

**Planning Committee**  
**29 June 2021**



Working in partnership with **Eastbourne Homes**

**Time and venue:**

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

**This meeting is open to the public to attend. Whilst seating is currently limited due to social distancing guidelines, we ask that if you are planning to attend and observe the meeting, please let us know by emailing [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk) and let us know if you need to use the hearing loop unit at the meeting. We will also require that you wear a face covering (unless medically exempt), observe social distancing and check in at the meeting using the OR codes provided. Priority seating will be given to speakers.**

**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, 21 June 2021*

## **Agenda**

- 1 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 26 May 2021 - To follow.**
- 5 Urgent items of business.**

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

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 7 41 Brampton Road. ID: 210324 (Pages 5 - 22)**
- 8 1 Matlock Road. ID: 210108 (Pages 23 - 30)**

## 9 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on Tuesday, 20 July 2021. Venue to be confirmed.

## Information for the public

### Accessibility:

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

**To assist with our arrangements, if you are planning to attend and observe the meeting please let us know by emailing [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk), and let us know if you need to use the hearing loop unit at the meeting.**

### Filming/Recording:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting and must stay in their seat. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

## Speaking at Planning

### Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk) by 12 noon on Friday 25<sup>th</sup> June. Requests made beyond this date cannot normally be accepted. Please provide your name, address and contact number, the application number and the proposed development to which it refers. You need to make clear whether you wish to speak in favour or against the application and your relationship to the site. Please also let us know if you wish for your speech to be read out on your behalf.

The Public Speaking Scheme rules place a limit on the numbers of public speeches allowed and time allotted apply. So up to 2 members of the public can speak (up to 1 objector and 1 supporter) on a first come first served basis and that one person can act as spokesperson for a group. In addition, the ward member will be allowed to speak. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected. Those who are successful, will receive an email to formally confirm their request to speak has been granted. The speech should take no longer than 3 minutes (which is approximately 500 words).

### Please note:

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

You should arrive at the Town Hall at least 15 minutes before the start of the meeting and you will be advised which microphone to use.

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

The Chair will then invite speakers to a standing microphone in turn to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)

The objector or supporter can only be heard once on any application, unless it is in response to a question from the Committee.

## Information for Councillors

### Disclosure of interests:

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

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

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

### Councillor right of address:

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

## Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01323 410000

**Council website:** <https://www.lewes-eastbourne.gov.uk/>

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# Agenda Item 7

**Report to:** Planning Committee  
**Date:** 29<sup>th</sup> June 2021  
**Application No:** 210324  
**Location:** 41 Brampton Road, Eastbourne, East Sussex, BN22 9BN  
**Proposal:** Demolition of existing industrial units and erection of 7 industrial terraces (providing 31 B2/B8 units) with associated access, car parking and landscaping.

**Applicant:** Mr David Connor  
**Ward:** Hampden Park  
**Deadlines:** **Decision Due Date:** 6 June 2021  
**Neighbour Con. Expiry:** 20 May 2021

**Recommendation:** Delegated to Head of Service to liaise with East Sussex County Council with regard to Transport and Sustainable Drainage Issues and subject to no adverse comments being received issue the Approve with conditions, subject to S106 Agreement or a Unilateral Undertaking (to be determined) to cover local labour agreement.

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

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## Map Location:



## 1. **Executive Summary**

- 1.1 This application is brought before the Planning Committee as it is a major application, in line with the Council's adopted Scheme of Delegation.
- 1.2 The application seeks planning permission for demolition of existing buildings on the site and the comprehensive redevelopment to provide improved employment floor space. The redeveloped scheme would comprise 31 units falling within the B2 (General Industrial) and B8 (Storage and Distribution) use classes and this would predominantly be flexible upon uptake by future occupants.
- 1.3 The scheme includes parking and associated landscaping and would provide new accesses onto Brampton Road.
- 1.4 The proposal would result in a net loss of employment floor space within this designated industrial estate. However, the units would be high quality and provide modern employment facilities that are considered to suit the needs of both existing businesses in the Borough and inwardly migrating businesses, including smaller start-up and fledgling companies.
- 1.5 The proposal is considered to meet many of the objectives of employment related policy in the Eastbourne Core Strategy and the Employment Land Local Plan (ELLP). Therefore, on balance, it is considered that the development accords with the Development Plan.
- 1.6 The application is recommended for approval subject to conditions, together with a Section 106 legal agreement or Unilateral Undertaking (to be determined) to secure a Local Labour Agreement in line with adopted policy requirements.
- 1.7 Officers are, at this stage, seeking the delegated authority from the Committee to determine the application as recommended, subject to the receipt of further comments from ESCC Highways, ESCC SuDS / Pevensey and Cuckmere Water Level Management Board and Southern Water regarding some points of concern raised in consultation responses. It is anticipated that these points will not require significant revisions to the proposal and can be dealt with via the receipt of further information or the imposition of further conditions requiring such information.

