

Planning Committee

22 October 2019

EASTBOURNE
Borough Council



Working in partnership with **Eastbourne Homes**

Time and venue:

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

Membership:

Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

Quorum: 2

Published: Monday, 14 October 2019

Agenda

- 1 Minutes of the meeting held on (Pages 3 - 6)**
- 2 Apologies for absence and notification of substitute members**
- 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 54-56 Upperton Road. Application ID: 190626 (Pages 7 - 20)**
- 7 Marshalls Yard, Winchelsea Road. Application ID: 190312 (Pages 21 - 34)**
- 8 Wood's Cottages, Langney Rise. Application ID: 190339 (Pages 35 - 66)**
- 9 Westgate Motors, Stansted Road. Application ID: 190256 (Pages 67 - 82)**
- 10 Westlords Pavilion, Westlords. Application ID: 190645 (Pages 83 - 88)**

Information for the public

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Information for councillors

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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

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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 24 September 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Paul Metcalfe MBE, Md. Harun Miah and Candy Vaughan

Officers in attendance:

Helen Monaghan (Lawyer, Planning), Leigh Palmer (Interim Head of Planning), and Emily Horne, Committee Officer.

40 Minutes of the meeting held on 27 August 2019

The minutes of the meeting held on 27 August 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

41 Apologies for absence and notification of substitute members

An apology was reported from Councillor Md. Huran Miah. Councillor Colin Murdoch was the appointed substitute for Councillor Barry Taylor.

42 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.

There were none.

43 Urgent items of business.

There were none.

44 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

45 282 Kings Drive. Application ID: 181178

Planning permission for demolition of existing house and associated structures and provision of 85 bed care home with parking, landscaping and highway access - **RATTON**.

This application had been brought back to Committee following deferral to mitigate concerns raised by the Committee concerning size/over-massing of the proposed development and to allow the developer and planning team to liaise on the viability of an alternative development. The applicant had made several alterations to the scheme to address these concerns:

- A reduction of 5 bedrooms in total (85 rooms down to 80)
- Setting the building into the ground (16m AOD) approximately 2.1m below Kings Drive.
- Setting the building back from the front by approximately 1.5m to align with the front building line of the adjacent property.
- Refuse vehicle access and turning details.

The Committee was advised by way of an addendum report, that should members agree to delegate the decision to approve the application to the Head of Planning in consultation with the Chair of the Planning Committee, subject to no new issues being raised as a result of the additional consultation, a requirement for a local labour agreement, including monetary contributions towards monitoring, would be attached as a planning condition. A further representation was received from the occupiers of 284 Kings Drive stating that the development had not been accompanied by a daylight and sunlight impact assessment. Conditions 1 & 4 of the addendum had been updated to reflect this. Conditions 2 & 3 of the addendum were as per the officer's report.

Roland Cottingham, speaking on behalf of the local residents, addressed the Committee in objection, referring to the height, mass and scale of the development stating that it was out of keeping in the area and there were already a number of care homes in the area which were not fully occupied.

Councillor Belsey, Ward Councillor, addressed the Committee (from the public gallery) in objection to the application. He referred to the overdevelopment of the site, raising concern regarding the recent number of the road traffic collisions and the potential for further accidents to occur.

Alison Knight, agent, explained the whole build had been moved back 1½metres and the bay window was in front of the building line. In response to the concerns raised, she referred to the alterations to the scheme, stating that the development would be of economic benefit to the area, providing much needed care facilities for the elderly and frail who reside locally. Although none of the residents would drive cars, she said electric point charging would be provided for visitors and staff. New trees and bird and bat boxes would be installed for the benefit of wildlife. She stated that the scheme had been improved significantly and no objections had been received from statutory consultees.

The Committee discussed the application and came to a mixed view. Discussion included concern regarding the proximity of the proposed development to other care homes and sheltered accommodation in the area. Concern was also raised regarding the insufficient reduction of rooms, lack of

parking, excessive footprint, impact on the foundations, surface water drainage, effect on the listed building, absence of turning space and pavement, and the potential for further traffic accidents as vehicles enter and leave the site. Discussion in favour of the application, praised the applicant for taking on board concerns such as moving the frontage of the building back, reducing its height, the creation of jobs and electric charging points.

The Committee were advised that a flood risk assessment had been undertaken and was mitigated in Conditions 4 and 27 of the officer's report from August 2019, similarly archaeological impacts concerning digging had been mitigated in Condition 22. Furthermore, no statutory objections had been received regarding the movement of vehicles in and out of the site and it had been demonstrated by the applicant that a large emergency vehicle would be able to enter the site.

Councillor Murdoch raised concerns regarding vehicular access and egress suggested a left hand turn only. He was advised that Highways did not have any objections to the application.

Councillor Murray proposed a motion to approve the application; this was seconded by Councillor Miah.

Resolved (by 5 votes for (Councillors Miah, Vaughan, Murray, Diplock and Maxted) **and 3 against** (Councillors Metcalfe MBE, Lamb and Murdoch)): That the application be delegated to the Head of Planning in consultation with the Chair of Planning Committee, subject to no new issues being raised as a result of the additional consultation on the amended drawings, a local labour agreement including monetary contributions towards monitoring, a daylight and sunlight impact assessment and the conditions set out in the addendum.

Members noted that if any new material issues arise from the consultation and the daylight and impact assessment, then the application will be reported back to the Planning Committee. If no new material issues are raised as a result of the additional consultation, the Head of Planning will undertake delegated authority to approve the application.

46 Appeal Decision - 189 Terminus Road ID: 3214271

Members noted that the Inspector had allowed the appeal.

47 Appeal Decision - Wood Winton. ID: 3229204

Members noted that the Inspector had allowed the appeal.

48 College Conservation Area Appraisal (update)

The Committee received a verbal update from the Head of Planning on the public consultation of the boundary review for the College Conservation Area.

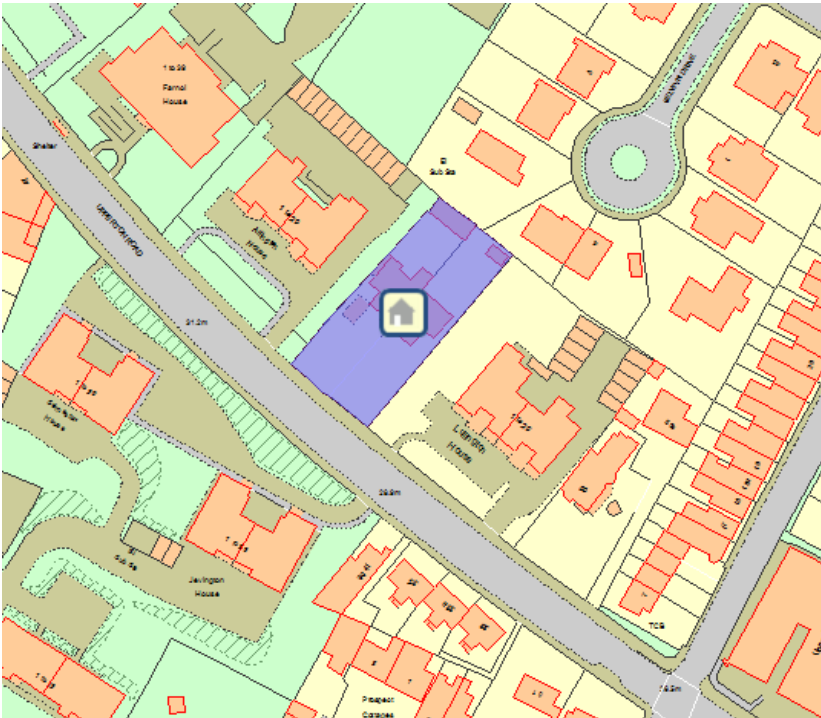
A review of College Conservation Area was commissioned as part of the borough's commitment to undertaking a rolling programme of conservation area appraisals. The College Conservation Area has not been reviewed or extended since its adoption in 1986.

Members noted that further public engagement regarding the proposed boundary changes to the College Conservation Area would be taking place, the results of which will be reported back to the Planning Committee.

The meeting ended at 6.56 pm

Councillor Jim Murray (Chair)

Agenda Item 6

App.No: 190626	Decision Due Date: 11 October 2019	Ward: Upperton
Officer: Anna Clare		Type: Outline (some reserved)
Site Notice(s) Expiry date: 16 September 2019 Neighbour Con Expiry: 16 September 2019 Press Notice(s): 2 September 2019		
Over 8/13 week reason: To await amendments to the application and bring to committee for decision		
Location: 54-56 Upperton Road, Eastbourne		
Proposal: : Outline application for residential development of land for up to 29 flats requesting consideration of access and scale		
Applicant: Mr Andrew Mackleden		
Recommendation: Grant outline planning permission (scale and access) subject to conditions and S106 to secure affordable housing and local labour.		
Contact Officer(s):	Name: Anna Clare Post title: E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	
Map location		

1 Executive Summary

- 1.1 The application proposes the erection of a 7 storey building to provide 29 one and two bed flats. Planning permission was previously granted for a 6/7 storey building of 12 flats, and this permission was lawfully commenced and the permission is therefore extant and could be fully implemented at any time.
- 1.2 The development will provide a net gain of 27 units in a sustainable location, the proposed building is considered in line with the surrounding pattern of development and whilst there will be impacts on the existing residential properties those impacts are considered acceptable on balance given the previous consent and the character of the area. Therefore it is recommended that planning permission is granted.
- 1.3 The application has been accompanied with a set of drawings that show how the volume of the development could be accommodated on the site. These drawings are for illustrative purposes.
- 1.4 As part of the appraisal section of this report officers have commented on the implications of this illustrative scheme in terms of the internal arrangement of the apartments and how the building would sit within the street scheme and its relationship with the occupiers of the adjacent properties.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework 2019
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
C2 Upperton Neighbourhood Policy
D5 Housing
D10a Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
UHT1 Design of New Development
UHT2 Height of Buildings
UHT4 Visual Amenity
HO7 Redevelopment
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking

3 Site Description

- 3.1 The site is situated on the north-eastern side of Upperton Road. To the north-

west of the site is Arlington House a purpose built 8 storey block of 29 flats. To the south-east is Lullington House a purpose built 6 storey block of 25 flats. To the rear of the site is Selwyn Drive, a cul de sac of single residential properties, two storeys in height.

- 3.2 The site is currently a pair of semi-detached two storey dwellings, each with a front and rear garden, sharing an existing access onto Upperton Road. The site is not listed nor situated within a conservation area.

4 Relevant Planning History

- 4.1 050761
Demolition of a pair of semi-detached dwellings and erection of seven-storey building accommodating 14 residential flats (outline application).
Outline (some reserved)
Refused
27/04/2005
- 4.2 070797
Demolition of a pair of semi-detached houses and erection of a four storey block, with roof accommodation, comprising 10 flats together with ancillary parking at the front
Planning Permission
Refused
05/02/2008
- 4.3 080155
Demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front
Planning Permission
Refused for the following reason;
The proposal constitutes an undesirable form and scale of residential development which would, by reason of design, over development and overlooking, be detrimental to the visual amenities of the area and the amenities of surrounding residential properties. As such, the proposed development is considered to be contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.
Allowed on appeal
20/05/2008
- 4.4 120076
Discharge of condition 2 (materials), 3 (refuse storage) and 5 (landscaping) of EB / 2008/0162 for the demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front.
Approval of Condition
Discharged
28/03/2012
- 4.5 It has been confirmed that the permission for the demolition of the two dwellings and erection of a part 6, part 7 storey building of 12 residential flats (Ref: 080155

reported above) was commenced lawfully within the time period of the consent. Therefore this permission is extant and could be fully implemented at any time.

5 Proposed development

- 5.1 The application is for outline planning permission for the development of the land for up to 29 flats. The matters for consideration are Access and Scale (Appearance, Landscaping and Layout are reserved).

6 Consultations

- 6.1 Some of the consultation responses refer to a larger number of proposed dwellings; this reflects the scheme as originally submitted prior to amendments.

6.2 Highways ESCC

- 6.2.1 No objections to the proposal and their general comments are outlined below.

6.2.2 Trip Generation:

In terms of trip generation, the proposed flats would be expected to generate a higher trip rate in comparison to the two existing dwellings. The submitted Transport Report details that an additional 84 two-way vehicle movements will be made to the site, where 9 are in the AM peak and 12 are in the PM peak. Having undertaken my own TRICS assessment, I would consider the methodology used in the Transport Report to be sound. This level of traffic increase is not considered to result in a significant impact on the local highway network. As such, I would not object to this application in this instance.

6.2.3 Vehicular Access:

The application suggests the widening existing access into the site from Upperton Road. In accordance with guidance given in Manual for Streets, the width of an access should be a minimum of 4.8m, to ensure two vehicles can pass simultaneously alongside pedestrians/cyclists. The proposed access is 4.5m wide and is therefore substandard. Amended plans should be submitted showing a compliant access arrangement.

- 6.2.4 It is noted that a Road Safety Audit has not been submitted as part of this application. In accordance with the County Council's Road Safety Audit Policy for Developments, a Stage 1 Road Safety Audit will need to be completed, and changes incorporated into the design where appropriate. This should be secured by condition.

6.2.5 Car Parking:

The County Council's Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 21 spaces, if the spaces are unallocated. The 21 on-site parking spaces proposed are therefore in line with the County Council's standards.

- 6.2.6 Car parking space no. 16 appears to block access to the staircase, which is not acceptable. Guidance in the Department for Transport's 'Inclusive Mobility' states that pedestrian facilities should be a recommended minimum of 2.0m, with an

absolute minimum of 1.2m. As such, any reserved matters application should include amended plans showing Car parking space no. 16 relocated to provide a suitable pedestrian access route from the proposed staircase.

- 6.2.7 The County Council's standards require parking bays to be a minimum of 2.5m x 5m, with an additional 0.5m on any given dimension when next to a wall. Any plans submitted at reserved matters should be compliant with the County Council's standards.
- 6.2.8 In terms of cycle provision, while a cycle store has been provided, no details of the amount of cycle spaces have been provided. ESCC parking guidance requires one cycle space to be provided per flat. Further details should be provided at reserved matters stage, showing the store can accompany 34 cycle spaces comfortably.
- 6.2.9 **Accessibility:**
The site is located within 100m of existing bus stops on Upperton Road, which have regular services towards Heathfield, Uckfield, Hastings, Polegate and Eastbourne. Footways are present along Upperton Road, providing suitable pedestrian connectivity. Cycling is feasible on the carriageway, though if cyclists are not confident cycling on Upperton Road, routes are feasible on quieter roads in the vicinity, connecting to the wider cycle network. The site is therefore considered to be in a suitably accessible location.
- 6.2.10 **Refuse Collection:**
The Transport Statement states that the refuse collection will remain as per the existing arrangement, on Upperton Road's carriageway. The proposed bin store is located approximately 25m within the site, which is in line with the County Council's Standards. Nevertheless, Eastbourne Borough Council's Waste Management Team should take a view on the acceptability of the proposals.
- 6.2.11 **Travel Plan:**
It is recommended that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle etc. This should be included as part of any reserved matters application.
- 6.2.12 **Construction:**
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 should be included as part of any reserved matters application.
- 6.3 **Specialist Advisor (Arboriculture)**
- 6.3.1 There is a TPO to trees on the adjoining land to the north western boundary. Whilst they are third party trees the applicant will be able to exercise their common-law right to prune back overhanging branches subject to planning

permission being granted. A planning condition requiring tree protection method statement is requested.

