

Planning Committee

19 October 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 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, 11 October 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 21 September 2021 (Pages 5 - 10)**
- 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 **35 Windermere Crescent. ID: 210410 (Pages 11 - 22)**
- 8 **1 Laleham Close. ID: 210184 (Pages 23 - 32)**

9 2 Mill Road. ID: 210339 (Pages 33 - 46)

10 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on Tuesday, 23 November 2021.

Information for the public

Accessibility:

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

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Friday 15th October**. 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

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Shackleton Hall in the Welcome Building, Devonshire Quarter, Compton Street, Eastbourne, BN21 4BP on 21 September 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 for Planning), Helen Monaghan (Lawyer, Planning), James Smith (Specialist Advisor for Planning) and Emily Horne (Committee Officer)

27 Introductions

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

28 Apologies for absence and notification of substitute members

There were none.

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

Councillor Diplock declared a personal and prejudicial interest in item 34, 38a Motcombe Road, as he was close friends with some of the residents and had lived in the neighbourhood for 10 years. He left the room for the discussion of the item.

30 Minutes of the meeting held on 24 August 2021

The minutes of the meeting held on 24 August 2021 were submitted and approved as a correct record, and the Chair was authorised to sign them.

31 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).

32 Right to address the meeting/order of business.

The business of the meeting was reordered from the agenda and taken in the following order: Items 11, 9, 10, 7 and 8.

33 59-63 Summerdown Road. ID: 200968 & 200983

200968 - Demolition of existing Nursing Home and erection of 9no houses (2no x 3bed and 7no x 4bed) and 3no 1bed flats (12no residential units in total).

200983 - AMENDED DESCRIPTION - Demolition of existing Nursing Home and erection of 6no houses (1no x 3bed and 5no x 4bed) and 6no 2bed flats (12no residential units in total) – **OLD TOWN**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of an additional representation that had been received from the Eastbourne Borough Council's Heritage Champion.

Mr Robert Strange addressed the Committee in objection to the application. Mr Simon Franks (Agent) spoke in support of the application. East Sussex County Councillor, Councillor Ungar, spoke in objection of the application. The County Councillor declared for completeness that a relative of his was a neighbour to the site.

Members discussed the proposal and raised concerns regarding the height and mass of the scheme, stating that it was out of keeping and unsympathetic with area.

The Specialist Advisor (Planning) informed the Committee that new information had recently been received from the agent for a modified scheme and that officers had not had time to assess it, and therefore sought to defer the application.

Members sought clarification on why the application could not be determined as per the recommendation for refusal in the officer's report.

The Committee was advised that the Council had a duty to consider additional submitted information prior to decision and, if the information is within the scope of the application, to fulfil its statutory public consultation requirements. Members would then be provided at future Planning Committee meeting with all of the material considerations available to determine the application.

ID: 200968 & ID: 200983 - Councillor Murray proposed a motion to defer both applications to enable officers to assess the information received. This was seconded by Councillor Diplock and was carried.

RESOLVED: (by 6 votes for to 2 against) that the applications be deferred for the information to be assessed; and to be determined at a future Planning

Committee meeting following any required consultation.

34 38a Motcombe Road. ID: 200598

Having declared a prejudicial interest, Councillor Diplock left the room and did not take part in the discussion or voting on this item.

Demolition of garages and commercial unit and erection of three dwellings and two Flats, site improvements including new access gate – **OLD TOWN**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of an additional representation that had been received from East Sussex County Council Highways, that confirmed that their initial objections relating to the safety of the site access had been addressed.

The Specialist Advisor advised that East Sussex Fire & Rescue Service had confirmed its officers would evaluate the access point during the Building Regulations stage and if the access was not accessible, the development would not be permitted. Refuse bins for the site could be serviced by the bin crew and not manoeuvred the residents.

Mr Tom Handsley addressed the Committee in objection to the application. A written representation was read aloud by the Senior Specialist Advisor on behalf of Councillor Dow, in his capacity as the Eastbourne Borough Ward Councillor.

Members discussed the proposal in detail including issues surrounding the access, safety of pedestrians and vehicles, visibility splay, collection of refuse bins, surfacing and lack of green space.

Councillor Miah proposed a motion against the officer's recommendation, to refuse the application. This was seconded by Councillor Taylor and was carried.

RESOLVED: (Unanimous) that Planning permission be refused for the following reasons:-

1. The narrow width of the site access and limited visibility available as it emerges onto highway roads would result in an unacceptable risk to highway risk as a result of more frequent usage raising the possibility of conflict between vehicles and pedestrians. The development is therefore in conflict with policies B2 and D1 of the Eastbourne Core Strategy and para. 111 of the NPPF and would also fail to provide safe access for pedestrians and cyclist contrary to policy D8 of the Eastbourne Core Strategy and para. 108 and para.112 of the NPPF.
2. The development, as a consequence of its scale and proximity to neighbouring dwellings would result in an unacceptable adverse impact

upon residential amenities, contrary to policy HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

The Chair paused the meeting for a 10 minute comfort break.

35 5-7 Enys Road. ID: 210333

Conversion of Doctor's Surgery (Use Class E) to provide 9no residential flats (Use Class C3 - 3no 2bed 3 person, 4no 1bed 2persons and 2no 1bed 1person) with 9no off-street car parking spaces and external alterations –
UPPERTON

The Senior Specialist Advisor (Planning) presented the application.

The Committee was advised by way of an Addendum of 6 additional representations that had been received in objection to the application, and an additional proposed condition to secure the agreement of a lighting scheme at the rear of the property.

The Senior Specialist Advisor confirmed that two additional representations had been received after the Addendum had been published.

Mr Roy Fisher addressed the Committee in objection to the application. Mr Simon Franks (Agent) spoke in support of the application. Councillor Rodohan, Eastbourne Borough Ward Councillor, spoke in objection to the application.

Members discussed the application and raised concerns regarding noise and disturbance, parking, lack of outside space, carbon neutrality measures and the potential for a future HMO. Members supported the removal of the ramp and felt the concerns had been mitigated by the separation of the two buildings and conditions in the officer's report.

The Senior Specialist Adviser addressed the matters raised by objectors and members and confirmed that the previous application for an HMO (ID: 210026) had been withdrawn by the applicant. This application sought consent for flats, not an HMO. Any further sub-division of the building, or use as a large HMO, would require planning permission. Any unauthorised development/use would be for Planning Enforcement investigation. As it was not a major application and was for conversion of an existing building, there was no specific sustainability requirements for the scheme, but electric vehicle charging points could be recommended if members proposed it.

Councillor Taylor proposed a motion to approve the application in line with the officers' recommendation. This was seconded by Councillor Vaughan and was carried, subject to an additional condition to include electric vehicle charging points. Councillor Maxted requested that there be a named vote and this was approved.

RESOLVED: (by 7 votes for (Councillors Diplock, Lamb, Miah, Murdoch,

Murray, Taylor and Vaughan) **and 1 vote against** (Councillor Maxted) that planning permission be granted, subject to the conditions set out in the officers report and in the Addendum and a further condition to include electric vehicle charging points.

36 2 Mill Road. ID: 210339

Demolition of the existing building and redevelopment of the site to provide 14 flats with associated off-street car parking – **UPPERTON**.

The Senior Specialist Advisor (Planning) presented the report.

Mr Richard Parrett addressed the Committee in objection to the application.

The Committee discussed the proposal in detail, raising concerns regarding the height of the four-storey building, the proximity to the road which might mean a reduction in tree screening, access and number of flats. They felt that it was too overbearing and dominant for the character of the area. Members also welcomed the design, underground parking and retention of trees.

Councillor Miah proposed a motion to defer the application to seek a reduction in height/scale. This was seconded by Councillor Lamb and was carried.

RESOLVED: (by 6 votes for to 2 against) that the application be deferred to seek a reduction in the height/scale of the building and reduce overbearing impacts upon neighbouring occupants.

37 Land at 57-63 Cavalry Crescent and 25-31 North Avenue. ID: 210339

Demolition of 8no houses (Cavalry Crescent and North Avenue) and erection of 6no houses and 14no apartments with associated landscaping, parking and sustainability measures – **OLD TOWN**

The Senior Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum that the response from East Sussex County Council (ESCC) Highways regarding the revised car parking layout was awaited, as was the revised Heads of Terms for the S106 Agreement to omit a Travel Plan and include a bus transport infrastructure improvements contribution.

