

# Planning Committee

## 22 March 2022



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 a public meeting. The number of public seats, however, are limited at the moment and need to be carefully managed to ensure that the meeting remains Covid-secure. For this reason, in line with the requirements for this meeting venue, we would like to ask that anyone intending to attend as a member of the public, contacts the Democratic Services team in advance by email: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk) or phone 01323 415290. In addition, anyone attending the meeting is recommended to wear a face covering and take a lateral flow test.

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, 14 March 2022*

## 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 22 February 2022 (Pages 5 - 8)
- 5 Urgent items of business.  
The Chair to notify the Committee of any items of urgent business to be added to the agenda.
- 6 Right to address the meeting/order of business.  
The Chair to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 7 The Moorings, 25 St Johns Road. ID 210661 (Pages 9 - 16)
- 8 The Tiled House, Chesterfield Road. ID: 211032 (Pages 17 - 32)

9 61-63 Summerdown Road (Pentlow). ID: 200968 and  
59 Summerdown Road (Summerdown). ID: 200983 (Pages 33 - 58)

10 Greenpoint, 38 Upper Avenue. ID: 220120 (Pages 59 - 64)

11 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on Tuesday, 19 April 2022.

## Information for the public

### Accessibility:

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

**To assist with our arrangements, if you are planning to attend and observe the meeting please let us know by emailing [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk) or phone 01323 415290, and let us know if you need to use the hearing loop unit at the meeting.**

### Filming/Recording:

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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](mailto:committees@lewes-eastbourne.gov.uk) **by 12 noon on Friday 18<sup>th</sup> March**. 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.

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

**Please note:**

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

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

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

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)

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

## Information for Councillors

**Disclosure of interests:**

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

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

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

**Councillor right of address:**

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

## Democratic Services

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

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Working in partnership with **Eastbourne Homes**

## Planning Committee

**Minutes of meeting held in Shackleton Hall, Welcome Building, Devonshire Quarter, Compton Street, Eastbourne BN21 4BP on 22 February 2022 at 6.00 pm.**

### **Present:**

Councillor Jim Murray (Chair).

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

### **Officers in attendance:**

Neil Collins (Senior Specialist Advisor for Planning), Leigh Palmer (Head of Planning First), James Smith (Specialist Advisor for Planning), Joanne Stone (Lawyer, Planning), and Emily Horne (Committee Officer)

### **72 Introductions**

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

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

There were none.

### **74 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 stated for transparency that he was acquainted with the applicant for item 78, 80 Firle Road. This was neither a personal nor prejudicial interest.

### **75 Minutes of the meeting held on 25 January 2022**

The minutes of the meeting held on 25 January 2022 were submitted and approved as a correct record, and the Chair was authorised to sign them.

### **76 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).

### **77 20 Upperton Road. ID: 210647**

Application for variation of conditions 2 (approved plans), 3 (external materials), 4 and 5 (vehicular access) following grant of planning permissions 170868 and 180829 to allow for revised design, layout, access and parking arrangements and external finishing to the approved development –  
**UPPERTON**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum of additional plans that had been received, clarification on the height of the proposed walls to the front of the site, and an amended condition at paragraph 11.5 of the officer's report.

Mr Johnjoe Wentworth (Resident) addressed the Committee in objection to the application. Mr Alex Bateman (Agent) spoke in support of the application.

Members discussed the proposal and expressed concerns regarding the lack of improvement to the site frontage requested at the Committee meeting held on 23 November 2021, specifically the limited 1.2m high boundary wall, 0.7m front canopy, parking and tarmac hardstanding. Members questioned why they could not enforce the improvements.

The Specialist Advisor (Planning) advised Members that the residential conversion of the building was granted under prior approval legislation, rather than planning approval. The application sought to regularise the conditions by way of amending the approved plans, this meant the planning conditions could not be imposed and there was no mechanism to require the owner to implement the works. The elements of the application that could be controlled were the bin store, cycle and parking provision, and these were all in accordance with the standards.

The Lawyer reminded the members that planning permission was for consent to build and that the Committee could not require the applicant to undertake the building works.

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

**RESOLVED: (unanimously)** that Planning permission be approved subject to the conditions set out in the officer's report.

**78      80 Firle Road. ID: 210482**

Change of use of Beauty shop & Dwelling house (sui generis/C3) to 7 bed HMO (Sui Generis) - **DEVONSHIRE**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum that there were no

further updates following completion of the officer's report.

The Committee raised concerns regarding the limited size of the 1-bedroom units and the lack of en-suite facilities and storage. Members sought clarification on the provision of double bedrooms for single occupancy and the number of licenced HMO's in the vicinity.

The Specialist Advisor (Planning) advised that there were separate housing standards on the provision of bathrooms and toilets. Legislation required a bathroom to be within two floors of any bedroom. All of the rooms were in accordance with the housing standards for single occupancy, and the cycle parking met the requirements of East Sussex County Council Highways. Whilst there were not many licenced HMO's in the vicinity, this was checked against the licensing and planning registers. It was noted that a premises with less than 6 bedrooms did not require a licence.

Councillor Murray proposed a motion to approve the application in line with the officer's recommendation and the addition of a condition on single occupancy. This was seconded by Councillor Diplock and was carried.

**RESOLVED: by (5 votes to 3 against)** that Planning permission be approved subject to the conditions set out in the officer's report and the addition of a single occupancy condition for bedrooms No. 3 and 4 which are not to be occupied by more than 1 person.

#### **79 Land off Brede Close. ID: 210995**

Variation/removal of following Conditions attached to planning approval 180438. Vary Condition 2 (plans) to allow for adjustments to layout and fenestrations, Condition 5 (flood risk) to allow amendments to the schedule of flood mitigation measures and Condition 14 (CMP) to allow for changes to the Construction Management Plan. Remove Condition 15 (Telegraph Pole Relocation) as the pole has now been repositioned - **DEVONSHIRE**

The Specialist Advisor (Planning) presented the report.

The Committee was advised by way of an Addendum that there were no further updates following completion of the officer's report.

The Committee welcomed the improvements to the application.

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

**RESOLVED: (unanimously)** that Planning permission be approved subject to the conditions set out in the officer's report.

#### **80 Date of next meeting**

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Tuesday, 22 March 2022.

The meeting ended at 7.08 pm

Councillor Jim Murray (Chair)



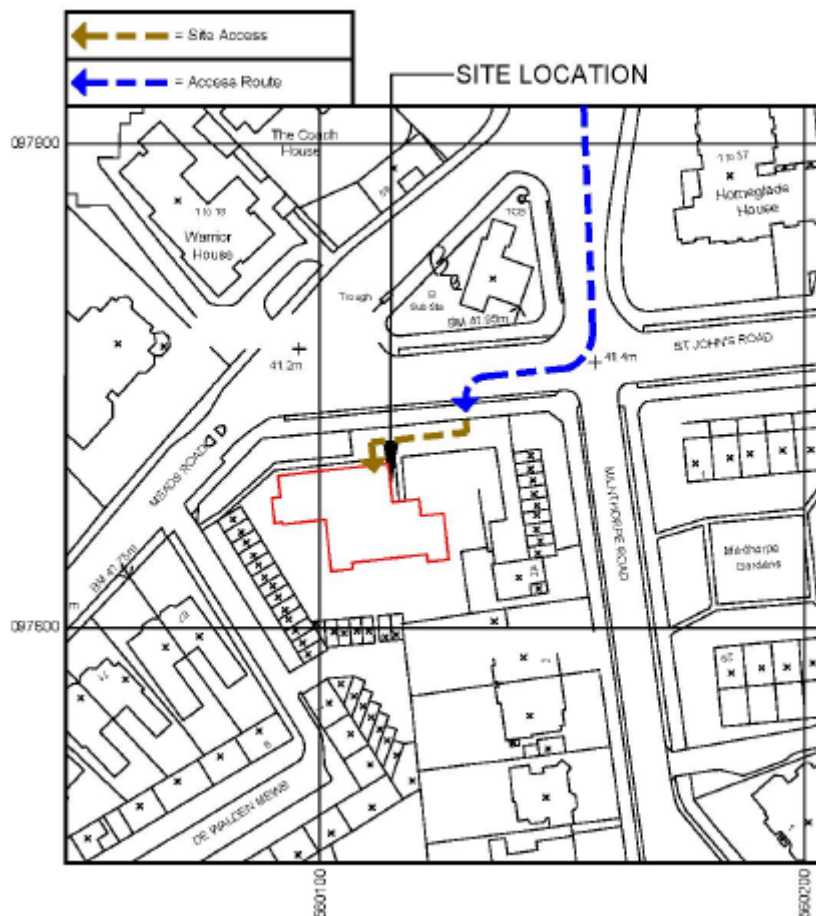
# Agenda Item 7

**Report to:** Planning Committee  
**Date:** 20<sup>th</sup> October 2020  
**Application No:** 210661  
**Location:** The Moorings, 25 St Johns Road, Eastbourne  
**Proposal:** Installation of antennas and ancillary development  
**Applicant :** EE Ltd  
**Ward:** Meads

**Recommendation:** Approve Conditionally

**Contact Officer:** **Name:** Chloe Timm  
**Post title:** Specialist Advisor  
**E-mail:** Chloe.Timm@lewes-eastbourne.gov.uk  
**Telephone number:** 0750602851

## Map Location:



## 1. **Executive Summary**

- 1.1 The application is being presented at planning committee due to the number of objections received following public consultation.
- 1.2 It is considered that the installation of additional antennae and ancillary works to the building would not result in substantial or harmful impacts upon the surrounding environment, residential or visual amenities.
- 1.3 It is considered that the proposed development complies with national and local policy and is recommended for approval subject to condition.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework:

- 2: Achieving Sustainable Design
- 4: Decision-Making
- 6: Building a strong, competitive economy
- 8: Promoting health and safe communities
- 10: Supporting high quality communications
- 12: Achieving well-designed places.

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

- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D10a: Design.

### 2.3 Eastbourne Borough Plan 2001-2011:

- HO20: Residential Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- US9: Telecommunications Development.

## 3. **Site Description**

- 3.1 The application site is an existing telecommunications base station situated on the roof top area of The Moorings, 25 St Johns Road, Eastbourne.
- 3.2 The Moorings is situated on a corner plot on the junctions of St Johns Road, Milthorpe Road, De Walden Mews and Meads Road.
- 3.3 The Moorings is a mid-rise purpose-built block of residential flats with 22 flats over seven storeys.
- 3.4 The site is situated within the Meads Conservation Area.

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

##### **4.1 010547**

Installation of Telecommunications equipment comprising three face mounted antennae and two pole mounted dishes, together with associated equipment cabins

Planning Permission

Refused

21 January 2002

Allowed on Appeal 23 June 2002.

##### **4.2 040444**

Installation of three telecommunications antennas concealed in painted GRP shrouds on north and south elevations, together with two pole mounted dishes and ancillary equipment

Planning Permission

Approved Conditionally

08 September 2004.

##### **4.3 040543**

Installation of four telecommunications antennas on north, east and west elevations, together with two pole mounted dishes and ancillary equipment cabinet on the roof

Planning Permission

Withdrawn

17 October 2004.

##### **4.4 100200**

Replacement of three existing antennas and provision of an additional equipment cabinet on rooftop

Planning Permission

Approved Conditionally

18 June 2010.

##### **4.5 140007**

Alterations to the existing telecommunications equipment on the roof, comprising the replacement of three antennas, the replacement of two of the radio equipment cabinets and development works ancillary thereto.

Planning Permission

10 April 2014.

##### **4.6 141484** The removal of 3no telecommunications antennas and their replacement with 3no new antennas, the installation of 2no additional transmission dishes, the installation of an additional radio equipment cabinet

and development works ancillary thereto. Planning Permission Approved Conditionally 21 January 2015.

