

Planning Committee

10 December 2019



Working in partnership with **Eastbourne Homes**

Time and venue:

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

Membership:

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

Quorum: 2

Published: Monday, 2 December 2019

Agenda

- 1 Minutes of the meeting held on (Pages 5 - 8)**
- 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.
- 6 282 Kings Drive. Application ID: 181178 (Pages 9 - 40)**
- 7 Wood's Cottages, Langney Rise. Application ID: 190339 (Pages 41 - 74)**
- 8 First Church of Christ Scientist, Spencer Road. Application ID: 190461 (Pages 75 - 84)**
- 9 42-44 Meads Street. Application ID: 190717 (Pages 85 - 90)**
- 10 Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive. Application ID: 190604 (Pages 91 - 112)**

- 11 **Land South of Langney Shopping Centre and West of Langney Rise.**
Application ID: 190668 (Pages 113 - 126)
- 12 **6 Jellicoe Close. Application ID: 190751** (Pages 127 - 130)
- 13 **Appeal Summary** (Pages 131 - 146)

Information for the public

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

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Speaking at Planning

Registering your interest to speak on Planning Applications

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

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

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

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

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

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

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

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

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

Information for councillors

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

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

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

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

Democratic Services

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

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 22 October 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Choudhury (Reserve) (as substitute for Robin Maxted), Peter Diplock (Deputy-Chair), Jane Lamb, Paul Metcalfe, Md. Harun Miah, Barry Taylor and Candy Vaughan

Officers in attendance:

Leigh Palmer (Interim Head of Planning), Helen Monaghan (Lawyer for Planning), James Smith (Specialist Advisor for Planning), Anna Clare (Specialist Advisor for Planning) and Emily Horne (Committee Officer).

49 Minutes of the meeting held on 24 September 2019

The minutes of the meeting held on 24 September 2019 were submitted to and approved as a correct record, and the Chair was authorised to sign them.

50 Apologies for absence and notification of substitute members

An apology was reported from Councillor Robin Maxted. Councillor Sammy Choudhury was the appointed substitute for Councillor Robin Maxted.

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

Councillor Lamb declared a Prejudicial Interest in minute 54, 54-56 Upperton Road, Eastbourne (ID 190626), as the developer for the application was known to her. Councillor Lamb withdrew from the room whilst the application was considered and did not vote thereon.

52 Urgent items of business.

There were none.

53 Right to address the meeting/order of business.

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

54 54-56 Upperton Road. Application ID: 190626

Outline application for residential development of land for up to 29 flats requesting consideration of access and scale – **UPPERTON**.

Having declared a prejudicial interest, Councillor Lamb was absent from the room during discussion and voting on this item.

The Committee discussed the application and felt that the increase in the number of flats previously approved from 12 to 29 was of concern and that the design could be improved.

Officers clarified that this was an outline application to consider access and scale. Matters concerning appearance, landscaping and layout would be brought to a subsequent committee meeting as a reserved matters application. The Committee's concerns regarding the quality of design would be forwarded to the applicant.

Councillor Taylor proposed a motion to refuse outline planning permission on grounds of overdevelopment and the impact on residents. This motion was not seconded.

Councillor Murray proposed a motion to grant outline planning permission (scale and access), subject to conditions and S106 to secure affordable housing and local labour; this was seconded by Councillor Miah.

Resolved (by 6 votes for (Councillors Choudhury, Murray, Diplock, Metcalfe MBE, Miah and Vaughan) **and 1 against** (Councillor Taylor) that outline planning permission be approved as set out in the report.

55 Marshalls Yard, Winchelsea Road. Application ID: 190312

Outline application (all matters reserved) for the demolition of the existing buildings and creation of 9 residential dwellings (revised description) – **DEVONSHIRE**.

The Committee discussed the application and felt that it would be an improvement to the area, but raised concern regarding parking during peak periods. The Committee were informed that East Sussex County Council, Highways, had no objection in principle to the application and that Condition 8 of the officer's report, requires a Construction Management Plan to ensure no on-street parking occurs during the demolition and construction phase of the scheme.

Councillor Taylor proposed a motion to grant outline planning permission; this was seconded by Councillor Miah.

Resolved (unanimously) that outline planning permission be approved as set out in the report.

56 Wood's Cottages, Langney Rise. Application ID: 190339

Planning permission for redevelopment of site to form 35 dwellings, formed of 1 one bedroom flat, 10 two bedroom flats, 19 three bedroom houses, 5 four bedroom houses – **LANGNEY**.

The Committee were informed that the applicant had submitted further details in response to a request from ESCC concerning the vehicular access to the site. Details included: increasing the width of the access, undertaking a Swept Path Analysis of vehicle movements, redirecting the footpath away from the turning head, infilling the large pond and excavation of the attenuation pond.

Mr Keith Woods, local resident, addressed the Committee in objection to the application, specifically regarding the access. He said the existing access road will not cope with an additional 35 dwellings and he referred to the access issues incurred by refuse and emergency vehicles. He disputed the number of car trips provided in the transport statement stating that it was much greater.

Donna St. Clare, local resident, addressed the Committee in objection to the access road and number of houses proposed. She raised concern regarding parking and pedestrian safety and said the access road would be better suited along the eastside of the development (by the dry pond) where the road is wider. She urged the Committee to re-consider the access road.

Mr Manas Chadha, applicant, was present, but chose not to speak.

The Committee discussed the application and felt there would be benefits. However, concern was raised regarding impact on residents, safety and depth of the pond, and the width and location of the access road. The Committee also felt that the process was out of order and if the application was approved, traffic matters should be dealt with first, rather than afterwards as part of the traffic regulation order.

The Committee were informed that the development was within guidelines for National Planning Policy and that East Sussex County Council Highways were satisfied with the scheme, subject to a traffic regulation order (included in the Section 106 Agreement), for which a consultation will be undertaken. Concerns raised by Sussex Police regarding security, will be covered by condition that meets the Secure by Design Standards.

Councillor Taylor proposed a motion to defer the application. This was seconded by Councillor Metcalfe MBE.

Resolved (unanimously) that permission be deferred for the following reason:

That the application is deferred to officers to seek amendments regarding the access, prior to being brought back to the Committee.

57 Westgate Motors, Stansted Road. Application ID: 190256

Outline application (all matters reserved) for the demolition of the existing garage facility and erection of residential accommodation comprising 6 single family dwellings (revised description) – **DEVONSHIRE**.

The Committee discussed the position of the dwellings and felt that they should be angled as per plan B of the officers presentation, to reduce overlooking and increase the site line.

Councillor Taylor proposed a motion to grant outline planning permission; this was seconded by Councillor Metcalfe MBE.

Resolved (unanimously) that outline planning permission be approved as set out in the report.

58 Westlords Pavilion, Westlords. Application ID: 190645

Planning permission for the installation of a single storey building for use as a community hall, changing rooms and storage for Westlords Playing Field – **RATTON**.

Councillor Belsey, applicant, addressed the Committee (from the public gallery) in support of the application. He said there were no community facilities available in Ratton since the previous building had been destroyed, and a new and updated building would provide much needed local facilities. The temporary modular building would provide changing facilities, toilets and double classroom for activities associated with recreational sports.

Councillors queried the temporary nature of the building. The Committee were advised that, as per Condition 2 of the officer's report, consent shall be limited to 2 years and would either need to be extended or the building removed at the end of 2 years.

The Committee considered this scheme was acceptable and would benefit the community.

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

Resolved (unanimously) that permission be approved as set out in the report.

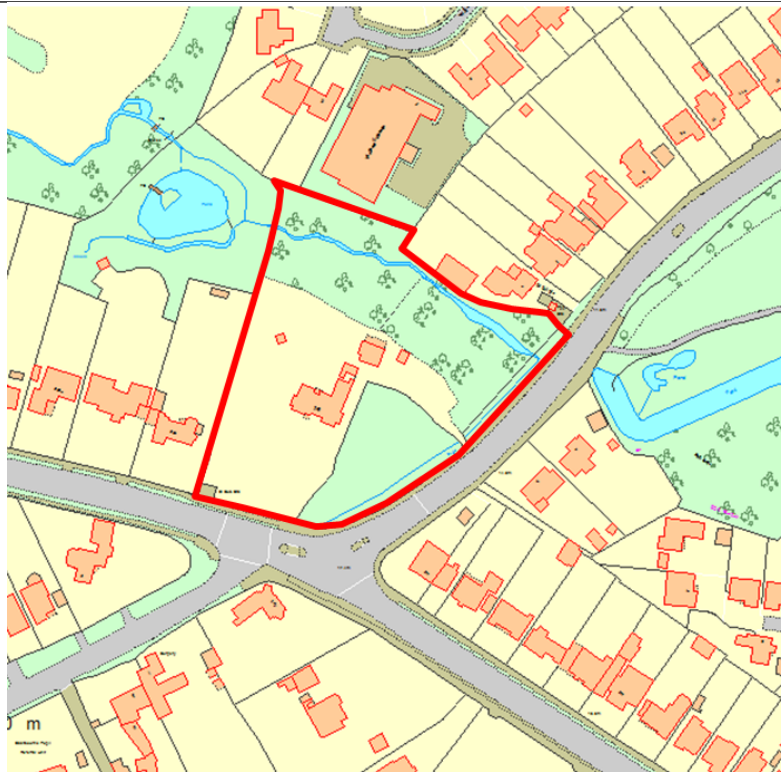
The meeting ended at 7.27 pm

Councillor Jim Murray (Chair)

Agenda Item 6

| | | |
|---|--|-------------------------------------|
| App.No: 181178 | Decision Due Date: 27 August 2019 | Ward: Ratton |
| Officer: James Smith | Site visit date: 17 th January 2019 | Type: Planning Permission |
| Site Notice(s) Expiry date: 13 th January 2019 Neighbour Con Expiry: 13 th January 2019 Press Notice(s): N/A | | |
| Over 8/13 week reason: Additional ecology surveys required. | | |
| Location: 282 Kings Drive, Eastbourne | | |
| Proposal: Demolition of existing house and associated structures and provision of 85 Bed Care Home with Parking, Landscaping and Highway Access | | |
| Applicant: J Rowntree | | |
| Recommendation: Grant Planning Permission subject to conditions. | | |

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



1 Update on application status

- 1.1 The application was originally brought to committee on 27th August, where members voted to defer as a result of concerns relating to the scale and mass of the scheme as well as an interruption of the building line on Kings Drive. The applicant responded with a revision, pulling the building frontage back, reducing the amount of bedrooms from 80 to 85 and confirming that the site level would be lowered to 16 metres AOD, which is approximately 2.1 metres lower than the street level of Kings Drive.
- 1.2 Members made a resolution to approve the application, supported by 5 votes to 3, subject to a re-consultation being carried out on the amended drawings and the submission of a daylight impact assessment that would evaluate overshadowing impact towards neighbouring residential properties. Members also stated that, should any new material matter be raised during the re-consultation process, the application should be reported back to committee.
- 1.3 As a response to the re-consultation regime comments have been received which raise concerns that the adjustment of site levels will result in land raise on other parts of the site, namely adjacent to the biodiversity protection fence on the northern part of the site. Objections have been raised as to how this would impact on overlooking of properties to the rear of the site, on Decoy Drive, and also encroaching into the wooded habitat around the streambed to the rear of the site.
- 1.4 The area impacted shown to have raised levels is included within the landscaped area of the site within the originally submitted plans, which were accompanied by ecology and biodiversity mitigation measures set out in Ecology and Landscape Statement, which forms part of the documentation for the application. The measures set out have been found to be acceptable in consultation with the Council's ecologist and tree officer.
- 1.5 The raised land would be used as amenity space for the development, with seating areas that would be set back towards the main building. New tree planting as well as the retained trees around the streambed would act as a sympathetic screen to this area, reducing the potential for overlooking of properties on Decoy Drive, the closest of which is approximately 15 metres to the north of the raised area. It should also be noted that, as the boardwalk area no longer forms part of the application, a greater amount of trees would be retained in the woodland area around the stream. It is therefore accepted that the proposal would include an element of land raising as part of this development and that this would not have a material impact upon the ecology of the site nor the amenities of the occupiers of the adjoining properties.
- 1.6 The submitted Daylight Impact Assessment Report compares the level of overshadowing towards windows of neighbouring properties at present to levels that would be generated by the proposed development. The assessment has been performed in accordance with the methodology set out in the Building Research Establishment (BRE) document *BR209 – Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011)*.

1.7 The report identifies the nearest sensitive receptors to the proposed development, these being:-

- 284 Kings Drive (adjacent to western boundary);
- 273 Kings Drive (opposite site, to the south);
- 280 Kings Drive (to the east of the site);
- 2 Decoy Drive (to the east of the site);
- 4 Decoy Drive (to the east of the site);
- 1 Decoy Drive (to the north of the site);

In relation to vertical sky component (the amount of available daylight from the sky received to a particular window), the assessment concludes that the impact on the majority of windows within neighbouring properties would fall within the BRE definition of 'negligible', this being that the loss of light is well within accepted parameters (less than 20%). It also establishes that the majority of windows would have a VSC of at least 27% (the minimum recommended level).

- 1.8 Two windows at 284 Kings Drive would have a VSC of below 27% following the development. These are both small windows, one being at first floor level on the side elevation of the building, the other being on the south elevation of the glazed lean-to extension to the side of the building. In the case of the first floor window, the VSC level is already below 27%. In the case of the lean-to window, the VSC level would be 26.76%, only marginally below the recommended level. In addition, an eastern facing window within the lean-to would have VSC reduced by 23%, slightly more than the 20% threshold, but overall VSC be 29.49%, above the BRE threshold.
- 1.9 The ground floor windows impacted on at 284 Kings Drive are part of a glazed extension which has other access to light, whilst the first floor window is a small secondary window. The report concludes, in any case, that the breaches of the recommended thresholds are by such a small margin so as to be considered negligible.
- 1.10 The report shows that the VSC change to windows at 273 Kings Drive would range between 2% and 7% and, as such, be negligible. One window would have a VSC below 27% but this is already the case.
- 1.11 The report shows that VSC at 280 Kings Drive would be reduced by a maximum of 8%, with a number of windows completely unaffected by the proposed scheme.
- 1.12 Two windows at 2 Decoy Drive, one within a porch and one high level ground floor window would have a VSC below 27%, but all of these are already below 27% and there is no VSC reduction of over 5%.
- 1.13 There are 3 windows at 4 Decoy Drive that would have a VSC falling below 27%. Two of these would be very marginally under the threshold and, in all cases; the maximum VSC reduction is 5%.
- 1.14 A single ground floor window on the southern elevation of 1 Decoy Drive would have VSC reduced from 30.18% to 26.97%. This is very marginally below the

27% threshold and the level of reduction only 11%. All other windows within the property have a VSC well in excess of 27%, with a maximum reduction of 6%

- 1.15 Based on the report provided, it is therefore satisfied that the impact of the development in terms of access of neighbouring windows to daylight would be negligible, as per the conclusions of the report.
- 1.16 It is therefore considered that the amended scheme would not negatively impact upon environmental or residential amenities. Condition 17 (Construction management Plan) has been updated to include a request for full details on the amount of soil and other material to be removed and/or redistributed within the site and the methods to be employed to achieve this.
- 1.17 An additional condition (No. 31) has been added to secure a local labour agreement, as directed by members.

The officer's report from Sept 2019 is reported on full below.

2 General Background

- 2.1 Members will recall that this case was reported to the Planning Committee in August 2019.
- 2.2 The case was deferred in order to allow officers to attempt to negotiate with the developers whether any mitigation could be introduced to reduce the scale and impact of the development.
- 2.3 In response to this deferral the developers have implemented the following schedule of changes:-
- 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.
- 2.4 These changes are the applicants attempt to overcome the Committees concerns and are reported here as an early indication of the potential changes/alterations to the scheme.

Recommendation

- 1) Officers formally invite the submission of amended drawings to illustrate the changes to the scheme.
- 2) Consult the interested parties on the proposed changes to the scheme.

3) Delegated the decision to approve application to the Head of Planning in consultation with the Chair of Planning Committee subject to no new material issues being raised as a result of the additional consultation from those already reported in the August Committee report.

4) If any new material issues from those raised in the August committee report are received from the consultation regime then the case will be reported back to planning committee to debate the merits of the new issues.

The officer's report from August 2019 is reported on full below.

3 Executive Summary

3.1 The proposed development would represent a suitable use of the site and seeks to maximise its development potential.

3.2 Appropriate design and layout solutions have been incorporated into the scheme to ensure that there would be no material impact upon the amenities of neighbouring residents. The development also ensures that the overall character and appearance of the surrounding area and the integrity of the Local Wildlife Site is maintained and safeguarded.

3.3 The scheme originally proposed an elevated boardwalk through the Local Wildlife Site area, this has been deleted from this proposal and if to be pursued would be the subject of a further planning application.

3.4 The proposed new access point and the density of the parking are considered to be suitable to serve the development and has the support of East Sussex Highways Department.

3.5 The proposed scheme satisfies the overarching components that represent sustainable development by providing accommodation for people in need of care (social objective), provision of a substantial amount of new jobs (economical objectives) and preservation and enhancement of the Local Wildlife Site (environmental objective).

3.6 Suitable conditions will be attached in order to ensure these objectives are met.

4 Relevant Planning Policies

4.1 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

4.2 Eastbourne Core Strategy 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C12 Ratton & Willingdon Village Neighbourhood Policy
- D2 Economy
- D7 Community, Sport and Health
- D8 Sustainable Travel
- D9 Natural Environment
- D10 Historic Environment
- D10a Design

4.3 Eastbourne Borough Plan Saved Policies 2007

- NE4 Sustainable Drainage Systems
- NE7 Waste Minimisation Measures in Residential Areas
- NE18 Noise
- NE20 Sites of Nature Conservation Importance
- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT2 Height of Buildings
- UHT3 Setting of the AONB
- UHT4 Visual Amenity
- UHT7 Landscaping
- US3 Infrastructure Services for Foul Sewage and Surface Water Disposal
- US4 Flood Protection and Surface Water Disposal
- HO3 Retaining Residential Use
- HO20 Residential Amenity
- HO17 Supported and Special Needs Housing
- TR6 Facilities for Cyclists
- TR11 Car Parking

5 Site Description

- 5.1 The site is currently occupied by a single L-shaped two-storey residential dwelling which is set well back from the road, in a broadly central location within the plot. The dwelling is accessed via a gated driveway which is taken from Kings Drive. This driveway leads to a hard surfaced parking area to the front of the building.
- 5.2 The grounds of the dwelling are predominantly surfaced in grass. There are a number of mature trees within the site curtilage, primarily concentrated around the site boundaries. There are also a number of outbuildings distributed throughout the site.
- 5.3 Decoy Stream traverses the northern part of the site. This part of the site is

largely undisturbed, although there are informal footpaths around the banks of the stream, as well as footbridges, The banks of the stream are flanked by mature trees which provide relatively dense coverage. This part of the site forms part of The Coppice Local Wildlife Site, which also incorporates parts of neighbouring sites to the west, where the stream passes through. The stream passes below Decoy Drive to the east of the site and continues into Hampden Park, feeding into the lake.

- 5.4 The site is a corner plot located at the convergence of Kings Drive and Decoy Drive. This plot is significantly larger than neighbouring plots. The most prevalent form of development within the surrounding area consists of large, detached dwellings positioned on sizeable plots. Dwellings are generally set back from the road and occupy the majority of the width of their respective plots. Mature street trees amalgamate with trees and other landscaping within the curtilage of properties on Kings Drive and Decoy Drive to generate a verdant character and appearance and also acts as a screen. There is a single-storey telephone exchange building on Waldron Close adjacent to the rear (north) of the site.

6 Relevant Planning History

- 6.1 EB/1955/0272 - surface water sewer - Approved 21st July 1955
- 6.2 EB/1987/0771 – Erection of 7 dwellings, including retention of existing building, together with access from Decoy Drive – Refused 11th February 1998 – Appeal Dismissed
- 6.3 EB/1988/0663 - Erection of 7 dwellings, including retention of existing building, together with access from Decoy Drive – Refused 23rd December 1988 – Appeal Allowed.
- 6.4 EB/1989/0074 – Erection of 2-storey house with garage - Approved Conditionally 15th March 1990
- 6.5 EB/1990/0247 - Approval of reserved matters following permission EB/88/0613 regarding siting and means of access for three houses - Approved – 12th June 1990
- 6.6 EB/1992/0423 - reserved matters details for outline consent 88/663 - Approved 1st December 1992

7 Proposed development

- 7.1 The proposed scheme involves the demolition of the existing dwelling and outbuildings and the construction of a 3½-storey building which would accommodate an 85 bedroom care home with a rough J-shaped footprint. Projecting elements on the western side of the building would be stepped down to two-storey height. The main roof would be a flat topped mansard form, with roof slopes replicating a hipped roof appearance. Various gable ends would be formed as a means to increase articulation within the fabric of the building. The overall footprint of the building would be approximately 2012 m². The third floor of the building would be restricted to northern wing and would be incorporated

entirely within the roof space. This floor would accommodate ancillary functions such as staff offices, training rooms, the main kitchen, a laundry room and a plant room.

7.2 The existing access from Kings Drive would be closed off and a new access formed on Decoy Drive. This would serve a designated parking area providing 35 car parking spaces in addition to a motorcycle parking area and a cycle storage area. The main entrance to the building would be adjacent to the car parking area, on the eastern elevation of the building.

7.3 A number of ancillary amenity features would be incorporated into the proposed building and grounds. The majority of these features would be at ground floor level and would include a café, with an associated outdoor seating area to the west of the building, a cinema room and a function room. There would also be modestly sized outdoor seating areas at first floor height on the western elevation of the building. These would be adjacent to raised enclosed winter/summer gardens which would have glazed roofing above them.

