

Planning Committee

19 April 2022



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Shackleton Hall, Welcome Building, Devonshire Quarter, Compton Street, Eastbourne, BN21 4BP

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: Thursday, 7 April 2022

Agenda

- 1 **Minutes of the meeting held on 22 March 2022 (Pages 5 - 8)**
- 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 **Urgent items of business.**

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

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 **61-63 Summerdown Road (Pentlow) ID: 220025 and 59 Summerdown Road (Summerdown) ID: 220045 (Pages 9 - 36)**
- 7 **Land rear of 48 St. Leonards Road, Commercial Road. ID: 210973 (Pages 37 - 54)**
- 8 **St Catherine's College, Priory Road. ID: 211070 (Pages 55 - 68)**
- 9 **6-8 Wilmington Gardens. ID: 220012 (Pages 69 - 88)**

Information for the public

Accessibility:

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Wednesday 13th April**. 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).

Democratic Services

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 22 March 2022 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

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

Officers in attendance:

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

81 Welcome and Introductions

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

82 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Taylor. Councillor Metcalfe MBE confirmed that he was acting as substitute for Councillor Taylor.

83 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 Lamb declared that to avoid any bias or any appearance of bias on item 87 The Tiled House, Chesterfield Road that she would not take part in the debate or vote and leave the room when it is being discussed. This is because she lives close to the application site and has friends and neighbours who could be affected.

84 Minutes of the meeting held on 22 February 2022

The minutes of the meeting held on 22 February 2022 were submitted and approved as a correct record, and the Chair was authorised to sign them.

85 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).

The business of the meeting was reordered from the agenda. Item 8, The Tiled House, Chesterfield Road was considered prior to item 7, The Moorings, 25 St. Johns Road.

86 The Tiled House, Chesterfield Road. ID: 211032

Demolition of existing dwelling and erection of 4no. bedroom single storey detached dwelling - **MEADS**

Having made a declaration, Councillor Jane Lamb was absent from the room during discussion and voting of this item.

The Senior Specialist Advisor (Planning) presented the report and advised of a correction at paragraph 10.3 of the report (Approved Plans). He informed the Committee that the Council did not have a duty to reconsult on the application which had been reduced in scale.

The Committee was advised by way of an Addendum of an error on the Officer's committee report which should have read ID: 211032. In addition, 13 further representations had been received, comments had been received from the Council's Specialist Advisor (Ecology and Biodiversity), a condition at paragraph 10.15 of the report (Bat Boxes) had been omitted, and two additional conditions were recommended under Ecology and Lighting.

The Chair exercised his discretion in allowing additional speakers to speak for and against the application, whilst giving equal speaking time to both sides to ensure natural justice.

Mr Bob Lindsey (Neighbour) addressed the Committee in objection to the application. Mr Dennis Scard (Chair of Meads Community Association) spoke in objection to the application and requested it be deferred for further dialogue. Mr Chris Barker (Agent) spoke in support of the application. Mr Damian Timlin (Applicant) also spoke in support of the application.

The Committee discussed the proposal and was of a mixed opinion. Some Members raised concerns regarding the height and dominance of the boundary wall and its impact in the Meads Conservation Area and on the neighbouring property. They felt it was a potential overdevelopment of the plot and the boundary wall needed a different covering treatment. Other Members supported the design, landscaping, solar panels, heating and single level eco=living.

It was asked if the application could be deferred to re-consider the boundary wall and its materials or landscaping. The Senior Specialist Advisor (Planning) advised that the external materials were controlled by condition and could be scrutinised.

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

carried.

RESOLVED: by (4 votes to 2 against and 1 abstention) that Planning permission be approved subject to the conditions set out in the officer's report.

87 The Moorings, 25 St Johns Road. ID 210661

Installation of antennas and ancillary development - **MEADS**

The Senior 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.

Mr Norman Gillan (Agent) addressed the Committee in support of the application.

Members sought clarification on the number of additional telecommunications units that could be installed. The Specialist Advisor (Planning) advised that there was no defined cap and providers were encouraged to share facilities.

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

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

88 61-63 Summerdown Road (Pentlow). ID: 200968 and 59 Summerdown Road (Summerdown). ID: 200983

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

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

The Senior Specialist Advisor (Planning) presented the report. The Committee was reminded that the application was brought back to the Planning Committee following deferral at the September meeting to address the revised plans received.

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

Mr Robert Strange (Neighbour) spoke in objection to the application.

The Committee raised concerns regarding the overdevelopment of the site.

Application 200968 - Councillor Diplock proposed a motion to refuse the

application in line with the officer's recommendation. This was seconded by Councillor Vaughan and was carried.

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

Application 200983 - Councillor Diplock proposed a motion to refuse the application in line with the officer's recommendation. This was seconded by Councillor Vaughan and was carried.

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

89 Greenpoint, 38 Upper Avenue. ID: 220120

External alterations to existing cladding, balconies, windows and doors to improve fire safety – **UPPERTON**

The Senior 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.

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.

90 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Tuesday, 19 April 2022.

The meeting ended at 7:30 pm

Councillor Jim Murray (Chair)

Agenda Item 6

Report to: Planning Committee

Date: 22nd March 2022

Application No: 220025 & 220045

Location: 61-63 Summerdown Road (Pentlow), Eastbourne (220025)
59 Summerdown Road (Summerdown), Eastbourne (220045)

Proposal:

220025 - Demolition of existing nursing home and redevelopment of site for residential use comprising 6no 4bed detached houses with garages, private parking and gardens and private access.

220045 - Demolition of existing nursing home and redevelopment of site for residential use comprising 4no 4bed detached houses with garages, private parking and gardens and private access.

Applicant: Mr Brian Cooney

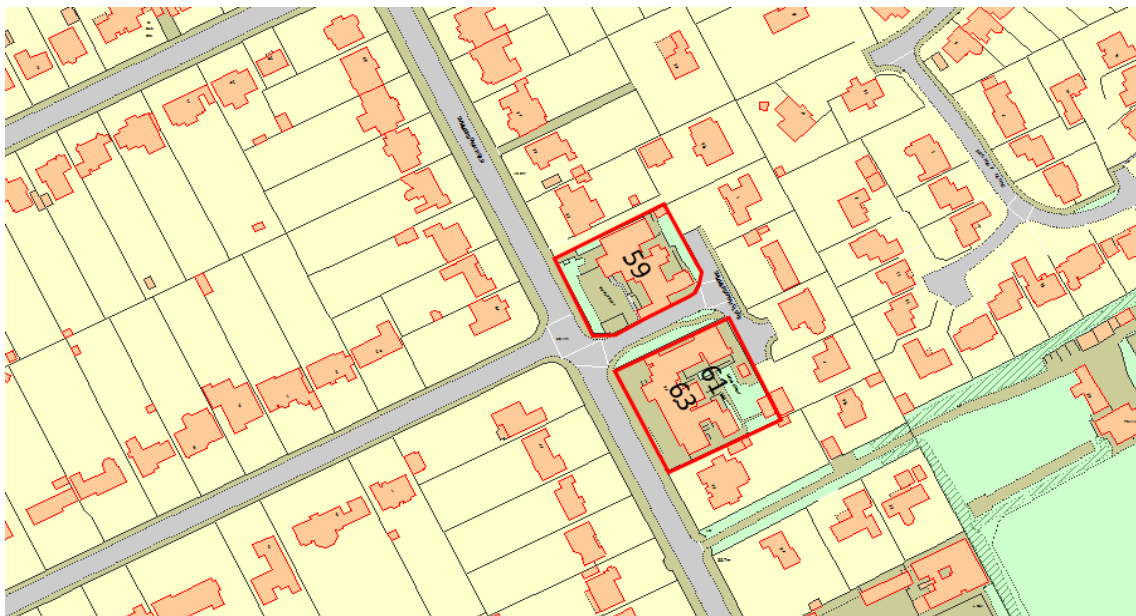
Ward: Old Town

Recommendation:

220025 – Delegate to officers to address access arrangements for unit 1 and then approve subject to conditions.
220045 – Approve subject to conditions.

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

Map location:



1. **Executive Summary**

- 1.1 It is considered that the proposed development overcomes previous reasons for refusal for the redevelopment of the sites.
- 1.2 It is considered that the proposed development represents a suitably efficient use of both sites that would integrate effectively with surrounding development in terms of nature and intensity of use, visual appearance and spatial characteristics.
- 1.3 Overall, it is considered that the proposed development would not result in any harm of a significance that would outweigh the benefit of a net gain of three dwellings which would contribute towards the Council's housing delivery targets and address identified housing need within the Borough.
- 1.4 Access arrangements for 220025 unit 1 are considered to be unacceptable and members are asked to delegate back to officers to allow for alternative access arrangements to be secured.

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
- 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
- C10 Summerdown & Saffrons Neighbourhood Policy
- D1 Sustainable Development
- D2 Economy
- D5 Housing
- D7 Community, Sport and Health
- D10a Design.

2.3 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
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking.

3. **Site Description**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.

- 3.6 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.
- 3.7 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.
- 3.8 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.

4. **Relevant Planning History**

4.1 **EB/1972/0380**

Demolition of 59-63 Summerdown Road & erection 19 houses.
Refused 8th June 1972.

4.2 **EB/1972/0451**

Demolition of 59-63 Summerdown Road & erection 12 houses & construction service road.
Refused 22nd June 1972.

4.3 **EB/1972/0464**

Demolition of 59-63 Summerdown Road & erection 20 houses.
Refused 6th July 1972.

4.4 **EB/1972/0506**

Demolition of existing houses 59-63 Summerdown Road & erect 8 detached houses.
Refused 3rd August 1972.

4.5 **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.

4.6 **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.
- 4.7 **EB/1986/0028**
First floor addition above existing single-storey link.
Refused 20th February 1986 **Appeal Allowed.**
- 4.8 **EB/1986/0552**
3 storey extension at rear.
Refused 23rd December 1986.
- 4.9 **EB/1987/0118**
Single-storey rear and side extension.
Approved conditionally 29th April 1987.
- 4.10 **EB/1989/0097**
Single storey extension at rear to provide dining and office space.
Refused 6th April 1989 **Appeal allowed.**
- 4.11 **EB/1989/0217**
Provision of porch and conservatory at front of nursing home.
Approved Conditionally 25th May 1989.
- 4.12 **EB/1990/0127**
Single storey extension at rear of nursing home.
Approved Conditionally 24th April 1990.
- 4.13 **EB/1991/0229**
Conservatory at rear.
Approved 17th June 1991.
- 4.14 **980516**
Erection of conservatory at rear to increase residents' amenity area.
Approved Conditionally 18th February 1998.
- 4.15 **090551**
Erection of single-storey extension and raised decking area in association with removal of existing conservatory.
Approved Conditionally 6th November 2009.
- 4.16 **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.
- 4.17 **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 26th February 2020.

4.18 **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.

4.19 **200968**

Demolition of existing Nursing Home and erection of 9no houses (2no x 3bed and 7no x 4bed) and 3no 2bed flats (12no residential units in total).
Refused 23rd March 2022.

4.20 **200983**

4.21 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).
Refused 23rd March 2022.

5. **Proposed Development**

5.1 **220025 – 61-63 Summerdown Road**

5.2 This application involves the demolition of the existing nursing home and all associated structures and it's the erection of 6 x detached 4 bed dwellings, three of which would face onto Summerdown Road and the additional three positioned back to back with these properties, facing onto Summerdown Close which is to the rear of the site.

5.3 Dwellings provided would vary in terms of design and scale. A summary of dimensions is provided below.

5.4 Unit 1 – A detached 2.5 storey dwelling. The upper floor would be accommodated within the roof space and served by windows provided by roof dormers and within gable ends. Footprint (including single-storey garage) would be approx. 114 m². The main dwelling (not including the garage) would be approx. 10.5 metres in width by 7.7 metres in depth. The roof comprise a perpendicular arrangement of gable ends, a taller element facing towards the road with an eaves height of approx. 7.2 metres and a ridge height of approx. 11 metres and a lower section facing to the side of the plot with an eaves height of approx. 5.7 metres and a ridge height of approx. 9.6 metres. A balcony would be formed beneath a roof overhang on the front facing gable end.