## 5. **Proposed Development**

- 5.1 The proposal is to install 3no additional antennae along with associated ancillary works and relocation of existing equipment within the existing telecommunications site.
- 5.2 The existing telecommunications site is situated on the roof top of 7/8 storey purpose-built block of flats located in the Meads neighbourhood and the Meads Conservation Area.

## 6. **Consultations**

### 6.1 Specialist Advisor (Conservation)

- 6.1.1 This application seeks permission to introduce new antennae and undertake additional related works at the upper level of this contemporary apartment block located in the Meads Conservation Area.
- 6.1.2 The property already hosts a set of existing structures, approved by my predecessors on the basis of their limited impact on the protected setting.
- 6.1.3 I believe that this situation continues to apply, and do not feel that the integrity, character and appearance of the conservation area is compromised so significantly as to warrant an objection.

## 7. **Neighbour Representations**

- 7.1 28 Objections have been received and cover the following points:
- 5G is a risk to public and environment health;
  - The technology has not been tested properly;
  - ICNIRP guidelines are inadequate and outdated;
  - There is no exclusion zone around the masts;
  - Air Pollution;
  - Incompatible and unacceptable use of land;
  - Create additional visual clutter;
  - Visual Impacts to the surrounding Conservation Area;
  - Impact value of properties.

## 8. **Appraisal**

### 8.1 Principle of Development

- 8.1.1 There is no principle conflict with adopted policy, which would prevent the approval of the application, subject to consideration of the design and visual impact upon the character of the area and the

impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework 2021, policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

- 8.1.2 Para 114 of the NPPF states: Planning policies and decision should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
- 8.1.3 Para 115 of the NPPF states: Use of existing masts, buildings and other infrastructure for new electronic communications capability (including wireless) should be encouraged.
- 8.1.4 Para 118 of the NPPF states: Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 8.1.5 Policy US9 (Telecommunications Development) of the Borough Plan states that proposals will be permitted provided that:
- The possibility of using an existing mast, building or other structure has been investigated and proved to be unsuccessful;
  - The siting height and design of the equipment will not cause unacceptable harm to the character or appearance of the area or be visually intrusive within the street scene;
  - Apparatus to be mounted on an historic building or structure will not harm the character or appearance of the building or its setting;
  - The visual impact of the development can be minimised by the use of screening by trees or other appropriate landscaping;
  - The equipment will meet the ICNIRP guidelines on the limitation of exposure of the general public to electromagnetic fields; and
  - The relevant body has been consulted where the proposed siting of the development is on or near a school or college.
- 8.1.6 It is considered that the proposal complies with the above policy for the following reasons:
- The proposal is using an existing building and established telecommunications site.
  - It is considered the proposed scheme would only have minimal impact on the surrounding area. The alternative of an additional site would likely result in greater impact and would require a new 30m (approx.) mast to achieve the coverage required.
  - It is not proposed to site the equipment on a historic building. Whilst the site is within the Meads conservation area, it is

considered that due siting of the existing equipment the additions to the site will have limited impact on the conservation area.

- Due to the location being on an existing building no landscaping or screening is included as part of the application.
- A certificate is included with the application confirming compliance with the ICNIRP Guidelines.
- The proposed development is not located near to a school therefore no consultation was required in this regard.

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

8.2.1 The Moorings, sited on the junction of St Johns and Meads Road, falls within Meads Conservation Area. As a modern introduction, The Moorings, does not hold the historic and architectural merit associated with the character of the wider conservation area. However, as a periphery site within the conservation area, the immediate 'area' is primarily of mid to late 20th century design, reflective of its architectural period and of sufficient local interest to warrant inclusion within the conservation area.

8.2.2 As identified, The Moorings is a 20th century introduction to the area, a seven to eight-storey purpose-built block of flats, the elevations are articulated with recessed blocks at lower heights. An approach which assists with reducing the overall mass, of the building, whilst providing some visual interest and rhythm to the urban block.

8.2.3 In assessing the submitted plans against the scale, location and design of the existing equipment, whilst there is slight variation in terms of scale and design. This variation does result in limited harm when balanced against the identified character and appearance of the immediate and wider conservation area.

In summary, the proposed works are considered to have little or no harm on the character and appearance of the immediate and wider area.

## 8.3 Other Matters

8.3.1 Objections have been raised with regards to the introduction of 5G into the area and the health risk this may pose, and the impact on the surrounding conservation area.

8.3.2 Within the supporting information supplied with the application a signed certificate confirming the proposal complies with ICNIRP guidelines was provided. As stated in the NPPF 2021 a local authority should not seek to *set health safeguards different from the International Commission guidelines for public exposure* and must be on planning grounds only.

8.3.3 Objections on the unsuitability of the site have been noted however the site is an existing telecommunications site and therefore the site

is considered to appropriate for the proposed additional equipment to the roof top.

- 8.3.4 The proposed additional telecommunications equipment to the roof top of The Moorings is not thought to impact on character of the surrounding conservation area due to the use as a telecommunications site already being established.

## 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 considered the proposal complies with both national and local policy and is therefore recommended for approval subject to the following conditions:

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

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

- 10.3 **DRAWINGS:** The development hereby approved shall be carried out in accordance with the following approved plans:

- 002 – Site Location
- 205 – Proposed EE Site Plan
- 256 A – Proposed EE Site North Elevation
- 256 B – Proposed EE Site East Elevation
- 256 C – Proposed EE Site South Elevation
- 256 D – Proposed EE Site West Elevation

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

- 10.4 **REMOVAL:** In the event of the mast/equipment hereby permitted ceasing to be used for telecommunications purposes, the mast/equipment together with all debris shall be removed from the site and the site cleared and restored to a condition to be agreed in writing by the Local Planning Authority no later than six months after the cessation of such use.

Reason: In the interest of visual amenity in accordance with saved policies UHT1, UHT4 and US9 of the Eastbourne Borough Plan and policies B2 and D1 of the Eastbourne Core Strategy.

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:** 10<sup>th</sup> March 2022  
**Application No:** 210339  
**Location:** The Tiled House, Chesterfield Road, Eastbourne, BN20 7NT  
**Proposal:** Demolition of existing dwelling and erection of 4no. bedroom single storey detached dwelling

**Applicant :** Tonkin Liu Architects  
**Ward:** Meads

**Recommendation:** Grant permission, pursuant to conditions.

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

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## Map Location:



## **1. Executive Summary**

- 1.1 This application is brought before the Planning Committee due to the significant number of objections received.
- 1.2 The proposal involves the demolition of the existing two storey single family dwelling and redevelopment of the site to provide a replacement single-family dwelling with associated parking and landscaping.
- 1.3 The application has been amended from the original submission, following officer concerns regarding the scale and the impact upon the amenity of neighbouring occupants.
- 1.4 The resulting scheme is high in design quality and would contribute to the varied mix of architecture in the vicinity, whilst retaining the 'open' character of the site and, in turn, preserve the character and appearance of the Meads Conservation Area. Neighbour amenity would be protected to an acceptable degree.
- 1.5 The application is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

## **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 Meads Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D10 Historic Environment
- D10a Design

### **2.3 Eastbourne Borough Plan 2001-2011:**

NE4: Sustainable Drainage Systems  
NE7 Waste Minimisation Measures in Residential Areas  
NE28 Environmental Amenity  
UHT1 Design of New Development  
UHT4 Visual Amenity  
UHT7 Landscaping  
UHT15 Conservation Area  
UHT16: Protection of Areas of High Townscape Value  
HO1 Residential Development within the Existing Built-up Area  
HO2 Predominantly Residential Areas  
HO7: Redevelopment  
HO8 Redevelopment of Garage Courts  
HO20 Residential Amenity  
TR6 Facilities for Cyclists  
TR11 Car Parking  
US4: Flood Protection and Surface Water Disposal.

### **3. Site Description**

- 3.1 The application site is a triangular shaped plot forming a 'peninsula' of land betwixt Chesterfield Road, to the east, and Milnthorpe Road, to the west, which converge at the northern point of the site.
- 3.2 The topography of the site is relatively flat within but is set on land that slopes from north west to south east. Milnthorpe Road comprises a gentle slope along its contiguous boundary with the site, whilst Chesterfield Road comprises a steeper gradient, such that land within the site is significantly higher than the adjacent highway level at its south eastern corner.
- 3.3 The boundary treatment comprises a brick wall with timber fence behind. Access is provided via a vehicular access from Milnthorpe Road.
- 3.4 The site comprises a two-storey single-family dwelling of 1950s construction, which is constructed in brick walls, that are clad on the upper storey with clay tiles, known as 'The Tiled House'. The land around the house is landscaped with mature gardens, comprising mainly shrubs and small ornamental trees, the most significant of which is a Monterey Cypress adjacent to the access on Milnthorpe Road.
- 3.5 The site is bounded on its southern side by the curtilage shared with 'Earley Dene' a two-storey single family dwelling of similar construction to The Tiled House, but of noticeably different appearance. Earley Dene fronts Chesterfield Road, such that the side elevation faces the application site and its rear towards Milnthorpe Road. The land undulates in height on the neighbour side of the shared boundary, but is generally 0.5m to 1m lower

than land within the application site, with the greatest difference being at the point where it meets Chesterfield Road.

- 3.6 The site is located within a Predominantly Residential Area, the Meads Conservation Area and an Area of High Townscape Value, as defined by the adopted Policies Map. The site is not located within an Archaeological Notification Area.
- 3.7 The site is located in the Environment Agency's Flood Zone 1, which is at low risk of flooding.

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

- 4.1 The site has been the subject of bomb damage during WWII and the existing building stands as a result of redevelopment following the period.

##### **4.2 EB/1955/0201**

Erection of detached house, with garage.  
Granted - 1955-05-19.

##### **4.3 EB/1955/0059**

Erection of 3 detached dwelling houses, with domestic garages.  
Granted, subject to conditions.  
1955-02-24.

##### **4.4 EB/1951/0146**

Conversion of war-damaged dwelling house into 2 semi-detached houses.  
Granted - 1951-04-26.

##### **4.5 EB/1949/0525**

Re-building of war-damaged premises as a detached private dwelling house, with private garage.  
Granted - 1949-12-22.

##### **4.6 EB/1949/0216**

Re- building of war-damaged house as 2 detached houses.  
Granted - 1949-05-19.

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

- 5.1 Full planning permission is sought for the demolition of the existing two storey dwelling and redevelopment of the site to provide a replacement dwelling with associated parking and cycle storage and landscaping.
- 5.2 The proposed dwelling would be single-storey and adopts a contemporary design, which is distinctive insofar as it is arranged with an inwardly facing aspect. The built form occupies the outer parts of the site, with central circular open landscaped areas, enclosed by the building and providing an outlook from the building. The outer elevations would be set in from the curtilage, with a soft-landscaped buffer between. The building would comprise a 'green roof' across the entirety of the roof, which would be mostly flat with vaulted elements.

- 5.3 There would be no outward facing aspect, other than an oriel window roughly centrally placed on the Chesterfield Road elevation. The elevations would be faced in terracotta clay tiles.
- 5.4 The scheme comprises 4 bedrooms open-plan lounge/kitchen/dining, bathroom, library, 'snug', utility and treatment room.
- 5.5 Parking would be provided at the south western corner adjacent to an enlarged access, together with cycle and refuse/recycling storage facilities. Pedestrian access would be made available from the Chesterfield Road frontage.

## **6. Consultations**

### 6.1 External

#### 6.2 ESCC Highways:

6.3 No comments to make regarding the proposal.

#### 6.4 County Ecologist:

No response received.

### Internal

#### 6.5 Specialist Advisor (Conservation):

No comments received

#### 6.6 Specialist Advisor (Arboriculture):

No comments received.

