

Planning Committee

24 November 2020



Working in partnership with **Eastbourne Homes**

Time: 6.00 pm

PLEASE NOTE: This will be a 'virtual meeting' held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

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Instructions for members of the Committee and Officers to join the meeting have been circulated separately.

Membership:

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

Quorum: 2

Published: Monday, 16 November 2020

Agenda

- 1 **Welcome and Introductions**
- 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 **Minutes of the meeting held on 20 October 2020 (Pages 3 - 6)**
- 5 **Urgent items of business.**
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 6 **Land at Bay View Holiday Park, Old Martello Road. ID: 200180 (Pages 7 - 24)**
- 7 **Land at Friday Street Farm, Stone Cross. ID: 190706 (Pages 25 - 44)**
- 8 **Mansion (Lions) Hotel, 32-35 Grand Parade. ID: 200280 (Pages 45 - 64)**

Information for the public

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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).

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Democratic Services

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Remote meeting (via Microsoft Teams) on 20 October 2020 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

Councillors Peter Diplock (Deputy-Chair), Jane Lamb, Robin Maxted, Md. Harun Miah, Colin Murdoch, Barry Taylor and Candy Vaughan.

Officers in attendance:

Neil Collins (Specialist Advisor for Planning), Helen Monaghan (Lawyer, Planning), Leigh Palmer (Interim Head of Planning), and Emily Horne, Committee Officer and Jennifer Norman, Committee Officer.

Also in attendance:

Councillor Robert Smart, Ward Member for Meads.

19 Welcome and Introductions

The Chair introduced members of the Committee via roll call, and officers those present during the remote meeting.

20 Apologies for absence and notification of substitute members

There were none.

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

There were none.

22 Minutes of the meeting held on 25 August 2020

The minutes of the meeting held on 25 August 2020 were submitted and approved as a correct record, and the Chair was authorised to sign them.

23 Urgent items of business.

There were none.

24 183 Langney Road. ID: 200402

Planning permission for the clearance of site and construction of 7 x 1 bed

maisonettes, 4 x 2 bed maisonettes and 1 x studio flat (12 units in total) – **DEVONSHIRE.**

The Committee was advised by way of an addendum report that revised drawings had been received showing amendments primarily to the front elevation.

The Committee sought clarification on the arrangements of the bin and cycle storage and was informed that both were accessed independently. Members were of a mixed view on the design of the building. They raised concerns regarding the lack of a lift, amenity space and parking, but supported the sustainability and space afforded to each unit.

A Member asked if a condition could be imposed for the provision of a dropped curb and white lines on the road. The Interim Head of Planning confirmed that highways matters were the responsibility of East Sussex County Council and that the Committee's suggestion would be conveyed to them.

Councillor Diplock proposed a motion to approve application in line with the officers' recommendation. This was seconded by Councillor Miah and was carried.

RESOLVED (by 7 votes to 1 against): That permission be approved, subject to a S106 legal agreement securing affordable housing; local employment training and the remaining conditions set out in the report.

25 Eastbourne District General Hospital, Kings Drive. ID: 200179

Planning permission for new three storey modular building to accommodate clinical wards (105 beds in a combination of single, twin, three and four bedrooms – **RATTON.**

The Interim Head of Planning explained the purpose of the temporary structure was to serve as clinical space for current pandemic and decant bed space pursuant to an application for a new hospital.

The Committee welcomed the application, stating the wards are of good quality and would provide greater privacy.

Councillor Murdoch proposed a motion to approve the application. This was seconded by Councillor Maxted.

RESOLVED (Unanimous): That planning permission be approved subject to a S106 legal agreement to cover the payment of the monitoring fees pursuant to the Local Labour Agreement and the conditions set out in the report.

26 Esperance Private Hospital, Hartington Place. ID: 200565

Planning permission for the conversion of existing hospital buildings to create 48 residential units with associated external alterations, parking and

landscaping – **MEADS**.

The Committee was advised by way of an addendum report, that amended plans had been received to reduce the number of 1 bed flats and increase the number of 2 bed flats.

A written representation supporting the proposal was read aloud by the Interim Head of Planning on behalf of Mr Ben Daines of ECE Planning, agent for the application. The speech highlighted the need for a varied mix of housing accommodation in a sustainable location.

A written representation against the proposal was read aloud by the Interim Head of Planning on behalf of Mr Denis Scard Chair of the Meads Community Association. The speech raised a number of issues regarding overdevelopment, lack of affordable housing and parking. In response to the revised scheme the Meads Community Association (MCA) maintained its opposition to the application and requested the decision was deferred for larger family size units.

Councillor Smart, Ward Member, addressed the Committee. He stated that he did not oppose the change of use or principle of residential development, but a mix of bigger units was needed. He raised concerns regarding lack of parking and overdevelopment and agreed with the MCA that the application should be deferred.

In discussing the application, Members were of a mixed view; they welcomed the development of residential use, retention of gardens, design and revised mix of bedrooms, but were disappointed at the lack of affordable housing and that the units only just complied with the minimum space standards.

One member questioned the gain in 2 bed 2 person units and requested the application be deferred for negotiations to increase the size of the 1 and 2 bed units. The Specialist Advisor explained although the floor space remained the same, the arrangements between units and the internal arrangement of some units had changed. He further added that whilst it would be beneficial to provide more spacious units, some of the 1 bed 1 person units would be large enough for double occupancy and met with national space standards. Satisfied with officer's explanation, the Councillor withdrew the request for the application to be deferred.

One member sought clarification on the context of an abandoned building and vacant building credit. The Specialist Advisor explained that he did not believe the building had been abandoned, partly due to amount of time it had been vacant. Furthermore, if vacant building credit was applied, it would remove the requirement for affordable housing.

For clarity of the report, the Lawyer advised the officer's recommendation for a S106 legal agreement would not include affordable housing because of the vacant building credit applied to the development.

Councillor Taylor proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Miah.

RESOLVED (Unanimous): That Planning permission be granted, subject to a Section 106 legal agreement and the conditions set out in the report.

27 Land adjacent to Southfields Court, Southfields Road. ID: 200323

Planning permission for the construction of 19no apartments in a five-storey building and associated external and enabling works - **UPPERTON**.

The Committee welcomed the development, stating it would provide much needed accommodation and commended the design and its energy efficiency.

Members questioned the turning capacity for vehicles within the site and the potential for onsite flooding. The Specialist Advisor explained that cars would be able to reverse backwards and turn out of the site. In order to overcome concerns regarding surface water disposal, the site would be raised and the proposal would incorporate an on-site SUDs scheme.

Councillor Maxted proposed a motion to approve the application in line with the officer's recommendation. This was seconded by Councillor Lamb.

RESOLVED (Unanimous): That Planning permission be granted, subject to a Section 106 Legal Agreement to cover affordable housing and local labour agreement a travel plan, and the conditions set out in the report.

Councillor Miah lost internet connection during the discussion and was therefore excluded from taking part in the voting of this application.

28 Date of Next Meeting

Resolved:

That the next meeting of the Planning Applications Committee which is scheduled to commence at 6:00pm on Tuesday, 24 November 2020 in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 7.56 pm

Councillor Jim Murray (Chair)

Report to: Planning Committee
Date: 24th November 2020
Application No: 200180
Location: Land at Bay View Holiday Park, Old Martello Road
Proposal: Proposed siting of 71 static holiday caravans in lieu of 94 touring caravans and re-layout of the park (resulting in 91 static holiday caravans in total) together with environmental improvements. Joint authority application with Wealden District Council (Ref: WD/2020/0494/MAJ).

Ward: Sovereign
Deadlines: **Decision Due Date:** 31st October 2020
Neighbour Con. Expiry: 10th March 2020

Recommendation: To approve with conditions.
Contact Officer: **Name:** Chloe Timm
Post title: Senior Caseworker
E-mail: chloe.timm@lewes-eastbourne.gov.uk
Telephone number: 01323 415962

Map Location:



1. **Executive Summary**

- 1.1 The application is reported to committee due to the development type being classed as a major application along with the number of representations received.
- 1.2 The application site straddles the Borough Boundary with Wealden District Council and in broad terms the division line is the access road into the site with the site being roughly split one third EBC two thirds WDC. The site provides tourist accommodation with a 'camping site on the EBC portion and a mix of camping and static pitches on the WDC side.
- 1.3 The EBC part of the site proposes to contain 41 plots with an additional 31 plots proposed for the WDC part of the site.
- 1.4 WDC have resolved to grant planning permission for their portion and within their assessment they were content that the flood risk is mitigated by the existing sea wall/defences and that that the flood evacuation plan would further reduce the risk to life.
- 1.5 The proposed development will see the removal of the touring caravan plots on the site to be replaced with static caravans.
- 1.6 The use of the site will remain as tourist holiday accommodation.
- 1.7 The application is considered to support the use of the site as providing and supporting the range of holiday accommodation within the area.
- 1.8 The proposal is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

2. **Relevant Planning Policies**

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
15. Conserving and enhancing the natural environment

Eastbourne Core Strategy Local Plan 2006-2027

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Neighbourhood Policy
- D1: Sustainable Development

D5: Housing
D7: Community Sport and Health
D8: Sustainable Travel
D9: Natural Environment
D10: Historic Environment
D10A: Design

2.1 Eastbourne Core Strategy Local Plan 2001-2011:

UHT1: Design of New Development
UHT4: Visual Amenity
UHT6: Tree Planting
UHT7: Landscaping
HO2: Predominantly residential Area
H07: Redevelopment
H09: Conversions and Change of Use
HO20: Residential Amenity
TR1: Locations for Major Development Proposals
TR2: Travel Demands
TR5: Contributions to the Cycle Network
TR8: Contributions to the Pedestrian Network
TR11: Car Parking
BI4: Retention of Employment Commitments
NE4: Sustainable Drainage Systems
NE23: Nature Conservation of Other Sites
LCF4: Outdoor Playing Space Contributions
NE14: Source Protection Zone
UHT1: Design of New Development
UHT4: Visual Amenity
US5 Tidal Risk

Supplementary Planning Documents and other relevant documents

Affordable Housing SPD
Sustainable Building Design SPD
Trees and Development SPG
Eastbourne Townscape Guide SPG

3. **Site Description**

- 3.1 The application site forms part of the Bay View Holiday Park accessed via Old Martello Road. The site falls under the jurisdiction of two local authorities.
- 3.2 The northern part of the site falls under Wealden District Council and the site subject to this application is the southern area which falls under Eastbourne Borough Council.
- 3.3 Bay View Holiday Park is an established tourist accommodation site which also has a 9-hole golf course.
- 3.4 The site has one vehicular entrance centrally located between northern and southern parts of the site and is bounded by the residential properties.

4. **Relevant Planning History**

- 4.1 850354
Touring caravan site with access and ablution block
Planning Permission
Approved Conditionally.
22/07/1985

5. **Proposed Development**

- 5.1 The application is seeking permission for the siting of 71 static caravans in lieu of 94 touring caravan plots.
- 5.2 The proposal includes a soft landscaping scheme and the intention to retain the existing boundary trees/hedgerows on site.

6. **Consultations**

External

Designing Out Crime:

- 6.1 The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Eastbourne district being above average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

Southern Water:

- 6.2 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application

receive planning approval, the following informative is attached to the consent:

- 6.3 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 now been published and is available to read on our website via the link:
www.southernwater.co.uk/developing-building/connection-charging-arrangements.
- 6.4 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development is required. This should not involve disposal to a public foul sewer.
- 6.5 The Councils Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the development.
- 6.6 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 6.7 The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.
- 6.8 It is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.9 We request that should this application receive planning approval; the following condition be attached to the consent. "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.
- 6.10 Southern Water has raised issue with the location of existing sewer infrastructure in relation to the proposed building, but has advised that if the LPA is minded to grant permission that drainage works should be approved by condition following Southern Water's prior approval.
- ESCC Archaeology
- 6.11 If the Local Planning Authority is minded to grant planning permission, then we ask that conditions are proposed to mitigate the risk to loss/damage to heritage assets.
- 6.12 The proposed development is within an Archaeological Notification Area defining the site of a 19th Century Martello Tower (Tower 63). Typically, Martello Towers were constructed intervals along low lying coastal areas in parts of England as a defence against seaborne attack and/or invasion. A number were present at roughly 500m intervals between Eastbourne and Normans Bay. Tower 64 to the west of the site is designated as a Grade II

listed building and a scheduled monument, testament to the historical significance and rarity of these fortifications.

- 6.13 The example within the application site was apparently destroyed in the Second World War (extant 1941 but reduced to rubble 1946). Due to their substantial mass it is issue that structural remains associated with the foundations or its basement level still exist below modern ground surface.
- 6.14 Additionally, evidence associated with a Coastguard boathouse and flagstaff dating from 1830s may be encountered during the proposed development.
- 6.15 Although the site is recorded as being used for landfill on the DEFRA website it is not clear what form this took and whether such activity harmed the Martello Tower and Coastguard Boathouse or buried any surviving remains below the depth of impact associated with this application.
- 6.16 Considering 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 either be 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.
- 6.17 In furtherance of this recommendation, we shall be available to advice the applicant how they can best fulfil any archaeological condition that is applied to their planning permission and how to provide a brief setting out the scope of the programme of works. The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologists detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards.

East Sussex County Council Sustainable Drainage Team

- 6.18 It is our understanding that the proposals are mainly for a change in the layout of the caravan park with significant change in the existing impermeable area of the application site. Therefore, there is likely to be a significant impact on the flood risk associated with surface water management.
- 6.19 Nevertheless, leaving surface water to be on the ground is likely to have an impact on neighbouring properties. Therefore, the applicant should introduce measures to stop surface water from running off onto neighbouring properties and land. The surface water runoff from the impermeable areas on site should be stored on site until it can percolate into the shingle on site.
- 6.20 The application is located within Flood Zone 3 and the Flood Risk Assessment indicates that there will be a 'danger for all' flood hazard on parts of the site during a flood event with a 1 in 200 (plus climate change) annual probability of occurrence. Therefore, the application site should have a robust emergency plan, which should be agreed with the emergency planning teams.
- 6.21 If the Local Planning Authority is minded to grant permission, the PCWLMB and LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

- 6.22 Prior commencement details of how overland surface water runoff will be retained on site without running off to neighbouring properties/land shall be submitted and agreed with the Local Planning Authority.
- 6.23 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.