6.4 Southern Water

6.4.1 Southern water can provide foul and surface water sewage disposal to service the proposed development. Informative requested regarding formal application for connection to the public sewer. A condition is requested regarding details of a means of foul and surface water sewerage disposal.

6.5 Lead Local Flood Authority

6.5.1 The application site is a brownfield site which appears to have an existing connection to the public sewer and the proposals do not appear to have significant impact on the impermeable area on site.

6.6 Crime Prevention Design Officer

6.6.1 No major concerns with the proposals, advice given over design of entrance system, and design features to increase security of communal areas.

6.7 Specialist Advisor (Planning Policy)

6.7.1 No objections; their general comments are reported below.

6.7.2 Policy C2 of the Core Strategy explains that the vision for the 'Upperton Neighbourhood' is "Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood." It hopes to achieve this through promoting 'the delivering of new housing through redevelopment and conversion of existing properties'.

6.7.3 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 2019, Eastbourne is only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

6.7.4 The Core Strategy states that Upperton is the third most sustainable neighbourhood in the town (Policy B2). Policy B1, as mentioned in the Spatial Development Strategy, explains that higher residential densities will be supported in these neighbourhoods.

6.7.5 The Borough Plan Policy HO2 identifies this location as being predominantly residential. Large parts of the neighbourhood have been redeveloped into purpose-built flats (Core Policy, 2013). This site would not be considered a windfall site, as it has previously been identified in the Council's Strategic

Housing Land Availability Assessment (SHLAA).

- 6.7.6 The development is not liable for CIL, as it is a development of flats, which is not chargeable in the current charging schedule.
- 6.7.7 As the proposed development results in the net gain of 32 dwellings, over the threshold of 10, there is a requirement to contribute towards affordable housing. The planning statement describes that while a development of 32 net units should normally contribute 40% towards affordable housing (as it is a high-value neighbourhood), which in this case would be 12.8 units, the planning statement states that the development is not suitable for on-site delivery, and so will contribute a commuted sum entirely. There was no attached viability study to show that there was no way of creating an on-site provision.
- 6.7.8 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.'
- 6.7.9 This proposal is supported by Policy, providing that a full justification of why Affordable Housing could not be supported on site is provided.

7 Neighbour Representations

- 7.1 123 Letters of objection were received from 108 addresses covering the following points:-
- Building forward of Arlington House will obstruct views from windows and balcony
 - No. of flats already in the area.
 - Overstretched community and infrastructure
 - Impacts on onstreet car parking
 - Size of car parking spaces
 - Turning space not adequate resulting in vehicles reversing onto the main road
 - Quality of accommodation provided, Size of flats and access to light
 - Overlooking and privacy impacts
 - Overdevelopment
 - Overshadowing and loss of light to Lullington House
 - Location of bin stores
 - Overlooking to Selmeston House
 - Removal of trees
 - Over population of area
 - Overly dominant building, visually intrusive

8 Appraisal

8.1 Principle of development:

- 8.1.1 The principle of the demolition of the existing buildings and erection of a block of flats has effectively already been secured by the previous permission on appeal. The commencement of this permission means this could be fully implemented at

any time.

8.1.2 No objection has been raised by ESCC Highways, who have confirmed that the 21 car parking spaces shown to be accommodated on site are in line with the car parking demand calculator. It should also be considered that the site is a sustainable location, with good public transport links, and a short walk into the town centre.

8.1.3 The National Planning Policy Framework would view this application with a 'presumption in favour of sustainable development' it is not considered that the proposal would be contrary to the NPPF as a whole or contrary to any specific policies.

8.1.4 Therefore in principle there is no objection to the proposal. The layout, design and landscaping are reserved matters for consideration under separate application.

8.2 Scale

8.2.1 The building previously approved on appeal, was a part 6, part 7 storey block to house 12 flats, 11x 3bed and 1x 1 bed , with 2 flats per floor, one penthouse would be a maisonette over the 6th and 7th floors, with 12 car parking spaces. The current proposal, providing a net gain of 27 dwellings would make a more efficient use of the land. The scale of the building proposed is in line with the previous approval in terms of the bulk of the building and its footprint.

8.2.2 The scale of the proposal has been reduced from 34 dwellings to 29 following a reduction in the footprint of the building. Officer advice was the building proposed should respect the building line to Upperton Road and the building should not therefore be projecting forward of Lullington House to the East of the site.

8.2.3 It should be noted that the drawings provided are indicative of how a development of 29 flats could be accommodated on site. The appearance and layout of the site are reserved matters. However the footprint and height are directly relevant when considering scale, the number of units proposed for the site. If approved a reserved matters application would likely come forward with a similar shaped building, however some direction would be offered by way of informatives to the design/material choices that the council would consider appropriate.

8.2.4 Flat layouts have been shown to identify how 29 flats can be accommodated on the site. All the flats meet the recommendations of the Nationally described space standards. The layouts are considered to minimise overlooking, over that already granted. Windows to side elevations are minimised. The rear of the building is no closer than previously approved so as to provide no greater impact on the properties to the rear. The building shown is more bulky in terms of its side/rear elevations, the previously approved scheme was complicated by way of a mixed curved roof structure. This block is more simply designed with 5 equal floors of flats and a mansard roof design.

- 8.2.5 Given the previous approval it is considered that a block of 29 flats can be accommodated on site. There would undoubtedly be impacts on surrounding residential properties, including the two flat blocks adjacent and the properties of Selwyn Drive to the rear which have been afforded views over the site and enjoyed the open aspect given the low level of the existing buildings. Overlooking will occur from upper floor levels to the Selwyn Drive properties. However this has already been agreed by way of the previous consent, the additional overlooking from the squaring off of the building at the rear is considered acceptable and in line with the character of the area.
- 8.2.6 Buildings of this height are a common feature of Upperton Road. In fact the two low level dwellings appear out of place amongst the higher blocks either side. Therefore the proposal is considered to respect the character of Upperton Road providing additional accommodation and making effective use of the land.
- 8.2.7 Therefore the scale of the proposal is considered to be acceptable.

8.3 Access

- 8.3.1 Access to the site already exists from Upperton Road.
- 8.3.2 ESCC Highways have raised no objection to the application. A wider access was requested and the plans have been amended to take account of their comments. A stage 1 safety audit is requested by condition.

9 **Human Rights Implications**

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

10 **Recommendation**

- 10.1 Grant outline planning permission (scale and access) subject to conditions and S106 to secure affordable housing and local labour.

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

- a. layout;
- b. appearance; and
- c. landscaping.

The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 3) The development shall not commence until revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

- 4) No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 5) No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety.

- 6) The development shall not be occupied until a parking area have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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.

- 7) The development shall not be occupied until a cycle parking area have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area 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.

- 8) 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 demolition and construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-
- a. the anticipated number, frequency and types of vehicles used during demolition and construction,
 - b. the method of access and egress and routeing of vehicles during demolition and construction,
 - c. the parking of vehicles by site operatives and visitors,
 - d. the loading and unloading of plant, materials and waste,
 - e. the storage of plant and materials used in demolition and construction of the development,
 - f. the erection and maintenance of security hoarding,
 - g. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of demolition or construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - h. details of public engagement both prior to and during demolition and construction works.

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

- 9) No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 10) 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.

- 11) Construction of the development shall not commence until the 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 means of sewerage disposal.

- 12) Prior to the commencement of the development hereby approved detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority. These shall include the following:
- i. Surface water runoff from the proposed development shall be limited to a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - ii. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority.

This should also include details of how the existing overland surface water flows have been retained.

Reason: To ensure satisfactory surface water drainage facilities.

- 13) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

- 14) Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To minimise flood risk during the construction phase.

- 15) Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure the drainage system is constructed as per the approval.

- 16) No demolition, site clearance or building operations shall commence until tree protection details, relating to all stages of development, for the protection of trees subject to Tree Preservation Order (No.135) 2008 to be retained on site, and those trees off site where root protection areas extend into the site, has been submitted to and approved in writing by the Borough Planning Authority. These details shall observe the principles embodied within BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the District Planning Authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with (Insert relevant policies here).

Informatives

- 1) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters' New Connections Services Charging Arrangements which has now been published and is available to read on our website via the following link <http://beta.southernwater.co.uk/infrastructure-charges>.

11 Appeal

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

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Agenda Item 7

App.No: 190312	Decision Due Date: 2 September 2019	Ward: Devonshire
Officer: Neil Collins	Site visit date:	Type: Outline (all reserved)
Site Notice(s) Expiry date:		
Neighbour Con Expiry:		
Press Notice(s):		
Over 8/13 week reason: Revisions / Re-consultation / Committee cycle		
Location: Marshalls Yard, Winchelsea Road, Eastbourne		
Proposal: Outline application (all matters reserved) for the demolition of the existing buildings and creation of 9 residential dwellings (revised description)		
Applicant: Mr H. Marshall		
Recommendation: Grant outline planning permission subject to conditions and the submission of reserved matters		

Contact Officer(s): **Name:** Neil Collins
 Post title: Specialist Advisor - Planning
 E-mail: neil.collins@eastbourne.gov.uk
 Telephone number: 01323 410000



1 Executive Summary

- 1.1 This application is presented to the Planning Committee due to the significant level of objection received following public consultation. The application seeks outline planning permission with all matters reserved for the construction of 9 residential dwellings, following demolition of the existing garages, workshops and residential flat on the site.
- 1.2 The proposal has been significantly reworked at Officer request in response to design, amenity and parking concerns with the original proposal for, '*Redevelopment to form 12 No Maisonettes and 2 No 3 storey semi detached dwellings*', as it was not considered that the site had adequate capacity for the proposal scale of development whilst meeting adopted policy objectives.
- 1.3 As outline permission is sought with all matters reserved, no drawings have been submitted for approval regarding the design, layout, scale, height, parking or internal accommodation for the scheme. However, indicative drawings have been provided showing the possible layout of the dwellings and associated parking on the site and their potential scale, height and elevational design.
- 1.4 Whilst reserved matters would allow for consideration of revised elements of the scheme, which could include revisions to the layout, design, height and scale, the revised proposal description would limit development of the site to 9 single family dwellings. Officers consider that the site has sufficient capacity to accommodate this number of dwellings whilst meeting adopted policy, insofar as they relate to the description of proposed development. The application is therefore recommended for approval subject to consideration of the reserved matters and other relevant conditions.

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
C3: Seaside Neighbourhood
D1: Sustainable Development
D2: Economy
D5: Housing
D10a: Design

2.4 Eastbourne Borough Plan Saved Policies 2007

NE17: Contaminated Land
NE18: Noise
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
US4: Flood Protection and Surface Water
HO1: Residential Development Within the Existing Built-up Area
HO2 Predominantly Residential Areas
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 application site comprises a piece of land adjacent to Vine Square, which shares its north eastern boundary, but is accessed from Winchelsea Road to the south west via a dog-leg vehicular drive. The remainder of the south west boundary is shared with two storey dwellings fronting Winchelsea Road and two storey dwellings are also located south east of the site. St Andrew's Church of England Infant's School is located directly to the north west.
- 3.2 The site is occupied by two separate buildings; one single-storey and one two-storey building adjacent to the north-eastern boundary, which comprise garages, workshops and a residential flat. A car park is located against the south western border, which utilises an established access from Winchelsea Road.
- 3.3 The site is located within a Predominantly Residential Area, defined within the Core Strategy Proposals Map and, as such, the surrounding area is predominantly residential in character, with two storey pitched roof dwellings surrounding the site, other than the adjacent school site. The site is also located within Flood Zones 2 and 3, as defined by the Proposals Map.

4 Relevant Planning History

- 4.1 There is no relevant planning history for this site

5 Proposed development

- 5.1 This application seeks outline planning permission with all matters reserved for the demolition of the existing commercial buildings and construction of 9 residential dwellings. As the application is for outline with all matters reserved,

only indicative drawings have been submitted for consideration, which aim to demonstrate the site capacity for the intended number of dwellings. This includes layout (including car parking) and elevational treatment, but not internal arrangement of the dwellings.

- 5.2 As the site is located within Flood Zones 2 and 3, the applicant has submitted a Flood Risk Assessment for consideration at this stage.

6 Consultations

- 6.1 Specialist Advisor (Regeneration) - consultation received in response to the initial submission

6.1.1 The proposal would result in the loss of B2 General Use business space and associated employment opportunities. A supporting planning document addressing potential contamination suggests the garages are in current use. No information has been provided on current use, number of businesses using the premises or number of staff employed. There is also no evidence regarding the marketing of the existing businesses or exploration of alternative business use.

6.1.2 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

6.1.3 In summary Regeneration has reservations regarding the loss of business space and employment opportunities. Further information on current use, employment numbers and evidence of marketing of the existing businesses is recommended. Should outline planning permission be granted, Regeneration request it be subject to a local labour agreement.

- 6.2 Environment Agency

6.2.1 No objection to the application in principle subject to the imposition of a condition requiring accordance with the submitted flood risk assessment.

- 6.3 SUDS

6.3.1 No response to consultation

- 6.4 ESCC Highways

6.4.1 ESCC Highways team have no objection in principle to the application at this stage. The proposed dwellings would generate approximately 45 trips a day in comparison to the 14 trips associated with the existing garage use. This is not considered to be significant for the transport network.

6.4.2 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.

7 Neighbour Representations

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

- Amenity concerns – loss of light and privacy
- Exacerbation of on-street parking issues
- Access issues
- Overscale
- Out of character with the area
- Impact on services

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. Furthermore, the site is located within a Predominantly Residential Area, as defined by the Core Strategy Proposals Map, which actively promotes the uptake of residential uses.