7.4 The grounds of the building, other than the area used for car parking, would be available for amenity use. Parts of the plot would provide hard surfaced seating areas associated with bedrooms or communal dayrooms. The Local Wildlife Site area around the stream at the northern end of the site would not be significantly disturbed but may be connected to a wider network of footpaths forming a sensory walk. A small amount of play equipment would be installed within the grounds as would a greenhouse which would be used as a gardening club by residents.

8 Consultations

8.1 Specialist Advisor (Planning Policy)

8.1.1 The site is located within the Ratton & Willingdon Village neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It is located within the predominantly residential area as defined by the Eastbourne Borough Plan 2001-2011 (saved policies).

8.1.2 The proposal involves the loss of a single private dwelling and the replacement with an 85 bed care home. Borough Plan Policy HO3 restricts development that would involve a net loss in the number of existing dwellings, unless the scheme would result in a significant improvement in the quality of residential accommodation provided.

8.1.3 Borough Plan Policy HO17 supports the development of residential care homes, subject to proximity to public transport, shops, open spaces, entertainment and community facilities along with the suitability of the property and the provision of adequate parking. The site is located on a main route into the town, not far from the Hampden Park District Shopping Centre. It is also adjacent to Hampden Park itself, which includes a park and open space. In addition, it is on a bus route with two bus stops just outside of the site. Car parking is being provided on site. As such, it is considered to be consistent with Borough Plan Policy HO17.

- 8.1.4 Within the site boundary is part of a Local Wildlife Site (formerly known as Site of Nature Conservation Importance), which is protected under Borough Plan Policy NE20.
- 8.1.5 Although the proposal would result in the loss of a dwelling contrary to Borough Plan Policy HO3, it is supported by Borough Plan Policy HO17 and would provide additional residential accommodation to meet local needs.
- 8.2 CIL
- 8.2.1 As per the Eastbourne Charging Schedule, care homes are not liable for CIL.
- 8.3 Southern Water
- 8.3.1 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal including the capacity of the existing network to accommodate the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- 8.4 County Archaeologist
- 8.4.1 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):
- 8.5 County Ecologist
- 8.5.1 Required further evidence to prepared and submitted alongside the application. This has been done with further controls via planning condition.
- 8.6 Highways ESCC (following an initial objection):
- 8.6.1 The applicant has submitted details that now overcome the previous highway objection and the application does not attract highway objection subject to the inclusion of highway conditions.
- 8.6.2 Location of the refuse collection point – this has now been shown on the plan 901 E and is acceptable.
- 8.6.3 RSA1 and designer's response for access details, plus any emerging amended plans and RSA update – this has been provided and highlight 5 problems which are not considered to be insurmountable and can be easily overcome through planning condition and s 171 agreement for the highway access construction. I can confirm that the designer's response adequately addresses the problems.

The RSA1 and designers response sets out that the access in the position shown is feasible and therefore accepted. Details to be added to the access include dropped kerb sections for pedestrians traversing the access.

- 8.6.4 Suitable access visibility sightlines shown on the site plan, showing and boundary treatment/measures to secure the sightlines in perpetuity – the boundary treatment has been altered looking south which now addressed the visibility objection raised previously. It is noted that the road safety auditor also flagged this up. Plan 901E shows a revised boundary and indicates secured sightline looking towards the mini-roundabout. Boundary treatment details have not been provided though it is assumed that the LPA will accept a low level hard feature that does not obstruct the driver sightline above 600mm. This matter can be addressed through a planning condition.
- 8.6.5 Submitted in response to the earlier highway objection is a further trip assessment taking account of background growth to 2023 and how it impacts on the mini roundabout Decoy Drive and Kings Drive. The key area to focus on is the comparison of trips between 2023 flows and 2023 flows + development in the busiest periods both for the network and for the development. As shown in the table provided by the applicant (figures have been verified) the difference between the development peak period trips for 2023 and 2023+devt is 12 PCUs (passenger car unit) in 07-0800hrs and 9 PCUs 08-0900; 13 PCUs 15-1600hrs and 8 PCUs 17-1800hrs. The expected impact as a result of the proposed development is less than 1% in all 4 periods and is not anticipated to be a difference that could warrant a highway objection. The figures in this table assume that all associated development traffic uses the mini-roundabout when in fact there may be traffic arriving and departing to/from the Hampden Park direction. Based on this further assessment of highway impact from associated vehicles, I do not wish to raise highway objection.

| Peak Hour Assessed | Roundabout Junction Total Flows (PCU) | | | | | | |
|---|---------------------------------------|----------------|-----------------------------------|------------------------|-----------------------------------|------------------------|-----------------------------------|
| | 2018 Observed Flows | Growth to 2023 | 2023 Future Flows (2018 + Growth) | DTPL Development Trips | Future + Development (DTPL Trips) | ESCC Development Trips | Future + Development (ESCC Trips) |
| Development Morning Peak 07:00 - 08:00 | 1138 | 77 | 1215 | 10 | 1225 | 12 | 1227 |
| Network Morning Peak 08:00 - 09:00 | 1886 | 128 | 2014 | 9 | 2023 | 8 | 2022 |
| Development Evening Peak 15:00 - 16:00 | 1757 | 114 | 1871 | 11 | 1882 | 13 | 1884 |
| Network Evening Peak 17:00 - 18:00 | 1927 | 126 | 2053 | 7 | 2060 | 8 | 2061 |

- 8.6.6 Consideration of the bus stop position on Decoy Drive closest to the site, and its impact on the proposed access point. This issue has been reconsidered and it is agreed that a waiting bus at the bus stop is not likely to impact on highway safety for reasons that a bus is not always going to stop and when it does it is not a long term waiting area for the services that operate from here. I retract my original comment on the basis that a bus stop here is unlikely to wait long enough require overtaking manoeuvres from vehicles turning left from the site access.

- 8.6.7 A full suite of conditions are requested, all of which should be attached to any given approval.
- 8.7 SUDs:
- 8.7.1 Controlled via planning condition further details are requested to inform as to the wider drainage strategy should be supplied and approved in consultation with the ESCC SuDs team and the Pevensy and Cuckmere Water Level Management Board.
- 8.8 Stephen Lloyd MP:
- 8.8.1 Objects to the proposal for the following reasons
- 8.8.2 Acceptance of the proposal would fail to follow policies as set out in the NPPF, Eastbourne Borough Plan and Eastbourne Core Strategy. The proposal is not in keeping with the Council's plans and policies as far development of the town and its suburbs.
- 8.8.3 The proposal negatively impacts on the residential character and amenities of the area. The development fails to keep with the style and nature of the area and negatively impact current services and amenities.
- 8.8.4 The proposal negatively impacts on adjacent and surrounding properties due to bulk of building in a location historically subject to subsidence.
- 8.8.5 The sheer size of the development will overshadow its neighbours and the area. The realities of frequent subsidence could also be a concern given the development's size.
- 8.8.6 The proposal negatively impacts on Eastbourne District General Hospital and other care providers from staffing requirements.
- 8.8.7 The development will add pressure to our hard-working local hospital and medical services, and could act as a draw away from these services in terms of staffing.
- 8.8.8 The proposal negatively impacts on traffic movement and KSI statistics for East Sussex across multiple user groups - In an area already suffering from congestion and traffic, an increase in this will add fuel to the fire.
- 8.8.9 Placing a care home on a noisy designated Primary Route into Eastbourne. Kings Drive and its adjoining road are used as a primary means of access to the town, as well as a cut through, the presence of a large institute supporting vulnerable people on these roads does not seem to fit with the needs of its proposed residents.
- 8.8.10 Increase in use of local roads for parking. Kings Drive has already required a road traffic order to prevent dangerous parking along the verges. With the likely large number of staff, residents and visitors parking will be needed and these plans do not adequately provide for this - the assumption being that the roads

will become like many of the overcrowded sections in our town, with cars parked wherever there is space.

8.8.11 Creating an unsustainable alteration to the local wildlife habitat. This proposal is close to a site of scientific interest - this does not seem to have been adequately understood or considered in the proposal.

8.8.12 There seems to be some confusion on the behalf of the developer as to whether the property would be classed as brown or green field site.

9 Neighbour Representations

9.1 Letters of objection have been received from 37 separate addresses. Points raised are summarised below:-

9.2 Highway Impacts:

- Insufficient on- site parking provided;
- Will result in increased parking at the bottom of Park Lane;
- Will cause congestion on mini roundabout;
- Significant increase in traffic which is already bad;
- New access will be hazardous to motorists and pedestrians including schoolchildren;
- There are no designated areas for lorries and goods vehicles;
- There have been eight injury road traffic collisions at or near the mini-roundabout between November 2013 and October 2018;
- Short sight lines and fast traffic around mini roundabout area;
- No detail of vehicle turning circles provided;
- Site entrance would be immediately opposite driveway for No. 274 Kings Drive, which is its only means of vehicular access;
- No details provided for parking of ambulances;
- Trees and fencing on boundary lines would obstruct visibility on roads and at junctions;

9.3 Landscape & Ecology:

- We weren't informed that boardwalk area would be included in Local Wildlife Site;
- Additional biodiversity surveys should be carried out;
- Submitted biodiversity report suggests Local Wildlife Site should not be disturbed;
- Too many trees would be removed, including two oaks of high value;
- The woodland supports breeding birds;
- Some trees have already been removed from the site;
- Loss of natural screening on Decoy Drive;
- Landscaping works will facilitate the development and benefit future occupants

- but will not benefit wider community;
- Would result in light pollution, impacting upon wildlife;

9.4 Principle & Process:

- Amount of units more than we were told at public consultation (85 rather than 65);
- Business use not suited to residential area;
- C2 development is not residential development;
- Eastbourne does not need more nursing homes – more facilities for young disabled people are needed;
- An application to convert 286 Kings Drive to a care home was refused in 1987;
- Kings Drive is unacceptably busy and noisy for this form of development, as was stated when permission for nursing home at 286 Kings Drive refused in 1987;
- The application site is green field not brown field;
- The developer has erred in law by identifying the site as brown field. The site is not listed on the Council's brown field register;
- Will negatively impact upon existing care homes;
- Will take staff from Eastbourne District General Hospital;
- Ratton & Willingdon is acknowledged as being the least sustainable area in the Borough (as per the Core Strategy);
- Will result in loss of a family home;
- There is a market for the existing property;
- Application lacking in detail;
- No planning notice displayed on site;
- Further information requested in pre-application advice has not been provided – including 3D visuals and sections;
- No ground levels showing the considerable slope of the land, ground is shown as level on elevation drawings;

9.5 Visual/Residential Amenity:

- Footprint is 8 times that of existing building and should be reduced;
- Decked area would be at a higher level than the fencing at the neighbouring property;
- Decked area would obscure views of the most attractive parts of the stream;
- Deliveries will cause disturbance – restrictive delivery times are not adhered to at nearby Sunrise development;
- Height of building is out of keeping with surrounding area;
- Building is close to neighbouring properties and will overshadow them;
- Overdevelopment of the site;
- Building set too far forward on Kings Drive elevation;
- Garden of 284 Kings Drive will be overlooked;

- Would change the character of the area and set a precedent;
- Will impact on the setting of nearby Grade II Listed Building (The Old Manor House);

9.6 Flood Risk:

- Very little open green space retained to absorb surface water;
- Removal of trees will increase flood risk;
- Flood risk is high along the watercourse at Decoy Stream;

9.7 Infrastructure:

- Would be a large increase in sewage and there have been recent problems with the drains;
- There has been damage to high voltage cables close to proposed site entrance in recent times;
- Will impact on water pressure and supply;

9.8 Other:

- The surrounding area is known to suffer from subsidence.

10 Appraisal

10.1 Principle:

10.1.1 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives, that form the components of sustainable development, is a social objective (para. 8 b). The social objective requires the support of '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.' The retention of care facilities at the site is considered to support the continued presence of a mixed community in the surrounding area, promoting cohesion and interaction between different elements of the community and, thereby, improving community well-being.

10.1.2 Para. 61 of the NPPF provides further context, stating that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including... older people...and... people with disabilities). This social objective is recognised by Policy D7 of the Eastbourne Core Strategy, which states that 'The Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs.'

- 10.1.3 Saved policy HO17 of the Eastbourne Borough Plan supports the development of residential care homes, subject to proximity to public transport, shops, open spaces, entertainment and community facilities as well as on the proviso that the property is suitable for the use and there is provision of adequate parking.
- 10.1.4 The proposed development would result in the loss of a single residential dwelling. This is contrary to saved policy HO3 of the Eastbourne Borough Plan, which seeks to maintain housing stock. However, when balanced against the merits of the proposed scheme, which provides a significant amount of residential care accommodation, it is considered that the proposed development represents a net benefit in supporting a provision of mixed residential units within the Borough.
- 10.1.5 The wooded area around Decoy Stream, which crosses the northern end of the site, is designated as a Local Wildlife Site. These sites were previously referred to as Sites of Nature Conservation Interest (SNCI's). Saved policy NE20 of the Eastbourne Borough Plan states that 'development which has an unacceptable adverse effect, directly or indirectly, on the nature conservation interest of a site identified as a Site of Nature Conservation Importance will not be permitted. Where proposals are permitted the Planning Authority will require the proper conservation management of Sites of Nature Conservation Importance.
- 10.1.6 The principle of sustainable development requires the aims of the social objective to be balanced against the economic objective and the environmental objective. By providing high quality purpose built care accommodation which is integrated within an existing community, it is considered that the social objective is supported. By providing a significant employment use within the area, it is considered that the proposed development would support the economic objective. The wider implications on the environmental objective, in terms of impacts upon environmental, residential and visual amenities will be assessed in the main body of this report, along with other relevant criteria.
- 10.1.7 The proposal involves the development of garden land. It is noted that, whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 70 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 120 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). This does not preclude development of such sites but does instruct for increased weight to be afforded in terms of the impact of the proposed development on the established character of the surrounding area.
- 10.1.8 It is therefore considered that the principle of the development is acceptable, provided it satisfies relevant planning policies relating to sustainability, impacts upon environmental, residential and visual amenities and impacts upon ecology and the highway network.

- 10.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 10.2.1 Due to the size and position of the site, the proposed building would be a significant distance from the majority of neighbouring residential properties. The presence of existing mature landscaping, which would be bolstered by new planting, also provides effective and sympathetic screening of the site.
- 10.2.2 Impact upon 284 Kings Drive - 284 Kings Drive is the closest property to the proposed building, there being a distance of approximately 12 metres maintained between the south-western wing of the proposed building and the eastern flank elevation of No. 284, in which there are no primary habitable room windows installed.
- 10.2.3 The height of the building steps down to two-storeys (with a flat roof) on the western side of the site. The taller parts of the buildings are stepped in a further 7.5 metres from the western edge, resulting in a separation distance of some 19.5 metres between the two buildings.
- 10.2.4 Roughly in line with rear elevation of the neighbouring dwelling, the proposed building is stepped back further from the western site boundary (approximately 21 metres maintained between the proposed building and the boundary fence), before then widening again towards the northern end of the building. Analysis of the submitted plans show that the proposed building would not intercept any 45 degree splay taken from neighbouring windows within a distance of approximately 40 metres. It is therefore considered that the positioning of the building is such that it would not generate any unacceptable overshadowing of the neighbouring property.
- 10.2.5 The western elevation of the building, which flanks 284 Kings Drive, is indented in the middle and has its mass further broken up through the use of gable ends within the roof line, a stepped roof ridge height and a staggered building line. False windows would also be included within the two-storey projections to the western elevation, in order to prevent the presence of blank walls that would appear somewhat oppressive, whilst not allowing for an overlooking impact.
- 10.2.6 The two-storey elements of the western elevation of the proposed building (which are closest to 284 Kings Drive) only include false windows. These do not serve any room and the reason for their presence is simply to break up the bulk of the building. The outdoor seating areas at first floor level would be bordered by obscure glazed panels on their western edge so as to prevent the potential for intrusive levels of overlooking. Windows on the recessed part of the building are positioned some 21 metres from the western site boundary and a greater distance from windows serving 284 Kings Drive. This degree of separation is considered sufficient to prevent intrusive levels of overlooking and the potential will be further reduced by the presence of boundary treatment and landscaping, obstructions provided by other parts of the proposed building and the angle at which the views would be directed.
- 10.2.7 The southern elevation of the proposed building projects further towards Kings Drive than the frontage of No. 284. However, this would not be to a considerable

degree and the impact upon No. 284 would also be reduced due to the distances retained between the two buildings. It is therefore considered that this modest forward projection would not result in any unacceptable overshadowing or overbearing relationship towards the neighbouring property.

- 10.2.8 An outdoor seating area would be provided adjacent to the proposed café, towards the western edge of the site. The proximity of this seating to the neighbouring property is noted. It is considered that boundary treatment would prevent intrusive views from the seating areas towards the neighbouring property. It is, however, considered important to impose a condition on the time period in which this seating area can be in use in order to prevent sustained activity throughout the daytime and evening, as this would potentially be unacceptably disruptive towards neighbouring residents. This would also apply to the play equipment adjacent to the seating area.
- 10.2.9 Impact upon the northern part of the site - The northern part of the site adjoins properties on Decoy Drive and Waldron Close. It is noted that a large proportion of the rear site boundary is shared with the telephone exchange site on Waldron Close. In any case, it is considered that the dense arrangement of trees that border the stream would act as a sympathetic screen to the proposed building when viewed from the north of the site.
- 10.2.10 The woodland Area - It is not considered that the use of the wooded area for the creation of a sensory walk, would in and of itself be impactful however the levels though and across this part of the site are significant and it is also recognised as a high value ecological area. The application has been amended with the sensory walk area falling to be determined by way of a new further planning application
- 10.3 Design & Street Scene Impact:
- 10.3.1 The proposed building is of significant size, both in terms of footprint and overall mass, and is considerably larger than the existing dwelling occupying the site. It is considered that the specific attributes of the site as well as the proposed use provide justification for the construction of a building this size on the site.
- 10.3.2 The site is considerably larger than neighbouring plots and also is in a corner location, meaning that it benefits from two street frontages. As such, it represents a focal point within the street scene where a larger structure would be expected to be found. It also in a location where its increased height would not appear incongruous or disruptive to the general rhythm of building heights on either Decoy Drive or Kings Drive, again, due to the corner plot location. The site also benefits from sympathetic and effective screening provided by mature street trees.
- 10.3.3 With a footprint of approximately 2012 m², the proposed building would occupy approximately 23% of the overall site area, which is approximately 8660 m². This ratio is comparable to development on neighbouring plots and it is considered that an ample amount of amenity space for recreation, circulation and open space is retained within the site, thereby ensuring that the proposed scheme does not represent in over-intensive form of development. It is therefore

considered that the proposed development represents a responsible increase in the efficiency at which the land is used, in line with national planning objectives for optimal use of land, as per section 11 of the Revised National Planning Policy Framework.

- 10.3.4 Whilst the proposed building would have a far stronger visual presence within the street scene than the existing building, it is noted that the site, at present, is somewhat incongruous due to the set back of the existing dwelling from the road and the size of it in proportion to the overall site area.
- 10.3.5 The eastern elevation of the building, which represents the principle elevation and faces on to Decoy Drive, reflects the general building line for development lining Decoy Drive. The southern elevation projects slightly further forward than the frontage of the neighbouring dwelling but maintains a suitable level of set back from the road to preserve the open and spacious characteristics of the street scene. A visual gap, consistent with the gaps between existing properties on Kings Drive, would be maintained between the proposed building and 284 Kings Drive.
- 10.3.6 The majority of the mature trees that are positioned around the southern and eastern site boundaries, flanking Kings Drive and Decoy Drive respectively, will be retained although some trees adjacent to Decoy Drive would need to be removed in order to allow for the new site access to be formed. Additional landscape planting would be provided alongside the streets and this would amalgamate with the retained trees to produce a screen to the development that would be visually consistent with the verdant nature of the surrounding area.
- 10.3.7 Although the height of the building is greater than that of neighbouring dwellings, it is considered that the position and size of the site supports this form of building without resulting in it appearing overly dominant within the street scene, as discussed in para. 8.3.1. The use of the site as a care home is distinct from that of neighbouring uses and it is therefore also considered reasonable that a building which appears, to an extent, distinctive, is appropriate, provided it incorporates architectural and spatial characteristics that sympathetically relate to the general positive characteristics of the surrounding built environment.
- 10.3.8 The main roof form of the building would be a flat topped mansard which, when observed and read within the street scene, would have the appearance of a hipped roof, consistent with the form of a number of nearby dwellings. This roof form would be broken up through the use of gable ended projections which draw influence from similar features that are frequently observed on neighbouring buildings. These gable ends would utilise timber framing, also in-keeping with similar forms nearby. Two-storey bay window elements are also present, another feature that is common with nearby properties.
- 10.3.9 The building has been designed with suitable attention afforded to breaking up the bulk and mass of the building, in order to prevent it from appearing excessively dominant or visually mundane. This has been achieved through the aforementioned use of gable ends, which break up the roof ridge and eaves lines, staggered elevation walls which introduce a clear sense of articulation to the building, tiered roof heights, windows that decrease in size from ground floor

level to second floor level and the use of a mixed palette of external materials and finishes.

10.3.10 Although the site would be well screened by landscaping, the principle elevation, facing onto Decoy Drive, would engage with the street scene and the main entrance to the building would be sufficiently prominent to ensure the building does not appear divorced from its wider surroundings. The southern elevation, which faces onto Kings Drive, also includes suitable architectural features, as well as a large quantity of windows, to ensure that it fully engages with the street scene on Kings Drive.