## 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

C7: Hampden Park

D1: Sustainable Development

D2: Economy

D5: Housing

D7: Community Sport and Health

D8: Sustainable Travel

D9: Natural Environment

D10: Historic Environment

D10A: Design

2.3 Eastbourne Borough 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

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

BI2: Designated Industrial Areas

BI4: Retention of Employment Commitments

NE4: Sustainable Drainage Systems

NE23: Nature Conservation of Other Sites

2.4 Eastbourne Employment Land Local Plan 2016

EL1: Economy and Employment Land

EL2: Industrial Estates

2.5 Supplementary Planning Documents and other relevant documents

Sustainable Building Design SPD

### **3. Site Description**

- 3.1 The application site comprises two parcels of land, one on each side of Brampton Road. The eastern parcel comprises existing industrial buildings, which have been developed and extended over time. The buildings are occupied by TEVA, a pharmaceutical manufacturing and logistics company, and includes buildings falling within the B2 (General Industrial), B8 (storage and distribution), B1 (office – now Class E) and ancillary floorspace including a canteen.
- 3.2 The eastern portion of the site is currently accessed from two points on Brampton Road.
- 3.3 The site is located within the Hampden Park Ward and the Hampden Park Neighbourhood, as defined by the Core Strategy 2013. It is also located within a designated Industrial Estate.
- 3.4 The site falls across all three of the Environment Agency's Flood Risk Areas: 1 (Low Risk), 2 (Medium Risk) and 3 (High Risk) although zones 2 and 3 only affect a small north eastern portion of the site.

### **4. Relevant Planning History**

- 4.1 The site has been the subject of an extensive number of planning applications over the years, the majority of which are small scale applications for alterations/extensions/plant associated with the established industrial use of the site. As such, applications have not been listed here for reference.

### **5. Proposed Development**

- 5.1 The application seeks planning permission for the demolition of buildings on the eastern side of Brampton Road and the redevelopment of the site to provide a total of 31 commercial units falling within the B2 (General Industrial) and B8 (Storage and Distribution) use classes. The units would be arranged in terraces and would comprise associated car parking facilities and landscaping.
- 5.2 Within the defined application site, the applicant also seeks to retain a large industrial building measuring 1,273m<sup>2</sup>.
- 5.3 The proposal would result in a net reduction of in floorspace compared to the existing buildings and this is because of the existing buildings being multi-storey.
- 5.4 The proposed buildings are part two-storey, part single (double height) storey and comprise ancillary office space, reception area and facilities. They comprise asymmetrical dual pitched roofs, with the larger south facing pitch accommodating solar voltaic panels for small scale renewable energy generation.
- 5.5 The unit sizes vary across the site, ranging from a footprint of 129m<sup>2</sup> in Unit C, to 263m in Unit B.

5.6 The units would be accessed via multiple access points from the public highway on Brampton Road.

## 6. Consultations

### 6.1 External

#### 6.2 ESCC Highways

6.2.1 ESCC Highways has not yet provided detailed comments regarding the transport impacts of the proposal. As such, any comments will be reported to the Committee within an Addendum Report or addressed for a future Committee meeting should significant elements of the proposal need to be revised to overcome concerns.

#### 6.3 Southern Water

6.3.1 Southern Water has confirmed that foul sewer network reinforcement works may be required to ensure sufficient capacity to deal with the anticipated foul sewer discharge rates. Southern Water has also requested that occupation be phased to align with the delivery of any required reinforcement works and has requested a condition to secure this.

6.3.2 RPG, acting for the applicant, has responded on this point, and put forward their assessment that the discharge rates are calculated to be less than the existing, thus not requiring any additional reinforcement works. At the time of writing a response is yet to be received. Therefore, a condition has been included with this recommendation and will be removed with Southern Water's agreement, prior to determination.