8.1.2 The proposed development would result in the loss of existing employment uses. The site does not fall within a 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, demand for the use, 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 bordered on three sides by residential development. Taking into account that B2 uses are generally noise generating in their nature, it is not considered that this is sympathetic to the surrounding residential uses in terms of the potential for noise disturbance. Further to this, the adjacent school could also be significantly impacted by use of the site. Continuation of the existing use has the potential to result in ongoing disturbance for all neighbouring sites. 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.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.2.1 This application proposes outline permission with all matters reserved, including that of scale, height, massing and the arrangement of fenestration on the proposed buildings. However, indicative drawings have been submitted to put forward a potential arrangement for the dwellings on the site. This indicates that two terraces split into 5 and 4 dwellings could be accommodated within the site with the ability to provide off-street parking to the front. The indicative layout would allow for a 14m distance from the rear of the dwellings to neighbouring dwellings in Winchelsea Road to the rear. This is not an element that would be defined via the grant of outline permission and the layout would likely be changed in the event that reserved matters are considered, in order to provide the best possible relationship with neighbouring dwellings. That being said, it is considered that the 14m distance would allow for a suitable degree of privacy to be maintained between facing windows and that the site comprises
- 8.2.2 In terms of the potential for loss of light or outlook, it is considered that despite the height of dwellings not being defined within this application, that the site has capacity to provide 9 dwellings without a significant loss of amenity for neighbouring residents. The resulting buildings would be located a suitable distance so as not to appear overly dominant or overbearing, subject to the consideration of detailed designs at reserved matters stage.
- 8.2.3 In relation to the proposed residential use, it is considered that this would have significant perceived benefits in terms of a reduction in the potential for noise disturbance. Notwithstanding the level of disturbance that is currently experienced as a result of use by the existing occupiers, the site remains unfettered in terms of its potential for more polluting uses within the same use

class. Further to this, the residential use would remove the vehicular use of the rear portion of the site, the unfettered hours of use and the disturbance that currently allows. The proposed residential use would provide a much more compatible use in this sensitive location.

8.2.4 It is not considered that the development defined with the proposal description would have a significantly harmful impact upon the amenities of neighbouring residents and, as such, meets the requirement of 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 proposed dwellings has not been presented at outline stage, it is considered that the proposal for 9 single family dwellings could adequately be accommodated on the site and provide suitable internal space to accord with the Nationally Described Space Standards (2015). It is also considered that the buildings could be configured to provide a good standard of accommodation for future residents of the development in terms of light and outlook.

8.3.2 The indicative layout also demonstrates that an adequate amount of outdoor amenity space could be provided for future residents to the rear of the site.

8.4 Design and impact on surrounding area

8.4.1 As this is an outline application, the indicative drawings do not provide any firm details regarding the height or architectural design of the proposed dwellings. However, the indicative designs do demonstrate that a two storey dwellings could be accommodated on the site. It is considered that this would accord with the prevailing character of neighbouring residential amenity. Notwithstanding that the indicative layout may be subject to change at reserved matters stage to ensure that high design quality is achieved, it demonstrates that there is sufficient space on the site for 9 dwellings to be sited so as to harmonise with the general pattern of development in the area. It is noted that the general character of the area comprises terraced and semi-detached dwellings in much the same arrangement and the indicative drawings.

8.4.2 It is therefore considered that, providing the detailed design is of a suitable quality, a development of the nature described in this application could be accommodated on the site without having an adverse impact upon the character and appearance of the surrounding area.

8.5 Impacts on highway network or access

8.5.1 The proposed development would be likely to result in an increase in daily vehicular trips than the existing use (predicted to be 45 daily trips compared to 14 daily trips associated with the existing use). However, this additional generation is not likely to have a significant impact upon the transport network, as confirmed by ESCC Highways Team in response to consultation. As such, it

is considered that vehicular activity is acceptable.

- 8.5.2 The indicative drawings suggest that a total of 9 spaces could be provided at the front of the proposed dwellings. Whilst this could be subject to change in terms of the amount of provision and its arrangement, it is considered to be acceptable in principle. Any layout considered at reserved matters stage would take into account ESCC parking standards and would limit the size of the resulting dwellings in terms of bedrooms. There would also be a consideration of the impact upon the street scene and the safety of multiple cross overs at the front of the site, along with more detailed considerations such as visibility splays.
- 8.5.3 It is also noted that parking provision would limit the amount of accommodation (in terms of building height and density of habitable rooms) as reserved matters regarding the layout of the buildings and off-street parking would need to meet ESCC standards in terms of provision. As such, this would limit the scale of the resulting development.
- 8.5.4 Taking into consideration the scale of demolition and construction, a Construction Management Plan will be required to ensure that both environmental pollution and construction related traffic are adequately controlled. This is provided by way of reserved matters and a dedicated condition of permission.

8.6 Surface water drainage and contamination

- 8.6.1 Taking account of the existing use, there is a potential for contaminants to have a harmful impact upon future occupants of any future residential development. Therefore, in the interest of protecting the health of future occupants and local water quality, two conditions are recommended; a pre-commencement condition requiring the submission of a site investigation and remediation scheme; and a pre-occupation condition requiring a verification report.

8.7 Flood risk

- 8.7.1 The site lies within designated Flood Zones 2 and 3. The applicant has submitted a Flood Risk Assessment (FRA), which has been considered by the Environment Agency. The Agency has confirmed it has no objection to the proposal, subject to the imposition of a condition to ensure that the recommendations of the FRA are carried out prior to first occupation of the proposed units.

8.8 Trees

- 8.8.1 There are existing trees located on at the rear of the site. As such, it is considered that a Tree Report should be submitted as part of the reserved matters for Landscaping, to ensure the retention of trees and their protection during construction works alongside other soft landscaping improvements, in the interest of amenity, biodiversity and nature conservation.

9 Human Rights Implications

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

10 Recommendation

10.1 Grant outline planning permission subject to the following conditions and reserved matters;

10.2 Conditions:

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

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

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

- i. Layout
- ii. Scale
- iii. Appearance (including a full schedule of facing materials)
- iv. Access
- v. Landscaping
- vi. Construction Management
- vii. Drainage
- viii. Contamination

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 3) Notwithstanding what is shown elsewhere on the drawing, and the requirement for compliance with the above reserved matters condition, the development hereby permitted shall be carried out on the land specified in the Location Plan shown on drawing number: 79510/19/M/01 Rev A.

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

- 4) The submission of reserved matters for landscaping shall include details of secure covered cycle and refuse storage facilities in accordance with adopted policy requirements. The facilities shall be provided prior to first occupation of the development, hereby approved, and shall be maintained in accordance with the approved details for the lifetime of the development,

unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure suitable facilities are provided for future residents of the development.

- 5) The submission of reserved matters for appearance shall include plans, elevations and cross-section drawings and details or samples of the materials to be used in the construction of all external surfaces of the development hereby approved. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development.

- 6) In relation to the submission of reserved matters for drainage, no above ground works shall commence until a surface water drainage scheme and maintenance and management plan have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats

- 7) Following completion of the works a statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the SuDS scheme approved under condition 6 has been fully implemented shall be submitted to and approved in writing by the Local Planning Authority.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

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

- 8) In relation to the submission of reserved matters for construction management, no development shall take place, including any ground works

or works of demolition, until a Construction Management Plan (CMP) 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 CMP 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 routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the times of any deliveries related to the development, which should avoid peak travel times;
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of any security hoarding;
- the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- dust and/or any pollutants;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

Prior to submission of the CMP, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

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

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses, hereby permitted, shall be undertaken without the prior grant of planning permission by the Local Planning Authority.

Reason: The Local Planning Authority considers that further uncontrolled development could cause detriment to the amenities of the occupiers of nearby properties or to established trees at the site.

- 10) In relation to the submission of reserved matters for contamination, prior to commencement of the development, hereby approved, a detailed site investigation and remediation scheme to bring the site to a condition suitable for the intended use and to prevent unacceptable contamination and risks to human health, buildings and other property and the natural environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details as appropriate but not be restricted to the following:

- all previous uses for the site;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- all above and below ground works to be undertaken, including remediation;
- proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following remediation.

Prior to submission, the applicant shall first make contact with The Environment Agency to ensure their agreement with the scheme.

Reason: To ensure that any contamination of the land is remediated to ensure future occupants of the development are protected from unacceptable levels of pollution, in line with paragraph 170 of the National Planning Policy Framework (NPPF).

- 11) Prior to first occupation of the development, hereby approved, a verification report demonstrating the completion of the remediation scheme approved pursuant to condition 10 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met.

Prior to submission, the applicant shall first make contact with The Environment Agency to ensure their agreement with the report.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

- 12) The development, hereby approved, shall not be occupied until the on-site parking spaces have been marked out in accordance with reserved matters for layout. Thereafter, the parking spaces shall be retained in accordance with the approved plans and solely for the parking of vehicles for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the parking demands of the development are met without significant impacts upon the transport network.

- 13) In relation to the submission of reserved matters for Landscaping, prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be

submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the Root Protection Area (RPA) or that may impact on the retained trees.
- c) A full specification for the construction of parking areas and driveways, including details of the no-dig specification and including relevant sections through them.
- d) Specification for protective fencing to safeguard the protected Beech tree during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Specification for scaffolding and ground protection within tree protection zones.
- f) Arboricultural supervision and inspection by a suitably qualified tree specialist
- g) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990

- 14) The development, hereby approved, shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: WTFR-FRA-2019/05/Q06, dated 31st May 2019) and the following mitigation measures it details:

- Finished floor levels shall be set at least 150mm above ground levels on the site;
- Flood resilience and resistance measures are incorporated as stated in Section 10.4 of the FRA;
- Owners/occupiers of the properties sign up to the Environment Agency's Flood Warning Service; and
- A suitable flood emergency/evacuation plan is implemented as detailed in Section 10.5 (to be approved by the Local Planning Authority emergency planners)

These mitigation measures shall be fully implemented prior to first occupation and shall be maintained in accordance with the approved FRA throughout the lifetime of the development.

Reason: In the interest of the safety of future occupants of the development.

Informatives:

- 1) The applicant is advised that, in relation to condition 8, ESCC Highways Team can be contacted via:

development.control.transport@eastsussex.gov.uk

- 2) The applicant is advised that, in relation to conditions 6 and 7, ESCC SuDS Team can be contacted via: Su.DS@eastsussex.gov.uk
- 3) The applicant is advised that, in relation to conditions 6 and 7, Southern Water Developer Services can be contacted on Tel: 0330 303 0119
- 4) The applicant is advised that, in relation to conditions 10 and 11, The Environment Agency can be contacted via planningSSD@environment-agency.gov.uk
- 5) The applicant is advised that where conditions require that prior contact is made with any of the above consultees, failure to do so may result either in invalidation of an application or increased timescales for determination.
- 6) In relation to condition 13, the following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
- 7) It is advised that in order comply with Environmental Health legislation, demolition, site clearance or building operations should only take place between the hours of 8:00a.m. and 6:00p.m. on Mondays to Fridays and 8:00a.m. and 1:00p.m. on Saturdays.

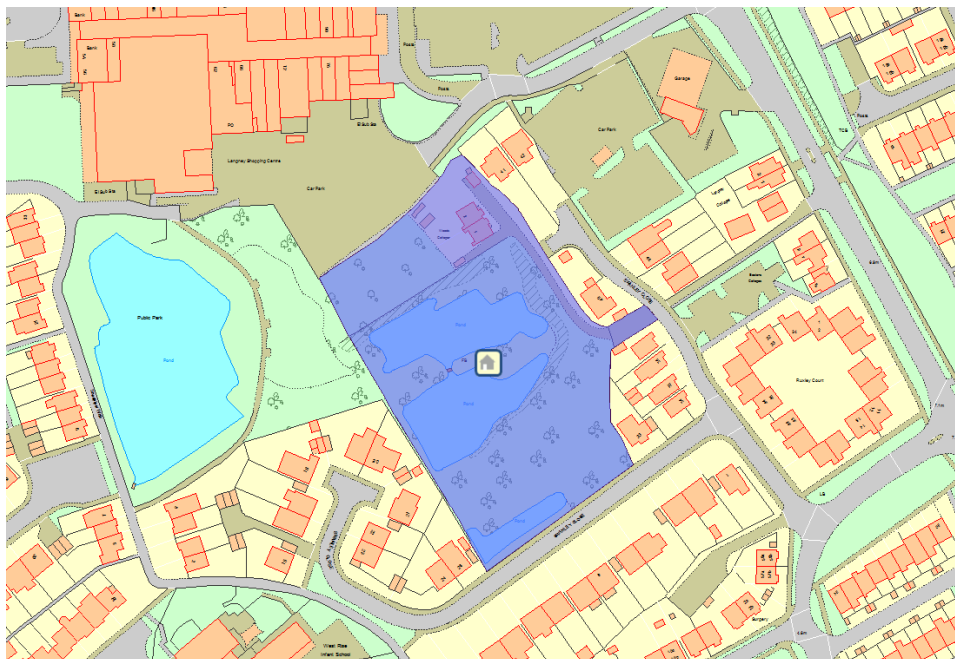
11 Appeal

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

Agenda Item 8

App.No: 190339	Decision Due Date: 26 July 2019	Ward: Langney
Officer: James Smith	Site visit date: 5 th June 2019	Type: Planning Permission
Site Notice(s) Expiry date: 6 June 2019		
Neighbour Con Expiry:		
Press Notice(s):		
Over 8/13 week reason: To allow for revisions to drainage and access arrangements.		
Location: Wood's Cottages, Langney Rise, Eastbourne		
Proposal: : Redevelopment of site to form 35N° dwellings, formed of 1N° one bedroom flat, 10N° two bedroom flats, 19N° three bedroom houses, 5N° four bedroom houses.		
Applicant: Mr T Cruttenden		
Recommendation: Approve subject to additional ecological surveys, conditions and signing of Section 106 Agreement to secure affordable housing and Traffic Regulation Order for parking restrictions at site entrance, local labour agreement).		