5.5 Unit 2 – A detached 2.5 storey dwelling. The upper floor would be accommodated within the roof space and served by windows provided by roof dormers. Footprint (including single-storey garage) would be approx. 113 m². The width of the main dwelling would be approx. 11.7 metres and the depth would be approx. 8 metres. There would be a modest single-storey flat roof projection to the rear as well as to the front where the garage would be positioned. The dwelling would have a gable roof with the ends facing towards either side if the plot. The eaves height of the roof would be approx.

- 6.1 metres (with a raised section over the garage at approx. 7 metres) whilst the ridge height would be consistent at approx. 10.9 metres.
- 5.6 Unit 3 – This would effectively mirror unit 1, with a similar footprint, width, depth and roof eaves and ridge height.
- 5.7 Unit 4 – A detached 2.5 storey dwelling. The upper floor would be accommodated within the roof space and served by windows provided by roof dormers. Footprint would be approx. 81.5 m². A single storey detached garage would be positioned to the front of the dwelling. The dwelling would measure approx. 11 metres in width by 7.95 metres in depth. The dwelling would have a gable roof with ends facing to either side of the plot. Eaves height would be approx. 5.7 metres with the ridge at approx. 9.75 metres.
- 5.8 Units 5 and 6 are of similar design. Detached 2.5 storey dwellings with the upper floor accommodated within the roof space and served by windows provided by roof dormers. Each would have a footprint of approx. 115 m² (including the attached flat roof garage). The width of each dwelling would be approx. 10.9 metres and the depth would be approx. 7.5 metres. The dwelling would have a gable roof with the ends facing to either side of the plot, Eaves height would be approx. 5.7 metres with the ridge height at approx. 9.75 metres.
- 5.9 Each of the dwellings facing onto Summerdown Road (units 1-3) would have individual dropped kerb access directly from Summerdown Road. Each property would have a hard-surfaced driveway providing one parking space with an additional space provided within a garage. Units 4-6, which face onto Summerdown Close, would have a shared dropped kerb access from Summerdown Close and would again have a single parking bay provided on a hard-surfaced driveway with an additional parking bay provided within a garage.
- 5.10 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.
- 5.11 The site area is approx. 2040 m² and the density of the proposed development therefore equates to approx. 29 dwellings per hectare (approx. 118 bedrooms per hectare).
- 5.12 **220045 – 59 Summerdown Road**
- 5.13 The proposed development involves the demolition of the existing care home and associated buildings and structures and the erection of 4 x 4 bed dwellings comprising arranged in two rows of two dwellings positioned back to back to each other, with units 1 and 2 facing onto Summerdown Road and units 3 and 4 facing onto Summerdown Close to the rear.
- 5.14 The general attributes of each dwelling are presented below.
- 5.15 Unit 1 – A detached 2.5 storey dwelling. The upper floor would be accommodated within the roof space and served by windows provided by roof dormers and within gable ends. Footprint (including attached garage) of approx. 119 m². The main dwelling would measure approx. 10.9 metres in

width by 7.5 metres in depth. The roof would have an L-shaped gable form with a gable end facing out towards Summerdown Road and another perpendicular to it facing towards the northern side boundary. The side facing gable end would have an eaves height of approx. 5.8 metres with the eaves at approx. 9.5 metres. The front facing gable end would be taller, with an eaves height of approx. 7.3 metres and a ridge height of approx. 11 metres. A balcony would be formed beneath a roof overhang on the front facing gable end.

- 5.16 Unit 2 – Footprint (including attached garage) of approx. 116 m². Other dimensions would be similar to unit 1. A balcony would be formed beneath a roof overhang on the front facing gable end.
- 5.17 Unit 3 – A detached 2.5 storey dwelling. The upper floor would be accommodated within the roof space and served by windows provided by roof dormers. Footprint (including detached garage) of approx. 113 m². The main dwelling would measure approx. 10.9 metres in width by 7.5 metres in depth. A gable roof would be formed over the dwelling with the ends facing towards either side of the site. Roof eaves height would be approx. 5.7 metres with the ridge line at approx. 9.75 metres.
- 5.18 Unit 4 – Footprint of approx. 116 m² (including attached garage). The design and dimensions of the main dwelling are similar to unit 3.
- 5.19 Vehicular access to units 1 and 2 would be obtained via a shared driveway which emerges onto Summerdown Close in a similar position to the existing site access on the southern boundary of the site. Each dwelling would have a hard-surfaced parking space provided on a driveway with an additional space provided within a garage. Units 3 and 4 would be accessed via a shared dropped kerb crossover provided in the turning head of Summerdown Close to the rear of the site. Parking would be provided on hard surfacing to the front of each dwelling with an additional space provided within a garage.
- 5.20 A new footway would be provided along the southern edge of the site, flanking Summerdown Close and continuing along the eastern edge of the site where it would provide pedestrian access to units 3 and 4.
- 5.21 The site area (not including the space that would be used to provide the new footway) is approx. 1520 m² and the density of the proposed development therefore equates to approx. 26 dwellings per hectare (approx. 106 dwellings per hectare).

6. Consultations (Amalgamated)

6.1 ESCC Highways

6.1.1 No comments provided.

6.2 Air Quality Officer

6.2.1 No Objection. Conditions recommended for Construction Environmental Management Plan, low emission boilers and electric vehicle infrastructure.

6.3 Lead Local Flood Authority

6.3.1 Unfortunately, the LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal.

6.4 South Downs National Park Authority

6.4.1 The Authority has no comments to make on this application.

7. **Neighbour Representations**

7.1 **220025:** A total of 42 letters of objection have been received, a summary of matters raised is provided below:-

- Townhouses and balconies are not in keeping with surrounding development;
- Would impact upon views towards the Downs;
- Would result in loss of privacy;
- Would breach the building line on Summerdown Road
- Overdevelopment of the site;
- Overbearing and overshadowing impact upon neighbouring properties;
- There should be no balconies facing towards Summerdown Close;
- The buildings facing onto Summerdown Close are too high;
- Would overwhelm neighbouring development;
- The buildings are too close together;
- Poor access arrangements for unit 4;
- No turning space provided on sites;
- Would harm the setting of St Cyprians Lodge, a blue plaque building;
- Loss of trees/biodiversity;
- Unacceptable noise impact;
- Dwellings facing onto Summerdown Close should be two-storey only;
- The contemporary design would have a jarring impact;
- Increased light pollution due to amount of glazing;
- Buildings are taller than neighbouring properties, contrary to central government guidance;
- Lack of community engagement from applicant;
- Increased traffic would make increase hazards to pedestrians on Summerdown Road;
- Would undermine the tranquil character of Summerdown Close;
- Summerdown Close is too narrow to be used for site access;
- Loss of Victorian houses;

- Vehicles entering and leaving the site may collide with vehicles reversing out of driveways on Summerdown Close;
- Bins would cause an obstruction when left out for collection;
- Increased air pollution;

7.2 OFFICER COMMENT: Plans have been revised and there are no longer any balconies facing onto Summerdown Close.

7.3 **220045:** A total of 40 letters of objection have been received, a summary of matters raised is provided below:-

- Overdevelopment of the site;
- Inappropriate design;
- Amount of glass would lead to loss of privacy;
- Overbearing and overshadowing impact, particularly on Summerdown Close;
- Summerdown Close houses should be two-storey only;
- The building line on Summerdown Road would be breached;
- Number of houses should be reduced;
- Views towards the Downs would be lost;
- Gardens are too small;
- Design should be more individual;
- Removal of trees/loss of biodiversity;
- Noise pollution caused by air conditioners;
- Increased traffic;
- Poor access arrangements;
- Buildings are higher than neighbouring dwellings;
- The applicant has not engaged with the community;
- Loss of the existing Edwardian house occupying the site;
- Increase in air pollution.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 The site is located within the built-up area boundary. Development is therefore acceptable in principle.
- 8.1.2 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.

- 8.1.3 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.
- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 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. The proposed development would deliver 6 x 4 bed dwellings that would help meet this identified demand
- 8.1.7 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.

8.2 Planning Obligations

- 8.2.1 Although the two development have would deliver a cumulative net gain of 10 dwellings, which is the threshold for requiring an affordable housing contribution. However, Summerdown Close provides a physical barrier between the two sites and, as such, they are not regarded as a single planning unit based on the 'tripartite

test' established in R (Westminster City Council) v First Secretary of State and Brandlford Limited [2003] J.P.L 1066. As such, no affordable housing contribution can be sought.

- 8.2.2 Highway improvements identified in the road safety audit would be secured by way of a section 278 agreement where required.

8.3 Loss of Care Home Facility

8.3.1 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.'

8.3.2 In balance to the above, the development of under-utilised buildings is supported by para. 120 d) of the NPPF.

8.3.3 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.

8.3.4 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).

8.3.5 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.

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

8.4.1 **Dwellings facing onto Summerdown Road: Units 1-3 (220025) and 1-2 (220045)**

8.4.2 The frontages of dwellings on both sites project slightly forward of the frontage of dwellings on adjacent sites on Summerdown Road (No. 57 and No. 65). However, due to the minimal forward projection and the separation maintained between the principal elevations of

the proposed dwellings and those of neighbouring properties, it is not considered that the forward projection would result in the proposed dwellings unacceptably impacting upon access to natural light or appearing overbearing when viewed from front facing windows at neighbouring properties.

- 8.4.3 The proposed dwellings would be taller than neighbouring properties but it is not considered the difference in height would be marked enough to result in them appearing unacceptably overbearing or oppressive towards their neighbours, particularly due to the separation provided (approx. 5.8 metres between 220025 unit 3 and No. 65 Summerdown Road and a similar separation between 220045 unit 2 and 57 Summerdown Road) as well as the new dwellings not being within the direct field of vision from any primary windows within the adjacent properties.
- 8.4.4 Flank elevation walls that face towards neighbouring plot would not contain any windows and those associated with the dwellings fronting Summerdown Road would not project beyond the rear elevation of neighbouring dwellings. Rear facing windows would offer a degree of overlooking towards parts of neighbouring gardens, but the nature of these views would be consistent with the common relationship between dwellings on adjacent plots and it is considered that the views offered would be unacceptably invasive.
- 8.4.5 Unit 3 of 220025 initially included wraparound glazing at first floor level which would have allowed for direct views towards upper floor windows at No. 67 Summerdown Road. The plans have now been amended to remove this feature and substitute with conventional glazing which would face out towards Summerdown Road.
- 8.4.6 Units 1 and 3 of 220025 and 1 and 2 of 220045 include second floor level balconies to the front. These balconies would be formed below a roof overhang and the elevation walls of the dwelling, as well as additional 1.8 metre high screening that can be secured by planning condition, would ensure that views from the balcony are restricted to a forward projection towards Summerdown Road, with any direct views towards neighbouring windows being obstructed by the walls/screening. The balconies are considered to be of modest size and would not support large gatherings that may result in unacceptable disturbance towards neighbouring residents.
- 8.4.7 The parking area for 220025 unit 3 would be adjacent to the southern boundary shared with No. 67 but it is considered that the level of activity associated with parking serving a single dwelling would not be of an intensity that would result in unacceptable disruption and that potential disturbance as a result of headlights shining towards neighbouring windows could be mitigated through the provision of appropriate boundary treatment and/or landscaping.
- 8.4.8 **Dwellings facing onto Summerdown Close: Units 4-6 of 220025 and units 3-4 of 220045**