Members discussed the application and welcomed the re-development of existing housing stock. Members sought clarification on the appraisal of the design, amenity and refuse/recycling storage, which the Senior Specialist Advisor explained in more detail in relation to adopted policy and guidance.

Councillor Murray proposed a motion to approve the application in line with the officer's recommendation for delegated authority to conclude consultation with ESCC Highways on the revised car parking layout, subject to a S106 Agreement and the conditions set out in the Addendum. This was seconded by

Councillor Diplock and was carried.

RESOLVED: (unanimously) that the Head of Planning be delegated to conclude consultation with ESCC Highways on the revised car parking layout and following agreement, to approve subject to a S106 agreement and the revised Heads of Terms to secure local labour agreement, affordable housing provision, bus infrastructure contribution, TRO contribution and car club contribution as set out in the Addendum, and the conditions set out in the officers' report.

38 Date of next meeting

Resolved:

That the next meeting of the Planning Committee is scheduled to commence at 6:00pm on Tuesday, 19 October 2021, be noted.

The meeting ended at 9.40 pm

Councillor Jim Murray (Chair)

Agenda Item 7

Report to: Planning Committee
Date: 19th October 2021
Application No: 210410
Location: 35 Windermere Crescent, Eastbourne
Proposal: Outline application with all matters reserved for the conversion/extension of the existing house to provide 2no. 1-bed and 2no. 2-bed units and erection of new-build block to the rear comprising 2no. 2-bed and 2no. 1-bed units with associated parking, refuse, recycling and bicycle storage and amenity space.

Applicant: Mr Karmali
Ward: St Anthony's

Recommendation: Approve Conditionally

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

Map Location:



1. **Executive Summary**

- 1.1 The proposal is in outline form with all matters reserved. The principle of the development is considered to be acceptable in that it provides an efficient use of the site that is appropriate for its residential surroundings and would improve the accommodation mix within the surrounding area, thereby responding to housing need in the Borough both in terms of number of dwellings provided and in the provision of small unit sizes for which there is an identified need.
- 1.2 It is considered that the site has the capacity to support the level of development provided in terms of size, accessibility and relationship with neighbouring development. If the scheme is to be approved it does not preclude the need to provide full plans that demonstrate that the development would be acceptable in terms of design, scale, layout, access and landscaping in regards to visual, environmental, highway and residential impact. No development can be carried out unless reserved matters are approved.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C6 Roselands and Bridgemere Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D8 Sustainable Transport
- D10a Design

2.3 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems
- NE18: Noise
- NE28: Environmental Amenity

UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT7: Landscaping
HO6: Infill Development
HO20: Residential Amenity
TR2: Travel Demands
TR7: Provision for Pedestrians
TR11: Car Parking
US4: Flood Protection and Surface Water Disposal.

3. **Site Description**

- 3.1 The application site is currently occupied by a detached two-storey red brick dwelling which has a hipped roof. A two-storey extension, with marginally higher roof eaves and ridge lines, has been added to the rear of the original building. The site is located at a point on Windermere Crescent where the road bends by approximately 90 degrees and therefore has two street frontages, one to the north-east which includes the frontage of the existing dwelling, and one to the south-west where the pavement is flanked by the approx. 1.8 metre wall/fence that marks the boundary of the rear garden. There is hedging and a collection of trees, which appear to be overgrown garden planting, around the south-western site boundary.
- 3.2 Windermere Crescent is a residential road that is characterised by two-storey dwellings, the majority of which are semi-detached although these are interspersed with occasional detached buildings, particularly at points where the road curves. There is a fairly rigid building line maintained in terms of front and rear elevations and the design of buildings is also largely uniform. Small gaps are maintained between the flank elevations of individual dwellings creating an intimate feel to the built environment. There is sporadic greenery within the street scene although front gardens have been replaced by hard surfaced parking areas in many places.

4. **Relevant Planning History**

- 4.1 **EB/1993/0448** – Two storey extension to provide lounge, study and two bedrooms – Refused 9th November 1993.
- 4.2 **EB/1993/0550** - Part two-part single-storey extension at rear – Approved Conditionally 21st December 1993.
- 4.3 **160975** – Proposed 4 no. one bed self-contained flats with off road parking and a cycle store to the front and private amenity space to the rear on land within the curtilage of 35 Windermere Crescent – Withdrawn 13th October 2010.
- 4.4 **170655** – Outline planning permission for a 3-bedroom detached house – Withdrawn – 25th July 2017.

4.5 **171403** – Outline permission for a two-bedroom bungalow – Approved 5th March 2018.

5. **Proposed Development**

5.1 The application is submitted in outline form with all matters reserved. As such, a limited amount of information has been provided, with the developed area shown on plans being indicative only.

5.2 The proposed development involves the extension and conversion of the existing dwelling in order to accommodate 2 x 1 bed flats and 2 x 2 bed flats and the provision of a new building accommodating a further 2 x 1 bed flats and 2 x 2 bed flats.

5.3 Although parking and other ancillary features are included within the application description they would not be approved at this stage as the design, layout, scale, access arrangements and landscaping of the development are reserved matters.

6. **Consultations**

6.1 None required for an application of this nature.

7. **Neighbour Representations**

7.1 11 letters of objection have been received from neighbouring residents. A summary of the material planning matters raised is provided below:

7.1.1 Direct Overlooking of neighbouring properties.

7.1.2 Would remove drainage capacity on the site and result in increased flood risk elsewhere.

7.1.3 Would be out of character with the street.

7.1.4 Would result in increased traffic and parking pressure.

7.1.5 Flats not in keeping with surrounding development.

7.1.6 Would be a breach of a covenant.

7.1.7 Overdevelopment of the site.

7.1.8 Insufficient detail has been provided.

7.1.9 Would result in a loss of visibility on the road.

7.1.10 Southern water have stated on a previous application that there are no public sewers to serve the development.

7.1.11 Previous applications were withdrawn due to public objections.

7.1.12 Would result in overshadowing impact.

7.1.13 Works have begun on the existing building.

7.1.14 Developing the existing house seems reasonable but not providing a new block.

- 7.1.15 Owners of 37 and 36a Windermere Crescent were not notified of the development.
- 7.1.16 Will result in noise nuisance during construction and after completion.
- 7.1.17 Will result in reduced outlook.
- 7.1.18 Will result in loss of trees and damage to infrastructure.

7.2 Officer Comment:

- 7.2.1 The majority of points raised are addressed in the main body of the report. Covenants are not a material planning consideration, but the grant of planning permission does not override them, and they would need to be addressed, if required, through the legal process. Foul sewerage connection would be confirmed at the building regulations stage, there is an existing connection serving the current dwelling. Our consultation records show that letters were sent to 36a and 37 Windermere Crescent on 12th July 2021. This is the same date that all others were sent out and there do not appear to be any other neighbours that did not receive letters. The application was also advertised by site notice.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 The application has been submitted in outline form with all matters reserved. As such, approval is sought only for the principle of the development and should be assessed on this basis. If approved, then further details of the design, scale, layout, access arrangements and landscaping of the development would need to be provided and the development could not be carried out unless these matters were to be approved.
- 8.1.2 Para. 74 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.3 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43-year supply of housing land. The site is not allocated or identified in the Strategic Housing and Employment Land Availability Assessment (SHELAA). The site is therefore regarded as a windfall site that would boost housing delivery, contributing a net gain of 7 x residential units.
- 8.1.4 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land,

permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

8.1.5 Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Para. 130 c) states that, whilst preserving the established character of area is important, this should not be at the cost of preventing or discouraging appropriate innovation or change (such as increased densities).

8.1.6 Development Plan policies will be applied where they are in alignment with the NPPF. Important considerations for an application of this nature include safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 119), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 130) and ensuring development does not compromise highway safety (para. 110). An assessment of the significance of any such impacts will be made in the main body of this report and will inform the recommendation made.

8.2 Design:

8.2.1 Although the application has been submitted in outline form with all matters reserved, an indicative floor plan has been provided which shows the building footprint. The footprint aligns with the established front and rear elevation building line maintained across neighbouring properties is considered to represent the maximum realistic footprint for the proposed development when taking into account separation distances from neighbouring properties and the established pattern of development in the surrounding area.