10.4 Living Environment:

10.4.1 The proposed building would provide 85 bedrooms, all with en-suite facilities, which would be distributed over three floors. The fourth floor, which would be accommodated entirely within the roof space of the building, would be used for staff facilities and functions such as a laundry, the main kitchen and plant room. All floors would be accessible by lift and stairs and the corridors are of sufficient width to allow for unimpeded circulation by wheelchair users.

10.4.2 The provision of an integral cinema, function room, café and small shop would ensure these facilities are accessible to all occupants of the building. There is also a good provision of outdoor amenity space which includes facilities for visitors and designated areas for seating and activities, which will concentrate these uses into particular spaces, allowing other parts of the grounds to be retained as a more tranquil environment.

10.5 Impact on Highway Network and Access:

10.5.1 The proposed development would include the formation of a new site access on Decoy Drive, with the existing access from Kings Drive being closed off. The proximity to the mini-roundabout to the south is noted. It is considered that the proximity to this roundabout ensures that vehicles are travelling at low speed on this part of the road as they either slow down to negotiate the roundabout or gradually accelerate away. ESCC Highways have been consulted and have confirmed that, provided conditions are applied in relation to maintaining unobstructed visibility splays and preventing the discharge of surface water onto the highway, the positioning of the crossover in this location would be acceptable, based on its anticipated usage.

10.5.2 The applicant has submitted verified trip assessments which factor in anticipated growth and associated activity on the surrounding highway network up to 2023. ESCC Highways have assessed this data and are satisfied both with its content and the methodology used to obtain it. The data assesses anticipated trips during peak hours for the development itself (07:00 – 0:800 morning peak and 15:00 – 16:00 evening peak) as well as peak hours on the overall network (08:00 – 09:00 morning peak and 17:00 – 18:00 evening peak). At all times, the increase in traffic on the mini-roundabout as a result of the proposed development is shown to be below 1%, an increase that the existing roundabout would have the capacity to absorb. It is also noted that these figures assume all traffic associated with the development would arrive via the roundabout whereas it is likely that a

proportion of the overall traffic would be dissipated, by way of approaching and/or leaving in the direction of Hampden Park.

- 10.5.3 Potential hazards on the highway immediately adjacent to the site have been thoroughly assessed. Pedestrians would be provided with suitable dropped kerb arrangements to allow them to negotiate the crossover step free. Footpath access would also be provided to building. The proximity of the access to bus stops on Decoy Drive has also been noted and, based typically short periods of time buses remain waiting at these stops, it is not considered that they would provide a frequent obstruction which may result in cars passing them coming into conflict with vehicles entering or leaving the site.
- 10.5.4 On-street parking does not commonly occur on the surrounding highway network as most nearby dwellings have access to adequate off-street car parking facilities. The proposed development would be served by a total of 35 off-street car parking spaces. ESCC Highways have confirmed that this represents an over-provision as 22 car parking spaces would be sufficient to serve a development of this scale and use. It is therefore considered that an adequate quantum of off-street car parking would be provided and the potential for any overspill onto the surrounding highway network would be minimised. The layout of the car parking area ensures that the 2 disabled bays that are to be provided would be positioned closest to the main entrance to the building. Two extended length parking spaces would be provided for delivery and servicing vehicles. Swept path diagrams have also been provided that show that servicing vehicles can turn on site and, therefore, enter and leave in forward gear.
- 10.5.5 Secure and covered parking facilities for bicycles and motorcycles would be provided in order to encourage the use of alternative forms of travel to the motor car. It is also noted that there is a cycle route marked out on Kings Drive, further encouraging the use of this form of transport. There are also bus stops on either side of Decoy Drive that are within close proximity of the proposed site entrance. These bus stops are served fairly frequently by local services, which also connect with regional bus services, and as such, the use of the bus service for access by staff and visitors is considered to be a realistic proposition.
- 10.5.6 The applicant has submitted a Travel Plan that would be implemented by a senior member of staff, acting as a Travel Plan Co-ordinator. This plan would involve encouraging the use of more sustainable forms of transport through the provision of supporting infrastructure such as cycle storage and showers/changing rooms, the distribution of information relating to public transport services to staff, residents and guests, and the provision of a car sharing scheme for staff. The Travel Plan Co-ordinator will carry out ongoing monitoring of the effectiveness of the travel plan and encouraging alternative forms of transport, the results of which will be shared with the Council.
- 10.5.7 A Construction Management Plan would be required to be approved prior to the commencement of any demolition or construction works. This would include details on how deliveries during the construction and demolition phase would be managed so as to prevent congestion and hazards on the surrounding highway network. This would include routing and timing details. It would also cover hours of work, storage of materials and measures to prevent any dirt or mud being

discharged onto the highway.

10.5.8 A serving plan for the development would also be required to ensure that deliveries and other traffic and activities related to the day to day running of the care home are managed in a responsible way in order to minimise impact upon the highway network, and upon the amenities of neighbouring residents.

10.6 Landscaping:

10.6.1 The proposed development would result in the loss of part of the greenspace maintained around the existing dwelling. It would also be necessary to remove some of the existing trees within the site curtilage. The trees that would be removed represent a mix of ornamental garden species as well as larger, mature trees. The majority of trees that would be removed are concentrated towards the southern end of the site and those within the Local Wildlife Site would not be disturbed. The removal of these trees is necessary in order for the footprint of the proposed building to be accommodated within the site and for the new site access to be formed.

10.6.2 The majority of the mature trees occupying the site are to be retained and, given the amount present within the site, it is considered that there is sufficient tree coverage available to absorb the loss of trees set out above. In addition, new tree planting would be provided to mitigate the loss of existing trees. This landscaping would amalgamate with the retained trees to provide an effective and sympathetic screen to the development as well as to maintain the verdant nature of the site.

10.6.3 Suitable tree protection measures will be taken in order to prevent retained trees being damaged during demolition and construction works. Part of the proposed car parking area would also be surfaced using 'no dig' methods in order to prevent disturbance of tree roots. Whilst the Local Wildlife Site is to be opened up for access, this will be achieved using a raised boardwalk which will ensure tree roots are not disturbed.

10.6.4 Hard landscaping will be carried out using a mixed palette of materials in order to ensure its appearance is not monotonous and also as a means to demarcate different spaces within the site.

10.7 Ecology:

10.7.1 The Local Wildlife Site which falls within the site would be made accessible as a sensory walkway; the precise detailing of this will be the subject of a separate application.

10.7.2 The Local Wildlife Site is noted to provide habitat for bats and widespread bat activity has been recorded on site. A Biodiversity Review, which accompanied the planning application, states that external lighting should be avoided within this area. Enhancements should also be provided in the form of the installation of bat boxes in appropriate positions.

10.7.3 Deadwood would not be removed from the Local Wildlife Site as this provides

important habitat for invertebrates. It is also recommend that additional deadwood generated by tree removal works should be moved into the Local Wildlife Site in order to provide additional habitat.

10.8 Drainage

- 10.8.1 The comments made by the Lead Local Flood Authority (section 6.7 of this report) are noted, as are the comments provided by Southern Water. No objections are raised against the principle of the drainage scheme proposed for the site, which would incorporate attenuation tanks and swales as a means to control discharge during periods of rainfall. Conditions will be used to ensure that full specifications of these drainage measures are provided prior to the commencement of any construction works. Comments relating to the capacity of the site to accommodate necessary attenuation features are noted and, given the large size of the overall plot, it is satisfied that the required measures could be installed without, incursion into the Local Wildlife Site. It is also noted that the strategy would need to take groundwater levels into account, as requested in para. 6.7.4 of this report.
- 10.8.2 The way in which water would be managed in relation to Decoy Stream and the impact upon the area covered by the Pevensy and Cuckmere Water Level Management Board would need to be accounted for in the submitted drainage strategy. Should this application be approved, it does not presume consent for discharge of surface water into the Pevensy and Cuckmere Water Level Management Board, for which a separate consent is required. If this consent is not granted than the development would not be able to commence, unless alternative drainage arrangements that are satisfactory to all necessary drainage bodies are made.
- 10.8.3 The scheme will be implemented in accordance with the submitted flood risk assessment and in this regard the principle of development is considered acceptable.

10.9 Employment

- 10.9.1 The proposed development would create 70 new jobs and it is anticipated that the majority of posts would be filled by people living within the local area. It is considered that this represents a significant level of employment and is also noted that, given the presence of similar facilities already established within the Borough, that the employment and training involved would provide employees with transferable skills that may support them in working in other areas within the Borough. It is therefore considered that the proposed development responds positively to policy D2 of the Eastbourne Core Strategy which seeks to support job growth and economic prosperity.
- 10.9.2 The demolition and construction works associated with the proposed development are sizeable and represent a good opportunity for local employment in their own right. A condition will be attached to any approval requiring the applicant to enter into a Local Employment Agreement which would be administered and monitored by Council offices. This would ensure local people are employed during the demolition and construction works.

10.10 Archaeology

- 10.10.1 The demolition and construction works associated with the proposed development are sizeable and represent a good opportunity for local employment in their own right. A condition will be attached to any approval requiring the applicant to enter into a Local Employment Agreement which would be administered and monitored by Council offices. This would ensure local people are employed during the demolition and construction works.

11 **Human Rights Implications**

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.

12 **Recommendation.**

It is recommended that the application is approved (with exception of boardwalk in Local Wildlife Site), subject to the conditions listed below:

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

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

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

Site Location and Block Plan – 0117.SP01;
Site Location and Block Plan – 0117.SP02;
Topographic Survey – B8002-5D;
Ground Floor Plan – B8002-01D;
First Floor Plan – B8002-02D;
Second Floor Plan – B8002-03D;
Third Floor Plan – B8002-04D;
Elevations 1 & 2 – B8002-5D;
Elevations 3 & 4- B8002-6C;
Elevations 5 & 6 – B8002-7C;
Roof Plan – B8002-08A
Site Layout- B8002-901G
Biodiversity Review – GCJ180836.18;
Travel Plan – 68020;
Flood Risk Assessment – 18 122;
Arboricultural Report dated 18th November and produced by Andrew Day
Arboricultural Consultants;
Transport Statement – 68020;

Ecology and Landscape Statement - GC.J190312.19

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

3) Notwithstanding the approved plans, this permission does not provide consent for the raised boardwalk area within the Local Wildlife Site.

Reason: Insufficient details have been provided in relation to the potential impact this feature would have upon the amenities of neighbouring residents and, as such, it is not satisfied that it complies with saved policy HO20 of the Eastbourne Borough Plan.

4) No development shall commence until the details of a suitable drainage strategy shall be submitted to, and approved, by the Local Planning Authority prior to the installation of any drainage infrastructure.

Surface water runoff rates shall be limited to a minimum of existing rates for all rainfall events including those with an annual probability of occurrence of 1 in 100 (plus climate change). Evidence of this (in the form hydraulic calculations taking into account connectivity of features) shall be submitted with the detailed drainage drawings. Evidence that Southern Water is in agreement with the principle of proposed discharge rates shall be submitted at detailed design stage.

A management and maintenance plan for the entire drainage system clearly stating who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that the plan will remain in place throughout the lifetime of the development.

The development shall therefore be carried out in accordance with the approved details, which shall thereafter be adhered to throughout the lifetime of the development.

Reason: In order to prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

5) 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 prevent unacceptable risk of surface water flooding towards future occupants, neighbouring residents/land uses and the public highway in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

6) The building shall not be occupied until such time that the water/drainage company (southern water) have confirmed that there is sufficient capacity within the network to accommodate the development.

Reason:- In the interest of ensuring that the development does not give rise to

localised flooding.

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

Reason: In the interest of supporting infrastructure services in accordance with saved policy US3 of the Eastbourne Borough Plan.

8) Before any external finishes are applied, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with those approved details.

Reason: In the interest of visual amenity in accordance with saved policy UHT1 of the Eastbourne Borough Plan and Policy D10a of the Eastbourne Core Strategy.

9) No development in relation to the care home building shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

10) No development shall commence until such time as the existing vehicular access onto Kings Drive has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

11) No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

12) The site access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

13) No development shall commence until such time as temporary arrangements for access and turning for construction traffic within the site has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site

during construction.

14) No part of the development shall be first occupied until visibility splays of 2.4m metres by 43 metres northbound and 50 metres southbound have been provided at the proposed site vehicular access onto Decoy Drive in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

15) No part of the development shall be occupied until the car parking and vehicle turning spaces have been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use.

Reason: To provide sufficient car-parking space for the development in accordance with saved policy TR11 of the Eastbourne Borough Plan.

16) No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use.

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

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

- Hours of demolition and construction
- Location, size and design of mess facilities
- the anticipated number, frequency and types of vehicles used during construction,
- The amount of soil and other material that will be removed an/or redistributed within the site and that no material shall be deposited to the norther side of the tree protection fencing (controlled by an additional condition) unless previously agreed in writing by the Local Planning Authority;
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

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

Reason: In order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

18) No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

19) The Travel Plan shall be implemented as specified within the approved document, within 3 months of first occupation. 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: In order to ensure that the development is properly managed and does not result in any unacceptable hazard to highway safety or damage to residential amenity in accordance with saved policies HO20 and TR11 of the Eastbourne Borough Plan.

20) No occupation of the building shall commence until a management plan relating to noise, light and air emissions generated by the proposed development has been submitted to and approved by the Local Planning Authority, including, but not limited to, the following information:-

- Details of the amount of external lighting to be installed and the specifications of the lighting to be installed;
- Details to restrict light spill from interior lights to the exterior of the building;
- Details of any plant and machinery to be installed, including full specifications;
- Management of use of external amenity areas including hours of use and numbers of people using external amenity areas at any given time;

The use shall thereafter be carried out in accordance with these approved

details.

Reason: In the interests of environmental and residential amenity and to prevent harmful impact on habitat provided within the Local Wildlife Site in accordance with saved policies HO20 and NE28 of the Eastbourne Borough Plan.

21) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. Details of defensible space for all ground floor flats.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF and saved policies UHT1, UHT4 and UHT7 of the Eastbourne Borough Plan.

22) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

23) Prior to the first beneficial use of the care home building all the mitigation

and enhancement measures set out in the submitted Ecology and Landscape Statement (reference GC.J190312.19) and maintained in place thereafter.

Reason: In order to prevent damage to existing ecological assets and the Local Wildlife Site and to enhance biodiversity in accordance sections 2 and 14 of the revised NPPF and policy.

24) Prior to commencement of any works within the Local Wildlife Site, the site shall be checked by a suitably qualified ecologist for the presence of any protected species and nesting birds.

Reason: In order to prevent damage to existing ecological assets and the Local Wildlife Site and to enhance biodiversity in accordance sections 2 and 14 of the revised NPPF and policy.

25) The contents of the Arboricultural Report submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

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 saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

26) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

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 policies UHT1 and UHT5 of the Eastbourne Borough Plan.

27) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 17 167) and maintained in accordance thereafter.

Reason: In order to prevent unacceptable risk of flooding towards future occupants in accordance with section 14 of the Revised NPPF and saved policy US4 of the Eastbourne Borough Plan.

28) The proposed shop provided on the ground floor shall be ancillary to the overall use of the property as a care facility and shall not operate as a separate entity or increase in floor space without the prior written consent of the Local

Planning Authority.

Reason: In order to prevent an additional use that would generate additional traffic and activity, to the detriment of the character of the surrounding area and the main use of the building, in accordance with saved policy UHT1 of the Eastbourne Borough Plan.

29) The outdoor seating area serving the café, adjacent to the western elevation of the building shall only be in use between the hours of 08:00 and 18:00.

Reason: In order to prevent sustained levels of noise and activity that would detract from the amenities of neighbouring residents, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

30) Prior to the first occupation of the building hereby approved, all obscure glazing and balcony/terrace screening shall be provided in accordance with the details shown on the approved plans. These features shall be maintained throughout the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to prevent unacceptable overlooking of neighbouring properties, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

31) Prior to the commencement of Development, an Employment and Training Plan shall be agreed with the Local Authority. The Employment and Training Plan will include written commitments detailing how the developer intends to undertake the works in accordance with the Local Employment and Training Supplementary Planning Document. In order that the Employment and Training Plan may be drafted Appendix 3 from the Local Employment and Training Supplementary Planning Document should be populated and submitted to the Council's Regeneration Officer. The Employment and Training Plan, must include, but is not limited to the following details:

1. A Local Employment strategy to include the advertising of all new construction and operational vacancies locally (ie in the Borough of Eastbourne and within East Sussex).
2. A strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed, and NVQ training places associated with the construction and operation of the Development, as appropriate to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.

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

Reason: In order to promote job growth and economic development in Eastbourne in accordance with Policy EL1 of the Eastbourne

Employment Land Local Plan and the Local Employment and Training SPD.

12 Appeal

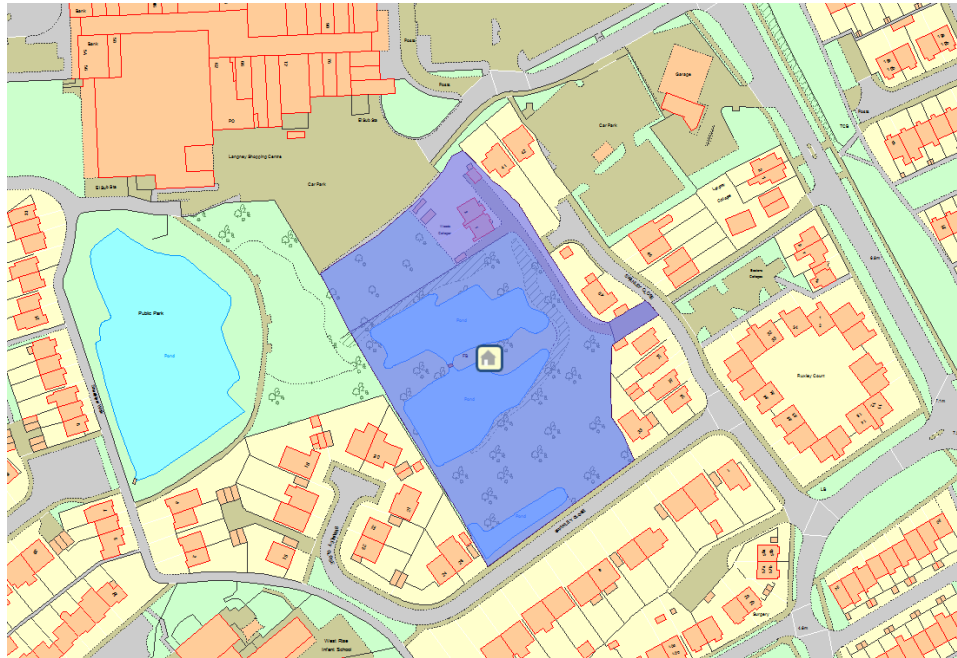
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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Agenda Item 7

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|--|--|-------------------------------------|
| 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: <ol style="list-style-type: none">Subject to 2-6 being satisfactorily concluded then Planning Committee resolve to: Approve subject conditions and Section 106 Agreement to include affordable housing secure affordable housing and, local labour agreement);Invite an updated financial/viability assessment for the updated proposal;Test the financial/viability assessment via an independent source;Delegate to the Senior Specialist Advisor in consultation with the Chair of Planning Committee to agree the results of the financial/viability assessment and the implications for the quantum of affordable housing;Ecological Impact Assessment to include protected species survey analysis to be undertaken and submitted;Delegate to the Senior Specialist Advisor in consultation with the Chair of Planning Committee the implications of the survey; andIf the layout changes as a result of the 2-6 above then the application would be reported back to planning committee for determination. | | |

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



A. Addendum to original report

A.1 The application was heard at committee on 22nd October 2019. Members resolved to defer determination of the application in order to allow for the potential of forming an alternative access from the south of the site to be assessed.

A.2 The applicant has responded to the committee resolution by providing revised site plans which show a revised access arrangement, with the new access being taken through the south of the site, to the west of 33 Swanley Close and roughly opposite numbers 4 and 5 Swanley Close.

A.3 Following receipt of the amended plans, neighbours and statutory consultees were informed of the changes and invited to provide comments. 10 Additional letters of objection have been submitted, the contents of which are summarised below:-

- The new access is adjacent to 33 Swanley Close and would impact on privacy and generate pollution;
- Installation of artificial light will impact upon privacy;
- Vehicle lights will shine into 3 and 4 Swanley Close;
- The planning supporting document is obsolete as it relates to the previous scheme;
- Screening would no longer be provided due to amount of woodland removed;
- Unclear what the replacement planting would be and who would be responsible for upkeep;
- What is the point of TPO's if they can be removed;
- There are protected species present on-site (bats and great crested newts);
- Will increase parking pressure on Swanley Close;

- Increased traffic on road will be a danger to pedestrians;
- Concerned over construction traffic blocking road and materials and debris from construction getting onto road;
- Not an appropriate form of development for the Close;
- Object to infilling of pond, removal of trees and loss of habitat and biodiversity;
- Will destroy tranquillity of surrounding area;
- Emergency vehicles will struggle to access development and nearby properties;
- Will remove a green lung within the urban sprawl;
- Loss of trees and increase in traffic will impact on air quality;
- Water already runs off the site in extreme weather, the loss of trees and introduction of impermeable surfacing will increase flood risk;
- The existing park should be enlarged to incorporate the site;
- Not enough local amenities available;
- Smaller flats will attract younger people and undesirable behaviour;
- Unclear how the size of the pond can be increased;
- 'Dry' pond is no longer dry;

A.4 The revised access arrangements would not require the positioning, orientation or scale of the buildings within the development to be altered. The children's play area originally proposed would, however, be omitted in order for the road to be accommodated within the southern part of the site. All dwellings have access to private amenity space of a suitable size whilst the occupants of the flats would have access to communal outdoor amenity space. The Langney District Pond site, which offers outdoor amenity space, is also within safe walking distance of the development. It is therefore considered that the loss of the children's play space would not unacceptably impact upon the opportunity for outdoor recreation afforded to children and other occupants of the proposed development.

