and subservient in nature.

8.7.2

Although the proposed extension does add a first floor, it is set back from the highway and does not disrupt the building line along the highway meaning that the proposal would not be considered visually disruptive to the street scene; many other examples of this type of extension exist in the local area which support this.

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: Approve Conditionally

10.1

Conditions:

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

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 23 October 2018:

Drawing No. 94719/003/A "Proposed Floor Plans"

Drawing No. 94719/004/A "Proposed Elevation Plans"

Drawing No. 94719/BP/ "Block Plan"

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

3) The flat roof of the first floor extension hereby approved shall not at any time be used for sitting out, as an amenity area or for any other purpose other than that of an emergency or for maintenance.

Reason: To protect the amenity of the surrounding residential occupants.

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

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

5) 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 window, dormer window, roof light or door on the proposed extension other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

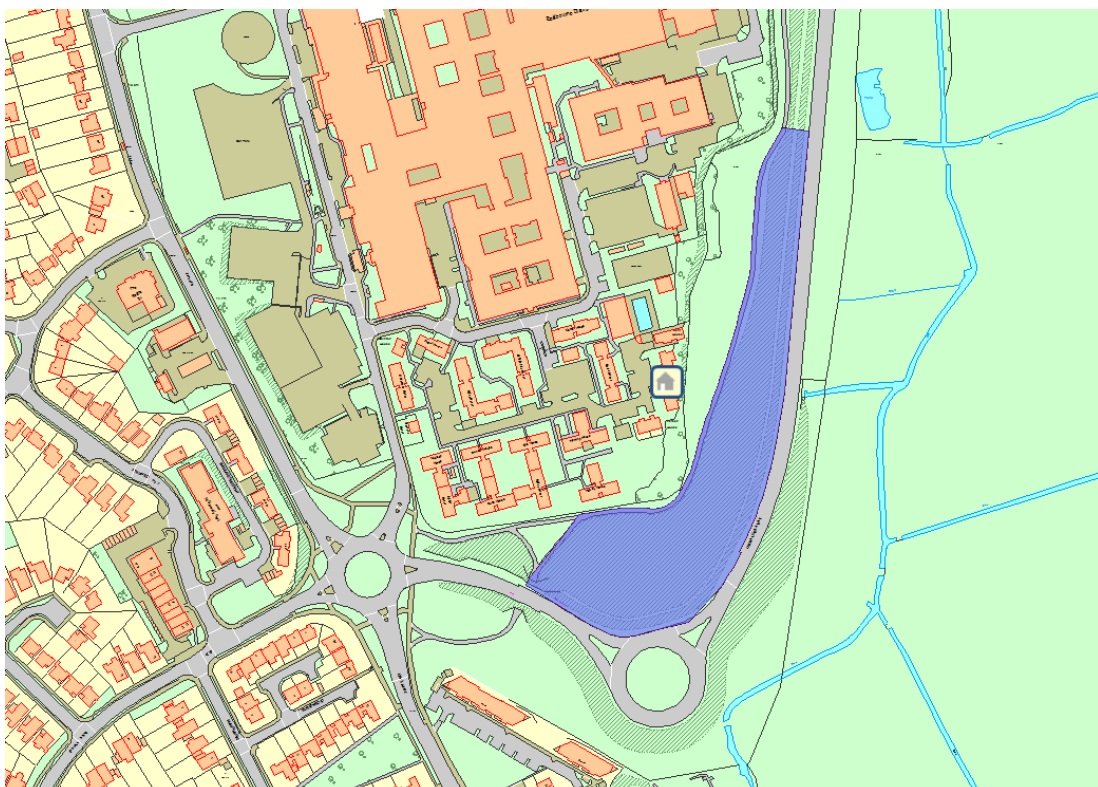
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies.

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.

App.No: 180637	Decision Due Date: 24 September 2018	Ward:
Officer:	Site visit date:	Type: Outline (some reserved)
Site Notice(s) Expiry date: Neighbour Con Expiry: Press Notice(s):		
Over 8/13 week reason: Additional information requested (Retail Impact Assessment and		
Location: Land West Of Cross Levels Way, Cross Levels Way, Eastbourne		
Proposal: : Outline planning permission (Access, Layout and Scale) for development of the site for restaurant use class A3, and bar/restaurant Class A4, in two independent buildings and the development of a showroom (sui generis) in a third independent building; New vehicular access from Cross Levels Way; and the laying out of access and service roads on site together with relocation of the cycle path.		
Applicant: Mr Pieter Lette		
Recommendation: Refuse		

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



1 Executive Summary

- 1.1 The application has been brought to committee as it involves a major development.
- 1.2 This is an outline application. Details of access, layout and scale were submitted initially and further details relating to landscaping were requested and provided. Additional landscaping details and full details of the design of buildings within the development would be assessed at the reserved matter stage, should the application be approved.
- 1.3 The proposed development would introduce 2 x large A3/A4 units as well as retail space, classified as main town centre uses as per annex 2 of the Revised National Planning Policy Framework 2018, in a location which is neither within the town centre or any designated district or local shopping centres. Insufficient justification has been provided to demonstrate that the development could not be located within existing centres or that the development would not result in a negative impact upon the viability and vitality of these areas.
- 1.4 The proposed development would significantly detract from the quality of the public amenity space that is currently provided by the cycle path and the surrounding green area.
- 1.5 It is also considered that the erosion of the green buffer maintained between the road and the hospital would introduce an unacceptable coalescence of development that would detract from the character and appearance of the surrounding area and remove valuable urban greenery.
- 1.5 The site which, with the exception of the cycle and footpath, is entirely permeable, provides storage capacity for surface water. The provision of buildings and hardstanding would reduce the drainage capacity of the site and the drainage scheme provided as part of the application does not provide assurances that surface water can be appropriately managed. As such, it is considered that the proposed development would give rise to unacceptable risk of surface water flooding of neighbouring sites as well as the site itself.
- 1.7 It is therefore recommended that the application is refused.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

2.2 Eastbourne Core Strategy 2013

B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C5: Ocklynge & Rodmill Neighbourhood
D2: Economy
D4: Housing
D7: Community, Sport and Health
D8: Sustainable Travel
D9: Natural Environment
D11: Eastbourne Park

2.3 Eastbourne Borough Plan (Saved Policies) 2007

NE4: Sustainable Drainage Systems
NE18: Noise
NE23: Nature Conservation of Other Sites
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape features
UHT6: Tree Planting
UHT7: Landscaping
UHT8: Protection of Amenity Space
UHT13: External Floodlighting
HO20: Residential Amenity
TR1: Location for Major Development Proposals
TR2: travel Demands
TR6: facilities for Cyclists
TR7: Provision for Pedestrians
TR11: Car Parking
TR12: Car Parking for Those with Mobility Problems
SH2: Business uses Outside the Retail Hierarchy
SH7: District, Local and Neighbourhood Centres
US4: Flood Protection and Surface Water Disposal

3 **Site Description**

- 3.1 The site is currently forms part of a green buffer that borders the eastern side of Cross Levels Way (A2280). This includes a raised bund which is particularly pronounced at the southern end of the site, with the height of the bund tapering down as the road climbs upwards to the north. The vegetation within the site consists of a mix of grasses and wildflowers, with sporadic clusters of trees, shrubs and hedges on the eastern part of the site and a more consistent belt of mature trees and hedging marking the western boundary which is shared with the hospital. The full extent of the site forms designated open space.
- 3.2 A hard surfaced cycle and footpath, which links the Rodmill area to the college, sports park and retail centres to the north, runs through the site from south to

north. The path follows a course between the raised bund to the east of the site and the tree belt to the west. The path passes beneath Cross Levels Way in a subway immediately to the west of the site. The entire length of the cycle and footpath, as well as the land bordering it, is designated as public amenity space.

3.3 A hard surfaced cycle and footpath, which links the Rodmill area to the college, sports park and retail centres to the north, runs through the site from south to north. The path follows a course between the raised bund to the east of the site and the tree belt to the west. These trees are the subject of a Tree Preservation Order. The path passes beneath Cross Levels Way in a subway immediately to the west of the site. The entire length of the cycle and footpath, as well as the land bordering it, is designated as public amenity space.

3.4 To the immediate west of the site is Eastbourne Hospital, with staff accommodation buildings being closest to the site as well as a social club and open air swimming pool. The main residential area of the Rodmill neighbourhood, which includes a local shopping centre, is located further to the west and south. To the east of the site, on the opposite side of Cross Levels Way, are low lying fields which are drained by a network of ditches as well as wetland areas. This area falls outside of the built-up area boundary.

4 Relevant Planning History

4.1 No relevant site history although pre-application advice for the proposed development of the site was issued by the Council in 2015.

5 Proposed development

5.1 The proposal involves the construction of a car showroom towards the southern end of the site and the construction of two separate bar/restaurant units towards the northern part of the site.

5.2 The proposed showroom would be cut into the existing earth bund, with the lower level servicing area set below the level of the top of the bund. The showroom area would be built above the servicing area and orientated towards the south-east, facing towards the roundabout. Decked parking would be provided immediately to the rear, with a total of 55 car parking spaces available.

5.3 The bar/restaurant buildings would be set on top of the bund. The top of the bund would be extended by raising land to the west in order for these units to be accommodated. These buildings would be single-storey but include a basement level for back of house functions. Each unit would be served by a designated car parking area, each car park providing 20 spaces, accessed via the proposed service road.

5.4 A new junction would be formed at the northern end of the site to allow for access and egress to and from Cross Levels Way. The junction would be modelled to only allow access and egress by making a turn to the left in order to prevent associated traffic crossing any carriageway.

- 5.5 The cycle and footpath that runs through the site would be partially realigned in order for the site to accommodate for the proposed service road. The retained path would be bordered by the existing tree belt on the western side and the service road to the east.

6 Consultations

6.1 Specialist Advisor – Planning Policy (amalgamation of comments)

- 6.1.1 Use classes A1, A3 and A4 are defined in the glossary of the NPPF as ‘main town centre uses.’ I disagree that the proposed location is to the north of the urban area, and that the catchment would not include the town centre. I would argue that people would travel across the whole town to access restaurant/bars, and that they don’t just serve such a localised area. Also, the catchment of the town centre is the whole town and therefore I can’t see how it would be accessible not to include the town centre in the sequential test.
- 6.1.2 The Ocklynge and Rodmill Neighbourhood policy (C5) sets out the vision for this area as the following; ‘Ocklynge and Rodmill will increase its level of sustainability by improving services and facilities and making the neighbourhood friendlier for pedestrians and cyclists, whilst continuing to promote access to open spaces and creating a more inclusive community.’ The site is adjacent to the boundary of Eastbourne Park, so particular attention needs to be paid to the part of the policy which states that the neighbourhood will be promoted by ‘enhancing access to Eastbourne Park whilst protecting the boundary from inappropriate development and screening existing development with planting.’ The development would remove the current bund, which can be counted as an area of greenspace (as well as being amenity space as described below) and so would be seen to contravene the above policy, and go against the general vision for the neighbourhood outlined in the Core Strategy.
- 6.1.3 The Eastbourne Borough Plan defines amenity space as ‘...any space that offers benefit to the locality by way of relief to the built environment.’ Policy UHT8: Protection of Amenity Space states that ‘development which would result in the loss of important areas of public amenity space...will not be permitted.’ This area currently does offer a benefit for neighbouring residents and users of the cycle and footpath as it provides a significant visual and acoustic buffer. The proposal is therefore not in keeping with the aims of UHT8.
- 6.1.4 The Eastbourne Borough Plan defines amenity space as ‘...any space that offers benefit to the locality by way of relief to the built environment.’ Policy UHT8: Protection of Amenity Space states that ‘development which would result in the loss of important areas of public amenity space...will not be permitted.’ This area currently does offer a benefit for neighbouring residents and users of the cycle and footpath as it provides a significant visual and acoustic buffer. The proposal is therefore not in keeping with the aims of UHT8.
- 6.1.5 The proposal is not compliant with policy on a local or national level. Though the proposal is attractive as it offers 100 jobs, the development itself is inappropriate in the proposed location as it constitutes a loss of amenity and greenspace.

6.2 Specialist Advisor – Regeneration

- 6.2.1 The above application qualifies under the commercial thresholds for development for a local labour agreement as detailed in the Council's Local Employment and Training Supplementary Planning Document. Should the application be approved, Regeneration request that it be subject to a local labour agreement in line with policy.

6.3 ESCC Highways

- 6.3.1 Following pre-application discussions with ESCC, the proposed access to the site is now in the form of a left in/left out priority junction, approximately 300m to the north of the roundabout bounding the south of the site, 400m south of the Sussex College site access priority junction and 700m southwest of Broadwater roundabout. In terms of visibility splays and alignment as shown in Appendix 3 of the Transport Assessment, the proposed junction is satisfactory. A Road Safety Audit was undertaken to a previous proposal for this site. An additional Road Safety Audit would not be required in this instance.
- 6.3.2 Following pre-application discussions with ESCC, the proposed access to the site is now in the form of a left in/left out priority junction, approximately 300m to the north of the roundabout bounding the south of the site, 400m south of the Sussex College site access priority junction and 700m southwest of Broadwater roundabout. In terms of visibility splays and alignment as shown in Appendix 3 of the Transport Assessment, the proposed junction is satisfactory. A Road Safety Audit was undertaken to a previous proposal for this site. An additional Road Safety Audit would not be required in this instance.
- 6.3.3 Swept path analysis indicates that when turning left into the proposed site access, the car transporter oversails, but does not overrun, the junction splitter island. It can also enter and exit the proposed site access without crossing the centre line of the A2280. This demonstrates that the proposed site access is suitable.
- 6.3.4 Drawing P4002 Rev C indicates the provision of a 5.5m wide access road from the left in/left out junction, with a layby on the east side adjacent to the public house/roadside restaurant for service vehicle use. The Transport Assessment does not indicate how the service vehicle layby would be kept clear of customers' cars. It is assumed that pub/restaurant service vehicles would egress by using the area indicated on the drawing as the delivery, turning and parking area north of the car showroom but the interaction between turning HGVs and vehicles parked at the car showroom is unclear. From the cross-sections included in drawing P4200 Rev B it appears that the intention is for car parking to be accommodated on the upper and lower levels of the building and not beyond its boundaries but clarification is required to demonstrate that the turning area will be kept clear to avoid HGV reversing manoeuvres.
- 6.3.5 The car transporter swept path indicates that the vehicle can turn within the identified delivery, turning and parking area. No swept paths have been undertaken for cars entering/exiting the pub/restaurant car parks. These will need to be submitted at reserved matters stage.

- 6.3.6 The Transport Assessment states that the proposed car showroom has a floorspace of 1008 m². ESCC's non-residential parking standards specify a guideline of 1 space per 50 m² of indoor and outdoor floorspace plus 1 space per employee. The proposed 55 spaces suggest that the applicant is intending to provide the full parking allocation suggested by the standards.
- 6.3.7 The Transport Assessment has suggested that for the public house, the adopted parking standards equate to 29 spaces and, for the roadside restaurant, 50 spaces. During pre-application discussions it was agreed that this would represent an over-provision of car parking for the public house and restaurant. The TRICS data suggested a peak parking demand of 21 spaces, which was considered by ESCC to be an under-provision. The Transport Assessment notes that the prospective occupiers have advised that such provision would likely result in overspill parking on the site access road at the busiest times and they have suggested a doubling in number of spaces to accommodate peak demand. Accordingly, the provision of a dedicated parking area for 20 cars (including two disabled spaces) for each establishment, providing a total of 40 spaces, has been proposed. This quantum of car parking is considered acceptable in principle but it would be helpful for the anticipated number of employees and their associated parking demand to be provided so this can be robustly judged.
- 6.3.8 In terms of cycle parking, four spaces are proposed for the car showroom, six spaces for the public house and six for the roadside restaurant. This appears to be a reasonable level of provision. The Transport Assessment states that covered, lit and secure cycle parking spaces will be provided. This and the commitment to provide staff showers and lockers is welcomed.
- 6.3.9 The site is currently a verge/grass bank with no traffic generation. Testing of a future baseline scenario is required for the future impacts of the development to be robustly assessed. In the absence of junction turning movement diagrams for various scenarios, it has not been possible to verify that the impacts of a left in/left out junction arrangement at the Rodmill and Broadwater roundabouts have been taken into account.
- 6.3.10 The proposed site is located in an edge of urban area. There are bus stops located on Kings Drive to the north and south of Rodmill roundabout, located approximately 480m and 380m from the centre of the site respectively. Hampden Park rail station is located approximately 1.4km from the centre of the site. Although it is served by frequent trains, the walk distance and lack of natural surveillance en-route will limit the attractiveness of rail as an access mode to the site.
- 6.3.11 The bus stops and rail station are linked to the proposed site by a shared cycle footway that runs parallel to Cross Levels Way through the landscaped area. Large sections of this route are not overlooked due to the bund and planting. The shared cycle footway is proposed to be diverted to run adjacent to the site access road, which would improve the level of surveillance but not the overall attractiveness of the route as other sections would continue not to be overlooked and be intimidating to many users, particularly during hours of darkness. However, on the assumption that a 3 metre width facility is provided beside the

site access road, this will result in nil detriment to existing cyclists and pedestrians and encourage sustainable access to the proposed development during daylight hours. Dropped kerbs/tactile paving will need to be provided at suitable locations to encourage safe crossing movements between the shared cycle footway and the pub/restaurant. These details will need to be submitted at reserved matters stage.