Internal

Specialist Advisor – Planning Policy:

- 6.24 This application seeks to site 71 static holiday caravans on a site which is currently used for up to 94 touring caravans. There are already 20 static caravans on the site. The application does not increase the size of the current site. Most of the application site lies outside of Eastbourne and is within Wealden District. The part of the site that is in Eastbourne is within the Sovereign Harbour Neighbourhood.
- 6.25 Policy C14 of the Core strategy explains the vision for the Sovereign Harbour Neighbourhood as “Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development...” It also states that it will “[Increase] the importance of the Waterfront as a leisure and tourist centre...” This may be seen as a way to increase the level of tourism for the waterfront, under the assumption that this application would be good for business.
- 6.26 The application site is outside of the “Built-up Area Boundary” of Eastbourne, as described in NE1 of the Eastbourne Borough Plan, and replicated on the Policies Map which formed part of the Eastbourne Core Strategy. Policy NE1: Development outside of the Built-up Area Boundary states that *“Development will not be permitted outside of the built-up area boundary as defined on the Proposals Map. Exceptions will only be made where...the need for a non-urban location can be satisfactorily demonstrated”* In this instance, as the holiday park is already in existence and functioning at this location, it can be seen to be compliant with this policy.
- 6.27 The supporting text for Policy D3: Tourism and Culture in the Eastbourne Core Strategy states that “...the Council will seek to protect and enhance the quality of the resort’s existing accommodation stock as well as supporting measures to enhance the levels of accommodation where appropriate.” This application could be seen as an enhancement of the existing function of this tourist accommodation.
- 6.28 The Eastbourne Tourist Accommodation Study produced in 2015 states that “...it is crucial that the accommodation stock remains fit-for-purpose and meets the requirements of current and future visitors to the area in terms of quality, type and quantity.” The application could be seen to be in keeping with the recommendations of this study.
- 6.29 Policy TO4: Improvements to Existing Accommodation with the Borough Plan states that “Developments and alterations which upgrade and improve the quality of accommodation and other related facilities will be granted planning permission [subject to residential and visual amenity considerations]” There

should not be any new visual or residential considerations when judging the proposed static caravans compared to the touring caravans at capacity.

6.30 As the proposal is for a change in the type of Tourist Accommodation at the existing site, it is supported by policy. This type of development requires a non-urban location and is acceptable outside of the built-up area.

6.31 No principle objections on policy grounds.

Specialist Advisor – Environmental Health

6.32 Conditions are advised requiring submission of details of hours of working, prevention of pollution and prevention of burning material on site during the construction period.

Specialist Advisor (Regeneration)

6.33 As the mobile homes are unlikely to be classified as permanent, year-round residential units it was agreed not to seek a local labour agreement for this application.

Specialist Advisor (Trees)

6.34 With regards to the existing trees: I am in broad agreement with the findings of the tree report and its recommendations – it would be prudent to ensure that the tree retention, pruning and protection measures are specifically mentioned in the list of ‘approved plans and particulars’ in the event planning approval is given.

6.35 With regards the proposed soft landscaping scheme: on the basis that the peripheral trees are to be retained the soft landscaping is primarily aimed at providing some screening and a degree of ornament. Overall, I have no significant adverse comments to make.

7. Neighbour Representations

7.1 Twenty-four comments have been received on the application following the statutory consultation period.

7.2 One comment was in support of the proposed development.

7.3 Three comments were general observations which covered the following:

- No objection on the basis that the current bank and tree line remain
- The tree line height is too high and needs to be reduced
- Additional traffic entering and exiting the site could be hazardous.

7.4 Twenty objections to the proposal were received and covered the following:

- Additional traffic
- No provision for visitor parking
- No electric vehicle charging points
- Noise Pollution
- Light Pollution
- Additional refuse requirements

- Increase to litter left on the beach
- Additional footfall from humans and dogs will destroy the habitat of the shingle beach
- Japanese knotweed on the site
- Caravans will be used as residential dwellings
- Unattractive layout
- Loss of landscaping
- Additional caravans on site unnecessary as there is provision on other sites within the area
- Overdevelopment of the site
- Overcrowding on the site
- Disruption during construction works
- Overlooking
- No areas for outdoor activities
- Increase to use 11 months of the year will have a negative impact on surrounding residents

8. **Appraisal**

Principle of Development

- 8.1 There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2018), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.
- 8.2 Policy C14 of the Core strategy explains the vision for the Sovereign Harbour Neighbourhood as “Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development...” It also states that it will “[Increase] the importance of the Waterfront as a leisure and tourist centre...” This may be seen as a way to increase the level of tourism for the waterfront, under the assumption that this application would be good for business.
- 8.3 Policy TO4: Improvements to Existing Accommodation with the Borough Plan states that “Developments and alterations which upgrade and improve the quality of accommodation and other related facilities will be granted planning permission [subject to residential and visual amenity considerations]” There should not be any new visual or residential considerations when judging the proposed static caravans compared to the touring caravans at capacity.

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

- 8.4 It is considered that the siting of static caravans within the site will not give rise to a material loss of residential or visual amenity within the locality.
- 8.5 The proposed change from a site used for touring caravans to a site of static caravans for tourist accommodation only is thought to give rise to any loss of light or overshadowing to the surrounding occupiers.
- 8.6 The site as it currently stands has a grass bank and a tree lined boundary to protect views into and out of the site and the surrounding residential dwellings. This is not proposed to change and a scheme for the protection the trees on site has been submitted to ensure that this feature, which protects the privacy of the occupiers of the site and those surrounding remains in place.
- 8.7 Objections have been raised with regards to the potential noise increase from the use of the new development. It is considered that the static caravans could potentially decrease the noise from the site than the current setting of customers using their own caravans and tents on the site. The retention of the bank and the boundary trees will also help mitigate noises from the holiday park.
- 8.8 The application site is set back from the main access road of Old Martello Road and the changes to the site will not be wholly visible within the wider street scene.
- 8.9 The site does have access points onto the adjacent beach and whilst objections have been received with regards to the increased use of the shingle beach and the potential for an increase in dog fouling and litter left behind by visitors for this application to assume that this would occur due to the holiday occupants of the site would be unjust and is not a matter for consideration within this application.
- 8.10 A condition will be set for an external lighting scheme to be submitted and approved by the local planning authority to ensure that any external lighting, whether decorative or for security purposes, does not have an adverse impact on the occupiers surrounding or the setting of the seafront.

Use

- 8.11 The proposed development will not change the use of the site in terms of the provision of tourist holiday accommodation.
- 8.12 The application will see a new layout for the holiday park that will have a uniformed design with caravans on a grid-type layout each with its own parking space.
- 8.13 The proposal is to increase the use of the holiday park to be used 11 months of the year, from March to January. This will be set by planning condition to ensure the park is not used all year round.
- 8.14 As well as the condition for months of use a condition will be set to restrict the use of the caravans as short-term holiday accommodation only to ensure that the caravans are not used as permanent residential accommodation.
- 8.15 Whilst the site is outside of the Eastbourne planning/development boundary the use of the site is acceptable to be outside of the built-up area of Eastbourne.

Design

- 8.16 The caravans and the grid pattern on which they will be laid is in keeping with other caravan sites and is therefore considered to be appropriate and an acceptable design for the site.
- 8.17 The proposal is thought to improve the overall visual appeal of the site which is currently an open field.

Other Matters

- 8.18 This application is a joint authority application therefore the review of the application is with regards to the southern area within the Eastbourne boundary. The northern (and larger) area of the application site is under review by Wealden District Council, who are the lead council for this application.
- 8.19 The site is adjacent to an site of nature conservation of importance, the ecological survey provided within the application has reviewed the impacts of the proposed development and has concluded the development will have a low impact to the ecological nature of the site.
- 8.20 Refuse and recycling for the site are handled by Wealden District Council and as such we are unable to comment on the objection received regarding the increased refuse and recycling the site would generate.
- 8.21 Objections have been raised with regards to the overcrowding of the site and that the number of people able to use the site at one time will increase. The current site can allow for up to 94 touring caravans, these caravans could have any number of occupants. The proposal is for 71 static caravans which is a decrease of 23 units.
- 8.22 If the site were to be fully occupied, it is felt that the number of occupants would be of a similar amount to the existing use.

9. Human Rights Implications

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

10. Recommendation

- 10.1 Grant planning permission subject to the following conditions:

Conditions:

- 10.2 Time Limit.

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).

10.3 Approved Plans

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

Submitted 15 September 2020:

SHF.201.076.GE.R.001.B Phase 1 Geo-Environmental Report submitted

Submitted 03 June 2020

Heritage Statement and Appendices

Transport Report

Location Plan (1:1250)

Submitted 26 March 2020:

VS001 42 14 2B 01

Submitted 03 March 2020:

Planning Statement

Arboricultural Report

SHF.201.076.HY.R.001.B Flood Risk Assessment

FRA Appendices

Preliminary Ecological Assessment

Landscape and visual Appraisal

19/009-01 Rev 3 – Phase 1 Habitat Survey

19/009-03 Rev 4 – Tree Protection Plan

19/009-05 – Details Soft Landscape Proposals (North)

19/009-06 – Details Soft Landscape Proposals rev 1 (South)

19/009-07 Rev 1- Design Layout

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

10.4 Construction Management Plan

No work below ground level shall be carried out on site for the development hereby approved, until details for a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction including the protection of retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal, hours of construction works and control of surface water during construction. The approved Code of Construction Practice shall be implemented throughout the period of work on site.

Reason: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road to minimise loss of amenity to adjoining properties and to minimise potential environmental impacts.

10.5 Contamination Report

Prior to works below ground level a phase 2 ground investigation report as set out in section 6 of the submitted contamination report to assess the physical character of Made Ground and subsidence/settlement risk, in addition to the contamination (and ground gas) risk shall be submitted to and approved in writing to the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale, and nature of contamination
- (ii) An assessment of the potential risks to: human health, property (existing and proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
- (iii) An appraisal of remedial options and proposed of the preferred option(s).

This must be in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Any remediation works required by the report shall be carried out in full accordance with the approved details.

Reason: To ensure that risks a from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors (in accordance with National Planning Policy Framework, para 170, 178 and 179).

10.6 Delivery Management Plan

No Development shall take place, including any ground works or works for demolition, until a Delivery Management Plan is 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:

- Schedule of static caravan delivery
- The methods of access and egress
- Routing of delivery vehicles on the ESCC highway network
- The paring of vehicles by site operatives during installation processes
- The loading and unloading of plant, materials, and waste
- The storage of plant and materials used in construction of the development

Reason: In the interests of safety of persons and vehicles on site and/or adjoining road and to minimise the loss of amenity to adjoining properties and minimise potential environmental impact.

10.7 Surface Water Run Off

Prior to commencement of any works associated with the development hereby approved details of how overland surface water runoff will be retained on site without running off to neighbouring properties/land shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to first occupation of the caravans and retained as such thereafter.

Reason: To ensure that surface water is dealt with appropriately within the application site and does not affect adjoining properties/land.

10.8 Soft Landscaping

All planting, seeding and/or turfing comprised in the approved details of the landscaping plans CA19.009.05 and CA19.009.06 shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the substantial completion of the development, whichever is sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of 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. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is sooner:

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment.

10.9 Archaeological Works

No 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 caravans hereby permitted shall be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) 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

Reason: To enable the recording of any items of historical or archaeological interest.

10.10 Caravans Limit on Number

No more than 91 caravans (compliant with the statutory definition of the Caravan Sites and Control of Development Act 1960(as amended)) shall be stationed on the land edged in red on plan 'location plan(1:2500@A4) at any time.

Reason: To enable the Local Planning Authority to regulate and control the development of the land and to preserve the visual amenities of the locality.

10.11 Caravan Occupation

The caravans shall only be occupied for holiday accommodation purposes and shall not at any time be occupied as a person's sole or main place of residence.

The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual static caravans on the site, and of their main home addresses and shall make this information available at all reasonable times (09:00 – 17:30 Monday to Friday) to the Local Planning Authority. The register shall be collected by the caravan site licence holder or his/her nominated person.

Reason: To maintain the availability of the site as short term holiday tourist accommodation and in the interests of flood risk.

10.12 Caravan Occupation Time Period

The caravans hereby approved shall only be occupied during the period of 01 March in any given year to 31 January in the following year. For the avoidance of doubt there shall be no occupation of the caravans during the month of February.

Reason: To maintain the availability of the site as short term holiday tourist accommodation.

10.13 External Lighting

No floodlighting, security lighting or other external means of illumination shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To preserve the rural and residential amenities of the locality.

10.14 Tree Protection

Tree protection fencing, which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction – Recommendations, shall be erected in the positions approved on plan 'Tree Protection Plan CA19/009-03' before the development is commenced and thereafter retained until such completion of the development, to the approval of the Local Planning Authority. Hereafter, the fencing shall be referred to as the 'approved protection zone'.

The following works shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
- (ii) No roots shall be cut, trenches dug, or soil removed within the approved protection zone of the tree or hedgerow.

- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Tree in relation to design, demolition & Construction – Recommendations.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the protection zone of the tree or hedgerow as per the requirements of BS5837:2008 Trees in relation to construction.

Reason: to preserve trees and hedges on the site in the interests of visual amenity and the character of the area.

10.15 Arboricultural Method Statement

The works shall be implemented in accordance with the approved details within the arboricultural method statement (included within the arboricultural impact assessment).

Reason: To preserve the trees and hedges on site in the interest of visual amenity and the character of the area.

10.16 Car Parking

Before first occupation of the caravans hereby approved the car parking spaces and turning area shown on drawing no 19/009-07 Rev 1 shall be provided and thereafter shall be retained for such purposes to the satisfaction of the Local Planning Authority

Reason: In the interests of and for the safety of persons and vehicles using the premises and/or adjoining road and to secure a satisfactory standard of development.

10.17 In Accordance with Flood Risk

The development shall be carried out in accordance with the submitted flood risk assessment (ref SHF.06.HY.R.001.B) and the following mitigation measures it details:

Static Holiday caravans have floor levels a minimum of 600mm above ordnance data and are tethered to ensure they do not move during an inundation event.

Static Holiday Caravans affected by localised surface water and groundwater flooding should be vacated and occupants relocated.

An existing FEMP is in place for the site, this will ensure occupants are evacuated before the site floods or know how to react should flooding occur in the site without warning.

These mitigation methods shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent the increase risk of flooding.

10.18 Decking

Prior to the erection of any decking around the caravan siting hereby approved full details of the decking to include elevations and floor plans (to include height above ground level) shall be submitted to and approved in writing by the Local Planning Authority. Only decking details approved shall be carried out on the site.

Reason: in the interests of visual and residential amenities of the area.

10.19 Refuse and Recycling

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.

10.20 Foul and Surface Water Disposal

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 interests of the localised flooding and the amenity of the area.

Informatives:

10.21 Informative No. 1 Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal).
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).
- On or within 16 metres of a sea defence.
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including remote defence) or culvert.
- In a flood plain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the national customer contact

centre on 03708 506 506 (Monday-Friday, 8am-6pm) or by emailing enquiries@environment-agency.gov.uk

The applicant should not assume that a permit will be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

10.22 Informative No. 2 Potential for existing sewerage

The applicant is reminded that that if there are sewers running under the site then the ownership should be established prior to any works commencing that may affect the function of the sewer.

