

Planning Committee

20 April 2021



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.

Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.

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, 12 April 2021

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 23 March 2021 (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 Gate Court Dairy, Waterworks Road. ID: 200742 (Pages 7 - 26)**

Information for the public

Accessibility: This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Public Participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the Committee by an Officer.

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).

Other participation: Please contact Democratic Services for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Democratic Services

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held remotely on 23 March 2021 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

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

Officers in attendance:

Leigh Palmer (Head of Planning First), Neil Collins (Senior Specialist Advisor for Planning), Helen Monaghan (Lawyer, Planning) and Emily Horne (Committee Officer)

62 Welcome and Introductions

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

63 Apologies for absence and notification of substitute members

Apologies for absence had been received from Councillor Jane Lamb. Councillor Paul Metcalfe confirmed he was acting as substitute for Councillor Jane Lamb.

64 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.

65 Minutes of the meeting held on 23 February 2021

The minutes of the meeting held on 23 February 2021 were submitted and approved as a correct record, and the Chair was authorised to sign them.

66 Urgent items of business.

There were none.

67 Ocklyne Chalk Pit. ID: 200855

Outline application with all matters reserved for siting of 18 residential units – **RATTON**.

The Senior Specialist Advisor – Planning, explained that the application was deferred at the Planning Committee meeting held on 23 February 2021 at the request of the members to carry out a site visit to decide if in principle the site could accommodate 18 dwellings.

It was confirmed that the site visit took place on 6 March 2021, in accordance with Covid-19 rules, and that the consultation response from the County Ecologist had been disseminated to the Committee for consideration.

Members were of a mixed opinion, stating the site was oppressive, lacked daylight and would be better suited to industrial or commercial use. Whilst other Members felt the site was ideal for housing and had good road access.

The Committee were reminded that if consent was granted, a reserved matters application would be brought to the committee for additional consideration and would involve: layout, design, landscaping, drainage, flood risk, tree removal/works, sustainability, ecology assessment/mitigation and affordable housing.

Councillor Maxted proposed a motion to approve the application in line with the officers' recommendation. This was seconded by Councillor Diplock and was carried. Councillor Taylor requested that there be a named vote and this was approved.

RESOLVED: (by 5 votes for (Councillors Diplock, Maxted, Miah, Murray and Vaughan) **and 3 votes against** (Councillors Metcalfe, Murdoch and Taylor) that outline planning permission be granted, with all matters reserved for siting of 18 residential units, subject to a S106 legal agreement securing affordable housing; local labour agreement and the remaining conditions set out in the report.

68 Planning Enforcement Policy

The Head of Planning First presented his report on the Planning Enforcement Policy. He explained that the purpose of the proposed policy was to publicise the Council's approach in the management and guidance of planning enforcement matters.

A written representation supporting the policy was read aloud by the by the Head of Planning First on behalf of Mr Scard, Chair of Meads Community Association. The speech proposed an amendment to the policy referred to in paragraph 6.13 of Appendix 1. It was recommended the word 'invite' be replaced with 'inform the developer that there has been a planning breach and that retrospective planning consent is required which does not imply that consent will be granted and the development regularised', and this was supported by Members.

The Committee welcomed the Planning Enforcement Policy and requested that in addition to the change above, it also include guidance on notifying ward members when a formal complaint about a breach of planning control had

been made.

Resolved (unanimously):

1. That the contents of the report be noted; and
2. That Cabinet be recommended to approve the new Planning Enforcement Policy as set out in Appendix 1, subject to replacing the word 'invite' with 'inform the developer that there has been a planning breach and that retrospective planning consent is required which does not imply that consent will be granted and the development regularised' as set out in paragraph 6.13 of the proposed policy, and include guidance on notifying ward members when a formal complaint about a breach of planning control had been made.