- 6.3.12 The Transport Assessment outlines the objectives for a Travel Plan covering all uses within the proposed development. The implementation and monitoring of the Travel Plan will be secured by s106 agreement.
- 6.3.13 The entire area of the site is adopted public highway and is therefore under the control of ESCC. In order for development to go ahead, having first gained planning consent, a stopping up order would be required through the Town & Country Planning Act 1990 to remove the highway rights. This is an entirely separate process administered by the Department for Transport national Casework Team. The Highway Authority is simply a consultee in this process although should we raise an objection this would carry significant weight.
- 6.3.13 The shared cycle footway will need to be retained as public highway on whichever alignment is agreed, along with revised street lighting.

6.4 ESCC Drainage

- 6.4.1 The updated Flood Map for Surface Water (uFMfSW) indicates that a large proportion of the site is at significant risk of flooding from surface water. Overland flows from areas to the north, south and west are conveyed to the application site where they are stored with no obvious outlet. Therefore that portion of the site is currently providing a flood storage function. Surface water ponds to depths of up to 0.90m for the 1 in 30 year rainfall event, and up to 2.15m for the 1 in 1000 year event which is usually equivalent to a 1 in 100 year (plus climate change allowance). The uFMfSW shows the flood hazard at this portion of the site as 'danger for all', which includes emergency services, during a 1 in 1000 rainfall event.
- 6.4.2 This part of the site acts as a storage area for overland flows and should this part of the site be developed, it will result in a significant flood risk on and off site. As a result, this storage area should be retained in its current condition in order to accommodate these overland flows. Our Flood Incidents Database indicates multiple surface water flooding incidents in the vicinity including Eastbourne District General Hospital and Kings Drive. It is most likely that the application site will not be able to accommodate the quantum of development sought once the existing flood storage area is retained as existing to ensure no increase in flood risk on or offsite.
- 6.4.3 The applicant intends to discharge surface water runoff through the use of soakaways. Data from the British Geological Survey (BGS) indicates that the site is susceptible to groundwater flooding occurring at the surface and groundwater levels on site are less than 3m below ground level. The underlying geology of the site is variable with superficial deposits of alluvium present at parts of the site, and the bedrock is known to have high clay content

including swelling clays. BGS data also indicates that there are very significant constraints with regards to utilising infiltration at this site.

- 6.4.4 We request that the applicant demonstrate the feasibility of infiltration by undertaking infiltration testing in accordance with the BRE365. The infiltration testing should be undertaken at the location of each proposed soakaway to a depth commensurate with that of the soakaway. We also recommend that groundwater monitoring be undertaken between autumn and spring at the locations of the proposed soakaways. BGS data shows that there are ground stability issues at the site. Consequently, the applicant should consider the potential impacts of infiltration on ground stability.
- 6.4.5 In the event that infiltration proves to be infeasible, the applicant should consider alternative options to discharge surface water runoff from the site. We note that there is an ordinary watercourse adjacent to Cross-Levels Way that the applicant could discharge into. This watercourse lies within the board area of the Pevensey and Cuckmere Water level Management Board (PCWLMB) as does the application site and should the applicant wish to discharge into this watercourse, discharge rates will need to be agreed with the Board. In addition the PCWLMB might require surface water discharge contribution based on the surface water runoff rates and volume from the development.
- 6.5 ESCC Ecology
 - 6.5.1 Surveys were carried out broadly in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
 - 6.5.2 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
 - 6.5.3 The site is currently a man-made bund with semi-improved grassland, areas of woodland, scrub and scattered trees, with small areas of hard standing. The habitats of greatest value are the areas of woodland, in particular a band of broadleaved woodland along the north-western boundary, a narrow strip of which lies within the application site. This woodland is a Habitat of Principle Importance under Section 41 of the NERC act and should be retained and protected with a minimum 10m buffer to the development. Other trees and woodland on site should be retained and protected where possible. Any loss should be compensated by native tree planting and positive management of the remaining woodland. It is noted from the Planning Statement that the applicant can confirm a willingness to enter into agreements to enhance the arboriculture of the site, including new and replacement planting, thinning and management of current stock.
 - 6.5.4 The site has the potential to support breeding birds, reptiles, badgers and bats and mitigation methods covering construction and operation are recommended.
 - 6.5.5 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the use of native species and/or species of known value to wildlife in the landscaping scheme, positive management of on-site

woodland, the provision of bird, bat and/or insect boxes, and the provision of green roofs and/or walls.

- 6.5.6 The proposed layout plan shows a proposed green roof on the car showroom. This is welcomed and should be supported. The roof should be biodiverse rather than sedum and should use a locally sourced appropriate seed mix. If possible, green roofs should also be provided on the other buildings.

6.6 Sussex Police

- 6.6.1 As there is a class A4 usage being sought, the applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.
- 6.6.2 With respect to the A3 usage being sought, I ask that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at the table by waiters/waitresses. Substantial food should be available at all times.
- 6.6.3 Secured by Design accredited products that are fit for purpose and appropriate along with natural surveillance and access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities. All external fire doors are to be devoid of any external furniture and linked back to security or be alarmed to indicate when the door is left open or ajar. Signage adjacent to the door is to inform users of the consequence of misuse.
- 6.6.4 The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

6.7 Natural England

- 6.7.1 No comments to make.

6.8 Bespoke

- 6.8.1 Unclear from the plans exactly what the proposed shared path will look like. From the drawings it looks like no space from the path to the DGH boundary and then no space to the new road. Currently it is a safe route away from any traffic, noise or pollution. So ideal for children. On this scheme there is little space and without a ban on pavement parking, on the new road this will be at risk.
- 6.8.2 Requires adherence to some national standards. So Sustrans would have 3m wide path with clear gaps to the DGH fence and the new road. Bespoke have little confidence in active travel promises being adhered to. The

adjacent development had a cycle path included in their scheme, that was passed by EBC Planning, and was then never built.

6.9 Sussex Downs College

6.9.1 The proposed development will impact on the College (and the Hospital) in several ways:

- Increasing traffic congestion along Cross Levels Way particularly at the three roundabouts – Sainsburys and the two roundabouts at the Kings Drive end of Cross Levels Way
- Another junction on Cross Levels Way where the speed limit is currently 40 mph
- Increase traffic queuing into and out of the College particularly at peak times
- Delays to public transport along both Kings Drive and Cross Levels Way
- Possible increase in anti-social behaviour and vandalism after the pub and restaurant have closed
- The banking, trees, wildlife and wild flowers along Cross Levels Way would be removed, thereby increasing traffic noise and changing the environment behind the hospital.

6.9.2 Does the application fit in with the Borough Plan? Is there a need for another car showroom when there are potential sites in the Lottbridge Drove area of the town available. Is there a need for yet another pub and restaurant when there are empty units in other parts of the town eg. town centre, seafront or Sovereign Harbour that could be considered.

6.10 East Sussex NHS Healthcare Trust

6.10.1 Whilst we generally support development that brings with it inward economic investment and jobs, we do have some concerns about the development, specifically related to its close proximity to our site and specifically the crèche and residential accommodation. We would like to understand how the developer can assist in minimising the effects of noise and privacy to both of these areas arising from its operations.

6.10.2 We would also be interested in understanding how the developer can mitigate any possible travel impact on journeys to and from the hospital and from persons accessing the development from within the hospital grounds.

7 **Neighbour Representations**

7.1 Following public consultation, letters of objection from 17 individual addresses have been received. The contents of these letters are summarised below:-

- Traffic is already horrendous without additional traffic being created;
- Will be a big problem for all shops around the area;
- Cars turning into the restaurant will cause accidents;
- Development will slow up ambulances;

- A new shopping centre is being provided in town with ample restaurant availability;
- The area is well catered and there is no need for a pub/restaurant;
- Removal of banks will result in occupants of hospital accommodation being exposed to raised noise levels;
- This is a semi-wild area full of birds and small animals and a lovely oasis of peace;
- There are remains of a sheep fold on site, will this be preserved?
- The site is not deep enough to house the proposed buildings;
- Service road would be close to nurses accommodation;
- 100 jobs for 3 outlets seems optimistic;
- If the site is developed it should be for additional car parking for the hospital;
- Extra traffic and loss of trees will result in further deterioration of air quality;
- The site is a haven for insects, nesting birds and bats;
- We are losing too much of our green areas, please do not let this happen;
- We should not be encouraging more car ownership;
- There are many vacant industrial units already available, notably on Lottbridge Drove;
- The local population will not forgive more inappropriate development of the area;
- Serves no purpose in what is, with the exception of the college and hospital, a residential area;
- Would increase noise at night due to restaurant and pub use and increased traffic;
- Overdevelopment of an area that was a former meadow and floodplain;
- The loss of trees would result in the loss of hospital accommodation, crèche and swimming pool;
- No footfall for restaurant, there is too many across town;
- No information on site layout or where footpath would be located;
- Current footpath allows disabled access to Sainsburys for those with mobility scooters.

8 Appraisal

8.1 Principle of development

8.1.1 The site is located within the built-up area as defined on the Eastbourne Proposals Map and, as such, the general principle of developing the site is acceptable.

8.1.2 The proposed development involves the provision of buildings for use as bars/restaurants and the sale of vehicles. These uses are defined as 'main town centre uses' as per Annex 2 of the Revised national Planning Policy Framework (NPPF) 2018. Para. 86 of the NPPF maintains that 'main town centre uses should be located in town centres, then in edge of centre locations and; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'.

- 8.1.3 Para. 89 of the NPPF requires further assessment to be made in regard to the impact of the development upon investment, vitality and viability within town centres, if the development involves the provision of floorspace in excess of 2,500 m². The proposed development would provide 3,066 m² of floor space and, as such, this is a material consideration.
- 8.1.4 The objectives of the NPPF are reflected in Policy D4 of the Eastbourne Core Strategy which sets out a sequential approach to site selection for retail development, this being as follows:-
- I. Eastbourne Town Centre Primary and Secondary Shopping Areas;
 - II. District Shopping Centres;
 - III. Local Shopping Centres;
 - IV. Neighbourhood Shopping Centres;
 - V. Edge-of-centres;
 - VI. Out-of-centre sites which are accessible by a choice of transport means;
- 8.1.5 The site does not fall within any of the shopping areas identified within the Core Strategy, the nearest centre being the Local Shopping Centre at Rodmill, approximately 230 metres to the west of the site. This does not qualify the site as an 'edge-of-centre' location as this definition relates only to sites within 300 metres of a town centre boundary, as per Annex 2 of the NPPF.
- 8.1.6 Core Strategy Policy D4 does support new retail development within local centres which would strengthen vitality, viability or accessibility. However, the disconnect between the site and the local centre at Rodmill, mean that it could not be regarded as an extension to the local centre. In any case, local centre uses are defined as providing day-to-day shopping needs and the nature of the proposed development would not be compatible with this characteristic.
- 8.1.7 The site is therefore considered to be 'out-of-centre' and, as such, should only be considered for development if suitable sites in areas higher in the retail hierarchy have been considered. The applicant has submitted a sequential assessment which concludes that no suitable sites are available within surrounding district, local and neighbourhood centres but does not explore the availability of town centre locations. Furthermore, the catchment of the proposed development would include Eastbourne Town Centre, which is just under 2km to the south of the site, and, given that the scale and nature of the proposed uses mean that they would appeal to, and rely on, custom from an area wider than the immediate locality, it is considered that the proposed development would draw custom away from the town centre, to the detriment of its ongoing vitality and viability.
- 8.1.8 It is therefore considered that the proposed development would be harmful towards the viability and vitality of Eastbourne Town Centre due to its siting and scale and, as such, is in conflict with Chapter 7 of the Revised NPPF (2018) as well as Policy D4 of the Eastbourne Core Strategy (2013).

8.2 Impact of proposed development on amenity of adjoining occupiers

- 8.2.1 The site is not directly adjacent to the main residential area of Rodmill, which extends to the south-west, with the A2021 and A2280 positioned in between. However, staff accommodation serving Eastbourne Hospital is within closer proximity to the west of the site. The southern part of the site, where the proposed car showroom would be located, is directly adjacent to the hospital site whilst the northern part of the site, which would accommodate the bar/restaurant buildings, is separated by the existing belt of mature trees. At its closest point, the proposed service road reaches within approximately 25 metres of accommodation at Jenner House to the west, with the bar/restaurant buildings set back further at approximately 40 metres. The hospital social club and open air swimming pool is also situated to the west, approximately 65 metres from the site. The parking area serving the proposed showroom reaches within approximately 16 metres of Harvey House, to the north, with the showroom itself set back by approximately 55 metres.
- 8.2.2 The existing bund and green buffer, along with the tree belt, protect the amenities of the occupants of these properties by way of reducing noise, light and air pollution as well as softening visual impact. The proposed car showroom would be dug into the bund at the southern end of the site but would not remove it. The proposed bar/restaurant units would be positioned on top of the bund flanking the western side of Cross Levels Way. As such, the bund itself would remain largely intact and would continue to provide a screening function in terms of noise, light and visual impact of Cross Levels Way in relation to residents of the hospital accommodation.
- 8.2.3 The proposed uses, consisting of a car showroom that includes workshop facilities and bar/restaurant uses, which include outdoor terrace areas, as well as the provision of a new service road and car parking areas, have the potential to generate levels of noise and light levels that could be disruptive to nearby residents. However, it is considered that this could be controlled through the use of conditions securing noise mitigation measures, restrictions on hours of operation and control over the use of outdoor areas and vertical drinking within the bar/restaurant buildings. It is not considered that the proposed uses themselves are incompatible with the surrounding environment given the level of activity already present as a result of the proximity to A-roads that radiate from surrounding roundabouts and the nearby hospital use and neighbourhood shopping centre.
- 8.2.4 Site section plans show that the proposed car showroom and associated yard area would be on land raised above the height of the hospital site ground level, with the roof top height begin approximately 5 metres above the roof top height of the Harvey House accommodation block. However, given the degree of separation between the proposed showroom and Harvey House, combined with the potential to provide sympathetic screening in the form of landscaping, it is not considered that the proposed showroom would appear overbearing towards the occupants of Harvey House nor would it bring about undue levels of overlooking or overshadowing.