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 None.

Report to: Planning Committee
Date: 24 November 2020
Application No: 190706
Location: Land at Friday Street Farm, Stone Cross
Proposal: Outline application (Matter for approval: Access) for proposed new access from Pennine Way to serve development of Land at Friday Street Farm, for up to 250 residential dwellings (35% affordable), with associated car parking, together with the introduction of new access point from Pennine Way, and creation of a network of roads, footways, and cycleways throughout the site; and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site.

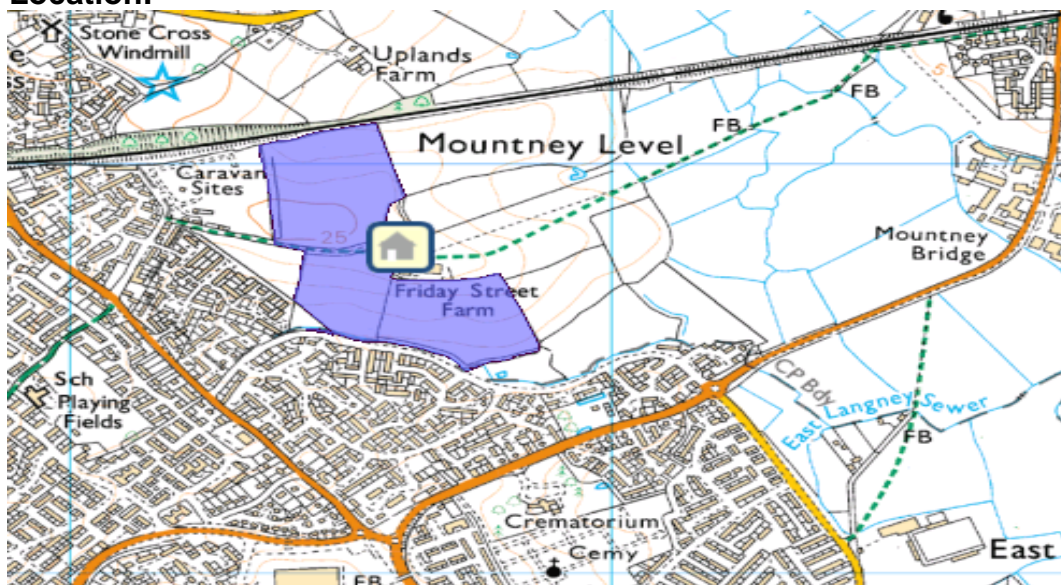
Full proposal is being considered by Wealden District Council (Ref: WD/2020/1391/MAO)

Ward: Langney
Deadlines: **Decision Due Date:** 9th December 2019
Neighbour Con. Expiry: 29th November 2019

Recommendation: Grant outline planning permission subject to legal agreement to ensure completion of access and mitigation works prior to commencement of the housing development adjacent and subject to conditions as below

Contact Officer: **Name:** Anna Clare
Post title: Specialist Advisor - Planning
E-mail: anna.clare@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



Update to report presented at Eastbourne Planning Committee on 23rd June 2020

This report is in three parts:

Part 1 gives a summary of the current issues and the officers recommendation;

Part 2 is a copy of the officer's report from the 23rd June Planning Committee;

Part 3 is a copy of the executive summary of the report of Wealden District Council.

Part 1 Summary of the current issues

1. The proposal is an outline application with all matters reserved except Access for a new access and road improvement works from Pennine Way to the fields to the north which are proposed to be developed by application to Wealden District Council (WDC) for up to 250 residential dwellings.
2. Members of Eastbourne Planning Committee voted to defer issuing the refusal notice at the 23rd June Committee as the applicant had advised a further submission to Wealden would be made imminently which would address the reasons for refusal of the Wealden application.
3. A further application was made to Wealden District Council (Ref: WD/2020/1391/MAO). It was resolved to approve this application at Wealden Planning Committee 10 September 2020 subject to:
 - a) liaison with Natural England (that development would not cause in combination impacts on the water quality of Pevensey Levels) and
 - b) Completion of a Section 106 Agreement securing:
 - Delivery of 35% affordable housing on site
 - 5% on site custom and self-build plots
 - On site open space (including allotments) providing for youth adult, together with local equipped areas for play (and their ongoing maintenance)
4. On and off-site highway works including: - Funding to secure the upgrade of existing bus stops on Pennine Way (to incorporate real time passenger information) - Financial contribution of £250,000 towards an improved bus service on Pennine Way. - A Residential Travel Plan including an audit fee of £6000. - The provision of free bus travel promotion for new residents for a period of 3 months.
5. Given that Wealden District Council (WDC) has resolved to grant planning permission for the development of the land to the north of the access way then following EBC legal advice it would not be prudent to seek to resist the application before Eastbourne; namely access into the site It is there considered that a recommendation to refuse planning permission for the new access and road improvement works from Pennine Way is no longer considered reasonable and would be open to an award of costs if the scheme was pursued through to an appeal.

6. This application only assesses the material considerations of the impacts of the access and highway works. The report below from the 23rd June Planning Committee sets out that the only justifiable reason for refusal at that stage was one of the uncertainty over the development of the site to the north as WDC had at that time refused permission. Now WDC have resolved to approve the application for development to the north of the proposed access there is certainty over the nature of the development to which the access would serve.
7. To refuse permission for anything other than issues or impacts arising from the works subject to the application would be unreasonable.
8. Since the previous report was drafted a further 3 letters of objection have been received to the proposal objecting on the same grounds as others outlined below. WDC reported 130 letters of objection to their application.
9. In addition further representations have been received from the East Sussex County Council Director for Communities Economy and Transport who has outlined that from a highways perspective there are no concerns in relation to the designs proposed and in terms of wider highway capacity there are sufficient monetary resources available to the ESCC through WDC CIL to cover these works. This response also outlines the wider benefit of supporting the service improvements to the local bus network such that it would provide a credible service for daily commuting to/from Eastbourne.
10. The agent for the application has also supplied further points of clarification as to the conditions and controls applied to the WDC application and by way of example
 - None of the units shall be occupied until the access onto Pennine Way is constructed/completed;
 - Upgrade of the bus stops along Pennine Way shall be implemented before the construction of any above ground works.
11. Mitigation works would be delivered under S278 and include the site access and traffic calming features on Pennine Way. This would be pre- occupation. As part of the S278 bond payment required to secure completion of the works when underway should anything happen to the developer. The bond is then paid back upon completion milestones.
12. There are no SuDs or surface water mitigation works proposed on EBC land, however there are trees shown to be retained that are located within the land owned by Eastbourne Borough Council.

Recommendation

The recommendation is to grant planning permission subject to legal agreement to ensure the access, public transport and other highway mitigation measures are implemented prior to the commencement of the residential development, to ensure that the access is appropriate and traffic calming measures are in place and the following conditions:

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

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

2. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. layout;
 - ii. scale;
 - iii. appearance; and
 - iv. landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. The development hereby permitted shall be carried out in accordance with the approved drawings:
4. C85278-SK-003 G
C85278-SK-004 F
C85278-SK-005 H
C85278-SK-006 G

Aboriginal Impact Assessment - 9162_AIA.001 Rev C Dated September 2019

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

5. The new access and associated works to Pennine Way shown on Drawing C85278-SK-003 G, C85278-SK-004 F, C85278-SK-005 H and C85278-SK-006 Revision G shall be in the position shown on the approved plans and laid out and constructed in accordance with details agreed by the Local Planning Authority. The agreed measures shall be implemented prior to the first use of the access other than for construction purposes.

Reason: In order to provide visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development.

6. The access hereby granted shall not be used for accessing any part of the residential development site until visibility splays of 2.4m by 55m are provided in both directions and maintained thereafter.

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

7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter

the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

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

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

8. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

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

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

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

10. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (BS 5837:2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is

reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

11. The soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.

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

Part 2 - A copy of the officer's report to the 23rd June Committee of Eastbourne Borough Council

Executive Summary

1. The proposal is an outline application all matters reserved except Access for a new access and road improvement works from Pennine Way to the fields to the north which are proposed to be developed by application to Wealden District Council (WDC) for up to 250 residential dwellings. That application has subsequently been refused by WDC therefore the access implications cannot be fully assessed nor mitigation secured.
2. Therefore it is recommended that outline consent for the new access is refused for the reasons set out in this report.

Relevant Planning Policies

3. Revised National Planning Policy Framework (2019)
 - 2. Achieving sustainable development
 - 4. Decision-making
 - 5. Delivering a sufficient supply of homes
 - 8. Promoting healthy and safe communities
 - 9. Promoting sustainable transport
 - 11. Making effective use of land
 - 12. Achieving well-designed places
 - 14. Meeting the challenge of climate change, flooding and coastal change
 - 15. Conserving and enhancing the natural environment.
4. Eastbourne Core Strategy Local Plan (2013)
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C8: Langney Neighbourhood
 - D1: Sustainable Development
 - D8: Sustainable Travel
 - D9: Natural Environment.
5. Eastbourne Borough Plan – Saved Policies
 - NE4: Sustainable Drainage Systems
 - NE15: Protection of Water Quality

- NE18: Noise
- NE20: Sites of Nature Conservation Importance
- NE22: Wildlife Habitats
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT7: Landscaping
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR7: Provision for Pedestrians.

Site Description

6. The development site in its entirety is situated to the south east of Stone Cross, west of Westham and northeast of Langney and Eastbourne. The land extends to 14.91 ha (36.84 acres) and comprises 3 parcels of land. Most of these fields comprise agricultural land, used for grazing and comprises rough grassland and scrub; and many of the fields' boundaries are separated by hedgerows and scattered trees.
7. Friday Street Farmhouse and a group of existing agricultural style buildings, some in commercial use are located immediately adjacent to the eastern boundary of the site, beyond which are the Mountney Levels. The farm complex is accessed via a farm track connecting the site to Oak Tree Lane. A public footpath also shares this track, and continues through the middle of the site and on towards Westham in the east. Bordering the application site to the north is a railway line, beyond which are further agricultural fields. Some of these fields have obtained planning permission for residential development from WDC.
8. To the south of the application site is the section within the Eastbourne Borough Boundary. This amounts to part of Penine Way and the grass verge to the north of the road, the hedgerow of the boundary of the southern field and then a small section of the field itself.
9. To the south of Pennine Way is an area of residential housing. To the west is Castle Bolton, and further residential development, within the Eastbourne Borough Boundary. Whilst to the northwest is Eastbourne Heights which is partly within the Eastbourne Borough Boundary.

Relevant Planning History

10. No planning history within Eastbourne Borough Council.
11. The application for outline planning permission for the development of the site itself for housing was refused on 27 May 2020 by Wealden District Council for the following reasons.
 1. The delivery of housing on this site is contrary to the rural housing restraint policies within Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 and WCS 6 of the Wealden Core Strategy Local Plan.

The Council does not have a 5 year housing land supply. Footnote 7 of the NPPF would render the local plan policies on housing supply out of date limiting the weight that can be afforded to them in line with the degree of compliance with the NPPF. Unsustainable rural housing is resisted under the NPPF and as such the rural restraint policies can be afforded some weight.

The site is elevated and sloping in parts. Residential development would expand development out towards the Pevensey Levels, in an area of high landscape sensitivity.

The site is on the periphery of Wealden and includes access into the administrative area of Eastbourne. It is considered the scheme would create unsustainable rural dwellings with no realistic alternatives to the private car to access services the proposal would represent unsustainable development under the NPPF. There are also no important rural services in the immediate locality that could benefit from additional residents. This proposal does not relate to rural development that would allow an existing settlement/community to thrive.

Overall, the adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the conflict with the adopted local plan and NPPF. Permission should be refused the proposal being in conflict with saved policies EN1, EN8, GD2, and DC17 of the Wealden Local Plan 1998, WCS6 and WCS 14 of the Wealden Core Strategy Local Plan 2013.

2. The application submissions are not considered to make insufficient provision and supporting technical information for the provision sustainable drainage systems within the site without leading to the risk of ground water flooding both within and off the site. As such, it is considered that the application submissions do not demonstrate that the proposed development of 250 dwellings and associated works could be satisfactorily accommodated on the site without detriment to the amenities of local residents and would not lead to an increased risk of surface water flooding. It is therefore considered that the proposals represent an unsustainable form of development, the adverse impacts of which could significantly and demonstrably outweigh the benefits of the development proposal when assessed against the policies of the National Planning Policy Framework and development plan. The proposals would therefore represent an unsustainable form of development contrary to Paragraphs 163 and 165 of the National Planning Policy Framework 2019, paragraph 79 of National Planning Practice Guidance, Spatial Planning Objectives SPO10 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1, EN27, CS2 of the adopted Wealden Local Plan 1998.

Proposed Development

12. This is an outline planning application with all matters reserved except for access.

13. The scheme in its entirety seeks development of up to 250 dwellings (35% affordable), with associated car parking, together with the introduction of a new access point from Pennine Way and creation of a network of roads, footways, and cycleways throughout the site; and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site.
14. Whilst the majority of the application site lies within Wealden District, the point of access from Pennine Way falls within the Eastbourne Borough boundary. A duplicate application has been submitted to Wealden District Council and Eastbourne Borough Council.
15. As a result, it has been agreed that only the access is for determination by Eastbourne Borough Council. All other aspects/considerations of the proposal, including flood risk, drainage, amenity issues, landscaping, and biodiversity etc have been considered under the Wealden Application which has subsequently been refused as set out above.

Consultations

16. Specialist Advisor (Planning Policy) – Objection:
 - 16.1 Eastbourne Borough Council (EBC) objects to this planning application and considers it premature when placed in the context of the emerging Wealden Local Plan. Eastbourne Borough Council has formally objected to the Wealden Local Plan including in relation to Policy SWGA 48 that would allocate this land for development of housing. The Wealden Local Plan is at Examination in Public (EiP) and there is an outstanding EBC objection to this allocation and to the Plan, therefore EBC would request that Wealden District Council (WDC) considers our objections carefully and whether they have been overcome through this application, prior to any recommendation for approval.
 - 16.2 The EBC submission at Regulation 19 (Submission Plan) essentially draws out the key issues of this allocation (and relevant to this application) as a lack of consideration to cross-boundary infrastructure provision.
 - 16.3 This is both in the context of identifying what the infrastructure requirements are that arise in Eastbourne Borough and what the mechanism is to ensure the provision of or improvement to infrastructure outside of Wealden district. For example either S106 for specific items in Eastbourne relating to site-specific impacts and/ or a clear mechanism for CIL funds to be spent on cross-boundary impacts for cumulative impacts of development completed, committed and allocated within the Plan period 2013-2028.
 - 16.4 Without the mechanisms in place at the policy-making stage we consider this application to be premature; the site is proposed to be allocated and EBC still has the opportunity to influence the detail of this policy (and a general contributions policy) and the Plan through the EiP process and whilst this allocation may be less than strategic in the context of the Wealden Plan, the scale to Eastbourne is strategic and

could give rise to significant impacts individually and particularly cumulatively.