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 site falls within a predominantly residential area within the Langney Neighbourhood, which is identified within the Eastbourne Core Strategy as a sustainable location that is suitable for developments of increased residential density.
- 1.2 The proposed development would provide 35 new residential units, of a mix of sizes, that would contribute towards the meeting of housing delivery targets set by National Government.
- 1.3 The site is considered to have sufficient capacity to accommodate the quantum of dwellings proposed along with associated infrastructure and parking. The site access from Swanley Close is considered to be suitable subject to highway improvements and parking restrictions which would be secured through the use of a Section 106 agreement.
- 1.4 The loss of surface water storage capacity associated with the infilling of the pond would be offset by the utilisation of the existing dry pond bend towards the south-western corner of the site as an attenuation pond which would allow for the storage and controlled release of surface water into the main drainage network and would also be designed to provide a wildlife habitat.
- 1.5 The applicant has stated that the development could incorporate 5 x 3-bedroom affordable housing units. This falls below the target of 30% affordable housing provision set out, with the applicant stating that this is as a result of viability issues, due to the level of work required to prepare the site for development. The viability of the scheme would be fully assessed during works on the Section 106 Agreement in order to ensure the maximum viable quantum of affordable housing is provided.
- 1.6 The development of the site would result in the loss of the existing central pond and the majority of the existing woodlands within the site. Mitigation measures have been incorporated into the scheme, and further measures can be secured, to account for the loss of habitat that would result from this. The principle of sustainable development requires environmental objectives to be balanced with economic and social objectives and, in this instance, it is considered that the benefit of providing 35 new dwellings within a sustainable location justifies a recommendation for approval, provided suitable biodiversity enhancement measures are adopted and maintained.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework (2019)

2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport

- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

2.2 Eastbourne Core Strategy Local Plan (2013)

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D9: Natural Environment

2.3 Eastbourne Borough Plan – Saved Policies

- NE3: Conserving Water Resources
- NE4: Sustainable Drainage Systems
- NE15: Protection of Water Quality
- NE17: Contaminated Land
- NE18: Noise
- NE20: Sites of Nature Conservation Importance
- NE22: Wildlife Habitats
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT7: Landscaping
- UHT13: External Floodlighting
- HO2: Predominantly Residential Areas
- HO6: Infill Developments
- HO20: Residential Amenity
- TR2: Travel Demands
- TR7: Provision for Pedestrians
- TR11: Car Parking
- US4: Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The site is currently vacant and fenced off. It had previously been occupied by two cottage dwellings positioned towards the north-eastern corner of the site but these have since been demolished. The site, as well as surrounding areas, was historically in use as a brick field, with clay being extracted for use in making bricks. The Ordnance Survey map overleaf shows the site as it was in 1899. The site level rises from the south to the north.



- 3.2 The use as a brick field ceased some time ago, with the only remnants being the large pond towards the centre of the site, which was formed as a result of clay extraction. The water filling the pond consists of surface water run-off and rain water and is 'perched', this meaning that the water is stored above the level of the water table due to the presence of a layer of clay beneath the pond.
- 3.3 Although the pond has been stocked with fish in the past, and used for fishing, this was not a sustained use. The former brickfield site has therefore been colonised by a natural succession of trees, resulting in the establishment of woodland. The cumulative amenity value of the woodland has been recognised by the application of a woodland Tree Preservation Order, which covers the area of the site from the northern bank of the central pond to the southern boundary.
- 3.4 The northern part of the site has been cleared of trees and is currently overgrown with weeds and scrub. The southern part remains relatively densely wooded up to the site boundaries. There is a depression in the land towards the south-western corner of the site. This is the bed of a pond that is currently dried out.
- 3.5 The site backs on to a parking and serving area at Langney Shopping Centre to the north. The north-western part of the site abuts the Langney District Pond Local Wildlife Site and amenity space, which comprises groups of trees, an area of green open space and a large pond. The southern part of the site flanks the highway at Swanley Close whilst the eastern and western boundaries are shared with residential properties on Swanley Close.
- 3.6 There is a small splinter of the site, towards its southern extremity, which falls within Flood Zone 2. The site is also within 250 metres of a former landfill site.

4 Relevant Planning History

- 4.1 160150 - Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise – Approved subject to conditions and Section 106 agreement (woodland management plan).
- 4.2 The previous outline approval allowed for the construction of 10 dwellings. This was seen as the maximum of units suitable for the site at the time. However, the current scheme significantly increases the developable area of the site through infilling the existing large pond within the centre of the site.

5 Proposed development

- 5.1 The proposed development involves the provision of a total of 35 x new residential units, comprising a mix of 23 x two-storey dwellings, a single bungalow dwelling and a three-storey block of flats which would accommodate 11 units. The full schedule of accommodation is provided in the table below:-

No. Units	Type of Accommodation	Gross Internal Area
1	Detached 3-bedroom bungalow	78 m ²
18	Terraced 2-storey 3-bedroom dwelling	88 m ²
3	Terraced 2-storey 4-bedroom dwelling	112 m ²
2	Detached 2-storey 4-bedroom dwelling	112 m ²
1	1-bedroom flat	50 m ²
10	2-bedroom flat	65 m ²
35		

- 5.2 In order for the proposed works to be accommodated, the ponds within the centre of the site, which were formed as part of the historic use of the site as a brickworks, would be filled in. The pond which is in the south-western corner of the site, which is currently dried out, would be retained and expanded for use for surface water attenuation. A portion of the existing woodland area, which is covered by a woodland Tree Preservation Order, would also need to be removed.
- 5.3 Vehicular access to the site would be achieved via Swanley Close, in the position of the existing turning head. A Section 106 agreement would be used to secure parking restrictions on the parts of Swanley Close immediately adjacent to the proposed site entrance. A separate pedestrian footpath access would be provided from Swanley Close, in the position of the existing dropped kerb access between N0. 38 and No. 40 Swanley Close.
- 5.4 A total of 59 x car parking spaces would be provided. The majority of these would be unallocated and be in the form of bays to either side of the access road.
- 5.5 A play area would be provided towards the southern part of the site. The woodland area towards the southern end would be partially retained although the expansion of the existing pond to provide attenuation for surface water would require the removal of a number of trees. This part of the site would be readily accessible to residents and would be retained to provide habitat and biodiversity.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 Support: Their full response is reported below.

This application proposes the construction of 35 dwellings, formed of 11 flats, and 24 houses. The site was previously occupied by two cottages, which have been demolished. Planning permission previously been granted for 10 dwellings on this site. The site is within the Langney neighbourhood.

6.1.2 The vision for Langney, as stated in the Core Strategy is “Langney will make a significant contribution to the delivery of additional housing in a sustainable location. It will also maintain and improve the provision of services and facilities as well as increasing opportunities to access employment. It will seek to reinforce its position as one of the town’s most sustainable neighbourhoods”. The Core Strategy also states that “Langney will make a significant contribution to the delivery of additional housing in a sustainable location.”

6.1.3 The Core Strategy policy B1 identifies Langney as a sustainable neighbourhood and it states that higher residential densities will be supported in these areas. The site is located within the predominantly residential area as defined by Eastbourne Borough Plan Policy HO2. The National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs. This site would be considered a windfall site, as it has not previously been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 35 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy Policy B1, as stated in the Core Strategy.

6.1.4 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 October 2018, Eastbourne is only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a ‘presumption in favour of sustainable development,’ as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

6.1.5 As the proposed development results in the net gain of 35 dwellings, over the threshold of 10, there is a requirement to contribute towards affordable housing. The planning statement describes that while a development of 35 net units should normally contribute 30% towards affordable housing (as it is a low-value neighbourhood), which in this case would be 10.5 units, the cost of development on this site means that this would not be viable, and so offers 5 houses with 3 bedrooms each. The viability study that has been provided should be independently verified.

6.1.6 The development would be liable for the payment of CIL on the 24 houses proposed. Under Eastbourne’s current charging schedule, the 11 proposed flats

are not CIL liable.

- 6.1.7 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.'

6.2 ESCC Highways

- 6.2.1 Conditional approval:- Their full response is reported below.

The site is a green area with 2 dwellings (Woods Cottages) and comprises ponds and vegetation. The site would generate trips associated with the two houses and possibly maintenance of land. In location terms, the site is within a residential estate and is situated within close proximity to shopping facilities and a number of local schools, the closest being West Rise, actually in Swanley Close/Chaffinch Road. Langney shopping centre provides a public house, supermarkets, bank, pharmacy and butcher, all within a short walking distance of 10mins or 700m. Public transport can be found outside the Langney Shopping centre at around 450m away providing a variety of local services on a regular basis from 6am to 11.30pm.

- 6.2.2 Access – vehicular access is shown to enter the site at the existing adopted turning head arrangement between 40 and 41 Swanley Close. The access road is required to allow 2 vehicles to pass at the site access and throughout the site. It is recommended that the access is 5.5m in width with 6m radii to allow for service vehicles. The site layout plan indicates that the site entrance is only 4.5m wide, widening to 5.5m internally. It is requested that the applicant considers widening the access point to 5.5m with a supporting swept path plan. Being an end of cul-de-sac location, a standard vehicle requiring access at the same time as a service vehicle would result in conflict especially as there are generally parked vehicles on Swanley Close in the vicinity of the proposed access. I note there is no road safety audit provided with this proposed access provision. The East Sussex County policy for new development requires an all user road safety audit for all major applications.

- 6.2.3 Footways are present on Swanley Close and provide suitable connectivity. The site layout provides internal footways. Cycling is feasible on quieter roads that connect with the cycle network in Eastbourne.

- 6.2.4 Publicly available bus transport is available within a short walking distance on north, west, and east sides of Langney shopping centre, located immediately north of the site. Walking route to the nearest bus stop on the east side via Ruxley Court is 350m in distance, where services 1x (every 30 mins) and The Loop (every 20 mins) are available.

- 6.2.5 The closest railway station is Hampden Park and is 2.5km distance from site. This takes 30 minutes walking or 9 minutes cycling. Secure cycle parking is available at the station.

- 6.2.6 Apart from further details required in relation to the vehicle access to the site, It is considered that the site is sustainable from a transport perspective and there are

travel choices available other than the private car.

- 6.2.7 Highway impact on the network - Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network. The trip assumptions made within the submitted transport statement are considered to be robust on the basis that a trip rate of 4.2 has been applied for the mixed use of houses and flats. From this it is anticipated 14 trips are predicted in the AM peak 0800-0900hrs and 17 trips in the PM peak 1700-1800hrs. Owing to the fact that there is a primary school and local supermarket within a very short distance, there is a likelihood that shorter journeys can be made on foot such as to these destinations. Based on trip predictions, 14-17 trips per peak hour would be approximately 1 vehicle every 4 minutes. Whilst it is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak between 0845 and 0915 broadly, it is not likely that the residents from this site would contribute further to traffic in this period or choose to start a journey during school peak periods owing to the delays expected.
- 6.2.8 Layout, servicing and parking – Car parking spaces must be of sufficient size 5m x 2.5m. The parking provision made exceeds the calculated parking requirement by 14 spaces. The overprovision by 14 spaces would allow for further allocation of parking spaces to specific plots (1 space can be allocated to the 3 bedroom units). On this basis, I do not wish to object as the provision would be similar to the calculated.
- 6.2.9 Cycle parking is shown as stores in rear garden areas for houses and in a separate communal store for the proposed flats. The arrangement of plots allows for access to these stores on a suitable pathway.
- 6.2.10 Servicing the proposed development is demonstrated using a swept path template for an 11.99m long vehicle. Though this is the correct size, I would wish to raise concern that accessing the site is restricted due to the narrow width of the access and manoeuvring area on Swanley Close, due to parked cars on street. Whilst narrower road widths would help to keep speeds low and width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee. It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted.
- 6.2.11 Internally, the 11.99m long vehicle is shown to be accommodated within the proposed layout. The applicant is required to provide refuse storage facilities for the development so that they meet the maximum distance required for residents carrying and collection staff collecting.
- 6.2.12 Officer Comments: The applicant has submitted revised plans which ESCC

Highways have reviewed and consider to be acceptable.

6.3 ESCC Drainage (following revisions to drainage scheme)

6.3.1 The applicant submitted additional information to us in response to comments made in our letters dated 6 June and 2 July 2019. The additional information is in the form of a report produced by Environmental Assessment Services Limited dated 5 September 2019. This information addressed the concerns raised in our previous response. The drainage design outlined within the report should be detailed and implemented.

6.3.2 We note that the existing trees around the area to be used for additional storage within the existing pond. These will have to be assessed with the intention of removing those that will have a significant impact on the pond. Any works required to improve the pond and/or stabilise the banks of the existing pond should be carried out prior to the construction of an outfall from the drainage system.

6.3.3 No objection in principle subject to the imposition of conditions.

6.4 Specialist Advisor (Arboriculture)

6.4.1 Conditional support:- Their full response if reported below.

Please note that trees subject to a Tree Preservation Order rank as a 'material consideration' when determining the above planning application. The Council is under a duty to protect trees and Section 197 of the Town & Country Planning Act 1990 states: 'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'.

6.4.2 The expanded pond will take up most of the last vestiges of the original woodland area identified as W1 of the Order: The proposed expansion of the pond will in itself will be three to four times the size of the existing 'dry pond' and as a result all trees within its extent and beyond will have to be removed to both accommodate the pond and its graded sides.

6.4.3 The pond will have to be maintained to remove debris on an annual basis, including de-silting and vegetation, particularly trees, will have to be cut back to lessen shade.

6.4.4 In addition, it is recommended by the author of the report that the pond will represent a hazard, particularly to young children, and would need to be surrounded by a 1.8 m high chain-link fence with a lockable gate.

6.5 Sussex Wildlife Trust

6.5.1 Conditional support:- their full response is reported below.

SWT notes that a Preliminary Ecological Appraisal (PEA) has been submitted

with the application which we welcome. However, SWT is concerned that the full ecological impact of the proposal has not yet been assessed and therefore it is not clear how net gains to biodiversity will be achieved as required by paragraph 170 of the National Planning Policy Framework (NPPF). In particular:

- 6.5.2 PEA section 4.3.8 states that 'All waterbodies were deemed unsuitable to support GCN due to the historical presence of fish'. It is not clear from the PEA if fish were actually noted to be present and if so, in what quantities. Whilst it is true that ponds with high numbers of fish are unlikely to contain populations of GCN, SWT does not think this has been established in this case. At the very least a Habitat Suitability Index (HSI) score should be calculated to assess the suitability of the pond for GCN.
- 6.5.3 The PEA recommends further surveys of a number of trees with high potential for bat roosts. Similarly, there is discussion of the suitability of the site for foraging and commuting bats, but no bat surveys have been undertaken to assess how the site is currently used. SWT reminds Eastbourne Borough Council (EBC) that the ODPM Biodiversity and geological conservation: circular 06/2005 states in paragraphs 98 and 99 that 'The presence of a protected species is a material consideration' and that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...' It is not acceptable to condition protected species surveys, the information must be provided before a planning decision is made.
- 6.5.4 We are also concerned that no lighting strategy has been provided (PEA, 5.4.13). The Bat Conservation Trust guidance note¹ on bats and artificial lighting is clear that developers should ensure a lighting assessment is done alongside an ecological assessment in order that impacts can be avoided in the first instance through good design. The lack of information on how the site is currently used by bats means that the proposal cannot have been designed to avoid impacts on bats. This is disappointing.
- 6.5.5 SWT also notes that the recommended surveys for reptiles (PEA, 5.4.27) have not yet been carried out. Again this is not acceptable and should be remedied before a planning decision is made.
- 6.5.6 Policy D9 of the Eastbourne Core Strategy is clear that all developments over 500m² or 5 dwellings must produce a biodiversity survey 'to ensure development does not impact on species of importance'. Whilst a PEA has been carried out, the conclusions do not ensure that there is no impact, but rather that further information is required. Similarly, saved Policy N22 of the Eastbourne Borough Plan requires that development proposals which would result in the loss of ponds will be required to provide for their relocation or for the creation of equivalent habitat of sufficient size to fully compensate for the loss elsewhere within the site or local area. It is not clear that the reinstatement of the pond within the woodland area is sufficient to 'fully compensate' for the loss of the larger pond.
- 6.5.7 Section 5.4.32 of the PEA also suggests that Langney Centre Pond Local Wildlife Site (LWS) may be a suitable receptor for any fish found within the pond to be removed. SWT would object to any translocation of fish without full consideration

of the potential impacts on the LWS. Fish, particularly non-native species such as Koi Carp can have a significant negative impact on the biodiversity value of ponds. Saved policy NE20 is clear that there should be no direct or indirect adverse impacts on locally designated sites.