- 8.4.9 The topography of the surrounding area results in the Summerdown Close properties being on lower lying ground than the application sites and, as a result, the visual impact of the proposed development would be more pronounced when viewed from dwellings on Summerdown Close. Concerns were raised that the height of the dwellings may result in them appearing unacceptably overbearing towards dwellings on the opposite side of Summerdown Close and the ridge height of these dwelling has been reduced by approx. 0.9 metres in response.
- 8.4.10 Whilst the reduced height dwellings remain taller than those on Summerdown Close it is considered that there is an appropriate degree of separation to prevent an unacceptably overbearing or oppressive relationship with distances of between a minimum of approx. 24.5 and a maximum of approx. 26.8 metres maintained between the proposed dwellings and those on the opposite side of Summerdown Road. These separation distances are consistent with what would be expected to be maintained between dwellings on opposing sides of a road and it is noted that it is not uncommon for the built environment to include taller dwellings facing towards lower dwellings (for example, a two-storey dwelling facing a bungalow) and differentials in site level on opposing sides of the road are common in parts of Eastbourne such as the Summerdown neighbourhood, due to the topography as land rises towards the South Downs.
- 8.4.11 Gaps maintained between dwellings would also provide some relief by breaking up the mass of the development and allowing views to permeate the site towards the west.
- 8.4.12 There is a considerable amount of glazing to the front of the dwellings that would face towards the front of properties on Summerdown Close, but it is considered that the separation between properties would be sufficient to prevent intrusive views into neighbouring properties. A balcony originally proposed for 220025 unit 4 has now been omitted after concerns were raised regarding an unneighbourly relationship towards 1 Summerdown Close.
- 8.4.13 It is considered that the separation distance would restrict overshadowing towards properties on Summerdown Close and any that does occur would be towards late afternoon only. Gaps maintained between dwellings would also allow natural light to continue to permeate throughout the day.
- 8.4.14 Turning to potential impact towards properties on Summerdown Road, none of the proposed dwellings would back directly onto existing properties but the rear elevations of 220025 unit 4 and 220045 unit 3 would be within relatively close proximity of No. 65 and No. 67 Summerdown Road respectively, when measured on the angle.
- 8.4.15 Whilst the horizontal and vertical separation between the existing and proposed dwellings is considered to be sufficient to prevent unacceptable overshadowing or overbearing impact towards those

properties, there were significant concerns that some of the rear facing windows included within the original plans would allow for intrusive views towards the gardens and rear facing windows of the adjacent properties on Summerdown Road. In response, the applicant has reconfigured the internal layout of these dwellings and the upper floor windows closest to the site boundary (which include a secondary study window, a landing window and a bathroom window) would be obscure glazed and the only upper floor rear facing windows would offer only oblique angled views (over 45°) towards the rear gardens and rear facing windows at neighbouring sites. Provided these windows are obscure glazed and fixed shut (although top opening fanlights would be acceptable to provide natural ventilation), it is considered that the proposed dwellings would not introduce any unacceptable invasive views towards neighbouring properties.

8.4.16 The proposed dwellings would be accessed via Summerdown Close and this would introduce more traffic on the road. However it is considered the increase in traffic generated by the presence of a new access serving 2 x dwellings in each of the existing turning heads would not be significant and would not substantially alter the existing characteristics of Summerdown Close in terms of vehicle movements. Whilst the lights of vehicles leaving the site would be directed towards 2 Summerdown Close this is already the case for any vehicles using the turning head and, as stated above, it is not considered that the proposed development would result in movements of a frequency that would lead to sustained nuisance as a result of light emissions.

8.4.17 Overall, it is considered that the proposed development could be accommodated without unacceptable adverse impact upon the amenities of neighbouring residents.

8.5 Design

8.5.1 Existing Buildings: Whilst para. 152 of the NPPF identifies 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.

8.5.2 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.

8.5.3 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 20th July 2021 and Eastbourne Borough Council does not currently have any adopted design guides or codes.

- 8.5.4 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.
- 8.5.5 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.'
- 8.5.6 The proposed development would be more intensive than residential development in the immediate surrounding area, which is typified by large, detached dwellings built to approx. 10-15 dwellings per hectare. 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.' Furthermore, the density of development on each site is less than 30 dwellings per hectare and, whilst this figure may be partially skewed due to the large size of each dwelling, it is considered that development of the site at a lower density would represent a wholly inefficient use of a brownfield site and should be refused as per para. 125 c) of the NPPF.
- 8.5.7 It is noted that the provision of large rear gardens is a key factor in the low density of development on Summerdown Road. Within the street scene there is a general sense of development of greater density due to the large scale of buildings, their plot coverage in terms of width and the relatively small gaps maintained between individual dwellings. Whilst the frontages of the proposed dwellings would not be as wide as the majority of nearby dwellings the spatial characteristics of the plot frontages would be similar, with small gaps maintained between dwellings.
- 8.5.8 Whilst the new dwellings would project ahead of the position of the principal elevation of the existing buildings as well as those of neighbouring properties, they would still maintain an appreciable setback from the highway, with space available for parking and landscaping to the front. It is noted that the building line on Summerdown Road is not entirely uniform and it is considered that

the positioning of dwelling frontages would conform with the broad characteristic of dwellings being set back from the street.

- 8.5.9 Dwellings on Summerdown Close are generally smaller than those on Summerdown Road and slightly more recessive in design although they still have a fairly substantial footprint and are all two-storeys in height. As with Summerdown Road, the principal elevations of dwellings on Summerdown Close are set back from the street, with parking and landscaping provided to the front.
- 8.5.10 The height of the proposed dwellings facing onto Summerdown Close is stepped down from that of the dwellings fronting Summerdown Road and the bold glazed gable end features seen on the Summerdown Road dwellings are omitted. It is therefore considered that the Summerdown Close facing dwellings would appear subservient to the Summerdown Road facing dwellings and would reflect the transition in the scale of dwellings between the two street scenes.
- 8.5.11 It is therefore considered that the spatial characteristics of the development are compatible with the urban grain of the surrounding area as required by para. 130 and 134 of the NPPF and with reference para. 67 and 68 of the National Design Guide.
- 8.5.12 The contemporary design of the proposed development presents a contrast with the more traditional appearance of surrounding dwellings. Planning records show that 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. The height of the proposed dwellings is therefore marginally greater than that of neighbouring buildings and the existing buildings occupying the site and that majority of neighbouring dwellings.
- 8.5.13 The measurements provided in para. 8.5.12 indicate 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.'
- 8.5.14 The above was noted in the determination of the previously refused schemes for more intensive development of the site (200968 and 200983). It is considered that the current scheme differs from the previously refused schemes in that the overall mass of the development is greatly reduced. The gaps maintained between individual dwellings ensure that, unlike the refused scheme, there

are no lengthy unbroken lines of high elevation walls and roof ridge lines facing onto either Summerdown Road or Summerdown Close. The retention of open space around individual buildings ensure that they are not viewed as a single, overwhelming mass and, rather, that they reflect the general pattern of development along both streets.

- 8.5.15 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. 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.
- 8.5.16 Other than short, raised sections, the general eaves height of the roofing over the dwellings is typically set just above the first floor window heads, ensuring the vertical proportions of the dwellings in terms of the ratio between elevation walls and roofing is broadly consistent with the that of buildings within the surrounding area. Therefore, unlike the previously refused scheme, it is considered that the proposed development would be similar in character to neighbouring buildings in terms of how it meets the ground and also how it reaches towards the skyline, relationships that are key to the identity of buildings as per section I.2 of the National Model Design Code Part 2 Guidance Notes.
- 8.5.17 It is considered that the bold, contemporary design lends itself well to the corner plot location of both sites, with the use of architectural features for emphasis on corners being encouraged as a means to create a strong sense of space, as identified in note 45 of the National Model Design Code Part 2 Guidance Notes. Whilst modern in appearance, the proposed dwellings would include relatively traditional roof forms, punctuated by dormers which are a fairly common presence within the street scene. The use of strong gable end projections on properties facing onto Summerdown Road emphasises the hierarchy of the development and also reflects the design of nearby dwellings where forward-facing gable ends form a prominent street scene presence. The retention of the flint and brick wall to the front of the Summerdown Road properties, as well as gardens, would also provide a degree of visual continuity and support the assimilation of the development into the surrounding street scene.
- 8.5.18 Although the sizes of the rear gardens would be smaller than neighbouring development, para. 100 and 101 of the National Model Design Code Part 2 Guidance Notes supports subdivision of plots where it can be integrated with the overall urban grain. As stated above, it is considered the general spatial characteristics of the street scene would be maintained and it is noted that there are pockets of development on Summerdown Road where smaller rear gardens are an established feature as well as on surrounding tertiary roads.

8.5.19 In summary, it is considered that the proposed development maintains key visual and spatial characteristics present within the surrounding environment whilst also adopting an appropriate amount of innovation to achieve a higher density use and to create a strong sense of identity that is currently lacking on the two corner plots. It is therefore considered that the design of the development is acceptable.

8.6 Living conditions for future occupants

- 8.6.1 Para. 119 of the NPPF states that planning decisions 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' Para. 127 advocates the use of design policy, guidance and codes as a means to create better spaces to live and work in. Eastbourne Borough Council does not currently have an adopted design code, and, in these circumstances, national documents should be used to guide decisions on applications as per para. 129 of the NPPF. These national documents are the National Design Guide (2019) and the National Model Design Code (2021).
- 8.6.2 Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'
- 8.6.3 Para. 126 of the National Design Guide (2019) 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.'
- 8.6.4 The Technical housing standards – nationally described space standard (2015) defines 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 recommended GIA for a 3-storey 4-bedroom dwelling (with 4 double bedrooms) is 130 m². All dwellings comfortably exceed these minimum standards, with GIA provided ranging from 183 m² to 219 m². These figures do not include the space provided by garages.
- 8.6.5 All primary habitable rooms are served by large, clear glazed windows with unobstructed outlook and, as such, would have good levels of access to natural light and ventilation. Each dwelling would have a number of rooms with a dual aspect and this would prolong exposure to natural light throughout the day. Where obscure glazing is mandated, the areas affected would either be bathrooms or circulation space where there is no requirement for outlook and unfiltered natural light, or an open plan study area with a dual aspect, ensuring that outlook and natural light provision would not be compromised.

- 8.6.6 Rooms provided within each dwelling are considered to be of a good size and the uncluttered arrangement and use of open plan areas would allow support accessibility, functionality and adaptability.
- 8.6.7 Rear garden sizes vary from approx. 95 m² to 150 m². The amount of garden space provided is considered to be suitable to serve the needs of a 4 bedroom household and area of all gardens meet or exceed the ground floor footprint of each dwelling (not including garage), in accordance with the advice set out in section 12 of Building For Life 12.
- 8.6.8 The dwellings are all accessed from the front where there is a good level of natural surveillance provided by surrounding dwellings on Summerdown Road and Summerdown Close. The same applies for the parking areas and access to rear gardens. It is that the development would not introduce any secluded or isolated areas

8.7 Highways and Transport

- 8.7.1 Due to the distribution of site access points and the low number of dwellings provided, it is not considered that the proposed development would generate a level of traffic that would significantly alter the character of Summerdown Road or Summerdown Close nor would it result in any unacceptable risk to pedestrian or motorist safety or obstruction to the flow of traffic.
- 8.7.2 The dwellings facing Summerdown Road on the 61-63 plot would be served by individual driveways accessed from Summerdown Road via dropped kerb crossovers. The access to units 1 and 3 would be in a similar position to the existing access/egress crossing serving the former care home. A new opening would be formed in the front boundary wall to allow for the access to unit 2 to be provided. All other dwellings would be accessed via shared crossovers and driveways. Units 1 and 2 on the 59 Summerdown Road site would utilise the existing access to the site from Summerdown Close whilst two new crossovers would be formed at either end of Summerdown Close to serve the rear facing units on each site.
- 8.7.3 The access to 220025 unit 1 is considered to be unacceptable due to its proximity to the junction with Summerdown Close and the potential for vehicles reversing out of the site coming into conflict with vehicles pulling out of Summerdown Close. It is requested that members allow officers to secure alternative access arrangements, potentially a shared access with unit 2, prior to any approval being issued for application 220025.
- 8.7.4 The dimensions of each access comply with ESCC standards (2.75 metres in width for access serving a single dwelling and 4.5 metres in width for a shared access). Adequate visibility splays would need to be provided and this may impact upon wall height and planting immediately adjacent to the accesses. A condition will be used to ensure that visibility splays that are unobstructed above 0.6 metres height will be provided. Overhanging vegetation is allowed in visibility splays where it is over 2.1 metres high, as per para. 3.4.8 of ESCC

Highways Standing Advice, and so the presence of new access points would not necessitate the removal of any existing street trees.