17. Councillor Alan Shuttleworth – Objection

17.1 The Wealden Local Plan is not sound due to a failure to engage fully with Eastbourne Borough Council on border issues and particularly on the impact on the infrastructure across Eastbourne. Further, I believe that Wealden Council have failed to recognise the significant impact on Wastewater treatment and surface water run-off, in addition to road and public transport impacts, especially along Pennine Way.

17.2 I believe that the cumulative effect of permissions already granted for new developments in this area, which are close to the Borough of Eastbourne boundary are already putting an enormous strain on the infrastructure across Eastbourne Specialist Advisor (Regeneration),

17.3 I am opposing the application due to:

- Flooding problems
- Effects on ecological and environmental nature of the area
- Issues around wastewater treatment
- Traffic impacts

18. ESCC Highways – Qualified comments –dependant on infrastructure improvements

18.1 Support for the scheme can only follow a detailed package of mitigation being in place prior to occupation. The Highways comments are highly detailed and therefore have been appended to this report so they can be accessed in full, as this is a main material consideration for this application.

19. Lead Local Flood Authority – No objection

19.1 The applicant has undertaken hydraulic modelling of the watercourses bordering the application site. The results indicate the proposed attenuation ponds and swales are outside the determined 1 in 100 (plus 45% for climate change) fluvial flood plain. This addresses our previous concerns with regards the impact of the fluvial flood plain on the surface water drainage strategy and consequently surface water flood risk. However, the predicted water levels within the stream should be used to inform the hydraulic design of the surface water drainage system to ensure the impact of the surcharging of the outfall is taken into account in the design. It is our understanding from the additional information provided that ICOSA Water is willing to adopt the proposed surface water drainage system at the application site

19.2 We are still concerned by the location of the tank on the hill and the need to pump water to the tank. It would have been preferable if the pump was at the outfall of the tank, which has less residual flood risk compared to the current proposals. Although we appreciate that an inset water company is willing to adopt the northern drainage system, we request that this part of the application is reviewed at the reserved matters stage. The applicant should review options for the layout to

allow the proposed surface water drainage system to be more sustainable with less residual flood risk associated with it. It is our understanding from the information provided by the applicant that the permeable pavement shown on the outline surface water drainage plan have not been considered in the surface water storage provision for the application site. We do not recommend the consideration of permeable pavement on driveways in the surface water storage requirements due to the potential for them to be lost as householders make changes to their driveways.

Neighbour Representations

20. Objections were received from 46 surrounding address covering the following issues:

- Impacts of additional traffic on Penine Way, Friday Street etc
- Impact on railway crossing at Westham
- Capacity for schools, GP's etc
- Increased Pollution
- Increased noise
- Flooding issues
- Over development of Langney/Stone Cross/Rattle Road
- Impact on wildlife
- Another sports pitch is not required
- Sewerage disposal
- Should not build on green field land
- Loss of amenity for local people
- Deterioration of water quality
- Inadequate road crossings
- Lack of speed controls on Pennine Way
- Access is on a bend with restricted views
- Impacts will fall on Eastbourne even though the Land is in Wealden
- Development would join the two districts creating urban sprawl.
- Loss of agricultural land
- Proposal does not help to address the need for affordable housing
- Prematurity before adoption of the revised local plan
- Cycle paths are pointless in the site when there are none outside the site
- Pollution
- Energy Efficiency,
- Impacts on air quality
- Properties on the site will be higher than existing properties leading to a loss of privacy
- Other non green belt land is more suitable
- Why can't Oak Tree Lane be used?
- Impact on Purbeck Close from additional footfall through the alley
- Charges for future residents for the common areas/facilities

Appraisal

21. Principle of Development

21.1 The application for a new access was submitted to serve a development within the boundaries of Wealden District Council. WDC have refused permission for that application. Therefore there is no permission to develop the site that the proposal would provide access to

21.2 Therefore given there is no permission for the development of the site, the true impacts cannot be assessed, given that if granted the access could in theory be used for any manner of uses of the site and Eastbourne Borough Council would have little or no control over the development site given the site is within Wealden District.

21.3 If it was minded to approve planning permission the Council would have sought some form of agreement through S106 or planning condition that the access was only implemented to serve that development to ensure appropriate mitigation measures.

21.4 There is an objection in principle to the development of the site, Eastbourne Borough Council objected to the allocation of this site for Housing through the local plan process. It is noted that the Wealden Draft Local Plan has been withdrawn but the objection remains. However the principle of the development of the site is not for EBC consideration. The application proposal that falls within the Eastbourne Borough Boundary should be considered against the relevant planning policies.

22. Highways Impacts

22.1 The application is accompanied by a Transport Assessment which details the proposals in terms of the proposed layout and access, accessibility as well as existing and proposed traffic conditions:

22.2 Discussion with ESCC Highway Authority have been on going for some considerable time at pre-application stage. In light of that, the Highway Authority has provided a detailed and thorough 22 page assessment of highway matters. Due to its length, the text is not included in this report. However, a full copy of the appraisal is appended for Members to review.

22.3 The County Council's position is that the impact of the proposed development is acceptable. This is qualified, however, and includes a comprehensive package of works that would be secured via conditions, s106 and s278 works. This includes agreed funding to sustain the bus service on Pennine Way, together with upgrades to bus stops close to the site (with real time passenger information).

22.4 WDC state in their appraisal of the scheme that contributions have already been collected from other development sites towards this package of works. This includes the Land South of Rattle Road, Land at The Wells, Rattle Road and Land at Uplands Farm. Any shortfall

would be covered by the CIL Charging Schedule. With this funding certainty in place, there is no need for conditions controlling occupation.

22.5 Given the above it is not considered that a reason for refusal based on highway impacts or safety could be justified.

23. Ecology

23.1 Ecological impacts and potential for net gains can be considered more fully on the main application. Given this application is solely for the access to the site the impacts are limited to those resulting from that part of the development including the loss of the existing hedgerow to facilitate the access.

23.2 The site is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Pevensey Levels Site of Special Scientific Interest (SSSI) / Special Area of Conservation (SAC) / Ramsar located approximately 1400m to the north-east of the site. The nearest non-statutory designations to the site are Langney Crematorium Site of Nature Conservation Importance (SNCI) and Langney Levels SNCI, which are located approximately 265m and 380m to the south and south-east of the site respectively.

23.3 Consideration has been given to these designations and mitigation measures are proposed where necessary, notably in regard to measures to maintain water quality through the main application and the proposals present the opportunity to secure a number of net gains in biodiversity, including native tree and shrub planting, wildflower grassland creation, new wetland habitat within swales and attenuation basins and new faunal habitat provision.

23.4 WDC have concluded that the findings of the ecological reports are accepted and it is considered that planning conditions can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies with regard to nature conservation and biodiversity enhancement.

23.5 It is not considered that a reason for refusal based on ecological impacts could be sustained.

24. Drainage and Flooding

24.1 Whilst a number of objections have been received on this matter this is only a consideration for this application in terms of the impact from the access way. The drainage and flooding issues from the site as a whole are dealt with under the wider development application within WDC area.

24.2 It should be noted that the LLFA, EA nor SW raise objections to the Wealden Application. Initial concerns regarding flooding have been overcome by additional reports and modelling. The LLFA comments are contained in full above.

24.3 The WDC application has been refused for two reasons, one being the submission is not considered to demonstrate the proposed development could be accommodated on the site without detriment to

the amenities of the local residents and would not lead to an increased risk of surface water flooding.

24.4 However it should be considered that creation of the access road and those works falling in this application would have little impact in and of themselves, in terms of creating floodrisk or drainage issues and given the above it is not considered that a reason for refusal on this basis could be substantiated for this application.

25. Landscaping and visual impact

25.1 All matters other than access are reserved for later determination, the landscaping strategy will form part of the reserved matters and will seek to ensure that landscaping will be utilised to minimise the visual impact of the proposal.

25.2 The application is supported by a landscape Visual Impact Assessment. This concludes that the visual effects of the proposed development would be localised, and significant negative effects would be limited to changes to the views available to a small number of residents, pedestrians and vehicle users along Pennine Way to the south of the site, however it concluded that this would reduce over time as proposed planting matured with residential development becoming progressively filtered by proposed planting.

25.3 The proposal would undoubtedly be different and there would be impacts of the proposal as a whole when viewing the site from Pennine Way, however the application for determination is solely in relation to the access and it is not considered a reason for refusal based around visual impact or landscaping solely of the access could be substantiated.

Human Rights Implications

26. 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.

Recommendation

27. It is considered that the material planning considerations of the development as a whole need to be considered as part of the main application by WDC.

28. This application only accesses the material considerations of the impacts of the access and highway works. To refuse permission for anything other than issues or impacts arising from the works subject to the application would be unreasonable.

29. It is considered that there are no highway reasons to refuse the application, the highway authority have not raised objection to the access and it along with the traffic calming measures have been assessed by an independent

audit team and a stage 1 road safety audit has been produced. Therefore there is no highway safety reasoning to refuse the new access.

30. However it must be considered that the permission for the development of the land has been refused by WDC and therefore the development of the site to which the access serves is unknown. The wider impacts of the access in terms of traffic generation and sustainability cannot be fully or reasonably assessed, and the mitigation works and the funding for wider improvements could not be reasonably scoped. For any mitigation to be successful there needs to be an understanding of what impacts need to be mitigated and with the WDC scheme being refused there is no permission to evaluate the mitigation measures.

31. It is considered that the Council cannot consider favourably a consent for an access when the use of the access is unknown. Therefore it is recommended that planning permission is refused for the following reason:

Reason for refusal:-

The proposed access provides vehicular and pedestrian access to an existing farm, and in and of itself would appear to be an overly engineered access for farm use. Notwithstanding this planning permission for the development of the fields to the north has been refused and therefore the impacts and mitigation of the access in particular and the wider application in general cannot be assessed.

Appeal

32. 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.

Part 3 - Executive Summary of officer's report to Wealden District Council

Recommendation

- a) Liaison with Natural England over positively concluded Appropriate Assessment (that development would not cause in combination impacts on the water quality of Pevensey Levels).
- b) Completion of a Section 106 Agreement securing:
 - i. Delivery of 35% affordable housing on site.
 - ii. 5% on site custom and self-build plots
 - iii. On site open space (including allotments) providing for youth adult, together with local equipped areas for play (and their ongoing maintenance)
 - iv. On and off site highway works including:
 - Funding to secure the upgrade of existing bus stops on Pennine Way (to incorporate real time passenger information)
 - Financial contribution of £250,000 towards an improved bus service on Pennine Way.

- A Residential Travel Plan including an audit fee of £6000.
- The provision of free bus travel promotion for new residents for a period of 3 months.

Executive Summary

This is an outline planning application seeking residential development of up to 250 dwellings, together with allotments, open space and sport/playing fields on land at Friday Street Farm, Stone Cross. Details of access are submitted for consideration with all other matters reserved for future consideration. The application is accompanied by various technical documents, including an illustrative masterplan which demonstrates the site can satisfactorily accommodate the proposed level of development and associated infrastructure and open space.

The scheme is identical to the application lodged under WD/2019/1994/MAO and refused in May 2020. However, the current proposal seeks to address the two reasons for refusal given by Committee relating to development boundary breach and concerns regarding drainage.

The application site lies within open countryside as defined by the 1998 adopted Local Plan and has therefore been advertised as a 'departure' application. Part of the site – where the new access is proposed to link into Pennine Way – falls outside the Wealden boundary. A separate application has been lodged to Eastbourne for that part of the proposal.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the development plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

Within the context of the now withdrawn Wealden Local Plan 2019, the site was identified as forming part of development at Stone Cross for a mixed use development comprising housing (up to 250 dwellings) B1, B2 and B8 employment floor area and associated infrastructure including open space, allotments and play facilities; under Policy SWGA 48. As the Committee will now the scheme in WD/2019/1994/MAO was lodged before the Examining Inspector issued her report on soundness to the 2019 Plan. Even so, the proposal as submitted would fully accord with what was the Submission Plan.

The Council cannot demonstrate a five year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing, together with custom and self building housing.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan.

The committee must be clear: this application is in breach of that strategy and policies in that Plan indicate a decision should be refused unless persuasive material considerations justify taking a different decision. These policies, which restrict development in the countryside, were based on an assessment carried out in 1998 of the housing requirements up until 2004. It is long since out of date and this is a major consideration. As the planning history identifies, the Council has supported significant residential development beyond the 1998 development boundaries.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. Where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In the absence of a five-year housing land supply the effect of these policies, which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. With no landscape impact, adverse impact on residential amenity, highway matters nor to surface water or foul drainage; the policy conflict with GD2 and DC17 is outweighed by the benefits of significant housing delivery.

Having regard to Paragraph 11(d) and Paragraph 177 of the NPPF February 2019 and the conclusions of the Appropriate Assessment, the presumption in favour of sustainable development is applicable to the application site.

The application accords with the three objectives of sustainable development: economic, social and environmental. The development would bring economic benefits, delivering and supporting jobs on and off site. The economic benefits would also include associated benefits to other businesses in the area and supporting local services within the area. The proposals would help deliver much needed housing including affordable, custom and self-build housing to meet housing requirements in the district and locally needed affordable homes thereby meeting the social role.

Members will also note the layout includes a playing pitch, further enhancing the sporting offer in Stone Cross and on the boundary of Eastbourne generally. There are also allotments included in the scheme.

It is considered that subject to appropriate layout and detailed design which would be determined through subsequent reserved matters application(s) and condition discharge; the development could provide a quality and locally distinctive environment.

Having regard to Paragraph 109 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal. The ESCC highway authority do not object to the application but have requested a package of highway work to be secured by conditions and legal agreement. This includes a contribution towards sustaining bus route and a travel plan.

There would be no material adverse impact on the amenity of both existing residents and prospective occupiers. Access to the proposed amenity areas within the development will be for both existing residents and new residents. The illustrative layout demonstrates legible and direct connections within and through the site including a strategic pedestrian and cycle route provided east-west through the sites, a series of recreational paths and cycleways around amenity areas, footways provided on both sides of the road network in the site. The public right of way which crosses the site can be safeguarded. Whilst highway issues are a source of objection, including from Eastbourne Borough Council, East Sussex Highway Authority have advised for some time now that the new access onto Pennine Way can be secured to required and appropriate standard. That subject to a comprehensive package of work, the development would not cause adverse impact on highway safety on the local or immediate highway network.

