

# Planning Committee

## 24 August 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, 16 August 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 29 June 2021 (Pages 5 - 8)**
- 5 **Urgent items of business.**

The Chair 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 Chair 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 **Bedfordwell Depot, Bedfordwell Road. ID: 210247 & 210248 (Listed Building) (Pages 9 - 38)**

**8 Former site of Wood's Cottages and adjoining land. ID: 210485 (Pages 39 - 64)**

**9 Date of next meeting**

To note that the meeting of the Planning Committee is scheduled to be held on Tuesday, 21 September 2021 in the Court Room at Eastbourne Town Hall, Grove Road, Eastbourne, BN21 4UG.

## 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. 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 20<sup>th</sup> August**. 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 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 the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)

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

## Information for Councillors

**Disclosure of interests:**

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

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

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

**Councillor right of address:**

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

## Democratic Services

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

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

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Working in partnership with **Eastbourne Homes**

## Planning Committee

**Minutes of the meeting held in the Court Room at Eastbourne Town Hall, Grove Road, Eastbourne, East Sussex, BN21 4UG on 29 June 2021 at 6:00pm**

### **Present:**

Councillor Jim Murray (Chair)

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

### **Officers in attendance:**

Neil Collins (Senior Specialist Advisor, Planning)

Sarah Lawrence (Senior Committee Officer, Democratic Services)

Helen Monaghan (Lawyer, Planning)

Jennifer Norman (Committee Officer, Democratic Services)

Leigh Palmer (Head of Planning First)

### **11 Apologies for absence and notification of substitute members**

There were none.

### **11 Apologies for absence and notification of substitute members**

There were none.

### **12 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.

### **13 Minutes of the meeting held on 26 May 2021**

The minutes of the meeting held on 26 March 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **14 Urgent items of business**

There were no urgent items. An officer addendum, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

**15 Introductions**

Members of the Committee and Officers introduced themselves to all those who were present during the meeting.

**16 41 Brampton Road. ID: 210324**

Demolition of existing industrial units and erection of 7 industrial terraces (providing 31 B2/B8 units) with associated access, car parking and landscaping - **HAMPDEN PARK**

Kate Neill (Neighbour) spoke against the proposal. A written representation was read aloud by the Head of Planning First on behalf of Councillor Josh Babarinde MBE, in his capacity as the Eastbourne Borough Ward Councillor.

The SSA (Senior Specialist Advisor, Planning) presented the report and its findings.

The Committee was informed of a consultation response from East Sussex County Council (ESCC) Highways received prior to the meeting, which stated that insufficient information had been submitted to address highways concerns. As a result, the SSA stated a change to the officer recommendation (originally for delegation to officers to await ESCC Highways comments) to deferral of the application to address the transport/highways concerns.

The Committee discussed the proposal in detail including issues surrounding the lack of sufficient consultation with local residents, insufficient parking and the impact of the development upon neighbour amenity.

Councillor Vaughan proposed a motion to defer the application until the points raised within the ESCC Highways consultation response have been addressed. The motion was seconded by Councillor Miah and was carried.

**Resolved (by 7 votes in favour to 1 against):**

That planning application 210324 for the demolition of existing industrial units and erection of 7 industrial terraces (providing 31 B2/B8 units) with associated access, car parking and landscaping be deferred, until the points raised within the ESCC Highways consultation response have been addressed.

**17 1 Matlock Road. ID: 210108**

Erection of a second storey rear extension with associated alterations, works to existing rear extension and replacement external staircases - **MEADS**

Jack Harris (Neighbour) and Rosemary Bird (Neighbour) spoke against the proposal. Charlotte Lusty (Applicant) spoke for the proposal.

The Senior Specialist Advisor (Planning) presented the report and its findings.

The Committee discussed the proposal in detail including the issues surrounding overlooking of the neighbouring properties.

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

**Resolved (Unanimous):**

That planning application 200901 for the erection of a second storey rear extension with associated alterations, works to existing rear extension and replacement external staircases be approved, subject to the conditions set out in the report.

**18 Date of next meeting**

**Resolved:**

That it be noted that the next meeting of the Planning Committee is scheduled to commence at 6:00pm on Tuesday, 20 July 2021.

The meeting ended at 7:27pm.

Councillor Jim Murray (Chair)

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**Report to:** Planning Committee  
**Date:** August 2021  
**Application No:** 210247 & 210248 (Listed Building)  
**Location:** Bedfordwell Depot, Bedfordwell Road Eastbourne  
**Proposal:** 210247 Mixed use development comprising construction of 80no. dwellings (59no. houses and 21no. flats) and conversion of existing Pump House and Annexe into 20no. flats and 1no. commercial unit (Use Class E) and associated access, circulation road, parking, drainage and landscaping (associated listed building consent ref 210248)  
  
210248 Internal and external works to Grade II Listed Pump House and Annexe in relation to conversion into 20no. flats and 1no. commercial unit (associated planning application ref 210247)  
  
**Applicant:** Eastbourne Borough Council  
**Ward:** Upperton

**Recommendation:**

1. Delegate to the Head of Planning to:
  - a) Receive and evaluate the final response from Natural England to conclude the Habitats Regulations requirements; and
  - b) Seek agreement from ESCC SuDS on the final detailed matters related to access and maintenance of the SuDS for the site.and on the provision that no objections are received then...
2. Approve with conditions, subject to S106 Agreement to secure:
  - a) affordable housing;
  - b) a local labour agreement
  - c) car club
  - d) travel plan
  - e) S278 for off-site highway works.

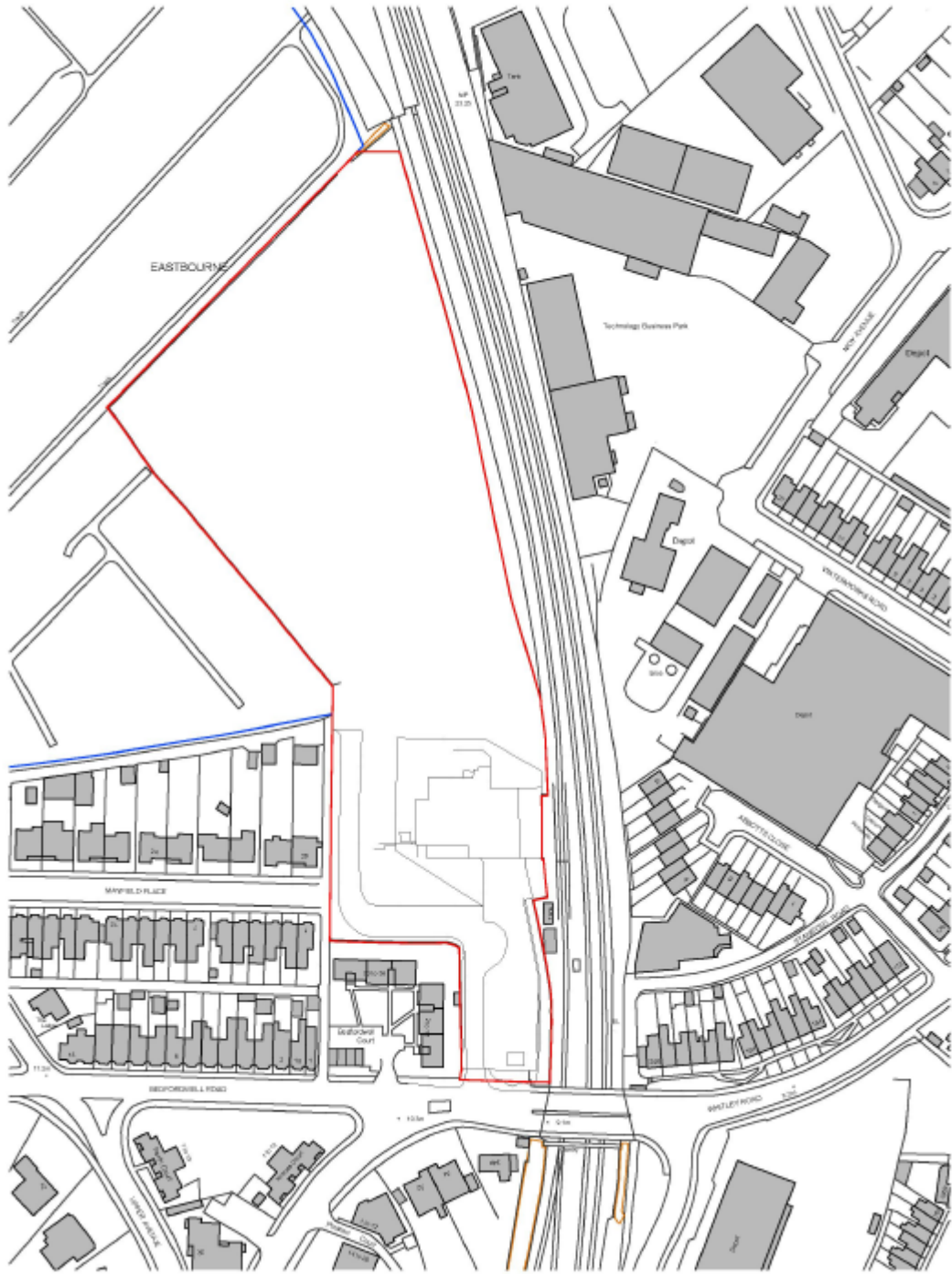
**Contact Officer:** **Name: Neil Collins**  
**Post title: Senior Specialist Advisor - Planning**  
**E-mail: neil.collins@eastbourne.gov.uk**  
**Telephone number: 01323 410000**

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**Map Location:**



CCM 2015 Health & Safety Information:  
This document contains only high-level information and is not intended to be used as a basis for any design or other project.



## **1. Executive Summary**

- 1.1 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, car club, travel plan and a S278 for off-site highway works.
- 1.2 It is acknowledged that 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.
- 1.3 Any redevelopment of the site would increase traffic in the locality and specifically at the sites' junction, however fewer units are proposed than the extant permission and that the scheme has the full endorsement of County Highways.
- 1.4 Further consultee responses are expected from the ESCC SuDs team and Natural England and therefore the recommendation is to delegate to the Head of Planning to grant planning permission subject to S106 and conditions pending no material issues being raised from these consultees.

## **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
- C2 Upperton Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D8 Sustainable Travel
- D10a Design
- D10 Historic Environment.

### 2.3 Eastbourne Borough Plan 2001-2011:

HO1: Residential Development Within the Existing Built-up Area

H07: Redevelopment

H09: Conversions and Change of Use

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

UHT6: Tree Planting

UHT7: Landscaping

UHT8 Protection of Amenity Space

US4 Flood Protection and Surface Water

US5 Tidal Risk.

### 2.4 Supplementary Planning Documents and other relevant Guidance

Affordable Housing SPD

Sustainable Building Design SPD

Trees and Development SPG

Eastbourne Townscape Guide SPG.

## 3. Site Description

### 3.1 General Site Description

3.1.1 The site is located within the Upperton Ward of Eastbourne approximately 1km from Eastbourne town centre. The site extends to approximately 2.3ha and is accessed directly from Bedfordwell Road which is one of the main roads coming into Eastbourne, providing connection to the A2270 and the A2280 (leading to the A22) to the North of the town.

3.1.2 The site is an irregular shaped piece of land, largely triangular, with the site frontage to Bedfordwell Road being relatively narrow, representing a gap in the street scene between Bedfordwell Court (block of flats to the west) and the road bridge (Whitley Bridge) over the railway line (to the east).

- 3.1.3 To the north-west of the site are allotment gardens with open views out of the site in the direction of Eastbourne Park. To the east, running the full extent of the eastern site boundary is the main railway line into Eastbourne and which provides direct connections into London, Hastings and Brighton. Beyond the railway line, further east, there are several industrial buildings. To the south and south-west are residential properties.
- 3.1.4 The general character of the area west of the railway bridge, within which the site is located, is formed predominantly of 2 and 3 storey residential properties, either semi-detached or terraced and generally from the Victorian/Edwardian period. There are also a number of 3- and 4 storey more recent flatted blocks of accommodation in the general area.
- 3.1.5 The site itself is vacant and comprises areas of cleared ground, areas of hardstanding, scattered scrub and trees with the former Grade II listed Victorian Pump House siting generally centrally within the site.
- 3.1.6 There are a number of constraints on site, including an open drainage ditch running north / south throughout the site which connects into another drainage ditch running along the north western boundary adjoining the allotments. An electricity substation is located at the site entrance alongside Bedfordwell Road. Other site constraints include the northern aspect of the site falling within Flood Zones 2 and 3; underground adits (for drinking water); water mains; high voltage cables; and a number of protected trees (TPO).
- 3.1.7 The gradient across the site drops by approximately 2m from the site entrance toward the Pump House. There is a further fall in gradient from the Pump House toward the eastern boundary by 4.5m. This distinct change in level is dealt with by a retaining wall structure along the internal road edge and an external staircase between the upper and lower ground floor levels of the Pump House. These changes in levels mean that the railway line runs in an engineered cutting for the first part of the site and reduce to more or less grade as the site leave into Eastbourne Park.

## 3.2 Listed Pump House

- 3.2.1 The main existing feature within the site is the Grade II listed Victorian Pump House and Annexe, which is relatively centrally placed on the site, together with its retaining walls which are curtilage listed. The Pump House was first listed on 3 March 2014.
- 3.2.2 The Pump House building comprises the former engine house and adjacent boiler house (referred to within this submission as the Annexe) which was designed by Henry Currey an architect for The Duke of Devonshire's estate for the Eastbourne Waterworks Company Ltd.
- 3.2.3 The building was in operation for only 12 years, and in 1923 the site was sold for use as a Council depot and the interior was altered to house workshop machinery on two floors.