- 8.7.5 Neither Summerdown Road or Summerdown Close are classified roads and, therefore, turning space is not required for single dwelling accesses as per 3.9.1 of ESCC Highways Standing Advice. It is considered that all shared driveways include adequate turning space as required by para. 3.9.4 of the same advice.
- 8.7.6 Each development of the plot at No. 59 would facilitate the provision of a new footway flanking the northern side of Summerdown Road and it is considered that this would improve pedestrian safety and accessibility both for existing and future occupants.
- 8.7.7 All dwellings could be served by existing refuse collections on Summerdown Road and Summerdown Close.
- 8.7.8 ESCC standing advice states that a 4-bed dwelling should be served by 2 x off street car parking spaces. Each dwelling would have a single parking bay that complies with ESCC minimum dimensions of 2.5 metres in width by 5 metres in length. Additional parking would be provided within a garage. It is noted that ESCC standing advice regards garages as only providing 1/3rd of a parking space due to data suggesting garages are often used for storage purposes rather than parking. A condition could be used to prohibit the use of the garages for any purpose other than car parking. Alternatively, an amended scheme with car ports rather than garages could be requested although this would not be possible for 220025 unit 2 as the garage on this plot is integral to the dwelling.

8.8 Flooding and Drainage

- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 The enclosed drainage statement suggests rainwater harvesting would be used to control surface water discharge to an extent and that soakaways will be used to manage additional discharge, with no connection to the public sewer required. Whilst this would be acceptable in principle, a condition will be used to ensure a suitable drainage scheme is provided for the proposed development and that this is evidenced in the submission of full specifications and a management and maintenance plan.
- 8.8.4 The Lead Local Flood Authority (LLFA) objected to the previous scheme (200968 and 200983), but this was based on a lack of information rather than any issue with the principle of using the sewer. Any planning approval would include a condition for details of

a suitable drainage scheme and a connection agreement from Southern Water to be provided prior to any works commencing on site.

- 8.8.5 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.

8.9 Landscaping

- 8.9.1 The application sites are currently largely built upon and, where buildings are absent, hard surfacing is generally in place. The rear garden area at No. 61-63 includes trees subject to a Preservation Order. The lawn area has been replaced with Astro turf.
- 8.9.2 A TPO tree towards the south-eastern corner of the site would be removed in order to accommodate 220025 unit 4. The tree was protected as part of a group order that was made in response to the development of Summerdown Close. The order recognised the cumulative value of the trees rather than any particular individual qualities. A number of trees within the order are no longer present. It is considered that the tree affected by the proposal has limited amenity value and that its loss could be adequately absorbed by the continued presence of more prominent TPO trees such as those on the verge flanking Summerdown Close. It is also considered that new planting within the landscaped gardens of the proposed development could mitigate the loss of the TPO tree as well as the coniferous boundary hedging that would be removed from the eastern boundaries of both sites.
- 8.9.3 Para. 083 of the Planning Practice Guidance for Tree Preservation Orders and trees in conservation areas confirms that the Local Planning Authority's consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted.
- 8.9.4 The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require biodiversity net gain to be delivered as a condition of a planning permission. The Act provides a two-year transition period (expiring 2023) before this requirement comes in to force. In the interim, the Council have adopted a Biodiversity Net Gain Technical Advice Note (TAN) to reflect the direction of travel and also provide clarification on NPPF requirements that 'planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para. 174) and that, when determining planning applications, local planning authorities should apply the principle that 'opportunities to incorporate biodiversity improvements in and around developments

should be encouraged, especially where this can secure measurable net gains for biodiversity' (para. 180).

- 8.9.5 Major developments within the Borough are expected to deliver 10% biodiversity net gain. This does not apply to minor developments, such as the scheme under consideration, but there is an expectation that some biodiversity net gain will be delivered.
 - 8.9.6 It is considered that the proposed development has sufficient potential to incorporate biodiversity net gain given both sites are currently almost entirely covered by buildings and hard surfacing. A landscaping condition would be attached to any given approval and this would include an obligation for the landscaping to be carried out in accordance with details which confirm a biodiversity net gain would be provided over site baseline levels.
 - 8.9.7 It is therefore considered that, unlike the previously refused schemes where there was extremely limited space available for soft landscaping, the proposed development would incorporate appropriate levels of landscaping to preserve a verdant sense to the rear of the site that would be consistent with landscaping on Summerdown Road and Summerdown Close.
- 8.10 Sustainability:
- 8.10.1 The proposed development involves the removal of existing buildings from the site. Whilst the re-use of buildings is encouraged as a more sustainable form of development it is not considered to be appropriate in this instance due to the piecemeal and sprawling nature of the buildings and the need to optimise the capacity of the site which, in itself, is an important attribute of sustainable development.
 - 8.10.2 A site waste management plan indicates that inert materials from the demolished buildings would be crushed and re-used. It is important that any materials harvested from demolition are recycled or re-used if possible and, whilst the site waste management plan indicates some thought has been given in this regard, a condition will be used to secure a more comprehensive plan in order to ensure that waste resulting from demolition and construction activities is minimised.
 - 8.10.3 The sustainability checklist submitted as part of the application confirms that energy efficient construction materials would be used, that water efficient apparatus would be installed and that each dwelling would be served by an air source heat pump. The checklist also notes that each dwelling would include space to support home working.
 - 8.10.4 Full details and specification of all sustainability measures to be provided will be secured by way of a planning condition.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the

impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 It is recommended that the applications are approved subject to the conditions set out below which would be attached to both permissions.

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

- To be confirmed.

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 ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.

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

10.5 **DRAINAGE 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 any further 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;
- 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 (including provision of mammal gates to allow for foraging animals to cross the site);
- 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 **USE OF GARAGES:** 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) the garage/parking areas hereby approved shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling units to which they serve, and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority.

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.

- 10.10 **VISIBILITY SPLAYS:** Visibility splays measuring 2.4m x 43m shall be provided either side of the approved site access and shall be maintained free

from any obstruction between 0.6 metres and 2.1 metres in height at all times.

Reason: In the interest of highway safety in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 110 of the NPPF.

- 10.11 **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 each dwelling 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.

- 10.12 **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 any 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

- 10.13 **LOW EMISSION BOILERS:** Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero-emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181.

- 10.14 **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.

- 10.15 **OBSCURE GLAZING:** The first floor landing and bathroom windows and second floor study and landing windows on the rear elevation of unit 4 shall be obscure glazed in accordance with glazing specifications which are to be submitted to and approved by the local planning authority and shall be fixed shut, other than any parts that are over 1.7 metres above the finished floor level of the room which they serve. The windows shall be installed in

accordance with the approved details prior to the first occupation of the development and shall be maintained in accordance with those details in perpetuity.

Reason: In order to protect the amenities of neighbouring residents in accordance with saved policy HO20 of the Eastbourne Borough Plan and policies B2 and D1 of the Eastbourne Core Strategy.

- 10.16 **BALCONY SCREENING:** Prior to the first occupation of the development hereby approved, full details of privacy screening to be installed on all balconies shall be submitted to and approved by the local planning authority and the screening installed in accordance with the approved details. The screening shall thereafter remain in place for the lifetime of the development.

Reason: In order to protect the amenities of neighbouring residents in accordance with saved policy HO20 of the Eastbourne Borough Plan and policies B2 and D1 of the Eastbourne Core Strategy.

- 10.17 **EXTERNAL MATERIALS:** No external materials or finishes shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

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.

11. **Appeal**

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

Agenda Item 7

Report to: Planning Committee
Date: 19th April 2022
Application No: 210973
Location: Land Rear Of 48 St Leonards Road, Commercial Road, Eastbourne, East Sussex
Proposal: 3 Storey residential accommodation consisting of 17 dwellings
Applicant : Mr S Khalil
Ward: Upperton

Recommendation: Approve subject to conditions and section 106 legal agreement to secure policy compliant affordable housing.

Contact Officer: **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 The proposal represents the utilisation of an underused brownfield site within a highly sustainable location and, therefore, accords with key objectives set out in the National Planning Policy Framework (NPPF).
- 1.2 The site has had previous approvals for two and three-storey flats approved by committee and the planning inspectorate. A daylight/sunlight survey has been carried out to assess overshadowing impacts on neighbouring properties and has found that their level of access to natural light would remain compliant with the relevant standards.
- 1.3 The proposal does not include any provision for car parking. However, the site is considered to be in a highly sustainable town centre location and a number of similar schemes have been approved with zero parking in the recent past, in line with objectives to reduce car ownership and encourage uptake in more sustainable forms of transport.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021

- 2: Achieving sustainable development
- 4: Decision making
- 8: Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well designed places

2.2 Eastbourne Town Centre Local Plan 2013

- TC1: Character Areas
- TC6: Residential Development in the Town Centre
- TC10: Building Frontages and Elevations
- TC11: Building Heights

2.3 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

2.4 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems

NE28: Environmental Amenity
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT7: Landscaping
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO6: Infill Development
HO7: Redevelopment
HO20: Residential Amenity
TR11: Car Parking
US4: Flood Protection and Surface Water Disposal.

3. **Site Description**

- 3.1 The site falls within Eastbourne Town Centre. It is currently hard surfaced and is enclosed by a low brick wall and railings, forming an annexe within the wider parking area to the rear of 48 – 50 St Leonards Road (Esher House). It had previously been un use as an overflow car park serving the offices at the adjacent building, St Marys House, which also has parking within its curtilage both on the surface and in the building undercroft. The applicant states that they purchased the site 5 years ago and that any parking now taking place on site is unauthorised. The site slopes gently downwards from west to east. There is also a slight downward slope to the rear of the site towards Esher House. Access to the car park is provided by way of an opening in the perimeter wall, adjacent to the car park serving St Marys House.
- 3.2 The site faces on to Commercial Road which is flanked by a mixture of commercial and residential buildings. The western side of the road is characterised by four and five storey buildings, the majority of which have flat roofs or mansard style flat roofing and were generally originally built to accommodate offices although a number have since been converted to residential use. These buildings generally face on to St Leonards Road, with the Commercial Road aspect being set back from the street and parking facilities being provided to the rear of the building.
- 3.3 The eastern side of Commercial Road is markedly different in character, being lined by domestic building, predominantly in the form of two-storey terraces of residential dwellings behind which are sites backing on to the railway which traditionally accommodated low rise small warehouses and industrial buildings, some of which have since been removed and replaced by mews style residential developments.
- 3.4 The site falls within an inner source protection zone (any pollutant in below ground water would be within 50 day travel time of a source of drinking water). There are no other specific planning related designations or constraints attached to the site or the immediate surrounding area.

4. **Relevant Planning History**

- 4.1 **100463** - Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Refused - 06/12/2010 – Appeal Dismissed - 06/05/2011.
- 4.2 **150141** - New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces. (Amended description). Refused - 09/07/2015 - Appeal Allowed - 26/02/2016.
- 4.3 **160538** - New build 3 storey residential accommodation consisting of 11 dwellings and 11 car parking spaces Refused – 16/11/2016.
- 4.4 **180533** - Outline application (relating to Layout, Scale and Means of Access) for new build 3 storey residential accommodation consisting of 9 separate residential units (5 x 1 bed, 2 x 2 bed, 2 x 3 bed) with 11 allocated car parking spaces – Approved Conditionally 27th September 2018.

5. **Proposed Development**

- 5.1 The proposal involves the erection of a three-storey block of flats within the existing car park area. The building would accommodate 17 x flats, the mix being 6 x 1 bed studios, 10 x 1 bed 2 person and 1 x 2 bed 4 person.
- 5.2 The footprint of the building would measure approx. 24.3 metres in width by 16 metres in depth. The building would have a flat roof, the surface of which would be approx. 9 metres above ground level. All flats, other than 2 x ground floor studios to the rear of the building, would have access to a private balcony/terrace.
- 5.3 The proposed development does not incorporate any car parking facilities. Pedestrian access would be provided directly from Commercial Road. The building would have a single core with all upper floors flats accessed via a single communal staircase. Lift facilities are also provided on each floor.

6. **Consultations**

6.1 Air Quality Officer:

No air quality assessment has been carried out. Conditions recommended if approved.

OFFICER COMMENT: Para. 005 of the MHCLG Planning Practice Guidance for Air Quality states ‘whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity’.

The site is not within an Air Quality Management Area of a Clean Air Zone. No car parking facilities would be provided and, as the site is in a highly sustainable location, it is considered that future occupants would be likely to

use public transport and/or walk and cycle to destinations. The recommended condition regarding low emission boilers will be attached and it is also noted that solar panels would be installed on the roof, supporting the production of renewable, and clean, energy.