- 6.5.8 Given the points above, SWT asks EBC to request that further information is submitted in line with the recommendations of the PEA so that EBC can be confident that the proposal would not negatively impact on protected species and that net gains to biodiversity will be delivered. If the necessary ecological information is not forthcoming, then the application should be refused.

6.6 Regeneration Officer

- 6.6.1 The site is located close to two secondary schools both of whom regularly seek construction work experience placements for Year 10 pupils. The site would also be an opportunity for work experience placements for the unemployed particularly those completing local construction education and training programmes.

- 6.6.2 The proposal is a major development meeting the residential thresholds for development as detailed on page 11 of the adopted Local Employment and Training Supplementary Planning Document. Should the application be successful, it is requested that it be subject to a local labour agreement in line with adopted policy.

6.7 Sussex Police

- 6.7.1 General support: Their full response is reported below.

The development in the main has outward facing dwellings which should create good active frontage with the streets and the public areas being overlooked. This design has created terraced housing which has an overreliance on rear garden access pathways. Parking has been provided overlooked bays and parking courts. This should leave the street layout free and unobstructed.

- 6.7.2 Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. I recommend that plots 7, 8, & 9 have allocated parking outside their dwellings in order to have active surveillance over their vehicles from their dwellings.

- 6.7.3 With respect to the individual dwelling's front boundary, it is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. The communal block of 11 dwellings, plots 20 – 30 has no demarcated areas.

- 6.7.4 SBD research studying the distribution of burglary in terraced housing with open

rear access footpaths has shown that up to 85% of entries occurred at the back of the house. It is preferable that footpaths are not placed to the back of properties. If they are essential to give access to the rear of properties they must be gated. The gates must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less. Gates will generally be constructed of timber when allowing access to the rear of a small number of dwellings. However in larger developments where the rear footpath provides access to a large number of properties (as in this development) then a gate constructed of steel may be required. Consideration should be given to utilising steel gates conforming to LPS 1175 Security Rating 1 (A1) or Sold Secure Silver (minimum) standard within this development.

- 6.7.5 Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.
- 6.7.6 Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. I would ask that consideration is given to the eventual location in that it is surrounded with railings with self-closing gates to provide a dog free environment. Para 9 SBD Homes 2019.
- 6.7.7 From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout of the communal block, plots 20 – 30. This ensures control of entry is for authorised persons only. SBD recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system and access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. See para 27
- 6.7.8 There is mention within the planning statement of a pedestrian link to the nearby shopping centre. I ask that should this be entirely necessary and unavoidable, its design and layout follows the recommendations and requirements as described within para 8.8 - 8.12 of SBD Homes 2019.

7 Neighbour Representations

7.1 Letters of objection received from 11 neighbouring properties, the contents of these letters are summarised below:-

- Increase in traffic, hazard to pedestrians;
- Insufficient parking;
- There are not enough footpaths;
- Motivated by profit and greed;
- Far too many dwellings for this site / overdevelopment;
- Adverse impact on TPO woodland;
- Neighbours will suffer loss of privacy, light and views;
- Disruption during construction works;
- Increased flood risk due to surface water run-off;
- Loss of trees and backfilling of ponds would cause further loss of water storage capacity;
- The area already becomes gridlocked during school run;
- Concern over accessibility for emergency services;
- The whole area is a haven for wildlife – adequate replacement of habitat or transfer of wildlife needs to be carried out if development goes ahead;
- Pollution will increase due to vehicular movements and loss of trees;
- A previous scheme for less houses (15) was rejected;
- Site not accessible to construction vehicles;

8 Appraisal

8.1 Principle:

8.1.1 The site is located within the built-up area, where the principle of development is acceptable. The site also falls within an area identified as predominantly residential within the Eastbourne Borough Plan. The redevelopment of sites in predominantly residential areas is encouraged by Policy HO2 of the Borough Plan.

8.1.2 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. The NPPF defines sustainable development as incorporating three overarching objectives which are listed below. Any decision on a planning application must balance these matters.

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities'

health, social and cultural well-being; and

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 8.1.3 Para. 11 of the revised NPPF (2019) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.
- 8.1.4 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. This includes policies to protect amenities, local character and to secure provision of affordable housing (para. 62).
- 8.1.5 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account ‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 8.1.6 Para. 127 refers to potential impacts on character and remarks that development should be ‘sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’ and that development should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.1.7 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account ‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.

8.1 Affordable Housing

- 8.1.1 As the development would result in a net increase of over 10 dwellings, there would be a requirement for provision of affordable housing as per Eastbourne Borough Council’s Affordable Housing SPD (2017). The Langney neighbourhood is identified as a low value market neighbourhood and, as such, the ratio of affordable housing required would be 30% of the overall development, amounting to 10.5 units. The tenure mix should be 70% rented, 30% Shared Ownership. The proposed development provides a mix of unit sizes. The SPD includes details on a recommended mix of unit sizes to be reflected in affordable housing provision.

This recommended mix is set out below:-

Unit Size	Recommended Mix	Units required based on 30% provision
1 bedroom	40%	4.2
2 bedrooms	30%	3.2
3 bedrooms	20%	2.1
4+ bedrooms	10%	1
		TOTAL = 10.5 units

8.1.2 The applicant has stated that they would be unable to provide the full complement of affordable housing as it would render the development unviable. A Financial Viability Assessment (FVA) has been submitted which contends that the maximum amount of affordable housing that could be provided would be 5 x 3 bedroom dwellings. The primary reasons given for the viability issues are the costs associated with the infilling of the existing pond, special requirements for piling over the site of the former pond, woodland management costs, management of Japanese Knotweed which is present on site, costs associated with the Section 106 agreement and the cost of providing a children's play area. It is noted that, since the FVA was submitted, elements of the scheme have changed. For example, it is unlikely that a woodland management scheme will now be required due to the amount of trees that would need to be removed to accommodate the proposed attenuation pond.

8.1.3 It is therefore considered that, should member resolve to approve the application, the viability of the scheme shall be thoroughly interrogated by way of an independent assessment in order to ensure that the maximum amount of affordable units are provided within the development. The mix of units provided should also be altered in order to ensure it is more in step with the recommended unit size mix set out in the SPD, in order to ensure that as well as 3-bedroom units, smaller units are also made available to meet the demand for units of this size.

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

8.2.1 The proposal involves the development of a site that is flanked on three sides by residential development. The site had previously been occupied by two dwellings, positioned within the north-eastern corner, although these have since been demolished. The proposed development therefore represents an intensified residential use of the site.

8.2.2 Although the use of the site would be intensified, the residential density of the completed development would equate to approximately 34 dwellings per hectare, which is comparable with surrounding development and falls comfortably within the recommended parameters for density of residential development within the Langney Neighbourhood of 30-70 dwellings per hectare, as set out in Policy B1 of the Eastbourne Core Strategy. It is therefore considered that the intensity of the use of the site would be consistent with, and compatible with, the nature of surrounding domestic development.

8.2.3 The proposed dwellings would be two-storey buildings, with the exception of a

single bungalow. The flatted element of the scheme would be accommodated within a three-storey block, the overall height of which would be minimised through the use of a flat roof. The majority of the dwellings, as well as the block of flats, would be stepped away from site boundaries, generally with a minimum of 20 metres maintained between them and neighbouring dwellings. Exceptions to this would be Plot 7 which, at 16.4 metres distance from 40 Swanley Close, would still be stepped away from it. It would also face towards the side elevation of the property rather than the location of any primary habitable room windows or amenity space. Plot 1 would be closer to 40 Swanley Close. However, as this property would be a bungalow dwelling it is considered that this closer proximity would be acceptable as views from windows would be interrupted by boundary screening and the single-storey height of the building would prevent it from appearing overbearing. A planning condition would be applied to this dwelling to prevent any extensions into the roof space without prior approval of the Local Planning Authority in order to prevent dormer windows being installed. Plot 35 would be within 4.5 metres of 41 Swanley Close. However, the relationship between these properties would be between flank wall elevations and, as such, this degree of separation is considered to be reasonable. Plot 35 would also project further forward than 41 Swanley Close but it is not considered that this would be to the extent that it would appear overbearing or cause undue levels of overshadowing towards that property.

- 8.2.4 The internal road serving the development would not be immediately adjacent to neighbouring properties and the main parking areas would be positioned within the interior of the site where they would not result in any potential for loss of amenity as a result of light, noise or air pollution.
- 8.2.5 The construction phase of the development would involve extensive works, particularly those associated with the infilling of the existing ponds. This may require frequent movements of tipper trucks carrying suitable infill material to the site. This would have the potential to be disruptive to neighbouring residents and, therefore, a Construction Management Plan will need to be submitted to provide details of estimated amount of vehicle movements, timetable of movements, routing details, wheel washing facilities and the types of vehicles that would be used. Depending on the frequency of movements, it may be necessary for a temporary haul road to be used for site access. The applicant has identified that this could be taken from Langney Shopping Centre, to the north of the site, thereby avoiding access through Swanley Close. This haul road would remain in place for the duration of groundworks and the bulk of construction works associated with the development.
- 8.2.6 The existing woodland is not managed and is also not accessible to the public. As a result, trees have grown to excessive height and spread in places, to the detriment of the amenities of neighbouring residents. The trees retained on the site would be subject to a management plan, allowing them to continue to provide a level of sympathetic screening to the site whilst preventing uncontrolled growth.
- 8.2.7 The occupation of the currently derelict site by residential development would remove what is currently a secluded and isolated environment that has the potential to attract anti-social behaviour, to the detriment of neighbouring residents.

8.3 Living Conditions for Future Occupants

8.3.1 The table below shows the Gross Internal Area (GIA) of each type of residential unit within the development alongside the minimum space standards set out by the Department for Communities and Local Government in their document Technical housing standards – nationally described space standard (2015). This demonstrates that all new units would provide a suitable level of internal space for their proposed level of use.

Unit No.	Type of Accommodation	Actual GIA	Rec GIA
1	3-bedroom bungalow	78 m ²	74 m ²
2-6, 10-19, 31-33	2-storey 3-bedroom dwelling	88 m ²	84 m ²
7-9, 34-35	2-storey 4-bedroom dwelling	112 m ²	97 m ²
29	1-bedroom flat	50 m ²	50 m ²
20-28, 30	2-bedroom flat	65 m ²	61 m ²

8.3.2 All internal space is considered to be of a suitable layout, with awkwardly shaped rooms and overly long or narrow corridors being avoided. All primary habitable rooms are well served by clear glazed windows that would allow for suitable levels of natural light and ventilation within all buildings and would also provide a suitable degree of outlook for each property, without compromising the amenities of neighbouring residents. Each dwelling would have access to a good sized rear garden whilst communal amenity space would be provided to the side and rear of the proposed block of flats. In addition, a play area is to be provided towards the southern end of the site. It is therefore considered that individual occupants of the proposed residential units would benefit from good living standards and communal facilities.

8.3.3 It is noted that no details have been provided in regards to the formation of defensible space towards the front the proposed dwellings and block of flats. Sussex Police have identified this as an area of concern in terms of building security. As such, a condition will be used to secure suitable demarcation of defensible space through the use of hard or soft landscaping, or a combination of the two. The height of any planting, fencing or walling will be controlled in order to prevent the generally open nature of the site being compromised.

8.3.4 There is also some concern over the arrangement of rear access to terraced properties within the development due to the secluded nature of the alleyways that would be formed. Sussex Police have stated that these alleyways should be gated so as to control access, with the gates installed in a suitably visible location. A condition will be used to secure the provision of gates that meet Secured by Design Standards in the interest of preventing anti-social and/or criminal behaviour.

8.3.5 The retained woodland and balancing pond to the rear of the site are not intended to be accessible to the general public and are to be maintained as an ecological enhancement feature. As such, this part of the development would need to be fenced and gated in order to control access. This would need to be achieved in a

sympathetic way in order to prevent an oppressive appearance to the development. Full details of how access to this part of the site would be controlled would be secured through the use of a suitable planning condition.

8.4 Design

- 8.4.1 Residential development on Swanley Close, and within the wider surrounding area, typically consists of single and two-storey dwellings interspersed with occasional small scale flatted development. Larger, non-domestic buildings are present at Langney Shopping Centre to the north of the site where there are two and three-storey high flat roof buildings. It is therefore considered that the general form and scale of the proposed dwellings would be in keeping with that of surrounding development. The three-storey block of flats would be positioned towards the rear of the site, away from surrounding dwellings and would be seen in context with the larger shopping centre buildings behind it.
- 8.4.2 Whilst the general bulk, scale and mass of the buildings that make up the proposed development would be reflective of surrounding development, a more contemporary approach has been taken in terms of external appearance and design. Given the overall scale of the development as well as the largely self-contained nature of the site, it is considered that a contrasting design is appropriate in order to provide the development with its own distinct character and identity, thereby preventing a sense of monotony becoming prevalent within the wider surrounding area. It is, however, considered that far more diverse palette of materials should be utilised for the building exteriors in order to break up the bulk of the built area and to produce a more visually engaging influence that would positively impact upon the character of the surrounding area.
- 8.4.3 The proposed dwellings and block of flats would cluster around a central area, allowing for good levels of surveillance and ensuring that individual properties engage well with each other as well as within the street scene. The development incorporates a variety of building designs which are pepper potted through the development, generating visual interest. However, there are commonalities in each design which serve to provide a suitable level of cohesion.
- 8.4.4 Space would be provided to the front of dwellings to allow for landscape planting that will help to integrate the proposed development with the retained woodland to the south of the site and to retain an element of the verdant characteristic of the site.