8.2.2 The footprint of the building shown on the indicative plans is approx. 95 m². Based on the nationally described space standards, the dwelling mix proposed would need to be distributed over three storeys in order to comply with minimum Gross Internal Area (GIA) requirements. It is considered that this could be achieved by providing the second floor within the roof space and that this would be possible without requiring the building to be of greater height than neighbouring residential development. A condition can be used to set height parameters for the eaves and ridge height of any development brought forward as a means to ensure that any new building would integrate with the roofscape of the existing street scene. It is also considered that dormers of a sympathetic design and scale could be incorporated within the front roof slope of any

building provided. Whilst there are no dwellings in the immediate surrounding area with front dormers there is a prevalence of front bay windows with projecting gable end roofing formed over them and it is considered that the impact on the roof form of this feature is similar to that which a dormer would have.

- 8.2.3 Windermere Crescent has a robust building line, with dwellings being set back from the road and typically having low walled lawn or parking areas to the front. Typically, small gaps are maintained between the side elevations of neighbouring dwellings, with front and rear elevations being aligned. The site is currently noteworthy in that it represents a rare area of openness within what is a relatively densely developed and intimate built environment. It is therefore considered that a building occupying a footprint similar to that shown on the indicative plans and of similar height to surrounding development could integrate effectively with the established street scene. The small gaps maintained either side of the building would also be consistent with the spatial characteristics of the existing street.
- 8.2.4 The proposed development would allow for the removal of the existing boundary fence and wall which flanks Windermere Crescent. This feature is somewhat incongruous when seen in context with the overall character of the street, in which street frontages are generally either open or marked by low walls/hedging or fencing. It is considered that the proposed development, if appropriately designed, would facilitate the removal of this unsympathetic and disruptive feature and allow for a built form that engages more proactively with the surrounding community.
- 8.2.5 The proposed development would generate additional parking demand. The indicative plans suggest that this can be addressed through the provision of bay parking which would flank Windermere Crescent and be accessed via a dropped kerb crossover. There is an existing dropped kerb providing access to the dilapidated garage to the rear of the site and this could be extended to serve parking associated with the proposed development. It should be noted that the dropped kerb could be extended, and a parking area formed under permitted development rights.
- 8.2.6 The indicative layout shows that there is capacity for at least 4 parking spaces to be provided, with additional room to spare. It is considered that the form of parking required would be consistent with the street scene, where a number of properties have replaced front garden space with hard surfaced parking areas. The indicative layout also suggests there would be space available to provide landscaping to soften the impact of the parking area and maintain a degree of greenery within the street scene.
- 8.2.7 The indicative layout shows a modestly sized extension to the eastern elevation of the existing dwelling that would align with the established building line on Windermere Crescent. This extension would increase the footprint of the building to approx. 130 m² at

ground floor level and 125 m² at first floor. It is considered that this would provide sufficient space to accommodate the proposed mix of units whilst preserving the integrity of the established building line.

- 8.2.8 It is therefore considered that there are reasonable design solutions available to provide the amount of development proposed without having a harmful impact upon the character and appearance of the surrounding street scene. It is considered the proposal represents a suitable intensification option, noting the identification of redevelopment of existing units at higher density for apartments in figures 65 and 66 of the National Design Code Part 2 and the content of para. 149 which states 'successful places generally contain a mixed community and mix of uses creating variety and activity. The degree will vary within different area types, but opportunities need to be sought in all circumstances to make efficient use of land, promote a mix of uses that meet local needs and create vitality through activity in compact development.

8.3 Use

- 8.3.1 Para. 8 b) of the NPPF, which defines the social objective forming one of the three 'pillars' of sustainable development states a need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Para. 165 of the National Model Design Code (part 2) echoes this, stating that 'there are a wide variety of housing types and achieving the right mix is another component (along with tenure) of helping to create diverse, equitable and resilient communities where people are able to access the homes they want or need.'
- 8.3.2 The site is located within a residential area where the current mix of unit sizes dominated by 3 and 4 bed dwellings, although there are purpose-built flats nearby on Roselands and Seaside as well as flats over shops on Seaside. It is considered the use of infill development to deliver a mix of smaller units is consistent with the national planning policy aims and objectives stated above and would integrate with, strengthen and diversify the surrounding community.

8.4 Impact upon the amenities of neighbouring residents

- 8.4.1 There is an existing part single, part two-storey extension to the rear of the original dwelling which was approved under EB/1993/0550. The set back of the two-storey element from the southern boundary is considered to delineate the minimum separation any two-storey structure should maintain between the southern boundary, shared with 33 Windermere Crescent, this being approximately 4 metres. The indicative layout plans show the proposed new build flats would align with the existing two-storey extension and a gap would be maintained between the elevation wall and the southern boundary as a means to soften impact.
- 8.4.2 Although the proposed block of flats would close off an existing visual gap and, therefore, restrict outlook to the north from the

gardens of 33 and 31 Windermere Crescent, these gardens would retain good levels of outlook to the south and west. Therefore, with a suitable setback maintained from the southern boundary, it is considered the proposed block of flats could be accommodated on site without creating an unacceptably oppressive environment to the rear of 33 and 31 Windermere Crescent, subject to details of an appropriate design that effectively soften the impact of the rear elevation being submitted at the reserved matters stage.

- 8.4.3 It is considered that a two-storey block of flats could be accommodated in the position shown on the indicative plans without causing undue levels of overshadowing towards neighbouring properties to the south. It is considered that the impact upon provision of natural light to windows would No. 33 would be no different to that caused by the existing two-storey rear extension. Furthermore, overshadowing towards immediate neighbouring properties would be minimal due to the positioning of the extension to the north-west of primary windows and gardens at 31 and 33 Windermere Crescent and the alignment with the front and rear elevations of No. 37. Notwithstanding this, a condition will be used to require the submission of a daylight/sunlight survey as part of any reserved matters application, in order to demonstrate neighbouring properties will have appropriate access to natural light.
- 8.4.4 It is noted that there are two small first floor windows and a ground floor kitchen door on the side (eastern) elevation of 37 Windermere Crescent which would face directly towards the flank elevation of the block of flats if built in the position shown. These openings are not considered to provide a primary function in allowing natural light into No. 37 and the relationship between the two buildings would be no different to that repeated across dwellings with a similar window arrangement on Windermere Crescent, where small gaps are maintained between side elevations.
- 8.4.5 It is considered that any windows above ground floor level in the rear elevation of the proposed block of flats would introduce unacceptably intrusive and invasive views towards large portions of the rear gardens of No. 31 and 33. Due to this, any approval would be on the condition that the final design of the building as submitted with any reserved matters application would omit windows on the rear elevation that are above single-storey height or restrict these to high level windows or windows with integrated baffles to limit the angle and field of outlook. It is considered that either of the options listed above could be applied without compromising the living conditions and specifically allowing for sufficient natural light permeation and natural ventilation.
- 8.4.6 It is therefore considered that the amount of development described could be accommodated within the site without resulting in unacceptable adverse impact upon the amenities of neighbouring residents, provided the design, scale and layout of the building as submitted as part of any reserved matters application is sympathetic.

8.5 Highways and parking

- 8.5.1 The existing dwelling at 35 Windermere Crescent has dropped kerb access to a dilapidated structure that may have provided garage parking to the rear of the site at some point but is not in usable condition at present. The level parking demand generated by the existing dwelling is 2 spaces based on ESCC parking demand guidance.
- 8.5.2 The indicative layout plan shows the provision of 4 x car parking bays accessible from Windermere Crescent on the north-western boundary. Measurements confirm that, if parking spaces were not provided in this location, they would be sufficient space to ensure they could be provided in accordance with ESCC standard dimensions. Parking bays in this location would be consistent with parking arrangements on Windermere Crescent as a whole. Provided obstructions avoided around the site boundary visibility towards and from the parking bays would be sufficient to minimise highway safety risk as a result of the use of the bays.
- 8.5.3 Interrogation of the ESCC car ownership parking demand tool indicates that the proposed development would generate demand for 5.69 car parking spaces. It should be noted that the parking demand tool uses aggregated data for car ownership across wards (with data for St Anthony's ward being used in this instance). As such, demand in specific areas within wards can be lower or higher based on accessibility to public transport and shops and services.
- 8.5.4 In this instance, the site is considered to be in a sustainable location, with the Seaside (Seaford Road to Channel View Road) Local Shopping Area approximately 170 metres walking distance to the south-east, Roselands Recreation Ground approximately 100 metres to the south, the Princes Park Health Centre and Archery Recreation Ground being within approximately 400 and 300 metres respectively and bus stops serving major routes within approx. 170 metres walking distance on Seaside. As such, it is considered future occupants would be subject to a reduced dependency on the use of private motor vehicles and, therefore, a reduced parking provision could be supported.
- 8.5.5 Notwithstanding the above, the indicative site layout shows additional space available that would allow for more parking bays to be provided. There is also capacity for the provision of secure and covered cycle parking that would encourage the use of this more sustainable mode of transport. It is noted that the extension of dropped kerb would result in the loss of on-street parking capacity but it is considered that this would not have an unacceptable impact on parking pressure, with the majority of neighbouring dwellings having access to off street parking for one or more vehicles.
- 8.5.6 Due to the proposed development comprising small units, which would therefore be occupied by small households, and the low level of anticipated car ownership and parking demand generated by the

development, it is not considered that it would result in an unacceptable increase in traffic on Windermere Crescent and the surrounding highway network.