Ecological mitigation and enhancements will be provided within the site ensuring conservation status of protected species is maintained at a favourable status.

Significant comments are lodged in regard to development of the site on land known to flood. Numerous photographs have been lodged showing parts of the site with standing water. This is a pre-development situation with little (or no) drainage in place. The developable area for housing lies within Flood Zone 1 and takes into account the climate change scenarios. The Environment Agency do not object. The proposal seeks to improve and better greenfield run off rates, including a betterment for climate change. The East Sussex Local Lead Flood Authority had requested detailed drainage modelling work (including of the Rattle Stream). That work has been undertaken and submitted and the County Council has withdrawn its objection.

Mitigation measures proposed for surface water drainage will ensure potential adverse impacts on the Pevensey Levels are avoided with regard to water quality and quantity. There is a requirement to liaise with Natural England over any positively concluded Appropriate Assessment. Any positive resolution would be subject to the outcome of that process

Southern Water has confirmed it can service the development site (subject to application for connection). The Police Crime Prevention Officer has not objected (though make some comments that would inform the Reserved Matters layout).

The scheme includes dedicated playing pitch, open space and allotments. Whilst the fine details of these would not be known until Reserved Matters stage, the scheme includes a mixture of play, allotment and formal pitch provision. Having regard to the above, the development therefore meets the environmental role of sustainable development in the NPPF.

Eastbourne Borough have raised objection with specific concerns about impacts on existing infrastructure and services. This is set out as a deficiency of what was the Submission Local Plan 2019 and failure of the duty to cooperate. Whilst that point was an integral criticism of the examining Inspector in the Plan, it is not considered to weigh against the application proposal. The development will be generate CIL payments which will provide revenue to the Council's evolving infrastructure fund that can then be utilised to assist in providing additional services for the area.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the policies GD2 and DC17 of the 1998 Plan and SPO1 and WCS6 of the 2013 Core Strategy which, amongst other things, seek to direct new housing development to existing development boundaries as set out in the development plan.

However, for all the reasons set out, conflict with these policies should be given limited weight. As noted, the site was included in the now withdrawn 2019 development strategy for the District, as part of further planned development at Stone Cross. It has been the subject of extensive discussions with statutory consultees, including the County Council. At up to 250 dwellings, this is a considerable development for the District in terms of housing land supply, coupled with the associated benefits, including (but not limited to) open space, market and affordable housing, together with custom and self-build plots in an area of unmet demand.

It is also the case the Council has supported growth beyond the 1998 development boundaries in order to deliver up to date housing need.

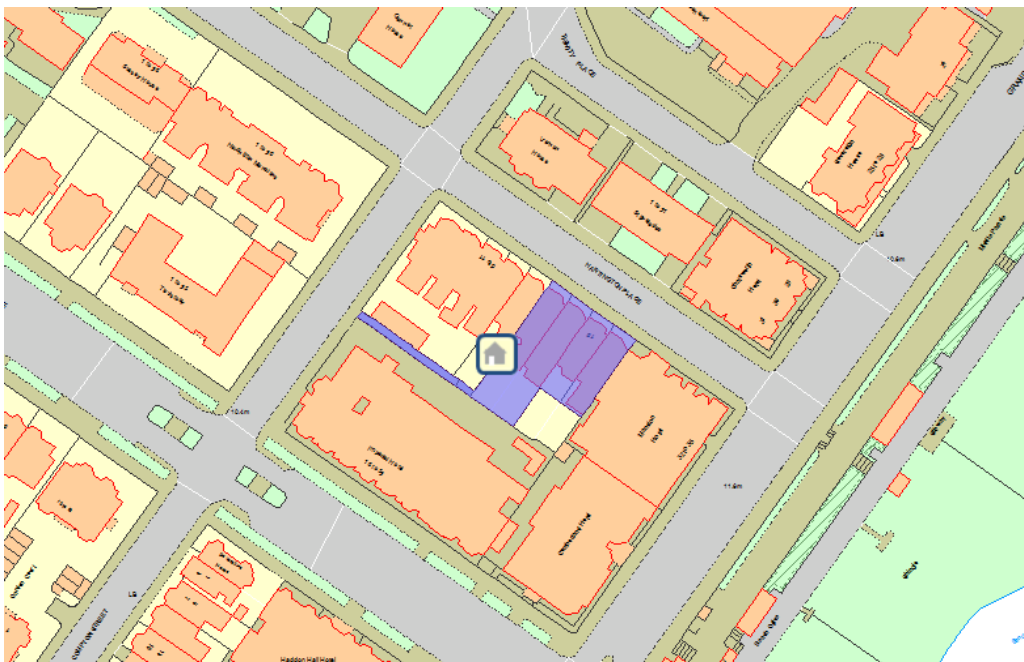
This is both local to the application site, but elsewhere in the District. In respect of this site, no technical impediment to development has been identified by any statutory consultee. Not on foul drainage, nor surface water nor in regard to highway matters. In fact, the reverse applies here where the development will deliver enhancements to drainage compared to the current pre-development situation. It will also secure betterment to local transport options, including footpath/cycle enhancements, together with bus service provision.

Having regard to the planning balance and the considerations set out in the main body of the report, it is once again recommended that the application is **APPROVED** subject to resolution of the items listed at the beginning of the report and the completion of a legal agreement and the recommended conditions.

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Report to: Planning Committee
Date: 24th November 2020
Application No: 200280
Location: Mansion (Lions) Hotel, 32-35 Grand Parade, Eastbourne
Proposal: Conversion of rear part of hotel at 15-21 Hartington Place to 21N° two-bedroom flats
Ward: Meads
Deadlines: **Decision Due Date:** 16 July 2020
Neighbour Con. Expiry: 10 July 2020
Recommendation: To approve with conditions
Contact Officer: **Name:** James Smith
Post title: Specialist Advisor - Planning
E-mail: james.smith@eastbourne.gov.uk
Telephone number: 01323 415026

Map Location:



1. Executive Summary

- 1.1 This application was reported to the August Planning Committee where members resolved to grant planning permission subject to a S106 legal agreement covering local labour agreement and reasonable investment in retained tourism use.

- 1.2 Members will recall that affordable housing was discounted on viability grounds, meaning that the scheme could not support financially the delivery of any affordable housing units.
- 1.3 It is clear therefore that the scheme would also not be able to provide any investment into the retained tourism use; this was included in the earlier report in error.
- 1.4 It is recommended that this element of the recommendation be dropped and that the local labour initiatives be controlled via planning condition.
- 1.5 All other matters are the same as previously reported and for ease of reference the previous report is attached below.
- 1.6 It is considered that the proposed development represents an optimum viable use of the building that would not compromise the status any heritage asset nor would it have an unacceptable negative impact upon tourism and tourist facilities.
- 1.7 The units provided by the development would play an important contribution towards housing supply in the Borough. The proposed flats would provide suitable living conditions for future occupants and would not result in unacceptable impact upon environmental and residential amenity.
- 1.8 The absence of on-site car parking is considered to be acceptable due to the sustainable location of the site.
- 1.9 The applicant has stated that it would not be possible to provide affordable housing as part of the development, nor could a commuted sum be paid. The reason stated is viability grounds. A Financial Viability Assessment that supports this statement has been submitted and at the time of writing is being independently reviewed by a Chartered Surveyor.

2. Relevant Planning Policies

National Planning Policy Framework

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

Government Planning Practice Guidance

National Design Guide (2019).

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
- D3: Tourism

D5: Housing
D8: Sustainable Travel
D10: Historic Environment
D10a: Design.

Eastbourne Town Centre Local Plan 2013

TC6: Residential Development in the Town Centre
TC9: Development Quality
TC12: Servicing, Access and Storage.

Eastbourne Borough Plan Saved Policies 2007

NE18: Noise
NE28: Environmental Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT15: Protection of Conservation Areas
HO1: Residential Development Within the Existing Built-up Area
HO9: Conversions and Change of Use
HO20: Residential Amenity
TR2: Travel Demands
TR11: Car Parking
TO1: Tourist Accommodation Area
TO2: Retention of Tourist Accommodation.

Supplementary Planning Document

Tourist Accommodation Retention (2017).

3. Site Description

- 3.1 The site is occupied by numbers 15-21 Hartington Place, which were originally four individual 5-storey (including basement level) townhouses but have since had their floor space amalgamated to form part of the Mansion (Lions) hotel. The buildings form part of a terrace along with numbers 13, 11, 9, 7 and 5 Hartington Place, the full extent of which is Grade II Listed. These buildings were erected between 1855 and 1860.
- 3.2 The easternmost building, No. 21 Hartington Place, has been extended to the rear to its full height, with the roof also altered to a mansard form in order to provide an additional storey within the roof space. The exteriors of the remaining buildings are largely unaltered from their original appearance although the front doorways of numbers 21, 17 and 15 have been partially infilled and the doors replaced with windows. All buildings have distinctive curved frontages, round arched porches with Doric columns over original main entrance, a stringcourse over first floor window heads, cornice with modillions above second floor window heads and a parapet at the roof eaves. The cornice of the porches continues over ground floor window heads and iron balcony railings are installed to the front of first floor windows above the cornice. To the rear, there are bay windows at basement, ground and first floor level of each building as well as raised terraces and landscaped amenity space.

- 3.3 Ground floor level is slightly raised from street level and the main entrance is reached by a set of steps. The site frontage is marked by painted iron railings.
- 3.4 The Mansion hotel comprises the application buildings as well as an interconnected 6-storey building which fronts Grand Parade. Overall, the application buildings accommodate 32 x hotel rooms. The basement level is used solely for ancillary office space. There is a self-contained flat at ground floor level as well as dining rooms used by hotel guests. It is stated that approximately 80 rooms would continue to be provided in the retained part of the hotel. The hotel is advertised as providing 106 rooms overall.
- 3.5 Surrounding development comprises large hotel buildings of 6-storeys plus which face onto Grand Parade and represent the main ribbon of hotel development along Eastbourne seafront. Side streets such as Hartington Place are generally defined by Victorian townhouse style 4 and 5-storey buildings, many of which have roof/rear extensions and have been converted to tourist use. Primary shopping areas in the town centre are nearby to the north whilst the seafront, attractions and theatres are close by to the south and west.
- 3.6 The site is located within the Eastbourne Town Centre and Seafront Conservation Area. It also falls within the secondary sector of the Tourist Accommodation Area (as per the Tourist Accommodation Supplementary Planning Document). There are no other specific planning designations attached to the site although there are mature trees subject to TPO's to the rear of the neighbouring properties.

4. Relevant Planning History

- 4.1 500175
Provision of glazed screen and balcony.
Approved unconditionally – 9th June 1950
- 4.2 550105
Alterations forming additional lavatory, accommodation and stairway
Approved unconditionally – 15th March 1955.
- 4.3 570347
Conversion of hotel into 8 flatlets including housekeepers living accommodation
Approved conditionally – 17th November 1957.
- 4.4 600135
Formation of staff entrance and steps to basement of hotel
Approved conditionally – 11th March 1960.
- 4.5 620080
New connecting doorway at ground floor level to incorporate No. 17 with the Mansion Hotel
Approved conditionally – 8th March 1962.
- 4.6 620218
Alterations to convert existing premises (15 and 17 Hartington Place) to form extension to Mansion Hotel
Approved unconditionally – 15th May 1962.

- 4.7 080386
Retrospective planning application for removal of seven timber framed sash windows and replacement with UPVc framed sash windows at lower ground floors of 15, 17 and 19 Hartington Place
Refused – 2nd September 2008.

5. Proposed Development

- 5.1 The proposal involves converting 15-21 Hartington Place to accommodate 21 x self-contained flats. All but one of the flats would be 2 bedroom properties, with the remaining flat being one bedroom. Flats would be provided at a rate of 4 per floor (lower ground to third floor) with a single flat accommodated within the existing roof extension at No. 21.
- 5.2 External alterations made to the existing buildings would be restricted to the rear elevation and would consist of the following:-
- Removal of existing single-storey flat roof basement extensions/terraces;
 - Removal of external staircase providing access to first floor;
 - Removal of first floor external door and replacement with window unit;
 - Replacement of bay window unit at first floor on No. 15 and bay window/doors at ground floor level on all units;
 - Formation of new windows/doors at basement level to provide access to amenity areas;
 - Formation of new external door at ground floor level to rear of No. 19;
 - Creation of bridge access from rear of site to new ground floor entrance;
- 5.3 The main access to the flats would be via the existing ground floor entrance on Hartington Place. Basement, first floor, second floor and third floor flats would be accessed by way of a communal internal staircase or by lift. The fourth floor flat would have an additional staircase taken from the third floor level and would not be served by a lift.
- 5.4 The two rear facing basement units (flats 2 and 3) would have direct access to an outdoor patio/terrace area. Remaining flats will have access to a landscaped communal garden which would include a seating area and cycle and bin storage facilities. The communal garden would be accessed via the proposed bridge footpath. The amenity area could also be accessed from the rear of the site via the existing service road. No designated car parking spaces would be provided.
- 5.5 It is stated that all units would be provided as market housing, with no provision for affordable units.

6. Consultations

ESCC Highways

- 6.1 The applicant has not submitted any details of trip generation for the existing or proposed use. Having carried out my own analysis using TRICS it is evident that the existing site as a hotel with 32 hotel rooms and additional 1 bedroom flat could generate in the region of 59 daily vehicle trips. Based on

an estimated trip rate of 2-4 trips per day per 2 bedroom flat, it is estimated that approximately 42-84 vehicle trips will be generated by the proposed development, not discounting existing trips. This level of additional trips is not expected to result in a significant impact on the local highway network, and as such, would not warrant an objection.