8.5 Landscape & Biodiversity

- 8.5.1 The site is former brickworks which was abandoned some time ago, the only remnants of this former use being the large ponds formed within the site as a result of the extraction of clay. Since the abandonment of the brickworks, the wooded area around the site has evolved through natural succession rather than through planting. This has resulted in a varied mix of flora within the site. The undisturbed nature of the woodland has been enhanced by the closing off of the site, which is not accessible to the public. The site is subject of a woodland Tree Preservation Order. This order recognises that, whilst there are few trees that are of merit for protection when viewed in isolation, the cumulative amenity value of

these trees is significant.

- 8.5.2 A number of trees within the northern portion of the site have been removed, following the granting of outline permission for 10 dwellings within the northern part of the site. The remainder of the woodland has remained largely undisturbed. The development itself has been designed to minimise incursion into the existing woodland. However, the proposed balancing pond would require further trees to be removed as a means to increase the basin size as well as to provide clearance around the pond. In addition, the presence of the pond may also compromise the long-term health of trees within its immediate vicinity. As a consequence, only a rump of the original woodland would remain. The ecological impact of the loss of the trees could be partially mitigated by appropriate planting within the southern part of the site as well as within the development itself. This is particularly important along the western site boundary where green corridors will need to be maintained to provide connectivity between the retained woodland and the neighbouring Local Wildlife Site (formerly designated as a Site of Nature Conservation Importance) at Langney District Pond.
- 8.5.3 The pond that is to be infilled measures approximately 2,400 m² in area and had, in the past, been used for fishing. The Ecological Assessment concludes that the pond itself is in a state of decline. Due to the presence of fish in this pond, and the Langney District Pond, the Preliminary Ecological Assessment accompanying the application maintains that they would be unsuitable as habitat for Great Crested Newts. All fish within the pond are subject to protection under the Animal Welfare Act (2006). All fish would therefore need to be removed from the pond in a sensitive way and to relocate to a suitable habitat. Although the Preliminary Ecological Assessment identifies the Langney District Pond as a potential relocation site, serious concerns have been raised by Sussex Wildlife Trust due to potential impact upon the existing fish population. A suitable receptor site for the fish will therefore need to be identified prior to any works commencing, along with details of an agreement that the site can be used and of the methodology for removing the fish. The primary methodology for draining the ponds has been identified as being through the use of mechanical pumps. However, the fish would either need to be removed before the commencement of pumping or mechanical draining should be used to partially drain the pond before fish are captured using nets or electro-fishing (which is not harmful to the fish).
- 8.5.4 The pond that is to be in-filled is entirely fed by surface water and rainfall, it is not directly connected to any other watercourse, having only been formed as a result of excavations associated with the use of the site as a brickworks. The loss of the pond habitat would be mitigated by the creation of an attenuation pond, utilising the existing dry pond area towards the southern edge of the site and increasing the size of the basin in order to provide adequate surface water storage capacity. The attenuation pond, whilst serving a functional purpose in providing surface water storage capacity, will be profiled and planted in a manner that is sympathetic to the requirements of wildlife. This would enable the attenuation pond to form a biodiversity gain over the quality of habitat provided by the existing pond. A Landscape and Ecological Management Plan (LEMP) would also be required as a condition of any planning approval and this would include maintenance and management schedules for the attenuation pond and surrounding woodland which would allow for ongoing ecological enhancements. It is of note that the existing

woodland is privately owned, not publically accessible and does not have any form of management plan in place.

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- 8.5.6 As a result of the clearance work carried out on the northern part of the site, piles of logs and deadwood have been deposited in places. These provide habitat for reptiles and should be retained where possible. Additional log piles should be created during the removal of trees on the site in order to provide additional reptile habitat.
- 8.5.7 The woodland provided roosting and nesting habitat for birds and bats as well as foraging areas. Trees within the site that are suitable for bat roosting have been identified and would not be removed as a result of the proposed development. Whilst the foraging area would be reduced due to the presence of the development, the Preliminary Ecological Assessment makes recommendations to mitigate this, primarily through the implementation of a comprehensive landscaping scheme that would incorporate species that would support and sustain large populations of the invertebrates that bats feed upon. Additional bat and bird boxes would also be installed in suitable locations to provide nesting and roosting facilities.
- 8.5.8 External lighting of the development would have to be sensitively managed, providing a suitable balance between providing security and accessibility without compromising the ability of bats to forage within the surrounding area. Due to the critical importance of securing a suitable scheme, a condition will be used to require full details to be submitted prior to the commencement of any works, with these being reviewed by the Council's Ecologist prior to any approval being granted.
- 8.5.9 Then overall management and maintenance of the retained woodland and attenuation pond would be achieved through the implementation of the aforementioned LEMP. This would include ongoing ecological enhancement works as well as the monitoring of species present within the site.
- 8.5.10 Ultimately, it is considered that the proposed development would result in the loss

of a certain amount habitat on the site, although mitigation measures put in place could partially compensate for this. It is therefore considered necessary to balance this loss of habitat with the economic and social gains that the provision of much needed housing would generate. It is also considered that, whilst habitat loss would occur, the proposed development would facilitate ecological enhancements and habitat management which the current site does not benefit from. It is therefore considered that the development accords with the principle of sustainable development, set out in para. 8 of the Revised NPPF as it adopts a joined up approach in identifying mutually supportive gains across economic, social and environmental areas.

8.6 Flooding and Drainage:

- 8.6.1 The site falls largely within Flood Zone 1, other than a small splinter of land within Flood Zone 2 on the southern part of the site, which is not to be developed. It is therefore considered that the submitted Flood Risk Assessment is adequate and that there is not a requirement for a sequential test to site selection to be applied.
- 8.6.2 The proposed development would significantly increase the amount of impermeable surfacing within the site in the form of buildings and roads. Permeable paving materials will be used where appropriate as a means to reduce surface water discharge. However, a comprehensive drainage scheme is required in order to prevent the risk of flooding from surface water, or the overload of the existing drainage network, from arising as a result of the development.
- 8.6.3 The infilling of the existing pond, which is fed entirely by surface water and rainfall, would remove drainage capacity from the site. The submitted Flood Risk and Drainage Assessment notes that the existing pond contains perched water, this being water stored above the water table level due to being trapped by an impermeable layer which, in this instance, is clay. An initial scheme included providing an attenuation tank to store excess surface water and control discharge rates in order to manage the risk of surface water flooding of the site, neighbouring properties and the public highway. This method was not supported by the Lead Local Flood Authority (LLFA) and, as such, a revised scheme utilising a balancing pond, achieved by enlarging an existing dry pond towards the southern end of the site, has been submitted. This scheme has been supported in principle by the LLFA, subject to the imposition of suitable conditions.
- 8.6.4 The balancing pond will include facilities to filter debris and pollution from surface water run-off before it enters the flow control chamber and is discharged into the mains sewer. The attenuation pond would need to be regularly maintained in order to ensure all necessary plant is operational and any silt and debris is removed to ensure that the pond continues to function effectively both as a drainage measure and as a wildlife habitat.

8.7 Highways:

- 8.7.1 The proposed development would be accessed via Swanley Close, a residential cul-de-sac. ESCC Highways have stated that they do not consider that the additional trips generated by the development would adversely impact upon traffic on the surrounding highway network. They also note that the sustainable nature of

the site, with Langney Shopping Centre nearby as well as access to public transport and other local services, would likely reduce the number of trips made in private cars. The Highways Officer paid regard to issues identified by objectors relating to congestion on the road during the school run, however, they concluded that peak vehicle movements to and from the site would not coincide with these hours.

- 8.7.2 Whilst the Highways Officer does not object to the level and frequency of trips generated by the development, concern was raised over the suitability of the site access due to the width of the opening car parking around the site access point. In response to this, the applicant has revised access arrangement, increasing the width to 5 metres. A Section 106 agreement would also be used to secure parking restrictions around the site access to ensure that it remains clear. These measures are dependent upon permission being granted by ESCC Planning for the restrictions to be put in place. The planning permission cannot be granted until the Section 106 agreement is signed and, as such, there is no way the development could proceed without the parking restrictions first being secured.
- 8.7.3 The development would be served by 59 car parking spaces. ESCC Highways consider this to be an adequate quantum of parking, noting that it exceeds minimum standards by 14 spaces. Parking would consist of a mix of allocated and non-allocated spaces distributed throughout the site, all within close proximity of residential units. All spaces comply with ESCC recommended dimensions and suitable space is provided to allow for vehicles to manoeuvre in and out of car parking spaces safely.
- 8.7.4 All dwellings and car parking spaces would be directly accessible by a pedestrian footpath which would enable those on foot to circulate throughout the site without being subjected to risk of conflict with motor vehicles. Separate footpath access would also be provided for the site and this would enable pedestrians to enter the site whilst avoiding the main vehicular access.
- 8.7.5 Tracking diagrams have been provided which show that refuse and servicing vehicles can access the site and that there is sufficient space within it to allow them to turn, ensuring they enter and leave Swanley Close in forward gear. The arrangement of parking bays throughout the site will prevent vehicles parking on the carriageway and therefore allow for two way traffic movements throughout the site.
- 8.7.6 Due to the amount of groundworks associated with the infilling of the pond and preparation of the site for development, it is considered that there is the potential for frequent movement of HGV's into and out of the site, particularly tipper trucks bringing in spoil to be used for infill. There is also likely to be regular deliveries associated with the construction phase as well as traffic generated by site workers and contractors. A condition would be attached to any given approval requiring a Construction Management Plan to be submitted that would set out how construction traffic would be managed, to include, but not be limited to, details relating to amount of vehicular movements, timetable of movements, routing details, warning signage and banksman facilities, measures to prevent dirt and debris being deposited on the public highway, storage compounds for plant and

materials, worker and visitor parking facilities and the types of vehicles to be used for delivery and construction works. This plan would need to be agreed by the Local Planning Authority, in consultation with ESCC Highways, and would need to be adhered to throughout the construction of the development. It is noted that a Construction Traffic Management Plan has been submitted with the application. However, it is considered that further clarity is required due to the sensitive nature of the site.

8.8 Contamination:

- 8.8.1 Any spoil or other material brought to the site to infill the existing pond will need to be suitably certified by the Environment Agency as uncontaminated, clean, and inert. Details of where this material will be sourced from will need to be submitted to and approved by the Local Planning Authority, in consultation with the Environmental Health Department, prior to the commencement of any works.
- 8.8.2 A Preliminary Ground Contamination Risk Assessment Report has been submitted with the applicant. This assessment has identified potential sources of contamination within the site, consisting of the following:-
- Historical use of the site and surrounding area as a brick field including excavation and backfilling works;
 - Demolition works in the northern part of the site;
 - Storage of oils and other chemicals in the eastern part of the site;
- 8.8.3 In light of the potential presence of contaminants, the report recommends that further ground investigation be carried out. Details of the results of this investigation, as well as a remediation strategy giving full details of the remediation measures required to mitigate the presence of any contaminants and how they are to be undertaken will also need to be provided. This will be secured through the use of a planning condition. Adherence to contamination mitigation and remediation strategies will ensure that the development of the site does not release contaminants into the soil, nearby watercourses or expose occupants of the development or surrounding sites to health risks.

8.9 Economy:

- 8.9.1 The site is in a sustainable location with local shops and services nearby. The site layout includes provision for a direct footpath access to Langney Shopping Centre although this would need to be agreed with the landowners of the shopping centre. The provision of footpath access is supported by Policy C8 of the Eastbourne Core Strategy which sets out an objective to improve connections to other areas, especially employment areas, through the provision of safe walking and cycling routes within the Langney neighbourhood.
- 8.9.2 It is considered that the presence of additional dwellings within this sustainable location will generate trade and activity within the local area, providing an economical benefit. The construction works also provide the opportunity to provide construction training to local trainees and the developer will be required to subscribe to a Local Labour Agreement as part of the Section 106 agreement in order to secure this training.

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

- 1) It is recommended that a resolution is made to approve the application, subject to the submission of additional wildlife surveys and the signing of a Section 106 agreement to secure the maximum feasible provision of affordable housing, the adoption of parking restrictions on Swanley Close, highway improvements and a Local Labour Agreement.
- 2) The following conditions would also be attached to any approval:-
- 3) 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).

- 4) The development hereby permitted shall be carried out in accordance with the following approved drawings:-
 - 289200 No. 01;
 - 289300 No. 06 Rev. B;
 - 289200 No. 07 Rev. A;
 - 289200 No. 11;
 - 289200 No. 12;
 - 289200 No. 13;
 - 289200 No. 14;
 - 289200 No. 15;
 - 289200 No. 16;
 - 289200 No. 17;
 - 289200 No. 18;
 - 289200 No. 19;
 - 289200 No. 20;
 - 289200 No. 21;
 - 289200 No. 22;
 - 289200 No. 23;
 - 289200 No. 24;
 - 289200 No. 25;
 - 289200 No. 26;
 - 289200 No. 27;

- 289200 No. 28;
- 289200 No. 29;
- 289200 No. 30;
- 289200 No. 31;
- 7712/101 Rev. F;
- 7712 – Transport Statement produced by gtaCivils
- Preliminary Ecological Appraisal J20289_P6 produced by Greenspace Ecological Solutions Ltd;
- R18-13428/ds – Preliminary Ground Contamination Risk Assessment Report produced by Ashdown Site Investigation Limited;
- Flood Risk and Drainage Assessment produced by Environmental Assessment Services Ltd and Additional Proposed Drainage Information dated 5 September 2019;
- Supporting Planning Statement;

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

- 5) No works above foundation level shall be carried out until a full schedule of external materials and finishes to be used on the dwellings hereby approved have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interest of visual amenity, in accordance with saved policy UHT1 of the Eastbourne Borough Plan.

- 6) No extension, enlargement, alteration or provision within the curtilage of plot 1 as provided for within Schedule 2, Part 1, Classes A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) be carried out without planning permission obtained from the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with saved Policy HO20 of the Eastbourne Borough Plan.

- 7) Prior to first occupation of the development hereby permitted a scheme for the secure storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the development can be adequately serviced by refuse collection services in accordance with Policy D1 of the Eastbourne Core Strategy.