- 8.2.5 The ground level of the site where the bar/restaurant buildings are to be located broadly reflects that of the hospital site and the single-storey nature of the proposed buildings would minimise their visual presence. The distance maintained between the proposed bar/restaurant buildings, combined with their modest height and the screening provided by the existing mature belt of trees on the western site boundary, would ensure that these buildings also would not cause any unacceptable erosion of the residential amenities of neighbouring residents.
- 8.2.6 It is therefore considered that, through the use of suitable controls secured by robust planning conditions, the proposed development could be accommodated without resulting in unacceptable impact upon the amenities of neighbouring residents.
- 8.3 Design and impact on character and appearance of the surrounding area
- 8.3.1 Although the final design of the proposed buildings has been left as a reserved matter, the application does include details of the scale and layout of the development, ensuring that the broad appearance of the development in terms of the positioning of buildings and ancillary features as well as the dimensions of the buildings can be ascertained.
- 8.3.2 Given the visual and spatial separation of the site from surrounding buildings, there are no surrounding structures that the proposed buildings would be required to visually relate to in terms of design, scale and street scene impact. This presents the opportunity for contemporary building design within the proposed development.
- 8.3.3 However, the site currently has a clearly defined characteristic as green space which not only helps provide a sympathetic visual buffer between Cross Levels Way and the hospital site, but also allows for an effective transition between the built-up environment and the rural landscape to the east of the site. Whilst efforts have been made to reduce the impact the development would have on the overall character of the site by cutting the showroom building into the existing bund and providing landscaping and a green roof, it is not considered that this would mitigate against the loss of existing green space, including trees and other vegetation, that would result from the development. Furthermore, the bar/restaurant buildings would be more prominently positioned on the top of the bund and, in this position, would clearly disrupt the verdant nature of the approach to the Rodmill area from the north as well as eroding the valuable green buffer provided between development in the Rodmill neighbourhood and the retail and commercial development to the north.
- 8.3.4 The erosion of this green buffer would introduce an unwanted sense of coalescence of buildings, intruding into greenspace and potentially legitimising further erosion of green space to the sides of Cross Levels Way. It is therefore considered that the proposal would result in an incongruous and unsympathetic development that would significantly harm the existing character and appearance of the surrounding area, as well as the loss of valuable landscape features.

8.4 Impact upon open space/amenity space

- 8.4.1 The entirety of the site of the proposed development is classified not only as open space but also as amenity land. A foot and cycle path traverses the site from north to south and is used to provide a connection between the Rodmill neighbourhood, the Hampden Park area to the north and the wider Eastbourne Park amenity area to the north. This route is currently provides an attractive verdant and semi-rural environment for users, proving an important level of relief from the densely built-up surrounding areas. The areas to the sides of the footpath are open to access and can be used by members of the public for recreation.
- 8.4.2 Whilst the foot and cycle path would be retained and continue to be functional, with a minor realignment towards the north of the site, its character would be substantially altered due to its proximity to the proposed service road, parking areas and the buildings themselves. Although the applicant has provided further details setting out the potential for landscaping and planting that could mitigate against this loss it is not considered that it is sufficient, or could be sufficient, to compensate for the loss of amenity space which, when incorporating the combined footprint of proposed roads, parking areas and buildings, would amount to approximately 6620 m² (0.6 hectares).
- 8.4.3 The amount of valuable amenity space available would therefore be severely reduced and the nature of that remaining would be irreversibly altered as it would be overlooked by the proposed development and would be subject to disruptions caused by frequent vehicle movements and the activities of the businesses occupying the proposed buildings.
- 8.4.3 It is therefore considered that the proposed development would result in an unacceptable loss of amenity/open space that would be further exacerbated by the negative impact it would have on any remaining space due to the nature of the development and the level of activity it would bring about. The proposed development is therefore considered to conflict with policy UHT8 of the Eastbourne Borough Plan, policy D9 of the Eastbourne Core Strategy and Chapter 8 of the Revised NPPF.

8.5 Impacts on highway network or access

- 8.5.1 The site is currently designated as highways land as it forms part of the verge which flanks Cross Levels Way (A2280). As such, should the application be approved, a separate application would to be submitted to, and approved, by the Department for Transport in order to obtain approval for the stopping up of this highway land. This is determined separately to the planning application and can be issued either before or after planning permission is granted. As such, it is not a material consideration in the determination of this application.
- 8.5.2 The proposed development would be accessed from Cross Levels Way (A2280) which is a single-carriageway road at this point. The applicant has held pre-application discussions with ESCC Highways and has modelled the site junction so as to only allow access or egress by vehicles that are turning to the left. This is in order to prevent vehicles turning right and, therefore, having to cross the

carriageway, potentially leading to unacceptable disruption of traffic or a safety hazard. ESCC Highways have provided comments and are satisfied that the proposed junction would allow for safe access and egress, including for Heavy Goods Vehicles associated with the development, such as car transporters serving the car showroom.

- 8.5.3 Whilst ESCC Highways have supported the junction design in principle, they have found that the number of scenarios modelled in the submitted Transport Assessment is incomplete and, should the application be approved, further details would be required to be provided at the reserved matters stage.
- 8.5.4 Whilst ESCC Highways have supported the junction design in principle, they have found that the number of scenarios modelled in the submitted Transport Assessment is incomplete and, should the application be approved, further details would be required to be provided at the reserved matters stage.
- 8.5.5 Each of the bar/restaurant units would be served by a hard surfaced car parking area providing 20 car parking spaces (incorporating 2 disabled bays in each car park). The car showroom would have its own designated decked car park that would provide a total of 55 car parking spaces. The quantum of parking accommodated within the proposed bar/restaurant car parks would be a necessary means to limit the possibility of parking taking place on the service road itself, which would inhibit access as well as provide a hazard to pedestrians. The 55 space car park serving the car showroom provides a sufficient amount of parking spaces for its intended use.
- 8.5.6 The site is considered to be accessible to sustainable transport due to its proximity to stops on main bus routes on Kings Drive. Hampden Park Railway station is within approximately 1.4 km of the site although this walking distance and the environment of the route between the station of the site are considered to limit the frequency at which rail services would be used as a means to access the site. The site would continue to be accessible by foot and cycle through the use of the pathway that traverses it from north to south. ESCC Highways are satisfied that the foot and cycle path would remain functional following the development and slight realignment proposed.
- 8.5.7 It is therefore considered that, subject to additional information being provided and accepted at the reserved matters stage, the proposed development would not result in any unacceptable adverse impact upon the surrounding highway network.

8.6 Ecological impact

- 8.6.1 The application is supported by an ecological Assessment. The ESCC Ecologist has reviewed this document and the wider application in terms of impact upon ecology and habitat loss. The ecologist has not raised any concerns that there may be protected species that are supported by the site and would be put at risk by the proposed development. The value of the site to provide a habitat and foraging ground for a variety of fauna has been acknowledged and the ecologist considered that suitable mitigation and enhancement measures could be incorporated into the development in order to minimise any impact upon resident

species. These measures can be secured through the use of suitable planning conditions.

8.7 Sustainable drainage and flood risk

- 8.7.1 The Lead Local Flood Authority (LLFA) have raised significant concerns that the development of the site would reduce its capacity to store surface water, thereby subjecting surrounding site to increased risk of surface water flooding, to which they are already susceptible. The submitted drainage strategy states that soakaways would be utilised to provide surface water drainage. However, the LLFA do not consider that sufficient details have been provided to support the use of soakaways and infiltration drainage due to the high groundwater levels below the site and the surrounding area. It is crucial that suitable site drainage is confirmed prior to any approval being granted due to the function the site provides as a surface water flood storage area. In the absence of such reassurance, it is considered that the proposed development would generate an unacceptable increase in risk of surface water flooding of surrounding site, as well as within the development itself. As such, the proposed development conflicts with Eastbourne Borough Plan Policy US4.

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 It is considered that the site is an unsuitable location for development of this nature. The proposed uses would have a harmful impact upon the vitality and viability of Eastbourne Town Centre and other designated shopping centres by way of drawing custom from these areas. The scheme would also compromise the verdant nature of this part of Cross Levels Way and result in an unacceptable loss of, and harm to, amenity space which is currently provided on site. There are also insufficient details provided to demonstrate that the proposed development would not result in an unacceptable increase in the likelihood of surface water flooding within the surrounding area.
- 10.2 It is therefore recommended that the application is refused for the following reasons:-
- 10.3 The proposed development, due to its location outside of any identified shopping area, and the size of its catchment as a result of the scale and nature of the proposed uses it would support, would result in a harmful impact upon the vitality and viability of Eastbourne Town Centre and other designated shopping centres within the Borough. The proposal is therefore in conflict with Eastbourne Core Strategy Policy D4 and Chapter 7 of the Revised National Planning Policy Framework.

- 10.4 The proposed development would result in the substantial loss of existing green space which currently helps generate a verdant, semi-rural environment on this part of Cross Levels Way as well as a valuable green buffer between the built environment in the Rodmill neighbourhood and that in Hampden Park to the north. The presence of buildings on the site would result in an incongruous appearance and a sense of coalescence of buildings within this semi-rural environment. The proposed is therefore in conflict with
- 10.5 The proposed development would result in the loss of a significant area of amenity space which provides a valuable function in providing a green link between Rodmill and the Eastbourne Park area. The character and tranquillity of the remaining amenity space would also be adversely impacted upon by the intensity of activities that would take place on the developed site. The proposed development is therefore in conflict with Eastbourne Borough Plan Policy UHT8.
- 10.6 The site currently performs a valuable function is a storage area for surface water and its development would reduce this storage capacity. In the absence of sufficient details as to how surface water storage water capacity would be retained and managed, the development would generate an unacceptable increase in the risk of surface water flooding of neighbouring sites as well as being at risk of surface water flooding itself. The proposal therefore conflicts with policy US4 of the Eastbourne Borough Plan.

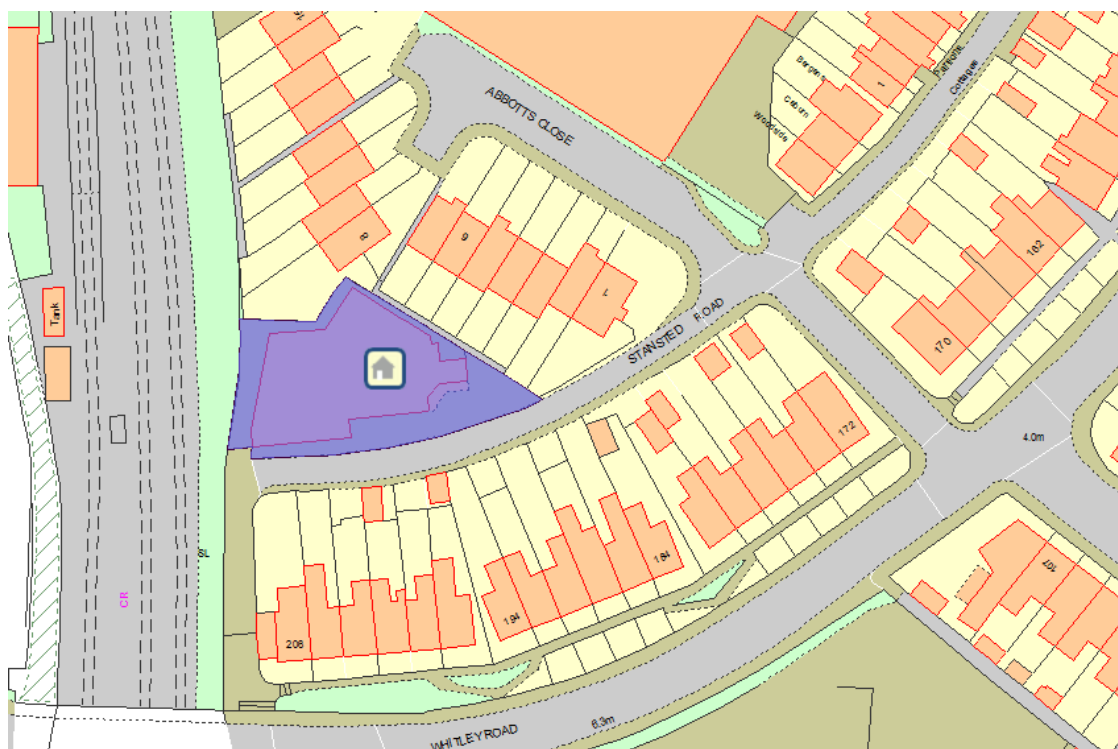
11 Appeal

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.

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App.No: 180979	Decision Due Date: 8 th January 2018	Ward: Devonshire
Officer: James Smith	Site visit date: 15 th November 2018	Type: Outline (all reserved)
Site Notice(s) Expiry date: 18 th November 2018		
Neighbour Con Expiry: 18 th November 2018		
Over 8/13 week reason: Committee cycle		
Location: Westgate Motors, Stansted Road, Eastbourne		
Proposal: : Demolition of existing garage facility and erection of residential accommodation over 3 floors and roof space comprising 10 No - 2bedroom maisonettes.		
Applicant: Mr C. Thomson		
Recommendation: Refuse		

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



1 Executive Summary

- 1.1 This application has been brought to Committee as it involves a major planning proposal. The proposal involves the net gain of 10 residential units.
- 1.2 The application seeks outline permission, with all matters reserved. However, indicative drawings have been provided and the application description confirms that the proposed building would be a 3-storey structure, with additional accommodation included within the roof space.
- 1.3 The proposal involves the net gain of 10 residential units, meaning it falls below the threshold for the requirement for affordable housing provision (11 units). The residential units would be provided as maisonettes
- 1.4 Whilst the residential development of this site is considered to be acceptable, the scale of the development would be such that it would result in unacceptable harm towards the amenities of neighbouring residents.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a supply of sufficient homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Employment Land Local Plan 2016

EL1: Economy and Employment Land

2.3 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C6: Roselands & Bridgemere Neighbourhood
- D1: Sustainable Development
- D2: Economy
- D5: Housing
- D10a: Design

2.4 Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE15: Protection of Water Quality
NE17: Contaminated Land
NE18: Noise
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
HO1: Residential Development Within the Existing Built-up Area
HO7: Redevelopment
HO20: Residential Amenity
BI1: Retention of Class B1, B2 and B8 Sites and Premises
TR11: Car Parking

3 Site Description

- 3.1 The site is currently occupied by Westgate Motors which is a vehicle repair and servicing garage. The premises consist of two main elements, a two-storey flat roof building towards the eastern side of the site, which also flanks the majority of the north-eastern site boundary, and a large connected single-storey storey structure with a corrugated metal roof that accommodates the main workshop area. The apex of the workshop roof reaches a similar height to that of the two-storey flat roofed element.
- 3.2 The buildings occupy the majority of the site envelope, with a modest set back from the highway maintained, on which hard surfaced car parking areas are provided.
- 3.3 The site is located at the end of a cul-de-sac which is lined by predominantly residential development in the form terraces of two-storey dwellings, as is the adjoining cul-de-sac, Abbotts Close, where dwellings back on to the site. The southern side of the road is backed on to by dwellings on Whitely Road, a number of which have garages which are accessed from Stansted Road.
- 3.4 The site is located at the end of Stansted Road, a narrow cul-de-sac which is lined by predominantly residential development in the form terraces of two-storey dwellings, as is the adjoining cul-de-sac, Abbotts Close, where dwellings back on to the site. The southern side of the road is backed on to by dwellings on Whitely Road, a number of which have garages which are accessed from Stansted Road.
- 3.5 Courtlands Road Industrial Estate extends to the north of the site, with a dairy distribution centre being nearby as well as water treatment works and electricity substations. The Eastbourne mainline passes the western site boundary, at a slightly lower level. The railway line is bordered by trees, some of which partially overhang the site. There are no other significant trees present within the site area.

4 Relevant Planning History

- 4.1 001264 - Former Site Of Llewellyn Joinery Works, Stansted Road

Proposed erection of fifteen two and part three-storey houses with 33 car parking spaces.

Approved Conditionally – 18/12/2000 – Development now completed (Abbotts Close)

5 Proposed development

- 5.1 The proposal involves the demolition of all existing buildings occupying the site and replacement with a 3-storey building that would also include accommodation within the roof space. The building would be divided into 10 new residential units, each of which would provide 2 bedrooms. The units would be provided in duplex form, distributed over two floors. The Planning Statement submitted with the application states that communal internal space would also be provided.
- 5.2 As this is an outline application, the submitted plans showing the elevations are indicative only. However, they show that the proposed development would require a building that would occupy a large proportion of the site, with some space retained to the front to provide 12 x car parking spaces and to the rear for use as communal amenity space.

6 Consultations

- 6.1 Specialist Advisor (Planning Policy)
- 6.1.1 Policy C6 of the Core Strategy explains that the vision for the 'Roselands and Bridgemere Neighbourhood' is 'Roselands & Bridgemere will support economic activity in the town and contribute to the delivery of housing, whilst increasing its sustainability through providing connections to other parts of town and addressing deficiencies in the provision of open spaces and allotments for the wider area'. One way of promoting this will be through delivering additional housing through making more efficient use of land. This application would be in accordance with this policy.
- 6.1.2 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of housing. As of 1 October 2018, Eastbourne is only able to demonstrate a 1.54 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply.
- 6.1.3 National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole', (NPPF, para 11).
- 6.1.4 The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas.

Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is also considered a brownfield site and strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'. This application will result in a net gain of 10 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

- 6.1.5 It is important to note that as this application is for 10 units, it does not meet the threshold for contribution towards affordable housing. Also note that depending on the design and arrangement of the proposed building there may be a CIL liability.
- 6.1.6 To conclude, this application complies with national and local policy. The change of use from sui generis to C3 (Residential) has been considered, it is determined that in this case, the loss of the sui generis use class is outweighed by the positive contribution to and need for Residential development. Additionally, the NPPF supports sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application will result in a windfall addition of 10 dwellings.
- 6.1.7 Overall there is no objection to the proposal from a planning policy perspective, in principle. However any impact on residential amenity (Policy HO20 of the Eastbourne Borough Plan) and meeting the criteria set in the Nationally Described Space Standards will need to be considered.

6.2 Regeneration Officer

- 6.2.1 The proposal would result in the loss of a local business and employment opportunity. In the Statement for Outline Planning there is reference to restricted working times, limited expansion and residential location. However, there is no evidence regarding the marketing of the existing business or exploration of alternative business use. The current offer may be of interest to a business start-up or an existing/similar business wishing to re-locate.
- 6.2.2 In accordance with the Thresholds for Development detailed on page 11 of the Local Employment and Training Supplementary Planning Document adopted on 16 November 2016, the above proposal qualifies under Residential as a major development – 10 or more gross units.
- 6.2.3 In summary Regeneration has reservations regarding the loss of employment space and employment opportunities for the local economy. Regeneration requests that should outline planning permission be granted it be subject to a local labour agreement.

6.3 Environment Agency

- 6.3.1 This development is sited on the West Melbury Marly Chalk, which is designated as a Principal Aquifer and in a Source Protection Zone 1 for South East Water

Limited's public water supply, which lies within 150 metres of the site (referred to herein as "the Public Water Supply"). Groundwater in this area is very sensitive to contamination. In addition, the previous use of the site as a garage facility has the potential for land contamination to be present.

- 6.3.2 The details submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the Local Planning Authority.
- 6.3.3 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).
- 6.3.4 The previous use of the proposed development site as a garage facility presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 for the Public Water Supply and is located upon a Principal Aquifer.
- 6.3.5 In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. Therefore, we request that a planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.
- 6.3.6 A number of conditions (5 in total) are attached to the Environment Agency comments and would be required to be included on the decision notice should the application be approved. These relate to a Remediation Strategy and subsequent Verification Report, Remediation works for any previously unidentified contamination encountered during works, the prohibiting of the use of surface water infiltration for drainage purposes and a request for further details of any piling that may take place as part of the construction works.

6.4 SUDS

- 6.4.1 The information submitted by the applicant in support of this planning application has not fully satisfied the Lead Local Flood Authority and does not assure us that surface water and local flood risk have been adequately taken into account. Nevertheless, given the site characteristics and the proposal in question, we are content that these matters can be addressed through suitably worded planning conditions, should planning permission be granted.
- 6.4.2 Other than an indication on the application form that the public sewer network

will be used to dispose surface water runoff from the application site, the applicant has not provided any information on the existing/proposed discharge rates, volumes and drainage system. At this stage, we would expect the applicant to submit a drainage strategy together with preliminary hydraulic calculations and drainage layout.

- 6.4.3 The British Geological Survey data shows the site within an area at risk of groundwater flooding to occur at surface and that groundwater on site is less than 3m below ground level. Therefore, high groundwater should be taken into consideration in the design of any surface water management measures. No information has been provided to assure us that the impacts of high groundwater on the development, surface water drainage proposals and consequential impacts on offsite area will be managed properly.
- 6.4.4 It is noted that the application site drains to the Pevensey and Cuckmere Water Level Management Board's drainage district. It is therefore suggested that the applicant contacts the Water Level Management Board to understand requirements that they may have.
- 6.4.5 Nevertheless, the public sewer records we hold show a public surface water sewer in Stansted Road adjacent to the application site. Therefore, there is potential for the applicant to discharge surface water runoff to the public surface water sewer, subject to agreements with Southern Water.

6.5 ESCC Highways

- 6.5.1 The applicant has not submitted trip generation analysis. Having undertaken my own analysis using the TRICS software, the estimated number of trips by the existing garage is approximately 90 trips per day. The proposed flats would generate approximately 30-40 trips per day. As such, the proposals are not expected to result in a significant impact on the local highway network.
- 6.5.2 The applicant is proposing to provide 12 parking spaces in front of the proposed flats. Due to existing parking pressures and the narrow nature of the surrounding roads, there does not appear to be scope for on-street parking on local roads. Using the ESCC parking calculator, it is estimated that 10 two-bedroom flats in this location would have a parking demand for 7 vehicles if unallocated or for 14 vehicles if each flat is allocated one parking space. As such, if the spaces were unallocated, then the proposed parking layout would be acceptable. If each flat were allocated one space, then any plans submitted at reserved matters stage should show parking capacity in line with the County Council's standards. The applicant should clarify the proposed car parking arrangement at reserved matters stage.
- 6.5.3 The applicant has shown an area to be dedicated to a cycle store. This is acceptable, though further details regarding the form and security of cycle store should be provided at reserved matters stage.
- 6.5.4 The location of a refuse store is not apparent from the submitted plans. Furthermore, Stansted Road is narrow in this location, and has limited turning facilities. As such, any reserved matters application should include details

regarding refuse collection in line with the County Council's Good Practice Guide for Property Developers: Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas.

6.5.5 Due to the restricted width of Stansted Road, a Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission.

6.5.6 It should be noted that the proposed development shown in the submitted plan appears to encroach on land that is designated as public highway. In the event that this application is approved, the existing highway land within the development must be formally stopped up prior to any highway land being enclosed within the development. The applicant is advised to contact the Highways Land Information Team on 01273 482316 or by email at highwaysearches@eastsussex.gov.uk for further details.

6.6 Southern Water

6.6.1 No development or new tree planting should be located within 3 metres either side of the external edge of the surface water sewer. No new soakaways should be located within 5 metres of the public sewer. All existing infrastructure should be protected during the course of construction works.

6.7 Network Rail

6.7.1 No response has been received to date.

7 **Neighbour Representations**

7.1 Following public consultation, seven letters of objection have been received. Concerns raised within these letters are summarised below:-

- The proposed building is taller than the existing garage and will cause overshadowing of neighbouring properties;
- Would result in a loss of privacy at neighbouring properties;
- Would result in increased noise and activity as the hours of operation of the garage are restricted to business hours only.
- No outdoor space is provided for children to play in and so they would use the cul-de-sac;
- Would put pressure on parking and result in additional traffic;
- Construction works would cause disruption;
- Would overload the drainage system;
- Design is out of keeping with surrounding development. New houses would be more reasonable;
- Footpath access would be hazardous due to amount of parked cars on

road and the narrowness of the road;

8 Appraisal

8.1 Principle of development

- 8.1.1 The site is located within the built-up area, as defined by Policy HO1 of the Eastbourne Borough Plan, where the general principle of development is deemed to be acceptable.
- 8.1.2 The proposed development would result in the loss of an existing B2 use, provided by the motor vehicle repair and serving garage. The site does not fall within the Courtlands Road Designated Industrial Area and, as such, its continued employment use is not protected by Policy EL2 of the Eastbourne Employment Land Local Plan (2016). Nevertheless, saved Policy BI1 of the Eastbourne Borough Plan seeks to prevent the loss of employment uses unless there is justification due to a lack of use, or demand for use, of the facility, the suitability and adaptability of the site for continued employment use, unacceptable impacts on highways or if the continued use for employment purposes would cause undue disturbance to neighbouring residents.
- 8.1.3 The site is detached from the industrial estate to the north and is bordered, on three sides, by residential development. It is considered that the existing use is not fully compatible with the surrounding residential environment due to the nature and intensity of the operations carried out by it. It is considered that continued use of the facility has the potential to result in undue disturbance of neighbouring residents which could ultimately impede on the ongoing use of the facility, particularly if additional flexibility is sought in terms of hours of operation. The difficulty of operating a B2 use in a residential area is acknowledged by para. 3.9 of the Employment Land Local Plan.
- 8.1.4 Given the availability of suitable sites within designated industrial areas, it is considered that the existing business could relocate to a more appropriate site. Para. 3.7 of the Employment Land Local Plan states that there are a number of vacant and under-utilised sites within existing designated industrial areas.
- 8.1.5 Furthermore, the Borough is currently not able to identify a five year supply of housing land. Para. 11 (d) of the Revised National Planning Policy Framework (2018) instructs that, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes applications for housing where the LPA is unable to demonstrate a 5 year supply of deliverable housing sites – as per footnote 7), applications should be approved unless 'the application of policies in this framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'
- 8.1.6 Para. 121 of the Revised NPPF states that 'Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.' It then instructs that particular

encouragement should be given to proposals that 'use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites.'

- 8.1.7 It is therefore considered that the redevelopment of the site for residential purposes is acceptable in principle, subject to compliance with other relevant planning policies, against which the proposed development will be assessed in the main body of this report.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.2.1 The proposed development as shown on the illustrative drawings would involve the construction of a three-storey building, with additional accommodation within the roof space, in place of the existing two-storey flat roof building and high roofed workshop. The assessment below has been made based on a review of the illustrative information.
- 8.2.2 Whilst a building of this height may be visually compatible with the existing street scene, it does represent an increase in height over that of the existing building and the general scale of surrounding residential development. This increase, coupled with the close proximity to surrounding dwellings, especially those on Abbots Close, would result in the proposed building appearing overbearing and oppressive towards the occupants of these properties. This impact would be particularly harmful towards the occupants of 8 Abbots Close where the rear elevations of the proposed building would flank the majority of the side boundary of the rear garden.
- 8.2.3 For similar reasons, compounded by the positioning of the proposed building to the south of properties on Abbots Close, it is considered that the development would result in undue levels of overshadowing towards the rear gardens and habitable room windows of neighbouring properties, particularly numbers 6, 7 and 8 Abbots Close, exacerbating the overbearing impact of the development as a whole.
- 8.2.4 As this is an outline application, there are no details of the internal layout of the development. It is considered that any windows on the rear (northern) and side (north-eastern) elevations of the building would allow for intrusive views towards gardens and windows of properties on Abbots Close, particularly numbers 6, 7 and 8. Given the intended duplex configuration of the building, it is considered that it would be possible to arrange the interior in a manner that would allow windows to be concentrated to the front of the building, thereby allowing any rear facing windows to serve secondary rooms that would not require clear glazing. However, the presence of substantial side and rear elevation walls containing either obscure glazed openings or no openings at all would heighten the oppressive nature of the building already identified in para. 8.2.2.
- 8.2.5 In addition, it is considered that a concentration of clear glazed windows on the front elevation of the building, combined with the distribution of the windows over

four levels, would result in a considerable and harmful perception of overlooking towards the rear gardens and windows of properties on Whitley Road.

- 8.2.6 It is therefore considered that the proposed development would be likely to have a significantly harmful impact upon the amenities of neighbouring residents and, as such, is in conflict with saved policy HO20 of the Eastbourne Borough Plan as well as para. 127 f) of the Revised NPPF which requires that developments create a high standard of amenity for existing and future users.

8.3 Living conditions for future occupants

- 8.3.1 Whilst the internal layout of the building has not been presented at outline stage, it is considered that a building of the size shown on the submitted layout plan could accommodate suitably sized units that would accord with the Nationally Described Space Standards (2015). It is also considered that the building could be configured to provide adequate levels of natural light and ventilation to habitable rooms, albeit to the detriment of the amenities of neighbouring residents, as set out in para. 8.2.4.

- 8.3.2 Approximately 110 m² of outdoor communal space would be provided to the rear of the building for use by future occupants. This is considered to provide a suitable area for use by future occupants although it is considered that its amenity value would be inhibited by its narrow width, which would be no greater than approximately 5 metres.

8.4 Design and impact on surrounding area

- 8.4.1 As this is an outline application, no firm details of the design of the building have been provided, save for an indicative drawing showing the front elevation. However, the application description confirms that the building would be a three-storey structure with a roof form large enough to accommodate living space. Surrounding residential development consists of two-storey terraced dwellings although those on Abbots Close incorporate additional accommodation within the roof space, served by rear facing roof dormers.

- 8.4.2 Whilst the proposed building would be taller than neighbouring residential dwellings, this would effectively be by a single-storey only and, as such, it is considered it would represent an incremental increase that would ensure that the building would not appear incongruous or overly dominant within the street scene. The sites positioning at the end of the road also allows for a degree of flexibility in height whilst the overall size of the site would allow for a development that would justify having its own distinctive character rather than being required to replicate surrounding development.

- 8.4.3 The residential use of the site is considered to be compatible with the surrounding residential uses and it is considered that it would result in a significant reduction in disturbance caused by noise generation over that generated by the existing use of the site. The site area is approximately 766 m², meaning that the density of the proposed development would equate to approximately 130 dwellings per hectare. Whilst this density is greater than that of neighbouring development, which typically ranges between 75 and 120

dwellings per hectare, the more efficient use of land is encouraged by NPPF para. 123. Given that the units provided are fairly small 2 bedroom maisonettes and that there is no requirement for significant outdoor amenity space, it is considered that the density of the proposed scheme is acceptable and represents an optimal use of the site.

8.5 Impacts on highway network or access

8.5.1 The proposed development would be likely to generate significantly fewer daily vehicular trips than the existing use as a motor vehicle repair and servicing garage (30-40 daily trips predicted as opposed to 90 daily trips associated with the existing use). As such, it is considered that vehicular movements on the narrow cul-de-sac would reduce as a result of the proposed development.

8.5.2 Stansted Road is a narrow cul-de-sac and there are double yellow lines in place on one side of the road. Furthermore, the side of the road opposite the proposed development is largely bordered by dropped kerbing used to access parking to the rear of properties on Whitely Road. As such, there is little opportunity for on-street car parking. The proposed development includes the provision of 12 off-street car parking spaces, accessed directly from Stansted Road. This quantum of parking exceeds the minimum amount required for a development of this nature, provided individual spaces are not allocated to specific flats. It is therefore considered that the parking provided is sufficient to prevent any increase in parking stress on the surrounding highway network and to reduce the likelihood of on street car parking that would pose a safety risk and disrupt the free flow of traffic.

8.5.3 There is no turning head provided at the end of Stansted Road nor is there considered to be any feasible way to provide such a feature owing to the location of surrounding development and the railway line. As such, it is considered that any subsequent reserved matters application would need to be able to demonstrate that servicing vehicles could access the site.

9 Human Rights Implications

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

10 Conclusion.

10.1 Whilst the redevelopment of the site for residential use is acceptable in principle, it is considered that the scale of the proposed development would result in significant detrimental impact upon the amenities of neighbouring residents and, as such, it is recommended that the application is refused for the reason set out

below.

10.2 Recommendation

Refuse Planning Permission

The proposed development, by reason of its scale and positioning, would have an unacceptable adverse impact upon the amenities of neighbouring residents by way of representing an overbearing and oppressive feature that would be the cause of increased and undue levels of overshadowing towards gardens and rear facing windows of properties on Abbotts Close. The proposed development is therefore in conflict with saved policy HO20 of the Eastbourne Borough Plan (2007) and para. 127 f) of the Revised National Planning Policy Framework (2018).