- 3.2.4 The Pump House is of a classical style of architecture characterised by yellow brick with red brick dressings and corner stones to the cornice. The main engine house element of the building has a hipped slate roof with a large rectangular glazed lantern, also with hipped roof. There is a moulded brick parapet around the perimeter of the roof with distinct corner stones.
- 3.2.5 The Annexe is of lower height but comprises a larger footprint than the original pump house building and consists of a slate style roof with a rectangular glazed lantern and a section projecting north with an external chimney stack. Similar to the main Pump House building its elevations are characterised by round headed windows, and cambered headed doors opening towards the northern, southern and eastern boundaries.

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

##### **4.1 Planning application history**

- 4.1.1 180114 - The most recent application on the Council's planning register is a Listed Building application which sought consent for the removal of asbestos from the existing Pump House building. Consent was granted for these works on 23 February 2018.
- 4.1.2 130907 - More directly relevant to the site, as a whole, is Full Planning and Listed Building application for residential development comprising 102 dwellings (flats and houses), including the conversion of the existing Pump House into flats, together with access roads and parking spaces. This comprehensive redevelopment of the site was granted 31 March 2015 subject to S106 legal agreement.
- 4.1.3 This permission was subject to a number of conditions which were discharged by the Council and development commenced on site. As such this permission has been implemented however, as is evident on site, this did not advance to any significant degree but remains a consent which can be built out. This extant permission is a significant material consideration of this current application.
- 4.1.4 EB/2008/0609(FP) - This older planning application sought permission for residential development of greater density, to provide 154 new homes, including 47 units of affordable housing, a change of use of part of the existing pump house from commercial to residential use, together with ancillary car parking, landscaping with new vehicle and pedestrian access from Bedfordwell Road. This permission was granted 11 March 2011.
- 4.1.5 This permission allowed for the conversion of the main Pump House but also granted permission for the demolition of the Annexe.
- 4.1.6 Other planning permissions on this site relate to 'County Council matters', as part of the site's previous history for use relating to waste operations.

##### **4.2 Pre-Application submission**

4.2.1 A pre-application submission was received on 8<sup>th</sup> September 2020 seeking their view on the scheme, as was prepared at that time:

Proposed residential development comprising the construction of approximately 80no. dwelling units (flats and houses) together with the conversion of the Pump House into approximately 22no. flats. The proposed development also includes the provision of a minimum of 40% affordable housing, access roads, parking, drainage, together with hard and soft landscaping.

4.2.2 Response to the pre application submission was generally supportive of residential redevelopment given the planning history of the site but raised detailed points that any subsequent application should incorporate.

## **5. Proposed Development**

### **5.1 Proposal Summary**

5.1.1 The proposed development has been amended from a wholly residential development to one which now incorporates a commercial unit designed for use primary by residents.

5.1.2 Proposed mixed use development comprising the construction of 80no. new build dwellings (59no. houses and 21no. flats) together with the conversion of the Pump House and Annexe into 20no. flats and 1no. commercial unit (Use Class E). The proposed development also includes access and circulation roads, parking, drainage (SuDS scheme), together with hard and soft landscaping.

5.1.3 The proposed 100 new homes across the site would be comprised of: three new flatted blocks (referred to as A, B and C) comprising 15, 3 and 3 flats respectively; 20 flats within the pump house building; and 59 houses. The residential element would comprise the following mix, as set out in the schedule below:

- 8 x 1bed 2 person flat
- 13 x 2bed 3 person flat
- 20 x 2 bed 4 person flat
- 8 x 2 bed 3 person house
- 21 x 2 bed 4 person house
- 14 x 3bed 4 person house
- 1 x 3bed 4 person (wheelchair) house
- 15 x 3 bed 5-person house

5.1.4 All proposed dwellings comply with the National Space Standards.

5.1.5 The scheme delivers policy compliant affordable housing at 40% of the scheme: 33 affordable rent units and 7 shared ownership units. The mix of the affordable units will be across all proposed dwelling/flat types.

5.1.6 In addition to the new homes, it is also proposed to deliver a commercial unit (Use Class E). The proposed commercial unit, located within the pump house annexe, is directed toward use by the local community but would allow for flexible uptake within the use class.

- 5.1.7 The proposed development also provides an improved widened site access together with a cycle route. This route has been designed to allow for the potential future extension of the cycle route through Eastbourne Park.
- 5.1.8 Car parking provision would be delivered at a rate of 1 space per dwelling, of which the spaces allocated to houses would be 'in-curtilage'. In addition, 32 unallocated spaces would be provided for visitors to the site. 200 secure cycle storage spaces would be provided, again 'in-curtilage' for the proposed houses. Refuse and recycling storage facilities would be provided in accordance with adopted standards.
- 5.1.9 A hard and soft landscaping strategy has been designed, following feedback from Design Review Panel, to incorporate extended areas of hard surfacing around the Pump House and Annexe to reflect its industrial heritage. The landscape strategy becomes softer further north into the site, where there are greater open views toward Eastbourne Park.
- 5.2 Apartment Block A (at the entrance to the site)
- 5.2.1 Proposes 15 units in total over three floors (5 on each floor) with a flat roof and a linear floor plan running parallel to the railway line and access into the site. External amenity space would be provided in the form of courtyard gardens for the ground floor apartments and balconies for upper floor units.
- 5.2.2 Brick will be the main external material.
- 5.3 Apartment Blocks B & C (top and bottom of the residential northern portion of the site)
- 5.3.1 Apartment Blocks B and C have the same elevational treatment and contain 3 apartments in each (one flat per floor with associated vertical circulation space). Each block has an irregular footprint around a single access core over three story and under a flat roof.
- 5.3.2 Both blocks have communal amenity space to the rear of the buildings.
- 5.3.3 Brick will be the main external material.
- 5.4 Housing Zone
- 5.4.1 To the north of the Pump House and at the lower part of the site 59 dwelling houses are proposed. All these are positioned to be inward facing overlooking the central surface water attenuation pond and green space.
- 5.4.2 All of these dwellings are to be two-storey under a pitched gable roof and utilize brick as their main façade detail.
- 5.4.3 The form of these dwellings is to provide terrace and semi-detached accommodation that is the modern response to the Victorian character of the surrounding area.
- 5.4.4 All properties have access to private amenity space to the rear and modest front courtyard to delineate public and private space.
- 5.5 Pump-House and Annexe



- 5.5.1 This is to be redeveloped to provide 20 Flats and 1 commercial unit, comprising:
- 5 duplex's and 6 flats on the Lower Ground floor and Ground floor
  - 4 flats (5 duplexes with second floor) on 1<sup>st</sup> Floor
  - 5 duplexes on the 2<sup>nd</sup> Floor.
- 5.5.2 During the course of the application, the extent of the works to the pump house have been revised following detailed analysis of the structural integrity of the existing floor plates, which were not able to meet Building Regulation requirements. This has resulted in the proposed removal of the internal floor plates and replacement with a new substrate for improved structural performance and to create the new residential floor plan within the retained historic fabric of the main building envelope.
- 5.5.3 The application proposes to replace the existing windows with heritage style replacements. The window openings would largely remain unaltered, other than some intervention by way of lowering/raising some of the windowsills.
- 5.5.4 Further to the above, the following provides a summary of the additional proposed alterations to the alterations:
- New ceilings would conceal metal roof trusses which will be retained in their current form.
  - The Pump House lantern would be concealed internally, and a new internal skin would provide a double height space.
  - The existing tunnel alongside main chimney stack would be cleared and restored
  - Removal of secondary smaller chimney, which was a later addition to the building
  - Removal of inner supporting walls and chimney stack within lower ground floor
  - Additional of a new ceiling added to the underside of existing roof trusses within Pump House and Annex to conceal these features
  - Concealment of roof lantern within Pump House form internal view.

## **6. Consultations**

### **6.1 Pre-planning Public Consultation**

- 6.1.1 A pre-planning public consultation event was held online between 18<sup>th</sup> January 2021 and 1<sup>st</sup> February 2021.
- 6.1.2 A total of 73 feedback forms were received from the virtual exhibition. One of the key concerns expressed was additional traffic and local congestion, alongside concerns about connectivity of cycle link 313. Additionally, respondents were keen to see a community use come forward and need to ensure the development incorporates sustainable modes of construction.

## 6.2 Conservation Area Advisory Group

6.2.1 The Group welcomed the prospect of finding a sustained use of the building that would help ensure its preservation. There was broad receptivity to the recommissioning of the Pump House as accommodation and an appreciation that the proposed scheme was sensitive to the building's history and design. The Group also recognised the strong need for housing including affordable housing in Eastbourne.

6.2.2 In discussion issues were raised:

- That the application needs to clarify its approach to fenestration.
- Concerns about the adverse effect of the proposed block of flats to the front of the pump house, which were felt to compromise the view of the listed building and detract from its setting
- That distinctive internal features such as hatch doors and ladders should be retained
- Provision of an interpretation board in the public area to inform of the sites history.

6.2.3 In conclusion the Group welcomed the development in principle and agreed that the proposal preserved the character, appearance and significance of the listed building.

## 6.3 Design Review Panel

6.3.1 In addition to the Pre-Application enquiry, the Applicant Team engaged with the Design Review Panel through a formal submission on 8 December 2020. A virtual meeting was held with one of the Panel Members (Mr Simon Barker, RIBA) and the Council's Specialist Advisor and Conservation Lead (Mr Chris Connelley).

6.3.2 The proposed development had evolved since the pre-application planning enquiry, with changes made primarily to the road hierarchy, cycle way, and Pump House proposals.

6.3.3 A response from the Panel Member was received on 2 February 2021, with a précis of the comments set out below:

*"We feel that the pump house's unique presence in the townscape requires a more creative approach to its reuse. We are aware that previous attempts to find community uses for it have failed, but we are also aware that there is still strong interest among the people of the town for something of this sort to happen, and that it would be sensible to keep this option open. In this town, a very visible landmark of this sort deserves a more significant public/ community use, and if this is not possible right now, then consideration should be given to finding a way to defer this decision.*

*We would prefer to see the pump house safeguarded by carrying out sufficient works to arrest decay and make the building good visually, on the exterior. The building could then be retained for reconsideration of its future at a later date, when conditions may be very different. In a town that is rich with industrial heritage, the proposed conversion to*

*residential use would be unremarkable, but in Eastbourne, where this is the only example of C19 industrial building of this scale and importance we would prefer to see a slower process that seeks a public use which has significance to the community.*

*There is potential here for a site that places a sustainable high density residential development along the lines of the well-known Bedzed projects, within a sustainable and enjoyable public landscape that connects this neglected part of the town centre with the Eastbourne Park while making a significant contribution to sustainable transport options”.*

6.3.4 In response the comments received from the DRP the applicant reviewed their submission and changes have been accommodated. This includes changes to the extent of intervention within the Pump House fabric, in particular changes to fenestration design. Additionally, opportunities for alternative uses have been reviewed, and the scheme now incorporates a commercial unit focused on local residents as a ‘easy-in / easy-out’ co-worker office space. Changes to the hard and soft landscape strategy have also been made to take account of the site’s industrial heritage.

#### 6.4 County Archaeology - No objection subject to conditions

6.4.1 The County Archaeologist originally requested two conditions of permission, including:

- a written scheme of investigation
- a post investigation verification report

6.4.2 During the course of the application, a written scheme of investigation has been completed and has met the agreement of the County Archaeologist, such that a revised condition will secure the scheme of investigation.

#### 6.5 Environment Agency - No objections subject to conditions

6.5.1 The EA has not raised any objection subject to the imposition of the following conditions of permission:

- Implementation in accordance with submitted Flood Risk Assessment
- Verification report for contamination
- Previously unidentified contamination
- Piling.

#### 6.6 Crime Prevention Design Advisor (Sussex Police)

6.6.1 The Crime Prevention Design Advisor has provided advice regarding the prevention of crime. No objections are raised, but a number of recommendations are provided, including:

- Alleyways to the rear of properties should be gated
- parking areas should have a high degree of active surveillance
- street lighting should be used to reduce ASB issues

- play spaces should be in locations that are safe and have a degree of surveillance
- a number of minor detailed points that have been relayed to the construction team via the agent.

## 6.7 ESCC Highways – No objection subject to conditions

6.7.1 ESCC Highways are largely supportive of the scheme on transport and highways grounds, subject to conditions and the following legal issues to be secured by S106 agreement:

### 6.7.1 Legal Agreement:

- Travel Plan for a 5 year period plus audit fee of £4.5k. TP to include bus incentives (taster and discounted ticketing) and flexible voucher for £100 for use on sustainable travel measures, car club membership for first occupant of each dwelling
- Car club provision – vehicle and dedicated charging bay
- Road layout and access provision - subject to a combined s278/s38 agreement
- Contribution to provision of improved bus infrastructure subject to a s278 agreement.

## 6.8 ESCC SuDS – No objection subject to conditions

6.8.1 Significant liaison has followed an initial objection from ESCC SuDS regarding insufficient information to satisfy the Lead Local Authority on flood risk. Agreement has since been reached on the surface water attenuation and infrastructure requirements for the development, subject to the imposition of conditions concerning infrastructure provision, discharge rates and the ongoing maintenance of the system.