- 6.2 The applicant is not proposing any on-site car parking. In accordance with the ESCC guidance for parking at non-residential developments a hotel should be provided with 1 space per bedroom, plus 1 space per 2 non-resident staff. The existing 34 bed hotel should therefore be provided with in excess of 34 parking spaces. In accordance with the East Sussex parking demand calculator 21 two-bedroom flats in this location require 13 parking spaces if all unallocated. The future demand is therefore less than the current demand. The site is within permit parking zone S so parking is controlled and residents are required to purchase a permit before they can park in the area. Following consultation with the ESCC Parking Team, permits are still issued for this zone and there is no waiting list. It should be noted however that parking bays in this zone are a mixture of permit holders only and shared parking (for permit holders or pay and display parking) and as such having a permit does not guarantee that space will be available on street.
- 6.3 On balance an objection on parking grounds would be difficult to defend as a severe impact would be unlikely to be created by the parking demand and therefore the proposal is in accordance with the transport requirements of the NPPF. Parking restrictions along in the vicinity of the site prevent unauthorised parking, therefore maintaining the free flow of traffic
- 6.4 The applicant is proposing cycle storage to the rear of the property. ESCC standards stipulate that between 0.5 and 1 cycle spaces should be provided per two bedroom flat, however given the accessible site and lack of parking provided 1 space per flat should be provided. The provision of cycle storage should be secured by condition, and should be conveniently located, covered and secure.
- 6.5 The applicant is proposing a bin store to the rear of the property with access via the walkway from Compton Street. The proposed plans indicate the bin storage point exceeds the 25m maximum carry distances and as such the waste team should be consulted to determine if this arrangement is acceptable.
- 6.6 The site is located approximately 400m south of Eastbourne Town Centre and is within approximately 800m of Eastbourne Railway Station which provides an onward connection to Hastings, Brighton and London. There are a number of bus services within a 200m walking distance, serving Eastbourne Town Centre, Meads, Sovereign Harbour and Hastings. Overall, it is considered the site is in a suitably sustainable location.
- 6.7 Given the size of the development a Travel Plan Statement is not required; however, considering the lack of parking it is necessary to encourage non-car modes of transport. On first occupation of each unit either a bus taster ticket or £100 cycle voucher should be provided.
- 6.8 Given the central location of the site, and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway

network, a Construction Traffic Management Plan should be provided, with details to be agreed.

- 6.9 Considering the sustainable location, size of proposed dwellings and existing use it is not expected that the proposals would result in a significant detrimental impact on the local highway network. Therefore, I would not object to the application based on highways grounds, subject to conditions detailed below.

Eastbourne Hospitality Association:

- 6.10 We have NO objection subject to the following conditions:

1. Residential units never to be used for HMO purposes.
2. Parking for potentially another 50 cars is addressed and kept 'off' street.
3. Hotel Frontage and associated Public facing façade of the whole property is restored to a premium condition to maintain the look of the Conservation Area.

- 6.11 The number of bedrooms lost in the overall picture has no consequence to the 5.5K available and even with the Development of the Devonshire Quarter – there will be plenty available, as long as they book with plenty of notice – this is the main issue for Conference booking, not the amount of 'bed space' available, we as Accommodation Providers get booked up to 2 years in Advance by Overseas Groups. We are as an Association working with Visit Eastbourne (VE) on this issue and we will come to a solution, hopefully, soon.

SUDs

- 6.12 The proposed application is for a change of use of part of a hotel into residential units with minor alterations proposed. As such, it is not expected that the proposals will result in an increase in flood risk elsewhere and we have no objection to the proposed development. However, it is recommended that the condition of the existing surface water drainage system is investigated and any required improvements/rehabilitation made prior to occupation.

Regeneration

- 6.13 In line with the Local Employment and Training Supplementary Planning Document, adopted November 2016, this application for outline planning permission meets the threshold for a residential development and therefore qualifies for a local labour agreement.
- 6.14 The Supporting Planning Statement dated September 2018 acknowledges at 6.5, page 10 that there will be some economic benefits from employment during construction as well as increased spending in the local economy following occupation.
- 6.15 Item 3.1, page 4 outlines the loss of hotel rooms and ancillary offices amounting to a loss of 28% of the premises. The report gives no indication of the number of staff currently employed or anticipated employment numbers as a result of partial loss of hotel facilities. Hospitality is a key employment sector in Eastbourne and an area that may experience growth as a result of the Covid-19 pandemic with holidaymakers deciding to stay in the UK.

6.16 The Supporting Planning Statement dated September 2018 acknowledges at 6.5, page 10 that there will be some economic benefits from employment during construction as well as increased spending in the local economy following occupation.

6.17 Regeneration has reservations regarding this application in light of the absence of employment data and job losses. Regeneration requests that should this planning application be approved it be subject to a Local Labour Agreement.

Conservation Area Advisory Group

6.18 The properties have been subject to extensive adaptations over the years, with changed configurations and a complete loss of historic fabric. The front façade, which is largely unchanged, is retained as part of the proposed development. Overall, the application is deemed acceptable, though the preference would be for the installation of more sympathetic windows to the rear elevation.

County Archaeology

6.19 On the available evidence, the East Sussex County Council Archaeology Team do not consider that in this instance, the information held by the Historic Environment Record (HER) would contribute to determining the significance of the heritage asset.

Specialist Advisor (Conservation and Listed Buildings)

6.20 This application seeks permission to develop four properties currently forming part of this centrally located hotel operating out of a listed building and in a conservation area as residential apartments. The property has been extensively adapted over the years so the redevelopment does not significantly compromise an enduring floor plan or historic features and fabric. Hearteningly, it proposes retaining the facade on to Hartington Place as virtually unchanged, thereby securing one of the site's strongest assets whilst creating the conditions that allows for the remainder of the hotel to continue operating. The retention of uPVC windows on the rear elevation is, however, unfortunate and gives rise to concern, and it would be helpful if these could be upgraded to something more appropriate. On balance, however, the application has a neutral impact and is not felt to compromise the integrity of the individual listing through loss of significance or to create any major challenge to the character and appearance of the host conservation area.

Specialist Advisor (Planning Policy)

6.21 The NPPF supports sustainable residential development and is supported in order to meet local and national housing needs. The site has not been identified in the Strategic Housing & Employment Land Availability Assessment [SHELAA] (2017) and as such would be considered to be a windfall site. Residential development on windfall sites is required in order to meet the Core Strategy's Spatial Development Strategy (Policy B1 of the Core Strategy). As such, the principle of residential development in this sustainable location is supported.

6.22 This site lies within a Secondary Sector of the Tourist Accommodation Area. A Tourist Accommodation Retention Supplementary Planning Document (SPD) was

adopted in February 2017 to provide interpretation on the implementation of Policy TO2, which restricts the loss of tourist accommodation in the defined tourist accommodation area. The SPD identifies what is required to justify loss of tourist accommodation in the Secondary Sector of the Tourist Accommodation Area. It describes that proposals that result in the partial loss of Tourist Accommodation in Secondary area will be supported if "...investment is made in improving the remaining tourist accommodation." This investment should be secured by a S106 agreement. There is no evidence provided with the application that this has been considered or will be provided. As such, the proposed Change of Use is in contravention of Policy TO2: Retention of Tourist Accommodation.

- 6.23 Policy D5: Housing, within the Eastbourne Core Strategy described the thresholds for affordable housing contributions within new developments. This development will be liable for a contribution towards affordable housing. A development of 21 residential units within a Low Value Neighbourhood would be liable to provide 6.3 full units for affordable housing. The 0.3 unit would have to be provided through a commuted sum. There is no recognition of the requirement to provide affordable housing with the application.
- 6.24 There is outdoor amenity provided in the form of a communal garden. There are no obvious conflicts involving noise disturbance, smell and vibration, as the surrounding area has a mix of Hotels and residential buildings. Bins and recycling storage would be screened from public view. There is not a significant mix of development types, with all but one flat being a two bedroom development. This may be acceptable if this is all that is possible within the constraints of the Grade II listed building.
- 6.25 The principle of this development is supported.

7. Neighbour Representations (objections to the Listed Building Consent application (200308) have also been included due to the overlap in points raised.

- 7.1 6 Letters of objection have been received, the contents of which are summarised below:
- 21 more cars would push parking onto neighbouring roads;
 - Loss of green space;
 - Lack of access for refuse vehicles;
 - Increase in noise levels;
 - No provision of affordable housing;
 - Breach of covenant with Devonshire Estate;
 - Insufficient parking;
 - Insufficient justification for loss of hotel use and employment;
 - Assumption that occupant would not own cars is naïve and unrealistic;
 - Not a sympathetic development of a Grade II Listed Building;
 - Failure to replace uPVC windows with timber contradicts National Planning Guidance;
 - No details of external decoration provided;
 - Assumes right of way on a communal alley;
 - Requires a risk assessment for fire escape routes;
 - Re-opening of Chatsworth Hotel will add to parking pressure;

- More people will holiday in the UK as a result of Coronavirus so hotel capacity will be needed.

7.2 One letter of support has been received.

8. Appraisal

Principle

- 8.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.
- 8.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.4 The site is located within the secondary sector of the Eastbourne Tourist Accommodation Area. The loss of tourist accommodation in this area is more readily acceptable than in the primary frontage zone. Para. 82 of the NPPF states that 'planning policies and decisions should recognise and address the specific locational requirements of different sectors.' It is, however, noted that the NPPF also encourages flexibility in order to 'enable a rapid response to changes in economic circumstances.'
- 8.5 The presumption of approval will therefore need to be balanced against potential impacts upon the integrity of the tourism accommodation area as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).
- 8.6 The main body of this report will therefore make an assessment of the balance between the benefits of the proposed development in terms of contributing to the supply of housing and any detrimental impacts based on criteria set out above.
- 8.7 As the building is Grade II Listed, the proposed internal and external works will also require Listed Building Consent. A separate application for this has been made under reference 200308 and is reported elsewhere on this agenda. Any grant of planning permission would not override the need to obtain Listed Building Consent for the works and vice versa.

Affordable Housing

- 8.8 Para. 62 of the Revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.9 The proposed development involves the net gain of 21 residential units and, therefore, represents major development.
- 8.10 Policy D5 of the Eastbourne Core Strategy reflects this national position and sets a requirement for 30% of units to be provided in 'Low Value Areas' (of which the Town Centre neighbourhood is an example).
- 8.11 The adopted Affordable Housing Supplementary Planning Document, which provides a companion to Policy D5, states that, in circumstances of negative viability, the applicant should follow a hierarchy of alternative ways to provide affordable housing. The applicant has stated that it would not be viable to provide affordable housing either on-site as part of the development, off-site or via a commuted sum. Para. 7.8 of the Affordable Housing SPD provides the following commentary for these circumstances:-
- To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.
- 8.12 The application has been accompanied by a Financial Viability Assessment (FVA) in order to substantiate their claim that it would not be viable to provide affordable housing in full or part in accordance with the sequential approach set out in para. 4.6 of the Affordable Housing SPD which is as follows:
- i. The Council's on-site preferred mix;
 - ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
 - iii. A level of affordable housing on-site which is less than the specified threshold;
 - iv. Serviced plots onsite;
 - v. Service plots offsite;
 - vi. Transfer of land;
 - vii. A commuted sum.
- 8.13 The FVA is being independently assessed by a Chartered Surveyor. If it is found that it would be viable to provide affordable housing in accordance with any part of the hierarchy set out above then this will be sought and secured through the use of a Section 106 agreement. If the applicant is not willing to enter into any such legal agreement then the application will be refused.

Loss of Tourist Accommodation

- 8.14 It is the Council's policy to firmly resist the loss of tourist accommodation within designated primary frontage areas and be more flexible with less prominent and secondary locations. This is of particular importance as, if viable tourist accommodation is lost, there is limited land available for re-provision, especially in light of competing demand for use of available land for other purposes, such as residential.
- 8.15 The Tourist Accommodation Supplementary Planning Document (SPD) identifies the site as being within the secondary sector of the tourist accommodation area. This is due to the lack of sea views offered from the building and its set its positioning on a secondary road to the rear of the main ribbon of tourist accommodation, which flanks the seafront.
- 8.16 The SPD notes that buildings in such locations, particularly those with no significant outdoor amenity space, offer poor quality stock that have the potential to detract from the overall viability of the tourist accommodation area by driving a reduction in room rates and, as a consequence, stymieing the ability of primary sector hotels to invest in maintenance and improvements. Para. 4.2 suggests a managed decline of unviable tourist accommodation within secondary sectors, that will not be fit-for-purpose in the medium to long term future, may be of benefit to the wider accommodation area by way of encouraging raised standards, stimulating investment in better quality accommodation.
- 8.17 The application building does have access to amenity space and is also attached to the main hotel building which is within the primary tourist accommodation sector and faces directly out towards the seafront. However, it is stated that the building does not provide any of the communal facilities used by guests and that the loss of hotel rooms would be low in proportion to the overall amount of rooms available at the hotel. The statement thereby submits that the loss of rooms would not compromise the overall functionality and viability of the hotel and that, with the amount of rooms retained, it would remain as one of the larger hotels within the tourist accommodation area, with 80 rooms maintained.
- 8.18 The hotel is listed as currently providing 106 rooms. 32 rooms are currently contained within the application building and, as such, the overall capacity of the hotel would be reduced by approximately 30% as a result of the proposed scheme.

Density

- 8.19 Para. 123 of the Revised NPPF encourages intensification of residential density in new development, particularly in areas where there is a shortfall on housing land supply. The proposed development would provide 21 residential units on a site with an area of approximately 800 m², equating to a residential density of approximately 262.5 dwellings per hectare.
- 8.20 The Town Centre neighbourhood is identified as one of the six most sustainable neighbourhoods within the borough by Policy B1 of the Eastbourne Core Strategy, which states that development of a density of up to 180 dwellings per hectare would be supported. The density of the proposed development exceeds the suggested upper limit. However, in this instance, a higher density of development

is considered acceptable given the number of storeys the building has, the small size of the units (in terms of bedrooms provided) and the highly sustainable nature of the surrounding area. The amount of Gross Internal Area (GIA) provided in each unit exceeds the minimum requirements as stipulated in the Technical housing standards – nationally described space standard (2015).

Design issues

- 8.21 The proposed conversion would involve a minimal amount of external works and these would be concentrated toward the rear of the building. The frontage of the building would remain unaltered, with the main access to the proposed flats being provided by the existing doorway facing onto Hartington Place.
- 8.22 The alterations to the rear of the building would involve the removal of existing flat roof extensions to basement which are functional in appearance and do not represent part of the original fabric of the building. An unsightly metal framed external staircase would also be removed. A number of non-original doors and windows would be replaced on the rear fascia of the building. New windows would be installed, with size and positioning of openings restored to their original characteristics, albeit with uPVC framed windows installed rather than timber framed.
- 8.23 The only significant addition to the rear of the building involves the provision of a raised bridge walkway that would allow for level access to the ground floor of the building from the service road to the rear of the site. It is not considered that this would have a harmful impact upon visual amenity, provided appropriate materials and finishes are used, as it is of modest scale. The provision of the walkway will also ensure that the building engages with the rear of the site.
- 8.24 Amenity space would be landscaped, with additional space available following the demolition of basement extensions, whilst the existing garden walls would be retained, maintaining the traditional character of a walled garden. Bin and cycle stores would also be incorporated into this space, with suitable screening provided to prevent any unacceptable cluttered appearance.
- 8.25 It is therefore considered that the building, which was originally in use as residential accommodation, will continue to interact with the street scene and surrounding environment in an unchanged manner, with minor improvements in appearance secured to the rear of the building by way of the removal of less sympathetic elements.