8.6 Living conditions for future occupants

- 8.6.1 Any reserved matters application submitted would need to show that the living conditions provided for future occupants of the development would be of an appropriate standard. As set out in section 8.2, the indicative plans show that a development providing Gross Internal Area (GIA) that complies with the national space standards could be achieved on site. It is also considered that sufficient natural light and ventilation could be provided to each residential unit without compromising the amenities of neighbouring residents.
- 8.6.2 Based on the indicative plans provided, a modest amount of amenity space (approx. 55 m²) would be available for use by the occupants of the proposed new build flats with a larger space (approx. 115 m²) being available for occupants of the converted dwelling. It is considered that this level of amenity space is acceptable for the occupants of the small units proposed. It is considered that nearby public amenity space at Roselands Recreation Ground and Archery Recreation Ground would provide easily accessible additional amenity space.

8.7 Sustainability

- 8.7.1 The site is considered to be located in a sustainable area and it is likely that future occupants would utilise local shops and services, contributing directly to the local economy.
- 8.7.2 The conversion of the existing building at 35 Windermere Crescent as a means to provide additional residential units is considered to represent an efficient reuse of an existing structure, thereby minimising the energy use associated with the proposed development.
- 8.7.3 A condition would be used to ensure that each car parking space provided is equipped with an operation electric vehicle car charging point in order to encourage the use of more sustainable private transport.
- 8.7.4 The site is located in flood zone 1 and, as such, is not identified as being at significant risk of tidal or fluvial flooding. Whilst surface water flood risk mapping shows nearby areas to the south and east of the site are subject to medium to high risk of pluvial flooding, the site itself is shown as being at very low risk. Nevertheless, the intensification of development on the site would increase impermeable area and it is important that surface water drainage is managed within the site and does not flow towards areas where there are existing drainage issues. Any reserved matters application would therefore be expected to include a suitable surface water drainage strategy which follows sustainable drainage principles.

8.8 Landscaping

8.8.1 The proposed development involves building on existing garden land and it is important that suitable landscaping is incorporated into the scheme to contribute towards urban greenery in the street scene and to provide habitat value. Landscaping is a reserved matter and any application for approval of details submitted must include full details of a planting programme as well as any existing trees to be retained. It is noted that some garden trees would need to be removed in order to facilitate development of the rear of the site but it is not considered that any trees affected possess significant amenity value nor are they regarded as high quality specimens.

9. **Human Rights Implications**

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

10. **Recommendation**

10.1 It is recommended that outline planning permission is granted, subject to conditions relating to the following.

10.2 Reserved Matters to be submitted within 3 years.

10.3 Development to commence within 5 years or within 2 years of approval of reserved matters, whichever is the sooner.

10.4 Approved plans (not including indicative details).

10.5 Ridge and eaves height of new building/extension not to exceed existing ridge and eaves heights.

10.6 Electric Vehicle Charging points to be provided.

10.7 Sustainable drainage scheme to be submitted with reserved matters application.

10.8 Daylight/sunlight survey to be submitted with reserved matters application.

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**

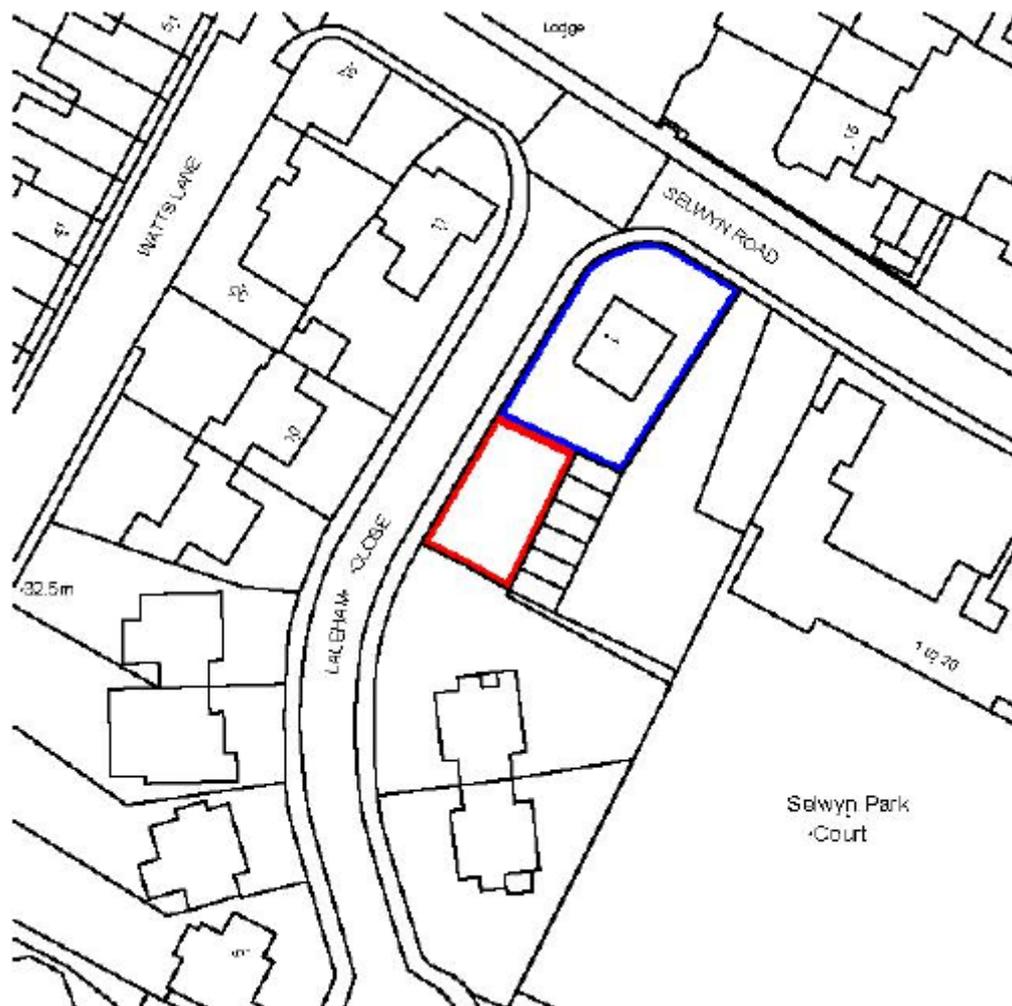
12.1 None.

Agenda Item 8

Report to: Planning Committee
Date: 19th October 2021
Application No: 210184
Location: 1 Laleham Close, Eastbourne, BN21 2LQ
Proposal: Erection of a single storey dwelling
Applicant: Mrs L. Murtagh
Ward: Upperton
Deadlines: **Decision Due Date:** 28 April 2021
Neighbour Con. Expiry: 30 April 2021 (re-consultation)
Recommendation: Approve with conditions

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

Map Location:



1. **Executive Summary**

- 1.1 This application is brought before the Planning Committee at the discretion of the Chair of the Committee and the Head of Planning, due to the number of objections received against the application.
- 1.2 This application follows the previous refusal of a two-storey, two-bed dwelling on this site, as it was not considered that the constrained site area could accommodate a two-storey building, together with its intended occupancy.
- 1.3 This application seeks planning permission for a reduced proposal, which would comprise a single-storey 1 bed dwelling following demolition of the existing garage on the site. The dwelling would provide associated outdoor amenity space and off-street parking for one vehicle at the front of the building with.
- 1.4 Officers consider that the revised scheme overcomes the previous reasons for refusal and, in balancing the planning considerations, weighs in favour of the provision of good quality sustainable housing, suitably sized and arranged on this underused brownfield site and sympathetic to the character of the surrounding area. The development would provide for its transport needs and those of the retained dwelling and the amenities of neighbouring residents would be preserved.
- 1.5 The proposal would meet adopted national and local planning policy and the application is therefore recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2019

2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places.