6.8.2 At the time of writing, there is a minor outstanding issue regarding access to the diverted drainage ditch on the western boundary for reasons of ongoing maintenance. It is expected that this will be overcome prior to the meeting either through the submission of revised/additional information or through the imposition of a planning condition.

## 6.9 Southern Water

6.9.1 SW has provided a standard response giving regard to the location of sewage pipes and other drainage infrastructure on and around the site. SW request that the developer surveys their location prior to the development commencing.

## 6.10 Historic England

6.10.1 HE has responded to consultation and confirmed that they have no comment to make – consideration of the impacts upon heritage assets is left to the Council's Conservation Officer.

## 6.11 Network Rail

6.11.1 NR requests that the developer liaises directly with them regarding the detailed construction, given the proximity of the development to the railway line and to align with any procedural requirements.

#### 6.12 Natural England

6.12.1 NE have objected twice on grounds of insufficient information to demonstrate that protected habitats at the Pevensey Levels would be safeguarded from surface water contaminants. However, following protracted engagement, agreement has been reached on the level of mitigation required to treat water at source prior to discharge from the site.

6.12.2 At the time of writing, a final response is outstanding on EBC's Appropriate Assessment required by the Habitat Regulations.

#### 6.14 EBC Quality Environment

6.14.1 No objection, but conditions recommended regarding land contamination and construction environmental management.

#### 6.15 EBC Regeneration

6.15.1 The Local Employment and Training Supplementary Planning Document (SPD), adopted November 2016, confirms this planning application qualifies for a local labour agreement as it meets the threshold for a residential development.

6.15.2 Should the commercial unit create 25+ jobs this will qualify for an operational local labour agreement with the end employer. The new jobs would also be subject to a sector work academy programme for those who are unemployed.

#### 6.10 EBC Planning Policy

6.10.1 Outlined the policy background for the development and recognises the benefits of housing delivery and affordable housing in meeting identified need, as outlined in adopted policy. No identified principal conflicts with the development plan.

### 7. Neighbour Representations

7.1 Statutory notification regarding the received formal planning application has been undertaken in the form of neighbour notification letters, site notices displayed in roads neighbouring the site and a press advert.

7.2 Following this consultation, a total of 5 representations have been received, which raised objections on the following grounds:

- Traffic congestion
- More vehicles added to the local network
- Danger to pedestrians
- Commercial unit should be health centre
- School paces are under pressure
- Trees should be kept to provide suitable habitat

- Listed building should not be neglected any further
- TPO trees are highly valuable and should be retained and maintained
- Boundary walls to the site need to be maintained
- Lots of development planned for the area.

## **8. Appraisal**

### **8.1 Principle of development NPPF Context**

- 8.1.1 At the heart of the NPPF is the presumption in favour of sustainable development which flows through both plan-making and decision-taking.
- 8.1.2 The role of residential and small-scale employment developments in providing for sustainable development cannot be underestimated, with the delivery of a wide choice of high-quality homes contributing to the social, economic and environmental benefit of Eastbourne. This is supported under the provisions of Paragraph 8 of the NPPF.
- 8.1.3 In this regard it is therefore considered that the proposed development to provide high quality residential dwellings and commercial unit represents sustainable development and should therefore benefit from the presumption in favour of sustainable development under the provisions of Paragraph 11 of the NPPF.
- 8.1.4 Section 5 of the NPPF seeks to boost the supply of homes. The benefit of 100no. new homes, including 40% affordable homes, should weigh positively in the schemes favour when considered against all other material considerations.
- 8.1.5 Section 7 of the NPPF is concerned about 'ensuring the vitality of town centres' and Paragraph 85 states that "planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation". Whilst the site is not situated within the defined town centre, it nonetheless is within close proximity to the services and amenities and will play a vital role in providing footfall.
- 8.1.6 Additionally, Paragraph 85 states that it should be recognised that 'residential development often plays an important role in ensuring the vitality of centres' and that residential development should be encouraged on appropriate sites.
- 8.1.7 Section 9 promotes sustainable transport and how this can be delivered through the planning system. Paragraph 103 states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The site is located within a highly sustainable location with access to an abundance of sustainable transport modes. Additionally, the proposal provides cycle links to the town centre.
- 8.1.8 Section 12 of the NPPF is concerned about development 'achieving well-designed places' and under paragraph 127 it states, amongst other

requirements, that 'planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) [...]
- f) ...create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

8.1.9 Section 14 of the NPPF is concerned about 'meeting the challenge of climate change, flooding and coastal change'. Flood Risk and Drainage is discussed within Section 6 of this Statement and the within the supporting technical documents.

8.1.10 Section 16 of the NPPF, conserving and enhancing the historic environment, seeks to protect and preserve the Heritage Assets, although it recognises the importance for local planning authorities to identify development opportunities within such areas which represent an enhancement and improvement to the built form of the locality. This application, for Full Planning and Listed Building Consent, is supported by a fully detailed Heritage Statement.

8.1.11 Overall, it is concluded that the proposals comply fully with the policy objectives of the National Planning Policy Framework.

## 8.2 Principle of development general comments

8.2.1 The principle of development on this site, including the conversion of the former Pump House, was established through the grant of planning permission in March 2015 (council ref: 130709) for the construction of 102 dwellings. This extant permission is a significant and vital material consideration in the determination of this Full Planning and Listed Building application. Furthermore, the site is identified within the Eastbourne Core Strategy as a Key Area of Change within the Upperton Neighbourhood.

8.2.2 Since the grant of the previous planning permission, the planning policy position has changed with a clear national policy directive given by Government to boost significantly housing supply, as set out within the NPPF.

8.2.3 The NPPF sets the presumption in favour of sustainable development under the provisions of Paragraph 11 which states that where there are no relevant development plan policies, or the policies most important for determination of the application are out of date, then granting planning

permission should be done without delay, unless the site is within a protected area where policies give clear reasons to restrict development, or there would be adverse impacts which would significantly and demonstrably outweigh the benefits.

- 8.2.4 In this regard, the Council's housing policy and guidance are now considered to be 'out of date' by reason of the NPPF and therefore the housing policies, such as Policy D5, no longer carry weight in the determination of this proposal. Housing delivery must be considered in the wider national planning context, as set out in the NPPF.
- 8.2.5 The application site is not located within a protected area and there are currently no known adverse impacts which should restrict development. The assessment of impacts, in particular on the grade II listed Pump House, are a key material consideration in the determination this application.
- 8.2.6 For the purposes of clarification, 'out of date' policies are defined by whether the Council is able to demonstrate a five-year supply of deliverable housing sites, or where the Government's Housing Delivery Test indicates that the delivery of housing within the borough has been substantially below the housing requirement over the previous three years.
- 8.2.7 In this regard, the Council is unable to demonstrate a 5-year housing land supply. Based on the most recent published Authority Monitoring Report (December 2020) the Council can only demonstrate a 1.8-year supply of housing land. Additionally, the Council's historic housing under-delivery currently stands at 38% when assessed against the Government's 2019 Housing Delivery Test thus invoking the NPPF 'Presumption' test which means that the policies relevant to housing delivery are considered out of date, and NPPF Paragraph 11 (and Paragraph 73 and footnote 7) are fully engaged.
- 8.2.8 In light of the clear Government message to boost significantly housing delivery, together with the historic under-delivery of sufficient homes to meet the Borough Council's needs, the proposed development should be considered favourably in the context of sustainable development and attributed significant weight when considered alongside all other material considerations, in particular the presumption in favour and the site's identification within the Core Strategy as Key Area of Change.
- 8.2.9 In terms of the principle of the proposed commercial unit, Policy EL1 (Economy and Employment Land) states that job growth and economic prosperity in Eastbourne will be supported, including promoting development which provides units for new start-up businesses and small enterprises. In this regard, the proposed commercial unit (Use Class E) located within the Annexe, should be considered favourably against this policy and supported in principle.

### 8.3 Housing Mix

- 8.3.1 The application proposes to deliver 100no. new homes comprising a blend of flatted and semi-detached and terraced housing.



8.3.2 The proposed housing composition, comprising a mix of 1-bedroom, 2-bedroom, and 3-bedroom units provides a generous mix of much required family accommodation within a central location within the town. Many recent developments within Eastbourne town centre have provided a higher proportion of 1-bedroom units. It is therefore considered that the higher percentage of 2 and 3-bedroom units is appropriate in this location and will assist in redressing the housing needs of the borough.

#### 8.4 Affordable Housing

8.4.1 The Council's Core Strategy advises that for developments within Neighbourhoods in High Value Areas, such as Upperton, the Council will seek 40% affordable housing on all sites with a tenure split of 70:30 Rented to Shared Ownership.

8.4.2 This application seeks to deliver a policy compliant provision of 40% affordable new homes, and which will be delivered tenure blind across the site on the basis of 82.5% Affordable Rent and 17.5% Shared Ownership.

#### 8.5 Design, Form, and Appearance

8.5.1 The design approach has focused primarily on the style, materiality and setting of the Grade II Listed Pump House and Annexe and neighbouring properties. These influences have informed this mixed-use development.

8.5.2 There are 3no. proposed flatted blocks of accommodation. Block A sits at the entrance to the site from Bedfordwell Road. The building is three storeys in height and linear in appearance thereby creating a corridor for the Pump House to be viewed as a focal point beyond. Blocks B & C, located to the west of the site, are more compact in stature and are mirrored buildings framing the north and south of the central open space.

8.5.3 The proposed housing, which sits to the north of the Pump House and Annexe, has been designed to reflect the local vernacular, greatly influenced by traditional Victorian housing form, being two storeys in height with a mix of front to back roofs and gable forms.

8.5.4 There are no material objections raised to the design and appearance of these residential dwellings.

8.5.5 The Pump House conversion seeks to retain where possible, the historic character of the building by limiting the degree of physical alterations to the fabric. Overall, the provision of residential units and single commercial unit, within this listed building, is considered to respect the character and appearance ensuring the long-term conservation and enhancement of this heritage asset.

8.5.6 The proposed commercial unit is proposed within the Annex, well accommodated having regard to the building's previous industrial use.

8.5.7 Bike and refuse storage will be provided on-plot for houses or in shared stores for the flatted accommodation. The majority of on-site parking will be provided on-plot with smaller courtyard arrangements serving the flats. In this regard, 100no. allocated residential parking spaces are

proposed together with 32no. unallocated parking bays, 1no. car club and 1no. commercial bay. Of the unallocated parking proposed, 6no. spaces will be dedicated active electric vehicle charging bays.

## 8.6 Heritage and Archaeology

### 8.6.1 Heritage

- 8.6.2 The management and mitigation of change to a heritage resource resulting from development is based on the recognition within Government planning objectives that "...heritage assets are an irreplaceable resource..." (NPPF para. 126). Impacts on the historic environment and its associated heritage assets arise where changes are made to their physical environment by means of the loss and/or degradation of their physical fabric or setting, which in turn leads to a reduction in the significance of the historic environment record and its associated heritage assets.
- 8.6.3 The application site is not located within a Conservation Area but is occupied by the Pump House and Annexe, which sit prominently within the site and were given statutory Grade II listing in 2014. The Pump House and Annexe are currently classed as derelict, having been vacant for a considerable time.
- 8.6.4 The proposed development seeks to convert the Pump House and Annexe into 20no. residential units together with a single commercial unit within the Annexe, adjacent the railway line. The accompanying drawings illustrate how the conversion would be sympathetically undertaken, including replacement of roof with matching materials and retention of lantern feature to the Pump House.
- 8.6.5 It is acknowledged that works are proposed to the fabric of the building which would alter its present appearance, such as the inclusion of additional rooflights and the extension of the Diocletion windows together with the relocation of the roof lanterns to the Annexe. However, these changes are considered to be nominal in scale and result in less than substantial harm, in terms of NPPF test at paragraph 196, facilitating the conversion of the building whilst ensuring its long-term conservation and contribution toward Eastbourne's industrial heritage.
- 8.6.6 It is also acknowledged that concern has been expressed in respect of the setting of building, and in particular key views of the Pump House from Bedfordwell Road. Views towards the Pump House from Bedfordwell Road will be altered by the introduction of Flat Block A. However, it should be noted that views of the Pump House are already obscured by trees along the boundary with Bedfordwell Court. The change to the views from the road will not result in entire obscuration of the Pump House roof line and roof lantern. It is therefore contended that the new entrance route leading from Bedfordwell Road toward the Pump House will facilitate an improved view of the asset by widening the access route into the site, and this will create a better opportunity to glimpse the southern façade of the building.
- 8.6.7 There are a number of structures, specifically retaining wall features, which have not been specifically noted within the Historic England listing

schedule, but which nonetheless have been attributed curtilage listing in the assessment of this proposed development. Some of these are in poor repair, particularly those which are located at the bend to the internal road (within the western side of the site) where the levels drop considerably and will require replacement to ensure compliance with necessary safety standards. This is considered to be acceptable.

8.6.8 The NPPF (para 192) states that in determining planning applications, the following should be taken into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conversion
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

8.6.9 Additionally, Paragraph 196 states that “where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

8.6.10 In this regard, and cognisant of the derelict state of the heritage asset, it is asserted that the proposed conversion to residential and commercial use, is the most viable use ensuring the long-term conservation and enhancement of this asset, and its key features, which until now have remained in a state of significant neglect and dereliction.

8.6.11 The replacement of some curtilage listed features (retaining walls) together with alterations to the fabric of the Pump House and Annexe to facilitate the conversion are considered to weigh heavily in favour of the development when considered against the less than substantial harm to the heritage asset.