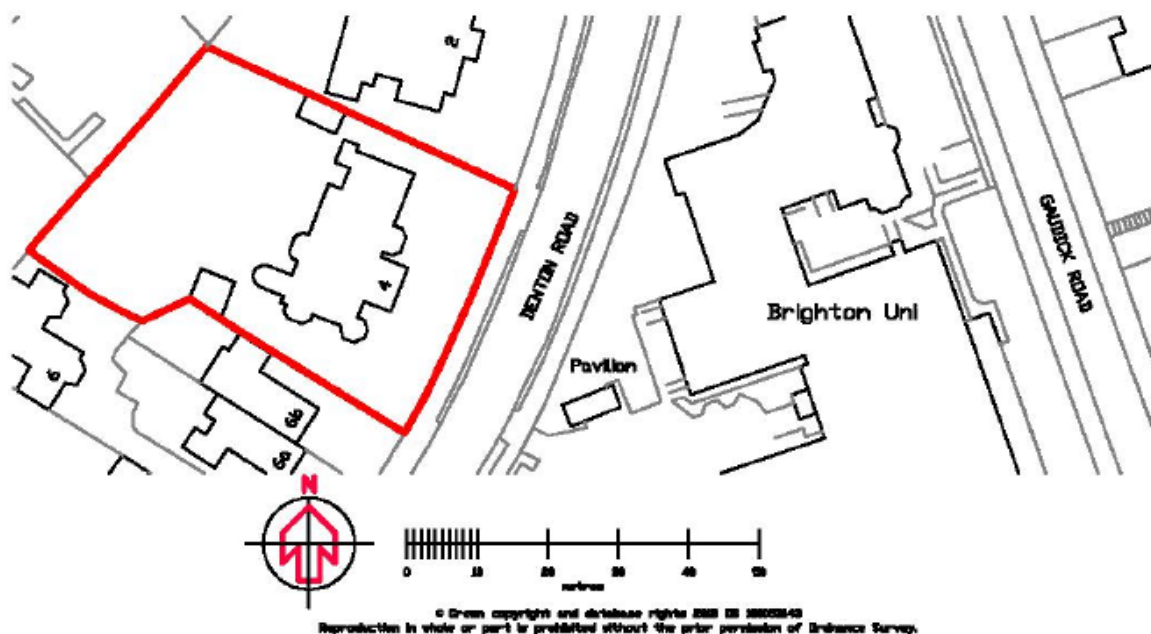
11 Appeal

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.

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App.No: 181020	Decision Due Date: 27 December 2018	Ward: Meads
Officer: Danielle Durham	Site visit date: 7 December 2018	Type: Planning Permission
Site Notice(s) Expiry date: Neighbour Con Expiry: Press Notice(s):		
Over 8/13 week reason: To allow the application to be discussed at planning committee		
Location: 4 Denton Road, Eastbourne		
Proposal: Proposed conversion of lower ground floor area to self-contained flat.		
Applicant: St Marys Homes		
Recommendation: Refuse planning permission		
<p>Reasons for recommendation The proposed development is discordant with policies B2 Creating Sustainable Development, whilst the proposal does provide space for Cycle storage space and a small outside amenity space for the occupiers it is considered that the proposed size of the internal amenity space, layout, natural light and natural ventilation is inadequate for a 2bedroom 2person dwelling. This level of amenity would be at such a level that the proposal would be discordant with Policy B2 Creating Sustainable Development as it would not provide adequate quality living environment for the future occupiers as a result.</p> <p>The proposed access to the proposed dwelling would provide a significant level of additional overlooking and loss of privacy habitable rooms in the flat above and as such is considered discordant with policy HO20 Residential Amenity.</p> <p>The proposed refuse storage location is considered in appropriate and discordant with policy B2 as it does not provide adequate waste storage facilities.</p> <p>The proposal has not satisfied the Local Planning Authority that there is adequate parking provision or suitable cycle storage and would be discordant with policy B2 Creating Sustainable neighbourhoods.</p>		

Contact Officer(s): **Name:** Danielle Durham
Post title: Customer Caseworker
E-mail: danielle.durham@eastbourne.gov.uk
Telephone number: 01323 415489



1 Executive Summary

- 1.1 This application is being reported to committee given the number of objections received and at the request of the ward councillor for the application to be discussed in a public forum.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
 Paragraph 102 promoting Sustainable transport
 Paragraph 117 Making effective use of land
 Paragraph 122 Achieving appropriate densities
 Paragraph 124 Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
 B1 Spatial Development Strategy and Distribution
 B2 Creating Sustainable Neighbourhoods
 C11 Meads Neighbourhood Policy
 D5 Housing

D10 Historic Environment
D10a Design

- 2.3 UHT16 Area of High Townscape Value
HO2 Predominantly Residential Areas
HO20 Residential Amenity
UHT1 Design of New Development
UHT2 Height of buildings
UHT4 Visual Amenity

3 Site Description

- 3.1 The site consists of a large detached Victorian style building which has been subdivided into flats during the 1980's. The property has a large off street parking area to the front of the building with two entrances and two garage blocks.
- 3.2 The site has a basement area/ coal storage area which is currently accessible from the rear of the building via a small entrance and steep steps. The area is currently used as a meter cupboard for the purpose of all the flats in the block and storage.

4 Relevant Planning History

- 4.1 No relevant planning history.

5 Proposed development

- 5.1 The applicant is seeking planning permission to convert the existing cellar into a two person one bedroom self-contained flat. This would be achieved by way of alterations to the existing internal layout, removing internal walls from the coals stores and store rooms and creating a dividing wall separating the meter cupboard from the proposed flat.

The flat is proposed to have a sole entrance from the front of the building by way of excavating an area to the front of the proposed flat. The flat is proposed to have a studio layout with a separate kitchen dining room and bathroom.

6 Consultations

- 6.1 Specialist Advisor (Conservation)
The application does not create any challenge to the character and appearance of the conservation area setting- no objection
- 6.2 CIL
The proposal would not be CIL Liable
- 6.3 Highways ESCC
It is not necessary to provide highway authority comments. Please consult the

minor planning application guidance.

7 Neighbour Representations

7.1 Objections were received from 7 neighbours and cover the following points:

- Loss of privacy
- light nuisance from stairwell is not provided
- inappropriate materials
- flooding risk
- refuse and recycling provisions proposed location would create smell impact to adjacent flats.
- parking provision
- lack of light to proposed flat further reduced as a result of parked cars in car park

The representations included in this summary only include material planning considerations that can be taken into account when deciding a planning application.

8 Appraisal

8.1 *Principle of development:*

There is no objection in principle to the creation of new dwellings on brownfield land on the basis that it does not materially impact of the visual and residential amenities of surrounding properties and complies with local and national planning policies.

8.2 *Amenity of future occupiers:*

The proposed flat is single storey and for 2 occupants it is also proposed to have bin storage available within the excavated courtyard and bike storage proposed inside the flat.

The studio room area to the front of the proposed dwelling would be approx. 14m² which is larger than the guidelines set out by the Nationally described space standards which indicated that bedrooms should be a minimum of 11.5m². The overall space of a 2 person 1 bed property should be 50m² as a minimum as set out by the Nationally described space standards the proposed dwelling would be 62m² which exceeds the guidance.

The proposed bedroom/ living room would be approx. 14.m squared in the main part of the room with an additional 5m from the existing hallway that is partially separated by elements of the existing internal walls. It is considered this space is larger than needed by the technical space standards but is not considered to provide appropriate living accommodation for future occupiers in accordance with Policy B2 on the basis that it only benefits from a single window below ground level, due to the orientation of the property, from late morning onwards there would be limited natural light as the flat will be in the shadow of the building.

It is considered that the proposed layout would provide for one access into the property, this would be through the bedroom/ living room. To access the bike storage internally bike would need to be taken down the access step then through the bedroom/ living room to the storage area. This is considered an inappropriate location for cycle storage and is unlikely to be used as such by future occupiers.

The storage area proposed is 12.3m squared and this is considered an excessively large storage area that would have potential of being used as a bedroom or such like, as the guidance size for a single bedroom is that it should be 7.5m squared in floor space. This space would be inappropriate to use as anything other than storage in the basis that there is no windows, ventilation or natural light. Building Control would also likely have concerns about this room being used for anything other than storage due to the layout and fire risk.

It is also considered that the proposed refuse and recycling storage area for two wheelie bins is proposed in an unsuitable location at the bottom of the low level courtyard as the occupants would need to carry full bins up these steps.

In summary the proposed new dwelling is considered discordant with policy B2 on the basis that it would provide substandard levels of natural light, outlook and residential amenity space for the future occupiers. Although the proposed dwelling would provide 62m squared of internal floor space 12.3 of those meters squared are for storage that cannot be expected to be used as part of the dwelling space.

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

The proposed windows to the new dwelling would be below ground level and would as such not cause an impact of overlooking to neighbouring properties as they do not face into or overlook a window serving a habitable room. Loss of privacy under Policy HO20 requires that development does not provide a substantial loss of privacy or overlooking of habitable rooms. Overlooking into a car park would not create a substantial impact of overlooking. It is however considered that the proposed access and the steps to the access would run alongside the front elevation of the building and there are two existing windows serving a separate flat adjacent to the proposed access on this elevation. There is no information provided with this application to demonstrate that these do not serve habitable rooms. Objections have been received from the resident of this flat identifying these windows to be serving bedrooms. It is considered that to access the flat the entrance would provide a significant level of overlooking into these rooms to a level that is not currently possible as there is existing trellising and foliage which prevent people from getting as close to the windows as would be necessary to enter the proposed new flat. It is considered that on this basis the proposal would be contrary to policy HO20 as it would result in substantial loss of privacy to the flat above the proposed dwelling.

8.4 *Design issues:*

It is considered that the proposed development would have limited visibility to

the street scene as it would be primarily subterranean except the proposed railings surrounding the sunken courtyard. It is considered that the proposal would be in accordance with policy D10a Design.

8.5 *Impacts on highway network or access:*

There is proposed to be cycle storage at the property but no provision for parking. Highways Guidance provides that a new dwelling must provide cycle storage for 1 bike for a 2 person 1 bed dwelling. This has technically been provided however to use this storage the bikes must be taken down a set of stair and then through the entirety of the flat. It is considered that the location of the proposed cycle storage will not promote the use of a bike and cycling. Based on the comments received from neighbours the parking on site is allocated already and as such there is insufficient evidence to demonstrate there is sufficient parking facilities available on street with the high demand due to the university.

8.6 *Other matters:*

Objections have been received objecting to the proposed flat encroaching into land owned by another leaseholder. Ownership of the land is a private matter to be arranged between the parties and not a planning matter as planning applications can be submitted on land not owned by the applicant on the basis the appropriate notifications are undertaken.

Objections have been raised regarding plans not being available to view, these have been posted out to neighbours when requested and are available online.

Objections have been received regarding the disruption potential that would be caused as a result of the proposed development. The disruption of building works is not a material planning consideration that can be taken into account when deciding planning applications.

Comments have been raised about possible damage to the building as a result of the works, this is a private matter that should be dealt with by the parties involved and they third party wall act. Damage to neighbouring properties/ flats or subsidence as a result of the works is not a material planning consideration that can be taken into account.

Objectors have also raise concerns over the lack of pre-application consultation and discussion between the applicant and leaseholders in the building. Pre-application discussions and not a legal requirement however the applicant is required to serve a notice on the other leaseholders and complete the appropriate certificate of ownership which has been undertaken.

8.7 *Sustainable development:*

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

The National Planning Policy Framework (NPPF) supports sustainable residential development and planning permission should be granted to meet local and national housing needs. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 1 dwellings.

This application complies with many national and local policies. This is a brownfield, windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. Currently the Borough does not meet the required 5 years' worth of housing land supply and this application would contribute a net gain of 1 dwellings towards this.

8.8 *Summary:*

It is accepted that Eastbourne are unable to demonstrate a 5 year housing land supply and as such in accordance with the National Planning Policy Framework sustainable residential development should be supported unless the impacts of doing so in terms of policies of the framework as a whole would demonstrably outweigh the benefits of granting consent. In this instance the proposal would cause harm that would outweigh the benefit of the development and therefore it should be refused.

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 Refuse Permission

The proposed development is discordant with policies B2 Creating Sustainable Development, whilst the proposal does provide space for Cycle storage space and a small outside amenity space for the occupiers it is considered that the proposed size of the internal amenity space, layout, natural light and natural ventilation is inadequate for a 2bedroom 2person dwelling. This level of amenity would be at such a level that the proposal would be discordant with Policy B2 Creating Sustainable Development as it would not provide adequate quality living environment for the future occupiers as a result.

10.2

The proposed access to the proposed dwelling would provide a significant level of additional overlooking and loss of privacy habitable rooms in the flat above and as such is considered discordant with policy HO20 Residential Amenity.

10.3

The proposed refuse storage location is considered inappropriate and discordant with policy B2 as it does not provide adequate waste storage facilities.

10.4

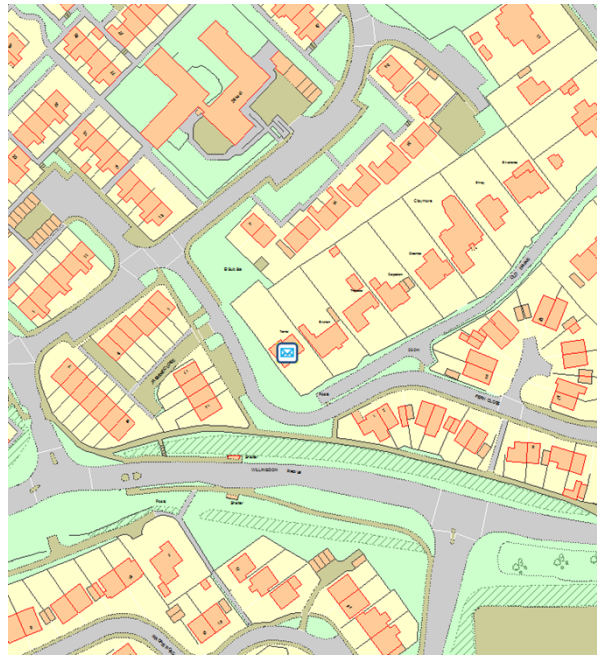
The proposal has not satisfied the Local Planning Authority that there is adequate parking provision or suitable cycle storage and would be discordant with policy B2 Creating Sustainable neighbourhoods.

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.

App.No: 181039	Decision Due Date: 20 December 2018	Ward: Langney
Officer: Danielle Durham	Site visit date: 7 December 2018	Type: Planning Permission
Site Notice(s) Expiry date: 14 November 2018 Neighbour Con Expiry: 14 November 2018 Press Notice(s): NA		
Over 8/13 week reason: committee cycle		
Location: 16 Old Drove and land to the rear of 12 & 14 Old Drove		
Proposal: : Proposed demolition of detached bungalow and erection of 1 pair of semi-detached 3bed dwellings and 2no. detached 3bed dwellings to include 2no parking spaces for each dwelling.		
Applicant: Mr Peter Morley		
Recommendation: Approve planning permission subject to conditions		

Contact Officer(s): **Name:** Danielle Durham
 Post title: Customer Caseworker
 E-mail: danielle.durham@eastbourne.gov.uk
 Telephone number: 01323 415489



1 Executive Summary

- 1.1 The application has been brought to committee to be determined due to the volume of letters of objection that have been received.
- 1.2 It is considered that the proposed development represents an effective use of this site that would provide a useful contribution towards housing provision within the Borough.
- 1.3 It is considered that the scale, density and nature of the proposed development is compatible with the surrounding environment and that the proposed scheme provides a more optimal use of the site than the existing use.
- 1.4 It is considered that the layout of the proposed scheme is sympathetic to the amenities of the neighbouring residents and would not bring about unacceptable levels of overlooking, overbearing or overshadowing.
- 1.5 Scheme is recommended for approval subject to conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework-
2: Achieving sustainable development

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

- 2.2 Eastbourne Core Strategy Local Plan Policies 2013-
 B1 Spatial Development Strategy and Distribution
 B2 Creating Sustainable Neighbourhoods
 C9 Shinewater & North Langney Neighbourhood Policy
 D5 Housing
 D10a Design

- Eastbourne Borough Plan Saved Policies 2007
 HO2 Predominantly Residential Areas
 US4 Flood Protection and Surface Water
- 2.3 UHT4 Visual Amenity
 UHT1 Design of New Development
 UHT2 Height of Buildings
 UHT5 Protecting Walls/ Landscape Features
 HO6 Infill Development
 HO7 Redevelopment
 HO20 Residential Amenity

3 Site Description

- 3.1 The site consists of land from three properties on Old Drove, 12, 14 and 16. The application site is the whole of no.16, part of the rear garden of no. 14 and a small section of the rear of no.12 Old Drove. There is currently boundary fences and hedging on the existing boundary lines between the properties.