6.3.3 Southern Water has also requested other conditions as detailed in Section 10 of this report.

#### 6.4 ESCC SUDs & Pevensey and Cuckmere Water Level Management Board

6.4.1 In their consultation response, ESCC SuDS has raised concerns about the proposed surface water drainage methods for the site. This has been rebutted by RPG and, at the time of writing, is with ESCC for further comment. Comments will follow within an Addendum Report if received before the Committee meeting.

#### 6.5 Environment Agency

6.5.1 No objection to proposal. No conditions recommended.

#### 6.6 Sussex Police – Designing Out Crime Officer

No significant concerns with the proposal from a crime perspective – recommendations made to the applicant to reduce opportunities for crime.

#### 6.6 Internal

#### 6.7 Specialist Advisor – Quality Environment

6.7.1 No comments received.

## 6.8 Specialist Advisor – Planning Policy

- 6.8.1 Considers the proposal to accord with the objectives of adopted policy and would improve the industrial offer in the Borough, meeting the identified need for small start-up business employment floor space.

## 6.8 Specialist Advisor - Regeneration

- 6.8.2 In support of the application, which would provide needed small business, start-up, and SME employment floorspace, whilst retaining an also much needed larger industrial unit.
- 6.8.3 The 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.

## 7. **Neighbour Representations**

- 7.1 10 representations have been received regarding the application, which raise the following concerns:

- Noise impacts
- Pollution
- Transport impacts
- Loss of green space / wildlife habitats
- There are existing empty industrial buildings on the estate.
- Parking.

## 8. **Appraisal**

### 8.1 Principle of Development

- 8.1.1 Given the location of this site within a designated Industrial Area, as defined by the Core Strategy 2013, consideration of the application is governed principally by related Core Strategy policy D3: Economy, policies ELP1 (Economy and Employment Land) and EL2 (Industrial Estates) of the Employment Land Local Plan 2016, together with saved policies BI1, BI2 and BI4 of the Eastbourne Borough Plan 2003.
- 8.1.2 The Employment Land Local Plan (ELLP) explains (at paragraph 2.21) that economic growth has changed in recent years and that Eastbourne has seen lower levels of inward investment particularly due to the age and quality of the existing stock. Paragraph 2.22 describes that the majority of existing stock was built in the 1960's and 1970's and will 'not necessarily meet the needs of existing and future businesses' and describes the opportunity to redevelop to provide higher quality and more suitable stock. It goes on to confirm that the ELLP needs to '*ensure it provides the right space...including new, high quality floorspace*'.
- 8.1.3 Policy D2: Economy of the Core Strategy 2013 outlines the objectives for employment land, including, '*Maximising the use of existing employment sites, through redevelopment for employment*

*use and increased density on existing industrial estates, and the upgrading of the existing stock'. Policy ELP1 of the ELLP also confirms a 'presumption in favour of sustainable economic development' in assessing proposals concerning employment land and (in policy EL2) that, 'within the designated Industrial Estates, redevelopment and intensification of under-utilised sites to provide B class use floorspace will be supported'.*

- 8.1.4 It is noted that this proposal would lead to a net loss of employment floorspace when compared to the existing. However, the proposal would incorporate high quality units built to modern standards, which would be attractive to businesses inside and outside of the Borough. They would comprise improved thermal and acoustic performance compared to the older existing units and would have improved access arrangements and parking facilities.
- 8.1.5 The proposal would retain a large industrial unit on the eastern side of Brampton Road, comprising 1,273m<sup>2</sup>, for which there is an identified high demand. The scheme would also comprise smaller units, which is considered to be particularly beneficial in offering accommodation for smaller start-up and fledgling businesses and meets another of the objectives of policy D3, *'Supporting development which provides for, or achieves, units for new start-up businesses'*.
- 8.1.6 This approach is further supported by the Employment Land Local Plan (ELLP), which confirms in Policy ELP1, that job growth and prosperity will be achieved by 'promoting development which provides for new start-up businesses and small enterprises'. It goes on to explain (at paragraph 3.11) that, *'The majority of economic activity in Eastbourne is undertaken by small businesses'* and, *'In order to encourage such businesses and encourage local 'home grown' employment growth, it is important to provide new units suitable for small and start-up businesses'*.
- 8.1.7 This proposal would introduce high quality employment floor space suitable for business start-ups, which meets ELLP Objective 2 – Encourage Small and Start-up Businesses and Objective 3 – Diversify the Local Economy by providing agile units which can be used together if more space is required. As such, it is intended that incoming businesses could occupy single or multiple units bespoke to their floorspace requirements and offering the growth requirements where possible in the future.
- 8.1.8 The Council's Regeneration Team have confirmed that Locate East Sussex, the Council's inward investment partners have highlighted an insufficient supply of flexible, modern industrial provision in the county and that the proposed units would fulfil this unmet need.
- 8.1.9 Taking account of the above considerations, the proposal is considered to meet the overarching objectives of adopted policy and would provide for the ongoing in employment needs of the Borough, both for existing and inwardly migrating businesses.