69 Date of Next Meeting

Resolved:

That the next meeting of the Planning Committee which is scheduled to commence at 6:00pm on Tuesday, 20 April 2021 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 6.47 pm

Councillor Jim Murray (Chair)

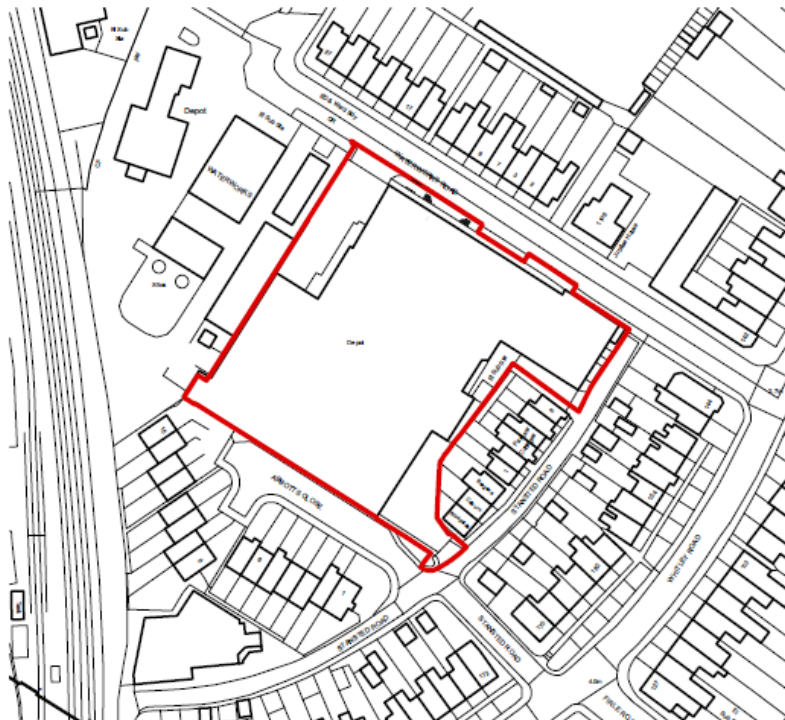
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Report to: Planning Committee
Date: 20th April 2021
Application No: 200742
Location: Gate Court Dairy, Waterworks Road, Eastbourne
Proposal: Outline Planning Application (Access, Appearance, Layout and Scale) for the redevelopment of site to form 60N° flats, consisting of 3N° three bedroom flats, 29N° two bedroom flats and 28N° one bedroom flats

Applicant : Mr D Willis
Ward: Devonshire
Recommendation: Approve with conditions, subject to S106 Agreement

Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor - Planning
E-mail: chloe.timm@eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. Executive Summary

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes a major development.
- 1.2 The submission comprises an Outline planning application with access, appearance, layout and scale of development under consideration with landscaping details a reserved matter.
- 1.3 The site is the former Gate Court Dairy. The proposed application seeks demolition of the existing buildings on the site which are currently under Class Use B8 (storage and distribution).
- 1.4 Re-development of the site would provide 60 residential flats split over 5 blocks (3 separate buildings). With the provision of 28 no one bedroom flats, 29 no two bedroom flats and 3 no three bedroom flats. 18 of the 60 units to be provided would be for affordable housing amounting to 30% of the total number of units.
- 1.5 Loss of the existing Class B8 (Storage and Distribution) use is accepted in principle together with the proposed Class C3 (Residential) use, which is considered to be an appropriate use in this residential area.
- 1.6 The application is considered to comply with national and local policies and is therefore recommended for approval subject to conditions and a S106 Agreement to secure affordable housing, a local labour agreement and to secure unallocated on-site parking provision and a S278 for off-site highway works.
- 1.7 It is acknowledged that the Council is not, at present, able to substantiate a five-year supply of housing. The development of housing on this brownfield site is considered to accord with the 3 dimensions of sustainable development as set out in paragraph 11 of the NPPF. The proposal will make a welcome contribution to the housing stock (including affordable housing) in the Borough.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

- 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

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods

C5 Ocklynge & Rodmill Neighbourhood Policy
D1 Sustainable Development
D5 Housing
D8 Sustainable Travel
D10a Design

2.3 Eastbourne Borough Plan 2001-2011:

BI1 Retention of Class B1, B2 and B8 Sites and Premises
BI2 Designated Industrial Areas
BI4 Retention of Employment Commitments
HO2 Predominantly Residential Areas
HO20 Residential Amenity
NE4 Sustainable Drainage Systems
NE14 Source Protection Zone
TR1 Locations for Major Development Proposals
TR2 Travel Demands
TR5 Contributions to Cycle Network
TR8 Contributions to the Pedestrian Network
TR11 Car Parking
UHT1 Design of New Development
UHT4 Visual Amenity
UHT8 Protection of Amenity Space
US4 Flood Protection and Surface Water
US5 Tidal Risk