7. Neighbour Representations

7.1 A total of 34 letters of objection have been received. A summary of relevant planning matters raised is provided below:-

- Overdevelopment of site;
- Would make the street claustrophobic;
- Neighbouring properties would suffer from loss of light;
- Neighbouring properties would suffer loss of privacy;
- Office conversions have already resulted in residential density being high;
- Increased traffic/loss of parking;
- Construction works would cause disruption and pollution;
- Would overload existing infrastructure;
- Would destabilise the ground;
- Not compliant with local or national planning policy;
- Would lead to increased litter on the road;
- Not sympathetic to existing street scene;
- Would result in loss of on-street parking;
- The car park is still used by St Marys House;]
- Will result in a negative impact upon the health of neighbouring residents;
- Would impede access to the Esher House car park;
- Would result in damage to the existing road and pavement;
- Surrounding area has an elderly population and it would be difficult for carers and taxis to find parking areas;

8. Appraisal

8.1 Planning Obligations

8.1.1 Any development which involves the net gain of 10 or more new dwellings is required to incorporate provision of affordable housing as per para. 64 of the Revised NPPF and policy D5 of the Eastbourne Core Strategy. The ratio of affordable housing required is determined by whether the application site falls within a 'low value' or 'high value' market area, as defined in the Supplementary Planning Document for Affordable Housing (2017). The town centre

neighbourhood is identified as low value and, as such, a 30% provision would be required (5.1 units).

- 8.1.2 The applicant has stated that 6 x 1 bed affordable housing units would be provided, representing an affordable housing contribution of 35% and, thereby, exceeding requirements. This contribution would be secured by a Section 106 legal agreement.
- 8.1.3 As major development, a local employment and training plan would also be required for the construction phase and this would also be secured as part of the Section 106 agreement.

8.2 Loss of Commercial Premises

- 8.2.1 An earlier three-storey scheme was refused under 100463 due solely to concerns over the loss of space that could be used for commercial purposes. This stance was supported by the Planning Inspector when a subsequent appeal was dismissed. However, in allowing an appeal against the dismissal of a more recent scheme, 150141, the Inspector noted that the stance was no longer consistent with national planning policy following the introduction of the NPPF and the key objective of identifying more efficient use of existing developed land in sustainable locations as well as delivering the required quantum of new housing to meet the needs of the populace.

8.3 Principle of Development

- 8.3.1 Para. 74 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, the standard method for calculating housing need set out in Planning Practice Guidance for Housing Needs and Economic Assessment is used to establish the need. As present, the Council is only able to identify a 1.43-year housing land supply.
- 8.3.2 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This approach, commonly referred to as the application of a 'tilted balance' will be adopted in assessing the planning application. The proposal represents a development of a windfall site that would deliver a net gain of 17 residential units, thereby contributing towards the Council's housing delivery target.
- 8.3.3 The principle of residential use within town centres is accepted in para. 86 of the NPPF which notes that residential development often

plays an important role in ensuring the vitality of centres. This is echoed in policy TC6 of the Town Centre Local Plan whilst policy C1 of the Core Strategy states that the Town Centre will make an important contribution to housing needs as a sustainable centre.

- 8.3.4 Para. 120 d) of the NPPF instructs Local Planning Authorities to promote and support the development of under-utilised land and buildings (with car parks provided as a specific example), especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 8.3.5 It is therefore considered that the principle of the development is acceptable subject to the benefits of the development not being significantly outweighed by any harmful impact identified when assessing against the national planning policy framework and relevant local plan policies that are in alignment with its aims and objectives.

8.4 Design:

- 8.4.1 The proposed development would be positioned to the rear of 48 St Leonards Road but does not represent 'backland' development as it would engage directly with Commercial Road, which flanks the eastern edge of the site. Unlike the eastern side of Commercial Road, which is characterised by terraces of two-storey dwellings with a relatively uniform building line, development on the western side is more mixed and sporadic. In some instances, the multi-storey flat roof office/residential blocks on St Leonards Road extend back towards the street. There are also residential flats at Gables Court which face out onto the street, with a minimal set back, along with associated garages.
- 8.4.2 Whilst the flat roof design of the building would differ from the traditional pitched roof housing on the opposite side of the road, the free-standing nature of the building and the context in which it will be seen, with the prominent presence of flat roof buildings on St Leonards Road behind it, would ensure that it does not appear disruptive or incongruous within the street scene. Furthermore, the flat roof design ensures that the height of the building would be kept to a minimum, with the roof top height of approx. 9 metres being comparable with the ridge height of neighbouring dwellings and, therefore, it is considered that the building would not appear overly prominent or overbearing within the street scene. The use of a contrasting external finish above first floor window heads also helps create an impression of an eaves height similar to that of neighbouring dwellings.
- 8.4.3 Overall, it is considered that the development would maintain the character of the transition between domestic scale dwellings on the eastern side of Commercial Road and the multi-storey office and flat blocks on St Leonards Road.

- 8.4.4 Whilst the building occupies the majority of the site envelope, space has been retained for outdoor amenity and landscaping and the open space provided around the site provided by car parking and access roads would prevent the site from appearing cramped or over-developed. Although the density of the development is high in terms of dwellings per hectare it is important to note that the majority of dwellings provide only one bedroom, that the building includes three-storeys and that there is minimal space allocated to outdoor amenity and parking that may, unlike what would be expected for a development of more traditional dwellings in a less sustainable location.
- 8.4.5 The primary access to the flats would be from the footway on Commercial Road and it is considered that the building possesses a clearly identifiable frontage that would engage with the street scene, strengthening visual and social integration. The development would also include a low wall along the street frontage which would appear consistent with existing walls on Commercial Road.
- 8.4.6 The site is located within the town centre where the buildings in the immediate surrounding area are in mixed use, primarily for residential and office purposes. There are no heavy industrial or other noise generating uses within close proximity that would have the potential to detract from the amenities of future occupants or have their continued operation prejudiced against by the presence of residential flats.
- 8.4.7 It should be noted that permission for a three-storey building in a similar location and of a similar scale was approved by committee in 2018, although this permission has now lapsed. It is also important to note that, whilst an appeal against the refusal of an earlier three-stored development was dismissed by the inspectorate, the design of the building was not considered to be a concern, the inspector stating in para. 12 of their report that ‘the design of the proposed development would be acceptable in the street scene.
- 8.4.8 It is therefore considered that the proposed development would not have an unacceptable impact upon the established visual and spatial characteristics of the surrounding area.
- 8.5 Impact of the proposed development on amenity of adjoining occupiers
- 8.5.1 It is noted that in dismissing the appeal for application 100463, which was for a three-storey building, the appeal inspector did not consider that a building of this height would have an adverse impact upon the amenities of the occupants of properties on Commercial Road. Esher House was still in office use at this time and so amenity impacts on this building were not taken into consideration.
- 8.5.2 Approximately 12.4 metres would be maintained between the rear elevation of Esher House and the rear elevation of the proposed building. Although the degree of separation is less than is commonly the case for new development, it is consistent with the more intimate spatial characteristics of the surrounding town centre environment.

This is demonstrated by the relationships between other nearby buildings such as 1 – 54 Gable Court and 55 – 58 Gable Court as well as the mews properties on Commercial Road. It is also noted that the precedent of a building with an identical footprint to the proposed, albeit a two-storey building, has been established following the approval of 150141.

- 8.5.3 Given that the ground floor of Esher House is used as a basement level car park, the only properties with their outlook impacted as a result of the development would be first and second floor flats. As the proposed building would be only three-storeys in height, and the third-storey would be recessed from the front and rear elevation, it is considered that the proposed building would not appear oppressive, with outlook offered to the sides and above the structure.
- 8.5.4 It is also considered that the height of the building, in relation to neighbouring habitable room windows, would not be so great as to cause undue levels of overshadowing towards these rooms. To provide assurance of this, the applicant has carried out a daylight/sunlight survey which models impact upon windows at Gables Court, to the south, Esher House, to the rear, and properties on Commercial Road opposite. The report assesses Vertical Sky Component (VSC), the ratio of direct sky light that reaches a vertical plane (wall or window) to the amount of sky light that reaches the horizontal plane (the ground) and Annual Probable Sunlight Hours.
- 8.5.5 BRE Guidance document “BR 209: Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2011 states that an unacceptable overshadowing impact constitutes a window achieving less than 27% VSC or less than 80% of its existing level. The report confirms that the lowest VSC achieved is 32% on one window at Esher House and that no window suffers a loss of over 80% of existing VSC. BRE guidance states that living room windows should receive 25% of annual probable sunlight hours over the course of the year, including at least 5% of annual probable sunlight hours in winter months. The modelling carried out confirms that the development would not result in any neighbouring living room windows failing to meet this requirement.
- 8.5.6 The building frontage is stepped slightly back from the road, in a similar arrangement to other nearby buildings facing on to the northern side of Commercial Road, with over 15 metres maintained between in and dwellings on the opposite side of the road. It is considered that this represents a standard relationship between buildings on opposing sides of roads and, given this, and the modest height of the building, aided by the use of a flat roof, it is not considered that the proposed building would appear overbearing towards properties on Commercial Road.
- 8.5.7 Regarding potential for intrusive overlooking, the proposed building would include flats with habitable room windows within the rear elevation that would face towards habitable room windows on the rear elevation of Esher House. This relationship would be no

different to that of the approved previously approved 180533 or that of the two-storey building (150141) which was approved by the Planning Inspectorate, with the Inspector stating that separation distances maintained would ensure no unacceptable impacts would result upon residential living conditions in respect of loss of light, outlook or privacy.

- 8.5.8 Balconies would be provided for first and second floor flats, on the eastern (front) and western (rear) elevations. All balconies are considered to be modestly sized and would not allow for large congregations of people to gather on them. As such, it is not considered that these balconies would result in unacceptable disturbance to the occupants of neighbouring residential properties.

8.6 Living Conditions for Future Occupants

- 8.6.1 Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'
- 8.6.2 Para. 126 of the National Design Guide (2019) 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.'
- 8.6.3 The Technical housing standards – nationally described space standard (2015) defines 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 GIA provided in each of the flats exceeds the minimum levels identified in the space standards (39 m² for a studio flat, 50 m² for a 1 bed 2 person flat and 70 m² for a 2 bed 4 person flat.
- 8.6.4 All habitable rooms within the proposed dwellings would be served by clear glazed windows allowing access to good levels of natural light as well as providing natural ventilation to the dwelling interior. The layout of each new dwelling is considered to be clear and uncluttered, with rooms of an awkward size or shape being avoided, allowing for a good level of adaptability and functionality within each dwelling. All but one of the flats has access to a small private outdoor amenity area which is considered acceptable based on the unit sizes within the scheme, which are unlikely to provide family homes. There is also public amenity space nearby on The Avenue.
- 8.6.5 The main entrance to the building would benefit from a good level of natural surveillance from neighbouring dwellings on Commercial Road and the site layout avoids the creation of any isolated or secluded areas that may generate a sense of vulnerability or support anti-social behaviour.

8.7 Landscape and Ecology

- 8.7.1 The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require

biodiversity net gain to be delivered as a condition of a planning permission. The Act provides a two-year transition period (expiring 2023) before this mandatory requirement comes in to force. In the interim, the Council have adopted a Biodiversity Net Gain Technical Advice Note (TAN) to reflect the direction of travel and also provide clarification on NPPF requirements that 'planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para. 174) and that, when determining planning applications, local planning authorities should apply the principle that 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity' (para. 180).

- 8.7.2 Major developments within the Borough are expected to deliver 10% biodiversity net gain. Given the site is currently entirely hard surfaced it is considered to have a negligible baseline biodiversity score. The submitted scheme includes provision for landscaping to the rear of the building as well as a grass sedum roof. It is considered that a landscaping condition could be used to secure and maintain these improvements and to obtain full details of species planted, as well as any other habitat enhancements, that would support a 10% biodiversity net gain over current conditions. It is noted that the street tree adjacent to northern boundary of the site would be retained.