#### Conservation Area Advisory Group (CAAG):

6.7 In agreement with the Chair, the scheme was presented to CAAG for pre-application advice, with a summary of the initial comments, below:

6.8 The Group warmly welcomed the opportunity to consider this innovative design and thanked the agent for sharing details and inviting feedback at such an early stage. There was a strong receptivity to the general approach, which was felt to be an improvement on the existing building, with the potential to be an outstanding local development. Members would welcome more detail on the palette of materials being used, recommending that choices should be in keeping with the local area (e.g. a softer hue of brick/pre-used bricks for the wall) and hope that they would be kept informed of progress moving the pre application to formal application stage.

6.9 The CAAG met again on Tuesday 8<sup>th</sup> March and a summary of the discussion is shown below.

6.10 The Group welcomed the innovative design of the proposed new property as an opportunity to create a distinctive new dwelling in this protected conservation area setting. Recent modification of the tabled scheme invited commendation, and its green credentials were applauded. The Group also focused on a number of specific points linked to the external presentation of the site, and invited the applicant to think carefully about the detail of the

development, especially as regards planting (e.g. use of native species; practicalities of maintenance) and the external finishing of the tiled exterior.

## **7. Neighbour Representations**

7.1 A significant number of representations have been received in respect of this proposal.

7.2 The following is a summary of the main issues raised by objectors in relation to the original submission:

- Design of the building
- Impact upon the Meads Conservation Area
- Scale of the building
- Neighbour amenity
- Issues from parking
- Highway Safety.

## **8. Appraisal**

8.1 Principle of Development:

8.2 Paragraph 11 of the NPPF states that there should be a presumption in favour of sustainable development. The proposal must therefore take into account the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), together with other material considerations.

8.3 Policy HO2 within the Eastbourne Borough plan identifies the area of Meads as being predominantly residential, thus the proposal is consistent with this policy. The Core Strategy also states that Meads is one of Eastbourne's most sustainable neighbourhoods.

8.4 This proposal is predicated on the redevelopment of a brownfield site with a highly sustainable building constructed with a Fabric First approach, that offers biodiversity net gains and landscape value with low reliance on external energy demands and exceptional accessibility and residential quality.

8.5 Taking account of the above policy position, the proposal is accepted in principle, and aligns with the objectives of the Development Plan for the Neighbourhood and is acceptable in principle.

8.6 Design and impacts upon the Meads Conservation Area:

8.7 In terms of existing heritage assets, the applicant has supplemented the application with a Statement of Significance from Orion Heritage, which suggests that The Tiled House does not warrant a local heritage listing and that it lacks any architectural individuality, such that it has a neutral presence in the Meads Conservation Area.

8.8 Officers agree with this summation of the existing heritage significance. As such, its loss is not opposed in principle, subject to consideration of the redevelopment scheme.

- 8.9 Turning to the redevelopment proposals, the content of section 12 of the Revised NPPF, 'Achieving well-designed places', is of particular relevance in determining this application. The guidance provided in NPPF para. 130 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.
- 8.10 The contemporary design approach of the proposed building is supported in principle and would result in a high quality and innovative building, which would contribute to the rich tapestry of architectural designs in the Meads Conservation Area. The building would comprise traditional clay tiles on its outermost elevation, which would be sympathetic to the character of the conservation area, in an understated, minimal built form.
- 8.11 The existing site is characterised by its openness and soft landscaping. The proposed building has been designed to respond to these character features. The proposal would retain a degree of openness taking account of its single storey built form. The revised scheme would comprise a height that would not be significantly different to a boundary enclosure around the perimeter of the site. It is noted that a number of boundary enclosures existing within the Meads area that are of a similar scale to the proposed elevations on the majority of the site boundary.
- 8.12 It is noted that the height would vary when viewed from different perspectives and would be more dominant in the Chesterfield street scene than the Milnthorpe street scene due to higher land levels within the south eastern corner of the site. Land within this portion of the site is at a significantly elevated height when compared to street level.
- 8.13 Coupled with the above, the building would comprise a significant degree of soft landscaping that would contribute to the verdant character of the area, including a landscaped 'buffer' around the perimeter of the site, an undulating wildflower green roof and trees within the central courtyards.
- 8.14 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.
- 8.15 In summary, whilst the proposal is a distinct from other building types in the vicinity, it is considered to be sensitive to the wider context, whilst being high in design quality and contributing to the diversity of architecture in the area.
- 8.16 The successful implementation of high quality architecture relies largely on the finish of the external envelope. This is particularly the case with this scheme, given that the external elevations would be the most apparent element when viewed from neighbouring public areas. For this reason, it is considered necessary to attach a condition of permission requiring the

submission of the materials to be used in the external surfaces and window, together with the eaves detail.

- 8.17 Taking account of the above considerations, the proposal is considered to meet the requirements of adopted design policy.
- 8.18 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.19 The key consideration regarding neighbour amenity is the impact upon the adjoining neighbour at Earley Dene. All other neighbouring dwellings would be unaffected by the proposal from an amenity perspective, given their street facing relationship.
- 8.20 Earley Dene is set at a lower level than the application site. This is most significant at the front, neighbouring Chesterfield Road. Following amendment of the application, the proposal has sought two changes relating to Earley Dene; setting the building away from the shared boundary by 1.5m, a reduction in the height of the elevation facing neighbours (which would vary but be most significant at the south eastern corner).
- 8.21 The revised scheme is considered to overcome previous officer concerns with regard to the impact upon light and outlook on neighbouring residents at Earley Dene, particularly the rear facing windows and garden area. It is noted that Earley Dene comprises a window on the side elevation and that this window, which would retain suitable levels of light but is also a non-habitable room, such that officer are unable to assess the impact upon this window.
- 8.22 It is therefore considered that the proposed development would not generate unacceptable adverse impact upon the amenities of neighbouring residents, in compliance with with adopted policy.
- 8.23 Living Conditions for Future Occupants:
- 8.24 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.'*
- 8.25 Nationally described space standard 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 proposed building would significantly exceed the required internal floor space requirements.
- 8.26 All primary habitable rooms across the development are served by clear glazed openings that would provide sufficient daylight/sunlight and a high quality outlook towards centrally arranged landscaped areas.
- 8.27 The dwelling has been specifically designed to be accessible in all areas by wheelchair.
- 8.28 The dwelling would be high in residential quality, providing an exceptional living environment for future occupants and would therefore meet the requirements of adopted policy.



- 8.29 Impacts on highway network or access:
- 8.30 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.
- 8.31 The scheme proposes two car parking spaces for the development within a designated parking area. The site would be accessed by vehicles in a similar location to the existing on Milnthorpe Road. The access would be wider than the existing and would incorporate a turning space to allow for turning within the site for access and egress in a forward gear.
- 8.32 Pedestrian access would be made available on the Chesterfield Road frontage, as is the existing.
- 8.33 The application includes the provision of cycle storage facilities in a secure covered facilities, in accordance with adopted standards.
- 8.34 The quantum of parking provided is considered acceptable to serve the development without resulting in unacceptable additional parking pressure on the surrounding highway network.
- 8.35 Electric vehicle charging facilities would be provided as part of the scheme.
- 8.36 Landscaping, Trees and Biodiversity:
- 8.37 The application is accompanied by a Tree Survey, which identifies 11 individual trees, 2 groups of trees, 2 hedgerows and a number of shrubs. No trees on site are protected by virtue of a Tree Preservation Order.
- 8.38 Of the trees identified, the majority classed as Category C – low quality – and have a limited lifespan. 5 trees were identified as Category B, with a life expectancy of at least 20 years. Most notable of these are a Monterey Cypress (T10) and Golden Robinia (T04). The Golden Robinia has been identified as suffering from die back.
- 8.39 A formal Landscape Plan has not been submitted with the application, but the application provides indicative information regarding the layout of planting, including on the boundary, with the central open areas across the entirety of the roof of the building. As such, it is considered that the landscaping could provide a suitable amount of soft landscaping features on the site and that the exact planting specification could be controlled by condition in the interest of ensuring native species implementation and biodiversity net gains.
- 8.40 Sustainability and Drainage:
- 8.41 The application is not accompanied by a detailed drainage scheme. However, the design of the dwelling is intended to manage surface water disposal sustainably through attenuation measure including the green roof.
- 8.42 It is considered that the imposition of a condition would be sufficient to ensure that a SuDS scheme is approved and implemented at the site and any discharge rates to the public sewer are first agreed with Southern Water.

- 8.43 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.
- 8.44 Ecology:
- 8.45 The application is supported by a Preliminary Ecological Appraisal (PEA) and Bat Emergence Survey.
- 8.46 The PEA concludes there were no notable habits, plants, invasive/non-native species, reptiles and amphibians at the site. However, it has been highlighted that the trees present on site provided areas of nesting habitat for birds and that hedgehogs could be present on site around vegetated boundaries.
- 8.47 The PEA recommends that the nesting season (March-August) should be avoided for free felling or dense shrub removal. If this is not possible, the PEA recommends that a nesting bird check is carried out by a suitably qualified ecologist within 48 hours of the start of work. If any nests are identified they must be left in situ until the young have fledged.
- 8.48 The Bat Emergence Survey concluded that a day roost of common pipistrelle has been identified in the hanging tiles on the south west facing elevation of the existing building. This was confirmed by the presence of droppings on the flat roof under the hanging tiles and by the dusk and dawn re-entry surveys.
- 8.49 The report recommends that, as part of the (European protected species mitigation licence (EPSML), a suitable bat box will be installed on the site prior to the start of work either on a tree or on a purpose built bat box attached. The report stated that the removal of hanging tiles will be carried out by hand under ecological supervision and any bats found will be moved by hand to the bat box.
- 8.50 Taking account of the above, it is considered that, with the imposition of suitably worded conditions, protected species would be safeguarded from construction works.
- 8.51 Other Matters:
- 8.52 Construction Management.
- 8.53 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 Grant permission, pursuant to the following conditions:

10.2 TIME LIMIT: The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

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

- 2102/01 Rev A – Site Location Plan
- 2102/12 Rev N – Proposed Site Plan
- 2012/03 Rev E – Plot 1 Ground Floor Plan
- 2102/04 Rev D – Plot 1 First Floor Plan
- 2102/05 Rev D – Plot 1 Roof Plan
- 2102/06 Rev E – Plot 1 Elevations (1 of 2)
- 2102/07 Rev E – Plot 1 Elevations (2 of 2)
- 2102/08 Rev E – Plot 2 Bungalow Details
- 2102/09 Rev F – Plot 3 Bungalow Details
- 21/08a – Preliminary Ecological Appraisal
- 2348 Rev-02 – Arboricultural Impact Assessment and Method Statement.

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

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

Prior to submission of the scheme, the applicant shall first make contact with Southern Water to ensure their agreement with any surface water discharge rates into the public sewer.

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

- 10.5 SUDS COMPLETION: Following completion of the SuDS scheme, a Completion Statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), which demonstrates that the development has been fully implemented in accordance with the approved SuDS scheme, including a photographic record of the works, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 10.6 CEMP: No development shall take place, including demolition or site clearance, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- means of reusing any existing materials present on site for construction works;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;

- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel; and
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.

10.7 **LANDSCAPING:** Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing;
- Details of all boundary treatments;
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- Ecological enhancements and Biodiversity Net Gain.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 30 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with saved policies UHT1, UHT4, UHT7, NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 174 of the NPPF.

10.8 **CAR PARKING:** The development shall not be occupied until all parking and turning areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to saved policy TR11 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 110 of the NPPF.

10.9 **ELECTRIC VEHICLE CHARGING POINT:** Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for the development, hereby approved, and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

10.10 **SUSTAINABILITY MEASURES:** The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of the dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 152 of the NPPF.