## 8.7 Archaeology

8.7.1 The application site has been subject to previous archaeological investigations. These were prior to the listing of the Pump House and Annex and also prior to the expansion of the Grade I Willingdon Levels: Prehistoric Wetland. The northern area of the application site falls within this Archaeological Notification Area (ANA) (DES9135).

8.7.2 The updated archaeological evaluation has been undertaken and has confirmed that it is unlikely the Site contains any extensive archaeological deposits of high significance or value which would require preservation in situ. The evaluation further advises that below ground effects on potential archaeological remains within the site are already likely to have been partially disturbed by previous works.

8.7.3 During the course of the application, the applicant’s archaeology consultants (HCUK) have liaised directly with the County Archaeologist to agree a Written Scheme of Investigation to satisfy the requirements

for further site investigations. This will be secured in a condition, with a further condition to secure a post-investigation assessment.

## 8.8 Transport, Highways and Parking

- 8.8.1 The application is supported by a Transport Assessment and Travel Plan. Discussions with the Local Highway Authority (East Sussex County Council - ESCC) have taken place and their consultee response is included above.
- 8.8.2 ESCC Highways have engaged with the applicant in terms of the modifications to the access onto Bedfordwell Road. The scheme now proposes the relocation of the existing site access to accommodate a two-way vehicle circulation by large vehicles; facilitate the inclusion of a 2m footway on the eastern side of the access; and to accommodate an uncontrolled pedestrian crossing at the bell mouth of the site access.
- 8.8.3 Additionally, a second uncontrolled crossing point is also proposed further into the site, to facilitate pedestrian access/egress to the proposed car club bay.
- 8.8.4 In terms of the internal road network, this has been amended to respond to comments made at pre-application stage, and incorporates a spine road providing access to all dwellings and the commercial unit; together with a shared surface space adjacent to the central open space. The whole length of the spine road is proposed to be adopted and has accordingly been designed in accordance with ESCC standards.
- 8.8.5 The proposed development incorporates 100no. allocated residential parking spaces together with 32no. unallocated parking bays, 1no. car club and 1no. commercial bays. Additionally, 6no. electric vehicle (EV) charging points are also proposed, and which are included as part of the 32no. unallocated spaces. The proposal also includes provision of 200no. cycle parking spaces, comprising 2no. spaces for each residential unit; further, 4no. cycle parking spaces are also provided on-site, allocated to the commercial unit.
- 8.8.6 A cycle lane and pedestrian footways are also provided across the site. The cycle lane can be extended further north into Eastbourne Park if the opportunity arises.
- 8.8.7 The application is considered to satisfy local and national planning policy, specifically paragraph 109 of the NPPF which states that development should “only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. The accompanying technical reports clearly demonstrate that the development impacts would not be severe, and in this regard the development should be considered acceptable.

## 8.9 Flood Risk and Drainage Strategy

- 8.9.1 The front portion of the application site, nearest Bedfordwell Road, is located within Flood Zone 1. The northern section of the site is located primarily within Flood Zone 2, with the western edges of the site falling within Flood Zone 3.

- 8.9.2 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk. The proposed residential use falls within a more vulnerable classification, which is acceptable in Flood Zone 2 but not generally within Flood Zone 3. In this regard, whilst there is medium risk of fluvial flooding, these events have been modelled as part of a detailed drainage strategy, in consultation with the Lead Local Flood Authority.
- 8.9.3 In terms of site drainage, a highly detailed assessment has been undertaken and which is set out within the accompanying technical reports. It is proposed that surface water run-off will be attenuated (taking into account a 100year rainfall event plus an allowance of 40% for climate change) through a combination of measures, including a hydro brake flow control, pumping station, underground cellular attenuation, oversized pipes, voided sub-base to permeable paving and detention basin.
- 8.9.4 In terms of the foul water drainage strategy, it is proposed that this will connect to the primary foul water network and discharge into a proposed foul water pumping station to the west of the existing Pump House. From that point, foul water will be pumped to the public sewer located in Bedfordwell Road. It is anticipated that the pumping station will be adopted by South East Water.
- 8.9.5 Overall, the drainage strategy has been designed, having regard to site levels and relevant flood risk. In this regard, it is asserted that the proposed development complies with relevant policies within the adopted Development Plan documents and NPPF Section 14 and has been future proofed.

#### 8.10 Land Contamination

8.10.1 The land has previously been identified as comprising contaminants resulting from previous use. A number of intrusive investigations of the site have been undertaken over the course of the past 7 years. In this regard, a number of discussions and agreement with statutory authorities have already taken place. The Environment Agency (EA) and South East Water (SEA) are aware of the site and proposed development and are in agreement with the previously approved Remediation Specification, on the understanding that the proposed remedial works are carried out with their approval and to their satisfaction.

8.10.2 Site remedial works comprise two phases:

- Phase 1 Remedial Enabling Works
- Phase 2 Remedial Development Works

The first phase remedial work has been completed (Phase 1 Remediation Verification Report, February 2021 – ref: 12781), whilst the second will be undertaken following approval of this application.

8.10.3 The site has been subject to detailed and thorough investigations to assess the potential sources of contamination, the potential contaminant

types, and the receptor and exposure pathways. Overall, the measures proposed are considered acceptable in accordance with national and local policies and can be controlled by appropriately worded planning condition.

#### 8.11 Protected Habitats

8.11.1 The application site is not designated for its nature conservation interest. Crumbles & Horsey Sewers Local Wildlife Site (LWS) lies c. 165m east. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS.

8.11.2 The LPA, as Competent Authority, has completed a Habitats Regulation Assessment in accordance with its requirements under The Conservation of Habitats and Species Regulations 2017.

8.11.3 Stage 2 (Screening Assessment) concluded that, given the hydrological connection of the application site to the Pevensy Levels, without mitigation the proposed development would impact upon neighbouring Pevensy Levels Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Ramsar sites (wetlands of international importance) resulting from fluvial water pollution via surface water run-off and foul water discharge. As such, Appropriate Assessment of the Likely Significant Effect upon European designated sites and that Stage 3: Appropriate Assessment, of the Likely Significant Impacts, either in isolation or cumulatively with other projects, upon these protected Habitats.

8.11.4 The application is supported by a Surface Water Runoff Treatment Strategy (HOP Consulting Civil & Structural Engineers, May 2021) plus additional information regarding the treatment of three potential contaminant types; total suspended solids, metals and hydrocarbons (Letter to Natural England, HOP Consulting Civil & Structural Engineers, 15/07/21). These reports demonstrate that each of the SuDS components contain at least two stages of interconnected treatment, including specialist end of system water treatment units and that the components of these systems will sufficiently treat each of the aforementioned contaminant types at source prior to discharge from site.

8.11.5 Therefore, Appropriate Assessment has concluded that there would not be any significant impact upon European protected sites and, at the time of writing, the Appropriate Assessment is with Natural England for formal agreement.

#### 8.12 Sustainability and Energy

8.12.1 The proposed new build units have been designed to achieve an A rated Energy Performance Certificate (EPC), whilst the proposed conversion of the Pump House and Annex are designed to meet minimum compliance with the Part L1B 2013 regulations.

8.12.2 The submission is accompanied by an Energy Strategy Statement which assesses the energy requirements of the proposal. The proposal will utilise both fabric and building services efficiency measures into the

scheme, which will result in an energy efficient design that minimises CO2 emissions associated with the use of regulated energy.

8.12.3 Following Standard Assessment Procedure (SAP) analysis, the proposed new build homes will exceed Part L compliance. This is being achieved under a fabric first approach and highly efficient services strategy, together with the incorporation of Photovoltaic (PV) panels. The proposed use of PV solar panels on roofs is also considered to be the most viable strategy for generating energy and offsetting site wide emissions.

8.12.4 Each property type will achieve a CO2 reduction on average of 53% with the inclusion of PV.

8.12.5 In this regard, it is considered the scheme to be highly sustainable exceeding the requirements of the Development Plan and is therefore considered to be acceptable.

### 8.19 Noise and Vibration

8.19.1 This application is supported by a Noise and Vibration assessment which includes outcomes from noise level survey undertaken on site and which should be referred to for detailed technical conclusions.

8.19.2 The primary source of noise and vibration is the railway line which runs the length of the eastern boundary, operating between the hours of 04:56 – 00:15 most days (notwithstanding COVID-19 adjustments to timetable). Other sources of noise and vibration are from the industrial area east of the railway line. The road network to the south of the site is also a source of noise and vibration.

8.19.3 The noise assessment sets out predicted daytime and night-time levels across the site. In order to provide acceptable habitable accommodation, it will be necessary to incorporate a combination of measures, such as an acoustic fence; non-opening windows and acoustic glazing in order to mitigate against noise from the sources mentioned previously. However, the detail and combination of these measures can be developed further during the technical design stage alongside the ventilation strategy, and therefore these measures can be controlled by an appropriately worded planning condition.

8.19.4 These measures are considered appropriate for a development such as proposed within this application and are acceptable when considered against local and national policy.

### 8.20 Residential Amenity

8.20.1 Having regard to the residential amenity of potential occupiers of the proposed development, all of the units would meet the Government's Nationally Described Space Standards.

8.20.2 All new homes will benefit from private gardens; whilst the fatted accommodation (Blocks A, B and C) would benefit from a mix of communal areas, individual patios (ground floor) and balconies. The Pump House and Annexe are proposed to have a mix of both communal area of open space located to the west of the Pump House; whilst two

areas of private garden are proposed for the duplex units within the Annexe.

8.20.3 Within the site, the development has been designed to ensure appropriate separation distances between properties to avoid overlooking. Furthermore, the development has also been designed to ensure appropriate separation distances between the new development and existing development within Mayfield Place and Bedfordwell Court. Whilst the outlook from some of these existing properties will inevitably change as a result of the development, it is asserted that the proposal will not result in unacceptable degrees of overlooking.

8.20.4 Consideration has also been given to the proximity of the new development from the adjacent railway line and impact on the enjoyment of private and communal spaces within the site, and as noted earlier in this report a proposed acoustic fence will screen the eastern boundary and provide the necessary sound attenuation.

## 8.21 Landscaping and Trees

8.21.1 The hard and soft landscape strategy has evolved to take account of comments received through the Design Review process, in particular the desire to see the landscape strategy reflect the industrial heritage of the Pump House. In this respect, the use of hard landscape features in the vicinity of the Pump House and Annexe have been incorporated, whilst offering versatile spaces for communal living.

8.21.2 The landscape strategy further north into the site responds to the more open periphery of the site and proximity to the adjacent allotment gardens and Eastbourne Park beyond, thereby adopting a more subtle soft landscape approach.

8.21.3 This landscape approach is set within the existing landscape structure provided by hedgerows and mature trees and the central culvert running through the site. The aforementioned culvert has been incorporated into a central greenspace which will act as a blue/green corridor further enhancing connections with Eastbourne Park and Pevensey Levels.

8.21.4 Biodiversity within the site will be enhanced through a combination of the retention and protection of existing vegetation together with new planting as part of the wider landscape strategy. Buildings also have the opportunity to incorporate habitats through installation of green roofs, and in this instance, it is proposed that the cycle stores will be constructed with green roof systems offering an opportunity to improve on site biodiversity. It is also proposed that bird and bat boxes can be incorporated into the development.

8.21.5 The scheme includes replacement planting and habitat creation, using predominantly native species, and the enhancement of the existing ditch and corridor. These measures are considered to be acceptable. The recommendations of the submitted Preliminary Ecological Appraisal would be secured by condition.

8.21.6 The site benefits from Tree Preservation Order (TPO) No. 108 and therefore statutory constraints apply to the development in respect of



trees. However, it should be noted that tree protection orders do not preclude development, but rather are a material consideration in the assessment of impacts.

- 8.21.7 The TPO trees present on site consist of 4no. individual trees and 4no. group trees. These protected trees, together with other non-protected trees have been taken into consideration as part of the design stages, seeking to minimise the loss of trees. Where tree removal has been necessary, including the removal of protected trees, the development has proposed replacement tree planting of higher quality trees more suitable to the new development whilst making a lasting contribution to the landscape character and to mitigate and compensate for the loss.
- 8.21.8 In this regard, the proposed development will require the removal of twenty-nine individual trees and nine groups of trees, as identified within the Arboricultural Impact Assessment.
- 8.21.9 A number of the aforementioned trees were identified as being unsuitable for retention and therefore the removal of those trees would be required, irrespective of the proposed development, due to their poor condition.
- 8.21.10 Whilst the proposed development of the site will result in the loss of a large number of existing trees, it should be noted that the majority of these trees have been assessed as being of low retention value and in a number of cases, trees were noted to be in active decline. In terms of visual amenity, having regard to the relatively low visibility of the site to the general public, it is considered that the extent of tree removal proposed will be mitigated through replacement planting in order to actively improve the overall quality of tree stock.