- 8) Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all proposed boundary treatments shall have been submitted to and approved in writing by the Local

Planning Authority. This must include details of defensible space to be formed around ground floor units within the flatted element of the scheme. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: In order to ensure the development is adequately screened and secured in a visually sympathetic manner in accordance with saved policy UHT1 of the Eastbourne Borough Plan and Policy D1 of the Eastbourne Core Strategy

- 9) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a. Location and installation of services/ utilities/ drainage.
- b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c. Details of construction within the RPA or that may impact on the retained trees.
- d. a full specification for the installation of boundary treatment works.
- e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- i. Boundary treatments within the RPA
- j. Methodology and detailed assessment of root pruning
- k. Arboricultural supervision and inspection by a suitably qualified tree specialist
- l. Reporting of inspection and supervision
- m. Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged

during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with saved policy UHT7 of the Eastbourne Borough Plan, Policy D1 of the Eastbourne Core Strategy and pursuant to section 197 of the Town and Country Planning Act 1990

10) Prior to completion or first occupation of the development hereby approved, whichever is the sooner; hard and soft landscaping details of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
2. further ecological input into the scheme design to secure biodiversity gains. Such gains are to be designed so as to meet the requirements be appropriate and sympathetic to the assessed ecological merit of the site and surrounds. This condition may only be fully discharged subject to satisfactory written evidence of compliance by a qualified ecologist.
3. location, type and materials to be used for hard landscaping including specifications where applicable for:
 - a. permeable paving
 - b. underground modular systems
 - c. Sustainable urban drainage integration
 - d. use within tree Root Protection Areas (RPAs);
4. a schedule detailing sizes and numbers/densities of all proposed trees/plants;
5. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.
6. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity

benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with saved Policy UHT7 of the Eastbourne Borough Plan.

11) Prior to the commencement of any construction works within the site the following information must be submitted to, and approved, by the Local Planning Authority:-

1. Detailed surface water drainage drawings which shall include the following:-
 - a. Surface water runoff from the proposed development shall be limited to the 4 l/s (Qbar) for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b. The details of the improvements required to the existing pond shall be submitted as part of a detailed design including cross sections and invert levels. This should include the impact of any surrounding trees on the pond.
 - c. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.
2. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

3. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the

development.

Reason: In order to ensure the site is adequately drained and that surface water is appropriately managed in accordance with saved Policy US4 of the Eastbourne Borough Plan.

- 12) Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to ensure the site is adequately drained and that surface water is appropriately managed in accordance with saved Policy US4 of the Eastbourne Borough Plan.

- 13) Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of environmental amenity and biodiversity in accordance with saved policy NE28 of the Eastbourne Borough Plan and Policies D1 and D9 of the Eastbourne Core Strategy.

- 14) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a. The phases of the Proposed Development including the forecasted completion date(s)
- b. Details of access arrangements for construction and delivery vehicles;
- c. Details of the types of vehicle that will be used for construction and deliveries;
- d. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- e. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- f. Details of wheel washing facilities
- g. Details of hours of construction including all associated vehicular movements
- h. Details of the construction compound
- i. A plan showing construction traffic routes
- j. An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: In the interest of environmental amenity and highway safety in

accordance with saved Policy NE28 of the Eastbourne Borough Plan and Policy D8 of the Eastbourne Core Strategy,

- 15) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a. a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b. a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

- a. as built drawings of the implemented scheme;
- b. photographs of the remediation works in progress; and
- c. certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: In the interest of the control of pollution in accordance with saved Policies NE17 and NE28 of the Eastbourne Borough Plan.

- 16) 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 plan drawing 7712/101 Rev. F unless agreed in writing by the Local Planning Authority. The areas 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 in accordance with saved policy TR11 of the Eastbourne Borough Plan.

- 17) Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a. description, plan and evaluation of landscape and ecological features to

- be managed including grassland, hedgerows, ponds and wetland areas;
- b. ecological trends and constraints on site that might influence management;
 - c. aims and objectives of management;
 - d. appropriate management options for achieving aims and objectives;
 - e. prescriptions for management actions, together with a plan of management compartments;
 - f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g. details of the persons, body or organisation responsible for implementation of the plan;
 - h. a scheme of ongoing monitoring, and remedial measures where appropriate;
 - i. details of legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMP will be implemented in accordance with the approved details and where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: In the interest of ecology and biodiversity in accordance with policy D9 of the Eastbourne Core Strategy.

11 Appeal

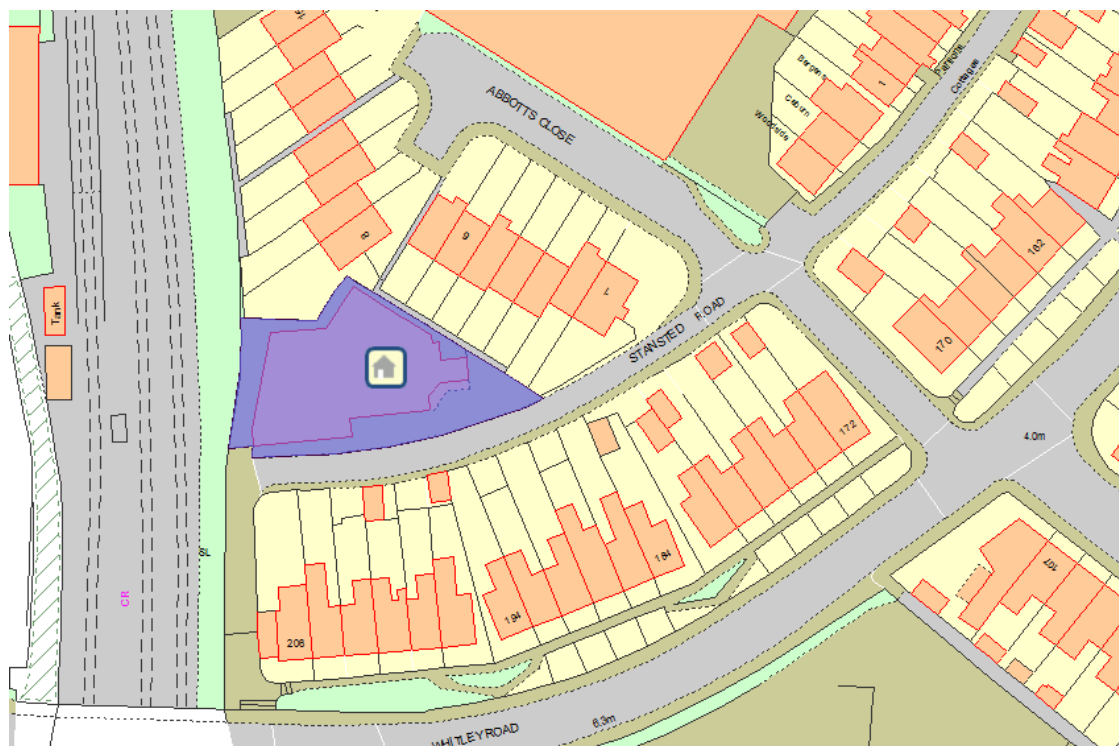
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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Agenda Item 9

App.No: 190256	Decision Due Date: 25 October 2019	Ward: Devonshire
Officer: Neil Collins	Site visit date:	Type: Outline (all reserved)
Site Notice(s) Expiry date: Neighbour Con Expiry: Press Notice(s):		
Over 8/13 week reason: Revisions / Re-consultation / Committee cycle		
Location: Westgate Motors, Stansted Road, Eastbourne		
Proposal: Outline application (all matters reserved) for the demolition of the existing garage facility and erection of residential accommodation comprising 6 No. single family dwellings (revised description)		
Applicant: Mr C. Thomson		
Recommendation: Grant outline planning permission subject to conditions and the submission of reserved matters		

Contact Officer(s): **Name:** Neil Collins
Post title: Specialist Advisor - Planning
E-mail: neil.collins@eastbourne.gov.uk
Telephone number: 01323 410000



1 Executive Summary

- 1.1 The Committee has previously considered development of this site for a three-storey building (with accommodation in the roof) comprising 10 residential units. The Committee sought to refuse outline planning permission in line with Officer recommendation. This application seeks to overcome the previous concerns regarding the impact upon the amenity of neighbouring residential occupiers and was originally submitted as a major application for outline permission, again for 10 residential units within a single building of a reduced scale compared to the previous proposal.
- 1.2 However, the proposal has been significantly reworked at Officer request to overcome sustained neighbour amenity concerns. The resulting proposal comprises a total of 6 single family dwellings arranged in two terraces of three dwellings. Both the original and revised schemes have attracted a significant number of objections following public consultation and this forms the main reason for the application being presented to Committee on this occasion.
- 1.3 Outline permission is sought with all matters reserved. However, indicative drawings have been provided showing the possible layout of the dwellings on the site and their scale, height and elevational design.
- 1.4 Whilst reserved matters would allow for consideration of revised elements of the scheme, which could include revisions to the layout, design, height and scale, the revised proposal description would limit development of the site to 6 single family dwellings. Officers consider that the site has sufficient capacity to accommodate this number of dwellings whilst meeting adopted policy, insofar as they relate to the description of proposed development. The application is therefore recommended for approval subject to consideration of the reserved matters and other relevant conditions.

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
US4: Flood Protection and Surface Water
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
NE14: Source Protection Zone
TR11: Car Parking

3 Site Description

- 3.1 The application site is located on the northern side of Stansted Road, a cul-de-sac which terminates adjacent to the site, and comprises a roughly triangular plot. The site is bounded on its northern sides by the rear gardens of two storey houses in Abbots Close and the national rail line serving is Eastbourne Train Station lies directly to the west.
- 3.2 The site is currently occupied by Westgate Motors, a vehicle repair and servicing garage with ancillary office space. The site is occupied by a single building comprising two elements; a two-storey flat-roof element on the northern and eastern sides of the building and a single-storey pitched-roof element on its south western side. The building occupies most of the site, being sited directly adjacent to the northern and eastern boundaries, with the front of the site being occupied by parking for staff and visitors. To the south, dwellings fronting Whitely Road back onto Stansted Road, such that the street scene is mainly comprised of rear gardens and ancillary residential structures.
- 3.3 The site is located within a Predominantly Residential Area, defined within the Core Strategy Proposals Map and, as such, the surrounding area is predominantly residential in character, with two storey pitched roof dwellings surrounding the site. The site is also located within a Source Protection Zone.
- 3.4 Courtlands Road Industrial Estate is located beyond Abbots Close dwellings 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)

4.2 180979 – Westgate Motors, Stansted Road

Demolition of existing garage facility and erection of residential accommodation over 3 floors and roof space comprising 10 No – 2 bedroom maisonettes.

Refused at Planning Committee– 24/01/2019

5 Proposed development

5.1 The original submission of this application proposed a revised version of the scheme previously considered by Committee, which was refused on grounds of the impact upon amenity. The applicant had sought to address this issue through the proposed construction of a single building form consisting of a three-storey building accommodating 8 maisonettes and 2 two-storey houses; 10 dwellings in total.

5.2 Sustained concern with regard to the impact upon neighbouring residents has led to significant revision to the proposal description, which now proposes 6 single-family dwellings. As this application is for outline permission with all matters reserved, the applicant has provided indicative layout and elevation drawings, which suggest that the proposed dwellings could be arranged within two terraces of three houses without associated parking.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 No objections:- Their full response is below.

The outline application proposes to demolish the existing garage, workshop and offices, followed by the erection of 3 storey plus attic rooms property, achieving a development of 6 family dwellings. This would constitute a change of use from Sui Generis (Garage, Storage and Office use) to C3 (Residential Dwelling). The application site is situated in the 'Roselands and Bridgemere Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan (2013).

6.1.2 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.

- 6.1.3 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 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.
- 6.1.4 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).
- 6.1.5 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. Windfall sites are one of the ways additional housing is achieved in these areas. This site would not be considered a windfall site, as it has 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 6 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.
- 6.1.6 It is important to note that as this application is for a total of 6 units, it does not meet the threshold for contribution towards affordable housing.
- 6.1.7 Under Eastbourne's current charging schedule this updated outline application is not liable to pay CIL as there is no charge for flats.
- 6.1.8 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 an additional 6 dwellings.
- 6.1.9 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 Environment Agency

6.2.1 No objections:- Their full response is below.

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.

6.2.2 There is no objection from the Environment Agency provided that conditions are attached to any permission to ensure that a site investigation and remediation scheme is approved prior to implementation to ensure protection of water sources within the Source Protection Zone.

6.3 SUDS

6.3.1 Conditional approval :- Their full response is outlined below.

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.

6.3.2 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.

6.3.3 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.

6.3.4 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.

6.3.5 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.

6.3.6 If the Local Planning Authority is minded to grant planning permission, the LLFA requests that a condition is attached to manage surface water run off from the development.

6.4 ESCC Highways

6.4.1 Conditional approval:- Their full response is below.

The applicant is proposing to demolish the existing vehicle repair garage and to erect 6 single family dwellings in its place on Stansted Road, Eastbourne. The expected trip rates for this site are not expected to increase as a result of the proposed development and the indicative parking spaces shown in drawing 885/18/WPL/01 would be sufficient if they were unallocated. Further details regarding cycle parking, refuse collection and construction management should be provided as part of the reserved matters application.

6.4.2 The proposed dwellings would generate approximately 18-24 trips a day in comparison to the 90 trips associated with the existing garage use. Therefore, there would be a reduction in trips as a result of the proposal.

6.4.3 The applicant is proposing to provide 8 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. Using the ESCC Parking Calculator, it is estimated that the six houses would generate a demand for 6 vehicles if unallocated and 9 vehicles if each flat is allocated one parking space. As such, if the parking 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.

6.4.4 The submitted plans show parking spaces with dimensions of 2.7m x 5.0m. This is in line with the County Council's adopted standards.

6.4.5 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.

6.4.6 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.

6.4.7 The submitted plans do not show any proposed cycle parking. The Highway Authority requires each house to provide 2 cycle parking spaces, 12 in total.

Details should be provided at reserved matters stage.

7 Neighbour Representations

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

- Amenity concerns
- Exacerbation of on-street parking issues
- Access issues

A separate objection has been received from Councillor Wallis on grounds that the proposal would have an unacceptable impact upon residents living in Whitley Road in terms of:

- Height and scale
- Overdevelopment
- Loss of light
- Loss of privacy
- The structure would be out of keeping with the area
- Parking and road safety concerns

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, demand for the use, 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. The existing use is not sympathetic to the surrounding residential uses taking into account its nature, the noise associated with the work undertaken there and the level of activity with regard to vehicle movement and parking and with both staff and visitor trips to the site. It is considered that continuation of the existing use has the potential to result in ongoing disturbance for neighbouring residents. 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.

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

8.2.1 This application proposes outline permission with all matters reserved, including that of scale, height, massing and the arrangement of fenestration on the proposed buildings. The previous application (ref: 180979) was refused on grounds that the proposal would have a detrimental impact upon residents of Abbots Close and this remains one of the principle considerations in determination of this application. This refusal took into account both the number of units and the scale of the building (three-storey) defined within the proposal description.