8.8 Highways and Access:

- 8.8.1 The site had previously served as an overflow car park for the neighbouring offices at 52 St Leonards Road (St Marys House). As the site has now been purchased by the applicant, this use has ceased, something ESCC Highways accepted was a possibility in comments made in response to earlier planning schemes for the site. The offices continue to be served by the car park within their site curtilage. There is no legislation to demand that a privately owned site must remain in its previous use and the operators of the office facility accepted the loss of the parking facilities when it was sold. Given the proximity of the offices to public transport links it is considered that parking facilities should be discouraged in any case in order to support the increased use of public transport.
- 8.8.2 The proposed development does not include any provision for on-site/off-street car parking. The ESCC car parking demand tool estimates the proposed use would generate demand for 9.5 car parking spaces. This estimation is based on an aggregation of car ownership data across the whole Upperton ward, which includes more peripheral development up to 1.5km from the Town Centre and, as such, the aggregate figure is likely to be higher than for residents within the town centre. The application site is considered to be in a highly sustainable area in the town centre, close to the main line railway station (approx. 400 metres walking distance), bus stops frequently served by local and regional services (approx. 250 metres walking distance) and the primary shopping area (approx. 550

metres walking distance). Due to the positioning of the site, it is considered that occupants of the proposed flats would not be dependent on the use of a private motor vehicle.

- 8.8.3 The provision would be consistent with recent planning decision in the town centre, where there is an emphasis on maximising housing delivery in sustainable areas and designing out the private motor car as a means to encourage the use of more sustainable modes of transport. The small unit sizes would also attract occupants from a demographic where car ownership is typically lower.
 - 8.8.4 ESCC are responsible for issuing parking permits and would be highly unlikely to issue additional permits if it were to result in increased parking stress on the surrounding highway network. Given this, and the observations in para. 8.6.2 and 8.6.3, it is considered that the proposed development would not result in unacceptable parking pressure on the surrounding highway network.
 - 8.8.5 ESCC Guidance for Parking at New Residential Development (2017) states that safe and secure cycle parking spaces should be provided to serve new residential development at a rate of 0.5 spaces per a and 2 bed flats (if communal) and 1 space per flat if private. Two of the flats would have dedicated secure stores positioned to the rear of the building while communal parking for 8 cycles would be provided within the entrance hall to serve the remaining 15 flats. The amount of cycle parking provided would therefore comply with ESCC standards. A condition will be used to secure full details of the cycle parking facilities and also require it to remain in place throughout the lifetime of the development.
 - 8.8.6 Pedestrian access would be directly from the existing footway and would not involve any crossing of surrounding car parks. It is therefore considered to represent a safe means of access for those on foot.
 - 8.8.7 The site could be serviced by refuse vehicles on Commercial Road provided an appropriately positioned bin store is provided. An appropriately sized enclosed bin store would be provided to the front of the site where it would be easily accessible to residents and to bin crews. The presence of a storage facility would address the potential for bins to be left in the street where they would appear visually unsympathetic as well as present a hazard to pedestrians.
- 8.9 Flooding and Drainage:
- 8.9.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from tidal or fluvial flooding. Risk of surface water flooding is also identified as being low. The site is currently entirely hard surfaced and, therefore, offers very little in the way of permeability. It is considered that the proposed development would be likely to reduce surface water run off due to the drainage benefits offered by landscaping and the sedum roof. There is also the potential for permeable paving to be used on hard surfaces, further

increasing drainage capacity. This can be secured through the use of a planning condition.

8.9.2 A condition can also be used to secure an appropriate drainage scheme for the development as well as management and maintenance details that support its long-term functionality. This would include details of any connection agreement in Southern Water and confirmation that flow rates have been agreed so as to prevent any overloading of the existing sewer network.

8.9.3 It is therefore considered that the proposed development would not result in any unacceptable increase in flood risk within the site, neighbouring property or on the public highway.

8.10 Sustainability:

8.10.1 As identified earlier in the report, the site is considered to be in a highly sustainable location and, as such, car ownership and associated traffic is likely to be significantly lower than would be expected in areas further away from town centre facilities. This is noted in para. 4.19 of the Town Centre Local Plan which states that 'increasing the population of the Town Centre...benefits local businesses and employers. It also enhances the viability of public transport in the Town Centre through introducing a larger potential customer base as well as reducing the potential need for people to make journeys by car because of the availability and proximity of a range of services.'

8.10.2 The Design and Access Statement includes details of measures to improve energy and resource efficiency within the building including building materials, water saving features, low energy lighting and roof mounted solar panels which, it is predicted, would generate up to 10% of the total energy demand for the building. A planning condition will be used to secure full details of the siting and appearance of the solar array as well as specifications for performance.

9. **Human Rights Implications**

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

10. **Recommendation**

10.1 It is recommended that the application is approved, subject to the conditions listed below and a section 106 agreement to secure affordable housing provision and a local employment and training plan.

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

- A.001 – Site as existing
- D.001 Rev B – Site as proposed
- D.002 Rev B – Floor plans as proposed
- D.003 Rev B – South elevation
- D.004 Rev B – East elevation
- D.005 Rev B – West elevation
- D.006 Rev B – North elevation
- X082 Version 01 – Daylight/Sunlight Survey

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 ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.

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

10.5 **DRAINAGE MAINTENANCE:** 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 **CMP:** No development shall take place, including any further site clearance, until a Construction Management Plan (CMP) 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 or recycling 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;
- Works 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;
- 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;
- 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 (including balcony screening);
- 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 5 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 **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 any 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.

- 10.9 **LOW EMISSION BOILERS:** Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181.

- 10.10 **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 details to be submitted to and approved by the Local Planning Authority 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.

- 10.11 **SECURED BY DESIGN:** Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. This includes external areas, with particular reference to the passageway to the side of the building. The development shall be carried out and retained in accordance with the agreed details.

Reason: In order to provide a healthy and safe environment for future occupants of the development and the wider public in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 92 of the NPPF.

- 10.12 **EXTERNAL MATERIALS:** No external materials or finishes shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

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.

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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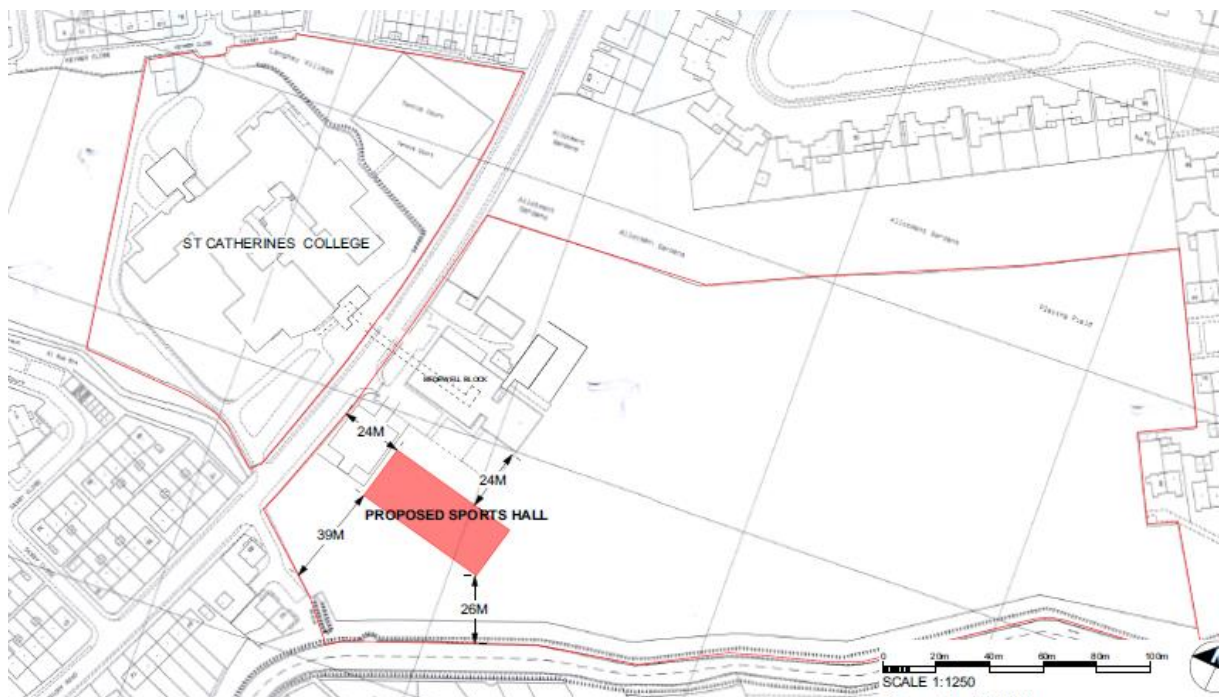
Agenda Item 8

Report to: Planning Committee
Date: 20th October 2020
Application No: 211070
Location: St Catherine's College, Priory Road, Eastbourne
Proposal: Erection of two storey school sports hall.
Applicant : The School Governors
Ward: St Anthony's

Recommendation: Approve Subject to Conditions and either a Unilateral Undertaking or S106 Legal Agreement for Local Labour Agreement

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

Map Location:



1. **Executive Summary**

- 1.1 The application is being presented at planning committee as per procedure for all major planning applications. The application is classed as a major application due to the proposed sports hall having an internal floor space of over 1000sqm.
- 1.2 The proposal is to erect a new sports hall on land adjacent to the Bedewell Block car parking area, the sports hall would be erected on the existing school playing field.
- 1.3 At the time of writing the report the application the consultation response from the environment agency is outstanding due to further information being requested, the response will be provided by addendum. The report is being finalised ahead of the expiry of the consultation period to keep to the committee schedule.
- 1.4 The application is considered to comply with local and national policies and is recommended for approval subject to conditions.

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
- 12: Achieving well-designed places.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D5 Housing
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- HO20: Residential Amenity
- LCF2: Resisting Loss of Playing Fields
- LCF18: Extension of Educational Establishments
- NE16: Development within 250m of a former landfill site
- NE20: Sites of Nature Conservation Importance
- UHT1: Design of New Development

UHT4: Visual Amenity

US4: Flood Protection and Surface Water

US5: Total Flood Risk.

2.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016).

3. **Site Description**

3.1 The application site as is a secondary school located on Priory Road in Eastbourne.

3.2 The school has two sites, the main school building and playground are located on the eastern side of Priory Road, with a smaller building and playing field located on the western side of Priory Road, both buildings are linked by a pedestrian footbridge.

4. **Relevant Planning History**

4.1 There is extensive history for the application site with various extensions and alterations on the site. The most recent applications are:

4.2 **210691**, Erection of a tensile fabric canopy, approved conditionally, 21 August 2021.

4.3 **200982**, Demolish existing hutted unit, used as a drama studio and replace with a new larger single storey drama studio and wc's in a new location, in permanent construction. (resubmission of withdrawn application 200657). Approved Conditionally 02 August 2021.

5. **Proposed Development**

5.1 The application is seeking permission for the erection of a new sports hall within the existing school site, adjacent to the Bedewell Block car parking area.

5.2 The sports hall will be comprised of a steel frame with steel cladding to the walls and roof and aluminium framed doors and windows.

5.3 The sports hall will include an internal lobby, viewing area, toilets, changing rooms and storage area at ground floor and toilets and two large spaces at first floor level.

5.4 The total internal floor space will be approximately 1270sqm.

5.5 The proposal is to make the sports hall available for hire to schools, churches and charities after 17:00 on school days and weekends, for non-for-profit purposes.

6. **Consultations**

6.1 Specialist Advisor (Regeneration)

6.1.1 The new sports hall and associated accommodation will enhance the curriculum offer at the school as well as provide potential community benefit and income generation out of core operational hours.

- 6.1.2 During the construction, the main contractor, via a local labour agreement, will be able to participate in career and educational activities, site visits and work experience placements. St Catherine's College currently works with the Council to secure work placements and participation in careers programmes, therefore, onsite collaboration with the contractor would be beneficial and welcomed.
- 6.1.3 The construction of the development will generate sub-contracting prospects for local SMEs, provide temporary employment and support the local supply chain.
- 6.1.4 In accordance with the Local Employment and Training Supplementary Planning Document the application meets the threshold for a commercial development, namely the creation of 1,000sqm (gross), therefore, it is requested that approval of the application be subject to a Local Labour Agreement.
- 6.1.5 Regeneration supports the application and requests approval be subject to a Local Labour Agreement.
- 6.2 Specialist Advisor (CIL)
 - 6.2.1 The application would not be CIL liable should it be granted.
- 6.3 Specialist Advisor (Contaminated Land)
 - 6.3.1 The historic map data suggest that there is a historic landfill at the site. I do not see any contaminated land desktop study report submitted with the application. In absence of such report, full land contamination conditions are pertinent for the site.
 - 6.3.2 So, if LPA is minded to grant planning permission, then I recommend the following conditions:
 - 6.3.3 (1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A Preliminary risk assessment which identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the site indicating contaminants, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

6.3.4 (2) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

6.3.5 (3) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

6.3.6 Reason (for all): To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170,178 and 179].

6.3.7 (4) No development shall take place until a Construction Environment Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including workers' travel plan), temporary site security fencing, artificial illumination, noise, dust, air pollution, odour and site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing with the Local Planning Authority.