## 8.22 Ecology

- 8.22.1 The site currently comprises bare ground (previously cleared with brash and rubble piles), buildings, dense scrub, fence, hard standing, scattered scrub, scattered trees and standing water (concrete lined ditch). The habitats of greatest ecological significance are scattered trees and standing water. The majority of mature and semi-mature trees are to be retained and would be protected in accordance with BS5837:2012.
- 8.22.2 The site evaluation surveys concluded that no bat roosts were identified within the buildings (Pump House and Annexe) but the site and its surroundings did provide suitable foraging and commuting habitat for bats, and in this respect bat boxes are proposed to be provided on site to compensate for loss of natural habitat.
- 8.22.3 The County Ecologist has requested that further bat surveys are undertaken with regard to retained trees. As such, a condition is recommended to ensure that such surveys can take place prior to disturbance of trees on the site and to secure any mitigation/relocation of identified bat populations with the agreement of the County Ecologist.
- 8.22.4 No evidence of badger activity was recorded in the walkover survey. However, given the areas of dense scrub that were present at the time of the survey, it is possible these areas offer suitable foraging opportunities

for badger. In this respect, safeguarding is recommended during the site clearance works. Similarly, the on-site habitat also offers suitable refuge and foraging habitat for hedgehog and onward connectivity to the allotments north west of the site.

8.22.5 There was no evidence of otter, water vole or Great Crested Newt, and indeed the habitat and features present on site at the time of the surveys, particularly the man-made ditch and hardstanding are considered unsuitable for these aquatic mammals and amphibians.

8.22.6 The desk study provided records of common lizard, slow worm and grass snake potential on site. Furthermore, it is noted that a reptile trapping and translocation exercise was undertaken in 2019. Whilst the site has undergone this exercise alongside a destructive search in 2019, the vegetation has since recolonised and as such the site provides suitable reptile habitat once again. The presence of previous species trapping fencing along the site boundaries reduces the likelihood that reptiles have returned to site. However, the vegetation is overgrowing the fencing in places and as such presence of reptiles on site can no longer be ruled out. On this basis, a precautionary approach to site clearance and ecology mitigation can be controlled via planning condition.

8.22.7 As noted above, the on-site vegetation does offer suitable habitat for some species, and mitigation is recommended and controlled via planning condition. These measures are considered to be acceptable and compliant with both local and national planning policy.

8.22.8 As stated above the consultee response from Natural England is awaited and whilst it not expected that there will be any issues arising the recommendation has been drafted to allow for evaluation of their response prior to the decision being dispatched.

### 8.23 Air Quality

8.23.1 The application site does not fall within a designated Air Quality Management Area and therefore would not normally require an air quality assessment. Eastbourne Borough Council is however a signatory to Sussex: Air – Sussex Air Quality Partnership, which has published the Air Quality and Emissions Mitigation Guidance for Sussex 2020, and this has been used to assess the development.

8.23.2 On a national level, the NPPF (Paragraph 170) advises that decisions should contribute to and enhance the natural and local environment and wherever possible, help to improve local environmental conditions such as air and water quality.

8.23.3 The accompanying Air Quality Assessment has considered the potential impacts of the development on the local air quality, identifying that the construction phase of the development is likely to have the greatest impact due to dust and particulate matter. In this regard, mitigation measures will be necessary, and which can be controlled through a Construction Environmental Management Plan.

8.23.4 From the operational phase i.e. an occupied development, the potential impacts on local air quality are likely to arise from vehicle emissions and particulate matter. However, the accompanying Air Quality Assessment has determined that in this location, the development would not have a significant impact to sensitive air quality receptors.

8.23.5 Overall, the proposed development satisfies local and national policy requirements.

#### 8.24 Other Material Considerations

8.24.1 The Council has previously acknowledged at pre-application stage that they may wish to control the occupancy of the proposed units on site, in a phased manner, to ensure the conservation and enhancement measures proposed to the Pump House and Annexe are delivered at an early stage in the development. This could reasonably be controlled by way of a S106.

8.24.2 Community Infrastructure Levy (CIL) was adopted by Eastbourne Borough Council on 1 April 2015. The Council assessed the viability of CIL within the Borough and have determined that only residential (excluding flatted developments) and retail (A1-A5 Planning Use Class) developments will be CIL liable; all other types of development are zero rated.

8.24.3 In this respect, only the new build housing proposed within the application should be CIL liable and which should be confirmed by the Council. Based on the current published indexation rate, the new build housing would be liable to a charge of £64.23/sqm and which is subject to annual review.

#### 8.25 Conclusions

8.25.1 The site is in a highly sustainable location within close proximity to Eastbourne Town Centre with excellent access to shops and services as well as sustainable transport options. The site constitutes previously developed land, and the proposed development makes efficient use of the land, bringing a vacant heritage asset building back into use.

8.25.2 The proposed residential use makes the best use of the building and surrounding land, which has been identified within the Core Strategy as Key Area of Change and would make a considerable contribution toward much needed housing in a Borough.

8.25.3 The conversion of the Pump House and Annexe has been sympathetically designed to ensure works are limited to those which are necessary to implement the development and bring the building back into a viable use, ensuring the long-term preservation of this heritage asset. The proposed works to the Pump House and impact on the wider setting of this heritage asset, are less than substantial when considered against NPPF Paragraph 196 and weighed against the public benefits resulting from its optimum viable use, in addition to provision of 40% affordable housing on-site and making efficient use of this otherwise derelict site.

8.25.4 The proposed development would have no significant impacts on ecology, arboriculture, drainage or the highway network. Additionally, there would be no harmful impacts on the residential amenities of neighbouring properties.

8.25.5 The proposal would therefore meet the requirements of the NPPF, the Eastbourne Core Strategy, saved policies of the Eastbourne Borough Plan, and Eastbourne Employment Local Plan.

## **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 Delegate to the Head of Planning to:

- c) Receive and evaluate the final response from Natural England to conclude the Habitats Regulations requirements; and
- d) Seek agreement from ESCC SuDS on the final detailed matters related to access and maintenance of the SuDS for the site.

10.2 Subject to no objections being received, to grant planning permission subject to S106 agreement and the following conditions:

### **10.3 Planning Permission**

1. Time limit.
2. Drawing numbers.

#### *Prior to Commencement*

3. Materials and samples
4. Site Levels
5. SuDS Completion Schedule and Lifetime Maintenance and Management Plan
6. Large-scale details of windows/doors/window aperture alterations in Pump House (Prior to commencement of pump house works)
7. Construction Environmental Management Plan – Revised with additional detail, notwithstanding submitted
8. Tech details of highway layout and construction
9. Ecology (Bats) – Preliminary Roost Assessment of existing trees and (if req.) schedule for surveys, together with phasing of development (to ensure non-disturbance of habitats).
10. Ecology – recommendations of the Bat Survey Report - further bat surveys for Pump House if not developed within 12 months
11. Ecology – recommendations of the PEA
12. Arboricultural Method Statement – tree protection, phasing, methodology
13. Survey and Scheme for protection of assets (Adits, water mains, high voltage cables)

*Prior to Occupation*

14. Pump House works completed prior to 50% occupation of site
15. Lighting Strategy
16. Contamination - previously unidentified
17. Contamination – Verification Report
18. Contamination - Long term monitoring
19. Contamination – Importing or re-use of soils
20. Landscaping - in accordance with approved details – re-provision of planting that dies within 5 years
21. Cycle parking provision in accordance with approved details
22. Refuse and recycling storage facilities in accordance with approved details.
23. Car Parking spaces and vehicular turning spaces provided.
24. Details of acoustic fence to railway boundary.
25. Details of acoustic windows/insulation to dwellings.
26. Locations of affordable housing units on site.
27. Archaeological works in accordance with approved written scheme of investigation
28. Archaeological post investigation assessment
29. SuDS Verification Statement demonstrating completion of works
30. In accordance with Landscape Strategy (prior to first occupation of relevant part of site)
31. Details of electric charging facilities
32. Details of biodiverse green roofs on Apartment Blocks A, B and C
33. Renewables provision
34. Bird and bat boxes – details approval and provision

*Other conditions*

35. Visibility splays at access – prior to first use
36. Details of Interpretation board to inform of the site and listed building history – prior to completion of Pump House
37. Construction Waste Minimisation – In accordance with approved Waste Minimisation Plan
38. If work not started in 2 years, all surveys updated and submitted.
39. Development implemented in accordance with the FRA.
40. Working hours
41. Removal of PD rights.

10.4 Listed Building Consent

1. Time Limit
2. Approved Plans

*Prior to Commencement*

3. Full Schedule of Works

**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.

# Agenda Item 8

**Report to:** Planning Committee  
**Date:** 24<sup>th</sup> August 2021  
**Application No:** 210485  
**Location:** Former site of Wood's Cottages and adjoining land, Eastbourne  
**Proposal:** Erection of 49 dwellings together with parking, access, and landscaping

**Applicant:** Park Lane Homes (South East) Ltd Park Lane Homes (South East) Ltd

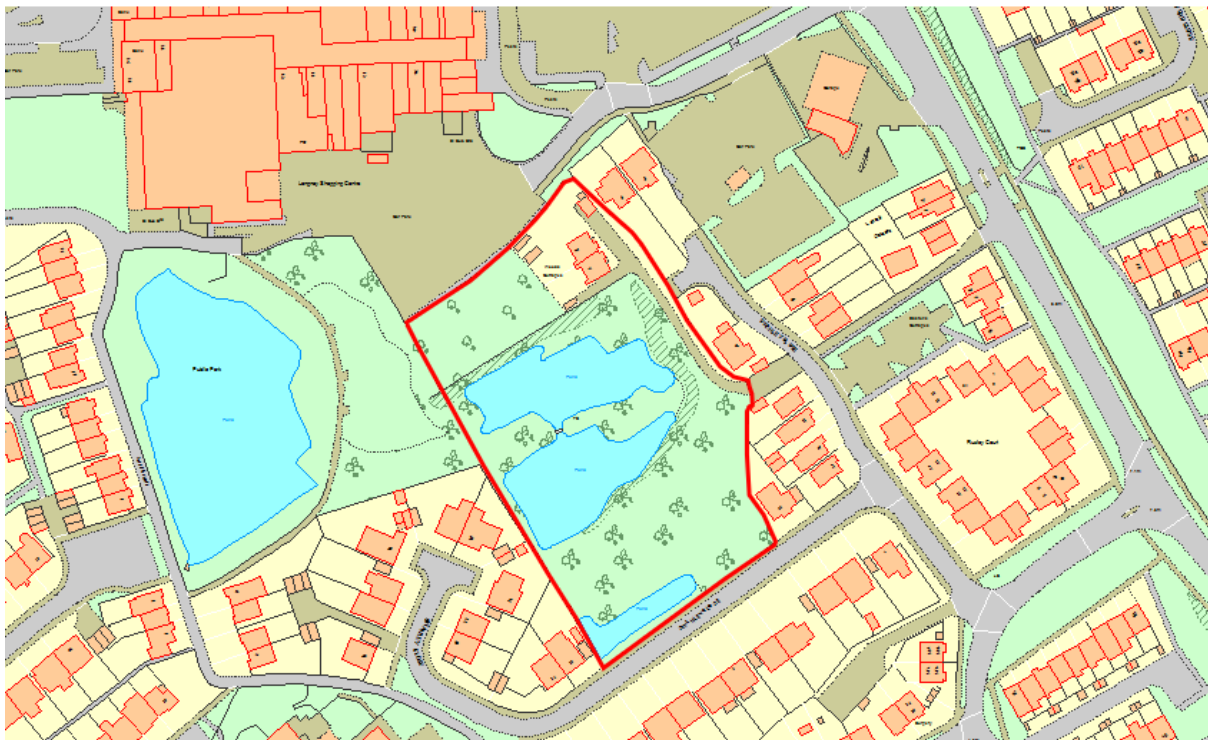
**Ward:** Langney

**Recommendation:** Approve conditionally subject to section 106 to secure Affordable Housing, Travel Plan Monitoring Fee, Traffic Regulation Order and Local Labour Agreement.

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

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## Map Location:



## 1. **Executive Summary**

- 1.1 The site falls within a predominantly residential area within the Langney Neighbourhood, which is identified within the Eastbourne Core Strategy as a sustainable location that is suitable for developments of increased residential density.
- 1.2 The proposed development would provide 49 new residential units, of a mix of sizes, that would contribute towards the meeting of housing delivery targets set by National Government.
- 1.3 The site is considered to have sufficient capacity to accommodate the quantum of dwellings proposed along with associated infrastructure and parking. The site access from Swanley Close is suitable subject to highway improvements and parking restrictions which would be secured using a Section 106 agreement.
- 1.4 The loss of surface water storage capacity associated with the infilling of the pond would be offset by the utilisation of the existing dry pond bed towards the south-western corner of the site as an attenuation pond which would allow for the storage and controlled release of surface water into the main drainage network and would also be designed to provide a wildlife habitat.
- 1.5 The viability of the development has been independently assessed to identify an appropriate contribution towards affordable housing.
- 1.6 The development incorporates mitigation measures to account for the loss of habitat that would result from the proposed development. The principle of sustainable development requires environmental objectives to be balanced with economic and social objectives and, in this instance, it is considered that the benefit of providing 49 new dwellings within a sustainable location justifies a recommendation for approval, provided suitable biodiversity enhancement measures are adopted and maintained.