A.5 The revised layout would retain the existing turning head adjacent to 40 and 41 Swanley Close; however this would be blocked off by landscaping so it would not be used for pedestrian or vehicular access. The revised plans have been assessed by ESCC Highways who have made the following comment:-

I have now had opportunity to visit the site again to assess the new access position. I am of the view that the requirements can be met in terms of width gradient and driver sightlines.

A.6 The revised layout would require a modest reduction in on-site car parking provision, from the 59 spaces originally proposed down to 55 spaces. It is noted that the original comments provided by ESCC Highways maintained that there was an over-provision of parking spaces on site. The reduced level of parking still represents an over-provision of 10 car parking spaces and, therefore, it is not considered that the reduction in parking would result in unacceptable parking stress upon the surrounding highway network.

A.7 The proposed road would pass close to the eastern edge of the proposed attenuation pond and would also introduce additional impermeable surfacing

within the site. The Lead Local Flooding Authority (LLFA) were consulted on the changes made and have provided the following comments:-

The changes appear to leave the size of the pond the same as previously proposed and there is no increase in impermeable area. Therefore we have no objection to these proposed changes.

However, the applicant should put measures in place to ensure that there is no surface water runoff from the proposed access onto the existing adopted highway. This can be done as part of a discharging a planning condition. It might also be addressed as part of the Section 278 works with the Highways Authority.

- A.8 Notwithstanding the comments above, there would be a marginal increase in impermeable area as a result of the new access road being formed. However, it is considered that a condition can be used to ensure that adequate drainage is provided for the access road. This is consistent with the comments from the LLFA who have requested that a planning condition be used to secure a scheme to prevent discharge of surface water from the proposed access onto the surrounding highway network.
- A.9 The new access would further erode the amount of retained woodland on site. However, it is considered that, on balance, the merits of the development in the context of the overarching aims of sustainable development outweigh the harm and, as a result, the proposed scheme is acceptable, on balance. It is not considered that the proposed access would introduce any new concerns regarding the overall impact of the scheme. The proximity of the access road to 33 Swanley Close is noted but it is not considered that the presence of the road would harmfully detract from the amenities of the occupants of this property as a landscaped buffer would be maintained between the road and the curtilage of that property. The road also curves away from the rear garden of 33 Swanley Close.
- A.10 The loss of trees and opening up of the southern part of the site would increase visibility of the development when viewed from the south. However, a combination of retained trees and additional planting would allow for a visually sympathetic screen that would partially obscure the development whilst the visual impact upon the southern part of Swanley Close would also be minimised due to the degree to which buildings would be set back from the road.
- A.11 It is therefore recommended that the application is approved, subject to the carrying out of an Ecological Impact Assessment and the signing of a Section 106 agreement to secure the maximum viable provision of affordable housing. Conditions attached will be as per those recommended for the previous scheme but with the condition 2 (para. 10.4 – ‘approved plans’) updated to incorporate the revised layout and additional condition 9 (para. 10.11) updated to secure details of measures to prevent surface water discharge onto the public highway.

A.12 Affordable Housing/Ecological

Given that the scheme has been significantly amended the *financial/viability* report that accompanied the original proposal would not be appropriate to base a decision upon. Given this a revised recommendation is proposed requiring that updates to the financial/viability statement and a survey of the ecological habitat and species are undertaken and submitted for review prior to the decision being taken.

Original Report October 2019 reported in full below

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 overleaf:-

| 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 No. 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 used 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.
- 8.2 Affordable Housing

8.2.1 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 |

8.2.2 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.

8.2.3 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.

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

8.3.1 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.

8.3.2 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.

- 8.3.3 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.
- 8.3.4 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.
- 8.3.5 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 indicated 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.
- 8.3.6 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.

8.3.7 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.

8.4 Living Conditions for Future Occupants

8.4.1 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 |

8.4.2 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.

8.4.3 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.

8.4.4 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.

8.4.5 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.

8.5 Design

8.5.1 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.

8.5.2 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.

8.5.3 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. There 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.

8.5.4 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.

8.6 Landscape & Biodiversity

- 8.6.1 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.
- 8.6.2 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.
- 8.6.3 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).
- 8.6.4 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.

- 8.6.5 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.
- 8.6.6 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.
- 8.6.7 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.
- 8.6.8 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.

- 8.6.9 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.
- 8.6.10 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.

8.7 Flooding and Drainage:

- 8.7.1 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.
- 8.7.2 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.
- 8.7.3 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.

- 8.7.4 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.
- 8.8 Highways:
- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 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.
- 8.8.4 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.
- 8.8.5 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.

8.8.6 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.

8.9 Contamination:

8.9.1 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.

8.9.2 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;

8.9.3 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.

8.10 Economy:

8.10.1 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.

- 8.10.2 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

- 10.1 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.

- 10.2 The following conditions would also be attached to any approval:-

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

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

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

- 289200 No. 01;
- 289300 No. 06 Rev. F;
- 7712/101 Rev G;
- 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 – 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.

3) 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.

4) 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.

5) 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.

6) 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

7) 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.

8) 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.

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;
 - d. Details of how surface water associated with the access road will be managed so as to prevent discharge onto the public highway.
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.

- 9) 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.

- 10) 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.

- 11) 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,

12) 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.

13) 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.

14) 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.

15) 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

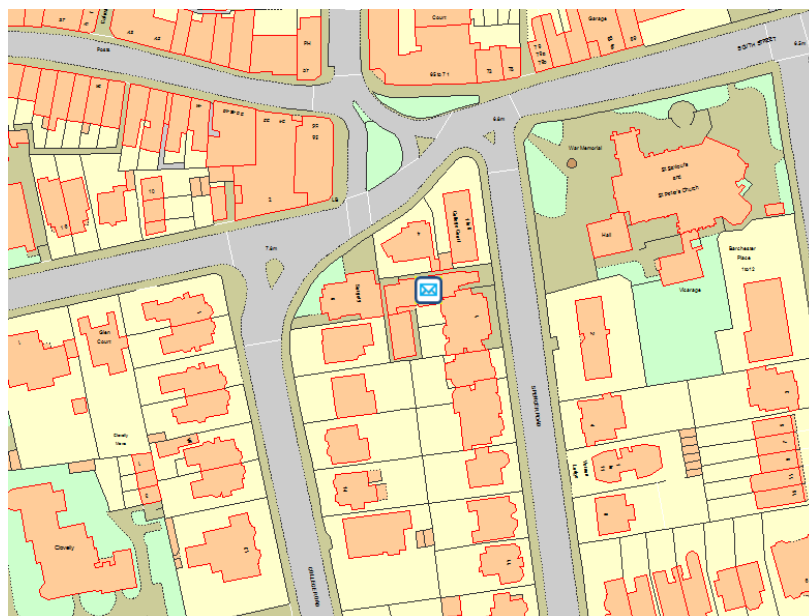
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

Agenda Item 8

| | | |
|--|--|-------------------------------------|
| App.No: 190461 (PPP) | Decision Due Date: 8 August 2019 | Ward: Meads |
| Officer: Neil Collins | Site visit date: | Type: Planning Permission |
| Site Notice(s) Expiry date: 11 July 2019 Neighbour Con Expiry: 11 July 2019 Press Notice(s): | | |
| Over 8/13 week reason: | | |
| Location: First Church Of Christ Scientist, Spencer Road, Eastbourne | | |
| Proposal: Proposed addition of internal second floor with conversion of main building to provide 6no. self-contained flats with conversion of single storey rear element to provide 1no. self-contained flat. | | |
| Applicant: Mr Mark Adams | | |
| Recommendation: Approve with conditions | | |

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

Map location



1. Executive Summary

- 1.1 This application is brought to the Planning Committee principally due to the number of objections that have been received.
- 1.2 The proposal would result in the net gain of seven residential dwellings in a sustainable location. The loss of the former community use has been adequately justified and, as such, the proposal is considered to be acceptable in principle.
- 1.3 The design, transport, access and amenity impacts of the development are considered to be acceptable and the development is considered to provide a good quality of proposed accommodation, taking into consideration the constraints of the site. It is not considered that the scheme would not give rise to significant material impacts in terms of activity, parking and noise and disturbance.
- 1.4 Scheme is recommended for approval subject to conditions.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C1: Town Centre Neighbourhood Policy
 - D1: Sustainable Development
 - D5: Housing
 - D10a: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - NE14: Source Protection Zone
 - NE18: Noise
 - UHT1: Design of New Development
 - UHT4: Visual Amenity
 - HO1: Residential Development Within the Existing Built-up Area
 - HO2: Predominantly Residential Areas
 - HO3: Retaining Residential Use
 - HO7: Redevelopment
 - HO20: Residential Amenity
 - LCF21: Retention of Community Facilities
 - NE14: Source Protection Zone
 - TR6: Facilities for Cyclists
 - TR7: Provision for Pedestrians
 - TR11: Car Parking
 - US4: Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The application site is L-shaped, with a relatively narrow frontage on to Spencer Road. The plot slightly widens towards the rear (west) before wrapping round to the rear of 1 Spencer Road and 8 College Road (neighbouring properties to the south).

The only access to the site is from Spencer Road and there is no dropped kerb access in place for vehicles.

- 3.2 Almost the entire coverage of the site is in the form of an amalgamation of buildings consisting of a two-storey hipped roof structure which is set back from the main frontage on Spencer Road. To the front of this structure is a single-storey flat roof projection whilst to the rear is a single-storey lean-to element which connects to a further single storey structure which occupies the part of the site that is positioned between the rear boundaries of 1 Spencer Road and 8 College Road. The majority of building work dates from the late 1960's and early 1970's.
- 3.3 The site is positioned approximately 12 metres to the west of the Town Centre and Seafront Conservation Area, which incorporates the Grade II* Listed St Saviours & St Peters Church on the opposite side of the road. The site itself falls within an Area of High Townscape Value. There are no other specific planning designations attached to the site.
- 3.4 The site is located within the Town Centre Neighbourhood where building density is relatively high within the surrounding area. It is outside of, but close to, the main commercial areas within the Town Centre and falls within an area that is identified as being predominantly residential. The adjoining sites to the north and south are occupied by large buildings that are subdivided into residential flats. The adjoining sites to the west, 6 and 8 College Road, are occupied by a Doctors Surgery and single residential dwelling respectively.

4 Relevant Planning History

- 4.1 Due to the nature of the site, many applications have been dealt with regarding the applications site. However, most are minor and there is no application history that is specifically relevant to this application.

5 Proposed development

- 5.1 The application seeks permission to change the use of the existing building from its former use as a church (use class D1) and conversion to provide 7 residential flats, comprising 6 two-beds and 1 three-bed flats.
- 5.2 The proposal would result in an increase in floor space, mainly derived from the creation of an additional floor within the main building, such that the building would be three stories without any increase in height or bulk.
- 5.3 Various external alterations are proposed in association with the conversion, including changes to the fenestration. The most major of the external alterations are reductions through the removal of existing front and rear extensions to the main building mainly for the purpose of providing additional external amenity space for future occupants.

6 Consultations

- 6.1 External – No responses received.

6.2 Internal – No responses received.

7 Neighbour Representations

7.1 8 letters of objection has been received following public consultation, 6 from residential occupants, detailing the following:

- Loss of privacy;
- Noise disturbance; and
- Parking.

8 Appraisal

8.1 Principle of development:

- 8.1.1 The site is located within the built-up area and consists of previously developed land. The site is also located within an area as being predominantly residential. The redevelopment of brownfield sites is encouraged by the Revised National Planning Policy Framework (NPPF), which also acknowledges the role residential development has to play in driving the viability and vitality of town centre locations.
- 8.1.2 The site is not located within the primary or secondary retail areas within the town centre and, as mentioned above, falls entirely within an area which is predominantly residential. As such, residential development of the site is encouraged by the Eastbourne Borough Plan (Policy HO2), the Eastbourne Core Strategy (Policies B1, C1 and D5) and the Town Centre Plan (Policy TC6) as well as the NPPF. These documents also encourage increasing the density of residential development in appropriate locations where it would not result in harmful amenity impacts.
- 8.1.3 The site is currently occupied by a church, which falls within the D1 use class. Community facilities, which include places of worship, are subject to a level of protection under both local planning policies (Borough Plan Policy LCF21) and the National planning Policy Framework (para. 92). This is to guard against the unnecessary loss of community facilities and, as such, any future application should include clear justification as to why this community facility is no longer needed or demonstrate that the services it offers can be provided in an alternative location that is accessible to the surrounding community.
- 8.1.4 The documents submitted with the application include details of the marketing of the building since 24th November 2017, which has attracted minimal interest outside of prospective purchasers wishing to utilise the site for residential development. A statement provided by the Chair of Board of Trustees includes further details on the current use of the building, identifying declining numbers in the size of the congregation, which is drawn from a fairly wide catchment area.
- 8.1.5 The evidence submitted suggests that the site is currently under-utilised and there is minimal prospect of it being purchased by another organisation for continued community use. Furthermore, members of the congregation are drawn from a wide area rather than the immediate locality meaning that services could be provided elsewhere without significantly damaging accessibility levels.

8.2 Design and the impact upon the surround area

- 8.2.1 The application proposed various alterations to the external envelope of the building. The most significant of these are the removal of existing extensions to the front (eastern) and rear (western) elevation of the main building. This would allow for amenity space to be made available for the ground floor flats and the creation of raised terraces/balconies for the upper floors.
- 8.2.2 Elsewhere, there are various alterations to the fenestration, including the blocking up and introduction of windows relating to the proposed units. The application includes a schedule of proposed materials, which includes render and timber cladding. The proposed materials are considered to harmonise with the character of the area and would improve the appearance of the building.
- 8.2.3 It is noted that the removal of the existing front extension would set the building further back from the street and, as such, it would be less visible in the street scene. Taking all design matters into account, it is considered that the proposal is acceptable on design grounds.

8.3 Impact upon the amenity of neighbouring occupants

- 8.3.1 The principal impact upon neighbouring amenity would result from the proposed change of use of the building itself. It is understood that the building has been vacant and underused for a significant period of time. However, the established use could lead to a level of disturbance for neighbouring occupants. Conversely, the proposed residential use of the site is considered to be appropriate to the area given its predominance of residential uses. Activity associated with the proposed use would not be greater than could be allowed under the established use and, as such, it is considered that the proposal would bring a degree of control in terms of the future activity associated with the site.
- 8.3.2 The overall height of the building would not be increased as part of the proposal and the general footprint would not be extended. As such, it is not considered that the resulting building would have an overbearing impact upon neighbouring residents or cause undue levels of light loss.
- 8.3.3 Care has been taken to ensure that proposed alterations to the fenestration would protect neighbouring residents from loss of privacy. This includes amendments to the originally submitted drawings, at Officer request, to ensure that there is no direct view from proposed windows or external balconies/terraces. Windows that would otherwise have a direct view, especially those on the northern and southern elevations, are proposed to be obscure glazed and non-opening below 1.7m above internal finished floor level. It should be noted that the proposed second floor would be finished with at least 1.7m to the sill level of the proposed roof lights on the southern and northern elevations. Balconies/terraces would be equipped with screens to a height of 1.7m above finished floor level.
- 8.3.4 It is noted that the Lighthouse Medical Practice is located immediately to the west of the site and that the balconies and windows on the western elevation would look towards waiting rooms and consulting rooms at the surgery. As these neighbouring

windows are not residential, planning legislation and policies do not allow the same level of protection from overlooking. However, the upper floors windows have been obscure glazed to improve this relationship from the original submission.

8.3.5 It is considered that the proposal complies with Policy HO20 of the Eastbourne Borough Plan Saved Policies (2007).

8.4 Living conditions of future occupants:

Standard of proposed accommodation:

8.4.1 The proposal would create 6 two-bed units and a single three-bed unit.

8.4.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. The table below provides details of the required and proposed internal areas for assessment:

8.4.3

| | | Required | Complies |
|------------------|-------------|---------------------------------------|-----------------|
| Flats 1-6 | Bedroom 1 | 11.5m ² (double) | Yes |
| | Bedroom 2 | 7.5 m ² | Yes |
| | Total (GIA) | 61m ² (1 storey, 2b 3p) | Yes |
| Flat 7 | Bedroom 1 | 11.5m ² (double) | Yes |
| | Bedroom 2 | 7.5 m ² | Yes |
| | Bedroom 3 | 7.5 m ² | Yes |
| | Total (GIA) | 74m ² (1 storey, 3b 4p) | Yes |

8.4.4 All of the proposed units would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the 'Technical housing standards - nationally described space standards'.

8.4.5 The units also provide a suitable amount of storage space for future residents.

Outlook and privacy:

8.4.6 The proposed units would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. The unit housed within the existing single storey element within the site would have a degree of overlooking from neighbouring properties. However, it is considered that the uptake of this unit would be caveat emptor for future occupants, who would. As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

Outdoor amenity space:

8.4.7 The proposal would provide outdoor space for all of the units through the creation of ground floor amenity space, balconies and terraces. The level of provision is considered to be acceptable given the constraints of the building.

8.4.8 Taking the above considerations into account, the proposal is considered to offer a good standard of accommodation for future occupants of the units and would meet the objectives of adopted policy.

8.5 Impacts on highway network or access:

Parking:

8.5.1 The proposed development would not be served by any off street parking, and given the constrained nature of the existing site; it is not considered that the site has the capacity to provide such parking. It is noted that the site is located in a very sustainable location with bus stops nearby and the railway station approximately 410 metres walking distance to the north.

8.5.2 The ESCC Car Parking Calculator indicates that the proposed development would generate demand for 4 car parking spaces. The proposed additional demand is not considered to be significant given the town center location.

8.5.3 It is noted that the existing D1 use generates its own demand for car parking and, as such, it would be reasonable to offset the freeing up of parking spaces as a result of the loss of the D1 use against the parking demand generated by the proposed development.

Construction Management

8.5.4 Taking into account of the proposed development, including demolition, it is considered necessary to attach a condition requiring a Construction Management Plan (CMP) to be submitted to ensure that the impact upon the surrounding highway network is managed.

Cycle storage facilities:

8.5.5 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The application includes the provision of cycle storage facilities at the rear of the site. This is considered to be an acceptable location given the constraints of the site and that it would likely be more secure than at the front of the site.

8.5.6 A condition will be attached to ensure covered and secure cycle parking is provided on site in order to encourage the use of cycles for transport and discourage car ownership. It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

Other matters:

Refuse/Recycling storage facilities:

8.5.7 The application provides details of refuse/recycling storage facilities within a dedicated facility at the front of the site. The proposed facilities would be large enough for the intended occupancy and a condition has been attached to ensure that they are provided prior to first occupation of the building.

It is recognised that the proposal would require the approval of the Councils

Licensing Department, notwithstanding this it is acknowledged that informally we are advised that the layout and scale of the conversion would meet with their approval.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant planning permission subject to the following conditions:-

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

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

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

- Location Plan: 2018-60-14
- Proposed Ground Floor Plan: 2018-60-06a
- Proposed First and Second Floor Plans: 2018-60-08B
- Proposed Roof Plan: 2018-60-10C
- Proposed Elevations 1 of 2: 2018-60-11B
- Proposed Elevations 2 of 2: 2018-60-12a
- Proposed Section A-A: 2018-60-15
- Key Plan Elevations highlighting amendments: 2018-60-16
- Design and Access Statement: 2018-60-DAS
- Materials Schedule: 2018-60-MS

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

3) The external facing materials of the development, hereby approved, shall be finished in accordance with the approved Materials Schedule and all other works of making good shall be finished to match the existing in colour, texture and arrangement, unless agreed otherwise by the Local Planning Authority.

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

4) 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 Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors;
- the loading, unloading and storage 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 security hoarding;
- details of any other measures to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- details of any temporary structures or hoarding on or around the site.

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.

5) Secure covered cycle parking facilities for a minimum of 7 bicycles shall be provided in accordance with the details approved prior to first occupation of the development, hereby approved, and shall thereafter be retained 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 that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

6) Refuse and recycling facilities shall be provided in accordance with approved plans prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

7) All new ground surfaces of the development, hereby approved, shall be constructed in porous materials to allow surface water to be discharged within the site where possible and shall be retained as such of the lifetime of the development. No surface water shall be discharged onto the public highway or adjoining land.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect the public highway or adjoining properties.

8) All screening shown on approved plan No: 2018-60-16 shall be installed to a minimum height of 1.7m above the finished floor level of the respective terrace/balcony prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless agreed otherwise by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residential occupants.

9) Windows 10, 12, 14, 15, 26, 30, 31, 33, 34, 35, 36 and 37, as shown on approved plan No: 2018-60-16, shall be obscure glazed and non-opening to a height no less than 1.7m above internal finished floor level, prior to first occupation of the development, hereby approved and retained as such for the lifetime of the development, unless agreed otherwise by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residential occupants.

Informatives:

- 1) The applicant is advised that, in relation to condition 4, ESCC Highways Team can be contacted via:
development.control.transport@eastsussex.gov.uk
- 2) The applicant is advised that if as a result of other legislation there is a requirement for any alteration to the window size, location and or the limitations controlled via Planning Condition No 9 above then these changes would require a new planning permission.