2.4 Supplementary Planning Documents and other relevant Documents:

Affordable Housing SPD
Local Employment and Training SPD
SHELAA 2019

3. **Site Description**

- 3.1 The application site is brownfield (previously developed) land of approximately 5562.00sq metres with a current use of Class B8 (Storage and distribution).
- 3.2 The application site is currently occupied by a dairy storage and distribution depot and is positioned to the southern boundary of the Courtland Road Industrial Estate, a designated industrial estate as per the Eastbourne Borough Plan and Core Strategy.
- 3.3 Bordering the site are residential properties set along the nearby highways of Waterworks Road, Whitley Road, Stansted Road and Abbots Close.

3.4 The site is located within the Roselands and Bridgemere neighbourhood area. It is neither located within nor within close proximity to any designated heritage assets.

3.5 The site falls within the Environment Agency's Flood Risk Area 2 and 3 (Moderate and High risk).

4. Relevant Planning History

4.1 Various applications submitted between 1949 and 1988 for various alterations and extensions to the existing dairy building. None are considered to be significant to the consideration of this application and, as such, have not been individually listed.

5. Proposed Development

5.1 The application is seeking permission for the demolition and clearance of the current site and the erection of 60no residential flats.

5.2 The flats would be located over 5no blocks comprising two and three storey buildings set toward the eastern and western boundaries, with associated car parking, cycle parking and bin storage within the central area of the site.

5.3 The proposal would provide 28no one bedroom flats, 29no two bedroom flats and 3no three bedroom flats. These would be accommodated within three separate buildings split into five blocks with one block of 18 units being allocated to affordable units (Block D).

5.4 Plans submitted show landscaping throughout the site however this is indicative and not a matter to be considered as part of this outline application.

6. Consultations

6.1 Specialist Advisor (Regeneration)

6.1.1 The planning application qualifies for a local labour agreement as it meets the thresholds for a residential development as detailed on page 11 of the Employment and Training Supplementary Planning Document adopted November 2016.

6.1.2 The construction phase will create temporary jobs at a time when unemployment numbers are predicted to increase as a result of the coronavirus pandemic.

6.1.3 The site is located close to the Building Lives Construction Hub which plans to run a range of construction courses for those seeking a career in construction. The proposed site would be ideally placed to assist with the delivery of training initiatives such as site visits, career talks, work experience and participation in sector based work academy programmes.

6.1.4 In light of the above, Regeneration requests that should planning permission be granted subject to a local labour agreement being secured by S106 Agreement.

6.2 Specialist Advisor (Planning Policy)

- 6.2.1 This application seeks to remove the existing structures which are currently or previously in Class B1c (light industrial) use and erect three buildings creating 60 residential flats. The site is within the Roselands and Bridgemere Neighbourhood.
- 6.2.2 The site is situated within the Courtlands Road Industrial Estate. Industrial estates are key locations for Class B uses and are significant employment locations and are important to accommodate uses that are incompatible with other uses. The site forms the southern end of the industrial estate with no links internally with the main industrial estate, it should also be considered that the site is bordered on three sides by residential.
- 6.2.3 The National Planning Policy Framework seeks to protect employment uses, Paragraph 80 states that 'planning policies and decision should help create the conditions which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 6.2.4 Saved policy B11 of the Borough Plan states that planning approval for the conversion or redevelopment of land or buildings currently or last in Class B1, B2 or B8 use for non-employment use will not be granted unless it can be satisfactorily demonstrated that certain criteria have been met, including, a) that the premises is genuinely redundant and is unlikely to be re-used or re-developed for industrial or commercial use within the plan period, b) continued use of the premises would cause undue disturbance to residential neighbours, or c) access to the premises does not meet acceptable highway safety standards and cannot be reasonably improved.
- 6.2.5 The Employment Land Local Plan 2016 is also a material consideration, paragraph 4.13 states that it is important that industrial estates can accommodate Class B uses that are incompatible with other uses and the loss of key sites within industrial estates to non B uses will comprise the ability to meet the employment land requirement. Loss of B class uses on key sites within industrial estates will be resisted in order to help protect the integrity of the industrial estates.
- 6.2.6 These policy considerations regarding the loss of the employment space, need to be weighed against the benefits of an additional 60 residential units given Eastbourne's low housing land supply figure.
- 6.2.7 The application is supported by a planning statement which seeks to address the loss of employment floor space. This states that the site is functionally and physically distinct from the broader industrial estate and the change of use would not prejudice the wide function of the industrial area. The statement also sets out the site is largely covered by buildings of poor condition, making access into the site for large vehicles difficult and that the site is not an optimal location in terms of the principle routes into and out of the Town.