## 2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework 2021
  2. Achieving sustainable development
  3. Plan-making
  4. Decision-making
  5. Delivering a sufficient supply of homes
  8. Promoting healthy and safe communities
  9. Promoting sustainable transport
  11. Making effective use of land
  12. Achieving well-designed places
  14. Meeting the challenge of climate change, flooding, and coastal change
  15. Conserving and enhancing the natural environment



- 2.2 Eastbourne Core Strategy Local Plan 2006-2027:
- NE3: Conserving Water Resources
  - NE4: Sustainable Drainage Systems
  - NE15: Protection of Water Quality
  - NE17: Contaminated Land
  - NE18: Noise
  - NE20: Sites of Nature Conservation Importance
  - NE22: Wildlife Habitats
  - NE28: Environmental Amenity
  - UHT1: Design of New Development
  - UHT2: Height of Buildings
  - UHT4: Visual Amenity
  - UHT6: Tree Planting
  - UHT7: Landscaping
  - UHT13: External Floodlighting
  - HO2: Predominantly Residential Areas
  - HO6: Infill Developments
  - HO20: Residential Amenity
  - TR2: Travel Demands
  - TR7: Provision for Pedestrians
  - TR11: Car Parking
  - US4: Flood Protection and Surface Water Disposal

- 2.3 Eastbourne Borough Plan 2001-2011:
- B1: Spatial Development Strategy and Distribution
  - B2: Creating Sustainable Neighbourhoods
  - C8: Langney Neighbourhood
  - D1: Sustainable Development
  - D5: Housing
  - D8: Sustainable Travel
  - D9: Natural Environment

### 3. **Site Description**

- 3.1 The site is currently vacant and fenced off. It had previously been occupied by two cottage dwellings positioned towards the north-eastern corner of the site, but these have since been demolished. The site, as well as surrounding areas, was historically in use as a brickfield, with clay being extracted for use in making bricks.

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

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

- 4.1 **160150** - Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise – Approved Conditionally and subject to section 106 agreement on 21<sup>st</sup> November 2017
- 4.2 **190339** - Redevelopment of site to form 35No dwellings, formed of 1No one bedroom flat, 10N° two-bedroom flats, 19No three-bedroom houses, 5No four-bedroom houses. New access to be provided from south of site via Swanley Close. (Revised Access Arrangements) - Approved Conditionally and subject to section 106 agreement on 28<sup>th</sup> July 2020

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

- 5.1 The proposal involves the infilling of the large pond towards the centre of the site, the clearance of most of the vegetation towards the interior of the site and the erection of 49 x terraced two-storey dwellings. 40 of the dwellings would be 2-bedroom properties (with 7 of them including a first-floor office/study) whilst the remaining 9 would be 3-bedroom properties.
- 5.2 The development would be accessed via a new junction with Swanley Close to be formed on the southern site boundary. A spinal road would cross the site from south to north. Terraces of dwellings would run parallel to the

western side of this road whilst there would be perpendicular rows of dwellings on the eastern side, arranged around two short cul-de-sacs that would also provide turning space. A Traffic Regulation Order (TRO) would be used to secure double yellow lines either side of the site access to prevent the visibility splays being obstructed by parked vehicles.

- 5.3 80 x car parking bays would be provided. This would comprise 1 x allocated space for each 2-bed dwelling; 2 x allocated spaces for each 3-bed dwelling. 12 additional unallocated spaces available to residents and 10 x visitor parking bays.
- 5.4 An attenuation pond would be provided in the general position of the existing dry pond. This feature would provide storage for surface water and would also serve as an ecological mitigation measure. Parking bays would be positioned to the front of dwellings with the footway running behind them.

## 6. Consultations

### 6.1 Lead Local Flood Authority (LLFA)

6.1.1 The information provided is satisfactory and enables the Pevensey & Cuckmere Water Level Management Board (PCWLMB) and LLFA to determine that the proposed development can manage flood risk effectively, subject to the imposition of conditions.

### 6.2 Environment Agency

6.2.1 We have reviewed the Combined Ground Contamination Risk Assessment (R14842 May 2021) and are satisfied with the conclusion that the risk to groundwater is low and therefore have no objection to the proposal as submitted.

### 6.3 ESCC Highways

6.3.1 The proposed access to the site is located between dwellings no. 25 and 32 on the northern side of Swanley Close. The access road is 5.5m in width with 6m radii which will allow 2 vehicles to pass at the site access and throughout the site. Tactile paving has been provided either side of the access. A vehicle tracking plan has been provided to demonstrate that the access is suitable to accommodate the largest refuse vehicle. Details have also been provided to show how the refuse vehicle can turn within the site.

6.3.2 The stretch of road fronting the site is subject to a 30mph speed limit, visibility splays measuring 2.4m x 43m have been indicated either side of the site access. The results of a 7-day speed survey have also been provided which indicates that 85th percentile vehicle speeds are 24.2mph westbound and 22.7mph eastbound. The visibility splay requirements are therefore 27.6m to the east and 25.2m to the west based on Manual for Streets guidance. Although these splays can be achieved there was some concern within the Road Safety Audit that parking within the splays will reduce the available sightlines for vehicles leaving the development, as such parking restrictions were recommended on the northern side of Swanley close to maintain suitable splays. Drawing 2021/5896/001

Rev P7 shows the proposed double yellow lines which have been accepted by the auditor, these double yellow lines will also help servicing vehicles manoeuvre in and out of the access. To provide Double Yellow Lines a Traffic Regulation Order (TRO) is required. A contribution of £5000 is required to allow a TRO to be consulted on. As any TRO is open to public objection and ultimately decided upon by ESCC Planning Committee the alterations of any restrictions cannot be guaranteed.

- 6.3.3 Gates are provided at the access. Although the gates are sufficient in term of width and have now been set back 12m from Swanley Close, the operation of the gates is of concern. Residents will be given an access fob and a code to use should they forget this; however, if delivery drivers do not have the code, they will not be able to gain access and will have to contact the relevant property to get the code. This could lead to delivery drivers waiting at the access and reversing back onto the highway. On the basis that there are 49 units within the development this is likely to lead to conflict with other vehicles wishing to enter the site and traffic on Swanley Close including pedestrians travelling to and from West Rise Infant school. The gates access as proposed is therefore considered to be unacceptable.
- 6.3.4 Having checked the police crash records, there have been no reported incidents on Swanley close in the last 5 years in the vicinity of the proposed site access. On this basis it would appear that there are no existing highway safety issues near to the development site.
- 6.3.5 Footways are present on Swanley Close and provide suitable connectivity to nearby services and facilities. The site layout provides 2m footway alongside the site access; however, not only do these stop adjacent to plot No.1 but due to the gated access the width is restricted to 1m. The Road Safety Audit has raised this as a concern as this may limit access for some double buggies. Concern is also raised at the gated and coded access to the north of the site. It is not clear if the applicant has the control of the land adjacent to this access to provide a suitable connection through. Further details of this pedestrian connection will need to be provided to ensure it is suitable for all users.
- 6.3.6 TRICS data has been used to assess the level of vehicle trips that will be generated from the existing and proposed development of 49 dwellings. The trip rate previously agreed was 4.2 for the mixed used of houses and flats. From this it was anticipated 14 trips would be generated in the AM peak and 17 trips in the PM peak. The figures put forward for the proposed development of 49 houses have utilised the same trip rate on the basis that there will be a reduced number of bedrooms. It is therefore suggested that there will be an increase of 6 trips in the AM peak and 7 in the PM over what has already been approved. Although it would be preferable to provide a more recent assessment, from my own interrogation of the TRICS database the

assessment the figures are broadly similar. The fact that there is a primary school and local supermarket within a very short distance, there is a likelihood that shorter journeys can be made on foot. The increase is not considered significant over the course of the day and can therefore be accommodated in the existing highway network without significant issue or additional congestion. Whilst it is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak between 08.45 and 09.15 broadly, it is not likely that the residents from this site would contribute further to traffic in this period or choose to start a journey during school peak periods owing to the delays expected.

- 6.3.7 The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site-specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size, and the number of allocated spaces.
- 6.3.8 According to the Parking Demand Calculator the number and mix of houses proposed requires 80 car parking spaces. The Transport Statement indicates that 80 spaces will be provided including 12 unallocated for residents and 10 visitor spaces. Having looked at the submitted plans although the spaces in terms of number is adequate; however, the visitor spaces between plots 30 and 31 would have to reverse in excess of 20m in order to turn and parking for units 11 to 14 is not fronting the houses and as such may lead to parking fronting units 10 to 14 which would reduce the turning for vehicles parked opposite. On the basis that the development is to remain private this is not a significant concern; however, ideally this should be altered.
- 6.3.9 Cycle parking meets the requirements of the East Sussex County Council standards with up to 2 spaces provided per two/three - bedroom dwellings.
- 6.3.10 East Sussex County Council encourages the use of electric charging points at all developments with off street parking. Electric charging points have not been suggested within the proposal.
- 6.3.11 A construction management plan has been submitted to ensure this development does not have an adverse effect on the existing highway infrastructure. This is of particular importance given the proximity to West Rise Infant School. The construction management plan has included deliveries outside school drop off and collection, hours of working, wheel washing, public engagement, temporary parking restrictions, secured compounds for materials storage, machinery and contractor parking not on the highway and as such is accepted.
- 6.3.12 A Stage 1 Road Safety Audit has been submitted in support of the proposed access arrangements. The audit raised two points which have been referenced above. Following a further response from the auditor I am satisfied that the design amendments are considered

suitable. The points raised within can be satisfactorily addressed through conditions attached to any planning permission.

- 6.3.13 To encourage occupiers of this development to use public transport bus stop infrastructure needs to be improved.
  - 6.3.14 Real Time Passenger Information (RTPI) should also be provided for better, more reliable information about bus services. £37,500 towards the provision of real time information signs at Langney shopping centre is therefore requested.
  - 6.3.15 If an appropriate walking route direct to Langney shopping centre is not secured alternatively we would ask for the provision of raised kerbs and real time information at the pair of 'The Rising' bus stops in Langney Rise. These stops also require new bus stop clearway markings. All these off-site highway works would need to be secured through a s106 and detailed design agreed through a s278 Agreement with ESCC.
  - 6.3.16 Given the size of development a Travel Plan Statement should be provided. This should provide information to residents upon completion of purchase on bus/train stops and timetables, walking distances etc and possibly bus/train taster tickets or cycle voucher for each dwelling. This would help to reduce the reliance on the private motor car. This can be secured by way of a condition of any planning permission and should comply with the ESCC and national guidance.
- 6.4 Specialist Advisor (Regeneration)
- 6.4.1 The proposal is a major development meeting the residential thresholds for development as detailed on page 11 of the adopted Local Employment and Training Supplementary Planning Document. An s106 including provision for local labour was signed for the site under planning application 190339 on 23 July 2020.
  - 6.4.2 Considering the previously agreed s106 agreement for the development, Regeneration requests that, should the application be approved, it will be subject to a further local labour agreement.
- 6.5 Natural England
- 6.5.1 Natural England has no comments to make on this application.
- 6.6 Southern Water
- 6.6.1 Our investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

## 7. Neighbour Representations

- 7.1 Letters of objection have been received from 15 different responders. A summary of comments made is provided below: -

- Unacceptable increase in traffic
- Loss of green infrastructure
- Damage to wildlife and habitat
- Development should be located on brownfield sites
- Lack of affordable housing provided.
- Overdevelopment of the site.
- There are protected species on site (bats)
- Inadequate infrastructure
- Gated element will result in failure to integrate with community
- Danger to pedestrians including school children
- New access in unsuitable.
- Increased chance of flooding.
- Site is a vital green space in a built-up area
- Headlights will shine into neighbouring properties
- Construction works will cause disruption and nuisance to neighbours
- Increased air pollution.
- Publicity images are misleading
- Public were not listened to during consultation
- New planting doesn't mitigate for loss of trees
- Double yellow lines will reduce visitor parking on Swanley Close, including for carers

## 8. **Appraisal**

### 8.1 Principle of Development

- 8.1.1 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para.10 goes on to state that there should be a presumption in favour of sustainable development.
- 8.1.2 Para.11 of the NPPF states that, where a five year supply of housing land cannot be demonstrated, as is the case within Eastbourne Borough, permission should be granted for development unless there is a clear reason for refusing based on impact on areas or assets of particular importance (as defined in the NPPF) or if 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, with relevant Local Plan policies also taken into account.

- 8.1.3 Ultimately this approach results in a 'tilted balance' in favour of development.
- 8.1.4 The site is not allocated in any local plan and is not included within the latest Strategic Housing and Employment Land Availability Assessment (SHELAA). It is therefore regarded as a windfall site. Para.69 of the NPPF states that Local Planning Authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;'
- 8.1.5 Despite its previous use, the site does not represent 'previously developed land' as this definition excludes land that has been developed for minerals extraction as per annex 2 of the NPPF.
- 8.1.6 However, the site is considered to be derelict and it is noted that para.120 c) of the NPPF states that planning decisions should 'support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land' and goes on to say in d) that planning decisions should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.'
- 8.1.7 This is balanced against para.120 b) which requires planning decisions to 'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production'
- 8.1.8 There is an extant permission for a scheme delivering 35 new dwellings, granted under application 190339. Saved policy HO3 of the Eastbourne Borough Plan states that development which would result in the net loss of the number of residential units previously committed on a site should be refused. The proposed development represents an uplift on the number of dwellings provided and so does not conflict with this policy. The increase in dwellings delivered should be seen in context with para.125 of the NPPF which states that planning decisions should 'avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'
- 8.1.9 The proposed development is therefore considered to be acceptable in principle and, as such, should be approved provided its specific characteristics and attributes align with the wider policies of the NPPF. Development Plan policies that are consistent with the NPPF will also be referred to. A full assessment against these relevant policies is provided in the main body of the report below.
- 8.2 Planning Obligations
- 8.2.1 As the development would result in a net increase of over 10 dwellings, there would be a requirement for provision of affordable housing as per Eastbourne Borough Council's Affordable Housing SPD (2017). The Langney neighbourhood is identified as a low value market neighbourhood and, as such, the ratio of affordable housing



required would be 30% of the overall development, amounting to 10.5 units. The tenure mix should be 70% rented, 30% Shared Ownership.