11 Appeal

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

12 Background papers

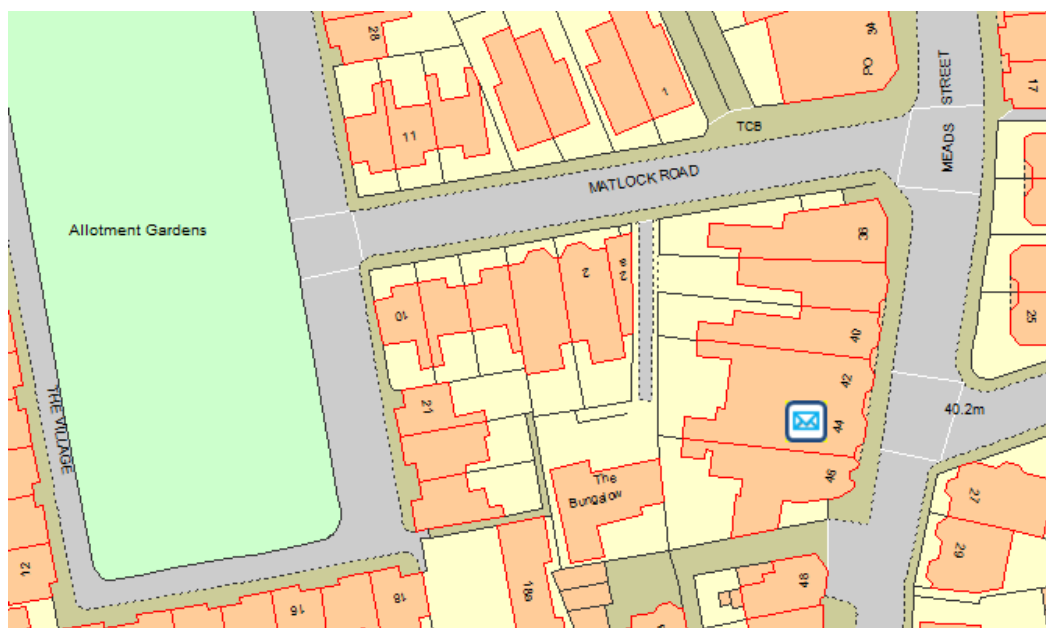
The background papers used in compiling this report were as follows:

None.

Agenda Item 9

| | | |
|---|---|-------------------------------------|
| App.No: 190717 | Decision Due Date: 29 November 2019 | Ward: Meads |
| Officer: Chloe Timm | Site visit date: | Type: Planning Permission |
| Site Notice(s) Expiry date: 1 November 2019 | | |
| Neighbour Con Expiry: 1 November 2019 | | |
| Press Notice(s): 8 November 2019 | | |
| Over 8/13 week reason: n/a | | |
| Location: 42-44 Meads Street, Eastbourne | | |
| Proposal: Single storey rear extension and re-siting of kitchen extract (retrospective application) | | |
| Applicant: Hui Sheng | | |
| Recommendation: Grant Permission subject to conditions | | |
| Reasons for recommendation: Does not adversely impact the character and appearance of the host conservation area | | |

Contact Officer(s): **Name:** Chloe Timm
Post title: Senior Caseworker
E-mail: chloe.timm@lewes-eastbourne.gov.uk
Telephone number: 01323 415962



1 Executive Summary

- 1.1 This application is brought before committee at the request of the Meads Ward Councillor, Cllr Taylor.
- 1.2 The proposal is acceptable in principle subject to conditions. This application is seeking retrospective approval for a single storey extension to the rear and the re-siting of the kitchen extractor fan.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C11 Meads Neighbourhood Policy
- D4 Shopping Meads Street District Shopping Centre
- D10 Historic Environment Conservation Area
- D10 Historic Environment Archaeological Notification Area
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO20 Residential Amenity
- NE18 Noise
- NE28 Environmental Amenity
- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT15 Conservation Area

3 Site Description

- 3.1 42-44 Meads Street is a mid-terrace three storey property located on the Western side of Meads Street. The site is an existing restaurant occupied by Xing Fu Chinese restaurant.
- 3.2 The restaurant occupies the ground floor levels of 42 and 44 Meads Street where above the restaurant are residential units. The prevailing character along Meads Street is commercial use on the ground floor with residential above.
- 3.3 The property shares boundaries with 40 Meads Street to the north (side), 46 Meads Street to the south (side) and The Bungalow, Matlock Road to the rear. The property stands in the Meads Conservation Area.

3.4 There is a small amenity space to the rear which is backed by a high brick wall which runs along the rear boundaries of nos. 36 to 42-44 Meads Street. To the rear is an access path that adjoins Matlock Road.

4 Relevant Planning History

4.1 150975
Replacement of pitched roof to the rear of no.42 with a raised flat roof to provide route for ductwork for new ventilation system to restaurant
Planning Permission
Refused
26/11/2015

4.2 160891
Discharge of condition 3 (System to Control emissions and fumes) and condition 4 (Attenuation for emissions and fumes) of planning reference: 150975 (Replacement of pitched roof to the rear of no.42 with a raised flat roof to provide route for ductwork for new ventilation system to restaurant.)
Approval of Condition
Approved Conditionally
07/09/2016

5 Proposed development

5.1 This application is seeking retrospective permission for the erection of a single storey extension to the rear elevation and the re-siting of the kitchen extractor fan within the rear garden area.

5.2 The alterations provide additional space to be used as a store room.

6 Consultations

6.1 Specialist Advisor (Environmental Health)
The environmental health officer has assessed the acoustic and ventilation reports that accompany the application and agree with its findings and also endorsed the reports suggested conditions.

- The wall onto which the air extracts should be lined with a panel of Rockwool, or equivalent, which would reduce the noise reflection, lowering the overall noise.

- If practicable, the wooden structure covering the fan should be extended on all sides to full enclose as much of the system as possible. This should be lined on the inside with Rockwool to further improve the absorption around the fan casing.

6.2 Specialist Advisor (Conservation)
This retrospective application seeks permission to site an extractor to the rear of this restaurant in the main commercial street within the Meads Conservation Area. It has been fitted as a low-level horizontal structure running out of the

building and has no street level or public visibility.

As such, it does not adversely impact the character and appearance of the host conservation area and no objection is required.

7 Neighbour Representations

- 7.1 Three objections have been received which raise the following:
- Noise and Odour
 - Emissions from the extractor impacting on the environment
 - Impact on the conservation area
 - Siting of the Extractor fan
 - Poor Design

8 Appraisal

- 8.1 The single storey extension is a partial in-fill centrally located to the rear of the properties of 42 and 44 Meads Street. The extension is a flat roof design constructed of rendered brickwork.
- 8.2 The single storey extension is considered to have no significant impact on the adjoining properties or the residential units above the application site. There are no issues of overshadowing, loss of light or impacts on privacy from the extension.
- 8.3 The extension has not impacted on the rear access stairs that lead up to the residential units above and has been built between the stairways.
- 8.4 The reciting of the extractor fan extends into the rear garden of the property. The extractor fan was moved to improve the function. During the course of the application screening to the extractor fan has been added to the proposal to improve the visual design but also to aid in reducing noise nuisance.
- 8.5 The extractor fan is to the rear of the commercial unit and is not visible or accessible to the general public. Comments have been received with regards to noise and odour emanating from the extractor system however on consultation with environmental health the system in place is suitable and has raised no objection from the Environmental Health Officer.
- 8.6 It should also be noted that Eastbourne Borough Council have not received any reports of noise or nuisance issues from the surrounding occupiers of the site concerning the extractor system.
- 8.7 Due to the development being to the rear of the property there are not thought to be adverse impacts to the surrounding Meads Conservation Area.

9 Human Rights Implications

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the

proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

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

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

2) The development hereby permitted shall within 6 months from the date of this permission be carried out in accordance with the approved drawings no. 3014 04 Rev A and 3014 05 Revision A submitted on 07 October 2019 and the noise impact assessment submitted 30 October 2019.

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

11 Appeal

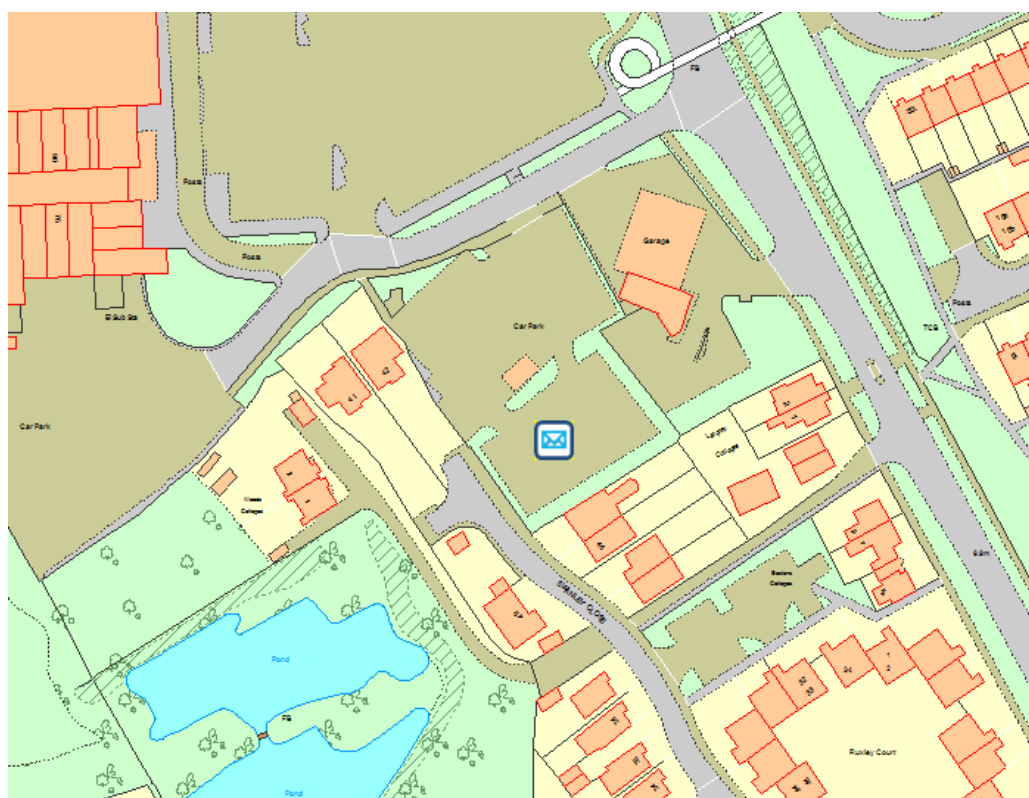
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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Agenda Item 10

| | | |
|--|--|-------------------------------------|
| App.No: 190604 | Decision Due Date: 29 October 2019 | Ward: Langney |
| Officer: Neil Collins | Site visit date: 26 th September 2019 | Type: Planning Permission |
| Site Notice(s) Expiry date: Neighbour Con Expiry: 2 September 2019 Press Notice(s): n/a | | |
| Over 8/13 week reason: Viability Assessment Review and Committee cycle. | | |
| Location: Langney Shopping Centre Car Valet, Langney Shopping Centre, 64 Kingfisher Drive, Eastbourne | | |
| Proposal: Erection of 10 houses together with parking and installation of crossover onto Swanley Close | | |
| Applicant: Park Lane Homes Ltd | | |
| Recommendation: Grant Planning Permission subject to conditions and a S106 Legal Agreement | | |

Contact Officer(s): **Name:** Neil Collins
 Post title: Specialist Advisor - Planning
 E-mail: neil.collins@eastbourne.gov.uk
 Telephone number: 01323 4150000



1 Executive Summary

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation, as it comprises major development.
- 1.2 The proposal would result in the net gain of ten residential dwellings in a sustainable location. The applicant has submitted a Financial Viability Assessment, which has been reviewed by the Council's chosen independent consultants, and concludes that an affordable housing contribution would render the development financially unviable.
- 1.3 The design, layout, transport, access and amenity impacts of the development are considered to be acceptable. This includes consideration of the impact of creating a new access onto Swanley Close, which is considered to be acceptable subject to a Traffic Management Order secured by legal agreement to investigate the use of parking restrictions to allow access for larger servicing and emergency vehicles.
- 1.4 The application is recommended for approval subject to conditions and a Section 106 Legal Agreement to secure the following planning obligations:
- Local Labour Agreement;
 - Traffic Management Order contributions; and
 - A future Financial Viability Review to ensure any fluctuations in land valuation or build costs would allow for the provision of affordable housing, should it become viable.

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

3 **Site Description**

- 3.1 The application site forms part of the Langney Shopping Centre site and has historically formed part of the larger car parking facilities for the centre, in addition to a customer car washing facility. The site is roughly rectangular in shape and almost entirely laid to impermeable hard surface, other than small established shrubs, hedges and trees bordering the site and a strip that divides the site into two car parking areas, north and south. The topography of the site is generally flat, with a small slope from north to south.
- 3.2 Access to the site is currently located on the northern boundary via the Langney Shopping Centre private service road from Langney Rise, further to the east. The site is bounded on its western and southern sides by existing residential property at the northern end of Swanley Close, a cul-de-sac accessed from Faversham Road. Residential dwellings, numbers 42 and 45 Swanley Close, share the eastern and southern boundaries of the site respectively. On its eastern side, the site is contiguous with a petrol filling station site, which shares the entire eastern boundary and to the south of the filling station are properties known as Langney Cottages, which front Langney Rise.
- 3.3 The site is identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). The site is also located within a Residential Area, as defined by the Core Strategy. There are no other designations that would be significant to the consideration of this application.

4 **Relevant Planning History**

- 4.1 There have been a vast number of applications concerning the wider Langney Shopping Centre site, although mainly small in nature. However, three

applications are relevant to this site and are material considerations in the assessment of this application.

4.2 EB/2005/0529

Planning permission was granted in January 2007 for a two storey mixed-use development at the western end of the centre, to provide new retail accommodation for non-food comparison goods at mall and first floor levels (3,434 square metres), a new library at first floor level, 8 one and two bedroom flats and revised external areas including parking, landscaping and transport interchange. The permission also included a development of 20 residential units on the land related to this application and included associated parking and access from Swanley Close.

4.3 EB/2008/0714

A further application was submitted in November 2008 for an amended scheme to the above, again including 20 dwellings on the land in question, but this was withdrawn within the application period.

4.4 EB/2009/0758

Planning permission was approved in May 2011 for similar development of the shopping centre alongside outline planning permission for residential development of 20 apartments on land related to this application, including a new access from Swanley Close.

Approved 11/05/2011

Outline permission not implemented

5 **Proposed development**

5.1 The application proposes the erection of ten three-bed dwellings on the site. The dwellings would be laid out in a cul-de-sac arrangement around central 'court' parking and access road. The existing access at the northern end of the site would be closed off and a new access would be created onto Swanley Close. A pedestrian access would be provided on the northern boundary for continued access to the shopping centre.

5.2 The dwellings would be two-storey with a pitched roof. The pallet of facing materials would differ throughout the development, to provide variety in appearance for each dwelling. Materials would include brick (plots 5 and 6), composite weatherboarding (Plots 8 and 10) and coloured render (Plots 2 and 9).

5.3 A total of 23 parking spaces would be provided for future residents. The properties are proposed facing north-west onto Brede Close. Three car parking spaces and landscaping is proposed to the south of the site at the entrance of Brede Close. A further two car parking spaces and refuse storage area are proposed to the northern boundary retaining an access road to the existing sub station at the south-eastern corner of the site.

6 **Consultations**

6.1 Specialist Advisor (Regeneration)

- 6.1.1 The proposed development will be located in the car valet area of the Langney Shopping Centre complex in Eastbourne.
- 6.1.2 The site is located close to secondary schools both of whom have sought work experience placements for Year 10 pupils on recently completed developments nearby. The site would also be an opportunity for site visits for college and unemployed students attending local construction education and training programmes.
- 6.1.3 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.
- 6.1.4 In light of the above, Regeneration supports the application subject to the inclusion of a local labour agreement.
- 6.2 Specialist Advisor (Planning Policy)
- 6.2.1 This application proposes the construction of 10 detached 3 bedroom dwellings, and associated car parking. The site is currently occupied by the by car parking spaces and a small covered area which offers a car wash service, however this is currently vacant due to an expired lease. The site is within the Langney neighbourhood.
- 6.2.2 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.”*
- 6.2.3 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 not considered a windfall site, as it has been previously been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 10 dwellings.
- 6.2.4 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 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.

- 6.2.5 The development is over the threshold for affordable development as it is for 10 dwellings. As it is within a low value neighbourhood, the requirement would be for 30%, which in this case would be 3 dwellings (or the appropriate commuted sum, if it is shown that it is not possible to provide this on site). There does not appear to be a discussion of Affordable Housing within the planning application.
- 6.2.6 The development would be liable for the payment of CIL on the 10 houses proposed.
- 6.2.7 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.' This application would be supported by Policy, as long as the affordable housing is provided.
- 6.3 CIL
- 6.3.1 The development would be liable for a CIL payment if approved.
- 6.4 ESCC SuDS
- 6.4.1 The comments below are made on the understanding that this is a brownfield site which has an existing connection to Southern Water's public surface water sewers to the north-west of the application site.
- 6.4.2 The application is supported by only a drainage layout plan (JMLA drawing number 06899- jmla-TP-00-DR-D-0200-S4-P02 dated June 2019) and no supporting statement or calculations. It would have been preferable to see the design decisions and their potential implications on flood risk. Nevertheless, the application site appears to be 100% impermeable with an existing drainage arrangement that appears to drain into the public sewers. The proposed layout shows that the development will result in reduced impermeable area and the drainage layout shows two attenuation tanks to store surface water runoff from the application site. Consequently, it is possible for the applicant to incorporate measures to manage surface water runoff from the proposed layout without increasing flood risk on or offsite.
- 6.4.3 A site visit showed that the application site currently receives overland surface water flows from the neighbouring garage. Therefore measures to manage these overland surface water flows should be incorporated into the design to ensure that they do not result in flood risk to the proposed properties.
- 6.4.4 If the Local Planning Authority is minded to grant planning permission, the LLFA and PCWLMB request the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:
1. Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of

occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

2. The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
3. 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.

4. 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.
5. 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.

6.5 Highways ESCC

Development Description

- 6.5.1 The applicant is seeking planning permission to erect 10 dwellings with associated parking and landscaping on an existing car park. The site is located in the south-eastern car park of Langney shopping centre, approximately 5.5km north-west of Eastbourne town centre.

Access

- 6.5.2 It is noted that the widths of the internal footways are less than 1.2m in some sections, which is below current standard of 2m. There does not appear to be scope to widen the footways to the 2m standard. As such, it is recommended the

footways are upgraded and shown on an amended plan such that all internal pedestrian routes are an absolute minimum of 1.2m in width.

Accessibility

- 6.5.3 Footways are present on Swanley Close and provide suitable connectivity. Cycling is feasible on quieter roads that connect with the cycle network in Eastbourne.
- 6.5.4 Publicly available bus transport is available within a short walking distance on the north, west and east sides of Langney shopping centre, located immediately north of the site. Walking routes to the nearest bus stop on the east side is approximately 60m from the site, where services 1x (every 30 minutes) and The Loop (every 20 minutes) are available.
- 6.5.5 The closest railway station is Hampden Park, and is 2.5km from the site. This would take approximately 30 minutes by foot, or 9 minutes when cycling. Secure cycle parking is available at the station.
- 6.5.6 Considering the above, it is considered that the site is located within a suitably accessible location.

Trip Generation

- 6.5.7 A TRICS assessment has been submitted as part of this application. This illustrates that each dwelling has the potential to generate approximately 5 daily vehicular movements, which is considered reasonable.
- 6.5.8 The existing use of a car park is not considered to generate any trips, though the existing parking demand would need to be accommodated in the proposed development.
- 6.5.9 The proposed development of 10 dwellings would generate approximately 53 two-way vehicular daily trips, based on similar developments assessed from the TRICS database. The methodology used for suggested daily trips for 10 units is sound, with approximately 6 trips in both the AM and PM peak times. It is not expected that an increase of 53 daily trips would have a significant impact on the local highway network, and therefore would not warrant a refusal.

Car Parking

- 6.5.10 In accordance with the County Council's parking guidance, 22 car parking spaces are required to serve the development. 23 parking spaces are proposed as part of this development, including two allocated spaces per dwelling and three spaces for visitors. This provision is in accordance with the County Council's parking guidance and is therefore acceptable.
- 6.5.11 ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the parking bays measure 5m x 2.5m, which is in line with the County Council's standards. However, the bushes located next to car parking spaces should be set back by 0.5m.
- 6.5.12 A parking beat survey was undertaken in the surrounding car park to ascertain

whether the level of displaced parking can be accommodated. This survey determined that the maximum parking level stresses generated from this proposal, in addition to the redevelopment scheme of the shopping centre. The results determined that on a Saturday, there would be approximately 70% parking stress, leaving 132 parking spaces unoccupied. On a weekday, the parking level stress would be approximately 58%, leaving 221 spaces unoccupied. The survey therefore determines there is enough capacity to accommodate parking demand generated from the proposed redevelopment of the shopping centre (application no. 130229), and taking into account the removal of car parking spaces from the application site as part of this application.

Vehicular Access

- 6.5.13 It will be required for the access to the north of the site to be formally closed and kerbs reinstated to ensure that it cannot be used for vehicular access. The applicant will be required to enter into a S171 and acquire appropriate licenses from an approved contractor.
- 6.5.14 In accordance with the County Council's standards, and Stage 1 RSA would need to be undertaken for the site access, and amended plans should be provided showing changes as required by the RSA. This should be secured by condition.

Cycle Parking

- 6.5.15 In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. The provision of the cycle store should be secured by condition.

Construction

- 6.5.16 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 construction phases. This would need to be secured through a condition of any planning permission.