- 6.2.8 The application is also supported by a statement from Hunt Commercial regarding the marketing and viability of the use at the site.
- 6.2.9 The site was identified in the 2019 SHELAA as potentially developable for housing, the site's availability was unknown at the time.
- 6.2.10 Policy C6 is the Roselands and Bridgemere Neighbourhood Policy, which sets out the vision for this area as the following 'Roselands & Bridgemere will support economic activity in the town and contribute to the delivery of housing, whilst increasing its sustainability through providing connections to other parts of town and addressing deficiencies in the provision of open spaces and allotments for the wider area.' It aims to encourage opportunities for refurbishment and redevelopment for employment use in the neighbourhoods industrial estates and by delivering additional housing through making more efficient use of land.
- 6.2.11 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of October 2019, Eastbourne is only able to demonstrate a 1.43 year supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*' (NPPF, Paragraph 11).
- 6.2.12 This application will result in a net gain of 60 residential units, including 18 (30%) affordable units secured through a legal agreement. This is in accordance with Policy 5 of the Core Strategy which require 30% affordable housing be provided within low value neighbourhoods.
- 6.2.13 Based on the submissions in terms of the site marketing, the condition of the existing buildings and site layout and consideration of the sites context, in terms of within the industrial estate, it surrounding neighbours and the location within the town, it is considered unlikely that the site would be redeveloped or reused for industrial or commercial uses. The site is the southern periphery of the industrial estate and is not linked physically therefore the proposed residential use would not compromise the wider functioning of the industrial estate.
- 6.2.14 In terms of the proposed housing, Policy D5 of the Core Strategy states that proposals for housing will be in accordance with the approach set out in policy B1, with a focus of delivering housing within the sustainable centres and sustainable neighbourhoods. Whilst the site is within the R&B Neighbourhood which is not identified as one of the 6 or more sustainable neighbourhoods, the site is on the border with Seaside and Upperton Neighbourhoods

and the site itself is considered a sustainable location given the proximity to amenities and public transport.

- 6.2.15 The Eastbourne Strategic Housing Market Assessment 2016 indicates the three key dwelling types particularly required across Eastbourne, 3 bed houses, and 1 and 2 bed flats. The development proposed predominantly 1 and 2 bed flats with a small number of 3 bed flats. The proposal therefore generally proposed dwellings of need within the borough, however a broader mix of development types would be more welcome including houses, and ideally 3 bed units would be ground floor with some private amenity space. The density responds to the principle of increased efficiency in the use of land and is not out of character with other developments.
- 6.2.16 In conclusion it is considered the justification through the submission to the loss of the employment floor space is acceptable, the loss of this part of the industrial estate will not impact the wider functioning of such, and the change of use to residential would likely improve amenities for the surrounding residential properties over a fully functioning commercial space. The proposal would result in a significant contribution to the Boroughs housing numbers, including an onsite affordable housing contribution, and therefore there is no objection in principle to the proposal from a policy perspective.

6.3 Specialist Advisor (Waste)

- 6.3.1 Provision for collecting recycling and refuse from all properties within Eastbourne Borough must adhere to the same guidance provided as for the Lewes District. See document: LDC Waste Planning Guidance.

6.4 County Archaeology

- 6.4.1 Although this application is not situated within an Archaeological Notification Area, we would normally have expected an application of this size to be accompanied with an archaeological statement. However, in this case it is clear that the site has been heavily impacted by the modern dairy building. Therefore I am satisfied that, based on the information supplied, no significant archaeological remains are likely to be affected by these proposals. For this reason I have no archaeological recommendation to make in this instance.