- 8.2.2 The applicant has stated that they would be unable to provide the full complement of affordable housing as it would render the development unviable. They have submitted a Financial Viability Assessment (FVA) in evidence of this. This document is currently being independently assessed by a Chartered Surveyor.
  - 8.2.3 It is therefore considered that, should members resolve to approve the application, this would be on the basis that the viability of the development is fully established and that, if further assessment indicate affordable housing can be provided, that the maximum amount possible is secured through the use of a Section 106 legal agreement.
  - 8.2.4 The legal agreement would also be used to secure a local labour agreement as well as contributions towards the improvement of the bus network, a travel plan and £5,000 to fund the Traffic Regulation Order (TRO) required to instate double yellow lines on the northern side of Swanley Close either side of the site access in order to prevent obstruction to the visibility splays.
- 8.3 Design:
- 8.3.1 Residential development on Swanley Close, and within the wider surrounding area, typically consists of single and two-storey dwellings interspersed with occasional small-scale flatted development. Larger, non-domestic buildings are present at Langney Shopping Centre to the north of the site where there are two and three-storey high flat roof buildings. Several dwellings of a similar design and scale to those that form the proposed development have recently been constructed on nearby sites distributed around the shopping centre. It is therefore considered that the general form and scale of the proposed dwellings would be in keeping with that of surrounding development.
  - 8.3.2 The linear arrangement of terraces dwellings along two trajectories at a 90-degree angle to each other is consistent with nearby development, particularly to the south of the site on the many cul-de-sacs that branch from Faversham Road. The open nature of the site frontages is also consistent with neighbouring development.
  - 8.3.3 The level of integration with the surrounding built environment is not considered to be achieved at the cost of the site completely losing its existing verdant character. The attenuation pond in the south-western corner of the site would be encompassed by native hedge planting interspersed with native trees and each site boundary would be flanked by either green buffers incorporating trees, hedgerow and wild grass and flowers or by the landscaped rear garden of a residential property. Permitted development rights will be removed by condition to strictly control the encroachment of ancillary buildings

and structures into these gardens, thereby enabling them to maintain their landscaping contribution.

- 8.3.4 Parking spaces are provided to the front of dwellings but it is considered that the use of green buffers adjacent to and behind these parking spaces would provide a verdant backdrop that would prevent parked cars being the dominant visual feature within the street. Pedestrian footways are also set back behind the parking bays where they would be flanked by planting, providing a pleasant environment for pedestrians and a suitable degree of separation between dwelling frontages and parked cars.
  - 8.3.5 All dwellings would face outwards towards neighbouring dwellings and there would not be any positioned in a secluded or isolated area. It is therefore considered that the layout of the development fosters a strong sense of community and integration that would promote interaction between occupants. It also ensures that all public areas, including parking spaces, enjoy a strong level of natural surveillance which would act as a deterrent to crime and anti-social behaviour.
  - 8.3.6 The proposed wall/fence along the southern boundary, which would measure between 2-2.1 metres in height, is considered to have a similar street scene presence to the existing 1.8-metre-high close boarded fence along the boundary. Whilst the wall would partially screen the development it would contribute to and integrate towards the wider street scene on Swanley Close due to the two-storey height of the proposed dwellings, the rising topography of the site and views that would permeate through opening made for site access.
- 8.4 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.4.1 The proposal involves the development of a site that is flanked on three sides by residential development. The site had previously been occupied by two dwellings, positioned within the north-eastern corner, although these have since been demolished. The proposed development therefore represents an intensified residential use of the site.
  - 8.4.2 Although the use of the site would be intensified, the residential density of the completed development would equate to approximately 49 dwellings per hectare, which is comparable with surrounding development and falls comfortably within the recommended parameters for density of residential development within the Langney Neighbourhood of 30-70 dwellings per hectare, as set out in Policy B1 of the Eastbourne Core Strategy. It is therefore considered that the intensity of the use of the site would be consistent with, and compatible with, the nature of surrounding domestic development.
  - 8.4.3 The proposed dwellings are all of a height that is consistent with surrounding development. Although there are bungalows to the

south and west on Swanley Close they already interact with two-storey dwellings on other parts of the road and in the wider surrounding area. As such, it is not considered that the proposed dwellings would be inherently overbearing towards these neighbouring bungalows.

- 8.4.4 The layout of the scheme ensures that dwellings are stepped away from site boundaries, with all adjoining properties either backing on to the rear garden area of one of the proposed dwellings or being flanked by one of the green buffers that are being put in place along parts of the site perimeter.
- 8.4.5 The nearest neighbouring property to the proposed development is the bungalow at No. 33 Swanley Close which is approx. 7.9 metres to the east of plot 6. The relationship would between side elevations of the respective properties, both of which contain only secondary windows and the distance maintained is consistent with the distance between side by side dwellings within the surrounding area. The roof of unit 6 pitches away from No. 33 and it is considered that this would help prevent it from appearing unacceptably overbearing. A row of native trees would also be planted between the two properties to soften visual impact.
- 8.4.6 Dwellings towards the eastern boundary of the site, which is backed on to by the rear gardens of numbers 34 to 40 Swanley Close would be positioned side-on to the gardens, with the side elevation incorporating only a door and a landing window. A good degree of separation would be maintained and sympathetic screening in the form of tree and hedgerow planting would be provided. Rear windows at unit 23 may offer a partial view of the rear garden of No. 43 Swanley Close but this would be from a distance of approx. 15 metres, at an acute angle and, ultimately, similar to typical views of rear gardens offered from rear facing first floor windows in the surrounding built environment.
- 8.4.7 On the western side of the site, the orientation of buildings result in properties within the proposed development facing backwards towards rear gardens of 19, 20 and 21. The proposed dwellings are set back a minimum of 20 metres from the neighbouring properties and it is considered that this is sufficient to prevent any unacceptable overbearing or overshadowing impact as well as to prevent views, which will be partially obstructed by site boundary treatment, from being invasive.
- 8.4.8 The site access is not positioned directly adjacent to any neighbouring properties, thereby minimising potential for disruption due to vehicle movements. It would, however, open onto Swanley Close directly opposite bungalows lining the southern side of the Close. Given that the frequency of trips associated with the development would not be significantly high and that vehicles leaving the site would emerge onto a quiet road in the form of Swanley Close, it is considered that there would be no unacceptable impact

on the amenities of those residents in the form of light emissions from the headlights of vehicles using the junction.

- 8.4.9 The internal roads and parking areas serving the proposed development are stepped well away from site boundaries to minimise impact upon the amenities of neighbouring residents.

## 8.5 Living Conditions for Future Occupants

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'
- 8.5.2 All habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation and natural ventilation. The main living space at each property would be dual aspect, increasing exposure to natural light throughout the day. The layout of each dwelling is clear and uncluttered with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility, and adaptability. The dwellings that include study rooms are considered to demonstrate adaptability to the changing nature of work arrangements.
- 8.5.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. The proposed 2 bed dwellings would have a GIA of approx. 72 m<sup>2</sup>, thereby exceeding the minimum 70 m<sup>2</sup> set out in the space standards. The proposed 2 bed plus study dwellings have a GIA of approx. 82 m<sup>2</sup> which, again, exceeds the 70 m<sup>2</sup> threshold. The proposed 3 bed dwellings have a GIA of approx. 90 m<sup>2</sup> which exceed the 84 m<sup>2</sup> minimum GIA set out in the space standards.
- 8.5.4 Each dwelling would have access to a good sized private rear garden. Rear access to these gardens would be provided via alleyways leading from the internal road, except for plots 1 to 6 which would be accessed directly from Swanley Close via a gate. These gates are inward opening to prevent a risk of them being opened and hitting pedestrians. Access to the alleyways would be controlled to prevent the creation of a secluded public space which may otherwise allow for anti-social behaviour and crime to be carried out unobserved.
- 8.5.5 The attenuation pond and associated landscaping to the south-western corner of the site are not intended to be accessible to the public and are to be maintained as an ecological enhancement feature. As such, this part of the development would need to be fenced and gated to control access. This would need to be achieved in a sympathetic way to prevent an oppressive appearance to the

development. Full details of how access to this part of the site would be controlled would be secured using a suitable planning condition.

## 8.6 Landscape and Biodiversity

- 8.6.1 The site is former brickworks which was abandoned some time ago, the only remnants of this former use being the large ponds formed within the site because of the extraction of clay. Since the abandonment of the brickworks, the wooded area around the site has evolved through natural succession rather than through planting. This has resulted in a varied mix of flora within the site. The undisturbed nature of the woodland has been enhanced by the closing off the site, which is not accessible to the public. The site is subject of a woodland Tree Preservation Order. This order recognises that, whilst there are few trees that are of merit for protection when viewed in isolation, the cumulative amenity value of these trees is significant.
- 8.6.2 Several trees within the northern portion of the site have been removed, following the grant of outline permission for 10 dwellings within the northern part of the site under application 160150
- 8.6.3 Para. 131 of the NPPF state that 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'
- 8.6.4 The proposed buildings and associated surfacing would occupy a sizeable proportion of the site envelope and, as a result, all existing trees within the site interior would be removed. This includes a selection of trees towards the south-eastern corner of the site that were to have been retained as part of the previously approved scheme 190339 (which did involve the removal of the majority of trees from the site).
- 8.6.5 Although the loss of the existing trees is regretted, it represents the only viable way that the site can be utilised to its full potential, with viability being a key factor to support the extensive remediation works that would be required to develop the derelict land.
- 8.6.6 To provide mitigation to the loss of trees, an extensive scheme of native tree planting is proposed. This would include green buffers around the eastern and western edges of the site that would, in conjunction with garden space, help maintain connectivity with the neighbouring local wildlife site. Street trees are also included, in step with the requirements of para. 131 of the NPPF. Overall, 61 x native trees would be planted in the public area of the site. These trees would be provided in specimen form, being 2.75 to 3 metres in height at the time of planting. Additional trees planting would be

provided within the rear gardens of dwellings, these trees being 1.5 metres in height at the time of planting.

- 8.6.7 The new tree planting would include a significant proportion of native fruit and nut producing trees that would provide a food source for wildlife. The species have been selected specifically for the conditions provided by the site and for their suitability in terms of proximity to dwellings and, as such, are considered provide long term amenity and habitat value. 12 x bird boxes would be integrated directly into new buildings and structures, 6 of these boxes would be designed specifically for use by swifts.
- 8.6.8 It is noted that some of the trees that are to be removed have been identified as having suitable attributes to support roosting bats. A bat emergence survey has been commissioned by the applicant to explore this matter further. Bats are protected by law and any works that may impact upon their wellbeing would need to be approved by a qualified ecologist and licensed by Natural England. The Landscape and Ecological Management Plan (LEMP) submitted by the applicant includes the provision of 10 x bat boxes that would be integrated directly into new buildings/structures as well as an additional 4 x tree mounted bat boxes.
- 8.6.9 External lighting of the development would have to be sensitively managed, providing a suitable balance between providing security and accessibility without compromising the ability of bats to forage within the surrounding area. Due to the critical importance of securing a suitable scheme, a condition will be used to require full details to be submitted prior to the commencement of any works, with these being reviewed by the Council's Ecologist prior to any approval being granted.
- 8.6.10 The pond that is to be infilled measures approximately 2,400 m<sup>2</sup> in area and had, in the past, been used for fishing. The Ecological Assessment concludes that the pond itself is in a state of decline. Due to the presence of fish in this pond, and the Langney District Pond, the Preliminary Ecological Assessment accompanying the application maintains that they would be unsuitable as habitat for Great Crested Newts. All fish within the pond are subject to protection under the Animal Welfare Act (2006). All fish would therefore need to be removed from the pond in a sensitive way and to relocate to a suitable habitat. Although the Preliminary Ecological Assessment identifies the Langney District Pond as a potential relocation site, serious concerns have been raised by Sussex Wildlife Trust due to potential impact upon the existing fish population. A suitable receptor site for the fish will therefore need to be identified prior to any works commencing, along with details of an agreement that the site can be used and of the methodology for removing the fish. The primary methodology for draining the ponds has been identified as being through the use of mechanical pumps. However, the fish would either need to be removed before the commencement of pumping or mechanical draining should be used

to partially drain the pond before fish are captured using nets or electro-fishing (which is not harmful to the fish).