10.11 **BIN & CYCLE STORAGE:** Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

10.12 **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS:** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with saved policies NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

10.13 **EXTERNAL MATERIALS:** No external materials or finishes shall be implemented until a schedule of materials and samples have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and sustainability in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan,

policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF.

- 10.14 **EXTERNAL DETAILING:** No external materials or finishes shall be implemented until cross-section and elevation drawings at a scale no smaller than 1:20 showing the finish of the eaves and window have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such.

Reason: In the interest of visual amenity and sustainability in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF.

- 10.15 **BAT BOXES:** Details of a scheme for provision of bat boxes shall be submitted to and approved in writing. Thereafter, the scheme shall be implemented in accordance with the approved details prior to commencement of the demolition of development and retained in accordance with the scheme thereafter.

Reason: In the interest of protecting bat species at the site.

- 10.16 **TREE WORKS SCHEDULE:** No tree works shall take place until a schedule for tree works has been submitted to and approved in writing by the Local Planning Authority. The schedule will avoid tree works during the bird nesting season (March-August) unless otherwise agreed. All works shall be implemented in accordance with the agreed schedule.

Reason: In the interest of protecting nesting birds.

## **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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# Agenda Item 9

**Report to:** Planning Committee

**Date:** 22<sup>nd</sup> March 2022

**Application No:** 200968 & 200983

**Location:** 61-63 Summerdown Road (Pentlow), Eastbourne (200968)  
59 Summerdown Road (Summerdown), Eastbourne (200983)

**Proposal:** **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)

**Applicant:** Mr Brian Cooney

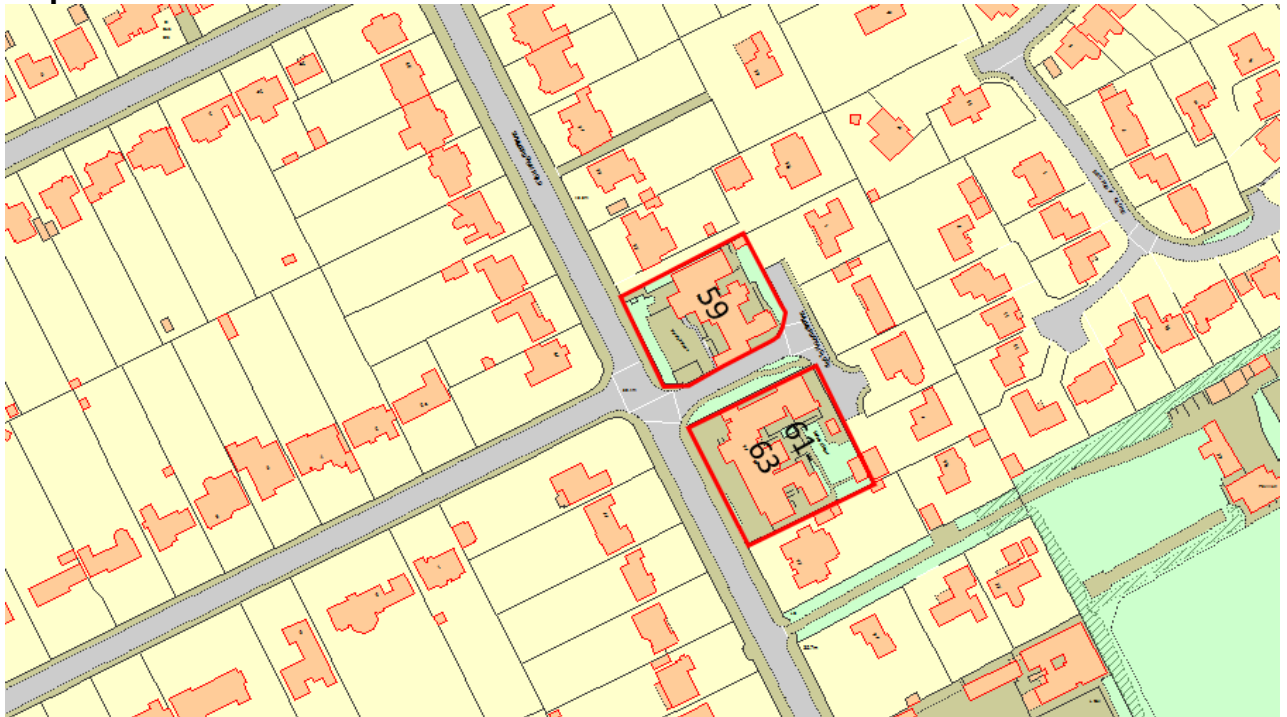
**Ward:** Old Town

**Recommendation:** **200968** – Refuse  
**200983** – Refuse

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

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## Map Location:



## 1. **Committee Update**

- 1.1 The two applications were originally discussed at planning committee on 21<sup>st</sup> September 2021. Members raised concerns regarding the height and mass of the scheme, stating that it was out of keeping and unsympathetic towards the surrounding area.
- 1.2 Members were informed that the applicant intended to amend the scheme and members voted to defer the decision in order to allow for revised plans to be considered and brought back to committee.
- 1.3 The applicant has now submitted fresh applications for reduced intensity development on both sites (220225 and 220045). These will be determined independently and brought to committee once an officer recommendation is made.
- 1.4 The applicant has not altered any aspect of application 200968 and 200983 and, therefore, members must vote whether to accept the officer recommendation and refuse the application or to approve the application. Attention is drawn to the suggested reasons for refusal listed in paras 11.2 – 11.8.

## 2. **Executive Summary**

- 2.1 This report relates to 2 separate applications (200968 and 200983) which have been amalgamated in this single report in the interest of clarity given that they relate to neighbouring sites.
- 2.2 Each application will be assessed on its own merits.
- 2.3 It is considered that the residential re-development of each site is acceptable in principle.
- 2.4 The proposed development would secure a policy compliant provision of affordable housing, allowing for offset because of Vacant Building Credit.
- 2.5 However, it is considered that, whilst the proposed development would provide a benefit in terms of the provision of new dwellings of a variety of sizes, this would be outweighed by the significant harm the development would have upon the prevailing character of the surrounding area and, therefore, it is recommended that the application is refused.

## 3. **Relevant Planning Policies**

- 3.1 National Planning Policy Framework 2021:
  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.

3.2 Eastbourne Core Strategy Local Plan 2006-2027:

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C10 Summerdown & Saffrons Neighbourhood Policy

D1 Sustainable Development

D2 Economy

D5 Housing

D7 Community, Sport and Health

D10a Design.

3.3 Eastbourne Borough Plan 2001-2011:

NE4 Sustainable Drainage Systems

NE7 Waste Minimisation Measures in Residential Areas

NE18 Noise

NE28 Environmental Amenity

UHT1 Design of New Development

UHT2 Height of Buildings

UHT3 Setting of the AONB

UHT4 Visual Amenity

UHT7 Landscaping

HO2 Predominantly Residential Areas

HO7 Redevelopment

HO17 Supported and Special Needs Housing

HO20 Residential Amenity

TR6 Facilities for Cyclists

TR11 Car Parking.

3.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016):

EL1 Economy and Employment Land.

4. **Site Description**

4.1 The 61-63 Summerdown Road site is occupied by a former care home that was accommodated within two former detached residential dwellings that have been connected and extended to the rear. The main building is 2½-storeys in height, the top floor being accommodated within the roof slope, and various single-storey extensions have been added to the rear over time.

4.2 The original buildings both have hipped roofing with the eaves line broken in places by modestly sized gable ends, with the link between the two buildings

having a shallow pitched crown roof, with a clear step down in ridge height. A hard-surfaced parking/turning/servicing area is provided directly to the front of the buildings, which are set back from the road. This area is served by separate entrance and exit points. An approximately 1.2-metre-high flint and brick wall runs along the site frontage whilst the rear of the site is enclosed by timber fencing. Site landscaping provides additional screening.

- 4.3 The 59 Summerdown Road is the neighbouring plot to the north, with the access to Summerdown Close running between them. The site is also occupied by a care home facility that is currently operating at reduced capacity. The original building occupying the site, a 2½-storey detached dwelling has had numerous single-storey extensions made to the side and rear over time. It is set back from the road and there is a relatively large hard surfaced parking area to the front, which is accessed via Summerdown Close. The site frontage is marked by a flint and brick wall with mature hedge planting behind it.
- 4.4 Due to the surrounding topography, the buildings on both sites are on ground that is lower lying than Summerdown Road and, in turn, occupy higher ground than properties on Summerdown Close, which are to the rear of both sites.
- 4.5 The stretch of Summerdown Road on which the sites are located is characterised by residential development, generally in the form of large, detached dwellings that are set back from the road. The design and age of these dwellings is varied although there are common characteristics in scale (2-2½ storey with a sizeable footprint), external materials (red brick, red tile hanging, painted render, timber detailing) and distinctive roof forms that often have high ridge lines and incorporate articulation in the form of gable projections and dormers.
- 4.6 The dwellings to the rear of the site on Summerdown Close are of more uniform appearance, being part of a single development constructed in the 1970's.
- 4.7 The presence of mature landscaping in the form of street trees and garden landscaping contributes towards a verdant character and appearance within the surrounding area. This landscaping includes a greensward that provides a buffer between the northern boundary of 61-63 Summerdown Road and the highway at Summerdown Close. The greensward includes several mature trees that are the subject of a Tree Preservation Order which was issued in 1973 in response to the development of Summerdown Close (TPO19). The order also includes 3 trees positioned to the rear of 61-63 Summerdown Road.
- 4.8 The edge of the South Downs National Park is approximately 275 metres to the south and west of the site, which is partially visible from public footpaths that cross Royal Eastbourne Golf Course.

## **5. Relevant Planning History**

### **5.1 EB/1972/0380**

Demolition of 59-63 Summerdown Road & erection 19 houses.

- Refused 8th June 1972.
- 5.2 EB/1972/0451**  
Demolition of 59-63 Summerdown Road & erection 12 houses & construction service road.  
Refused 22nd June 1972.
- 5.3 EB/1972/0464**  
Demolition of 59-63 Summerdown Road & erection 20 houses.  
Refused 6th July 1972.
- 5.4 EB/1972/0506**  
Demolition of existing houses 59-63 Summerdown Road & erect 8 detached houses.  
Refused 3rd August 1972.
- 5.5 EB/1973/0802**  
Single-storey link and change of use from 2 single private dwellings to nursing home and formation of parking area at front (61-63 Summerdown Road).  
Approved Conditionally 15th November 1973.
- 5.6 EB/1975/0093**  
Change of use from a single private dwelling to a nursing home for a total of 14 patients and 4 staff (59 Summerdown Road).  
Approved 17th April 1975.
- 5.7 EB/1986/0028**  
First floor addition above existing single-storey link.  
Refused 20th February 1986 **Appeal Allowed.**
- 5.8 EB/1986/0552**  
3 storey extension at rear.  
Refused 23rd December 1986.
- 5.9 EB/1987/0118**  
Single-storey rear and side extension.  
Approved conditionally 29th April 1987.
- 5.10 EB/1989/0097**  
Single storey extension at rear to provide dining and office space.  
Refused 6th April 1989 **Appeal allowed.**
- 5.11 EB/1989/0217**  
Provision of porch and conservatory at front of nursing home.  
Approved Conditionally 25th May 1989.
- 5.12 EB/1990/0127**

Single storey extension at rear of nursing home.

Approved Conditionally 24th April 1990.

**5.13 EB/1991/0229**

Conservatory at rear.

Approved 17th June 1991.

**5.14 980516**

Erection of conservatory at rear to increase residents' amenity area.

Approved Conditionally 18th February 1998.

**5.15 090551**

Erection of single-storey extension and raised decking area in association with removal of existing conservatory.