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
- D2: Economy
- D5: Housing
- D7: Community Sport and Health

D8: Sustainable Travel
D9: Natural Environment
D10A: Design.

2.3 Eastbourne Borough Plan 2001-2011:

UHT1: Design of New Development
UHT4: Visual Amenity
UHT6: Tree Planting
UHT7: Landscaping
HO1: Residential Development Within the Existing Built-up Area
H07: Redevelopment
H09: Conversions and Change of Use
HO20: Residential Amenity
TR1: Locations for Major Development Proposals
TR2: Travel Demands
TR5: Contributions to the Cycle Network
TR8: Contributions to the Pedestrian Network
TR11: Car Parking
NE4: Sustainable Drainage Systems
NE23: Nature Conservation of Other Sites.

2.4 Supplementary Planning Documents and other relevant documents

Sustainable Building Design SPD
Trees and Development SPG
Eastbourne Townscape Guide SPG.

3. **Site Description**

- 3.1 The application is in the Upperton Neighbourhood and comprises an underused rear portion of the larger plot of 1 Laleham Close, which accommodated the main dwelling known as number 1 Laleham Close (which does not form part of the application site).
- 3.2 The site comprises a disused domestic garage and access (with dropped kerb), which formerly provided parking for the main dwelling, 1 Laleham Close. However, the site is overgrown and the existing garage is in a poor condition and does not currently provide good quality off-street parking facilities.
- 3.3 To the rear of the application site is a garage block associated with the residents of Selwyn Park Court, also located to the rear.
- 3.4 The site falls within the Environment Agency's Flood Risk Zone 1 and is therefore at low risk of flooding.
- 3.5 There are no protected trees on the application site or adjoining sites.

4. **Relevant Planning History**

- 4.1 200569 Erection of 1no two-bedroom detached dwelling with 1no off road parking space (amended description) Planning Permission – Refused 18/09/2020.

5. **Proposed Development**

- 5.1 This application follows the previous refusal of a two-storey, two-bed dwelling on this site, as it was not considered that the constrained site area could accommodate a two-storey building, together with its intended occupancy.
- 5.2 This application seeks planning permission for a reduced proposal, which would comprise a single-storey 1 bed dwelling following demolition of the existing garage on the site. The dwelling would comprise one bedroom and would have outdoor amenity space at the front of the building with off street parking for one vehicle. The applicant has also committed to providing two off-street parking spaces at the front of the retained dwelling, from Selwyn Road.

6. **Consultations**

6.1 External

6.2 ESCC Highways

6.2.1 ESCC Highways has no objection to the proposal.

6.3 Southern Water

6.3.1 No response received.

6.4 Internal

6.4.1 None.

7. **Neighbour Representations**

- 7.1 1 observation and 8no Objections have been received on the initial submission with a further 1 observation and 4no objections received on the amended scheme.

7.2 Relevant planning comments on the scheme as originally submitted:

7.2.1 The main house would have no off-road parking.

7.2.2 Overdevelopment of the area.

7.2.3 Car parking remains an issue within Laleham Close.

7.2.4 The proposed dwelling exceeds the national space standards for single storey dwelling.

7.2.5 Poor relationship with surrounding area.

7.2.6 The scheme is not substantially altered from the previously refused submission under 200569.

7.2.7 Existing garage is currently unusable.

- 7.2.8 Scale, design and appearance is out of keeping with the existing properties in Laleham Close.
- 7.2.9 Would fail to meet policy D10(a) of the Core Strategy and policy UHT1 Design.
- 7.2.10 Effects on wildlife.
- 7.2.11 Proximity to the pavement.
- 7.3 Relevant planning comments on revised submission
 - 7.3.1 The inclusion of two parking spaces at 1 Laleham Close is welcomed.
 - 7.3.2 Building would still appear out of character.
 - 7.3.3 Parking concerns raised with the proposed dwelling.
 - 7.3.4 Overdevelopment.
 - 7.3.5 Still out of keeping with the character of the area.
 - 7.3.6 Small amenity area.
 - 7.3.7 Loss of garden space to host dwelling.
 - 7.3.8 Effects on wildlife.
 - 7.3.9 Would fail to meet policy D10(a) of the Core Strategy and policy UHT1 Design.
- 8. **Appraisal**
 - 8.1 Principle of Development
 - 8.1.1 The site is located within the development boundary of Eastbourne where the principle of sustainable residential development is supportable.
 - 8.1.2 Policy HO2 within the Eastbourne Borough plan identifies the area of Upperton as being predominantly residential, thus the proposal is consistent with this policy.
 - 8.1.3 The Core Strategy also states that Upperton is one of Eastbourne's most sustainable neighbourhoods. Additionally, Policy B1 of the Spatial Development Strategy within the Core Strategy explains that higher residential densities will be supported within these sustainable neighbourhoods. The current proposal would add to housing numbers in an area where development is favoured and consequently supported.
 - 8.1.4 Finally, the Council does not have a 5 year supply of deliverable housing land. In such cases housing applications are expected by paragraph 11 (d) of the NPPF to be considered in the context of the presumption in favour of sustainable development unless the harms would outweigh the benefits or a more restrictive approach to development is in force.
 - 8.1.5 As the Council are unable to demonstrate a five-year housing supply, the balance should tilt in favour of the policies within the NPPF.

- 8.1.6 Therefore, the proposed development is acceptable in principle providing the scheme would not result in significant detrimental impacts on the amenity of existing residential properties, the standard of accommodation is acceptable for future occupiers, and the design of the proposed dwelling is in keeping with the context of the area as set out by the Eastbourne Core Strategy Local Plan 2013 and saved policies of the Eastbourne Borough Plan 2007.
- 8.2 Impact upon the amenity of neighbouring occupants of the development:
- 8.2.1 The revised scheme has a reduced impact upon neighbouring occupants than the previous submission under 200569. However, the previous scheme did not raise any issues for the amenities enjoyed by adjoining occupiers and that remains the case for the current submission.
- 8.2.2 Therefore, it is considered that the proposed dwelling would not have a significant impact upon the amenity of neighbouring occupants.
- 8.3 Design
- 8.3.1 The objections received from interested parties in respect of the design, appearance and scale of the proposed dwelling have been noted. In addition, the comments raised in the previous refusal under 200569 have also formed part of the consideration of this amended scheme.
- 8.3.2 The previous scheme was refused on the grounds that the 'siting, layout, design, bulk, form, footprint' would be dominant on this constrained plot. In terms of alterations from the previous refusal, the scheme now provides for a reduced roof height and bulk on the plot from two to single storey, with omission of a previously proposed porch and the retention of a larger area of amenity space. It is considered that the host plot is sufficient to support a dwelling of this reduced size.
- 8.3.3 The general pattern of residential development at this point along Laleham Close is of two storey detached dwellings on significant plots. The application site is smaller than the established plot formation, but also awkwardly arranged for use by occupants of 1 Laleham Close, which would retain a suitable amount of outdoor amenity space for their needs. This portion of the site comprises an existing single storey garage on the site and a larger outbuilding could be constructed within the requirement for planning permission under permitted development allowances.
- 8.3.4 It is recognised that the layout and footprint are similar to the refused scheme. However, with the reduction in scale, the proposed dwelling would site more comfortably within this small site and it is not considered that the relatively minor departure from the predominance of two storey dwellings would result in any significant harm to the character of the area, nor would it outweigh the provision of a well-designed dwelling in a sustainable location when balancing the planning considerations.