- 8.6.11 The pond is entirely fed by surface water and rainfall, it is not directly connected to any other watercourse, having only been formed as a result of excavations associated with the former use of the site as a brickworks. The loss of the pond habitat would be mitigated by the creation of an attenuation pond, utilising the existing dry pond area towards the southern edge of the site and increasing the size of the basin in order to provide adequate surface water storage capacity. The attenuation pond, whilst serving a functional purpose in providing surface water storage capacity, will be profiled, and planted in a manner that is sympathetic to the requirements of wildlife. This would enable the attenuation pond to form a biodiversity gain over the quality of habitat provided by the existing pond
  - 8.6.12 Wildflower turf and native hedgerow will be present throughout the site to provide further variety in habitat. Wildflower grassland in public areas would be cut only once a year to allow it to grow out and produce seeds and flowers as well as a habitat for reptiles and amphibians.
  - 8.6.13 A condition will be used to secure 'mammal gates' within site boundary treatment in order to ensure that small mammals are able to pass below fences and, therefore, forage around the site as well as access it from the neighbouring local wildlife site.
  - 8.6.14 Ultimately, it is accepted that the proposed development would result in the loss of a degree of habitat on the site, although mitigation measures put in place partially compensate for this. It is also noted that the site is currently inaccessible to the public and unmanaged and, therefore, new planting designed specifically to enhance biodiversity could provide a more diverse habitat. This planting would also be managed in a manner to increase its effectiveness. It is therefore considered necessary to balance this loss of habitat with the economic and social gains that the provision of much needed housing would generate. It is also considered that, whilst habitat loss would occur, the proposed development would facilitate ecological enhancements and habitat management which the current site does not benefit from. It is therefore considered that the development accords with the principle of sustainable development, set out in para. 8 of the Revised NPPF as it adopts a joined-up approach in identifying mutually supportive gains across economic, social, and environmental areas.
  - 8.6.15 These comments are in advance of receipt of formal comments from the County Ecologist. It is requested that members delegate this matter back to officers who will report any concerns raised by the ecologist back to them for their consideration.
- 8.7 Drainage
- 8.7.1 Most of the site falls within Flood Zone 1. Flood Zone 2 encroaches the south-western corner of the site, extending into the area where

the attenuation pond is to be provided as well as part of the rear gardens of units 1 and 2. No buildings would be positioned in Flood Zone 2 and the Environment Agency have not raised any objection against the development. It is therefore considered that the submitted Flood Risk Assessment is adequate and that there is not a requirement for a sequential test to site selection to be applied.

- 8.7.2 The proposed development would significantly increase the amount of impermeable surfacing within the site in the form of buildings and roads and would also result in the existing pond being filled in. However, it should be noted that the permeability of the site in its current condition is relatively low due to the amount of clay in the soil and high groundwater levels. For this reason, the use of infiltration drainage has been discounted.
  - 8.7.3 The development would incorporate an attenuation pond in the south-western corner of the site that would be used to store excess surface water run-off and allow its controlled release into the public sewer. The use of this feature is consistent with sustainable drainage principles set out in in para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change.
  - 8.7.4 The pond has the capacity to store surface water and allow controlled discharge into the public sewer at a rate of 5 litres per second at peak levels. Southern water have confirmed there is capacity in their network to accommodate discharge of 5.5 litres per second and, therefore, the proposed drainage scheme, which is supported by the Lead Local Flood Authority (LLFA) is considered to be acceptable.
  - 8.7.5 A management and maintenance plan would be adopted with regular inspections of pond inlets, outlets and flow control devices, removal of silt and excess vegetation and CCTV inspections of pipework.
- 8.8 Highways
- 8.8.1 The proposed development would be accessed via Swanley Close, a residential cul-de-sac. ESCC Highways have stated that they do not consider that the additional trips generated by the development would adversely impact upon traffic on the surrounding highway network. They also note that the sustainable nature of the site, with Langney Shopping Centre nearby as well as access to public transport and other local services, would likely reduce the number of trips made in private cars. The Highways Officer paid regard to issues identified by objectors relating to congestion on the road during the school run, however, they concluded that peak vehicle movements to and from the site would not coincide with these hours.
  - 8.8.2 A pedestrian link would be provided to allow direct access from the site to Langney Shopping Centre.
  - 8.8.3 The design of the new access is considered acceptable to serve the development. The Road Safety Audit submitted with the application did however identify a concern that visibility splays would be obstructed by cars parked on Swanley Close either side of the site



access. In response to this, a Traffic Regulation Order would be used to secure parking restrictions in the form of double yellow lines on the northern side of Swanley Close. The restrictions would extend 25.2 metres to the west and 27.6 metres to the east, ensuring the entire visibility splay is kept clear.

- 8.8.4 A total of 80 x car parking bays would be provided within the site. Each 2-bedroom dwelling would have a single allocated space and each 3-bedroom dwelling would have two allocated spaces. An additional 12 x unallocated spaces would be provided for residents along with 10 x spaces for visitors. ESCC Highways consider the quantum of parking to be acceptable.
  - 8.8.5 Parking bays would be provided to the front of dwellings where they would benefit from a good level of surveillance. The pedestrian footway runs behind them meaning that cars would not have to cross the footway whilst entering and leaving the parking bays. This is of benefit for pedestrian safety. Bollards should be provided to prevent parking vehicles intruding onto the footway.
  - 8.8.6 Each dwelling would be provided with 2 x secure cycle storage facilities and it is considered that these would encourage uptake in the use of the bicycle as a more sustainable mode of transport. A condition will also be used to secure electric vehicle charging points to support and encourage the use of electric vehicles.
  - 8.8.7 Initial plans to have gated access to the development have been withdrawn in response to concerns from ESCC Highways that this would result in delivery and servicing vehicles obstructing Swanley Close whilst waiting to access the site. Tracking diagrams submitted in the Transport Report demonstrate that the development could be safely accessed and serviced by refuse collection vehicles.
  - 8.8.8 The applicant has submitted a Travel Plan which sets out measures to be adopted to increase the proportion of journeys made by walking/cycling and reduce the proportion of trips made by car. These measures would be implemented by a Travel Plan Coordinator and would be monitored to assess their effectiveness.
  - 8.8.9 A Construction Environmental Management Plan (CEMP) has been provided by the applicant. This management plan sets out measures to reduce impact upon the highway network because of construction related traffic as well as to control noise, light and air emissions and contamination. The management plan confirms the construction access to the site would be from the south. A waste minimisation statement is incorporated. The management plan also includes details of how the site manager will liaise with residents to address any complaints. The CEMP has been assessed by ESCC Highways and is acceptable.
- 8.9 Contamination
- 8.9.1 Any spoil or other material brought to the site to infill the existing pond will need to be suitably certified by the Environment Agency as uncontaminated, clean, and inert. Details of where this material will

be sourced from will need to be submitted to and approved by the Local Planning Authority, in consultation with the Environmental Health Department, prior to the commencement of any works.

- 8.9.2 The application is accompanied by a combined Preliminary Ground Contamination Risk Assessment, Geotechnical Assessment, Quantitative Ground Contamination Risk Assessment and Remediation Strategy Report. This report identifies potential sources of contaminants on the site and appropriate measures to remove or mitigate their presence. It also includes framework for a verification report to confirm works have been carried out in accordance with the methodology presented and to provide confirmation that contaminants have been suitably managed prior to the occupation of the development.

## 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 Approve conditionally subject to section 106 to secure Affordable Housing (if found to be viable, Travel Plan Monitoring Fee, Traffic Regulation Order and Local Labour Agreement.

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

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

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

- 6960/LBP/A - Site Location Plan
- 6960/100/B - Proposed Block Plan
- 6960/101/C - Rendered Site Plan
- 6960/102/C - Proposed Site Context Plan
- 6960/110/B - Plots 1 – 6 Proposed Elevations and Roof Plans
- 6960/111/B - Plots 7 – 9 Proposed Elevations and Roof Plans
- 6960/112/A - Plots 10 – 14 Proposed Elevations and Roof Plans
- 6960/113/B - Plots 15 – 18 Proposed Elevations and Roof Plans
- 6960/114/B - Plots 19 – 22 Proposed Elevations and Roof Plans

- 6960/115/B - Plots 23 – 30 Proposed Elevations and Roof Plans
- 6960/116/B - Plots 31 – 36 Proposed Elevations and Roof Plans
- 6960/117B - Plots 37 – 43 Proposed Elevations and Roof Plans
- 6960/118/B - Plots 44 – 49 Proposed Elevations and Roof Plans
- 6960/130/A - House Type A1 and A2 Proposed Floor Plans
- 6960/131/B - House Type B1 and B2 Proposed Floor Plans
- 6960/132/B - House Type C1 and C2 Proposed Floor Plans
- 6960/140/B - Entrance Gates and Boundary Wall/Fence
- 6960/120/A – Street Scene Elevations
- 6960 Extmat – External Finishes Schedule
- PLG/1678/21D – Landscape Proposals with Boundary Treatments
- P21002-HZL-00-DR-2200 S4 P6 – Outline Drainage Scheme
- P21002-HZL-00-DR-2240 S4 P2 – Outline Drainage Scheme Manhole Schedules
- P21002-HZL-00-DR-0250 S4 P1 – Common Parts Maintenance Plan
- P21002-HZL-00-DR-2201 S4 P3 – Proposed Pond Topography
- P21002-HZL-00-DR-2220 S4 P1 – Drainage Details (Sheet 1 of 3)
- P21002-HZL-00-DR-2221 S4 P1 – Drainage Details (Sheet 2 of 3)
- P21002-HZL-00-DR-2222 S4 P1 – Drainage Details (sheet 3 of 3)
- 2021/5896/001/P6 – Proposed Access and Visibility Splays
- 2021/5896/002/P3 – Swept Path Analysis
- Planning, Design and Access Statement by Town and Country Planning Solutions (May 2021)
- Transport Statement by RGP Transport Planning and Infrastructure Design Consultants (June 2021)
- Transport Statement Addendum by RGP Transport Planning and Infrastructure Design Consultants (July 2021)
- Travel Plan by RGP Transport Planning and Infrastructure Design Consultants (May 2021)
- Flood Risk Drainage Assessment by Hazelind Consultants Ltd (June 2021)
- Arboricultural Report and Tree Survey by Greenspace Ecology Solutions (November 2016).
- Arboricultural Impact Assessment and Method Statement by Greenspace Ecology Solutions (Rev D August 2021)
- Preliminary Ecological Appraisal by Greenspace Ecology Solutions (April 2019)

- Landscape and Ecological Management Plan by Greenspace Ecology Solutions (July 2021)
- Combined Preliminary Ground Contamination Risk Assessment, Geotechnical Assessment, Quantitative Ground Contamination Risk Assessment and Remediation Strategy Report (Ref; 14842) by Ashdown Site Investigations Ltd (May 2021)
- Noise Impact Assessment Report by MEC AIR (May 2021)
- Construction Management Plan by the Park Lane Group (August 2021)

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

- 10.4 **External Materials** - The external materials and finishes to be used on the dwellings hereby approved shall be in accordance with the palette of materials detailed on the approved plans.

Reason: In the interest of visual amenity, in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan and policies B2, D1 and D10a of the Eastbourne Core Strategy.

- 10.5 **Removal of Permitted Development Rights** - Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E; inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In order to safeguard the amenities of neighbouring residents and the character of the street scene on Swanley Close in accordance with saved Policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan and policies B2, D1 and D10a of the Eastbourne Core Strategy..

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

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

- 10.7 **Hard and Soft Landscaping** - All hard and soft landscape works shall be carried out in accordance with the approved details.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.8 **Drainage Infrastructure to be provided** - Prior to the first occupation of any part of the development hereby approved, the surface water drainage infrastructure detailed in the submitted Flood Risk and Drainage Assessment Report and on associated plans shall be installed and in full working order. Evidence (including photographs and as built drawings) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure the site is adequately drained and that surface water is appropriately managed in accordance with saved Policy US4 of the Eastbourne Borough Plan and paras 167 and 169 of the NPPF.

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

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

- 10.10 **In accordance with the Ground Condition Surveys** - Construction of the development shall be carried out in full accordance with the methodology set out in the Combined Preliminary Ground Contamination Risk Assessment Geotechnical Assessment Quantitative Ground Contamination Risk Assessment and Remediation Strategy Report.

Reason In the interest of the amenities of the residents

- 10.11 **Ground Contamination Verification Report** - The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person that the remediation scheme approved under the provisions of condition 10 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- as built drawings of the implemented scheme.

- photographs of the remediation works in progress; and
- certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10.

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

- 10.12 **Landscape Management Plan** - The Approved Landscape and Ecological Management Plan (LEMP) shall be implemented in accordance with the approved details and adhered to at all times. Where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

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

- 10.13 **Access Details** - Prior to the first occupation of any part of the development hereby approved, the layout new access shall be completed in accordance with the approved plans and the specification set out on Form HT407 which is attached to and forms part of this permission

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies D1 and B2 of the Eastbourne Core Strategy and paras 110 and 112 of the NPPF.

- 10.14 **Visibility Splays** - The access shall not be used until the areas shown on the submitted/ plan (plan no 2021/5896/001 Rev P7) are cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies D1 and B2 of the Eastbourne Core Strategy and paras 110 and 112 of the NPPF.

- 10.15 **Parking and Turning** - The development shall not be occupied until parking and turning areas have been provided in accordance with the approved plans. These areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies D1 and B2 of the Eastbourne Core Strategy and paras 110 and 112 of the NPPF.

- 10.16 **Cycle Parking** - No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans (Plan no 6960/101/D). The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport in accordance with policy D8 of the Eastbourne Core Strategy and para. 106 of the NPPF.

- 10.17 **Construction Management Plan** - Construction works shall be carried out in full adherence with the methodology and mitigation measures set out in the approved Construction Environmental Management Plan.

Reason: In the interest of environmental and residential amenities in accordance with saved policies NE28 and HO20 of the Eastbourne Borough Plan and in the interest of highway safety in accordance with paras. 110 and 112 of the NPPF.

- 10.18 **Electric Charging** - Prior to the first occupation of any part of the development hereby approved, each dwelling shall be provided with at least one allocated and operational electric vehicle charging point. The charging point shall thereafter be retained in place throughout the lifetime of the development.

Reason: To promote the use of more sustainable modes of transport in accordance with policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

## 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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