Approved Conditionally 6th November 2009.

**5.16 190019**

Outline application for new 64 bed nursing home (Amended description following removal of new building housing residential flats from proposal).

Refused 24th July 2019.

**5.17 190794**

Demolition of existing Pentlow Nursing Home, partial demolition of adjacent Summerdown Nursing Home at 59 Summerdown Road. Construction of new 62no bed Nursing Home, including relocated entrance/exit on Summerdown Road. Formation of new off-street parking within the 59 Summerdown Road site and reinstating planting, landscaping, and external works.

Refused 26<sup>th</sup> February 2020.

**5.18 210135**

Demolition of existing 59no person (53no bed) Pentlow Nursing Home -part demolition of adjacent Summerdown Nursing Home, both located at 59-63 Summerdown Road, Eastbourne, BN20 8DQ. Construction of new 60no bed Nursing Home, including relocated entrance/exit on Summerdown Road. Formation of new off-street staff parking within the Summerdown site and reinstating planting, landscaping, and external works.

Withdrawn.

**6. Proposed Development**

**6.1 200968 – 61-63 Summerdown Road:**

**6.2** This application involves the demolition of the existing nursing home and all associated structures and its replacement two rows of 2 and 3-storey buildings accommodating a mix of single dwellings and flats. The buildings would be arranged in an L-shape, with one row facing west towards Summerdown Road and the other facing north onto Summerdown Close. The residential mix would be as follows:

- 6.3 The southern facing row would comprise 1 x 2-storey 3 bed dwelling, 4 x 3-storey 4 bed dwellings, 1 x 3-storey building containing 3 x 2 bed flats (1 per floor). The western facing row would incorporate 1 x 2-storey 3 bed dwelling and 3 x 3-storey 4 bed dwellings. The overall development would therefore provide 12 new residential units. The south-eastern corner of the site would be used as a courtyard parking area, with a total of 21 x car parking bays provided.
- 6.4 The tallest part of the development, the 3-storey flatted element, would be positioned at the corner of Summerdown Road and Summerdown Close. Height of this element to the roof ridge line would be approx. 11.15 metres. This steps down to approx. 10.2 metres over the 3-storey dwellings whilst the 2-storey dwellings that bookend the two rows of buildings would have a ridge height of approx. 8.2 metres.
- 6.5 Vehicular access would be provided via a new dropped kerb crossover formed on Summerdown Close to the rear of the site. Pedestrian footways would be provided along both frontages and would be accessible from the existing footway network as well as from the proposed courtyard parking area.
- 6.6 The overall footprint of the development would be approx. 565 m<sup>2</sup> with the hard-surfaced courtyard parking accounting for another approx. 515 m<sup>2</sup>.
- 6.7 200983 – 59 Summerdown Road:
- 6.8 The layout of the proposed development would broadly mirror that at No. 61-63, with a row of 2 and 3-storey buildings facing west onto Summerdown Road and a row facing south onto Summerdown Close.
- 6.9 The composition of the development would be different to that of the neighbouring site. The southern facing row would comprise 2 x 3-storey buildings, each incorporating 3 x 2 bed flats and 2 x 3-storey 4 bed dwellings. The eastern facing row would comprise 3 x 3-storey 4 bed dwellings and 1 x 2-storey 3 bed dwelling. The overall development would therefore provide 12 new residential units.
- 6.10 As with the development at No. 61-63, the tallest parts of the development would be the flatted elements, one block of which would be positioned at the corner of Summerdown Road and Summerdown Close with the other being on the western end of the southern row, adjacent to No. 57 Summerdown Road. A courtyard parking area providing a total of 14 bays would be positioned in the north-eastern corner of the site.
- 6.11 Vehicular access to the site would be obtained by way of a new dropped kerb crossover formed to the rear of the site on Summerdown Close. A new public pedestrian footway would be formed along the southern boundary, providing a link from Summerdown Road to the vehicular access and properties on Summerdown Close. A private footway would also be provided along the western site frontage and this would include connectivity with the courtyard parking area.
- 6.12 The overall footprint of the development would be approx. 492 m<sup>2</sup> with the coverage of the hard-surfaced parking area being approx. 346 m<sup>2</sup>.

## 7. Consultations

### 7.1 Specialist Advisor (Regeneration)

- 7.1.1 In 2019, planning application 190019 identified the Pentlow nursing home employed the equivalent of 62 full time staff. The nursing home is owned by the Canford Healthcare who provide a range of nursing and care services. The demolition of existing provision and development of private residential dwellings will result in the loss of a long-standing employer and nursing care provider for Eastbourne residents. Due to the Covid-19 pandemic Eastbourne has seen many businesses close and a rise in unemployment rates. The loss of a care provider and associated jobs will have a significant economic impact locally.
- 7.1.2 Regeneration acknowledges there will be employment opportunity during the construction of the residential development. However, this will be short term during the build only and will not balance against the loss of long-term employment. The loss of jobs including those in the supply chain together with a reduction in local care provision will have a significant economic impact in Eastbourne.
- 7.1.3 The Local Employment and Training Supplementary Planning Document, adopted November 2016, confirms this planning application qualifies for a local labour agreement as it meets the threshold for a residential development.
- 7.1.4 Considering the above, Regeneration has reservations regarding this proposal. If the planning application receives approval it should be subject to a local labour agreement in accordance with local policy.

### 7.2 Specialist Advisor (Planning Policy)

- 7.2.1 The submission does not appear to provide any justification in relation to the loss of the existing care home. There have been several large Care Home developments across Eastbourne in recent years, the trend being for new purpose-built provision with smaller existing care homes, generally in older converted buildings, struggling with financial viability. The care home provides an economic and social benefit to the neighbourhood however given the lack of five-year housing land supply and the presumption in favour of sustainable development there is no in principle objection to the redevelopment of the care home. Therefore, this development is supported by policy, providing the affordable housing is provided.

### 7.3 ESCC Highways

- 7.3.1 Application 200968 - I do not wish to restrict grant of consent subject to highway conditions.
- 7.3.2 Application 200983 - As submitted, there are several amendments required. I therefore object to this application.

### 7.4 Lead Local Flood Authority



- 7.4.1 We understand that the proposal is to discharge surface water into the public surface water sewer in Summerdown Avenue at 8.0 l/s for all rainfall events. This approach is acceptable in principle. However, in terms of sizing the required on-site attenuation, consideration has only been given to higher probability, more frequent events (i.e. rainfall intensity of 50mm/hr). The on-site attenuation should be sized for the 1 in 100 year, including 40% climate change, event. We request that the proposals and calculations are updated to allow for this.
- 7.4.2 It is unclear how much, if any, of the existing drainage infrastructure including connections is intended to be re-used. If a new connection is proposed, the applicant may also be required to apply for permission from Southern Water to establish a new connection into its system.
- 7.4.3 We note that a drainage layout has been provided indicating the locations of the proposed pipes and drainage features including the tank and the grasscrete. The LLFA requests that this is amended to include cover levels, invert levels and pipe sizes. If necessary, this could be delayed until the detailed design.

## 7.5 Design Review Panel

- 7.5.1 The Panel were concerned that the density of the housing schemes is high for this area in contrast to that of the surrounding buildings. From a quick assessment it appears that the two housing schemes would result in the creation of an additional 24 residential units (many of 4 and 3 bed size) in a street that currently has a total of 55 existing residential units, representing an increase of approximately 43%.
- 7.5.2 The Panel felt that this high-density approach to the planning of the schemes had resulted in the houses being pushed far closer to the boundary with Summerdown Road than was the case with existing dwellings in the street. There is a strong impression that most of the remaining site areas are being used to accommodate the parking provision, and this is resulting in the removal of many of the mature trees.
- 7.5.3 This has resulted to the sites feeling cramped by comparison to the neighbouring sites and losing much of what provides their existing character.
- 7.5.4 Questions were raised about the extent of the parking proposed. 34 spaces are shown on the housing schemes and it is assumed that from the proposed unit sizes, there will be many houses with more than one car. Has any assessment been made of how this will impact on on-street parking on Summerdown Road? The panel was not shown how the parking provision had been arrived at. Given the Council's commitment to carbon neutrality by 2030, we would expect to see a serious effort in proposals of this scale to address sustainable transport issues, with for example cycle parking being clearly shown. This could not be seen on the plans although it was

assumed that the designs are developed in some detail as they appear to show soakaways for example.

- 7.5.5 The Panel was concerned that the approach to the housing site layouts has resulted in the traffic movements generated by the proposed parking areas taking place in the quietest ends of the cul-de-sac behind the site, which they felt had an unreasonable impact on neighbouring properties.
- 7.5.6 It was felt that the care home proposal provided little useful amenity space considering the number of bed spaces, and again showed the mature trees on the site being removed. The Panel was concerned that all the proposals prioritise maximising the yield of the sites rather than responding to the site constraints and opportunities in a creative way to make an enjoyable and positive place.
- 7.5.7 General concern was expressed about the impact the proposals would have on traffic in Summerdown Road, which is already very heavily used at commuting and school run times. Given the impact of additional residential traffic on an already busy street, the panel would strongly urge the Council to seek S106 funds to improve the local infrastructure for pedestrians and cyclists if this proposal goes forward.
- 7.5.8 While the current buildings on 63 Summerdown Road are connected and in a single use, the forms of the two original separate houses are still evident and maintain the scale and rhythm of the other houses along the street. By comparison the Panel felt that the current proposals present a high and monolithic mass of building to the street that feels out of place. The panel expressed concern about the height and vertical emphasis of both proposals.
- 7.5.9 While sympathetic to designs for the sites in a contemporary idiom, the Panel felt that the architectural language proposed (particularly for the housing schemes) was alien to the character of the surrounding buildings, neither responding sensitively to these nor proposing a convincing foil to set against them. The problem is exacerbated by the scale and positioning on site of the proposals, but it was also felt that the choices of brick and fenestration for the housing schemes had no sense of being either rooted in the local distinctiveness of the place or responding to it.
- 7.5.10 The panel expressed concern about how close the buildings are to Summerdown Road compared with the existing structures, which are set well back and shielded by shrubs and trees. Both proposals show a reduction in tree cover and greenery – the panel questioned how this would fit with local targets for biodiversity? There was a suggestion that ecological considerations are given more attention in Lewes than Eastbourne and that shouldn't they be aligned, given that the Borough Councils themselves are?

## 7.6 South Downs National Park Authority

- 7.6.1 No comments to make.

## 7.7 The Eastbourne Society

7.7.1 Summerdown Road is a wide thoroughfare that offers an attractive leafy route into the town from East Dean Road, leading to Paradise Drive around the Royal Eastbourne Golf Course. Most properties are fine detached houses widely spaced from each other. Therefore, the siting of a large block of flats amongst these properties is not only considered inappropriate but will also cause disharmony to the balance of the street scene when viewed from the public realm.

7.7.2 Design: The modernist style, bulk, and height, of the proposed development really does not harmonise with the residential character and design of the surrounding properties in Summerdown Road and would be far better suited to an inner town location.

7.7.3 Vehicles: Combined with Planning Application 200983, up to a total of 44 vehicles would be coming and going from Summerdown Close, and I believe that this will cause noise and disruption to the residents of the close and add greatly to traffic congestion at this point where Old Camp Road (opposite) also joins Summerdown Road.

Heritage: With the possibility that the site may be redeveloped, the loss of the existing property will be disappointing. It was originally built as a fine detached house in keeping with the neighbouring properties. In recent years its unsightly adaptation for commercial use is wholly unattractive in the public realm, but despite this it would still be worthy of restoration back to its former glory.

## 8. **Neighbour Representations**

8.1 Application 200968 – Letters of objection received from 61 individuals, some of whom have written on more than one occasion.