- 8.3.5 The proposed dwelling would be detached, in keeping with its neighbours and would allow for a degree of separation from adjoining building commensurate with the prevailing character.
- 8.3.6 The proposed building would remain consistent with the established appearance of outbuildings in the vicinity, including but not limited to garages which are present immediately to the rear of the site but also farther afield along Selwyn Road and Roman Croft to the north. In addition, 4 Laleham Close is a chalet bungalow style dwelling which offers a different scale to the surrounding properties and is very much of the same scale and form as the proposed. Taking these considerations into account, it is not considered that the proposed dwelling would appear disruptive or unduly harmful.
- 8.3.7 The dwelling is proposed to be brick with tiled roof, which is generally in keeping with other development in the area. The specific colour and texture can be secured by condition.
- 8.3.8 The revised proposal would provide a small dwelling unit which could be satisfactorily accommodated within its plot. It would add to the mix of development and housing types in the wider area without causing undue harm to the character of the area.
- 8.3.9 Taking account of the above considerations, the proposed design is considered to be acceptable and would not detract from the visual appearance of the street scene or surrounding area.

8.4 Amenity for future occupants

- 8.4.1 Quality of proposed accommodation
- 8.4.2 The proposed accommodation would provide a single storey one-bedroom dwelling with a gross internal floor area of approximately 54m². This would meet the adopted nationally described space standards for a single storey, 1 bed 2 person dwelling.
- 8.4.3 The dwelling would be well-arranged on plan and, although there would no be outlook to the rear of the site, the dwelling would have a suitable quality of outlook for future occupiers.
- 8.4.4 The application originally proposed retention of the existing garage to the side of the proposed dwelling. However, this has been removed from the scheme in favour of an enclosed cycle store and additional amenity space. Due to the constraints of the site the amenity area is provided to the front of the dwelling in a style similar to a courtyard arrangement. Whilst the level of amenity space is constrained, it is considered to be of sufficient size for the intended occupancy and would be well-arranged for access from the dwelling.
- 8.4.5 Future occupants of the development would have an acceptable degree of privacy given the proposed boundary enclosure.
- 8.4.6 Taking account of the above, the proposed accommodation would comprise an acceptable standard.

8.5 Accessibility and impacts upon highway networks.

- 8.5.1 Section 9 of the NPPF 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.

- 8.5.2 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high-quality transport networks and seeks to reduce the town's dependency on the private car.
- 8.5.3 Comments received in respect of parking and impacts on the existing road network are noted. The revised scheme now provides 2 no parking spaces to the front of the main dwelling with a single space provided within the application site. This would provide a satisfactory parking provision both for existing and future occupants and is in line with the requirements of ESCC Highways. As a result, ESCC Highways offer no objection to the amended scheme as now proposed.
- 8.5.4 Accessibility
- 8.5.5 The site is in a highly sustainable location from a transport perspective and that the transport needs of the development could be adequately met by walking, cycling and public transport.
- 8.5.6 The site is located within the Upperton Neighbourhood and is a short distance from the Town Centre and its amenities. A range of public transport options are available to future residents, including buses for local travel and train services from Eastbourne Railway Station to Lewes, Brighton and Hastings which provide connections for onward journeys.
- 8.5.7 Parking
- 8.5.8 The proposal would provide 1 off-street parking space for occupants of the proposed dwelling. The applicant has, during the course of the application, committed to providing an additional two parking spaces for the retained 1 Laleham Close, accessed from Selwyn Road.
- 8.5.9 The proposed off-street parking would be similar to the existing, being in the same location. Visibility would be improved compared to the existing arrangement through the provision of a chamfered arrangement for the new boundary enclosure of the garden space.
- 8.5.10 A cycle store would also be provided and it is considered that this would encourage the use of bicycles to reach nearby destinations within the town reducing the need for private car ownership in the future.
- 8.5.11 The combined provision, together with the other public transport means available to residents, would provide for the transport demands of future occupants.

8.6 Other matters

8.6.1 Refuse and Recycling Storage Facilities

- 8.6.2 The outdoor amenity area provides space for refuse and recycling storage provision.
- 8.6.3 Drainage
- 8.6.4 *Surface Water*
- 8.6.5 The applicant has not submitted any details to demonstrate how surface water would be managed at the site. However, the building would be relatively small-scale and it is considered that rainfall could be adequately managed either through discharge to the public sewer with the agreement of Southern Water, or by sustainable drainage measures if this is not possible. A condition is attached to ensure that this is adequately managed.
- 8.6.6 Community Infrastructure Levy
- 8.6.7 The development is CIL liable.

9. **Human Rights Implications**

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

10. **Recommendation**

- 10.1 Grant planning permission subject to the following conditions:
- 10.2 Time Limit – 3 years.
- 10.3 Approved Plans.
- 10.4 External Materials.
- 10.5 SuDS Scheme or agreement with Southern Water regarding discharge rates prior to commencement. Any SuDS scheme to be accompanied by a maintenance and management plan.
- 10.6 Surface Water Drainage Scheme – evidence of implementation of any agreed scheme.
- 10.7 Off-street parking provided prior to first occupation.
- 10.8 Details of planting and provision in first planting season (and replaced if not established / dies within 5 years).
- 10.9 Provision of 1 x electric vehicle charging point.
- 10.10 No occupation until car parking provided and thereafter maintained.
- 10.11 No occupation until secure and covered bin and bike stores provided.
- 10.12 Permitted Development Rights removed (including hard surfacing / boundary enclosures).

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.

Agenda Item 9

Report to: Planning Committee
Date: 19th October 2021
Application No: 210339
Location: 2 Mill Road, Eastbourne, BN21 2JR
Proposal: Demolition of the existing building and redevelopment of the site to provide 14 flats with associated off-street car parking.
Applicant: Mr B Kitchener
Ward: Upperton

Recommendation: Delegate to Head of Planning to conclude independent assessment of financial viability information and to approve with conditions subject to s106 legal agreement to secure local labour agreement, any affordable housing provision (based upon the viability assessment), travel plan, TRO contribution, car club contribution and allocated parking arrangements.

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

Map Location:



1. **Executive Summary**

- 1.1 This application is brought back to the Planning Committee following consideration at the September Planning Committee meeting, where it was deferred by Members to seek a reduction in scale and impact upon neighbouring occupants.
- 1.2 The applicant has revised the overall scale and relationship with adjoining neighbours through additional proposed screening. This has resulted in a reduction in the number of proposed units within the building from 14 to 13 self-contained flats falling within the C3 use class. Associated off-street car parking would also be reduced from 14 to 13 spaces.
- 1.3 The proposed development would represent the optimisation of the use of a previously developed site. It would ensure that the amenities of neighbouring residents are protected.
- 1.4 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 previously developed 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 in the Borough, delivering 13 high-quality residential units.
- 1.5 The applicant has submitted a Financial Viability Assessment, which concludes that the development provision of affordable housing, including in the form of a contribution, would not be viable. This requires independent assessment by the Council's elected viability consultants and this would be concluded following consideration by Members and any residual contribution resulting from independent assessment would be secured the Section 106 legal agreement in the form of a commuted sum.
- 1.6 The application is considered to comply with national and local planning policies and is therefore recommended for approval subject to conditions and S106 agreement, with delegated authority provided to Officers to conclude the independent assessment of the submitted viability information.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

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

- 2.2 Eastbourne Core Strategy Local Plan 2006-2027:
 - B1 Spatial Development Strategy and Distribution
 - B2 Creating Sustainable Neighbourhoods
 - C11 Upperton Neighbourhood Policy
 - D1 Sustainable Development
 - D5 Housing
 - D10a Design.
- 2.3 Eastbourne Borough Plan 2001-2011:
 - NE7 Waste Minimisation Measures in Residential Areas
 - NE28 Environmental Amenity
 - UHT1 Design of New Development
 - UHT4 Visual Amenity
 - UHT7 Landscaping
 - HO1 Residential Development within the Existing Built-up Area
 - HO2 Predominantly Residential Areas
 - HO8 Redevelopment of Garage Courts
 - HO20 Residential Amenity
 - TR6 Facilities for Cyclists
 - TR11 Car Parking.
- 2.4 Eastbourne Employment Land Local Plan (ELLP – adopted 2016).