## 8.2 Trees / green space / wildlife habitats

- 8.2.1 The application site comprises a green space at its northern point. This comprises a large open grassed area that is fenced off from public use and is predominantly unused, other than for a small amount of staff recreation. The space does not comprise any significant features other than a low-level hedge, which runs from north to south along the western boundary of the site.
- 8.2.2 The space is not designated or protected for its wildlife, biodiversity, or amenity value. As such, its loss is not prohibited by any national or local policy.
- 8.2.3 There are street trees lining Brampton Road, which soften the appearance of the site on both sides, when viewed from the public highway, although they become sparser on the southern portion of the site. A condition is recommended to ensure that these trees are protected during demolition/construction works.
- 8.2.4 A further condition is recommended requiring a detailed landscaping scheme, which would include types, species, and numbers of planting, together with surface treatment and boundary enclosures.

## 8.3 Amenity for future occupants

### 8.3.1 Privacy

- 8.3.2 The proposed buildings would occupy land adjacent to residential occupiers in the northern part of Brampton Road. However, the buildings would not comprise any windows that would overlook neighbouring residents. As such, no privacy issues are envisaged. However, industrial units can be altered without the formal grant of planning permission, so a condition has been attached to ensure that the northern elevation of Unit G (the northern most terrace) could not be altered without the prior grant of planning permission.
- 8.3.3 Taking account of the above stipulation, no other privacy issues have been identified.

### 8.3.4 Daylight / Sunlight / Outlook

- 8.3.5 Unit G would be closest to neighbouring residential occupants. The buildings on this northern most part of the site would be adjacent to a public footpath, which runs from Brampton Road to Hampden Park Train Station. This includes a soft landscaped verge at the mouth of the footpath on Brampton Road. The buildings would also be set back from the site boundary shared with the public footpath.
- 8.3.6 An assessment of the impact of the proposed buildings, taking account of their height, roof design and proximity to neighbouring residential windows, has concluded that there would be no significant impact upon light serving adjacent dwellings.
- 8.3.7 It is also considered that the siting of Unit G would neither encroach upon, nor be overbearing or enclosing upon the occupiers of number 38, the nearest of the dwellings to the north of the site. It is noted that a buffer strip is retained between the north elevation of Unit G and would allow for planting to soften the development and this

would be addressed within the Landscaping Plan, required by condition.

8.3.8 Noise

8.3.9 Whilst a degree of noise conflict is expected between the normal operation of the industrial estate and neighbouring residential occupiers, the proposal would bring the useable floorspace closer to neighbours than the existing arrangement.

8.3.10 Unit G would be the nearest building and would turn its back on the nearest neighbours to the north. This is considered to go some way to shielding noise from activity from neighbours, as this would take place on the opposite side of the buildings.

8.3.11 A condition would be attached to prevent further apertures being made in the northern elevation of Unit G to prevent exacerbated noise conflicts. However, as Use Class B has the potential to generate significant noise from normal use, it is also considered necessary to impose a condition requiring that Unit G is only used for B8 (storage and distribution), to provide a buffer between neighbouring residents and B2 uses.

8.3.12 A condition has also been attached to ensure that the ground floor doors on the northern elevation would only be used in emergency situations to prevent activity on the northern side of the building.

8.4 Accessibility and impacts upon highway networks.

8.4.1 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.

8.4.2 It should be noted that, at the time of writing, ESCC Highways is yet to comment on the application. Therefore, although comments are anticipated before the Committee meeting, Officers are seeking the delegated authority of the Committee to negotiate any revisions that may be required by ESCC.