8.2 Application 200983 – Letters of objection have been received from 89 individuals, some of whom have written on more than one occasion.

8.3 Material planning matters raised in relation to both schemes are summarised below. All letters are visible, in full, on the Council's website. Comments on the two schemes as many comments apply to both.

- Application should not have been validated due to insufficient detail.
- Inconsistencies in street scene drawings in terms of representation of height of neighbouring properties.
- Unsympathetic to the character of the surrounding area.
- Loss of existing attractive and historically important buildings.
- Loss of care home facilities.
- Building line will be breached.
- Overdevelopment of the site.
- Height is out of keeping with surrounding development.
- Not an appropriate location for flats.

- Loss of privacy on neighbouring sites.
- Unacceptable overbearing impact.
- Unacceptable overshadowing impact.
- Disruption to residents on Summerdown Close due to increase in traffic and location of access.
- Lack of sufficient parking.
- Insufficient space for vehicles to use access.
- Additional traffic causing congestion and risk to pedestrians.
- Loss of landscaping and ecology.
- Disruption caused by construction works and traffic.
- Increased light pollution.
- Harmful impact upon setting of the South Downs National Park.
- Concern local infrastructure will be overloaded.
- Increase in surface water flooding.
- Does not respond to climate crisis.
- Buildings should be re-used not demolished.
- Lack of affordable housing.
- Does not respond to NPPF objective to build better build beautiful.
- Public consultation was rushed, and residents' concerns have not been responded to.

## 9. **Appraisal**

### 9.1 Principle of Development

- 9.1.1 The site is located within the built-up area boundary. Development is therefore acceptable in principle.
- 9.1.2 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.
- 9.1.3 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that, where a five year supply of housing land cannot be demonstrated, as is the case within Eastbourne Borough, permission should be granted for development unless there is a clear reason for refusing based on impact on areas or assets of particular importance (as defined in the NPPF) or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, with relevant Local Plan

policies also taken into account. Ultimately this approach results in a 'tilted balance' in favour of development.

- 9.1.4 Para. 120 of the NPPF maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. 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.
  - 9.1.5 From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing needs for an area, particularly as development on such sites is often built out relatively quickly.
  - 9.1.6 The redevelopment for residential purposes is therefore considered to be acceptable in principle and will be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework as well as development plan policies relating to design, carbon reduction, landscaping, pollution control and ecological enhancements.
- 9.2 Planning Obligations
- 9.2.1 As the development would result in a net increase of over 10 dwellings, there would be a requirement for provision of affordable housing as per Eastbourne Borough Council's Affordable Housing SPD (2017). The Summerdown and Saffrons neighbourhood is identified as a high value market neighbourhood and, as such, the ratio of affordable housing required would be 40% of the overall development, amounting to 4.8 units on each site. The tenure mix should be 70% rented, 30% Shared Ownership. This would be expected to be delivered as 4 units on each site with the remaining 0.8 provided as a commuted sum.
  - 9.2.2 However, para. 026 of the Planning Practice Guidance for Planning Obligations states that, 'where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.'

- 9.2.3 As a result, affordable housing requirements would be based on the increase in floor space on both sites only. The applicant states that this increase equates to 372 m<sup>2</sup> additional floor space at the site of 59 Summerdown Road and 42 m<sup>2</sup>. Affordable housing contributions would therefore be based on 40% of the increase in floor space. This would be 148.8 m<sup>2</sup> at 59 Summerdown Road, which is considered sufficient to secure a single dwelling or 2 flats, and 16.8 m<sup>2</sup> at 61-63 Summerdown Road which would not provide sufficient floor space for any dwelling and would therefore be obtained as a commuted sum.
- 9.2.4 A section 106 agreement would be used to secure these contributions if the application were to be approved. This would be subject to checks on the exact amount of floor space increase and the eligibility for vacant building credit.
- 9.2.5 The section 106 agreement would also be used to secure a local labour agreement for the construction and demolition works on each site.
- 9.2.6 Highway improvements identified in the road safety audit would be secured by way of a section 278 agreement where required.

### 9.3 Loss of Care Home Facility

- 9.3.1 Para. 93 c) of the NPPF states that planning decisions should 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;'. This is echoed in policy D7 of the Eastbourne Core Strategy which states 'the loss of any community, sports or health facilities will be resisted unless it can be demonstrated that the facility is no longer required to meet current needs, or where alternative and improved provision can be made elsewhere in Eastbourne in a location that is accessible to local people.'
- 9.3.2 In balance to the above, the development of under-utilised buildings is supported by para. 120 d) of the NPPF.
- 9.3.3 In response to concerns over the loss of nursing home facilities, the applicant has stated that the homes are struggling to meet modern standards for nursing homes due to the age and size of the buildings, their convoluted layout and their lack of adaptability. A recent application to rationalise the two homes into a modern facility was refused by planning committee under application 190794. The applicant has stated that the care homes have been running at a loss and that they are not viable in their current form, nor are they suitable for further extensions to be made.
- 9.3.4 A number of smaller and older nursing homes have recently closed in Eastbourne for similar reasons whilst a number of recent approvals for large, purpose built care homes have been granted, examples being 282 Kings Drive (planning ref: 181178) and 46-48 East Dean Road (planning ref: 160443).

- 9.3.5 In light of the viability of ongoing use of the existing buildings, the failure to obtain planning permission for a new, and suitably sized, purpose built nursing home and the presence of new nursing home development nearby, it is considered that the loss of the nursing home use at the two sites is acceptable in this instance, particularly when balancing with the benefits provided by the delivery of new housing units.
- 9.4 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:
- 9.4.1 The two sites subject of the development are positioned to the front of existing residential development on Summerdown Close which is built on land that was formerly part of the rear gardens of number 59-63 Summerdown Road. The topography of the surrounding area results in the Summerdown Close properties being on lower lying ground than buildings fronting Summerdown Road.
- 9.4.2 Bulk and relationship to neighbouring properties: It is considered that the design and layout of the proposed development incorporates measures to mitigate impact upon the amenities of the occupants of properties on Summerdown Close. The buildings which form the Summerdown frontage element of the development extend across most of the width of each of the two plots in an orientation that is parallel with that of the dwellings on Summerdown Close. The rear elevations of the Summerdown Road frontage properties at 61-63 Summerdown Road would be positioned approx. 40 metres to the west of the front garden areas of properties to the rear on Summerdown Close (approx. 50 metres from the dwellings themselves). For properties to the rear of No. 59 the distance is approx. 35 metres and 46 metres respectively. Whilst the buildings flanking Summerdown Close would reach significantly closer to neighbouring properties on Summerdown Close (approx. 10 metres to front gardens and 20 metres to dwellings for 61-63 Summerdown Road and 12 metres to 25 metres respectively at 59 Summerdown Road) this relates to the two-storey flank elevation walls only, with 3-storey elements set further back within the site.
- 9.4.3 Although the proposed development is significantly bulkier than the existing buildings occupying both sites it is considered that the distance maintained between it and neighbouring properties on Summerdown Close would be sufficient to prevent it from appearing overbearing, particularly when seen in context with other large buildings that form frontage development on Summerdown Road. This form of relationship is not considered to be unusual for 'backland' development such as Summerdown Close. As such, it is not considered that the proposed development would appear unacceptably overbearing or oppressive when viewed from the properties in Summerdown Close and it is also considered sufficient distance would be retained to prevent undue levels of overshadowing of those properties.

- 9.4.4 Overlooking/loss of privacy: Ground and first floor windows would be installed in the eastern elevation of these buildings and it is considered there is potential for invasive views of neighbouring garden space and windows. As such, if the scheme were to be approved then a condition could be used to ensure these windows are obscure glazed with only high-level parts being capable of being opened in the event that planning permission was to be granted. It is considered that this would not compromise the amenities of future occupants of the development as the rooms served by these windows (an open plan living/kitchen/dining area and a bedroom) have their primary windows and openings to the front and rear.
- 9.4.5 Vehicular Access: The sole vehicular access for both sites would be via Summerdown Close. The applicant has drawn attention to existing vehicular movements in their transport statement, but it is considered these movements would largely be confined to Summerdown Road and the junction with Summerdown Close at present, given the position of the existing site accesses.
- 9.4.6 Vehicle Movements: The proposed development would therefore generate existing vehicular movements along the rear section of Summerdown Close, where all associated housing is concentrated. ESCC Highways estimate the proposed development would generate approx. 54 trips per day for the 59 Summerdown Road site and approximately 63 trips per day for the 61-63 Summerdown Road site. Whilst this would represent a significant increase in activity on Summerdown Close due to low number of dwellings it currently serves, it is not considered that it would be to such a degree that it would compromise the character of the street in highway capacity terms, which is in close proximity to the far busier Summerdown Road, or the amenities of neighbours given that the vehicular movements would be sporadic rather than a stream and would likely be at low speed given the layout of the road and the site accesses.
- 9.4.7 Residential impact to existing dwellings: Turning to neighbouring properties on Summerdown Road, the most directly affected would be numbers 57 (adjacent site to north of No. 59), 57a (an approx. 15-year-old property built in part of the original rear garden of No. 57), No. 65 (adjacent site to south of No. 61-63). The Summerdown Road frontage of the proposed development projects forward of the principal elevation of both No. 57 and No. 65. It is not considered that this projection is to a degree that would result in unacceptable overshadowing of the principal elevation of the neighbouring buildings given the degree of separation maintained (approx. 6.25 metres between the development and No. 59, 6 metres between development and No. 65) the relatively minimal length of the forward projection and the use of a staggered frontage to achieve it.
- 9.4.8 The flank elevation walls of the proposed Summerdown Road frontage development would be relatively narrow and would face directly towards the flank elevations of neighbouring properties, which are largely windowless, with the few windows that are present



on these elevations not serving a function in providing natural light to a primary habitable rooms. Due to the forward projection of the proposed development there are, however, concerns that side facing windows could offer intrusive views towards windows on the principal elevations of No. 57 and No. 65 Summerdown Road. However, if planning permission was to be granted, a condition could be used to ensure that these windows are obscurely glazed and fixed shut other than at high level (1.7 metre or more above finished floor level of the room that they serve).

- 9.4.9 Overall, it is considered the more intensive residential use of the site could be accommodated without unacceptable adverse impact upon the amenities of neighbouring residents.

## 9.5 Design

- 9.5.1 Existing Buildings: Whilst the reuse of buildings is encouraged where appropriate due to the benefit in terms of waste production and energy usage, it is not considered that the existing buildings are suitable for residential conversion in their current form and such works would also not represent an optimum use of the two sites.
- 9.5.2 It is considered that the existing buildings occupying the site do not possess any particular architectural merit. The buildings have had various contrasting extensions made to them over time, resulting in are somewhat cluttered and disorganised appearance to the site. They have not been identified as being worthy of either listed status by Historic England or local listing by the council. Therefore, no objections are raised against the loss of these structures.
- 9.5.3 Design Code: Para. 128 of the NPPF states that ‘to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design.’ This paragraph was only recently introduced on 20<sup>th</sup> July 2021 and Eastbourne Borough Council does not currently have any adopted design guides or codes.
- 9.5.4 Para. 129 states that ‘national documents (National Design Guide and National Model Design Code) should be used to guide decisions on applications in the absence of locally produced design guides or design codes.’ As such, these documents will be referred to in the assessment of the scheme.
- 9.5.5 The Government have provided clarification on the use of the word ‘beautiful’, which is somewhat subjective, in the NPPF. It is stated in the Government response to the National Planning Policy Framework and National Model Design Code: consultation proposals (2021) that it should be read ‘as a high-level statement of ambition rather than a policy test.’