Travel Plan Statement

- 6.5.17 Although a travel plan statement is not required for this number of dwellings, it is recommended that the applicant provides a Residents information 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. This can be secured by condition.

Delivery & Servicing Statement

- 6.5.18 Although a delivery and servicing statement has not been submitted, swept path drawings have been submitted that show 11.2m long refuse vehicles can access and service the site without blocking the highway. Whilst this is shorter than the 12m long refuse vehicle as per the County Council's guidance, there appears to be sufficient buffer within the swept path drawings to accommodate a larger refuse vehicle within the site. The refuse arrangement is therefore considered

acceptable in this instance.

6.5.19 Swanley Close narrows from approximately 6m to around 4.5m. While such a road widths would help to keep speeds low on approach to the site and a road 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.

6.5.20 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

7 Neighbour Representations

7.1 The application has attracted one objection following public consultation, which raises concerns on the following grounds:

- Exacerbation of on street parking issues from overflow of residents, visitors and servicing parking needs;
- Safety for pedestrians using the walkway between Swanley Close and Langney Rise;
- Loss of trees and landscaping; and
- Noise impacts from increased activity

8 Appraisal

8.1 Principle of development:

8.1.1 The National Planning Policy Framework (NPPF) supports sustainable residential development. The site is located within the built-up area, where the principle of development is considered to be acceptable. Furthermore, the Borough Plan saved Policy HO2 identifies this location as being predominantly residential and National Policy (NPPF) supports sustainable residential development. This site would be considered a brownfield site and the strategy states that "*in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land*". As such, the proposed residential use is in accordance with this spatial strategic objective.

8.1.2 The site is also identified as being suitable for redevelopment for residential or employment purposes as per the 2017 SHELAA (site LA01). As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this

Framework taken as a whole’.

8.1.3 It is acknowledged that outline planning permission has previously been granted in 2009 for residential development of the site comprising 20 new apartments, that this was not implemented and has now expired. Paragraph 122 of The NPPF states that in considering development proposals, Local Planning Authorities should *‘refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework’*. The applicant was asked to respond to this point, taking account of the previous proposal for 20 apartments. Whilst it is noted that the previous approval was more broadly for outline permission, the applicant has also provided costings in relation to the delivery of 20 unit flatted scheme, which is considered to adequately demonstrate that the delivery of this number would not be viable.

8.1.4 Taking the above into account, the proposed development is considered to be acceptable in principle.

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

8.2.1 The application site is located adjacent to existing dwellings forming part of the residential development of Swanley Close. However, only two existing dwellings are located directly adjacent to the site, one adjacent to the western boundary and one adjacent to the southern.

8.2.2 Taking into account the location of the proposed dwellings in relation to existing, it is not considered that the proposal would result in any significant loss of privacy for adjoining occupiers. The placement of the proposed buildings and their fenestration would prevent any direct views towards existing neighbouring windows.

8.2.3 The arrangement of the dwellings in relation to those closest to the site would not result in any significant overbearing impact upon the outlook from existing windows. Unit 10, which would be located in the north-eastern corner of the site, would be adjacent to number 42 Swanley Close, a bungalow with south facing windows. The front elevation of unit 10 would be forward of that of the existing front wall of number 42. However, taking into account the orientation and distance between the buildings, it is not considered that there would be any significant loss of light for existing residents.

8.2.4 To the south, proposed unit number 1 would have a similar relationship with number 45 Swanley Close, although it would be sited beyond the rear elevation of number 45. The orientation would prevent any significant ambient light loss and no direct sunlight would be lost from the existing habitable room windows.

8.3 Impact of proposed development on amenity of future occupiers

Standard of proposed accommodation:

8.3.1 The proposed dwellings would generally provide a good standard of accommodation for future occupants, being well arranged on plan. The proposal would create ten three-bed units, each comprising two single occupancy and one double occupancy bedrooms for four individuals.

8.3.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. Each of the proposed dwellings would comprise dwellings of the same size and arrangement. As such, the table below provides details of the proposed internal areas for assessment, based upon the common design of the proposed dwelling.

| | Required | Proposed | Complies |
|-------------|---------------------------------------|---------------------|-----------------|
| Bedroom 1 | 11.5m ² (double) | 14.7m ² | Yes |
| Bedroom 2 | 7.5m ² (single) | 8.3m ² | Yes |
| Bedroom 3 | 7.5m ² (single) | 7.5m ² | Yes |
| Total (GIA) | 84m ² (2 storey, 3b 4p) | 88.68m ² | Yes |

8.3.3 Three of the proposed units would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the 'Technical housing standards - nationally described space standards'.

Outlook and privacy:

8.3.4 The proposed dwellings would be dual aspect and would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. It is not considered that there would be any privacy issues and would be As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

Outdoor amenity space:

8.3.5 The proposed dwellings would have access to suitably sized private outdoor amenity space, taking into consideration the constraints of the site and the layout of the dwellings. The space would be well related to the dwellings and easily accessed by future occupiers.

8.4 Design issues:

8.4.1 The local area comprises a varied character, taking into account the location adjacent to Langney Shopping Centre and the petrol filling station to the east. However, the proposed change of access from the northern boundary to link the site to Swanley Close would mean that the development would operate as part of the established Swanley Close residential development. The size, height, form and cul-de-sac arrangement of the development would be well suited to the established character and is considered to be acceptable in terms of the general pattern of development.

8.4.2 The proposal comprises two storey pitched roof detached dwellings. The houses are well laid out on plan, having good sized dwelling to plot ratios and based around court parking. The proposed facing materials are considered to harmonise with the character of the area and would be varied across the dwellings in the development, to break up the appearance and provide interest.

Landscaping

8.4.3 The proposal would incorporate hard and soft landscaping features, including hard surfacing for access and parking and planted, lawned and garden areas. The resulting landscaping is considered to be appropriate to the character of the area in general and would allow for a more verdant appearance of the site to become established.

8.4.4 ESCC Highways commented that the pathways within the site do not meet the minimum width according to regulations and have advised that this is revised so that they are no less than 1.2m. As agreed with the applicant, this will be sought by condition prior to first occupation.

Impacts on trees:

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

8.5 Impacts on highway network or access:

Access:

8.5.1 The site is located in a sustainable location, designated as a Predominantly Residential Area in the adopted Core Strategy. Therefore, residential development is considered to be acceptable in principle in this location. The site would be well located in respect of amenities, being directly adjacent to the Langney Shopping Centre. In terms of wider accessibility, the site is well accessed by public transport. A number of bus services surround Langney Shopping Centre, the nearest of which is a bus stop on the eastern side of the centre, approximately 60m walk from the site. Services are regular and frequent. Hampden Park is the closest railway station, located 2.5km from the site and is easily accessible by foot and cycle.

8.5.2 The proposal involves relocation of the existing vehicular access at the northern end of the site to Swanley Close, comprising a vehicular and pedestrian access at the southern end of the western boundary, adjacent to the existing hammerhead turning point. The new access has been amended to remove formerly proposed gates, to prevent a gated development and for ease of access for servicing and deliveries. A separate pedestrian gate would also be provided from The existing access would be blocked up and a new pedestrian access would be created between units 7 and 8, allowing access to the amenities of Langney Shopping Centre and to nearby bus stops.

8.5.3 The existing footpath on the northern boundary would be reinstated as part of the proposed development, which would allow for safe access by foot between the site and the shopping centre. Recent works to the landscaping of the shopping centre car park area have improved accessibility for pedestrians, including new pedestrian crossings over the internal service roads. Together, these provide a safe network of access routes both for future occupants of the development and for existing residents in Swanley Close and beyond.

8.5.4 ESCC Highways have undertaken a TRICS assessment to ascertain the likely trips generated by the proposed development. It is envisaged that approximately

53 two-way vehicular daily trips would be generated, based on similar developments assessed from the TRICS database. ESCC Highways has concluded that it is not expected that an increase of 53 daily trips would have a significant impact on the local highway network and, as such, is considered to have an acceptable impact upon the transport network.

Construction Management:

- 8.5.5 ESCC Highways requested that a Construction Management Plan (CMP) be required by condition of any permission during the course of the application, with a view to these details being approved as part of any planning permission to avoid a pre-commencement condition. The CMP has been considered by ESCC, who has confirmed that they are happy with the management of construction related traffic upon the transport network. As such, a condition is recommended to ensure that the CMP is strictly followed

Parking:

- 8.5.6 In accordance with the ESCC parking demand calculator, 10 three-bed units in this location would require 22 off-street parking spaces. The submitted plans propose a total of 23 parking spaces, which would comprise three visitor spaces. As such the quantum of proposed parking provision would exceed the parking demands for the development. A condition has been attached requiring that on-site spaces are provided in accordance with approved details prior to first use of the development.

- 8.5.7 In addition to the above considerations, ESCC Highways undertook a parking beat survey in the surrounding car park to ascertain whether the level of displaced parking can be accommodated. This concluded that there is ample capacity to accommodate both the development demands and the loss of parking that would result from the loss of car parking facilities for the shopping centre.

Cycle storage facilities:

- 8.5.8 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The proposed plans indicate that cycle storage would be provided within the rear gardens of each of the proposed dwellings. The amount, quality and location of the provision is considered to meet the requirements of adopted policy.

- 8.5.9 It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.6 Affordable Housing

- 8.6.1 In line with NPPF and Eastbourne's Core Strategy Policy D5, development proposals for 10 or more dwellings are liable for an Affordable Housing Contribution.

- 8.6.2 The applicant has stated that the development would not be viable with an affordable housing contribution and has submitted a Financial Viability Assessment (FVA) to support this claim. This has been independently reviewed, which is in agreement with the FVA. As such, it would not be reasonable to seek

an affordable housing contribution for the proposed development. However, the independent review recommends (at para. 2.5) that a further review is written into a S106 legal agreement, should any changes to build costs or land valuation make the site viable in the future. As such, this will form a head of term within the recommended legal agreement.

8.7 Other matters:

Refuse/Recycling storage facilities:

8.7.1 The application proposes dedicated refuse/recycling storage facilities within the curtilage of each of the dwellings. The facilities would be located within the rear garden areas and, as such, future residents would need to put the bins out on collection days. Alternative arrangement of the facilities has been considered at the front of each unit, but this would not be possible due to the limited space within the site. As such, this would need to be

Local Labour Agreement:

8.7.2 Policy EL1 of the Eastbourne Employment Land Local Plan and the Local Employment and Training SPD required that development of 10 residential units or more only be granted with a Local Labour Agreement to include the following:

1. A Local Employment strategy to include the advertising of all new construction and operational vacancies locally (ie in the Borough of Eastbourne and within East Sussex).
2. A strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed, and NVQ training places associated with the construction and operation of the Development, as appropriate to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.

This would be secured by Section 106 legal agreement, alongside other heads of terms stated elsewhere in this report.

8.8 Conclusion

8.8.1 The site has been previously identified for its development potential in the Strategic Housing and Economic Land Availability Assessment (SHELAA), 2017, and the NPPF supports sustainable residential development.

8.8.2 Eastbourne is only able to demonstrate a 3.16 year supply of housing land, therefore In accordance with paragraph 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

8.8.3 The proposal will result in the net gain of ten residential dwellings in a sustainable location. For reasons outlined in the report the design, layout and any impacts upon existing residential properties are considered to be acceptable.

8.8.4 Therefore the benefits of the proposal are considered to outweigh any harm

caused and as such it is recommended that planning permission should be granted subject to conditions and S106 legal agreement.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant Planning Permission subject to a Section 106 Legal Agreement comprising the following Heads of Terms:

1. Local Labour Agreement;
2. Further Financial Viability Review;
3. Traffic Regulation Order contributions.

- 10.2 And the following conditions:

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

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

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

- Location and Block Plan: 6251/LBP
- Proposed Block Plans: 6251/1/A;
- Block Plan: 6251/1A;
- Plots 1-3 Proposed Elevations and Floor Plans: 6251/2;
- Plots 4 Proposed Elevations and Floor Plans: 6251/3;
- Plots 5-7 Proposed Elevations and Floor Plans: 6251/4;
- Plots 8-10 Proposed Elevations and Floor Plans: 6251/5;
- Street Scene as Proposed: 6251/6;
- Roof and Rainwater Downpipe Plan: 6251/7;
- Entrance Details: 6251/8A;
- Landscape Proposals – PLG/1565/19A;
- Visual – Plots 3-10: 6251/9;
- Visual – Plots 1-3 INC & 7-10 INC: 6251/10;
- Design and Access Statement;
- Arboricultural Report by The Mayhew Consultancy Ltd, dated July 2019;
- Transport Statement – PKLG/19/4725/TS02, dated July 2019;
- Odour Assessment – 25207-04-OA-01;
- Combined Geotechnical and Ground Contamination Risk

- Assessment by Ashdown Site Investigation Ltd, dated July 2019;
- Noise Assessment by M-E-C Acoustic Air, dated July 2019;
- Financial Viability Assessment by Anderson Bourne, dated 22nd October 2019
- Construction Management Plan by Park Lane Group, dated September 2019

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

3) The external surfaces of the development, hereby approved, shall be finished in accordance with the approved External Finishes Schedule (6251/EXTMAT/A) and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

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

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

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

5) Secure covered cycle parking facilities for a minimum of 20 bicycles shall be provided in accordance with the details approved prior to first occupation of the development, hereby approved, and shall thereafter be retained 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 that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

6) Refuse and recycling facilities shall be provided in accordance with approved plans prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

7) 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. Revisions to ensure that pathways within the site achieve at least a 1.2m width;

2. Revisions to ensure that at least 0.5m clearance is achieved between any parking spaces and shrubs, trees, walls, fences and other structures;
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. Surface coverage within tree Root Protection Areas (RPAs);

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.

8) The development, hereby approved, shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawings.

Reason: In the interests of road safety.

9) Detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to a rate agreed to by Southern Water for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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

10) The detailed design of the attenuation tanks shall be submitted to and approved in writing the Local Planning Authority in consultation with the LLFA. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

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

11) 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.

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

12) 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 reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

13) 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.

1. Evidence of drainage construction prior to first occupation
2. In accordance with ground contamination details

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

14) The development shall not be occupied until footways within the site have been provided and constructed in accordance with the approved plans.

Reason: To ensure the safety of persons within the site.

15) The Arboricultural Method Statement (section 11 of the Arboricultural Report AR/72519) and the associated tree protection plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: 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.

16) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: 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.

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

Reason: In the interests of preventing overdevelopment of the site

18) The recommendations of the Combined Geotechnical and Ground Contamination Risk Assessment by Ashdown Site Investigation Ltd, dated July 2019 shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified land contamination specialist.

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.

19) 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.

20) The development, hereby approved, shall not be occupied until the boundary enclosures have been erected in accordance with the approved drawings

21) 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.

22) The development shall not be occupied until a Travel Plan Pack for residents has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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.

23) The proposed noise mitigation measures set out in the Noise Assessment dated October 2019 (Report Ref: 25207-04-NA-01) shall be carried out in full to the satisfaction of the Local Planning Authority unless agreed otherwise in writing.

Reason: To ensure noise impacts are minimised and mitigated to protect the amenity of future occupiers.

24) Prior to first occupation of the development, hereby approved, planting shall be completed in accordance with the approved plans and Arboricultural Report AR/72519. Any new trees or planting that die, are removed or become severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

Informatives

1) A formal application regarding the impact upon and connection to the public sewerage system is required in relation to this development. For further information, the applicant is advised to contact www.southernwater.co.uk

2) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, ESCC SuDS Team can be contacted via: Su.DS@eastsussex.gov.uk

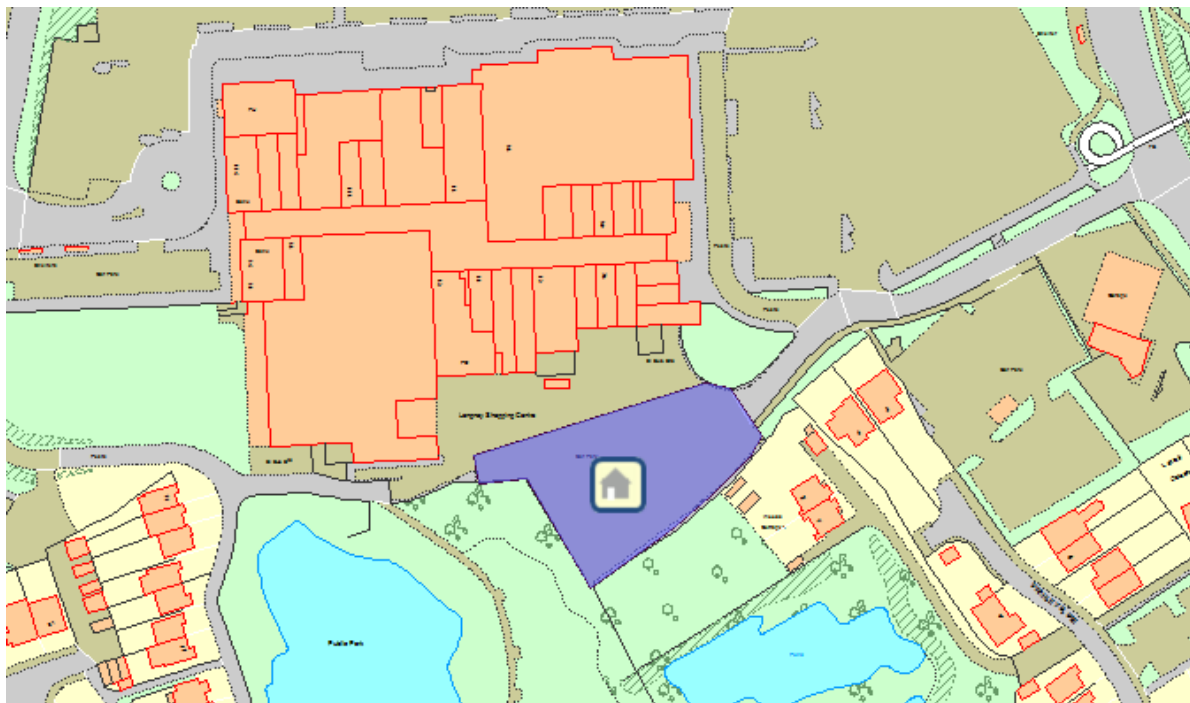
3) The applicant is advised that, in relation to conditions 7, 9, 10, 11, 12 and 13, Southern Water Developer Services can be contacted on Tel: 0330 303 0119.

11 Appeal

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

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| App.No: 190668 | Decision Due Date: 29 November 2019 | Ward: Langney |
| Officer: Anna Clare | Site visit date: 26 November 2019 | Type: Planning Permission |
| Site Notice(s) Expiry date: 23 September 2019 | | |
| Neighbour Con Expiry: 11 December 2019 | | |
| Press Notice(s): n/a | | |
| Over 8/13 week reason: To negotiate amendments to the scheme | | |
| Location: Land South of Langney Shopping Centre and West of Langney Rise | | |
| Proposal: Proposed development of 9 houses | | |
| Applicant: Goldeneye Group | | |
| Recommendation: Subject to no new issues being raised from the Consultation to delegate to Head of Planning in consultation with the Chair of Planning Committee to Grant planning permission subject to conditions as set out in this report | | |
| Contact Officer(s): | Name: Anna Clare Post title: Specialist Advisor Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000 | |



1 Executive Summary

- 1.1 The application originally proposed the erection of 10 dwellings, 7 in a terrace facing north and three to the east of the site, facing west. This was amended following advice from Officers that we could not support the scheme, as the properties did not meet the minimum housing standards, the car parking was in a bank adjacent the servicing area which created conflict, and the design of the layout was not considered to offer a good standard of amenity for future occupiers and created an awkward entrance to the site. The proposal was completely re-designed to create parking within the site, overlooked by the proposed houses.
- 1.2 The reduction in units, now takes the site below the threshold for the requirement for affordable housing provision on site, however the number of units and layout is considered to provide a good standard of accommodation given the constraints of the site and provide 9 additional residential units in a sustainable location, towards our housing requirements.
- 1.3 The scheme is recommended for approval subject to conditions. The re-consultation following the amendments expires 11 December therefore the recommendation is to delegate the decision to the Head of Planning providing no new issues are raised by the consultation.

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
- D10a: Design

2.3 Eastbourne Borough Plan – Saved Policies

- NE4: Sustainable Drainage Systems
- NE17: Contaminated Land
- NE18: Noise-
- UHT1: Design of New Development
- UHT4: Visual Amenity

UHT7: Landscaping
HO2: Predominantly Residential Areas
HO6: Infill Developments
HO20: Residential Amenity
TR7: Provision for Pedestrians
TR11: Car Parking
US4: Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The site refers to an existing part of the car park for Langney Shopping Centre directly to the south of the centre itself. The site is triangular in shape, and entirely hard surface, sharing an access road/path with the servicing yard of the Shopping Centre.
- 3.2 Immediately south of the site, but at higher level is the 'Woods Cottage' site. The only existing neighbouring residential properties are No.41 and 42 Swanley Close which are sited to the east of the site.

4 Relevant Planning History

- 4.1 No relevant planning history to this site specifically.

5 Proposed development

- 5.1 The application proposes the erection of 9, two bed, three person dwellings with associated landscaping and car parking to the south 'rear' of Langney Shopping Centre.
- 5.2 Existing vehicular access is provided to the site from the Langney Shopping Centre access off Langney Rise.

6 Consultations

- 6.1 Specialist Advisor (Arboriculture)
No objections raised, conditions requested regarding safeguarding trees on the adjacent site.
- 6.2 Specialist Advisor (Environmental Health)
If planning permission is granted please include conditions on standard hours of work.
- 6.3 Specialist Advisor (Planning Policy)
The site is currently occupied by car parking spaces which service Langney Shopping Centre, though the site is privately owned. The site is within the Langney neighbourhood.
- 6.3.1 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."