6.5 Environment Agency

- 6.5.1 We have reviewed the additional information and are happy to remove our objection to the proposed development as submitted, subject to the inclusion of 6 conditions in any permission granted.
- 6.5.2 We consider that planning permission could be granted to the proposed development, with the planning conditions. Without these conditions the proposed development on the site poses an unacceptable risk to the environment and we would object to the application.

6.6 Designing Out Crime

- 6.6.1 Thank you for your recent correspondence of 19th October 2020, advising me of an outline planning application for (Access,

Appearance, Layout and Scale) for redevelopment of site to form 60no flats, consisting of 3no three bedroom flats, 29no two bedroom flats and 28no one bedroom flats at the location, for which you seek advice from a crime prevention viewpoint. (Amended site plan received which includes fencing barriers and lighting.)

6.6.2 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 the fear of crime, do not undermine the quality of life of 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.

6.6.3 I have had the opportunity to examine the detail within the amended application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments:

6.6.4 I had concerns within my previous comments of PE/EAS/20/08/A date 11/11/2020 with respect to the following:-

- Lighting for the 1st floor flats entrance ways;
- The stairwells to be gated;
- Anti-vehicle mitigation for the proposed pedestrian cycle access.

6.6.5 I am pleased to note that attached amendments have removed my previous concerns.

6.7 ESCC Highways

6.7.1 Objection due to insufficient info – forwarded to Nicholas at CKA 04/02/21.

6.7.2 Comments received on 13th November 2020 and 3rd February 2020 raised some objections to the proposal. Following further discussion and the provision of additional details ESCC Highways provided further comments on the 15th February 2021 which confirmed that they raise no objection subject to the imposition of conditions and a S106 agreement to secure a S278 agreement for offsite highway works and unallocated on-site parking provision.

6.8 ESCC SuDS

6.8.1 ESCC SuDS requested a CCTV survey of the on-site drainage system, which has been undertaken during the course of the application. This has demonstrated that there are multiple connections to the public sewer system and, together with the submitted drainage strategy, confirms that there will be a decrease in water run off when compared to the existing arrangement. As such, SuDS have no objection, subject to the imposition of conditions.

6.9 Southern Water

- 6.9.1 Foul Water: Since the Consultant intends to comply with our suggested condition, we have no objection to a conditional consent.
- 6.9.2 Surface Water: Our records show that Southern Water surface water sewer flows downstream into a privately owned surface water sewer at the junction of manholes TQ/6100406X (Southern Water) and TQ61004050 (privately owned). From here it flows through the private sewer which we believe is a culverted stream (The Bourne) and then discharges to a watercourse at TQ61004151 (privately-owned). Regrettably our records are not conclusive about the pipe diameters of this section of privately-owned sewer. Options would include either a) 225mm or b) 900mm and 1200mm). Due to the lack of clarity over the pipe sizes for this section of private sewer, we are unable to complete the hydraulic capacity check for surface water.
- 6.9.3 We would therefore request that the applicant to:-
- 6.9.4 a) Contact the owner of the privately-owned sewer (we suspect that this is Eastbourne Borough Council) and ask for consent for potential increased flows through the sewer. (Southern Water will be able to quantify the change in flows once the hydraulic capacity check is completed).
- 6.9.5 b) Find any missing data (e.g. pipe diameters) – where necessary by employing a third-party surveying contractor to conduct the survey with the consent of the sewer owner. (Please note: third party surveying contractors cannot enter a Southern Water sewer, without Southern Water's prior consent, and an approved risk assessment and method statement).
- 6.9.6 c) Inform Southern Water of the outcome of the above, by submitting their findings in writing to:-
southernwaterplanning@southernwater.co.uk, quoting the case details (site address, Southern Water PLAN-number and Local Planning Authority application number).