6.3.8 Reason: In the interests of amenity of the locality.

6.4 Specialist Advisor (Environmental Health)

6.4.1 There are no environmental impact concerns under noise control requirements for the erection of the premises.

6.4.2 On review of the planning application, I have no formal comments to make in response.

6.5 Specialist Advisor (Environmental Health)

6.5.1 On review of the planning application, no formal comment to make in response.

6.6 East Sussex Highways

6.6.1 This Planning application seeks approval for the erection of a two-storey school sports hall within the existing school site and adjacent to the Bedewell Block Car park. This application does not seek to increase staff or pupil numbers and will be accessed via the existing school access off Priory Road. Although the facility will be available for use by non-profit organisations this will not coincide with school hours and it is therefore considered that any impacts on the highway will be minimal. On this basis I do not object to the application. This is however subject to the following comments and conditions.

6.6.2 The intention is to allow the sports hall to be used by churches, local charities and schools for non-profit making purposes but there will be no increase in the existing pupil numbers. As the facility will be available for other users the traffic levels associated with the site would increase; however, as the facility will only be used after 5pm and at weekends these times are unlikely to coincide with peak periods on the network and will be predominantly outside school hours. Measures should, however, be in place to ensure that any after school events, such as football matches that would require parking do not coincide with external bookings of the sports hall.

6.6.3 There is no intention to increase the parking provision within the site. On the basis that there are 24 lined spaces within the car park adjacent to Bedewell Block and up to 14 spaces in the car park to the west of the proposed facility, the existing provision is likely to be adequate for when the hall is used by other organisations. It is noted that the car park to the east does not have marked spaces, on the basis that the proposal involves the removal of 3 bays within the site it would be preferable to surface and line the currently unmarked spaces to ensure maximum use. No cycle parking has been indicated. As the hall will not be solely for use of the school, cycle parking should be provided as cycling has the potential to replace shorter car journeys.

6.6.4 The greatest impact of this development on the highway network will be during the construction phase. A Construction Management Plan is required to minimise the disruption the construction will cause. It would be preferable to have a construction outside term time.

6.6.5 Conditions

6.6.6 The development shall not be occupied until parking 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: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6.6.7 The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

6.6.8 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The methods of access and egress and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of the construction upon the public highway (including the provision of temporary Traffic Regulation Orders).

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

6.7 Environment Agency

6.7.1 At the time of writing this report the comment from the Environment Agency had not been received. The consultation response will be added as an addendum.

7. **Neighbour Representations**

7.1 Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the site.
- A site notice has been displayed in the vicinity of the application site.
- An advert has been published in the local newspaper.

7.2 The neighbour consultation period expired on 11 March 2022.

7.3 No representations have been received from the public.

8. Appraisal

8.1 Principle of Development

- 8.1.1 There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse impact on amenity.
- 8.1.2 In addition, the creation of wider recreational facilities within the borough would be welcomed and would accord with the NPPF 2021 para. 92, 93 and 93.
- 8.1.3 Policy LCF2 (Resisting Loss of Playing Fields) of the Borough Plan states that 'proposals which result in the net loss of playing fields will not be permitted. In exceptional circumstances planning permission will be granted for a development which would result in the loss of playing fields where... in the case of playing fields relating to educational establishments, it has been demonstrated that the development meets an overriding need for educational facilities and that the adverse impact on playing field provision has been kept to a minimum'.
- 8.1.4 Policy LCF18 (Extension of Educational Establishments) of the Borough Plan states that 'planning permission will be granted for additional education facilities within sites identified for educational use provided that the development has no significant detrimental effects on residential, visual or environmental amenity... the development is acceptable in terms of siting, scale and materials... the development has good, safe secure access by public transport, on foot and bicycle... and appropriate provision has been made for access by people with disabilities and with mobility issues'.

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

- 8.2.1 It is not considered that the proposed sports hall would have a negative relationship with the adjoining occupiers or the surrounding area.
- 8.2.2 The proposed development is thought to be in keeping with the existing buildings of St Catherine's College and not thought to have a negative impact in terms of visual impact.
- 8.2.3 The sports hall will be visible within the wider street scene; however, any visibility of the sports hall is not thought to harm the character of the street scene due to being set back from the main highway.

8.3 Use

- 8.3.1 The development will provide a sports hall facility for the school.
- 8.3.2 The facility will also be made available for non-profit hire to churches, charities, and other schools.
- 8.3.3 The building would provide an internal lobby and viewing area, toilets, and equipment store.

- 8.3.4 The use is considered to be in keeping with the existing school surrounding and it is not anticipated that there would be any significant issues in terms of impacts on the amenities of the area.
- 8.3.5 The erection of the sports hall facility would reduce the overall area of the school's playing field, however, in line with policy LCF2 of the Borough plan it is considered that the loss has been kept to a minimum and the resulting development would provide an indoor sports facility which can be used all year round.

8.4 Design

- 8.4.1 The sports hall comprises a steel frame construction with composite steel cladding to walls and roof and aluminium framed windows.
- 8.4.2 Colour for the steel cladding and windows are yet to be confirmed, to ensure visual amenity is maintained, a condition will be set to have these details submitted to and confirmed by the Local Planning Authority.
- 8.4.3 The design of the sports hall is considered to be acceptable in terms of bulk and scale.

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 national and local policy and is therefore recommended for approval subject to a Unilateral Undertaking or S106 Agreement for Local Labour Agreement and pursuant to the following conditions:

- 10.2 **TIME LIMIT:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

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

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

- 2189.31/09 Block Plan
- 2189.31/10 Site Location Plan
- 2189.31/11 Existing Site Plan
- 2189.31/12 Existing Site Elevations
- 2189.31/13 Existing Site Sections
- 2189.31/20 Proposed Site Plan
- 2189.31/21 Proposed Ground Floor Plan

- 2189.31/22 Proposed First Floor and Roof Plans
- 2189.31/30 Proposed Elevations
- 2189.31/31 Proposed Site Elevations
- 2189.31/32 Proposed Sections
- 2189.31/33 Proposed Site Sections
- 2189.31/34 Proposed Internal Elevations

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 **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.

- 10.5 **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 2021.

- 10.6 **CONTAMINATED LAND:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

- 10.7 **CONTAMINATED LAND:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

- 10.8 **CONTAMINATED LAND:** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set

out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10.9 **CONTAMINATED LAND:** Reason (for all): To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170,178 and 179].

10.10 **CONTAMINATED LAND:** No development shall take place until a Construction Environment Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including workers' travel plan), temporary site security fencing, artificial illumination, noise, dust, air pollution, odour and site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity of the locality.

10.11 **PARKING PROVISION:** The development shall not be occupied until parking 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: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

10.12 **CYCLE PARKING:** The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

10.13 **HOURS OF USE:** The use, hereby approved, shall only operate within the following hours:

- 07:00-23:00

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

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: 19th April 2022
Application No: 220012
Location: 6 - 8 Wilmington Gardens, Eastbourne, East Sussex
Proposal: Outline application (with landscaping as a reserved matter) for conversion of building comprising 6-7 Wilmington Gardens (currently 24 x C3 apartments) and 8 Wilmington Gardens (C1 hotel) to provide total of 25 x 2 bed flats, including provision of a two storey rear extension, front extension, formation of basement light wells, alterations to facade, fenestration, roof and provision of communal bin and cycle storage areas along with other associated works.

Applicant : Mr Collins
Ward: Meads

Recommendation: Approve subject to conditions.

Contact Officer: **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 It is satisfied that the existing hotel use of 8 Wilmington Gardens is not viable in the long term and that residential development provides an appropriate re-use of the building.
- 1.2 The accommodation provided would significantly improve on the living standards offered by the existing flats at numbers 6-7, many of which have a Gross Internal Area (GIA) that falls well below national space standards.
- 1.3 The external alterations to the buildings are considered to be sympathetic towards its existing character as well as the character and setting of the surrounding conservation area and the neighbouring open space at Wilmington Gardens.
- 1.4 The site is in a sustainable location where reliance on the private motor vehicle would be reduced and there is a good level of accessibility to shops, services and other day to day amenity needs.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

- 2: Achieving sustainable development
- 4: Decision making
- 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
- D2: Economy
- D3: Tourism
- D5: Housing
- D8: Sustainable Travel
- D10: Historic Environment
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity

UHT7: Landscaping
UHT15: Protection of Conservation Areas
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO20: Residential Amenity
TO2: Retention of Tourist Accommodation
TR6: Facilities for Cyclists
TR11: Car Parking.

3. **Site Description**

- 3.1 The application properties form part of a row of 5½-storey buildings that are set back from Wilmington Gardens, with a crescent shaped in/out access road to the front as well as hard surfaced parking bays. The ground floor level of the row of buildings is raised slightly above street level, with a lower ground floor level being provided below. Numbers 6-7 have been subdivided into 24 x self-contained flats (following previous use as holiday apartments) whilst number 8 has most recently been occupied by the Park View Hotel, which operated 12 bedrooms. Numbers 6 -7 Wilmington Gardens have a shared access and foyer area whilst number 8 has independent access.
- 3.2 Each building has an enclosed garden area to the rear which back on to the mature landscaped private gardens, also known as Wilmington Gardens, which occupy a broadly rectangular area to the rear of properties on Carlisle Road to the north, Wilmington Gardens to the east, Jevington Gardens to the south and Grange Road to the west.
- 3.3 The site faces towards the Towner Gallery, Congress Theatre and Welcome Building to the north. Surrounding buildings are typically large and accommodate a variety of uses. The site and the immediate surrounding area falls within Primary Sector of Eastbourne's Tourist Accommodation Area and a significant proportion of neighbouring buildings accommodate hotels or guest houses with the remainder predominantly comprising large buildings that have been subdivided into flats. The Town Centre extends to the north and there is a more diverse mix of uses in buildings in that direction.
- 3.4 The site falls within the College Conservation Area, which extends to the north-west and south-east. The private gardens to the rear are identified as open space.

4. **Relevant Planning History**

- 4.1 **650627** – Erection of connecting link between Nos. 6 & 7 at ground floor level, minor internal alterations and provision of front entrance canopy – Approved 24th December 1965.

- 4.2 **680404** – Alterations and additions to form link between numbers 6 and 7 and provision of additional hotel accommodation - Approved 16th August 1968.
- 4.3 **730520** – Conversion into 22 holiday flats and enlargement of two existing flats occupied by the owners – Refused 12th July 1973 – Appeal Allowed 23rd May 1974.
- 4.4 **730674** – Alterations to part of the first, second, third and fourth floors to provide 8 self-catering flats – Refused 23rd August 1973 – Appeal Dismissed 23rd May 1974.
- 4.5 **910388** – Internal alterations to improve existing accommodation by reducing the number of flats from 22 to 19 and retention of the existing use without complying with condition 2 of 730520 restricting period of occupation – Refused 15th October 1991 – Appeal Allowed 9th July 1992.
- 4.6 **060024** - Certificate of Lawful Use for the proposed use of flats on a permanent basis as residential accommodation for leaseholders – Certificate Issued 20th February 2006.
- 4.7 **090523** - Application for removal of Condition 2 of Planning Application EB/1973/0523 (730520) to allow flats to be let on a permanent basis – Approved Unconditionally – 3rd April 2009.