- 6.3.2 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 (NPPF) supports sustainable residential development and planning permission should be granted to meet local and national housing needs.
- 6.3.3 This site would not be considered a windfall site, as it has been previously been identified in the Council's Strategic Housing and Economic Land Availability Assessment (SHLAA). This application will result in a net gain of 10 dwellings.
- 6.3.4 The development is within a District Shopping Centre as described in Policy D4: Shopping within the Core Strategy. As the development will not result in the loss of a retail unit, and there is adequate evidence that the loss of parking spaces should not have an impact on the retail area, then it is not in contravention of this policy.
- 6.3.5 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.
- 6.4 CIL
The proposal would be CIL liable.
- 6.5 Southern Water
Advise a surface water sewer crossed the site and advise it might be possible to direct the sewer as long as this would result in no unacceptable loss of hydraulic capacity. Conditions and informatives requested.
- 6.5.1 A further drainage strategy was submitted following these comments and Southern Water form part of the re-consultation. Any further comments will be updated in an addendum report.
- 6.6 Highways ESCC
- 6.6.1 Accessibility
A number of local facilities area available at the adjacent shopping centre; small supermarket, chemist, Post Office etc. and bus services are available within a short walking distance on the north, west and east sides of Langney shopping centre. The nearest bus stop on the east side is approximately 60m from the site, where services 1x (every 30 minutes) and The Loop (every 20 minutes) are available.

- 6.6.2 The closest railway station is Hampden Park, and is 2.5km from the site. This would take approximately 30 minutes by foot, or 9 minutes when cycling. Secure cycle parking is available at the station.
- 6.6.3 Considering the above, it is considered that the site is located within a suitable accessible location.
- 6.6.4 *Trip generation*
A TRICS assessment has been submitted as part of this application. This illustrates that each dwelling has the potential to generate approximately 5 daily vehicular movements.
The proposed development of 10 dwellings would generate approximately 53 two way vehicular daily trips, based on similar developments assessed from the TRICS database. The methodology used for suggested daily trips for 10 units is sound, with approximately 6 trips in both the AM and PM peak times. It is not expected that an increase of 53 daily trips would have a significant impact on the local highway network.
- 6.6.5 *Car Parking*
A parking beat survey was undertaken in the surrounding car park to ascertain whether the level of displaced parking can be accommodated. This survey determined that the maximum parking level stresses generated from this proposal, in addition to the redevelopment scheme of the shopping centre. The results determined on a Saturday, there would be approximately 64% parking stress, leaving 173 parking spaces unoccupied. The survey therefore determines there is enough capacity to accommodate parking demand generated from the proposed redevelopment of the shopping centre and taking into account the removal of car parking spaces from the application site as part of this application.
- 6.6.6 *Cycle Parking*
In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. The provision of the cycle store should be secured by condition.
- 6.6.7 *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 construction phases. This would need to be secured through a condition of any planning permission.
- 6.6.8 *Travel Plan Statement*
Although a travel plan statement is not required for this number of dwellings, 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.

6.6.9 *Delivery and Servicing Statement*

Although a deliver and servicing statement has not been submitted, swept path drawings have been submitted that show refuse vehicles can access and service the site without blocking the highway, which is considered acceptable.

6.6.10 *Pedestrian access*

The works associated with shopping centre extension currently underway will provide some level of enhanced footway provision but the desire line for residents at this development will be along both sides of the shopping centre access road. The footways are not continuous due to the petrol filling station (PFS) and South East car park access, and crossing the access road close to the shopping centre entrance is not convenient and is circuitous. There is limited provision for crossing the access road to the northern side.

6.6.11 The pedestrian access to the rear of plots 2-6 (to the refuse and cycle parking) does not follow a desire line, ie the route from plot 2 goes southbound past plots 3-6 and then back round to leave the site. I recommend that the rear access path go the other way (towards the visitor parking spaces) for plots 1-5.

6.7 SUDS

The surface water flood maps show an existing overland surface water flow path through the application site. This flow path starts from the area around Langney Shopping centre and the parking area to the east. It is currently not clear whether this has been taken into account in the development proposals to avoid an increase in flood risk as a result of blocking this flow path.

6.7.1 The applicant should provide additional information which clearly assesses the impact of the proposed development on this flow path and corresponding flood risk. Generally we prefer that existing overland surface water flow paths are retained as they are within green corridors. If it is not possible to retain the flow path, it should be diverted safely with the flood risk impacts of the diversion on and offsite assessed.

6.7.2 It is not clear from the information provided in the Flood Risk Assessment whether the proposed discharge rate of 14 l/s into the public sewer has been agreed to by Southern Water. This should be clarified by providing evidence that Southern Water agreed to this discharge rate in principle.

6.7.3 The application site is within and drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board's drainage district. Therefore the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

6.7.4 A further drainage strategy was submitted following these comments and the Lead Local Flood Authority form part of the re-consultation. Any further comments will be updated in an addendum report.

7 Neighbour Representations

7.1 1 Objection received from 12a Milfoil Drive, covering the following points:

- The area is saturated with people
- Traffic impacts
- Loss of parking and impacts on on-street parking
- Impacts on doctors, dentists etc.

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. The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development.

8.1.2 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.

8.1.3 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.

8.1.4 Para. 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated by section (d) of the paragraph which instructs decision to take into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

8.1.5 Para. 127 refers to potential 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.

8.1.6 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.

8.1.7 It is considered that the development of the site is acceptable in principle, the proposal will utilise an underused car park area to provide required housing in a sustainable location.

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

8.2.1 There will be little impact on existing residential properties, the nearest being 41 and 42 Swanley Close to the east of the site. These properties are higher than the application site, given the layout of the proposed properties there some minor overlooking from plots 8&9 towards the existing properties at the upper level given the difference in levels. However this is at an almost 90degree angle and would be at a distance sufficient, just under 30m, to not be considered significant detrimental overlooking.

8.2.2 The proposals are considered not to have significant detrimental impacts on the development being considered on the adjacent site of Woods Cottage given the layout of the developments and distances involved.

8.3 Living Conditions for Future Occupants

8.3.1 The site is situated to the rear of the Langney Shopping centre adjacent the servicing yard. Therefore there are concerns regarding the impact of operations in association with the shopping centre from deliveries noise and any plant or machinery. A noise impact assessment has been submitted as part of the application.

8.3.2 According to the noise impact assessment deliveries are made during the centre opening hours of 0700 and 2000 Monday to Thursday and 0700 to 2100 on Friday and Saturday. The noise assessment concludes that based on the maximum noise exposure levels recorded on the site, new dwellings would fall within the category of Low risk during both the day and night. Therefore if good acoustic design processes are followed adverse impacts of noise will be mitigated and minimised in the finished development. A condition is recommended to ensure the recommendations contained within the Noise Impact Assessment in relation to noise mitigation are carried out.

8.3.3

| Unit No. | Type of Accommodation | Actual GIA | Rec GIA | |
|----------|------------------------|-------------------|-------------------|---------|
| 1&6 | 2bed, 3person dwelling | 78 m ² | 70 m ² | Exceeds |
| 2-5 | 2bed, 3person dwelling | 70 m ² | 70 m ² | Meets |
| 7-9 | 2bed, 3person dwelling | 82 m ² | 70 m ² | Exceeds |

As shown above proposed properties meet or exceed the nationally recommended housing standards for the type of property. Each property is also provided with a private rear garden.

8.3.4 The site is not ideal given it is immediately adjacent the service yard of the shopping centre. However, given the size and layout of the properties, the sustainable location and the mitigation measures proposed to be provided to

minimise noise impacts on the dwellings, the proposed development is considered to provide a good standard of accommodation for future occupiers.

8.4 Design

8.4.1 The proposal is a simple design of two sets of terrace dwellings, both terraces are proposed with central gable frontages to provide features. The materials are part brick and part tile hung. There is no street scene here and there would be limited public visibility given the location. The terraces are considered acceptable and the layout will result in the properties appearing separate from the servicing area. The existing footpath from the east will be extended into the site and the area landscaped between buildings. As such the proposals are considered acceptable on design grounds given the context.

8.5 Highways:

8.5.1 The pedestrian path from the east of the site will be extended into the site to provide safe routes for residents. Within the shopping centre site, the footpath extends to a pedestrian crossing over the access to the shopping centre access. There is then a further pedestrian access across to the footpath which runs from the shopping centre out of the site to Langney Rise. This gives, albeit not direct, a safe pedestrian route to the nearest public highway of Langney Rise.

8.5.2 Cycle parking is provided for each dwelling within the rear gardens, and the location with good public transport links will give sustainable travel options for residents.

8.5.3 The proposal includes the provision of 14 car parking spaces, 9 allocated and 4 visitor parking spaces. The site is a sustainable location, with access to the shopping centre amenities and good public transport links.

8.5.4 The ESCC car parking demand calculator estimates the demand based on the tenure/size of properties to be 13.3 parking spaces. Therefore the proposal is in line with this and would not cause significant additional demand in the surrounding area.

8.5.5 The pedestrian access is not ideal out of the site to Langney Rise given the lack of footpath to the north of the petrol station. However there is safe access, with a crossing providing access to in front of the new shopping centre extension, then a further crossing to the access path which leads out of the site to Langney Rise. The footpath is not necessarily the desired line but does provide safe access to the site and it is not considered possible to improve the footpath across the petrol station site given this is in different ownership. Therefore on balance the proposals are acceptable.

8.5.6 ESCC Highways have raised concerns regarding the back paths of plots 2-6 going south before exiting the site which is not direct. However if the path was amended this is considered to conflict with the proposals for the garden area of plot 1 and in planning terms on balance the proposed layout is considered reasonable.

8.6 Conclusion

- 8.6.1 The proposals are considered acceptable in principle providing an additional 9 residential dwellings, which would provide good quality accommodation in a sustainable location, towards our housing requirements.
- 8.6.2 It is not considered there would be detrimental impacts on the existing residential properties adjacent or those planned to the south, and the design and layout of the properties is considered appropriate to the setting.

9 Human Rights Implications

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

10 Recommendation

- 10.1 Grant planning permission subject to the following conditions:

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

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

2) The external finishes of the development shall be as shown on the approved drawings unless agreed otherwise in writing by the Local Planning Authority.

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

3) The development hereby permitted shall be carried out in accordance with the approved drawings no.

GEG/1011/1 Rev B – Proposed Site Plan
GEG/1011/2 Rev B - Proposed Floor Plans for Plots 1-6
GEG/1011/3 Rev B - Proposed Elevations Plots 1-6
GEG/1011/4 Rev B – Proposed Floors Plans & Elevations for Plots 7-9
GEG/1011/5 Rev B – Proposed Street Scene
GEG/1011/6 Rev B – Proposed Roof Plan
Rev A - Site Entrance Road

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

4) The proposed noise mitigation measures set out in the Noise Assessment dated October 2019 (Report Ref: 25433-04-NA-01) shall be carried out in full to the satisfaction of the Local Planning Authority unless agreed otherwise in writing.

Reason: To ensure noise impacts are minimised and mitigated to protect the amenity of future occupiers.

5) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

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

6) The Arboricultural Method Statement (section 11 of the Arboricultural Report AR/77019) and associated tree protection plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: 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.

7) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: 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.

8) The approved tree pruning works detailed in section 10 of the arboricultural report AR/77019 shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

9) The development shall not be occupied until parking spaces have been provided in accordance with the approved plans and the parking spaces 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 site access.

10) The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls/fences).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the site access

11) The development shall not be occupied until cycle parking has been provided in accordance with the approved plans and the cycle parking shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

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

Reason: To ensure the safety of persons and vehicles entering and leaving the site access

13) The development shall not be occupied until a Travel Plan Pack for residents has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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.

14) The development shall not be occupied until footways within the site have been provided and constructed in accordance with the approved plans.

Reason: To ensure the safety of persons within the site

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

- a. the anticipated number, frequency and types of vehicles used during construction;
- b. the method of access and egress and routeing of vehicles during construction;
- c. the parking of vehicles by site operatives and visitors;
- d. the loading and unloading of plant, materials and waste;
- e. the storage of plant and materials used in construction of the

- development;
- f. the erection and maintenance of security hoarding;
- g. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h. details of public engagement both prior to and during construction works.

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

16) 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 shall be carried out, nor any outbuildings or hard surfacing shall be erected other than that expressly authorised by this permission without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development.

17) The internal layout of the dwellings shall be as shown on the approved drawings, and not amended or altered unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers from the creation of additional bedrooms without the additional living space being.

18) Prior to the commencement of development details of proposed measures to be undertaken to divert/protect the public sewers, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the public sewer at the site.

19) Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water.

Reason: To ensure suitable drainage proposals.

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

Reason: To ensure suitable drainage proposals.

Informatives

1. Reference should be made to Southern Waters publication 'A guide to Tree Planting near water Mains and Sewers' regards any landscaping proposed and Southern Waters restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

2. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has not been published and is available to read on our website via the following link:
[//beta.southernwater.co.uk/infrastructure-charges](http://beta.southernwater.co.uk/infrastructure-charges).

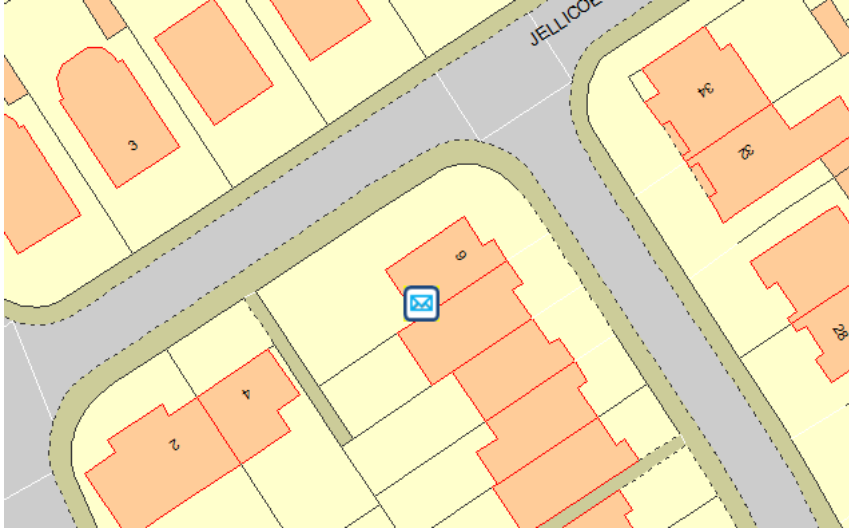
11 Appeal

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.

12 Background papers

12.1 The background papers used in compiling this report are available on the online case file.

Agenda Item 12

| | | |
|---|---|-----------------------------|
| App.No: 190751 | Decision Due Date: 27 November 2019 | Ward: Sovereign |
| Officer: Chloe Timm | Site visit date: 23 October 2019 | Type: Householder |
| Site Notice(s) Expiry date: 31 October 2019 Neighbour Con Expiry: 31 October 2019 Press Notice(s): n/a | | |
| Over 8/13 week reason: n/a | | |
| Location: 6 Jellicoe Close, Eastbourne | | |
| Proposal: Extend existing side wall | | |
| Applicant: Mrs Clare Tume | | |
| Recommendation: Grant planning permission subject to conditions | | |
| Contact Officer(s): | Name: Chloe Timm Post title: Senior Caseworker E-mail: chloe.timm@lewes-eastbourne.gov.uk Telephone number: 01323 415962 | |
|  | | |

1 Executive Summary

- 1.1 This application is brought before committee given the applicant is a current member of staff.
- 1.2 The proposal is acceptable in principle subject to conditions. The extension to the boundary wall does not propose to incorporate the open plan area to the north of the plot and therefore is not considered to impact on the open plan character of the surrounding area.

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 place
- 2.2 Eastbourne Core Strategy 2013
 - B1 Spatial Development Strategy and Distribution
 - B2 Creating Sustainable Neighbourhoods
 - C13 St Anthony's and Langney Point Neighbourhood Policy
 - D5 Housing
 - D10a Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007
 - HO2 Predominantly Residential Areas
 - HO20 Residential Amenity
 - UHT1 Design of New Development
 - UHT4 Visual Amenity

3 Site Description

- 3.1 The application site is a corner plot located within Jellicoe Close accessed off Hardy Drive.
- 3.2 The property is a two storey end of terrace dwelling house with an open plan front and side garden and an enclosed rear garden.

4 Relevant Planning History

- 4.1 None

5 Proposed development

- 5.1 The application is seeking permission to extend the boundary wall by 5m on the north side of the plot in line with the existing wall. The proposal will bring the wall

along the side elevation of the host property and incorporate some of the grassed area into the private amenity space of the rear garden.

6 Consultations

6.1 None

7 Neighbour Representations

7.1 No comments have been received

8 Appraisal

8.1 To the north of the application site is currently an open plan grassed area, this is a prevailing character of the surrounding area. This proposal is considered to be appropriate and not thought to significantly impact on the openness of the area.

8.2 The proposed extension to the boundary wall will be constructed of materials to match the existing boundary treatment.

8.3 The extension is not thought to cause any issue of overshadowing or loss of light to the surrounding properties due to the north boundary wall fronting an open plan grassed area and the highway.

8.4 The boundary wall will be 1.5m in height as per the existing wall. Due to the siting of the wall there are no issues raised in terms of highway safety, there is sufficient visibility for both vehicles and pedestrians when approaching the corner of Jellicoe Close.

9 Human Rights Implications

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

10 Recommendation

10.1 Grant planning permission subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the approved elevation drawings and proposed block plan submitted on 23 September 2019.

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

11 Appeal

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

| | |
|------------------|--|
| COMMITTEE | PLANNING |
| DATE | December 2019 |
| SUBJECT | SUMMARY OF Appeal Record Q4 Oct – Nov 2019 |
| REPORT OF | Leigh Palmer Senior Specialist Advisor (Planning) |

Ward(s) ALL

Purpose This report provides a summary of the appeal decision taken for the survey period

Contact Leigh Palmer
Leigh.palmer@eastbourne.gov.uk
01323 415 215

Recommendations That Members note the content of this report

I. Overview

I.1 The attached table (**Appendix 1**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority.

I.2 In summary, in the last 3 months there were:

- 4 appeal decisions, 1 of which were dismissed and 3 allowed.
- Within the appeal number above 1 application was made by appellants for an award of costs, which was allowed
- No Judicial Reviews.

I.3 Whilst the appeal decisions are individually important it is important to note the potential trend in schemes being allowed that promote the creation of new housing.

Key to Appeals Reporting

Method of decision
Appeal method

All are delegated decisions unless otherwise specified
All are through written representations unless otherwise specified

Allowed A
Dismissed D

| Planning Appeals | | | | |
|--|-----------------------|--|--|-----------------|
| Planning Application No | Decision Level | Site | Description of Development | Decision |
| 180933 | Delegated | Flat 1, 17 Enys Road, Eastbourne, BN21 2DG | Proposed replacement of 2no sets of timber framed french doors to the front elevation with uPVC french doors | D |
| Inspectors Reasons | | | | |
| <p>7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. It states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.</p> | | | | |
| <p>8. The appeal site comprises a ground floor flat within a mid-terraced, three storey building in the Upperton Conservation Area (the UCA). The UCA is characterised by its coherent layout with wide, straight or gently arcing tree lined avenues, open and closed vistas and wide pavements. The appeal property lies within the centre of three terraces, which consist of Nos 1-45 and are buildings of local interest, with Nos. 15 to 27 (odd) being built in 1877 in a classical style with projecting bays, which was a common stylistic conceit designed to give a terrace the appearance of being a single classical country house.</p> | | | | |
| <p>9. The terrace as a whole is distinguished by its use of decorative cast-iron features; the end-of-terrace houses have cast-iron porticoes with barley-twist mullions, and French doors open out onto ornate cast-iron balconies (which are also present on the canted bays to the centre and end blocks) and verandas. The sash windows and French doors that are constructed of traditional materials add to the distinctive nature of this terrace. These original features also assist in the terrace retaining its sympathetic design, scale and proportions and they enhance the overall character of the building within the UCA.</p> | | | | |

10. The appellant indicates that many of the original windows and French doors within the wider terrace have already been lost having been changed with UPVC replacements and as such they consider the character of the building and area generally has already been eroded in this regard. As such they argue that the replacement of the French doors, the subject of this appeal, will not erode the building or the character of the area further.

11. I noted the presence of UPVC windows and UPVC French doors within a good proportion of the wider terrace. However, no evidence has been provided to me that indicates that the other UPVC windows and French doors installed in the area have the benefit of a planning permission or otherwise. Their presence is not in itself sufficient justification to allow the replacement of the current timber French doors with new doors that, as detailed in the submitted un-numbered drawings, lack the refined proportions and detailing that exist in the current traditionally constructed French doors.

12. Indeed, as highlighted by the Council's Conservation Specialist, the proposed replacement French doors would have a very flat aspect that presents in a significantly different way to the original French doors and I do not disagree with the Council's Conservation Specialist in this regard. To allow the introductions of replacement French doors of this design into the fenestration of the area would be harmful to the setting of the UCA.

13. Whilst UPVC windows and UPVC French doors have been installed in a good proportion of the wider terrace, I noted that the appeal property and several others in the terrace retain wood sash windows and French doors of traditional construction. These retained features of traditional construction make a positive contribution to the building and the UCA overall and further loss of them would not preserve this building of local interest or the wider UCA, which are heritage assets of significance. I have seen no reasoned justification as to why further erosion of this impressive terrace, through the loss of the existing wooden French Doors to Flat 1, should be allowed.