- 9.5.6 The proposed development would be more intensive than residential development in the immediate surrounding area, which is typified by large, detached dwellings. Para. 125 of the NPPF states that '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.'
- 9.5.7 Para. 100 of the National Model Design Code (part 2) observes that Large buildings may occupy an entire block, whereas the same area could be developed with a variety of smaller buildings. In many places it is the rhythm and variety of these smaller buildings that is intrinsic to the character of the area. While large buildings will be appropriate in places, an area made up entirely of large buildings can be dull.'
- 9.5.8 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.'
- 9.5.9 Para. 7.6 of the most recently published (2016) Strategic Housing Market Assessment (SHMA) for Eastbourne Borough identifies particularly high demand for 1 and 2 bed flats and 3 and 4 bed dwellings.
- 9.5.10 The density of the proposed development, which equates to approx. 60 dwellings per hectare at 61-63 Summerdown Road and 77 dwellings per hectare at 59 Summerdown Road is more intensive than existing development in the immediate surroundings (approx. 10-12 dwellings per hectare) although it is noted that there is higher density development to the north in the form of terraced dwellings.
- 9.5.11 It is therefore considered that the design principle of more intensive development comprising smaller buildings/plots and a mix of unit sizes is acceptable. This, however, is subject to an assessment of design attributes, based principally on the criteria set out in para. 130 which are as follows:-
- 9.5.12 Criterion A – Development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 9.5.13 Criterion B – Developments are visually attractive because of good architecture, layout, and appropriate and effective landscaping.
- 9.5.14 Criterion C – Developments are sympathetic to local character and history, including the surrounding built environment and landscape

setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 9.5.15 Criterion D – Developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
- 9.5.16 Criterion E – Developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 9.5.17 Criterion F – Developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.5.18 Design Code -Layout: Both applications involve the erection of groups of blocks of three-storey buildings in an L-shape configuration, flanking Summerdown Road and Summerdown Close. Small gaps are maintained between each block, allowing for pedestrian permeability to the communal car parking areas set back behind the frontage development. The building line on each frontage is staggered and, in the case of the buildings facing onto Summerdown Road, projects forward of the existing building line.
- 9.5.19 Design Code – Ridge Heights: The main ridge height of the proposed buildings is not significantly greater than the existing buildings occupying the site and, in some instances, matching. Furthermore, based on planning records the ridge height of 65 Summerdown Road is approx. 8.9 metres (application 040227), 57 Summerdown Road is approx. 8.35 metres high (application 140403), 36 Summerdown Road is approx. 9.55 metres (application 050462), 38 is approx. 7.8 metres (application 200842), 40 is approx. 10.45 metres (application 210694), 42 is approx. 8.26 metres.
- 9.5.20 It is therefore considered that there is an established pattern of varying roof heights along this stretch of Summerdown Road and that the overall height of the development would not be incongruous within this setting, particularly when seen in the context of national policy objectives to allow for upward extensions of buildings as per recently adopted prior approval legislation and para. 120 e) of the NPPF and para. 113 of the National Model Design Code (part 2) which states that ‘consistent building heights, or variation within a relatively narrow range, can help to make an area type feel coherent.’
- 9.5.21 However, although a toleration of some degree of fluctuation in height may be acceptable, this does not apply to the substantial increase in the bulk of the development in relation to the existing buildings and neighbouring properties. Although the ridge line of

each block is broken up to a degree, it is maintained at a consistently high level across the majority of the width of the plot, with little relief provided due to relatively shallow height of the roof in proportion to the overall height of the dwelling and the use of gable ends on one side of each roof. It is considered that the nature of the roof form would result in a somewhat boxy appearance that would be at odds with the proportions of neighbouring properties. The largely even distribution of the mass of the proposed building across the full site envelope also conflicts with the prevailing character of neighbouring properties where elevation walls are either stepped in from side boundaries or the roof slopes gradually away from them, with the bulkiest parts of the building concentrated towards the centre of the plot. It is not considered that the limited articulation in the façade of the blocks and the ridge and eaves height would be sufficient to mitigate this unsympathetic characteristic.

- 9.5.22 Design Code – Relationship to Summerdown Close: Although it is acknowledged that the ridge height of the development falls towards the rear of the site, behind which are dwellings on Summerdown Close that occupy lower lying land, it is considered that, as the greater proportion of the buildings flanking Summerdown Close will be three-storey and positioned relatively close to the highway, the development would appear unduly dominant to the extent that it substantially and harmfully alters the setting of dwellings on Summerdown Close.
- 9.5.23 Design Code – Eaves Height: Although there is variation in the ridge height of properties on Summerdown Road there is far more consistency in eaves height, which are either above first floor window heads or lower in some cases. Although there is some degree of articulation in the roof form of the proposed development, the eaves height is essentially maintained above second floor window head height. Note 42 of the National Model Design Code (part 2) recognises that ‘the eaves or parapet height will usually be the apparent height of the building from the street and so determine the cross-section of the street.’ It is considered that the raised height of the eaves would result in an elevation to roof ratio that is out of proportion to surrounding development and, therefore, would appear incongruous and disruptive within the street scene. This would be exacerbated by the prominent positioning of the development which not only occupies two corner locations but would also be set markedly forward of the general building line maintained on this part of Summerdown Road.
- 9.5.24 Design Code – Plot Coverage & Building Line: Finally, the grain of the proposed development with regards to plot coverage is unsympathetic towards the prevailing character of the surrounding area. In order to accommodate the number of dwellings proposed as well as a suitable quantum of car parking the layout involves the intrusion of the main façade of the development, on both sites, beyond the building line on Summerdown Road. Whilst this building line is not rigid, and thus some tolerance of forward projection may

be acceptable, it is considered that the encroachment into this area of a three-storey building would appear unacceptably disruptive and would compromise the relatively open and spacious qualities of the street scene. The staggered nature of the frontage, minimal size and occasionally awkward shape of rear garden space and the excessive amount of parking to the rear of the site, which would involve the removal of existing trees and leave little space for compensatory landscaping reflective of the green nature of the rear of plots on Summerdown Road, is considered indicative of an overdevelopment of the site. The overall effect of this would be to introduce a cramped form of development onto a spacious street scene.

- 9.5.25 It is therefore considered that the proposed development would appear incongruous and overly dominant within the street scene and would significantly harm the prevailing character and appearance of the surrounding area.

## 9.6 Living conditions for future occupants

- 9.6.1 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.' Para. 129 of the NPPF confirms that planning decisions should be guided by the national design code documents in the absence of local documents.
- 9.6.2 All habitable rooms installed within units on both schemes are served by clear glazed openings allowing for a good level of natural sunlight permeation. All units, including the proposed flats, have two or more aspects and this would prolong access to natural light throughout the day as well as allow for effective natural ventilation. Any windows that would be required to be fixed shut and obscurely glazed as a result of a required planning condition provide a secondary function or serve rooms that do not require access to unfiltered natural light.
- 9.6.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants.
- 9.6.4 All houses and flats comply with these minimum standards in terms of overall GIA provided as well as individual room sizes. Awkwardly shaped rooms are avoided as are unnecessarily long or narrow corridors.
- 9.6.5 Amenity Space: All dwellings and ground floor flats would have access to private garden areas which, whilst small, are considered sufficient to meet the needs of occupants. Upper floor flats would have access to balcony areas that would provide an appropriate

level of amenity space based on the expected household size of those flats. It is also noted that there are public recreational facilities nearby as well as public open space within the South Downs National Park.

- 9.6.6 Safe and secure environment: All entrances to dwellings and flats are in a prominent position that engages well with the wider street scene and would be subject to surveillance from within the development as well as from neighbouring development. The layout of the development also allows for defensible space to be provided around ground floor doors and windows. The parking areas serving both developments would be subject to high levels of surveillance. It is therefore considered that the proposed development would provide a safe and secure environment for future occupants as well as suitable living conditions.

## 9.7 Highways and Transport

- 9.7.1 The existing vehicular access for both sites, both of which are positioned near the junction between Summerdown Road and Summerdown Close, would be closed off as part of the proposed development. Courtyard car parking would be provided to the rear and would be accessed via new crossovers formed on Summerdown Close.
- 9.7.2 A phase 1 Road Safety Audit identified several potential highway risks requiring mitigation. The risks identified, as well as the mitigation measures suggested, are detailed below.
- 9.7.3 1. No dropped-kerb pedestrian crossing provided at the junction of Summerdown Close with Summerdown Road. In response to this, the applicant has introduced tactile paving and dropped kerbing will be provided at the junction. ESCC Highways are satisfied with this subject to alterations to alignment that would be agreed by condition and through the section 278 process.
- 9.7.4 2. Narrow width of existing footway on Summerdown Close adjacent to the proposed northern site access. In response, a 1.8m footway will be provided from the junction of Summerdown Road to the northern site access. This footway would be within the application site rather than on highway land and so a section 278 agreement would be required for it to be incorporated into the highway. ESCC Highways accept this solution.
- 9.7.5 3. A tree adjacent to the access to the 59 Summerdown Road site would need to be removed and all other vegetation within visibility splays would need to be maintained at a maximum height of 600mm. This could be secured by condition if the application were to be approved.
- 9.7.6 ESCC Highways are satisfied with the dimensions and functionality of the new access points for both sites. They are also satisfied that the level of trips generated by the proposed development (54 per day at 59 Summerdown Road, 63 per day at 61-63 Summerdown Road, 122 cumulative) would not put unacceptable pressure on the

surrounding highway network, particularly when offset against the amount of trips that would be generated if the approved care home use was re-established.

- 9.7.7 Refuse Vehicles: Refuse collection crews would be able to access bin stores from Summerdown Road and, as such, refuse vehicles would not have to access the site.
- 9.7.8 Parking Spaces: The parking spaces are of suitable dimensions and adequate space for turning would be provided to ensure vehicles can enter and leave the site in forward gear.
- 9.7.9 The quantum of parking at the 61-63 Summerdown Road, at 21 spaces, is a minor shortfall on the recommended 22 spaces based on unit sizes but this shortfall has been accepted by ESCC Highways. However, the shortfall is more pronounced on the site of No. 59, where only 14 spaces are provided to serve a development of a similar composition to the neighbouring site. The applicant has stated that there is space on the surrounding highway network to accommodate the additional parking demand generated by the development and has provided a parking survey to demonstrate this. Whilst this the result of a parking survey can be deemed sufficient to allow for an under-provision of parking, the methodology used for the survey is not in accordance with required practice and, as such, it has not been considered. As such, it is recommended that application 200983 is refused on the grounds of insufficient parking provision and the consequential impact this would have upon highway safety and the free flow of traffic due to the potential for dangerously parked cars.
- 9.7.10 It is therefore considered that parking and access arrangements are acceptable for application 200968 but not for 200983.

## 9.8 Flooding and Drainage

- 9.8.1 The site is located within Flood Zone 1 and, as such, is at very low risk of any tidal or fluvial related flooding. Environment Agency mapping also confirms that the risk of surface water flooding on the site is low.
- 9.8.2 Both sites are currently largely covered by buildings or hard surfacing and, as such, the proposed development is likely to marginally increase the permeability of the site by way of provision of garden space.
- 9.8.3 A public surface water sewer follows the course of Summerdown Road and the proposed scheme involves utilising this sewer to remove surface water from the site. A connection would be provided, with attenuation measures included to allow for run-off to be restricted to a maximum of 8 litres per second during all rainfall scenarios.
- 9.8.4 The Lead Local Flood Authority (LLFA) have provided an objection to the scheme, but this is based on a lack of information rather than any issue with the principle of using the sewer. The information

required relates to types and positions of pipework and other drainage infrastructure and the LLFA comments note that this could be agreed at the detailed design stage. They also require confirmation that Southern Water would accept a connection based on the run-off rates provided.