7. **Neighbour Representations**

7.1 Objections

- 7.1.1 Two letters of objection were received following public consultation and raised the following points:
- The parking provision proposed is insufficient for 60 flats;
 - The proposal will impact highway safety;
 - The proposal will impact local infrastructure in terms of school places, GP provision and utilities provision.
- 7.1.2 Three letters of general observation were received and covered the following points:
- Poor cycle parking provision;
 - Car club should be used;
 - Electric Vehicle Charging points should be included in the proposal; and

- The 2m wall should be retained between Abbots Close and the site.

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 was identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) for potential redevelopment. The application will result in a net gain of 60 residential units.
- 8.1.5 The site is within the Roselands and Bridgemere Neighbourhood and policy C6 of the Core Strategy Plan sets out the vision of the area, which includes '*support economic activity in the town and contribute to the delivery of housing, whilst increasing its sustainability through providing connections to other parts of town and addressing deficiencies in the provision of open spaces and allotments for the wider area*'.
- 8.1.6 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*'.
- 8.1.7 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 The proposed development would comprise a mix of 1, 2 and 3 bedroom units (28no 1bed, 29no 2bed and 3no 3bed) across five blocks of flats. The plans label the blocks as blocks A, B, C, D and E.
- 8.2.2 Block D will be comprised of 18 units and has been allocated for affordable housing (30% of the overall provision). This is in line with Policy 5 of the Core Strategy Plan.
- 8.2.3 Whilst it would have been preferred to have a provision of dwellinghouses as well as flats within the mix of residential units the proposed unit mix is considered to be appropriate.

8.3 Design and impact upon the surrounding area

- 8.3.1 Building design.
- 8.3.2 Blocks A, B and C would be comprised of two storey buildings with a mansard style roof design. This would be consistent with the prevailing height, scale and arrangement of neighbouring buildings.
- 8.3.3 Blocks D and E would be comprised of three storeys with flats proposed within the mansard roof. The mansard roof design would not add significant bulk to the roofs of Blocks D and E, which would be set back from the street and would adequately conceal the second floor within the roof form without significantly adding to the height of the buildings in the context of the neighbouring area.
- 8.3.4 The proposed buildings would possess a contemporary visual appearance but would generally be sympathetic to the traditional form of neighbouring buildings, being two storey buildings with pitched and mansard roofs. This design approach is considered to be acceptable and would deliver a high quality development that is sympathetic to the surrounding built form.
- 8.3.5 The modern design of the proposal, which would incorporate materials similar to those used on existing neighbouring buildings, would integrate well within the street scene and to harmonise with the buildings surrounding. The proposal would be a significant improvement to the existing commercial industrial depot buildings on site.

8.4 Impact upon the amenity of neighbouring occupants

- 8.4.1 It is not considered that the proposed development would result in any unacceptable loss of light cause issues of overshadowing to the residential neighbours surrounding the site. The proposal would provide a better relationship with neighbouring properties than the existing building, both in terms of the noise generating use and the relationship of the built form.
- 8.4.2 The proposed buildings would result in a new outlook towards neighbouring occupiers, but the separation distances and orientation of buildings would prevent any loss of privacy for existing occupants. The site frontages onto Waterworks Road and Abbots Close would

provide a public facing relationship with neighbouring properties, commensurate with the existing relationship of properties in the area.

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

8.5 Living Conditions for Future Occupants

- 8.5.1 The proposal would create 60 units in total, comprising 28no one bedroom units, 29no two bedroom units and 3no three bedroom units.
- 8.5.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space.
- 8.5.3 All proposed flats meet the respective floor space standards required by the nationally described space standards.
- 8.5.4 Units within Blocks D and E would be provided with outdoor amenity space in the form of balconies. Residents of blocks A, B and C would have access to communal landscaped amenity space, which is considered to be acceptable given the arrangement of the buildings and the potential for decreased amenity from private balconies.
- 8.5.5 The site is located within close proximity to Seaside Recreation park which can be accessed via Whitley Road, which would provide additional recreational space for residents' enjoyment.
- 8.5.6 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.
- 8.5.7 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.

8.6 Accessibility and Highways impacts

- 8.6.1 The submitted Transport Statement concludes that the proposed residential use of the site would result in a decrease in the traffic activity when compared to the existing storage and distribution use, both in respect of trip generation and the types of vehicles using the site. This would be an improvement on the traffic activity to the benefit of neighbouring occupants.
- 8.6.2 The proposed development would be served by a centrally located car park providing a total of 38 parking spaces. ESCC Highways have considered the potential impacts upon the highway network and have agreed to the level of provision on the basis that the spaces remain unallocated to dwellings and maintained by a management company, with the disabled bays remaining flexible subject to demand.