Residential Amenity

- 8.26 Although a small amount of new windows would be installed, these would all be in a similar position to existing openings. There are no windows within the side elevations of the building due to it forming part of a terrace. Windows serving flats would either face out onto Hartington Place to the front, or towards windows serving rooms at the Imperial Hotel to the rear, with a distance of some 26 metres maintained between these windows. Due to the angles involved, there would be no demonstrable overlooking of neighbouring residential property on Hartington Place. Therefore, whilst the majority of windows within the building would now serve a main habitable roof of a residential flat, it is not considered that any direct, invasive views towards neighbouring residential properties would be afforded to future occupants.

8.27 Part of the amenity space to the rear would be shared between two basement level flats. Communal amenity space with an area of approximately 165 m² would also be provided. This amenity area is currently available for use by occupants of the hotel and is screened by boundary walling. Given its modest size, it is not considered that the amenity area would be able to be occupied by large gatherings of people at any one time, minimising the potential for noise disturbance to neighbouring residents. The raised bridge footpath would be at a similar height as the terraces over the existing basement extensions and any views from it towards neighbouring residential properties would be interrupted by site boundary treatment.

Living Conditions for Future Occupants:

8.28 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

8.29 The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The table below shows the GIA provided for each of the proposed unit along with the amount of GIA required for the unit.

Table showing proposed room sizes:

Unit Number	Unit Size	Required GIA	Provided GIA
1 (B)	2 bedroom, 3 person	61 m ²	81.3 m ²
2 (B)	2 bedroom, 3 person	61 m ²	69.9 m ²
3 (B)	2 bedroom, 3 person	61 m ²	69.9 m ²
4 (B)	2 bedroom, 3 person	61 m ²	77.4 m ²
5 (G)	2 bedroom, 3 person	61 m ²	69 m ²
6 (G)	1 bedroom, 2 person	50 m ²	59.3 m ²
7 (G)	2 bedroom, 3 person	61 m ²	68.1 m ²
8 (G)	2 bedroom, 3 person	61 m ²	68.4 m ²
9 (1 st)	2 bedroom, 4 person	70 m ²	78.8 m ²
10 (1 st)	2 bedroom, 3 person	61 m ²	68 m ²
11 (1 st)	2 bedroom, 3 person	61 m ²	69 m ²
12 (1 st)	2 bedroom, 3 person	61 m ²	71.8 m ²
13 (2 nd)	2 bedroom, 4 person	70 m ²	78.8 m ²
14 (2 nd)	2 bedroom, 3 person	61 m ²	66.2 m ²
15 (2 nd)	2 bedroom, 3 person	61 m ²	65 m ²
16 (2 nd)	2 bedroom, 3 person	61 m ²	73.3 m ²
17 (3 rd)	2 bedroom, 3 person	61 m ²	65 m ²
18 (3 rd)	2 bedroom, 3 person	61 m ²	66.7 m ²
19 (3 rd)	2 bedroom, 3 person	61 m ²	65.4 m ²
20 (3 rd)	2 bedroom, 3 person	61 m ²	73.3 m ²
21 (4 th)	2 bedroom, 3 person	61 m ²	72.7 m ²

- 8.30 The proposed units all exceed minimum space standards in terms of GIA. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m² for single bedrooms and 11.5 m² for double bedrooms. This is with the exception of the single bedroom within flat 21 which measures 7.2 m². Given the minimal shortfall in GIA and the need to restrict the amount of internal works in order to maintain the integrity of the Grade II Listed building, it is considered that this shortfall is acceptable in this instance.
- 8.31 The proposed units all exceed minimum space standards in terms of GIA. Individual room sizes also meet or exceed the minimum room size requirements. Also set out in the space standards document, these being 7.5 m² for single bedrooms and 11.5 m² for double bedrooms. This is with the exception of the single bedroom within flat 21 which measures 7.2 m². Given the minimal shortfall in GIA and the need to restrict the amount of internal works in order to maintain the integrity of the Grade II Listed building, it is considered that this shortfall is acceptable in this instance.
- 8.32 Due to the internal layout, all of the proposed flats, with the exception of Flat 21 which occupies the entire 4th floor, would be single aspect only. However the arrangement of windows on the building, with bays to the rear end the curved arrangement of the building frontage to the front, would allow for rooms to be exposed to a good level of natural light and ventilation. All living rooms and bedrooms would all be served by at least one clear glazed window that would allow for an outlook with no immediate obstructions.
- 8.33 The internal layout of each unit is uncomplicated. Rooms of awkward shapes and sizes are avoided as are overly long corridors. Level access is available to the building, albeit from the rear only, and all units, other than flat 21, are accessible by lift, the entrance to which is close to the entrance to each flat on each level.
- 8.34 The main access to the building is from Hartington Place where there is a good level of natural surveillance. The rear access is also overlooked by flats within the development as well as neighbouring properties. The communal access arrangements will need to comply with Secured by Design standards. This can be achieved through the use of a planning condition. Para. 27.20 of states that:
- ‘Smaller developments containing up to and including 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:
- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key, etc.);
 - Vandal resistant external door entry panel with a linked camera;
 - Ability to release the primary entrance door set from the dwelling;
 - Live audio and visual communication between the occupant and the visitor;
 - Ability to recover from power failure instantaneously;
 - Unrestricted egress from the building in the event of an emergency or power failure;

- Control equipment to be in a secure area within the premises
- covered by the CCTV system and contained in a lockable steel cabinet to
- LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

8.35 All ground floor and basement level flats would be provided with defensible space. Windows to the front of the building are set back from the pavement, with iron railings to the front whilst windows to the rear are set within walled amenity areas.

Impact upon Heritage Assets

- 8.36 Para. 192 of the Revised NPPF instruct that, when determining planning applications, local planning authorities should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.37 It should be established whether proposed works would cause substantial harm, total loss or less than substantial harm towards a designated heritage asset (in this case the Grade II Listed Building and surrounding Conservation Area). Para. 018 of the Planning Practice Guidance for the Historic Environment states ‘in general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. Given that there would be no substantial alteration to the buildings exterior, layout or general character of use (residential), it is considered that the proposed development would cause less than substantial harm.
- 8.38 Para. 196 of the NPPF states that, where development would cause less than substantial harm ‘this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 8.39 The definition of optimum viable use is explained in para. 015 of the Planning Practice Guidance for the Historic Environment as follows. ‘If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.’
- 8.40 In terms of the character and setting of the Grade II Listed Building and the wider surrounding Conservation Area, it is considered the proposal would have a negligible impact. The proposed use would likely secure the long term occupation

and maintenance of the Grade II Listed Building and is considered to be more resilient to pressures to change (through internal alterations, installation of plant and machinery) as opposed to the existing hotel use.

- 8.41 It is therefore considered that the proposed development represents an optimum viable use of the building, to the overall benefit of the historic environment.

Highways

- 8.42 The proposed development would not incorporate any allocated parking. However, the parking demand of the existing use has to be taken into account when assessing potential for parking stress on surrounding streets. ESCC guidance for parking at non-residential development states that optimum parking levels for a hotel use equate to 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff. This suggests the existing use for the building generates a demand for 32 parking spaces (not including staff allocation).
- 8.43 Interrogation of the ESCC car parking demand calculator tool indicates that the proposed development would generate demand for approximately 13 car parking spaces. The proposed development would therefore be likely to reduce demand placed upon on-street car parking spaces in comparison to the existing use.
- 8.44 Furthermore, it is considered that the application site is within a highly sustainable location, with access to public transport, town centre shops, services and leisure uses within walking distance. 21 cycle parking spaces would be provided, which meets the required level set out in the ESCC Guidance for Parking at New Residential Development. It is considered that this provision of cycle parking would promote use of this sustainable mode of transport. Details of the housing provided are not clear from the proposed plans and, as such, it is considered reasonable to attach a condition requiring further details to be submitted in order to ensure the facilities are secure and covered, thereby encouraging use.
- 8.45 It is also noted that the proposed change of use would only result in the potential for a marginal increase in trips over that level generated by the existing use. Trip rates are likely to be kept low as the lack of any designated parking and sustainable siting of the scheme would be likely to act as a deterrent to car ownership.

Flood Risk and Drainage

- 8.46 The site does not fall within either Flood Zone 2 or 3 and, therefore, is not considered particularly susceptible to tidal flooding. Permeable area of the site would be marginally increased through the removal of existing basement extensions and it is therefore not considered that the proposed development would result in an increased likelihood of surface water flooding within the surrounding area.

Servicing

- 8.47 The proposed bin storage area, whilst acceptable in terms of size and ease of access by the occupants of the proposed flats, is located approx. 35 metres from the nearest available bin collection point, which is on Compton Street. This is in excess of the 25 metre maximum distance stipulated in the Good Practice Guide for Property Developers for Refuse & Recycling Storage at New Residential Developments within

the Eastbourne, Hastings, Wealden and Rother Council Areas (2015).
The access is also relatively narrow.

- 8.48 It is therefore considered that a condition requiring the applicant to devise a suitable servicing and deliveries strategy is reasonable in this case. The strategy would need to be agreed with the Council's refuse and waste department and then implemented accordingly.

9. Human Rights Implications

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

10. Recommendation

- 10.1 That outline permission is granted subject to the submission of acceptable details for reserved matters by way of a separate application and to the following conditions:

Conditions:

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

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

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

- 2870 01 – Site Location and Block Plans
- 2870 12 – Proposed Lower Ground Floor
- 2870 13 – Proposed Ground Floor
- 2870 14 – Proposed First Floor
- 2870 15 – Proposed Second Floor
- 2870 16 – Proposed Third Floor
- 2870 17 – Proposed Fourth Floor
- 2870 18 – Proposed Front Elevation
- 2870 19 – Proposed Rear Elevation
- 2870 20 – Proposed Rear Elevation

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

- 10.4 **Landscaping** - Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate:
Landscaping
The reserved matters shall comply with the parameters set out for access established by this outline permission and be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail.
- 10.5 **Cycle Storage** No part of the development shall be occupied until 21 secure and covered cycle parking spaces have been provided in accordance with details submitted to and approved 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 cycles.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
- 10.6 **Sustainable Travel** Upon occupation of the development each residential unit shall be provided with either a bus taster ticket or £100 cycle voucher.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
- 10.7 **Construction Management Plan** No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-
- the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routeing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development; and
 - details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area.
- 10.8 **Waste Management Plan** Prior to the first occupation of any part of the development, a waste management, setting out how refuse and recycling will be stored and collected, shall be submitted to and approved by the Local Planning Authority in conjunction with the Council’s Refuse and Waste team. The measures set out within the plan shall thereafter remain in place throughout the lifetime of the development.

Reason: In the interest of environmental, residential and visual amenity and the serviceability of the development in accordance with saved policies HO20, NE7, NE28 and UHT1 of the Eastbourne Borough Plan and policy D1 of the Eastbourne Core Strategy.

- 10.9 **Local Labour** Prior to the commencement of development an Employment and Training Plan shall be agreed with the Local Authority together with a written commitment detailing how the developer intends to undertake the works in accordance with the Local Employment and Training Supplementary Planning Document.

The Employment and Training Plan must include, but not be limited to the following details:

- a. A local Employment Strategy to include the advertising of all new construction and operational vacancies locally (i.e. in the Borough of Eastbourne and within East Sussex), A strategy to secure the recruitment and monitoring of apprentices, work experience placements for those unemployed and NVQ training places associated with the construction and operation of the development as appropriate to the development and calculated in accordance with the Local Employment and Training Supplementary Planning Document.
- b. The agreed Employment and Training Plan shall thereafter be complied with and all construction works to establish the development and the operation stage of the development hereby permitted shall be undertaken in accordance with the Employment and Training Strategy approved pursuant to part a) above.

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

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**

None

Agenda Item 9

Report to: Planning Committee
Date: 24th November 2020
Application No: 200260
Location: The Cottage, 2 Wharf Road, Eastbourne, East Sussex, BN21 3UG

Proposal: Demolition of existing buildings and erection of block of nine self-contained flats over three storeys

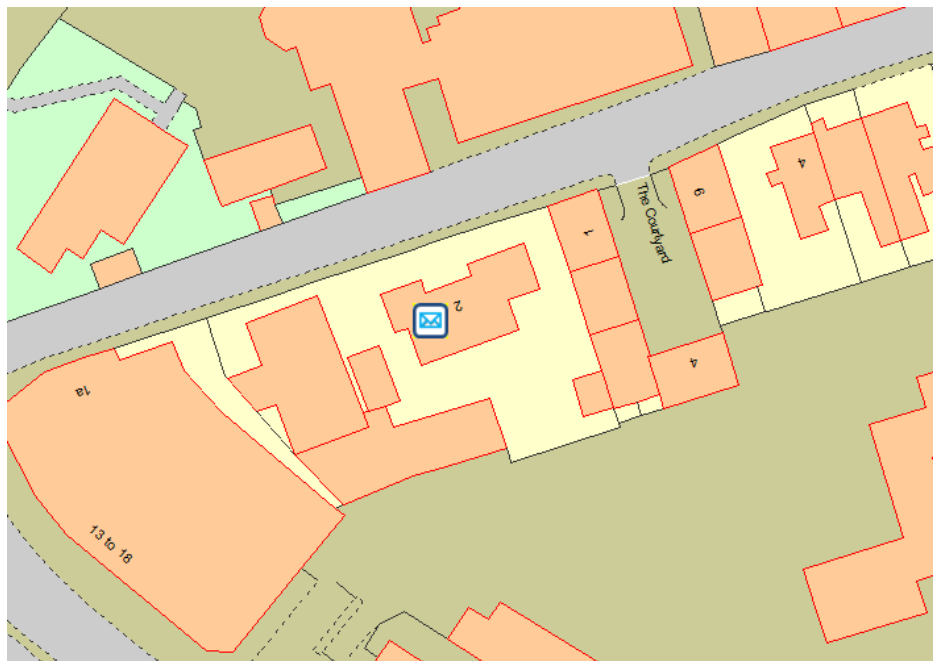
Applicant : Mr Kieron Goujon
Ward: Upperton

Deadlines: **Decision Due Date:** 29 May 2020
Neighbour Con. Expiry: 28 May 2020

Recommendation: To approve with conditions.