No. 16 is a detached bungalow adjacent to a sweeping bend on Fern Close and accessed from Old Drove. The properties on Old Drove are primarily bungalows and Old Drove which is a single tracked dead ended road that runs along and abuts Fern Close.

4 Relevant Planning History

- 4.1 No relevant planning history

5 Proposed development

- 5.1 The applicant is seeking planning permission for the demolition of the existing bungalow at 16 The Old Drove to construct a Pair of semi-detached dwellings (bungalows) within the curtilage.
- 5.2 The applicant has proposed the subdivision of the site and the adjacent land and 12 and 14 Old Drive, reducing the size of the rear gardens of the neighbouring properties, in order to construct 2 new detached bungalows with entrance

provided from Fern Close.

- 5.3 The semi-detached dwellings would be three bedroom 5 person properties with two bedrooms on the ground floor and one on the first floor (within roof space). One property will be accessed by Old Drove and the other would be accessed from the proposed new entrance of Fern Close. The buildings have been designed to appear as bungalows with roof lights serving the rooms at first floor levels.

The detached dwellings are proposed also be three bedroom 5 person dwelling and to have two bedrooms at ground floor and one bedroom at first floor; again the buildings are proposed to appear as bungalows with roof lights serving the first floor. These are proposed to have driveways for parking and shared use of the proposed new access from Fern Close with an 'Acco' drain at the junction between the proposed new road and Fern Close.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

No Comments received

6.2

CIL

The application would be CIL Liable is it should be granted.

6.3

Southern Water

No development or new tree planting should be located within 3m of the external edge of the fowl sewer.

No Soakaways should be located within 5m of a public sewer.

All existing infrastructure should be protected during the course of construction.

6.4

Recommend the inclusion of an informative.

6.4

South East Water

No comments received

Highways ESCC

The new access on the west side of the property is across land which they do not own. The land is owned by Eastbourne Borough Council. In addition there may be encroachment onto the public highway and or third party land.

7 Neighbour Representations

7.1 Objections have been received and cover the following points:

40 Field Close on behalf of 4 others-

- Privacy
- Distance of buildings from boundaries
- Distance to existing windows
- Quality and height of fences
- Volume of trees to be felled- without licence or permit

- Parking for 8 cars means more traffic
- Access- Old Drove is a narrow road with poor access to Friday street
- The bungalows siding the rear of 40 Field close and will cause issues of overlooking and loss of privacy

20 Fern Close-

- Decline and destruction of habitats
- Safety and suitability of access road
- The existing dwelling compliments the ethos of the area.

Claymore, Old Drove

- It is not clear on the drawings where the access will be.
- If access is on Old Drove it will create too much traffic for the road.
- There is existing dwelling being built which will also add to traffic
- It is not possible for two cars to pass each other on old drive
- Over population of the area
- The ethos of the area is currently being changed by no 5 and this proposal could accommodate 16 more people.
- Careful consideration should be given to lifestyle changes of current residents.

15 Fern close-

- No objection in principle
- The number of properties would be an over development
- Creating an entrance on Fern Close would create a loss of on street parking

- The entrance would push people to park on a blind bend
- Detrimental impact on local wildlife

20 Fern Close-

- No objection to the dwellings
- Concerns for safety of vehicles and pedestrians
- Issues with on street parking and congestion
- Impact on wildlife

16 Fern Close-

- No objections to the building of the properties
- Concerns over access being on fern close
- Access is restricted due to parked vehicles
- Parked vehicles will move up onto a blind bend causing risk to pedestrians
- Loss of green space and wildlife

Support received:

Thalassa, Old Drove-

No objections to the planning application next door

8 Appraisal

8.1 Principle of development-

There is no objection in principle to the proposed development because the proposals will provide a net increase of 3 additional units of residential accommodation (making 4 dwellings in total at the site) within the built-up area and in a sustainable location. The proposed developments to the site are acceptable in principle provided they are designed to a high standard, respect the established character of the area and would not have an adverse effect on

the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2018).

- 8.2 Para. 11 of the revised NPPF (2018) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.
- 8.3 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.
- 8.3 The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 1st April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.
- 8.4 Para. 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposed use of the rear gardens of no12,14 & 16 Old Drove would provide an additional 3 dwellings utilising the land to create new housing provisions.
- 8.5 The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas.
- 8.6 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
It is considered that there would not be a significant impact of overlooking from the first floor of any of the properties as these are only provided light from roof lights. Due to the angle and location of the roof lights they will not provide a view into habitable rooms of neighbouring properties.

It is considered that the proposed new semi-detached houses will not create a significant loss of privacy over and above the existing dwelling as it also has windows on the ground floor and permitted development rights would allow them to add more windows or conservatories with out the need for planning permission which would have more significant impact than possible from the proposed dwellings.

It is considered that the proposed two detached dwellings would not cause an Significant adverse impact of overlooking to the properties on Old Drove as they

and not proposed to have windows on the Southern elevation.

To prevent additional overlooking from future development, a condition should be imposed to remove permitted development rights at the site.

Due to the locations of the proposed detached dwellings, the orientations and distances between them and the existing dwellings on Sorrel Drive or Old Drove it is considered that there would not be a significant impact of overshadowing or loss of light.

The proposed semi-detached dwellings are in a similar foot print to the existing building and it is considered that there would be a limited additional level of overshadowing and loss of light in comparison with the existing building.

Amenity of future occupiers:

All proposed units comply with National Space Standards

Detached dwellings-

The two detached dwelling would have a total floor space of these properties would be approx. 99.6m² and it would be approx. 95m² excluding areas with a ceiling height of under 1.5m. This would exceed the 93m² requirement set out by the Nationally Described Space Standard.

Bedroom 1 is proposed to be a two person bedroom that would be approx. 7.8m² in the areas with over 1.5m of head height this is above the Nationally Described Space Standard which states that this should be a minimum of 7.5m² for one person. It is considered on balance that as the entire room is approx. 14.5m² including the areas under 1.5m in height it would not be unreasonable to have this as a two person bedroom as the room benefits from its own bathroom which is not shared with any other bedrooms.

Bedroom 2 is proposed to be a 2 person bedroom and approx. 12.75m² with built in wardrobe. This exceeds the 11.5m² requirement of the Nationally Described Space Standard.

Bedroom 3 is proposed to be a 1 person bedroom and 9m² which exceeds the 7.5m² that is set out by the Nationally Described Space Standard.

Dwelling 4 is proposed to have approx. 230m² of outside amenity space including driveway.

Dwelling 3 is proposed to have approx. 220m² of outside amenity space including driveway.

It is considered that the two detached dwelling with access onto Fern Close would have sufficient amenity space for future occupiers and as such would be in accordance with policy B2 Creating Sustainable Neighbourhoods and thereby creating sustainable centres where adequate services and facilities would be provided by balanced housing led growth.

Semi-detached dwellings-

The proposed semi-detached dwelling would be 95m² in floor space excluding areas with a roof height of under 1.5m. This is over the 84m² required by the Nationally Described Space Standard.

Dwelling 1 Bedroom 1 is proposed to be approx. 16.9m² and for 2 people, this is larger than the 11.5m² required by the Nationally Described Space Standard.

Dwelling 1 Bedroom 2 is proposed to be approx. 9.9m² and for 1 person including a built in wardrobe, this is larger than the 7.5m² required by the Nationally Described Space Standard for a single person bedroom.

Dwelling 1 Bedroom 3 is proposed to be approx. 10m² and for 1 person, this is larger than the 7.5m² required by the Nationally Described Space Standard.

Dwelling 2 Bedroom 1 is proposed to be approx. 17.2m² and for 2 people, this is larger than the 11.5m² required by the Nationally Described Space Standard.

Dwelling 2 Bedroom 2 is proposed to be approx. 10m² and for 1 person, this is larger than the 11.5m² this is larger than the 7.5m² required by the Nationally Described Space Standard for a single person bedroom.

Dwelling 2 Bedroom 3 is proposed to be approx. 9.7m² and for 1 person, this is larger than the 11.5m² required by the Nationally Described Space Standard.

Both properties are proposed to have front and rear gardens.

It is considered that there is sufficient amenity space to comply with policy B2 for 4 occupants to both dwelling and considered appropriate to include an informative that the dwelling is for the occupation of 4 persons.

Design issues:

It is considered that the proposed semidetached dwellings (bungalows) would be in keeping with the design of the area on the basis that it will appear to be a bungalow that would be a similar height as the neighbouring property and as such would be in accordance with policy UHT2 Height of buildings as it would conform with a majority of the surrounding buildings. It has also been proposed to have the same building line on Old Drove as the neighbouring property 'Brixham' and as such it is considered that it will have a limited impact on the street scene on Old Drove. It is considered that the semi-detached dwellings are not too bulky for the street scene as Brixham has a foot print of approx. 136.85m² and the proposed semi-detached dwellings would have footprint of 163.5m². These dwellings would be in accordance with Policy D10a which requires that building works are appropriate and sympathetic to its setting.

The proposed detached dwellings would also appear externally to be bungalows which would be in keeping with the design of the properties on Old Drove. The properties on Fern Close are a variety of detached bungalows

and two storey detached dwelling houses.

A condition should be imposed to require details of the soft and hard landscaping to be approved by the Local Planning Authority prior to occupation of the properties to ensure that the landscaping is appropriate to the properties and the surrounding area.

Details of the boundary treatment between the proposed dwellings and the existing properties on Old Drove and Sorrel Drive to ensure that appropriate fencing is in place to protect the amenities of the properties on this site and also to be in keeping with the design of the area.

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

The property is not a listed building and is not in a conservation area and as such the proposal would not have a detrimental impact to either listed buildings or conservation area.

Impacts on trees:

There are no tree protection orders or tree conditions on the site to limit the removal of trees or require that specific tree works consents are sought prior to work to the trees being undertaken.

The applicants have proposed the retention of trees and Shrubbery on the Northern side of the site but the removal of trees and shrubbery in the rear gardens of the three applicant properties.

Highways impacts

Each of the properties has proposed parking for 2 cars and bike storage facilities for two bikes. This complies with ESCC Highways guidance that properties with 3 or more bedrooms should provide cycle storage for 2 bikes.

ESCC Highways Parking calculator indicated that there is a parking demand of 9 spaces for the development. There has been 8 parking spaces provided for, two with each dwelling and on street parking available which can meet the demand for the development for visitors along with nearby parking at langney shopping centre.

The proposed parking spaces for dwelling 1 would be approx 8m in width and 6.5m in depth. ESCC Highways guidance states that parking spaces should be 5m x 2.5m in size. The parking provided would be sufficient for two parking spaces. The proposed parking spaces for dwelling 2 would make use of the existing drive way and parking and would be approx 11m x 3.65m. The dead end of Old Drove would provide sufficient turning space in order that the occupants can reverse in and leave the property in a forward gear. Dwelling 3 is proposed to have a parking area 5.8m x 6.2m which would exceed the highways guidance on parking space size.

Dwelling 4 is proposed to have two parking spaces and a turning area. The parking would be approx 6.1m x 5.6m which would also comply with Highways Guidance on parking space size.

The proposed new access road would cross land owned by Eastbourne Borough Council. It is proposed to have a access drain where the access road meets Fern Close to prevent water run off into the highway as the site is a slightly higher ground level.

The proposed development would see that only one of the dwellings would have vehicular access from Old Drove, this would have a neutral impact on this road as there is an existing driveway and use of this road. The proposed dwelling with access on this road is not considered to cause a significant impact to highway safety as a result of the proposal on the basis that it will be using an existing entrance and not increasing the number of dwelling using this road. The proposed access on Fern close would have sufficient visibility splays as there is an existing large grass verge in this location.

Other matters:

The properties do not fall within a flood risk zone.

The site does not fall under a SSSI (Site of Special Scientific Interest) note for special environmental or biological interest.

An objection has been raised by no 40 Fern close about the proposals being too close to the boundary with No.40 Fern close and the overlooking between the proposed buildings and no.40. The Proposed nearest dwelling would be approx. 102m at the closest corner. The properties are also separated by the road Old Drove and 45 and 46 Fern close. As such there would be no direct impact to no 40 Fern Close by way of proximity to boundaries, overlooking, loss of privacy.

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 That the application is approved, subject to the conditions listed below

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.

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

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

Drawing No. 2018-65-02- Proposed site layout Submitted 25 October 2018

Drawing No. 2018- 65-07 Rev A- Existing and proposed block plans Submitted 14 December 2018

Drawing No. 2018-65-10 Rev A- Proposed first floor plans denoted a ceiling height of under 1.5m Submitted 2 January 2019

Drawing No. 2018-65-06 rev A- Proposed elevations (detached dwellings) Submitted 2 January 2019

Drawing No. 2018- 65-03 Rev B- Proposed elevations and floor plans(semi-detached dwellings) Submitted 2 January 2019

Drawing No. 2018-65-09- Proposed Cycle and bin stores Submitted 25 October 2018

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

3. Prior to the commencement of development, a Construction Traffic Management

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

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

4. No part of the development shall be occupied until the vehicle turning spaces has been constructed within the site in accordance with the approved drawing ref: 2018-65-02

This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety.

5. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved drawing ref. 2018-65-02

The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

6. No part of the development shall be occupied/brought into use until such time as the vehicular access serving the site on to Fern Close has been constructed in accordance with the approved drawing ref: 2018-65-07

Reason: In the interests of road safety

7. No part of the development shall be occupied until details of the boundary treatment between the site and adjoining properties has been approved

by the Local Planning authority and has been constructed in accordance with the approved plans.

Reason: to protect the visual and residential amenity of the area in accordance with policies HO20 and D10a.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D10a Design.

9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy D10a and HO20 residential amenity

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) including windows and dormer windows other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

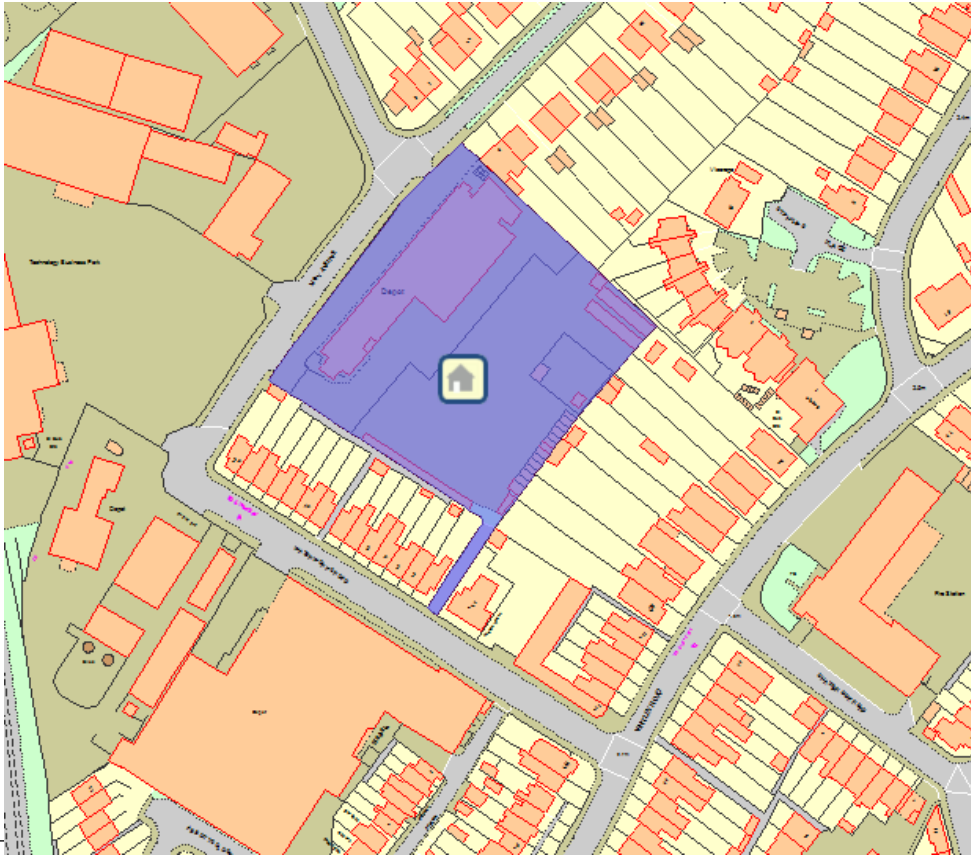
Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy HO20 Residential Amenity

11 Appeal

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

App.No: 180006	Decision Due Date: 6 April 2018	Ward: St Anthonys
Officer: Leigh Palmer	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 Committee resolution to refuse.		
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 buildings to the rear to provide a total of 72 residential units 45no. 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: Leigh Palmer Post title: Specialist Advisor - Planning E-mail: Leigh.Palmer@eastbourne.gov.uk Telephone number: 01323 415215	

Map location



A Revised Scheme Executive Summary

A1 This development proposal was reported to planning committee in October where Members resolved to refuse planning permission contrary to officers' recommendation.