3. **Site Description**

- 3.1 The application is located on a corner plot on the Mill Road and Ashburnham Road junction. The existing building is situated within a 0.31-acre plot with gardens to the front, rear and eastern side and a substantial tree screen at the highway boundaries. The site is located within a predominantly residential area.
- 3.2 Surrounding development is predominantly residential. The established character of the area comprises large predominantly detached buildings that vary in height from 2 to 4 storeys, including both pitched and flat roofs. Buildings are accommodated on substantial plots and are set back from the road in a uniform building line, with lengthy rear gardens.
- 3.3 The current building is a care facility falling within the C2 use class, which is owned by Eastbourne and District Mencap Ltd (EDM) previously operated in conjunction with the adjoining No 4. EDM have confirmed that the property is no longer required and that they will continue to provide services from other properties within their ownership. The application building is currently unoccupied awaiting the outcome of this application.
- 3.4 Due to the surrounding topography, properties to the north of the site are at a lower level than the application property.

3.5 The site is located within the settlement boundary. The site is located within an Archaeological Notification Area and other than this there are no specific planning constraints or designations regarding the site or the immediate surrounding area.

4. **Relevant Planning History**

4.1 No relevant planning history.

5. **Proposed Development**

5.1 Following consideration by the Planning Committee in September planning permission is sought for the demolition of the existing two storey property and redevelopment of the site to provide 13 flats with associated 13 off-street parking spaces. The proposal would comprise the erection of 4 storey building with the upper two floors contained within the roof.

5.2 The scheme comprises 4 x one-bedroom, 4 x two-bedroom, 3 x three-bedroom and 2 x four-bedroom units. The two ground floor units would be designed as wheel-chair accessible.

5.3 The scheme would incorporate a basement parking area, which would accommodate 13 car parking spaces, including two larger spaces for use by occupants of the wheelchair accessible ground floor units.

5.4 Access to the parking area would be in the same location as the existing and a separate pedestrian access would be from Mill Road, where the existing is located.

6. **Consultations**

6.1 External

6.2 ESCC Highways:

6.2.1 Objection received regarding two issues: substandard parking space dimensions; and concerns with the access to the site.

6.3 ESCC SuDS:

6.3.1 SuDS have raised concerns due to a lack of information to demonstrate that the proposed on-site infiltration would be possible and that discharge rates to the public sewer would require agreement with Southern Water.

6.3.2 At the time of writing, response is awaited following re-consultation with ESCC SuDS regarding additional information submitted in response to the initial comments.

6.4 Internal

6.5 Specialist Advisor (Waste):

6.5.1 No comments received.

6.6 Specialist Advisor (Environmental Health):

6.6.1 No comments received.

7. Neighbour Representations

7.1 A number of representations have been received in respect of this proposal comprising:

- 15 letters of objection

7.2 The following is a summary of the main themes and issues raised by the objectors:

- Loss of the existing building
- Issues from parking
- Issues created by additional traffic and congestion
- Replacement building would be too big
- Would not be in keeping with the character of the area
- Loss of privacy and overlooking
- Overbearing
- Safety implications from increased vehicles
- Excessive density of development – overdevelopment
- Loss of Daylight and Sunlight
- Loss of residential amenity.

8. Appraisal

8.1 Principle of Development:

8.1.1 Para. 74 of the Revised National Planning Policy Framework (NPPF) instructs that ‘Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.

8.1.2 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.1.3 The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), as well as other matters identified within the NPPF.

8.1.4 Eastbourne can currently only demonstrate a 1.43 year supply of housing land, based upon the most recent monitoring report. The site is not allocated or identified in the Strategic Housing and Employment Land Availability Assessment (SHELAA). The site is

therefore regarded as a windfall site that would boost housing delivery, contributing a net gain of 12 units, taking account of the existing unit. It is important to note that this is based on a general overview of the site rather than the full gamut of relevant planning considerations.

- 8.1.5 The proposed development would result in a net gain of 13 residential units. It is considered that the unit sizes across the development provides for a mixed and balanced community as required by policy D5 of the Eastbourne Core Strategy, as well as para. 124 a) of the Revised National Planning Policy Framework which maintains that '*Planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development...*
 - 8.1.6 The shortfall in the supply of housing land is a material consideration that weighs heavily in favour of the proposed development. In terms of Local Planning Policies the site is located within the development boundary of Eastbourne where the principle of sustainable residential development is supportable.
 - 8.1.7 Policy HO2 within the Eastbourne Borough plan identifies the area of Upperton as being predominantly residential, thus the proposal is consistent with this policy.
 - 8.1.8 The Core Strategy also states that Upperton is one of Eastbourne's most sustainable neighbourhoods. Additionally, Policy B1 of the Spatial Development Strategy within the Core Strategy explains that higher residential densities will be supported within these sustainable neighbourhoods. The current proposal would add to housing numbers in an area where development is favoured and consequently supported.
 - 8.1.9 Taking account of the above policy position, the proposed residential use of the site is considered to be wholly in line with the objectives of the Development Plan for the Neighbourhood and is considered to be acceptable in principle.
- 8.2 Loss of Community Facilities / Existing Building:
- 8.2.1 It is considered that the existing building makes a positive contribution to the area in terms of its appearance. The existing building comprises good quality locally distinctive architectural design and materials. However, there is no designation of the site or the building to prevent its loss, which would not require the formal grant of planning permission. The site is not located within a Conservation Area and the building is not statutorily listed. Furthermore, the building is not considered to be of significance to warrant inclusion on the statutory list. Prior approval would be required for demolition of the building, but the LPA would be limited in its considerations of such an application to the methodology for demolition. Taking the above into account, loss of the building cannot

be prevented by the LPA and would not form a reasonable refusal of the application.

- 8.2.2 The site currently provides care facilities, which was until recently used for adults under the age of 65 with learning disabilities through Eastbourne and District Mencap Ltd (EDM). EDM have confirmed in a letter submitted with the application that the facility is no longer required and is therefore being sold
- 8.2.3 Older buildings are not built to the standard for all types of care provision, reducing their marketability for ongoing C2 accommodation. This building does not have a lift and is therefore difficult to adapt for all care needs.
- 8.2.4 Loss of the existing care facilities is accepted, given that redevelopment would fund better quality, purpose built facilities and contribute to the aim of providing ongoing care facilities where they are required, based upon demand.

8.3 Design

- 8.3.1 The content of section 12 of the Revised NPPF, 'Achieving well-designed places', is of particular relevance in determining this reserved matters application. The guidance provided in para. 130 within this section requires development to be functional, visually attractive and effectively landscaped, to respect the surrounding built environment and landscape (whilst not discouraging innovation or change such as increased density), to possess a strong sense of space and to be safe, inclusive and accessible. It is also required that a high standard of amenity is provided both for existing residents as well as the future occupants of the development.
- 8.3.2 Para 130(c) of the NPPF considers that decisions should ensure that developments (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. The proposed materials would provide for a development which, whilst some elements would contrast with some of the more traditional properties in the vicinity, would provide for a contemporary design providing a greater level of interest at this point along Mill Road. The design would emphasize the evolution of development within the landscape.
- 8.3.3 In assessing the impact of the development upon the existing site, it is important to note that the LPA could not control retention of the building given the lack of designation and that the building would not qualify for statutory listing.
- 8.3.4 The proposed building would possess a contemporary visual appearance but would generally be sympathetic to the traditional form of neighbouring buildings, being two storey buildings with pitched roofs or larger flatted developments. This design approach is considered to be acceptable and would deliver a high quality development that is sympathetic to the surrounding built form.

- 8.3.5 It is noted that the building would be heavily screened from the majority of surrounding views by trees that would be retained on the road frontages.
- 8.3.6 A number of buildings in the vicinity have been redeveloped with larger, flatted developments and, as a result, the character of the area comprises buildings that are more significant in scale than the building currently occupying the site.
- 8.3.7 The density of the site is acceptable for this location and flat layouts have been shown to identify how 14 No flats can be accommodated on the site. Bin storage facilities and cycle stores are indicated on the ground floor plans.
- 8.3.8 The modern design of the proposal, which would incorporate materials similar to those used on existing neighbouring buildings, would integrate well within the street scene and to harmonise with the buildings surrounding.
- 8.4 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.4.1 The comments of the neighbouring properties have been carefully considered during the formulation of this recommendation to members for approval. It is acknowledged that representations also relate to matters outside of residential amenity and planning matters raised have been discussed within the relevant sections of this officer report.
- 8.4.2 The proposed redevelopment will occupy an area that currently appears as a two storey dwelling when viewed from neighbouring properties. Its redevelopment with a 4 storey property would inevitably have a greater impact on adjoining residents. However, this is not a reason for refusal; very many developments have an effect. The issue is whether those impacts are unreasonable in terms of, for example, the overbearing nature of the properties, loss of light or overlooking.
- 8.4.3 It is not considered that the proposed development would result in any unacceptable loss of light or cause issues of overshadowing to the residential neighbours surrounding the site. The proposal would provide a suitable relationship with neighbouring properties, both in terms of the use and the relationship of the built form.
- 8.4.4 The proposed building would result in an altered outlook towards neighbouring occupiers, but the separation distances and orientation of buildings would prevent any loss of privacy or direct overlooking to neighbouring habitable rooms. The site frontages onto Mill Road and Ashburnham Road would provide a public facing relationship with neighbouring properties with significant screening, commensurate with the existing relationship of properties in the area.
- 8.4.5 It is therefore considered that the proposed development would not generate unacceptable adverse impact upon the amenities of neighbouring residents, in conflict with saved policies HO20 and

NE28 of the Eastbourne Borough Plan and paras. 119 and 130 of the Revised National Planning Policy Framework.