- 8.6.3 Cycle storage would be provided within a purpose built enclosure, centrally located on the site. This would provide 32 cycle storage spaces, in accordance with guidance, and would be arranged to allow all abilities to access the cycles freely.
- 8.6.4 The design of cycle and pedestrian access has been revised to take account of a Stage 1 Road Safety Audit, which identified potential safety issues with the pedestrian/cycle access onto Stansted Road. The revised arrangement is considered to overcome the previous safety concerns.
- 8.7 **Other Matters**
 - 8.7.1 **Drainage**
 - 8.7.2 ESCC SUDs requested a CCTV survey of the on-site drainage system, which has been undertaken during the course of the application. This has demonstrated that there are multiple connections to the public sewer system and, together with the submitted drainage strategy, confirms that there will be a decrease in water run off when compared to the existing arrangement. A detailed SuDs scheme would be required as part of the reserved matters for the site, together with a maintenance and management plan for the system to ensure its performance over the lifetime of the development.
 - 8.7.3 **Refuse/Recycling Storage**
 - 8.7.4 The application proposes refuse/recycling storage within dedicated enclosures on the site surrounding the car parking area. The proposed facilities would be large enough for the intended occupancy and suitable sited for collection. A condition has been attached to ensure that they are provided prior to first occupation.
 - 8.7.5 **Construction Management**
 - 8.7.6 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.
 - 8.7.7 **Community Infrastructure Levy**
 - 8.7.8 The development is not liable for CIL, as it is a development for 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 **Reserved Matters** 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. Landscaping
 - ii. Construction and environmental management
 - iii. Drainage
 - iv. Sustainability
 - v. Land Contamination Investigation / Remediation
 - vi. Travel Plan
- b) The development shall be implemented strictly in accordance with the approved reserved matters.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing prior to commencement of development or tree works.
- d) The development shall be commenced no later than five years from the date of this permission or two years following the final approval of the reserved matters, whichever is the later.

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.

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

Location Plan: 2935 01
Block Plan as proposed: 2935 12A
Proposed Ground: 2935 14
Proposed Street Elevations: 2935 15
Proposed Street Elevations: 2935 16
Proposed Ground Floor Block A: 2935 21
Proposed First Floor Block A: 2935 22
Proposed Elevations Block A: 2935 23
Proposed Elevations Block A: 2935 24
Proposed Ground Floor Block B: 2935 31
Proposed First Floor Block B: 2935 32
Proposed Elevations Block B: 2935 33
Proposed Elevations Block B: 2935 34
Proposed Ground Floor Block C: 2935 41
Proposed First Floor Block C: 2935 42
Proposed Elevations Block C: 2935 43
Proposed Elevations Block C: 2935 44
Proposed Ground Floor Block D: 2935 51
Proposed First Floor Block D: 2935 52
Proposed Second Floor Block D: 2935 53
Proposed Elevations Block D: 2935 54
Proposed Elevations Block D: 2935 55
Proposed Elevations Block D: 2935 56
Proposed Ground Floor Block E: 2935 61
Proposed First Floor Block E: 2935 62
Proposed Second Floor Block E: 2935 63

Proposed Elevations Block E: 2935 64
Proposed Elevations Block E: 2935 65
Proposed Site Layout: 2935 13C
Proposed Cycle Stores: 2935 71 B
Proposed Bin Stores: 2935 72
Proposed Crossover Detail: 2935 73
Proposed 3Ds: 2935 75

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 **Cycle Parking** - The cycle parking facilities shall be provided in accordance with the 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 the parking of cycles are provided and to encourage travel by means other than private motor vehicle.

- 10.6 **Refuse and Recycling** - The refuse and recycling facilities shall be provided in accordance with the 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 recycling are provided.

- 10.7 **Construction Environmental Management Plan** - An application for Reserved Matters shall be accompanied by a Construction and Environmental Management Plan. The Plan shall provide details as appropriate and shall include, 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;

- other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, road closures, hoarding licences, traffic management);
- 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;
- assurance that no burning of material will take place on site; and
- a survey of the condition of the surrounding public highway network prior to commencement of development.

Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

10.8 **Ground Contamination** - An application for Reserved Matters shall be accompanied by a Site Contamination Investigation and Remediation Strategy to deal with the risks associated with contamination of the site. This strategy will include the following components:-

1. A preliminary risk assessment which has identified:-
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating the sources, pathways and receptors;
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based upon (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the details risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy going full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This is a phased condition and depending on the nature of the waste deposited in the historic landfill it is possible not all phases will be required. However this condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10.9 **Contamination Verification Report** - Prior to any part of the permitted development being brought into use, a Contamination Verification Report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the site does not pose any further risk to human health of the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10.10 **Contamination Remediation Strategy** - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a Contamination Remediation Strategy detailing how this contamination will be deal with has been submitted to, and approved in writing, by the local planning authority. The remediation strategy shall be implemented as approved.

Reason: As this development is sited on a historic landfill there is potential for previously unidentified source of contamination to be present. This condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10.11 **Surface Water Drainage Scheme** - An application for Reserved Matters shall be accompanied by a Surface Water Drainage Scheme. The surface water drainage scheme shall include the following:-

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b. The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
- c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d. The detailed design of the surface water drainage features shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the

impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

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

The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved, by or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM).

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

- 10.12 **Drainage Maintenance and Management** - An application for Reserved Matters shall be accompanied by a Maintenance and Management Plan for the entire drainage system to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:-

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

Maintenance of the drainage system shall be in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.13 **Surface Water Drainage Scheme Verification** - Following completion of the drainage works, evidence (including photographs) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, hereby approved, showing that the drainage system has been constructed in accordance with the approved detailed drainage designs and ground contamination details.

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

- 10.14 **Piling** – Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This development is in a location where groundwater is very sensitive and needs to be protected. Groundwater is also very shallow and this should be considered in the piling risk assessment to ensure that he

proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 10.15 **Implementation of Flood Risk** – The development shall be carried out in accordance with the submitted flood risk assessment (LHHO/20/D1859/FRA2.0, 04 December 2020) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.35 metres above ordnance datum (AOD) to allow for at least 600mm of freeboard above current modelled flood levels of the design flood event.
- Ground floor construction utilises flood resistant and resilient construction methods, including but not limited to those outlined in Paragraph 5.2.1 (vi).
- A flood warning and evacuation plan is set up for the site to enable safe access/egress(to be approved by the Local Authority Emergency Planners) and is made available to residents.
- Access is provided to upper floors for all ground floor residents in the event that evacuation is not possible.

These mitigation methods shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and to ensure the development is resilient to flooding up to and including the extreme event for its assumed lifetime (100 years for residential).

- 10.16 **Landscaping** - An application for Reserved Matters shall be accompanied by a Landscaping Plan, which shall provide details of the treatment of all parts of the site not covered by buildings. Details shall include:
- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
 - b) details of all hard surfaces, including facing material specifications;
 - c) all boundary treatments, including facing material specifications;
 - d) a schedule detailing sizes, species and numbers of all proposed trees/plants;
 - e) sufficient specification to ensure successful establishment and survival of new planting;
 - f) visibility splays adjacent to the vehicular access on Waterworks Road.

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.

Any newly planted tree that dies, is removed, or becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.17 **Existing Access** – The development, hereby approved, shall not be occupied until the existing access onto Waterworks Road has been stopped up and the kerb and footpath reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

- 10.18 **Approved Accesses** - The development, hereby approved, shall not be occupied until the vehicular and pedestrian/cycle accesses, visibility splays and vehicular turning space have been constructed in accordance with the approved details. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

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

- 10.19 **Parking** – The development, hereby approved, shall not be occupied until the car parking has been constructed in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

- 10.20 **Travel Plan** - An application for Reserved Matters shall be accompanied by a Travel Plan Residents' Information Pack in consultation with the Highway Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority. The Travel Plan Residents' Information Pack, once approved, shall be issued to first occupants of the development, prior to occupation.

Reason: To encourage and promote sustainable transport.

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.