A2 Following this resolution a revised proposal has been received and is being reported back to planning committee to ascertain if the proposed amendments have overcome/mitigated previous concerns.

A3 At the October planning committee there was general support for the residential redevelopment of the site but concerns were raised over the scale and mass of the development and resolved to refuse the scheme for the following reason:-

A4 *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 and unneighbourly relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of 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.*

A5 In direct response to this resolution the applicant has reduced the scale of the scheme by removing 13 apartments. In summary these changes are listed below:-

- Removal of an entire storey to Block 2 comprising
 - 1 X 1Bed 2 Person apartments with associated balcony
 - 2 X 2Bed 3 Person apartments with associated balcony
 - 1 X 2Bed 4 Person apartments with associated balcony
- Removal of an entire storey to Block 3 comprising
 - 3 X 1Bed 2 Person apartments with associated balcony
 - 2 X 2 Bed 3 Person apartments with associated balcony
- Removal of an element (either end) of the top storey of the frontage building comprising
 - 4 X 2 Bed 3 Person apartments with associated balcony

A6 The above amendments have responded to the concerns raised at the October committee by reducing the development along the most sensitive boundaries of the site. The deletion of a full storey to the new build blocks 2&3 and removal of the end elements of the frontage block has in the opinion of the officer reduced the overbearing relationship to the boundaries of the site and also reduced the extent of the overlooking to a more acceptable level.

A7 The reduction of the number of the apartments has reduced the parking ratio and has the potential to deliver some allocated spaces without impacting on the likely demand for parking. In response to the original scheme ESCC highways made the following comments: *In principle, the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network.* Given that this was the response to a more intense scheme any reduction in parking density would also be deemed to be acceptable.

A8 The reduction in the number of apartments within the scheme whilst delivering on Members concerns to reduce the scale and overbearingness of the development it will have a direct impact upon the viability of the proposal. It is clear therefore that these impact upon viability will have a direct impact upon the delivery of on and off site infrastructure. This reduction in infrastructure may impact on the quantum of affordable housing that the scheme can sustain.

A9 At the time of writing the applicant has not submitted any evidence relating to viability hence officers are maintaining their recommendation that the wider infrastructure should be delivered via a S106 agreement.

The officers' report as reported to committee in October is attached below in full.

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 15No. 1 and 2 bed maisonnettes, 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 (Horseley 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.6's 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

Appeal Decision

Site visit made on 21 November 2018

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2018

Appeal Ref: APP/T1410/W/18/3205713

Land rear of 1 Windermere Crescent, Eastbourne, East Sussex BN22 8PR

- 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 Nima Cham against the decision of Eastbourne Borough Council.
- The application Ref PC/170903, dated 14 July 2017, was refused by notice dated 29 March 2018.
- The development proposed is 4no residential units to include 2no. 1 bed maisonettes and 2no. 1 bed flats with courtyard paving to the front and garden areas to the rear.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form since the scheme appears to have been amended from its original submission to the Council. This is however the description on which the Council based the decision. I have therefore proceeded on this basis.

Main Issues

3. There are three main issues. These are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of existing neighbouring occupiers; and c) highway safety with particular regard to the storage of bins and the provision of car parking.

Reasons

Character and Appearance

4. The appeal site is a parcel of overgrown land at the foot of the rear garden to Number 1 Windermere Crescent. It is an irregular shaped flat site accessed via a narrow unmade track that also serves a number of garages. Contained flattened developments aside, the area is characterised mainly by semidetached and terraced dwellings set back from and facing the road. Chandlers Mews is a separate development of five uniquely designed modern dwellings that have been, and continue to be, developed on a separate narrow linear parcel of land to the rear of dwellings that face Roselands Avenue.
5. The design of the proposed dwellings is deliberately contrasting to the prevailing character of built form in the area which does tend to be more

conventional two storey pitched roof dwelling houses. For this reason alone I do not find that the scheme would be harmful. However, the design seems to my mind somewhat confused and an amalgamation of forms that appear to be bolted onto one another rather than as one integral building. The part pitched roof into a predominantly flat one appears to be an accidental compromise over roof form as well as the expanse of flat section making the entire development look unfinished.

6. The random scattering of high level windows and angled protecting window sections employed as a means to avoid direct overlooking of neighbouring dwellings adds to the feeling that the buildings would exist as driving a pin into a visible gap which to my mind does not represent good planning. On this matter specifically, and adding to my view that the siting of the buildings would not be appropriate, the scheme would take up land at the end of a run of long narrow gardens at the rear of frontage dwellings that contributes positively to the character of the area. Changers Mews aside and on which I shall comment later, development in the area tends to be more where primary buildings are located in single tiers to the frontage of plots with largely open spaces to the rear. The appeal scheme would be wholly contrary to this established pattern and add to the harm that I feel the design of the scheme would cause.
7. Changers Mews appears to be a backland form of development and one that could be arguably considered as equally contrary to established character as I have identified it. Changers Mews however differs insofar as it maintains the long, narrow and open gardens of the dwellings it is to the rear of. It appears to be holistically designed, simple and reflects the structure and linear layout of its surroundings. Whilst also unashamedly modern, the scheme integrates successfully for these reasons and thus has traits not found in the appeal scheme.
8. For the reasons I have set out, the proposed development would be harmful to the character and appearance of the area. This would lead to conflict with saved Policies UHT1 and UHT4 of the Local Plan¹ and Policy D10A of the Core Strategy² which seek to ensure, amongst other things and along with section 12 of the Framework³, a high quality and contextually appropriate design and appearance to new development that respects local distinctiveness.

Living Conditions

9. The Council have been less than precise on the exact nature of the harm they consider the proposed development would cause in respect of this main issue. However, in their mention of the scheme giving rise to an overbearing and unneighbourly form of development it seems apparent that it is the effect the proposed development would have on existing rather than future occupiers.
10. I have alluded above to the use of angled and high level windows in the appeal scheme that would alleviate any direct line of sight to and thus not impinge on the privacy of the occupiers of neighbouring dwellings. Whilst abutting and in close proximity to a number of private garden spaces for dwellings that face Seaside and Windermere Crescent the building would be at the foot of gardens where there would be a lesser expectation of unimpeded space. The entire

¹ Eastbourne Borough Plan (2001-2011) 2007

² Eastbourne Core Strategy Local Plan 2013

³ The National Planning Policy Framework 2018

scheme would be small in context and of a limited land take overall. It would be low rise.

11. I do however have some concerns over how the scheme would affect occupiers of the south easternmost dwelling that is part of the Chandlers Mews development. On my understanding of the plans that show the approved scheme there is a narrow strip of land afforded to this dwelling, much the same as the others, as outdoor amenity space. It would already be impinged to some degree by the proposed shared car parking court to one side and the dwelling to which it would relate to the other. The section of the building that would house units 3 and 4 of the appeal scheme would be built up close to another boundary. What would already be something of a comprised area of amenity space would, to my mind, be made worse by this and give rise to an overbearing effect on users of the space.
12. With this in mind, the proposed development would give rise to an unneighbourly impact in the form of being overbearing and specifically result in an oppressive experience for users of the garden to the dwelling concerned. As such, the appeal scheme would be contrary to saved Policy HO20 of the Local Plan and Policy B2 of the Core Strategy which seek to ensure, amongst other things, that new development is not harmful to and protects the amenities of existing and future occupiers.

Bin Storage, Car Parking and Highway Safety

13. There are two key strands to the Council's concerns in respect of this main issue. These are the effect of the proposed development on the safe use of the highway, and it appears the free flow of pedestrians and traffic, that would arise out of indiscriminately placed bins and a high demand for on street car parking where there is already high demand for it locally.
14. The appeal scheme appears, from the plans, to provide for bin storage facilities within the development. As it would be located to the end of a private unmade track however, it seems to be the case that for collection purposes bins would have to be moved to the kerbside on Windermere Crescent. Whilst I do not have full details of either the collection day or precisely what is collected at any one time, this arrangement does not strike me as unacceptable. Indeed, the distance occupiers of the appeal scheme would have to travel with a wheelie bin would not be significant and such a task would be made easier by the proposed upgrading of the track to a level surface.
15. The bins would be deposited at the kerbside for collection days only as it simply would not make logical sense for occupiers to station them there in perpetuity given they would have to travel down the access every time they wanted to deposit something in it. It is possible that wheelie bins being stored at the kerbside represent a hazard but one that I envisage being for a limited period of time to the extent that they would not create a long term highway safety problem for pedestrians. Indeed, the footway along Windermere Crescent is not overly narrow and from what I saw on my site visit, would be able to store wheelie bins temporarily without impeding ones use of it.
16. There would be no off street parking provided for the dwellings which would total four. There is unrestricted parking available on Windermere Crescent and surrounding roads. My site visit was during late morning of a weekday and whilst this is a time when one would expect residents to be at work, there was

a small amount of capacity on the street. A number of incumbent residents have access to off street parking capable of accommodating more than one vehicle clear of the highway.

17. The sustainability credentials of the appeal sites location are not disputed. There are a number of services quite literally on the site's doorstep as well as the nearby main road being well served by public transport. It is this fact, as well as the lack of off street parking provision that I feel would lead at least some future occupiers to consider whether or not to own a car in the first instance. In addition, the units would provide a single bedroom and likely be occupied by one person or a couple. Car usage and ownership arising therefrom therefore, if indeed it did, would be small in number for which it seems there is at least some capacity on the street. With all of these factors in mind, I do not feel that resistance of the proposed development on this ground would be justified.
18. It may also be pertinent to point out that, in regard to the development plan, Policy TR11 of the Local Plan sets out maximum and not minimum standards for car parking. I am therefore satisfied that the proposed development would not be harmful in regard to highway safety and consequently would not conflict with TR11 or Policies B2 or D10A of the Core Strategy which together, and amongst other things, seek to ensure that neighbourhoods are sustainable and provide for their needs.

Other Matters

19. My attention is drawn to the fact that the Council are currently unable to demonstrate the supply of housing sites as required by the Framework. If I were to therefore consider the appeal scheme in light of the assertions of paragraph 11 and treat the most important policies accordingly I would make the following conclusions in regard to the so called tilted balance.
20. The proposed development would provide four new dwellings and small ones for which there appears to be a demand. Whilst this would be a benefit and a contribution to the Council's supply of a needed type it would be a small one in the grand scheme. The associated economic benefits would therefore be equally limited. Set against these are the harms, which in this case are of an environmental nature and would arise in more than one instance. With this in mind, it would be my conclusion that they would significantly and demonstrably outweigh the modesty of the benefits.

Conclusion

21. Whilst I have not found that there would be harm to the safe use of the highway this would not be sufficient to lessen that which would be caused to the character and appearance of the area or the living conditions of neighbours. Whilst having had regard to all other matters raised, it is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR

Appeal Decisions

Site visit made on 21 November 2018

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2018

Appeal A Ref: APP/T1410/W/18/3207813 Minster House, York Road, Eastbourne BN21 4ST

- 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 InsituSCP against the decision of Eastbourne Borough Council.
- The application Ref PC/171171, dated 22 September 2017, was refused by notice dated 24 January 2018.
- The development proposed is described as a loft conversion/extension to form new dwelling, including dormer constructions and roof terraces to front and rear. Additional roof terrace to front at third floor level. Front elevation amended to remove part pitched roof and replaced with flat roof, with amended window configuration. Tower removed on front elevation.

Appeal B Ref: APP/T1410/W/18/3207816 Minster House, York Road, Eastbourne BN21 4ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by InsituSCP against the decision of Eastbourne Borough Council.
- The application Ref PC/171170, dated 22 September 2017, was approved on 24 January 2018 and planning permission was granted subject to conditions.
- The development permitted is the insertion/enlargement of windows to North-West, North-East and South-East elevations. Patio doors to North-West elevation, leading to Yard formed by erection of 1.8m close-boarded fence. Installation of smoke ventilation rooflight above existing stair core.
- The condition in dispute is No 3 which states: *Notwithstanding the approved drawings the replacement and new windows in the rear elevation (north east facing Bath Road) and side elevation (south East facing York Road) shall be obscure glazed and fixed shut; and the replacement and new windows in the side elevation (north west facing Grove Road) shall be obscure glazed and fixed shut 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 unless agreed in writing by the Local Planning Authority.*
- The reason given for the condition is: *To safeguard the privacy of the occupiers of the adjoining property.*

Appeal C Ref: APP/T1410/W/18/3208281 Minster House, York Road, Eastbourne BN21 4ST

- 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 InsituSCP against the decision of Eastbourne Borough Council.
- The application Ref PC/180395, dated 19 April 2018, was refused by notice dated 14 June 2018.
- The development proposed is described as alterations to roof of existing building to

provide 'mansard' roof extension housing two new dwellings. Alterations to front elevation consisting of provision of roof terrace at third floor level, removal of 'tower' and part of pitched roof.

Decisions

1. Appeals A, B and C are dismissed.

Main Issues

2. The effect of the proposed development on the character and appearance of the area is the main issue in respect of appeal A and one of the main issues in appeal C. The effect of the proposed development on the living conditions of existing neighbouring occupiers is the main issue in respect of appeal B and the second main issue in appeal C.

Reasons

Character and Appearance

3. The appeal building is of a substantial scale which is belied to some extent by its relatively narrow presentation to York Road. It has an attractive front elevation with a number of tall narrow arch topped windows set into deep reveals with stone banding that contrasts with the rendered exterior. To the rear the building extends the full depth of its plot up to the rear boundaries of dwellings that face Bath Road. The full scale of the building can be appreciated from views of it in comparison to the modest two storey dwellings it is attached to on York Road and Bath Road where it towers over the street scenes. Views of the rear are more glimpses from fixed points on Bath Road albeit the visually looming presence it has on York Road would also be felt by occupiers of abutting dwellings on Bath Road.
4. In the case of appeals A and C the crux of the Council's objections in regard to this main issue concerns the alterations to the roof which are the addition of some dormer windows and a mansard respectively. The schemes also include some changes to windows and the removal of the tower which the Council do not seem to object to and indeed, in terms of the latter, now has the benefit of planning permission.
5. The roof scape is relatively simple and indicates the evolution of a former commercial building in a rearward extension built to serve a functional purpose. It creates a valley between two pitched sections. As opposed to the front, the rear elevation is largely featureless save for a high level window in the third floor and some rainwater goods.
6. The narrowness of the plot somewhat emphasises the overall height of the building and the addition of further height in the shape of the mansard would exacerbate this effect, particularly how it looms over surrounding residential dwellings which are mostly two storey. The infilling of the valley roof would increase the mass of the roof scape and, in the same way as the mansard, make the building appear top heavy.
7. The rear dormer would be large and bulky, occupying a substantial proportion of the slope and contain a window formation not indicative of the building. Despite being cut slightly into the roof slope they would be large and obvious and appear as almost a sole feature which, given how plain the rear elevation

is, would draw the eye to it. Being off set to one side of the slope would also result in an awkward and contrived appearance, emphasising how the exterior appearance has been driven by the internal layout.

8. In the case of the dormers to the front, these too would be off set and whilst seeking to replicate an arch top a la the existing front windows their width results in a design which would appear squat and out of place. Views might not be as obvious on the front slope due to how set back the main roof shape is from the elevation but would they would be discernible from York Road and Grove Road sufficiently so to make them noticeable.
9. With the above in mind, the proposed alterations to the roof in the case of appeals A and C would be harmful to the character and appearance of the area. Such that it would lead to conflict with saved Policies UHT1 and UHT4 of the Local Plan¹ and D10A of the Core Strategy². Amongst other things and along with section 12 of the Framework³, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance that respects local distinctiveness and does not harm visual amenity.
10. The appeal site is within an Area of High Townscape Value (AHTV). Since I have found that harm would be caused to the character and appearance of the area as a result of the appeal schemes, I can make no other conclusion that this would translate to the AHTV. Thus the appeal schemes would also be contrary to saved Policy UHT16 which seeks to ensure that AHTVs are protected.