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 Nationally described space standards define the minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The majority of units would exceed the standards for floorspace provision, but one unit would result in a very marginal shortfall against the standards. The resulting development would be acceptable.
- 8.5.3 All primary habitable rooms across the development are served by clear glazed openings. The level of access would be improved due to the dual aspect nature of all dwellings. Awkwardly shaped rooms and long corridors are avoided, thereby ensuring that the functionality and accessibility of the internal space within each property is maximised.
- 8.5.4 Two of the units would be designed for use by wheelchair users and located on the ground floor. A lift would provide access from the car area to all floors.
- 8.5.5 All dwellings have direct access to private amenity space in the form of balconies whilst a communal garden would be available to residents. Overall, it is considered that outdoor amenity space is of a good quality for future residents of the building.

8.6 Impacts on highway network or access:

- 8.6.1 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high-quality transport networks and seeks to reduce the town's dependency on the private car.
- 8.6.2 It is proposed to provide 13 car parking spaces for the development within a basement parking area. The site would be accessed via the existing access point onto Ashburnham Road.
- 8.6.3 The application includes the provision of cycle storage facilities in a secure area with lockable facilities. Cycle parking spaces would be provided at a 2:1 ratio and would also accommodate larger cycles and carts, cargo bikes, etc. Visitor cycle spaces would also be provided at ground floor level on the Mill Road frontage, adjacent to the pedestrian entrance to the site.

- 8.6.4 ESCC as Local Highway Authority (LHA) originally objected on the following grounds: that the parking spaces would not comprise dimensions to ESCC adopted standards; and that the access would not meet the safety standards of the LHA. Since the objection, the applicant has responded with a revised parking layout, including spaces that meet adopted standards in terms of their dimensions, together with swept path diagrams which demonstrate that cars would be able to turn safely within the site and egress in a forward gear. Confirmation has since been received from the Highway Authority to confirm that the revised parking and access arrangements are acceptable, subject to the 3 and 4 bed units having allocated spaces and all others being unallocated. This would require inclusion in the S106 agreement.
- 8.6.5 The quantum of parking provided is considered acceptable to serve the development without resulting in unacceptable additional parking pressure on the surrounding highway network. The existing site provides off-street parking for just two vehicles in a garage located at the access onto Ashburnham Road, which require vehicles to reverse onto the public highway. All other parking related to the establish care facility use, including for significant staff numbers and visitors has to date been accommodated on street. As such, it is not considered that there would be any significant additional on-street parking stress resulting from the development.
- 8.6.6 All car parking spaces would be provided with access to electric vehicle charging facilities. A condition is recommended to secure a minimum of one electric vehicle charging point per dwelling to be provided prior to first occupation. This is to encourage the uptake in the use of electric vehicles as a means to combat emissions.
- 8.6.7 Further to the above measures, the applicant has committed to contributing to a car club vehicle in the vicinity of the site. This would be secured by S106 legal agreement.

8.7 Landscaping

- 8.7.1 The proposed scheme would retain a significant portion of the trees on site, with the exception of some Category C trees that are of declining health. A Landscape Plan has been submitted with the application, which details improvements to the planting around the proposed building and demonstrates that the variety and biodiversity of species would be improved at the site, including green walls in the garden area, a kitchen garden providing fruiting and herbal planting and low maintenance and shade tolerant native planting on the highway borders of the site around the retained trees.
- 8.7.2 Hard surfaces would be high quality and would be porous where possible in line with the anticipated surface water infiltration at the site.
- 8.7.3 It is considered that whilst the proposal would result in the loss of a modest amount of trees and verdant features, this would be

mitigated and, more importantly, enhanced by landscape planting throughout the subsequent development as a whole.

- 8.7.4 It is recommended that conditions can be used to secure delivery of the proposed landscaping scheme and the protection of retained trees.

8.8 Drainage

8.8.1 ESCC SuDS has raised concerns with regard to the proposed infiltration at the site due to a lack of hydrological calculation information and that proposed overspill into the public sewer has not been agreed with Southern Water. Further details have been submitted to respond to these concerns, which is currently with SuDS for consideration. It is anticipated that this will overcome previous concerns, but in the event that response is not received from SuDS prior to the Committee meeting, it is considered that the imposition of a condition would be sufficient to ensure that a SuDS scheme is approved by ESCC and implemented at the site, including if additional measures are required than infiltration or discharge to the public sewer.

8.8.2 As well as a detailed drainage scheme, a planning condition requiring a management and maintenance plan for any site drainage features would also be applied to any approval in order to ensure the site drainage continues to function effectively throughout the lifetime of the development.

8.9 Ecology

8.9.1 The application is supported by a Preliminary Ecological Appraisal (PEA) and Nocturnal Bat Roost Survey. The PEA confirms no presence of protected species found on site but that further bat surveys were required. Bat Surveys have been undertaken and no bat roost have been found.

8.9.2 There would not be any perceived impact upon off-site habitats. The main ecological factor to consider at the site is the low risk of birds using the buildings as breeding habitat and bats using the site for foraging. The PEA recommends that bird boxes are provided at the site to promote Swift and House Sparrow, which are the species most likely to be found at the site.

8.10 Other Matters

8.10.1 Construction/Demolition Management:

8.10.2 A Demolition, Construction and Environmental Management Plan would be required by condition to ensure that construction related traffic would be suitably managed in relation to the site, including methodology for demolition, the delivery times, parking, types of vehicles and construction traffic movement required for demolition/construction, together with mitigation of the environmental impacts, such as dust suppression and wheel washing, etc.

9. **Human Rights Implications**

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

10. **Recommendation**

- 10.1 Delegate to Head of Planning to conclude independent assessment of financial viability information and to approve with conditions subject to s106 legal agreement to secure local labour agreement, any affordable housing provision (based upon the viability assessment), travel plan, TRO contribution, car club contribution and allocated parking arrangements and the following conditions:
- 10.2 Standard Time Limit.
 - 10.3 Approved Plans.
 - 10.4 External Materials in compliance with submitted details.
 - 10.5 No occupation until car parking provided and thereafter maintained.
 - 10.6 Minimum of 1 x electric vehicle charging point per unit.
 - 10.7 No demolition/development until Demolition, Construction and Environmental Management Plan provided.
 - 10.8 Protection of retained trees.
 - 10.9 No occupation prior to access being constructed in accordance with approved details.
 - 10.10 No occupation until secure and covered bin and bike stores provided.
 - 10.11 Hard landscaping to be provided prior to occupation. Soft landscaping in first planting season.
 - 10.12 No occupation until sustainability measures installed in accordance with details to be provided.
 - 10.13 No commencement of development until drainage scheme and maintenance plan approved.
 - 10.14 Waste minimisation statement (including procedure for dealing with contaminants).
 - 10.15 Permitted Development Rights removed (hard surfacing / boundary enclosures).
 - 10.16 No commencement of development until SuDS scheme and maintenance plan approved.
 - 10.17 SuDS Verification Statement demonstrating completion of works prior to first occupation.
 - 10.18 Details of provision of bird boxes.

10.19 Screening of terraces/balconies prior to first occupation and retained for lifetime of the development.

10.20 Details of ground floor screening on boundary adjacent to 1A Ashburnham Road, provided prior to first occupation.

11. **Appeal**

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

12. **Background Papers**

12.1 None.

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