8.4.3 Accessibility

8.4.4 The development would be accessible by foot, train, bus, cycle, and car. The site is located close to Hampden Park Train Station and numerous other means of public transport nearby. Numerous bus stops are in the vicinity, including on Mountfield Road and Lottbridge Drive. Taking this into account, the site is very accessible, including via sustainable means of transport.

8.4.5 Trip Generation

8.4.6 The submitted Transport Assessment concludes that there would be a marginal increase in the trip generation when compared to the existing arrangement. This is to be expected given the nature of the proposed multiple units compared to the single operation of the TEVA site despite the floor space reduction. The increase would not

have a significant impact upon the surrounding road network in the context of the existing arrangement. It is noted that adopted policy supports intensification of designated industrial areas and that this marginal increase in trips to and from the site is expected within the plan period in relation to increased employment activity.

8.4.7 Parking

8.4.8 The proposal would provide 156 parking spaces for vehicles in relation to the development. These would be arranged around central courtyards between the buildings. ESCC standards require that 182 spaces be provided, falling 26 spaces short of the standards. However, it is considered that overspill could be accommodated within Brampton Road. The concerns of neighbours regarding overspill into the upper part of Brampton Road has been considered. It is noted that almost all properties in this section of Brampton Road have off street parking and that additional cars would be unlikely to impact upon the ability for residents to park at their home addresses, particularly at the southern part of the residential portion of Brampton Road.

8.4.9 Taking the above into account, together with the presence of other public transport means, on balance the parking provision is acceptable.

8.4.10 Vehicle manoeuvring

8.4.11 The applicant has demonstrated by way of swept path diagrams that LGVs and HGVs would be able to access and egress the site in a forward gear.

8.5 Other matters

8.5.1 Sustainability / Energy

8.5.2 In line with Core Strategy Policy D1 and the Sustainable Building Design SPD, the proposed buildings would comprise thermal insulation to modern standards, together with micro renewable energy generation in the form of solar voltaic panels on the roof of the buildings to mitigate the energy demands of the development.

8.5.3 Drainage

8.5.4 *Surface Water*

8.5.5 The applicant has submitted a Flood Risk and Drainage Strategy for the site, which includes a scheme for the management of surface water within the site in the interest of preventing flooding both on and off-site. This includes permeable paving and below ground surface water attenuation tanks.

8.5.6 *Foul water disposal*

8.5.7 The applicant is proposing to use existing infrastructure for foul water disposal. Southern Water has raised concern that the infrastructure may need reinforcing prior to use and has requested that connection to the foul sewer network be phased to allow for such works to be aligned.

8.5.8 The applicant has responded to this concern by providing the calculated foul water discharge rates, which are anticipated to be lower than the existing. This is, at the time of writing, with ESCC SuDS for comment and the Committee will be updated regarding any comments received prior to the meeting.

8.5.9 Construction Management

8.5.10 A Demolition, Construction and Environmental Management Plan (DCEMP) would be required by condition to ensure that demolition/construction related traffic would be suitably managed in relation to the site, including delivery times, parking, types of vehicles and construction traffic movement on and around the site. The Plan would demonstrate how the environmental impacts of construction upon neighbouring occupants would be mitigated. The plan would also include pollution mitigation measures, including dust suppression, wheel washing, commitment to not burning on site, etc.

8.5.11 Flood Risk

8.5.12 The site falls across all three of the Environment Agency's Flood Risk Areas: 1 (Low Risk), 2 (Medium Risk) and 3 (High Risk) although zones 2 and 3 only affect a small north eastern portion of the site.

8.5.13 The applicant has submitted a Flood Risk Assessment (FRA) in support of the application. The Environment Agency has responded to consultation and has not raised any objection to the proposal regarding flood risk issues. Therefore, the development will be carried out in accordance with the FRA by condition of permission.

8.5.14 Community Infrastructure Levy

8.5.15 The development is CIL liable.

**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 considered 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 conditions and a S106 Agreement or Unilateral Undertaking (to be determined) to cover local labour agreement.

10.2 Planning permission would be subject to the following conditions:

10.3 **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).