- 9.8.5 It is therefore considered that, if the application were to be approved, the necessary details could be secured by way of a pre-commencement condition and, as such, it would not be reasonable to refuse the application on the grounds of concerns relating to surface water flood risk.

## 9.9 Landscaping

9.9.1 Although the existing sites are currently largely hard surfaced there is mature landscaping on and around site boundaries that contributes to the verdant nature of the rear of plots on Summerdown Road which helps define the prevailing character of the wider surrounding area. The status of this mature landscaping is evidenced by the placing of a Tree Preservation Order covering trees on the grass verge to the north of 61-63 Summerdown Road as well as to the rear of the same site. The proposed development would result in the rear of each site being largely hard surfaced for parking to be provided. A large proportion of the boundary landscaping would be removed or cut back. Whilst some landscaping would be provided in the parking areas as an effort to mitigate this, ESCC Highways are concerned it would inhibit access to vehicles and, as such, it is likely there would be pressure for this landscaping to be removed or substantially reduced at a later date.

9.9.2 It is therefore considered that, through the loss of existing landscaping and the failure to provide landscape mitigation and/or enhancement, it is considered that the proposed development would compromise the verdant character to the rear of frontage development on Summerdown Road, to the detriment of the prevailing character of the surrounding area.

## 10. Human Rights Implications

10.1 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.

## 11. **Recommendation**

11.1 It is recommended that the applications are refused for the following reasons.

### 11.2 **Application 200968:**



- 11.3 The proposed development, as a consequence of its substantial bulk, distribution of mass, raised eaves height and breaching of the established building line would appear cramped, disruptive and contrived, overly dominant within the street scene and towards dwellings on Summerdown Road and detrimental to the existing sense of openness and spaciousness that represents the prevailing character of the surrounding area. The development is therefore considered to conflict with saved policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 128 and para. 130.
- 11.4 The plot coverage of the proposed development as well as associated car parking areas would inhibit the introduction of a suitable level of soft landscaping required to assist integration with the green environment maintained towards the rear of plots on the eastern side of Summerdown Road. The development is therefore considered to conflict with policies UHT1, UHT4 and UHT7 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the National Planning Policy Framework.
- 11.5 Application 200983:**
- 11.6 The proposed development, as a consequence of its substantial bulk, distribution of mass, raised eaves height and breaching of the established building line would appear cramped, disruptive and contrived, overly dominant within the street scene and towards dwellings on Summerdown Road and detrimental to the existing sense of openness and spaciousness that represents the prevailing character of the surrounding area. The development is therefore considered to conflict with saved policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 128 and para. 130.
- 11.7 The plot coverage of the proposed development as well as associated car parking areas would inhibit the introduction of a suitable level of soft landscaping required to assist integration with the green environment maintained towards the rear of plots on the eastern side of Summerdown Road. The development is therefore considered to conflict with policies UHT1, UHT4 and UHT7 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the National Planning Policy Framework.
- 11.8 There is an insufficient quantum of off street car parking to serve the development and it has not been adequately demonstrated that the surplus parking required can be accommodated on the surrounding highway network. As such, there is an unacceptable risk of parking pressure that may result in obstruction to the movement of vehicles and pedestrians and, therefore, an unacceptable highway safety risk. The development is therefore in conflict with policy D8 of the Eastbourne Core Strategy and para. 110 and para. 111 of the National Planning Policy Framework.

12. **Appeal**

- 12.1 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.

**Report to:** Planning Committee  
**Date:** 10<sup>th</sup> March 2022  
**Application No:** 220120  
**Location:** Greenpoint, 38 Upper Avenue, Eastbourne  
**Proposal:** External alterations to existing cladding, balconies, windows and doors to improve fire safety

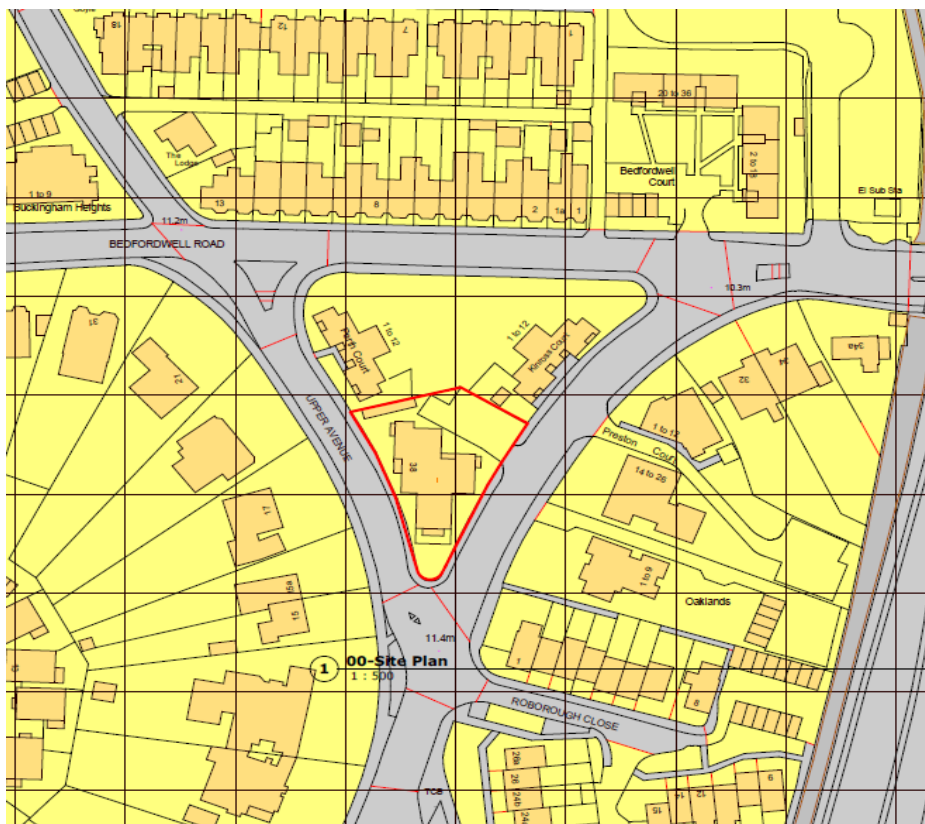
**Applicant :** Mr Nishal Maunick  
**Ward:** Upperton

**Recommendation:** Approve Subject to Condition

**Contact Officer:** **Name:** Chloe Timm  
**Post title:** Specialist Advisor  
**E-mail:** [chloe.timm@lewes-eastbourne.gov.uk](mailto:chloe.timm@lewes-eastbourne.gov.uk)  
**Telephone number:** 07506702851

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## Map Location:



## 1. **Executive Summary**

- 1.1 The application is being presented at planning committee due to Eastbourne Borough Council being the applicant.
- 1.2 At the time of writing the report the application consultation has yet to expire and details of the consultation responses will be provided by addendum. The report is being finalised ahead of the expiry of the consultation period to keep to the committee schedule given the importance of the world for fire safety and their implementation.
- 1.3 The proposed development will improve the fire safety of the building with alterations proposed to existing cladding, balconies, windows and door.
- 1.4 The application is considered to comply with national and local policy and is recommended for approval subject to condition.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework:

- 2: Achieving Sustainable Development
- 4: Decision Making
- 8: Promoting Healthy and Safe Communities
- 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
- D5: Housing
- D10a Design.

### 2.3 Eastbourne Borough Plan 2001-2011:

- HO2: Predominantly Residential Areas
- HO20: Residential Amenity
- NE14 Source Protection Zone
- UHT1 Design of New Development
- UHT4 Visual Amenity.

## 3. **Site Description**

- 3.1 The application site is located on the southern tip of a triangle of land bounded by Upper Avenue on the east and west sides and Bedfordwell Road to the North.
- 3.2 The site is a modern three storey purpose-built block of 12 residential flats with facing materials of red brick, white render and aluminium doors and windows.

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

- 4.1 **090729** Demolition of existing two storey building and erection of a three-storey block of 12 apartments, together with associated parking, refuse and cycle stores. Planning Permission, Approved Conditionally 08 January 2010.

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

- 5.1 The application is seeking permission for external alterations to the existing building to improve fire safety of the building.
- 5.2 Alterations to the site include new doors, spandrel panels, timber decking to first and second floor balconies, coping, ventilation louver and bicycle and refuse stores.

#### 6. **Consultations**

- 6.1 At the time of writing the report the application consultation has yet to expire and details of the consultation responses will be provided by addendum. The report is being finalised ahead of the expiry of the consultation period to keep to the committee schedule given the importance of the world for fire safety and their implementation.

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

- 7.1 At the time of writing the report the application consultation has yet to expire and details of the consultation responses will be provided by addendum. The report is being finalised ahead of the expiry of the consultation period to keep to the committee schedule given the importance of the world for fire safety and their implementation.

#### 8. **Appraisal**

##### 8.1 Principle of Development:

- 8.1.1 There is no conflict with adopted policy in principle, that would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework 2021, policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

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

- 8.2.1 The proposed alterations to the existing building and the cycle/bin store are not thought to have a detrimental impact on the amenities of the adjoining occupiers or the surrounding area.
- 8.2.2 The works proposed are thought to have minimal impact within the wider street scene due to the materials being used matching the existing or being sympathetic to the character of the building.

8.2.3 There are no alterations to the existing fenestration and no extensions to existing structures within the site therefore there are not thought to be any issues concerning impacts of outlook or privacy to those surrounding the site.

### 8.3 Design

8.3.1 The proposed alterations to the building are considered to be in keeping with the character of the existing building.

8.3.2 Facing materials are proposed to be matching the existing for doors, windows and spandrel panels. Where alternative materials are being used, (balcony flooring, brick for the bin/cycle storage, ventilation louver) these materials are considered to be in keeping with the character of the host building.

## 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 considered the proposal complies with local and national policy and is therefore recommended for approval subject to the following conditions:

10.2 TIME LIMIT: The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

10.3 DRAWINGS: The development hereby approved shall be carried out in accordance with the following approved plans:

- 1000-S4-P02 – Block Plan
- 1001-S4-P02 – Location Plan/Site Plan
- 2001-S4-P03 – Proposed Ground Floor Plan
- 2002-S4-P03 – Proposed First Floor Plan
- 2003-S4-P03 – Proposed Second Floor Plan
- 2004-S4-P02 – Proposed Roof Plan
- 2010-S4-P03 – Bin and Cycle Stores
- 2024-S4-P02 – North and South Elevations Proposed
- 2025-S4-P03 – East and West Elevations Proposed
- 2201-S4-P03 – Proposed North Elevation
- 2202-S4-P03 – Proposed South Elevation
- 2203-S4-P03 – Proposed West Elevation
- 2204-S4-P03 – Proposed East Elevation
- 2301-S4-P03 – Proposed Sections

- 2302-S4-P03 – Proposed Sections
- 2303-S4-P03 – Proposed Sections
- 2310-S4-P02 – Section Through Bin Store
- 2401-S4-P03 – Wall Details – Plans Details 01
- 2402-S4-P03 – Electrical Services Rise
- 2403-S4-P03 – Wall Details – Plans Details 03
- 2404-S4-P03 – Wall Junctions – Plans Details 04
- 2405-S4-P03 – External Wall Junctions – Section Details 01
- 2406-S4-P03 – Kitchen and Bathroom Details
- 2411-S4-P03 – Bin/Bicycle Stores Enclosure Walls Details
- 2427-S4-P03 – Proposed New Brick Enclosure Wall Junction Details
- 2428-S4-P03 – Bin/Bicycle Stores New Metal Flush Fire Doors Threshold Details
- 2429-S4-P03 – Electrical Shaft (Section Details) & Typical Socket/Switch Putty Pad
- 2430-S4-P03 – Electrical Service Riser Section.

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

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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