8.2.2 This application originally proposed a reduction to the previous scheme, incorporating a part three-storey, part two-storey building. There were ongoing amenity concerns with this proposal given the close proximity to the buildings in Abbots Close and the ability for the site to accommodate the scale of development without considerable harm to residential amenity. As a result, the proposal has been further reduced to 6 dwellings. It is noted that, as the application seeks outline permission with all matters reserved, the submitted drawings are indicative. Unlike the previous application, the height of the buildings is not defined by the proposal description in this application. Therefore,

height and layout would be for the reserved matters application to define exactly. However, indicative drawings are important in understanding the likely scale of the development defined within the proposal description. In terms of the revised scheme, the indicative drawings suggest that this could be achieved as two terraces of three houses comprising two storeys. This general scale would be comparable with that of the existing garage building and of existing neighbouring dwellings and it is also noted that the resulting development would be set further back from the boundary to alleviate the dominance upon neighbouring occupants in Abbots Close.

8.2.3 Notwithstanding any changes to the layout at reserved matters stage, it is considered that the submitted indicative drawings demonstrate that the site has capacity for 6 dwellings whilst maintaining a good relationship with neighbouring property, especially when taking into account the scale of the existing building and its location directly adjacent to neighbouring boundaries. Whilst the reserved matters would deal more critically with the impact of the resulting development in terms of light, outlook and privacy for neighbouring occupiers, it is not considered that neighbour amenity would be affected to a significant degree based upon the development defined by the proposal description.

8.2.4 It is not considered that the development defined with the proposal description would have a significantly harmful impact upon the amenities of neighbouring residents and, as such, is in accordance with saved policy HO20 of the Eastbourne Borough Plan as well as para. 127 f) of the Revised NPPF.

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 the proposal for 6 single family dwellings could adequately be accommodated on the site and provide suitable internal space to accord with the Nationally Described Space Standards (2015). It is also considered that the building could be configured to provide a good standard of accommodation for future residents of the development in terms of light and outlook.

8.3.2 The indicative layout also demonstrates that an adequate amount of outdoor amenity space could be provided for future residents.

8.4 Design and impact on surrounding area

8.4.1 As this is an outline application, the indicative drawings do not provide any firm details regarding the height or architectural design of the proposed dwellings. However, the indicative designs do demonstrate that a two storey dwellings could be accommodated on the site. It is considered that this would accord with the prevailing character of neighbouring residential amenity. Notwithstanding that the indicative layout is likely to change at reserved matters stage to ensure that high design quality is achieved, it demonstrates that there is sufficient space on the site for 6 dwellings to be sited so as to harmonise with the general pattern of development in the area. The dwellings would allow for a suitable amount of space to be retained on the plot, which would not only be similar to the arrangement of neighbouring dwellings on their respective plot, but also improve the arrangement of the existing garage building, which is sprawling in its scale

and site take-up.

8.4.2 It is therefore considered that, providing the design is of a suitable quality, a development of the nature described in this application could be accommodated on the site without having an adverse impact upon the character and appearance of the surrounding area.

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 (predicted to be 18-24 daily trips compared 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 road 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 8 off-street car parking spaces, accessed directly from Stansted Road. This quantum of parking exceeds the minimum amount of 6 spaces required for a development of this nature, provided individual spaces are not allocated to specific dwellings. 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 It is also noted that parking provision would limit the amount of accommodation (in terms of building height and density of habitable rooms) as reserved matters regarding the layout of the building and off-street parking would need to meet ESCC standards in terms of provision. As such, this would limit the scale of the resulting development.

8.6 Surface water drainage and contamination

8.6.1 Taking account of the existing use, there is a potential for contaminants to have a harmful impact upon future occupants of any future residential development. Coupled with this, the site is also located within a Source Protection Zone. The Environment Agency has been consulted with regard to the application and has no objection to the development in principle, subject to the imposition of conditions to ensure that the water sources are protected from contamination.

8.6.2 Therefore, in the interest of protecting the health of future occupants and local water quality, two conditions are recommended; a pre-commencement condition requiring the submission of a site investigation and remediation scheme; and a pre-occupation condition requiring a verification report.

9 Human Rights Implications

9.1 The impacts of the proposal have been assessed as part of the application

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

10 Recommendation

10.1 Grant outline planning permission subject to the following conditions and reserved matters.

10.2 Conditions:

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

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

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

- i. Layout
- ii. Scale
- iii. Appearance (including a full schedule of facing materials)
- iv. Access
- v. Landscaping
- vi. Construction Management
- vii. Drainage
- viii. Contamination

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 3) Notwithstanding what is shown elsewhere on the drawing, and the requirement for compliance with the above reserved matters condition, the development hereby permitted shall be carried out on the land specified in the Location Plan shown on drawing number: 885/18/WPL/02.

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

- 4) The submission of reserved matters for landscaping shall include details of secure covered cycle storage facilities for 12 cycles and refuse storage facilities in accordance with adopted policy requirements. The facilities shall be provided prior to first occupation of the development, hereby approved, and shall be maintained in accordance with the approved details for the

lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure suitable facilities are provided for future residents of the development.

- 5) The submission of reserved matters for appearance shall include plans, elevations and cross-section drawings and details or samples of the materials to be used in the construction of all external surfaces of the development hereby approved. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development.

- 6) In relation to the submission of reserved matters for drainage, no above ground works shall commence until a surface water drainage scheme and maintenance and management plan have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats

- 7) Following completion of the works a statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the SuDS scheme approved under condition 6 has been fully implemented shall be submitted to and approved in writing by the Local Planning Authority.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

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

- 8) In relation to the submission of reserved matters for construction

management, no development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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 CMP 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 routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the times of any deliveries related to the development, which should avoid peak travel times;
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of any security hoarding;
- the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- dust and/or any pollutants;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

Prior to submission of the CMP, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

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

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses, hereby permitted, shall be undertaken without the prior grant of planning permission by the Local Planning Authority.

Reason: The Local Planning Authority considers that further uncontrolled development could cause detriment to the amenities of the occupiers of nearby properties or to established trees at the site.

- 10) In relation to the submission of reserved matters for contamination, prior to commencement of the development, hereby approved, a detailed site investigation and remediation scheme to bring the site to a condition suitable for the intended use and to prevent unacceptable contamination and risks to human health, buildings and other property and the natural environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details as appropriate but not

be restricted to the following:

- all previous uses for the site;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- all above and below ground works to be undertaken, including remediation;
- proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following remediation.

Prior to submission, the applicant shall first make contact with The Environment Agency to ensure their agreement with the scheme.

Reason: To ensure that any contamination of the land is remediated to ensure future occupants of the development are protected from unacceptable levels of pollution, in line with paragraph 170 of the National Planning Policy Framework (NPPF).

- 11) Prior to first occupation of the development, hereby approved, a verification report demonstrating the completion of the remediation scheme approved pursuant to condition 10 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met.

Prior to submission, the applicant shall first make contact with The Environment Agency to ensure their agreement with the report.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

- 12) The development, hereby approved, shall not be occupied until the on-site parking spaces have been marked out in accordance with reserved matters for layout. Thereafter, the parking spaces shall be retained in accordance with the approved plans and solely for the parking of vehicles for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the parking demands of the development are met without significant impacts upon the transport network.

Informatives:

- 1) The applicant is advised that, in relation to condition 8, ESCC Highways

Team can be contacted via:

development.control.transport@eastsussex.gov.uk

- 2) The applicant is advised that, in relation to conditions 6 and 7, ESCC SuDS Team can be contacted via: Su.DS@eastsussex.gov.uk
- 3) The applicant is advised that, in relation to conditions 6 and 7, Southern Water Developer Services can be contacted on Tel: 0330 303 0119
- 4) The applicant is advised that, in relation to conditions 10 and 11, The Environment Agency can be contacted via planningSSD@environment-agency.gov.uk
- 5) The applicant is advised that where conditions require that prior contact is made with any of the above consultees, failure to do so may result either in invalidation of an application or increased timescales for determination.
- 6) It is advised that in order comply with Environmental Health legislation, demolition, site clearance or building operations should only take place between the hours of 8:00a.m. and 6:00p.m. on Mondays to Fridays and 8:00a.m. and 1:00p.m. on Saturdays.

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: 190645	Decision Due Date: 14 October 2019	Ward: Ratton
Officer: Anna Clare	Site visit date: 4 September 2019	Type: Planning Permission
Site Notice(s) Expiry date: 13 September 2019		
Neighbour Con Expiry: 13 September 2019		
Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Westlords Pavilion, Westlords, Eastbourne		
Proposal: : Proposed removal of pavilion and installation of single storey building for use as a community hall, changing rooms and storage for Westlords Playing Field.		
Applicant: Mr Colin Belsey		
Recommendation: Grant permission subject to conditions		
Reasons for recommendation: Proposal supports the wider community		

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

- 1.1 The application is brought before planning committee given the applicant is a current elected Councillor.
- 1.2 The proposal is acceptable in principle subject to a number of restrictive conditions regarding the use of the proposed building. The site is an existing recreational sports and public open space, the use for recreational sports would be improved by the erection of changing and pavilion facilities however conditions over the use are recommended to safeguard the amenities of surrounding residents.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 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

2.2 Eastbourne Core Strategy 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C12 Ratton & Willingdon Village Neighbourhood Policy
- D7 Community, Sport and Health
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- NE18 Noise
- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT4 Visual Amenity

3 Site Description

- 3.1 The site is an existing public open space/playing field, consisting of a large grassed area, which is used by local clubs (football and cricket) and also in general for dog walking etc.
- 3.2 There is pedestrian and vehicular access from Willingdon Road with an area of hardstanding to the south of the site. Historically a pavilion was in situ on the hardstanding area to the south of the site but this was removed a number of years ago.
- 3.3 The site is bounded in the majority by mature trees and vegetation on all sides.

4 Relevant Planning History

- 4.1 010413
Structure to provide temporary changing accommodation
Planning permission
Approved 29 November 2001

This permission granted consent for the siting of a temporary changing facility on the existing hardstanding to the south of the site. The permission was subject to a condition requiring the structure to be removed by 31 May 2003 (18 months after the permission was granted). This condition was subsequently varied by application reference 030241 to allow the structure to remain on site until 31 July 2005.

- 4.2 010210
Provision of single storey sports pavilion together with provision of mesh fencing along part of the north-eastern boundary of the site.
Planning Permission
Approved 13 August 2001

This application proposed the construction of a single storey pavilion building, providing changing facilities, first aid room and kitchen area. The building was proposed just north of the existing entrance to the site, with the existing hard standing providing car parking. This development was not implemented and has now expired.

5 Proposed development

- 5.1 The application proposes the installation of a temporary modular building, to provide changing facilities and community space.
- 5.2 The proposed structure is to be sited on the existing hardstanding to the south of the site. The structure would be connected to existing water/waste services.

6 Consultations

- 6.1 None.

7 Neighbour Representations

- 7.1 Objections have been received from 1 and 3 Westlords covering the following points;

- Function room is not appropriate in this residential location;
- Hours the use can be in operation should be restricted;
- Type of structure will soon deteriorate and become an eyesore;
- Vandalism and anti-social behaviour;
- Loss of privacy;
- Would not like to see removal of any trees or vegetation;
- Use of the grounds are for recreational sports, use should be limited to uses in conjunction with recreational sports;
- If the gates remain locked for vehicles this would lead to parking in the surrounding area.

8 Appraisal

- 8.1 To the south the site borders Westlords, a residential development of which properties 1-4 face the boundary fence of the playing field. The fence is well kept and the boundary is attractive with mature trees and vegetation which offers screening to the properties.
- 8.2 These properties will undoubtedly be able to view the proposed structure, but given the size of the proposal will not be affected by a loss of light or outlook. There will be some impacts in terms of noise, this development would likely bring activity closer to these properties, however it is considered this is public open space with a history of community use so the use is not considered unacceptable and with good management there is no reason to consider that the use would be significantly detrimental to warrant the refusal of the application.
- 8.3 A set of conditions to restrict the use are recommended to retain control over the future use of the building/site.
- 8.4 The applicant suggests that the building could be used by the community for events, meeting etc. This is rather broad and it is recommended that the use is restricted and the time the building can be occupied is also restricted. It is not considered that the site is suitable for unregulated 'community' uses, this is a recreational sports site with limited access and car parking facilities. Opening the site to a wide range of community uses could be detrimental to the amenity of the surrounding residential properties. To be considered appropriate the applicant could apply to vary the condition at a later date with details of proposed uses, with a management plan in place etc to alleviate these concerns.
- 8.5 The proposed structure is a now unused modular classroom. Given the structure is not new the lifespan is unknown. Whilst the site is largely hidden from public viewpoints, the site is a public open space and as such the visual appearance of the structure is important. A condition requiring the removal of the structure by a certain date is recommended. The applicant can thereafter apply to extend this period if the building is in a suitable condition to do so.
- 8.6 There are concerns over the security of the building, and the potential for antisocial behaviour given the seclusion. However, with good management and security measures, CCTV etc, it is considered this could be minimised and that this as a means of refusal for planning permission could not be justified.
- 8.7 The site is covered by a Tree Protection Order. No works to the trees are proposed as part of this application. Given the proposal is to bring the structure to the site and place on existing hard standing it is not considered that there would be any detrimental impact on the trees. Some vegetation would be removed from the site, however this could be undertaken without any consent of the council. Conditions in relation to works to trees are proposed to safeguard this amenity.

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

- 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) No more than two years from its first placement on the site the building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission, unless agreed otherwise in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard the visual amenity of the area.

- 3) All existing trees and hedgerows shall be retained, the building shall be brought onto the site and sited on the existing hard surfacing and no ground works shall be undertaken unless agreed in writing by the Local Planning Authority, thereafter the groundworks shall be carried out in accordance with the approved details.

Reason: To avoid damage to health of existing trees and hedgerows.

- 4) The building hereby permitted shall not be occupied, for any reason/purpose except between the hours of 8am and 8pm on any day.

Reason: To safeguard the amenities of the locality.

- 5) No amplified music/sound shall be played within, or external to, the building hereby permitted at any time.

Reason: To safeguard the amenities of surrounding residential properties.

- 6) The building hereby permitted shall only be used in association with recreational sports operating on the playing field unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of surrounding residential properties.

Informatives:-

- 1) In association with condition 2, if ground works are required any submission should be accompanied by a tree survey and assessment of the impact on the existing trees given they are covered by a Tree Preservation Order.

11 Appeal

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