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

Existing Site Location Plan: 21 Rev A  
Proposed Site Location Plan: 24 Rev A  
Proposed Block Plan: 25 Rev A  
Proposed Site Layout: 26 Rev A  
Proposed Ground Floor: 27 Rev A  
Proposed Unit A - Plans: 28 Rev A  
Proposed Unit A - Elevations: 29 Rev A  
Proposed Unit B - Plans: 30 Rev A  
Proposed Unit B - Elevations: 31 Rev A  
Proposed Unit C - Ground Floor: 32 Rev A  
Proposed Unit C - First Floor: 33 Rev A  
Proposed Unit C - Elevations: 34 Rev B  
Proposed Block Plan: 45 Rev A  
Proposed Site Layout: 46 Rev A  
Proposed Ground Floor: 47 Rev A  
Proposed Unit D - Plans: 48  
Proposed Unit D - Elevations: 49  
Proposed Unit E&F - Ground Floor: 50  
Proposed Unit E&F - First Floor: 51  
Proposed Unit E&F - Elevations: 52  
Proposed Unit G - Plans: 53  
Proposed Unit G - Elevations: 54

Flood Risk Assessment and Drainage Strategy, by RGP, dated April 2021: 21/012/FRA01.

Transport Statement, by RPG, dated April 2021: 21/5755/TS02.

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

- 10.5 **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.

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

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

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

- 10.7 **Surface Water Drainage Scheme Implementation** - Following completion of the drainage works, evidence (including photographs taken at different times throughout the build) 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.

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

- 10.7 **Parking spaces** - No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with the approved plans. The spaces shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure car-parking spaces are provided prior to occupation and retained thereafter.

- 10.8 **Landscaping** – Prior to first occupation of the development, hereby approved, a Landscaping Plan shall be submitted to and approved in writing by the Local Planning Authority, 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; and
  - 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.

- 10.8 **Demolition, Construction and Environment Management** - Prior to commencement of the development (including demolition), hereby approved, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority, which shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the times of any deliveries related to the development, which should avoid peak travel times;
- the storage of plant and materials used in construction/demolition of the development;
- the erection and maintenance of any security hoarding;
- the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- dust and/or any pollutants;
- confirmation of no burning of materials on site;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

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

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

- 10.9 **Arboriculture** - Prior to commencement of the development, hereby approved, an Arboricultural Impact Assessment, including a scheme for the protection of retained trees in accordance with BS 5837:2012; a Tree Protection Plan(s) (TPP); and an Arboricultural Method Statement (AMS). Specific issues to be dealt with in the TPP and AMS shall include:

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

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

- 10.10 **Landscaping** - Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of

the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
- b) details of all hard surfaces;
- c) all boundary treatments;
- d) a schedule detailing sizes, species and numbers of all proposed trees/plants; and
- e) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

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

- 10.11 **Travel Plan** – Prior to first occupation of the development, hereby approved, a Travel Plan Information Pack (TPIP) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Information Pack 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 TPIP shall include details of sustainable methods of transport available to future occupiers of the development and the routing of commercial and other vehicles navigating to the site from elsewhere, to include avoidance of the residential portion of Brampton Road. The approved TPIP shall be issued to first occupants of the development, prior to occupation.

Reason: To encourage and promote sustainable transport and manage the ongoing impacts of commercial vehicles on adjacent residential areas.

- 10.12 **Cycle Parking** - Details of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.13 **Removal of PD rights** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, rooflight or other

aperture other than those expressly authorised by this permission shall be constructed in the north elevation of Unit G without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

- 10.14 **Restricted use of doors on Unit G** - The ground floor doors on the northern elevation on Unit G shall only be used in an emergency or for maintenance and no other time other time, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the occupiers of neighbouring properties from noise disturbances.

- 10.15 **Restriction of Use** - Notwithstanding any inferences within the approved drawings/documents, the use of all floor space forming part of Unit G shall be restricted to Use Class B8 (Storage and Distribution) within the meaning of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To safeguard the amenities of the occupiers of nearby properties.

- 10.16 **Hours of operation** - The use, hereby approved, shall only operate within the following hours:

- 08:00-20:00 - Monday to Friday;
- 08:00-18:00 on Saturdays; and
- Not at all on Sundays and Bank Holidays

Reason: In the interest of protecting the amenity of neighbouring occupants.