14. I conclude, therefore, that the development will not preserve or enhance the character or appearance of the UCA or the building of local interest, in conflict with Policies D10 and C2 of the Eastbourne Core Strategy 2013 and saved Policies UHT4, UHT15 and UHT18 of the Eastbourne Borough Plan 2003 which amongst other criteria seek to preserve or enhance heritage assets, including buildings of local interest and conservation areas, and conserve and enhance the public realm.

15. In finding harm in respect of the significance of a heritage asset, paragraph 196 of the National Planning Policy Framework (the Framework) sets out that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, I consider the harm arising from the development would amount to less than substantial. This being the case, in accordance with paragraph 196 of the Framework, it should be weighed against any public benefits of the proposal.

16. I note the environmental benefits of the energy saving characteristics of the UPVC French doors and the fact that they are likely to be weather tight and draft resistant. Furthermore, I noted on site the relatively poor condition of the paintwork to the existing French doors and that UPVC replacements would be easier to maintain and would reduce the level of maintenance required. However, maintenance is essentially a private matter and not a public benefit and, notwithstanding the current condition of the paintwork, I find that the replacement of timber frames with unsympathetic UPVC would have a harmful effect when viewed from the public realm such that no public benefit would arise.

17. I also recognise the appellant considers the harm to the heritage asset has already occurred with other windows and French doors within the terrace having been changed with UPVC replacements. However, for the reasons given above, the existence of unsympathetic development elsewhere does not amount to a justification to allow further similar alterations and the existence of other UPVC frames does not constitute a public benefit in favour of the proposal. Nevertheless, great weight is to be given to these heritage asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Even were I to agree that the level of harm would be at the lower end of 'less than substantial', which I do not, I still afford great weight to that harm.

18. Consequently, I find the public benefits collectively do not outweigh the great weight to which I afford the harm to the designated heritage assets. To that end, the balance of paragraph 196 of the Framework falls against the development.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

| Planning Application No | Authority | Site | Description of Development | Decision |
|---|-----------|----------------------------|--|----------|
| 181058 | Committee | Spring Mead, 25 Meads Brow | Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking. | A |
| <p>Inspector's Reasons:</p> <p>7. The crux of the Council's concerns in regard to this main issue is that the lack of a provision in the scheme for affordable housing would fail to contribute to the creation of mixed and balanced communities. In addition, this main issue has two limbs, the first of which addresses the application of adopted affordable housing policies and the second which looks at the potential contribution of the appeal scheme to housing provision within the Borough.</p> <p>8. Policy D5 of the Council's Core Strategy (2013) identifies that the appeal site lies within a high value neighbourhood where 40% of all new dwellings should be affordable. Supporting text to the policy requires that where there is a question over whether the scheme can achieve affordable housing then a Financial Viability Assessment (FVA) is required at both the pre application stage and on submission of an application. This policy is to be applied in a flexible way on a site by site basis taking into account other planning considerations. A series of options are identified to ensure that some form of affordable accommodation either on or off site or through a commuted sum and with grant support can be provided.</p> <p>9. The Policy is supported by an Affordable Housing Supplementary Planning Document 2017 (SPD) which sets out a stepped approach to the achievement of affordable housing in compliance with the options identified in Policy D5. The appeal scheme does not make provision for any affordable housing or include a financial contribution in line with the options identified above. The FVA submitted with the documentation identifies 2 scenarios covering a policy compliant scheme and one for all market led housing. Neither of these identify a profit although the market led one identifies only a marginal loss.</p> <p>10. It is unclear the extent to which the parties engaged in exploring the options identified in policy. The Council did not provide independent financial evidence to challenge the appellant's FVA and whilst not a requirement of policy would have been a source of important evidence directly relevant to the application of policy to this case. I have had regard to the appendices of the SPD which detail a series of exemplars of FVAs for a typology of housing and flat types. However, whilst these are instructive as a general guide it is incomplete in informing my view of the Council's position on the viability of this site and the leverage which could</p> | | | | |

be explored through the various options identified for achieving affordable housing.

11. Although Planning Practice Guidance (PPG) indicates that the weight to be given to viability assessments is a matter for the decision maker it does refer to the need for decision makers to test the assumptions which underpin those assessments. Whilst clearly the scheme does not include affordable housing or a commuted sum to address compliance with Policy D5 either wholly or in part, in the absence of evidence to the contrary I can only conclude that the provision of any affordable housing or combination identified by policy would render the appeal scheme unviable on this site.

Character and Appearance

12. Although in outline the appeal scheme includes details of the proposed layout which shows the main building broadly occupying the footprint of the existing dwelling and through floor plans identifies how 17 units could be accommodated within the scheme.

13. During the hearing the Council withdrew its objections to the flat roof elements which were included in its second reason for refusal. However, its objection to the design of the scheme were maintained on grounds of its undue dominance in relation to the form, scale and character of the existing housing within the immediate locality.

14. I accept the Council's argument that although at this stage only the layout is to be determined the submission of floorplans and indicative elevational drawings does have a bearing on the conclusions which can be drawn on this matter. This is because it is useful to understand how 17 flats can be accommodated on the site. As I have said, the proposed layout would follow broadly the footprint of the existing building although the three storey elements would be a more dominant feature of this proposal. The parking areas would broadly follow the pattern of hardstanding, access and turning area of the existing property although ten parking bays would be located in what is currently an area of private amenity space at the western edge of the site close to the boundary of properties in Meads Brow. Other areas of private amenity space are located around the proposed building taking advantage of its existing well treed boundaries.

15. Given that the site is secluded from the patterns of development which could influence its design I do not accept the Council's objection that the proposal would be unduly dominant in relation to the form, scale and character of its surroundings. Large detached properties albeit not all developed for flats are common to the local area.

16. Saved Policies UHT 1, 2 and 4 of the Eastbourne Borough Plan 2001-11 require that the design of new development harmonises with the character of its local environment through both form and scale and does not adversely impact on visual amenity. These matters are identified as being important for decision makers in the Government's recently published national

design guidance (2019) which builds on the guidance included in Chapter 12 of the Framework.

17. To conclude on the issue of the impact of the proposals on the character and appearance of the area, I do not consider that they are in conflict with adopted policy and national guidance. The proposed layout broadly conforms with that of the existing building on this site. The submission of outstanding reserved matters could be used to refine the design to overcome concerns on this issue.

The South Downs National Park

18. The site's close proximity to the statutory boundary of the South Downs National Park requires special attention. Although the National Park Authority did not object to the application the Council refused the application because of concerns over the potential impact of light spillage from the scheme on the Park's Dark Skies Reserve. Whilst I acknowledge the importance of this matter I conclude that given the site's location, its degree of seclusion and the fact that this application is submitted for outline permission leads me to conclude that this matter would be better addressed through the outstanding reserved matters.

Other Matters

19. Interested parties have expressed concerns over several matters including impact on outlook, how the proposals represent an over development of the site, that there are too many flats in the Meads area, the proposed access arrangements are inappropriate and the amount of traffic the scheme would generate would lead to highway safety issues on Beachy Head Road. Other matters raised concerned the existence of covenants, local wildlife, how ground works would prevent a new scheme going ahead and that the proposals would lead to an unacceptable increase to the residents of the 'Brow'.

20. The proposed building would be more dominant than the existing because it would comprise three storeys, a part of which would be closer to the site's western boundary than existing. Furthermore, its proposed height together with the topography means that the property would be clearly seen from properties in Darley Road. However, whilst there would be some loss of outlook from the rear windows of properties in Meads Brow I do not consider that these impacts would be so great given the articulation of the roof and the distance of the property from the boundary. The visual impact of the proposals on properties in Darley Road would be limited.

21. Although the proposed scheme is a larger building than the existing one it would occupy broadly the same footprint. The principle difference is the design of the proposals which would largely comprise three storeys. However, the proposed building would sit well within the site and does not represent an overdevelopment as I have explained above. It would not encroach too close to its boundaries. Although it would sit above the level of Darley Road the extent of set back from this boundary means that it

would not be overbearing. Consideration of reserved matters on appearance and scale would allow an opportunity to influence the final design.

22. I acknowledge the local concerns over the number of flats which have been developed in the Meads area. However, the Council's own assessment of the proposals included in the officer report to Committee accept the principle of 1- and 2-bedroom units at this site largely because of a shortfall of small flats in the Meads area. I have not seen any compelling evidence from other parties as to an oversupply of such units in the area.

23. The proposed access arrangements have been addressed through the submission of an amended plan, but the issues of land ownership lie outside my consideration as they are related to Land Law and not Planning Law. This is also true with reference to the comments made by several parties on the restrictive covenants which could prevent the proposed scheme from going ahead.

24. In respect of traffic generation although the appellant did not provide a trip generation analysis the Highway Authority considered that the proposed scheme could generate an additional 71 daily vehicular trips with 7 trips in the morning and evening peaks respectively. No evidence was presented to me during the hearing which countered these figures. I consider that the roads surrounding the site have the capacity to accommodate what would be a marginal increase in traffic flow in the grand scheme.

25. During the site visit I was shown Beachy Head Road and representations identified concerns about highway safety for pedestrians given its incomplete footways together with the perceived high speed of traffic. Whilst I acknowledge that this matter is of local concern my principle consideration on highway safety relates to the need to ensure adequate footways close to the site entrance. This has now been addressed through the amended arrangements.

26. Several interested parties raised the issue of the appeal site's ground conditions which they stated could prevent the proposed scheme from actually being built. I was not presented with any evidence on this point and am unable to comment on this matter as this is related more to building construction than to planning matters. Concern was also expressed over the potential for loss of local wildlife through the redevelopment of the site. However, I was not presented with any detailed evidence that this could occur as a direct result of the proposed development.

Planning Balance

27. As both parties are aware, the Council is unable to demonstrate the supply of housing as required by the Framework which, as per paragraph 11, engages the so-called tilted balance and treatment of the most important policies accordingly.

28. In the case of the appeal scheme, they would provide for 16 new dwellings which, whilst small in the grand scheme, is equally a not insignificant number which would assist in the Council boosting their current under supply. The proposals do not include affordable housing in line with adopted policy D5 of the Eastbourne Core Strategy 2013. However, supporting text to this policy does provide a series of steps including the submission of a FVA to substantiate an applicant's case that a scheme may not be viable. The Council were unable to provide an informed response to this which could have identified alternatives and or a rationale on why the affordable housing or some contribution could or could not have been provided. Whilst alone the lack of this information would not normally warrant an exception to adopted policy, I consider that the provision of 16 additional dwellings which are an appropriate mix would go some way to meet the Council's shortfall in housing supply. This is an important material consideration to which I have given great weight in informing my conclusion on this issue.

29. I have not found harm in respect of either the effect of the proposed development on the character and appearance of the area, the access in terms of pedestrian safety would be acceptable and the reserved matters stage would provide opportunities for further refinement on the matter of the Dark Skies Reserve. Returning to the tilted balance therefore, it seems sufficiently clear to me that the adverse impacts of granting a planning permission, given the lack thereof and having also considered above other matters that have been raised, would be incapable of outweighing the benefits, in this particular case. The appeal scheme would therefore be sustainable development for which the presumption in favour applies.

Conditions

30. I have considered the list of conditions included in the signed statement of common ground. I have imposed a condition specifying the time frames for commencement of the development and for the submission of outstanding reserved matters as required by Sections 91 and 92 of the Town and Country Planning Act 1990, as amended. I have imposed another condition specifying the approved drawings to provide certainty. Conditions are required to ensure that the proposed access arrangements, car parking and turning areas are provided in advance of any dwelling being occupied. This is to ensure highway safety and that sufficient parking is provided to prevent additional parking in adjacent roads.

31. A condition is required for a Construction Method Statement covering arrangements for parking for operatives and visitors, loading and unloading of materials, secure storage, working hours and wheel washing facilities. This is required in the interests of both highway safety and the protection of the local environment during the construction period. A condition on drainage is required to prevent the risk of surface water flooding. This follows the comments received from the Lead Local Flood Authority. In accordance with the aims of sustainable transport a condition is required to ensure that secure and covered cycle parking facilities have been provided to serve occupants.

Conclusion

32. For the reasons above and subject to the conditions set out below the appeal is allowed.

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Proposed Block Plan 0260-P01; Proposed Site Plan 0260-P02 Revision C; Indicative Ground Floor Plan 0260-P03; Indicative First Floor Plan 0260-P04; Indicative Second Floor Plan 0260-P05.
- 5) The development hereby approved shall not be occupied until access arrangements have been provided in accordance with the details set out on drawing 0260-P02 Revision C and these arrangements shall be maintained in place thereafter throughout the lifetime of the development.
- 6) The development hereby permitted shall not be occupied until car parking and turning areas have been laid out in accordance with approved plan 0260-P02 Revision C and these areas shall be used for no other purpose other than for the parking and turning of vehicles throughout the lifetime of the development.
- 7) The development shall not be occupied until secure and covered cycle parking facilities have been installed in accordance with details to be first submitted to and approved by the Local Planning Authority.
- 8) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide:
 - i) Parking for vehicles used by site operatives and visitors
 - ii) Arrangements for the loading and unloading of plant and materials
 - iii) Secure storage arrangements for plant, materials and other construction related apparatus during construction phase of the development

iv) Delivery and working hours
 v) Wheel washing facilities.

Development shall be carried out in accordance with the approved details.

9) No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

| Planning Application No | Authority | Site | Description of Development | Decision |
|-------------------------|-----------|----------------------------|--|----------|
| 181058 | Committee | Spring Mead, 25 Meads Brow | Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking. | A |

Inspectors Reasons:

4. Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the process. I shall aim to address each strand of the applicant’s case in turn.

5. The Council did delay on several occasions in responding to the applicant’s requests for information but in some cases there was good reason. For example, its delay in responding to the applicants request for a SoCG was justifiable until a hearing date had been agreed by the Planning Inspectorate. Although the receipt of a completed SoCG well in advance of the hearing would have been convenient it is difficult to see how any party has been prejudiced by the delays. Although the Council’s appeal statement was submitted late I do not consider that the applicant has been prejudiced by this. The applicant has not offered up any information to substantiate how the Council’s late submission of its case had inconvenienced them and what additional costs were incurred as a result.

6. In respect of the FVA I consider that the Council should have completed an independent financial analysis. This was clearly its original intention and reflected the comments of the Housing Policy Officer but due to constraints on the District Valuer’s (DV) time

this was not possible within the prescribed time frame for consideration of the application. It is unclear what informed the Council's decision made at an internal officer meeting that because a hierarchical assessment had not been included in the application then its own FVA or critique was not required. Completion of the FVA would have allowed a thorough examination of the alternatives identified in paragraph 4.6 of the SPD. Different decisions seem to have been reached on this matter during the consideration of the application. I consider that this represents unreasonable behaviour by the Council given that this is a central issue to this application. In my opinion it has led to unnecessary costs by the appellant in addressing this reason at the Hearing.

7. In respect of the Council's withdrawal of its objection during the hearing to the flat sections of the roof design I consider that it was unreasonable behaviour to withdraw this part of the reason at such a late date. In my opinion this would have led to some unnecessary expenditure by the appellant in addressing this part of the reason in documentation and at the hearing.

8. Regarding the other issues re scale and appearance although these are reserved matters I consider that some consideration had to be given to them at this stage of the application process given the applicant's submission of floor plans and an indicative elevation. The Committee which imposed this additional reason for refusal was entitled to do so in the absence of officer advice on this matter. The Council's statement is supported by reference to its saved policies. I find therefore that the Council did not behave unreasonably regarding this matter.

9. In the absence of clear policy support it was unreasonable to include the Dark Skies Reserve as a reason for refusal. The Council describes its approach as 'precautionary'. However, given the size of the scheme, its distance from the National Park and the outline basis of the application I consider that this was unreasonable behaviour and has resulted in the appellant incurring unnecessary expenditure in addressing this reason.

10. Finally, on the issue of access this is a matter of judgement and I consider that the Committee was entitled to reach its own judgement. This was subsequently resolved through revised plans to the satisfaction of the main parties after the decision had been made and included in the SoCG. I do not consider that the Committee had been misled by the officer's report on this topic as the applicant states. Accordingly, I do not consider that this amounts to unreasonable behaviour.

Conclusions

11. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense of the type I have identified above and as described by the Guidance has been demonstrated in respect of the issues of the consideration of the FVA for affordable housing, the roof design and the Dark Skies Reserve.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Eastbourne Borough Council shall pay to Turnbull Land Ltd, the costs of the appeal proceedings described in paragraph 11 and above.

13. The applicant is now invited to submit to Eastbourne Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the note on how to apply for a detailed assessment by the Senior Courts Costs office is enclosed.

| Planning Application No | Authority | Site | Description of Development | Decision |
|--------------------------------|------------------|-------------------|---|-----------------|
| 190132 | Delegated | 131 Southern Road | Proposed erection of a 3 bed semi-detached dwelling | A |

Reasons

The appeal site is located in a residential area of two-storey, brick and tile dwellings. The area is characterised by terraced and semi-detached houses, some of which have generous gaps and green-spaces to the front and side which enhance a feeling of general openness.

The host dwelling, No 131 Southern Road, is a staggered end of terrace dwelling that is located on an unusually large plot, with side and rear gardens that are adjacent No 105 Southern Road and in front of 129 Southern Road. A tarmac pathway runs between No 131 and No 129 which leads to the flats and houses behind which enclose the path on all sides.

The large garden space to the side of No 131, which is currently uncultivated, would be used for the proposed development of a semi-detached, 3-bedroom property in matching materials to the host dwelling.

A sufficient gap between Nos 131, 129 and 105 would be maintained due to the relatively large plot size, the pathway between the buildings and the open mews-type courtyard to the rear of the host dwelling. The retained views to the street would reduce the bulk of the building and preserve a sense of separation common to the wider area. The sympathetic design style and visual appearance would uphold the existing balance and symmetry of the surrounding area and therefore, would negate the impact on the prevailing street scene. As such the distinctive character and appearance of the area would be retained.

Accordingly, the proposed development aligns with Policies HO6, UHT1 and UHT4 of the Eastbourne Borough Council Plan, 2007 (EBP) and Policy D10a of the Eastbourne Borough Council Core Strategy Local Plan, 2013 (ECSLP) which aim, amongst other

things, to ensure that development causes no significant harm to residential or visual amenity, makes the most effective use of the site, and is appropriate and sympathetic to its setting. For similar reasons the proposal accords with Paragraph 127 of the National Planning Policy Framework, (the Framework) which seeks to be sympathetic to the local character of an area and to maintain a strong sense of place.

Living Conditions

The proposal would include rear elevation windows and doors as well as a modest garden space that would be overlooked by Nos 105 and 129. However, the separation of the proposal from these dwellings would be at a distance not uncommon in this residential location, and indeed would be similar to the existing host dwelling. Further, privacy would be provided by the use of boundary treatments that would accord with the No 131.

As such, the proposal aligns with Policies HO6 and HO20 of the EBC and Policy B2 of the ECSLP which aim to respect residential amenity and Paragraph 127 of the Framework which identifies that developments should 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.

Other Matters

I acknowledge the concerns raised by interested parties in respect of parking provision. However, Southern Road is a residential area with no obvious parking restrictions. I noted some on-street parking opportunities at the time of my morning site visit. The availability of on-street parking may well rise and fall during the course of the day, but I have limited evidence before me to support this either way. Further the impact of one additional dwelling, in this respect, is likely to be limited.

Conditions

I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; in addition to the standard time condition and for certainty, a condition requiring that the development is carried out in accordance with the approved plans

In order to protect the appearance of the area I have also imposed a condition requiring the external materials used in the construction to match those of the existing building, and a condition that restricts future extensions or alterations to prevent over development of the area. To reduce the risk of flood I have set a condition related to surface water disposal and a related assessment. Finally, conditions for landscaping associated with the dwelling as well as cycle, refuse and recycling storage facilities to ensure adequate provision in accordance with standards.

The Council's suggested condition 7 related to the provision of a Construction Management Plan has been removed as it would be onerous and unreasonable in respect of a single dwelling of this scale.

Conclusion

For the reasons given above and having regard to the development plan when read as a whole, the appeal is allowed.

Annexe A - Conditions

- a) The development hereby permitted shall begin not later than three years from the date of this decision.
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2018-81-20 (Location Plan), Drawing No 2018-81-17 (Proposed Side Elevation), Drawing No 2018-81-16 (Proposed Front and Rear Elevations), Drawing No 2018-81-15 (Proposed Roof Plan), Drawing No 2018-81-14 (Proposed ground and first floor Plans), Drawing No 2018-81-18 (proposed refuse and cycle store plans), Drawing No 2018-81-10 (Existing site layout plan), Drawing No 2018-81-13 (Existing side elevations) and Drawing No 2018-81-19 (Existing and proposed block plans).
- c) The external finishes of the dwelling, hereby permitted, shall match in material, colour, style, bonding and texture to those used in the external surfaces of number 131 Southern Road.
- d) 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 extensions, alterations or other operations shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
- e) No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the Local Planning Authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.
- f) 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 e) has been fully implemented shall be submitted to the Local Planning Authority.

g) Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing all hard and soft landscaping; b) details of all hard surfaces; c) all boundary treatments; d) a schedule detailing sizes, species and numbers of all proposed trees/plants e) sufficient specification to ensure successful establishment and survival of new planting. Any new tree that is removed, becomes 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. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

h) Prior to first occupation of the development, hereby approved, the secure and covered cycle parking shall be provided within the site in accordance with the approved plans. Thereafter the facilities shall be retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

i) Prior to first occupation of the development, hereby approved, refuse and recycling storage facilities shall be provided in accordance with the approved plans. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.