Living Conditions

11. The Council have expressed concern in respect of the effect of appeal schemes B and C in regard to this main issue. The crux of the matter is that they would overlook neighbours and lead to a loss of privacy. Taking B first, this would arise from the lack of obscure glazing and fixed windows to the north east, south east and north west elevations as per that which condition 3 of planning permission PC/171170 restricts. In the case of C this would arise from the new and replacement windows shown on the proposed plans but not part of the description of development as they would occur on the north west elevation (existing side wall and mansard) north east and south east elevations.
12. Taking appeal B first, the Council imposed a condition requiring new and replacement windows on the named elevations to be obscure glazed and fixed shut unless (in the case of the side/Grove Road elevation) openable sections are more than 1.7 metres above the internal floor level. From the evidence and my findings on site, the imposition of such a condition has reasonable grounding. Views from the new and replacement windows on the north west elevation particularly would be of the rear elevation and windows to upper floors of buildings that face Grove Road. It appears these are residential uses above ground floor commercial premises. Views from the new and replacement windows into the neighbouring uses would differ depending on the angle at which they would face these other uses but there seems little doubt in my mind that they would offer clear lines of sight into them. Not only would

¹ Eastbourne Borough Plan (2001-2011) 2007

² Eastbourne Core Strategy Local Plan 2013

³ The National Planning Policy Framework 2018

this have the potential to impinge on the privacy enjoyed by occupiers but it would increase, vastly due to the number of openings and the proximity of the elevation, the sense of being overlooked for neighbouring occupiers.

13. In the case of the north east elevation, these windows would comprise enlarged openings which, whilst at a much steeper angle relative to the rear elevations of Bath Road dwellings, would also increase the sense of being overlooked for users of the gardens of these dwelling specifically. Especially given the elevation historically has no windows that would afford a view inserted. It equally seems to be the case that the windows that would be inserted and altered in the side elevation that would face the rear gardens of York Road dwellings would have a view thereof. In this case there would be actual lines of site therefrom which would affect, detrimentally, the privacy enjoyed by users.
14. The limited opening, according to the Council, is a further means to address any concerns associated with noise disturbance. I would be inclined to understand this concern given the total number of new residential uses that would be part of the building and thus concentrated in the same place. I appreciate that noise from general occupation and comings and goings may not be dissimilar to a conventional dwelling but nonetheless they would be in very close proximity to other private residential uses which would have been historically used to a commercial office use which conventionally would have been operating mainly during business hours. In any event the condition on opening affects only part of the window which could be openable above the requisite height of the internal floor level and refers to the majority of new windows which would be on the Grove Road elevation.
15. I have similar concerns in respect of the second main issue of appeal C since the windows are shown in broadly the same place as appeal B. I acknowledge the appellant's assertion that the location of the windows has been approved as part of a previous planning permission (that in respect of appeal B) however the glazing and opening is restricted accordingly. It was correct of the Council to acknowledge their insertion as part of appeal C could cause harm in the same way that it was identified and mitigated against in the case of appeal B but in the same regard, it strikes me that if appeal C were allowed a similar condition could be used that would overcome any overlooking concerns.
16. In regard to this main issue therefore, I consider the condition imposed on the scheme in respect of appeal B to be justified and necessary as well as reasonable given its context. It therefore remains so and ensures the appeal scheme would comply with saved Policy HO20 of the Local Plan and Policy B2 of the Core Strategy. Together, amongst other things and along with the relevant guidance contained in the Framework, these policies seek to ensure that new development is not harmful to residential amenity. In the case of appeal C, as I have set out above, such perceived harm could be overcome through the use of planning conditions in broadly the same way as B such that it would ensure compliance with the aforementioned policies.

Other Matters

17. The appellant has drawn my attention to a scheme that granted planning permission for the conversion and extension of the former police station building which is located relatively close to the appeal site on Grove Road. This scheme also includes a mansard over the existing roof. However, there are

differences between this and the scheme before me. In the case of the former police station this is a much larger and wider building where the mansard was part of a number of alterations that are more identifiable as a whole. Minster House is, as I have said, a very narrow building and the mansard in this case would increase the bulk of the roof and make it appear top heavy. In addition, it would appear retrofitted and thus somewhat out of step with the other more modest changes to the building's exterior. I am not therefore persuaded that the granting of a planning permission for a mansard in the case of the police station building means I should do the same here.

18. I acknowledge that prior approval has been granted for the change of use of the building to residential. The internal layout was not, as far as I can gather on what is available to me, fixed in the same manner as the schemes before me which has had an effect on demand for windows. I appreciate that future occupiers should be entitled to a reasonable view and thus it would not be appropriate to have all windows into the new units as obscure glazed. Having said that, regard has to be had to just how close the external elevations of the appeal building are to neighbouring residential units and gardens.
19. There is nothing compelling before me to say that the internal layout could not be adjusted, or the quantum of units changed in an effort to overcome these concerns. It may or may not be the case that existing clear glazed openings could be used to facilitate the implementation of the prior approval scheme and whether or not new windows could be put into existing openings with clear glass, as implied by the appellant, in the implementation of the prior approval scheme is a matter for the appellant and the Council's planning enforcement function to resolve.
20. Ultimately however, the granting of a prior approval follows consideration as to whether a given development benefits from a deemed planning permission, itself subject to criteria set out by the order which, in the case of Part 3 and Class O are the transport and highway impacts, land contamination and flood risks. The consideration of an application for express planning permission extends to broader matters of planning merit and effect, including the living conditions of neighbouring occupiers.
21. There does not appear to be any debate between the parties that the Council are unable to demonstrate the supply of housing sites as required by the Framework. If I were to therefore consider the appeal schemes in light of the so called tilted balance set out by paragraph 11 of the Framework and treat the most important policies accordingly, I would make the following conclusions.
22. The provision of new housing would be positive to any undersupply but given the limited amount that would be provided through each relevant scheme (one more net new dwelling in the case of appeal A and net two more in the case of appeal C) the benefits associated with them, as well as their provision, would be limited in the grand scheme. For this reason, and weighed against the totality of the harms that I have found, I would consider them to be significantly and demonstrably outweighed. The relevant schemes would not therefore be sustainable development for which paragraph 11's presumption in favour applies.

Conclusion

23. For the reasons I have set out above, and whilst having regard to all other matters raised, the appeals are dismissed.

John Morrison

INSPECTOR

COMMITTEE: **PLANNING**

DATE: **22 January 2019**

SUBJECT: **College Conservation Area Appraisal**

REPORT OF: **Head of Planning**

Ward(s): All

Purpose: To seek Members consent to go out to public consultation on the potential to increase the boundary of the Conservation Area.

Contact: Leigh Palmer Head of Planning
Tel no: (01323) 415215

E-mail: leigh.palmer@eastbourne.gov.uk

Recommendations: Those Members endorse public engagement in relation to the College Conservation Area Appraisal (including its boundary).

Background:

- Members will be aware that it is good practice to regularly review existing conservation areas to understand and evaluate its character and appearance, identify key areas of importance, high heritage value and also identify areas of change and degradation.
- There is a commitment that all of the 12 Conservation Areas within the Borough will be reviewed in the coming years.
- College Conservation Area has been assessed by an external consulting company who are recommending that there is some merit in areas beyond the current boundary and that these should be explored.
- As part of the exploration of these additional areas it is recommended that a focused round of public engagement should inform/highlight issues.
- The results of the public engagement will be reported back to committee

Recommendation:

Members are invited to endorse public engagement in relation to the College Conservation Area (including its boundary).

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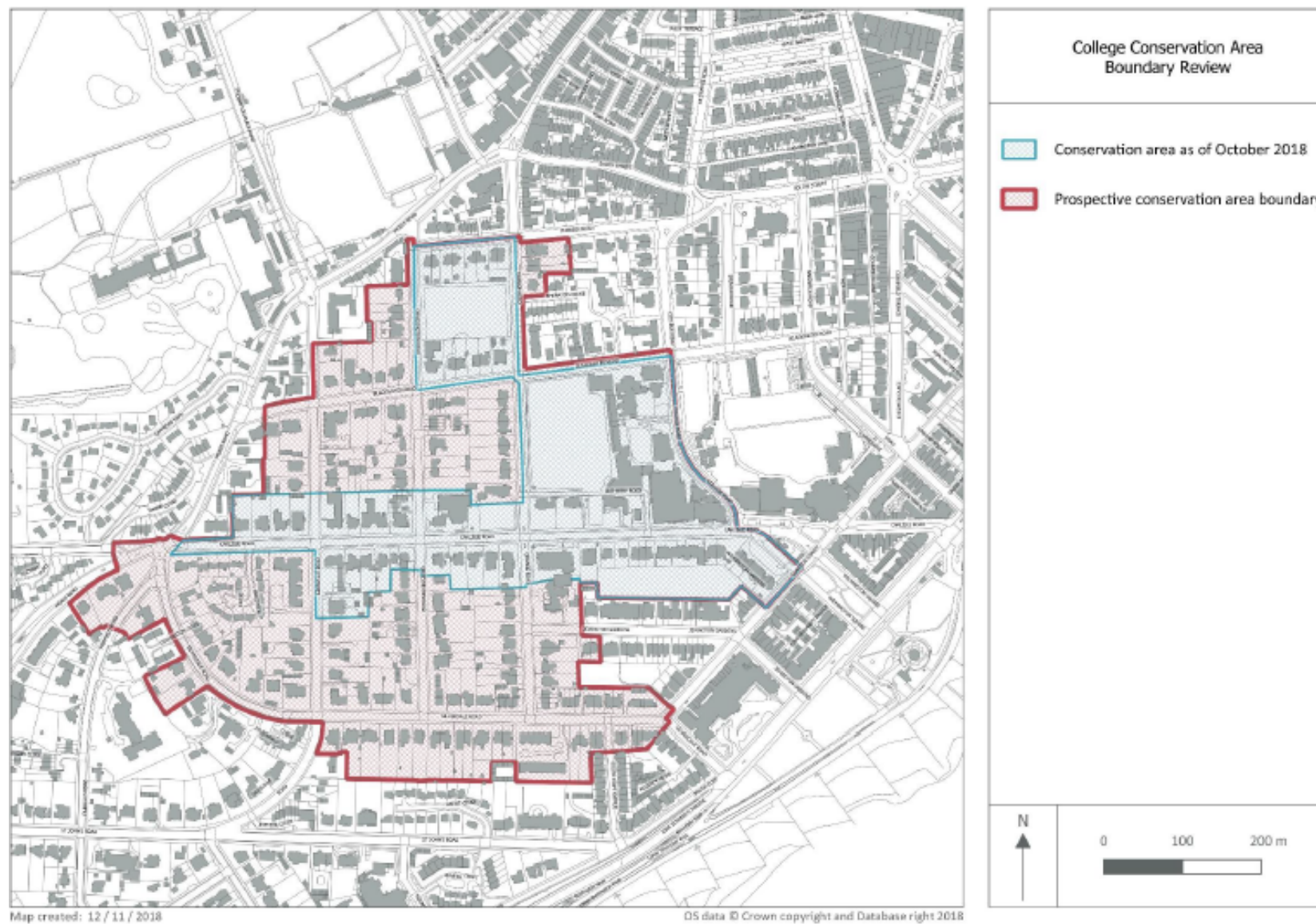


Figure 1: The College Conservation Area as existing and prospective boundary review

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COMMITTEE: **PLANNING**

DATE: **22 January 2019**

SUBJECT: **East Beach Hotel Replacement Windows**

REPORT OF: **Head of Planning**

Ward(s): All

Purpose: To provide Members with an update on compliance with an enforcement notice at the above property and to seek member's views on suggested alternative materials.

Contact: Leigh Palmer, Head of Planning
1 Grove Road, Eastbourne, BN21 4TW
Tel no: (01323) 415215
E-mail: leigh.palmer@lewes-eastbourne.gov.uk

Recommendations:

1. That Members note the contents of this report.
2. Members to agree an alternative material can be used.
3. Delegate to Officers to amend the enforcement notice to allow for an alternative material to be used and also a revised timeline for compliance.

Executive Summary/Timeline of events

- Enforcement investigations began in June 2015
- The owner of the hotel submitted a planning application to retain the widows; this planning application was refused planning permission on the 22nd March 2016 for the following reason:

Because of its bulk, materials, method of opening and detailed design the replacement UPVC windows would detract from the setting and appearance of the building of local interest and the Town Centre and Seafront Conservation Area. This is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2012; Policies B2 (Creating Sustainable Neighbourhoods) D10 (Historic Environment) and D10A (Design) of the Core Strategy 2013; and Saved Policies UHT1 (Design of New Development) UHT4 (Visual Amenity) UHT15 (Protection of Conservation Areas) and UHT18 (Buildings of Local Interest) of the Eastbourne Borough Plan 2001-2011.

- Running parallel to this planning application an enforcement investigation culminated in the Council serving an enforcement notice. This was served on the 22nd March 2016 with a compliance period concluding on the 3rd May 2016.
- The owner of the hotel appealed this decision/notice. The appeal was decided by way of an Inspectors decision letter being received on the 15th December 2016.
- In their decision letter the Inspector outlined the merits in the scheme and concluded that the windows that had been inserted had a damaging effect on the character and appearance of the site and surrounding area. Subject to minor changes the enforcement notice was upheld and required that the windows should be replaced with timber.
- The enforcement notice required timber replacement windows on the following timelines:
 - Ground floor within 1 year (by 15th December 2017)
 - First and Second Floor within 2 years (by 15th December 2018)
 - Third floor level within 3 years (by 15th December 2019)
- No timber replacement windows have been inserted and as such compliance with the notice remains incomplete. It is clear for the above schedule that as at December 2018 the ground, first and second floor replacement windows should have been installed.
- The owner is seeking that the enforcement notice is amended varied to allow for sliding sash uPVC to be installed.

1.0 Introduction

1.1 As outlined in the Executive Summary this issue has remained unresolved, despite protracted efforts by all parties.

1.2 Following the appeal decision the owner recognises that the windows as inserted are unsuitable and need to be replaced.

1.3 The owner is claiming that the insertion of timber windows is not only costly but would also require long term ongoing maintenance.

- 1.4 The owner claims that the replacement windows need to be provided against a backdrop of an incredibly difficult and competitive time for the local hotel trade. For the Council to insist on timber replacements the applicant claims would threaten the viability of the existing business and may force it to close.

2.0 Background

- 2.1 Section 173A of the Town and Country Planning Act allows Local Planning Authorities to adapt and alter enforcement notices as they see fit.
- 2.2 The owner has commissioned Swain Bros. a local window manufacturer and installer to price for replacement windows. These replacement windows are uPVC but are in the sliding sash form.
- 2.3 The uPVC replacement windows were reported to Conservation Area Advisory Committee where CAAG members debated the merits and impacts upon the character of the host property in particular and the surrounding area in general. The views of CAAG are reported below:

-CAAG Comments:- The Group agreed that the scheme as currently presented did not enhance the character and appearance of the conservation area, and the preference for sliding sash windows similar to the original remained. The Group were happy for Officers to continue discussions with the applicant to achieve a more suitable and appropriate replacement albeit in uPVC.

3.0 Assessment

- 3.1 It is recognised by officers that the superior solution for compliance would be appropriate timber replacements, however these have not materialised.
- 3.2 Given the non-compliance with the enforcement notice then the Council could pursue compliance through prosecution. This prosecution would be through the courts and in the first instance result in a financial penalty. It is clear from the owner of the hotel that one of the reasons for non-compliance to date is the financial predicament that this hotel is experiencing in this current climate.
- 3.3 Against this background therefore an alternative material may be considered to be a pragmatic solution to this issue. The revised details are an enhancement over that reported to CAAG have been assessed by officers and are deemed to be acceptable.

4.0 Recommendations

- 4.1
1. That Members note the contents of this report.
 2. Members to agree an alternative material can be used.

3. Delegate to Officers to amend the enforcement notice to allow for an alternative material to be used and also a revised timeline for compliance. All works to be completed by the end of December 2019