- 10.17 **Acoustic Fence** - Details of sound insulation of Unit G, or an acoustic wall on the northern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the noise mitigation measures shall be fully implemented in accordance with the approved details prior to first use of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

- 10.18 **Restrictive Use** - Notwithstanding the details within Town and Country Planning (Use Classes) Order 1987 (as amended) none of the units hereby approved shall be permitted to change to Use Class B1 or Class E.

Reason: To accord with the terms of the application and to ensure that the B2-B8 uses are retained.

- 10.19 **Phased connection to the foul sewer** - The development, hereby approved, shall not be occupied until a schedule for phased connection to the foul sewer has been submitted to and approved in writing by the Local Planning Authority following liaison with Southern Water.

Reason: To prevent flooding of the foul sewer network.

11. **Appeal**

11.1 Should the applicant appeal the decision the appropriate course of action to be followed, considering the criteria set by the Planning Inspectorate, is written representations.

12. **Background Papers**

12.1 None.

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# Agenda Item 8

**Report to:** Planning Committee  
**Date:** 29<sup>th</sup> June 2021  
**Application No:** 200901  
**Location:** 1 Matlock Road, Eastbourne  
**Proposal:** Erection of a second storey rear extension with associated alterations, works to existing rear extension and replacement external staircases.

**Applicant :** Mr A Chepstow-Lusty & Mrs C Lusty  
**Ward:** Meads

**Recommendation:** Approve subject to conditions.

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

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**Map Location:**



## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee at Member request.
- 1.2 The application seeks permission for the erection of a second storey rear extension with associated alterations along with works to an existing rear extension and a replacement external staircase.
- 1.3 The application is considered to be acceptable in terms of its visual impact both in the context of the host building and upon the significance of the Meads Conservation Area and Grade II listed building within the curtilage of the property. The amenity of the occupiers of neighbouring properties would not be significantly impacted.
- 1.4 On balance, the application is considered to accord with the Development Plan and the application is recommended for approval subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

### 2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- C11 - Meads Neighbourhood Policy
- D10a - Design

### 2.3 Eastbourne Borough Plan 2001-2011:

- TR4 - Quality Bus Corridors
- HO20 - Residential Amenity
- UHT1 - Design of New Development
- UHT4 - Visual Amenity
- UHT8 - Protection of Amenity Space
- US4 - Flood Protection and Surface Water
- US5 - Tidal Risk

## 3. **Site Description**

- 3.1 The application site is a semi-detached residential property divided into 2 no self-contained units. The property benefits from residential use over 3 floors including the roof space of the building.
- 3.2 The properties surrounding the application site comprise a mix of three storey and two storey properties.

3.3 The property is set within an angled plot where the rear portion of the curtilage turns to the west. Set within this rear element is a Grade II listed outbuilding termed as a Gazebo within the English Heritage Listing. The structure formed an ornamental gazebo within the grounds of the original 18<sup>th</sup> Century farmhouse presumed to be located on the site previously.

#### 4. **Relevant Planning History**

4.1 No site history relevant to the determination of this application.

#### 5. **Proposed Development**

5.1 The applicant is seeking permission for the creation of second floor extension along with alterations to an existing conservatory and staircase on the rear of the application property.

5.2 The second-floor element would extend along the depth of the existing rear portion of the property and above the existing conservatory, which itself is to be replaced by brick walls to become a breakfast room. The second floor would introduce a new side wall element but be set in from the first floor, creating a slightly asymmetric element when viewed from the rear.

5.3 The scheme would provide for a study, bathroom and walk-in wardrobe with the breakfast room at first floor level. The existing staircase to the garden would be replaced with a new wider timber staircase located more centrally within the plot.

5.4 Windows are proposed on the sides of the extension with the west facing window to be obscure glazed.

5.5 The extension would utilise materials and painted brickwork to match the existing property.

#### 6. **Consultations**

##### 6.1 Specialist Advisor (Conservation)

6.1.1 There are no significant concerns relating to a challenge to the character and appearance of the conservation, and, accordingly, no objection is required.

#### 7. **Neighbour Representations**

7.1 3 Letters of objection have been received from neighbouring occupants. A summary of the comments is outlined below –

- Concerns over loss of light
- Loss of privacy
- Brickwork should be painted white to match the existing arrangement
- The addition will block views
- Potential overshadowing
- Design would spoil the aesthetic of the building

- Extension would have a negative impact on the historic value of the original building
- Impact on Grade II Listed building

7.2 These points are discussed later within this report.

## 8. **Appraisal**

### 8.1 Principle of Development

8.1.1 There is no objection in principle to the proposal, subject to consideration of its design and visual impact upon the character of the Meads Conservation 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 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:

8.2.1 Members will note that objections have been received from neighbouring properties in respect of the impact of the development upon residential amenity. The following section outlines officer's consideration of those relevant matters.