Contact Officer: **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 at the discretion of the Head of Planning and the Chair of the Committee, due to the number of objections received.
- 1.2 The application proposes the construction of a three storey building resulting in the net gain of 9 residential flats, comprising a mix of one and two beds and includes two 1-bed wheelchair accessible apartments.
- 1.3 The proposal would result in development of a brownfield site and the creation of good quality residential accommodation in a sustainable location close to transport links and the amenities of Eastbourne Town Centre.
- 1.4 Design, transport, access, amenity and drainage impacts of the development are considered to be acceptable and the development is considered to provide a good quality of proposed accommodation.
- 1.5 The scheme is recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 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
15. Conserving and enhancing the natural environment

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

- 2.3 Eastbourne Core Strategy Local Plan 2001-2011:
- UHT1: Design of New Development
 - UHT4: Visual Amenity
 - UHT6: Tree Planting
 - UHT7: Landscaping
 - HO1: Residential Development Within the Existing Built-up Area
 - HO6: Infill Development
 - H07: Redevelopment
 - H09: Conversions and Change of Use
 - HO20: Residential Amenity
 - TR1: Locations for Major Development Proposals
 - TR2: Travel Demands
 - TR5: Contributions to the Cycle Network
 - TR8: Contributions to the Pedestrian Network
 - TR11: Car Parking
 - BI1: Retention of Class B1, B2 and B8 Sites and Premises
 - BI4: Retention of Employment Commitments
 - NE4: Sustainable Drainage Systems
 - NE23: Nature Conservation of Other Sites
 - LCF4: Outdoor Playing Space Contributions
 - NE14: Source Protection Zone

2.4 Supplementary Planning Documents and other relevant documents:

- Affordable Housing SPD
- Sustainable Building Design SPD
- Trees and Development SPG
- Eastbourne Townscape Guide SPG

3. **Site Description**

- 3.1 The application site comprises a rectangular shaped piece of land fronting Wharf Road. It is currently occupied by a single storey residential dwelling with associated soft landscaping.
- 3.2 To the south of the application site is the Enterprise Centre and Eastbourne Train Station, with associated car park. The site is bounded to the south and west by Cobie Veterinary Clinic.
- 3.3 The site is located within the Upperton Ward and the Town Centre Neighbourhood. It is neither located within nor in close proximity to any designated heritage assets.

3.4 The site falls within the Environment Agency's Flood Risk Area 1 (Low Risk).

4. **Relevant Planning History**

4.1 No relevant planning history for the application site.

5. **Proposed Development**

5.1 The application seeks permission for the demolition of the existing building and construction of a three-storey residential building. The building would comprise 9 self-contained flats, which would provide a mix of housing between 1 and 2 beds.

5.2 Six of the 9 units would have private outdoor amenity space available to future residents, via either ground floor courtyards or balconies.

5.3 The building would not provide any off-street parking spaces for future residents of the building.

5.4 Enclosed ground floor cycle storage facilities would provide 8 cycle spaces for use by residents. Refuse and recycling storage facilities would be provided at the front of the site within a designated enclosure.

5.5 Level access to the proposed building would be made available via a ramp from street level.

6. **Consultations**

External

6.1 ESCC Highways -

6.1.1 No comments received.

6.2 Southern Water

6.2.1 Southern Water has raised issue with the location of existing sewer infrastructure in relation to the proposed building, but has advised that if the LPA is minded to grant permission that drainage works should be approved by condition following Southern Water's prior approval.

6.3 ESCC SUDs

6.3.1 No comments received.

Internal

6.4 Specialist Advisor – Planning Policy

6.4.1 No principle objections on policy grounds.

6.5 Specialist Advisor – Environmental Health

6.7.1 Conditions are advised requiring submission of details of hours of working, prevention of pollution and prevention of burning material on site during the construction period.

7. Neighbour Representations

7.1 15 letters of objection have been received regarding the application. Objections are lodged on the following grounds:

- On street parking stress
- Construction related traffic
- Out of character with surrounding property
- Overdevelopment
- Noise
- Loss of light
- Loss of privacy
- Loss of existing building
- Prevention of emergency services accessing Wharf Road
- Loss of trees

8. Appraisal

8.1 Principle of Development

- 8.1.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.
- 8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.1.4 This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability

Assessment (SHLAA). The application will result in a net gain of 9 residential units.

- 8.1.5 The site is located within the Town Centre Neighbourhood and Policy C1 of the Core Strategy sets out the vision for this area, which includes 'Delivering new housing through conversions, infill development and redevelopment'.
- 8.1.6 The Core Strategy states that the Town Centre Neighbourhood is one of the town's most sustainable neighbourhoods. It also states that "The Town Centre will make an important contribution to housing needs as a sustainable centre. Future residential development will be delivered through conversions and changes of use of existing buildings".
- 8.1.7 In addition, Policy B1 in the Spatial Development Strategy states that higher residential densities will be supported in these neighbourhoods. 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'.
- 8.1.8 Taking account of the above policy position, the proposed residential use of the site is considered to be wholly in line with the objectives of the Development Plan for the Town Centre Neighbourhood and is considered to be acceptable in principle.

8.2 Housing Mix:

- 8.2.1 Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre and states that it should provide a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.
- 8.2.2 The proposed building would comprise a mix of 1 and 2 bed units (3 x 1-bed units and 6 x 2-bed units). Taking into account the location and the constraints of the site, the proposed housing mix is considered to be acceptable.

8.3 Design and the impact upon the surrounding area

Building Design

- 8.3.1 The application proposes the construction of a three-storey building. The site is located within an area of diverse architectural styles and building heights and forms. Buildings in Wharf Road comprise from one to three storeys and there is no continuity in the building heights within the street. The proposed building would be taller than the neighbouring buildings forming 'The Courtyard' and the veterinarian clinic. However, the proposed three storeys would sit in the context of the wider area, which would include three storey buildings in Wharf Road and Station Parade. Taking this into account, it is considered that the building would harmonise with the prevailing character of the area in terms of its height and bulk.

8.3.2 The proposed elevational design would also be similar to existing buildings in Wharf Road. The applicant has submitted details of the proposed material treatment of the external surfaces of the building. This would include facing brick and powder coated metal cladding and windows/doors. The application has been amended to revise the treatment of the third floor to break down the material treatment of the elevation and the perceived scale of the building. This is considered to be acceptable and a condition is recommended to ensure that the materials closely match the submitted details.

Soft Landscaping features

8.3.3 The existing site comprises a significant degree of soft landscaping features, which provide both a verdant appearance and habitats for wildlife. The existing soft landscaping features on the site are not protected. There are also no protected trees within the application site.

8.3.4 The proposal includes the provision of a green roof and soft landscaping at the front of the site. Taking into consideration the site constraints, this level of soft landscaping provision is considered to be acceptable. A condition has been added to ensure that full details of the planting of the site are submitted for approval and implemented prior to first occupation to ensure that suitable level of soft landscaping is achieved in the interest of the appearance and ecology of the site.

8.4 Impact upon the amenity of neighbouring occupants:

Noise and disturbance

8.4.1 A number of objections received in relation to the application pick up the issue of noise and disturbance during construction. This is not a material planning consideration in the determination of planning applications. However, a condition has been added requiring a Construction Environmental Management Plan, which would require details of the management of environmental pollution resulting from construction works, such as dust and other emissions, together with the construction working hours. It is considered that this would control the relevant potential impact upon neighbouring occupiers from environmental pollution.

Daylight

8.4.2 The proposed building would be set away from the nearest neighbouring residential buildings at The Courtyard. Therefore, it is not considered that the taller height of the building would amount to a significant loss of light to neighbouring roof lights at the Courtyard. However, it is also noted from planning records that the velux windows at the Courtyard do not serve habitable rooms and loss of light is only considered in respect of habitable rooms in accordance with BRE standards. Taking this into account, it is not considered that the proposed building would result in any unacceptable loss of light to neighbouring windows.

Privacy

- 8.4.3 The proposed building would provide an outlook on all elevations of the building, including towards neighbouring residential buildings at The Courtyard. The aforementioned velux windows on the western roof slope of The Courtyard, facing the site, would be overlooked by second floor windows on the eastern elevation of the proposed building without further restrictions. Therefore, a condition is recommended to ensure that the second floor windows on the eastern elevation would be obscure glazed and non-opening to at least 1.7m above internal finished floor level.
- 8.4.4 Proposed first floor windows would be at a level that would not allow views into neighbouring property, such that no further measures are considered necessary.
- 8.4.5 Screening is proposed to a height of 2m above balcony floor level to prevent views from the proposed balconies to neighbouring sensitive windows.
- 8.4.6 To the west of the building, upper floor windows would have a view back to neighbouring residential windows on the upper floors of the Station Parade buildings. However, the minimum separation distance from proposed to existing windows would be approximately 24m and this is considered to be sufficient that privacy would be protected for existing occupiers.
- 8.4.7 It is considered that the proposal complies with Policy HO20 of the Eastbourne Borough Plan Saved Policies (2007).
- 8.5 Living Conditions of future occupants
- 8.5.1 Standard of proposed accommodation:
The proposal would create 9 units in total, comprising 6 x two-bed units and 3 x one-bed units.
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.
- 8.5.2 All proposed flats meet the respective floor space standards required by the nationally described space standards.
- 8.6 Outlook and privacy
- 8.6.1 The proposed units would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.
- 8.7 Outdoor Amenity Space
- 8.7.1 The proposal would provide private outdoor space for 6 of the 9 dwellings. In the case of the ground floor units, private amenity space would be made available by way of enclosed courtyard

spaces, accessed directly from the ground floor units. On the upper floors, dwellings would have private balconies located on the rear elevation of the building.

- 8.7.2 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.

8.8 Accessibility and impacts upon highway networks

- 8.8.1 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high quality transport networks and seeks to reduce the town's dependency on the private car.

Accessibility

- 8.8.2 The site is located within the Town Centre Neighbourhood, which is considered one of the most sustainable neighbourhoods in the borough.
- 8.8.3 The site is well served in terms of public transport, amenities and public services with Eastbourne train station directly adjacent to the site and the amenities of the town centre just a short walk from the site. The site is also served by a number of bus routes in the vicinity.
- 8.8.4 The site is considered to be in a highly sustainable location from a transport perspective and that the transport needs of the development could be adequately met by walking and cycling alone.
- 8.8.5 The proposed building would be set down from street level and would include a ramp for disabled access from the street, together with a lift within the building, meaning that all units would be accessible.

Parking

- 8.8.6 The proposal would not include any on-site parking for future occupants.
- 8.8.7 The site is in a highly sustainable location and provides excellent access to public transport, amenities and services within the Borough.
- 8.8.8 It is considered that the location can provide for the transport needs of future occupants without private car ownership. However, it is anticipated that the proposal would lead to a degree of car ownership and parking on-street by future occupants.
- 8.8.9 However, additional demands for on-street parking capacity would be a dissuasive factor in car ownership. The Council is committed to dissuading car use, particularly within sustainable location where adequate alternative methods of transport exist. Taking this into

account and on balance it is considered that the additional on street demand is acceptable in this location.

Cycle storage facilities

- 8.8.10 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 within a dedicated internal area with accommodation for 8 cycles, which exceeds the ESCC adopted standards of 0.5 spaces per unit in communal facilities.
- 8.8.11 A condition will be attached to ensure cycle parking is provided on site prior to first occupation.
- 8.8.12 Taking the above considerations into account, it is considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.9 Other matters

Energy

- 8.9.1 The building would include solar voltaic and water heating panels on the roof for renewable energy provision.

Drainage

- 8.9.2 A condition has been attached requiring that the applicant meets the agreement of ESCC Suds and Southern Water regarding any drainage design and this would be approved prior to commencement and implemented in accordance with the approved design prior to first occupation.

Refuse/Recycling storage facilities

- 8.9.3 The application proposes refuse/recycling storage within a dedicated enclosure on the Wharf Road frontage. The proposed facilities would be large enough for the intended occupancy and suitably sited for collection and a condition has been attached to ensure that they are provided prior to first occupation of the building.

Construction Management

- 8.9.4 A Construction and Environmental Management Plan would be required by condition to ensure that construction related traffic would be suitably managed in relation to the site, including delivery times, parking, types of vehicles, construction traffic movement. The plan would also include the previously mentioned pollution mitigation measures.

Community Infrastructure Levy

- 8.9.5 The development is not liable for CIL, as it is a development of flats, which are not included under the current charging schedule.

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:

- 10.2 Time Limit - 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).

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

Location Plan: 06-0220-10

Block Plan as proposed: 06-0220-09 Rev A

Proposed Ground Floor Layout: 06-0220-01 Rev A

Proposed First Floor Layout: 06-0220-02

Proposed Second Floor Layout: 06-0220-03 Rev A

Proposed Roof Layout: 06-0220-04 Rev B

Proposed Front and Rear Elevations: 06-0220-05 Rev B

Proposed Side Elevations: 06-0220-06 Rev B

Sample Materials Sheet

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

- 10.4 External Materials - The external surfaces of the development, hereby approved, shall be finished in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

- 10.5 Parking spaces - No part of the development shall be occupied until the disabled 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 disabled car-parking spaces for the development.

- 10.6 Cycle Parking - Secure covered cycle parking facilities for a minimum of 8 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.

- 10.7 Refuse and Recycling - 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.

- 10.8 Landscaping and Planting - Notwithstanding what is shown on the approved plans, prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of the 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) details of the green roof;
- d) all boundary treatments;
- e) a schedule detailing sizes, species and numbers of all proposed plants;
- f) sufficient specification to ensure successful establishment and survival of new planting.

Any new planting that dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be implemented in the next planting season in accordance with the approved details, unless agreed otherwise with the Local Planning Authority.

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

- 10.9 Level Access - The development, hereby approved, shall not be occupied until level access from the public highway to the dwellings has been constructed in accordance with the approved drawings.

Reason: In the interests of accessibility.

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

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and 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 erection and maintenance of security hoarding;
- details of wheel washing, or 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 on or around the site.
- hours of construction;
- details of all mitigating measures to ensure protection of neighbouring occupants from environmental pollution; and
- assurance that no burning of material will take place on site.

Reason: in the interest of the amenity of the area and highway safety.

- 10.11 Obscure glazing - Notwithstanding the approved drawings, the second floor windows in the eastern elevation of the development, hereby approved, shall be obscurely glazed and non-opening to a minimum height of 1.7m above internal finished floor level and shall be installed prior to first use of the development and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and future occupiers.

- 10.12 Balcony Screening - The balcony privacy screens shown on the approved drawings shall be installed prior to first use of the development, hereby approved, and shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To protect the amenity of neighbouring properties and future occupiers.

- 10.13 Drainage - No above ground works shall commence until the detailed drainage design, including any relocation of drainage, has been submitted to and agreed in writing by the Local Planning Authority. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures.

Thereafter, approved drainage works shall be carried out or supervised by an accredited person prior to first occupation of the development, hereby approved. 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).

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

Reason: To reduce the risk of flooding, both on and off site

- 10.14 Prior to occupation of the development, hereby approved, evidence (including photographs) shall be submitted showing that drainage works approved pursuant to condition 12 (drainage) has been constructed in accordance with the final agreed detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site.

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 None.