8.2.2 Overlooking:

8.2.3 The comments received in respect of overlooking to the properties to the rear and along Meads Street are noted. The distance between the proposed rear facing window and Matlock Barn is approximately 29m and this distance is considered to retain suitable levels of privacy within Matlock Barn.

8.2.4 However, it is accepted that the proposed development may increase the perception of overlooking for adjoining occupiers. As such, a condition has been recommended that requires that all windows are obscurely glazed and fixed shut below 1.7m above internal floor height to prevent views towards neighbouring sensitive windows whilst retaining a degree of outlook for future occupants.

8.2.5 With the above restriction, the resulting development would avoid prejudicing the enjoyment of neighbouring dwellings through an increase in the perception of being overlooked.

8.2.6 The proposed alterations to external steps would not significantly alter the existing view from the application site at this level and is not considered to have an impact upon neighbouring occupants.

8.2.7 Overshadowing:

8.2.8 As a result of the orientation of the buildings, the garden of the adjoining property, 3 Matlock Road, would be impacted by a loss of light for a small part of the morning whilst the sun rises through the sky. However, the extension would be set back 0.8m from the party wall shared with number 3 and would comprise a modest increase in

height above the party wall of 1.6 metres to the eaves with a pitched roof extending away from the boundary. Taking these matters into account, the increase in the overshadowing beyond that of the existing building would be marginal and insignificant when taking into account the very small portion of time when the extension would cast a shadow on the garden area.

- 8.2.9 Based on the above appraisal it is considered the scheme is in accordance with Policy HO20 Residential Amenity as there would not be a significant adverse impact to residential amenity as a result of the proposal.

### 8.3 Design

- 8.3.1 Buildings of this height are a common feature of Matlock Road and surrounding streets. Due to its siting at the rear of the property it is not considered that this would result in an overly dominant form of development in the Matlock Road street scene.
- 8.3.2 The proposed extension would extend the existing building beyond the established building line of properties in Matlock Road to the rear. However, in an urban setting such as this it is not uncommon to see buildings extending out to the rear of plots over time. The application proposal has been designed to remain subordinate to the main dwelling, keeping below the main ridgeline and set in from the lower floors, and would not appear overly dominant or top heavy in its design.
- 8.3.3 The extension would be finished in materials that match the host dwelling and a condition is recommended to ensure that this is secured. Based on the above appraisal the extensions as proposed are considered to be in accordance with policy D10a Design.
- 8.3.4 The proposal is therefore considered to meet the requirements of adopted policy, specifically D10a Design of the Core Strategy 2006-2027, and saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2001-2011.

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

- 8.4.1 To the rear of the property is the grade II listed 'Gazebo' which is listed under entry 1043616. Due to the orientation and layout of the plot the gazebo is set some distance and angled away from the application property itself.
- 8.4.2 The works relate solely to 1 Matlock Road and do not extend closer to the listed building. As such it is not considered that the works would have an impact on the setting of the historic asset nor its wider relationship and visibility within the urban landscape. As a result, its significance would be protected and the proposal would not detract from its appreciation from a heritage, or other, perspective.
- 8.4.3 In respect of the impact of the proposed works on the wider Meads Conservation area we refer to the comments by the Conservation officer who confirms that there are no significant concerns relating to a challenge to the character and appearance of the conservation

area. As such, it is considered that the proposal would preserve the character and appearance of the Meads Conservation Area in accordance with legislative and policy requirements.

## 9. **Human Rights Implications**

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

## 10. **Recommendation**

10.1 It is recommended that the proposal be approved conditionally.

10.2 **Time Limits** - The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

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

- **Dwg – 6698/LBP**
- **Dwg – 6698/Ex**
- **Dwg – 6698/1/A**

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

10.6 **Materials** - The external finishes of the development, hereby approved, shall match in material, colour, style, bonding and texture those of the existing building.

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

10.8 **Obscure glazing** - The windows in the extension, 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.

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

## 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.

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