5. **Proposed Development**

- 5.1 The proposed development involves the conversion of Park View Hotel (8 Wilmington Gardens) to residential and the extension of all properties to provide additional residential floor space that would be utilised to reconfigure/replace the 24 existing flats at 6-7 and provide an additional flat bringing the total amount up to 25. The existing flats comprise 10 x studios, 13 x 1 bed flats and 1 x 2 bed flat. The proposed development would comprise 25 x 2 bed flats.
- 5.2 A range of external works would be carried out. A new five-storey flat roof extension (lower ground floor to third floor) would be added to No. 8, roughly occupying the footprint of the existing access and staircase, which is recessed from the main building frontage. A parapet wall and balustrading would be included on the roof top, which would serve as a balcony for a flat on the fourth floor.
- 5.3 The main entrance to the building would be moved to the side (north-west) elevation of No. 8, with glazed doors formed and a flat roof canopy provided above them. The canopy would project approx. 1.5 metres from the side elevation of the building with the roof top at approx. 2.6 metres above ground level. The width of the canopy would be approx. 3 metres.
- 5.4 A flat roof two-storey extension (lower ground and ground floor level) would be formed to the rear of the building. The extension would project approx. 2 metres beyond the main rear elevation of the existing building and would extend across the full width of numbers 6-8. The roof would have an undulating form, with all slopes having a shallow pitch. The height of the roof would vary between approx. 5.8 metres and 6.5 metres above ground level.

- 5.5 At roof level, an existing flat roof gap between two hipped roof ends to the front of 6-7 would be infilled with a new pitched roof which would match the existing roof in terms of eaves and ridge height. A side facing flat roof dormer window would be installed within the slope of the existing hipped roof projection at number 8. Glazed balustrades would be provided at main roof eaves height where they would serve fourth floor flats.
- 5.6 A number of existing external building features would be removed, most notably the main entrances to the front of 6-7 and 8 as well as all associated staircases and canopies. Elevation walls would be restored following their removal and new windows would be provided at lower ground and ground floor level in place of the entrance openings. New windows would also be installed at all levels in the side (north-west) elevation. To the rear of the building, an existing raised terrace would be removed to accommodate the proposed two-storey extension. Existing stairwell windows would be replaced with larger units and a selection of existing windows would be replaced with glazed doors which would allow access to steel framed balconies which are to be provided for each flat. A metal framed external staircase, which extends from lower ground to third floor level on the side (north-west) elevation would be removed.
- 5.7 A number of flats would have access to private balconies or terraces. In addition, the existing garden space to the rear of the buildings would be retained and provide communal outdoor amenity space for occupant of the flats. A secure and covered cycle store would be provided within the garden area, adjacent to a path leading out onto Wilmington Gardens.
- 5.8 14 x car parking bays would be provided to the front of the site, adjacent to the existing access. A covered bin storage area would also be provided.

6. Consultations

6.1 Planning Policy

- 6.1.1 The site is within a prime location within the Primary Tourist Accommodation Area. Insufficient evidence has been submitted to show the retention of the hotel for tourist accommodation is not viable and therefore the application is in conflict with Saved Policy TO2 of the Eastbourne Borough Plan, and Policy D3 of the Eastbourne Core Strategy.
- 6.1.2 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 31st October 2021, Eastbourne is only able to demonstrate a 1.8-year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply.
- 6.1.3 National policy and case law has shown that the demonstration of a five-year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF taken as a whole”, (NPPF, paragraph 11).

- 6.1.4 The NPPF (para 12) and case law confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. This means that local plan policies should still be taken into account and should not be disregarded in determining an application.
 - 6.1.5 Tourism is vital to the economy of Eastbourne. The principle objectives of Saved Borough Plan Policy TO2 and Core Strategy Policy D3 is to protect Eastbourne’s tourism role and the value this brings to the local economy. It is considered these policies align with the key objectives contained within the NPPF particularly in section 6.
 - 6.1.6 NPPF Section 6 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.
 - 6.1.7 In conclusion, the proposal would make a small contribution to the delivery of housing in the Borough and potentially improve the quality of housing provided within 6-7 Wilmington Gardens. However, tourism is fundamental to the local economy, the harm caused to the local economy and the Tourist Accommodation Area from the loss of a trading hotel in a prime location is considered to outweigh the benefits of a small number of dwellings when assessed against policies as a whole. It has not been evidenced that the hotel use is no longer viable, therefore the application conflicts with Saved Policy TO2 and Policy D3 of the Eastbourne Core Strategy.
- 6.2 Eastbourne Hospitality Association
- 6.2.1 We have mooted our thoughts and the net result is no overall objection, since the whole area is now flats around there anyway.
 - 6.2.2 A 12-bedroom property is a bit of a quandary nowadays, too small to have cost efficient staffing, based on EB ARR’s, and the winter. Margins are getting very tight nowadays.

7. Neighbour Representations

- 7.1 One letter of objection has been received raising concerns over increased traffic, pedestrian safety, increased noise levels, loss of views and the loss of tourist accommodation.

8. Appraisal

8.1 Planning Obligations

- 8.1.1 Although the proposed development comprises 25 self-contained flats, the net gain is only one residential unit as there are 24 existing

flats accommodated within number 6-7. As such, the development does not meet the threshold at which affordable housing would be required.

8.2 Loss of Hotel Accommodation

8.2.1 An earlier three-storey scheme was refused under 100463 due solely to concerns over the loss of space that could be used for commercial purposes. This stance was supported by the Planning Inspector when a subsequent appeal was dismissed. However, in allowing an appeal against the dismissal of a more recent scheme, 150141, the Inspector noted that the stance was no longer consistent with national planning policy following the introduction of the NPPF and the key objective of identifying more efficient use of existing developed land in sustainable locations as well as delivering the required quantum of new housing to meet the needs of the populace.

8.3 Principle of Development

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

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

8.3.3 The proposal represents a development of a windfall site that would deliver a net gain of 1 residential unit, thereby contributing towards the Council's housing delivery target.

8.3.4 Para. 120 d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Para. 152 notes the benefits of building conversions in terms of sustainability due to it representing the reuse and adaptation/improvement of existing resources. Policy C11 of the Eastbourne Core Strategy encourages the provision of new housing

through redevelopments and conversions....within the existing urban area and particularly in the Jevington Gardens area.

- 8.3.5 The site is located within the primary sector of the Eastbourne Tourist Accommodation Area. The loss of tourist accommodation in this area is resisted as per saved policy TO2 of the Eastbourne Borough Plan, policy D3 of the Eastbourne Core Strategy and the Tourist Accommodation Retention Supplementary Planning Document (SPD). It is important to note that numbers 6-7 are already in permanent residential use, with tourist use ceasing in the early 2000's.
- 8.3.6 Para. 5.1 of the SPD states that 'when assessing a proposal for the change of use or redevelopment of tourist accommodation, the key consideration is whether or not the continuing use of the land as tourist accommodation is viable and economically sustainable.
- 8.3.7 The SPD identifies an evidence base in para. 5.15 that should be used to demonstrate that an existing hotel use in the primary sector of the Tourist Accommodation Area is not viable in order to support an application for change of use. This includes evidence of marketing, occupancy and room rates, management strategies to respond to falling viability, running costs and repair/renovation costs.
- 8.3.8 The submitted application does not include evidence that encompasses all requirements set out in para. 5.15. However, the planning statement cites the unforeseen impact of the coronavirus pandemic as having significant impact upon viability and also cites the recent use of the building as temporary/emergency accommodation rather than a hotel and the small amount of rooms provided within the building as well as the failure of the neighbouring property (former Courtlands Hotel) to obtain funding to facilitate the provision of a new 14 room guest house as part of a combined residential/tourism scheme (ref: 151134) and the subsequent approval of a variation of condition to substitute the guest house for 6 additional apartments (ref: 180232).
- 8.3.9 The reference to the small amount of bedrooms provided within the hotel unit is recognised in para. 5.12 of the SPD which states that establishments that provide over 15 letting rooms would be expected to operate in a more commercial manner than smaller 'lifestyle businesses' and, as such would be expected to have business plans and marketing tools that would not necessarily be available to 'lifestyle businesses. In response, it states that the Council will apply additional flexibility when examining evidence provided by a 'lifestyle business'. The practical difficulties in operating a smaller hotel in the current climate are also identified in the comments provided by the Eastbourne Hospitality Association set out in para. 6.2 of this report.
- 8.3.10 Should the hotel use be considered unviable, the SPD then instructs a hierarchical approach to be followed to establish a suitable alternative use, with the provision of serviced, unserviced or partial change to alternative use to be considered in sequence prior to

considering a complete loss of the tourist use of a building. Whilst the applicant has not demonstrated that a sequential approach has been followed, the context presented in para 8.3.7 and 8.3.8 is considered to indicate that it would be highly unlikely that alternative uses in the hierarchy would be able to provide a long term viable use of the building.

- 8.3.11 It is therefore considered that the principle of the development is acceptable. Any benefit offered by the proposed scheme will therefore need to be balanced against potential impacts upon the integrity of the tourism accommodation area as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 120), ensuring development is of suitable design, is sympathetic to the character of the surrounding area (para. 130) and historic environment (section 16) and ensuring development does not compromise highway safety (para. 109).

8.4 Design:

- 8.4.1 A number of external alterations and additions would be made to the existing buildings in order to support the proposed development. There is a particular need for such works to be sympathetically designed in terms of integration with the existing building and visual impact upon the wider surrounding area due to the large scale of the buildings and their prominent positioning within the College Conservation Area.
- 8.4.2 The site also backs on to open space in the form of Wilmington Gardens. Policy D10 of the Core Strategy states that designated open space should be protected from development that would adversely affect its character and historic interest and that views into and from these sites must be protected.
- 8.4.3 It is considered that the proposed extensions are modest in scale when considered in proportion to the overall size of the existing buildings. No significant extensions have been made to the existing building and there is a good amount of undeveloped space to the front and rear. As such, there are no concerns about the proposed works resulting in the site taking on an excessively cluttered or cramped appearance.
- 8.4.4 The extensions would facilitate the removal of unsympathetic existing features such as the prominent metal framed external staircase that scales the north-west elevation of the building and the 1960's flat roof entrance lobbies.
- 8.4.5 The proposed 5-storey front extension would occupy a space to the side of the existing frontage that is created by an indent in the side elevation. It would not extend beyond the main side elevation of the building and would be stepped back from the main building frontage. As such, it is not considered that it would overwhelm the building frontage and would maintain visual subservience towards it. The vertical positioning of windows within the extension would match that

of the existing building and existing cornice, mouldings and parapet walling would be continued across it, ensuring a strong sense of visual integration. The use of the roof top as a balcony would be consistent with similar features in neighbouring buildings as would the modestly sized dormer that would be positioned adjacent to it, installed within the existing roof slope.

- 8.4.6 The extension to the rear elevation would be relatively well screened by surrounding buildings and would be set well back from the road, although the north-western flank elevation would be visible from Carlisle Road. Although two-storeys in height, the majority of the lower ground floor level would not be visible from outside the site due to surrounding topography.
- 8.4.7 The extension would not project a significant distance beyond the rear elevation of the building and would only be made to the lower parts of the building. The flat roof design would ensure that the appearance is simple and does not interfere with the upper floors of the building whilst and would also compliment existing flat roof elements of the original structure.
- 8.4.8 A sympathetic green buffer would be provided between the rear extension and the open space at Wilmington Gardens in the form of the rear gardens serving the proposed development, Mature landscaping around the fringes of the garden would also provide a sympathetic screen and, therefore, it is not considered that the proposed extensions would detract from the setting of the gardens or provide any unacceptable obstruction to views towards or from them.
- 8.4.9 The existing entrances to the buildings would be removed and a new entrance would be positioned within the north-western flank elevation. Although this would remove the main entrance from the building frontage it is noted that the existing entrance is set well back from the road and has limited street scene presence. Furthermore, improvements to the window arrangements on the front elevation would ensure it continues to engage well with Wilmington Gardens whilst the new entrance would have a clear visual presence within the street scene of Carlisle Road and, again, additional windows would be installed that would strengthen the way the building engages with the street.
- 8.4.10 A bin store would be provided towards the front of the site. It is considered that, provided the store is of an acceptable design and provides a suitable degree of screening, it would not result in a harmful impact upon the street scene or the setting of the Conservation Area. It is noted that the neighbouring development, at the former Courtlands Hotel site, has a bin enclosure in a similar position to the front of the site. The store is surrounded by a painted render wall and it is considered that it does not appear incongruous or disruptive within the street scene.
- 8.4.11 Overall, it is considered that the general appearance of the existing buildings would be maintained, that distinctive architectural features

such as the bay windows, mouldings and cornices and roof form would be preserved and that the removal of unsympathetic windows and the external staircase would improve its general appearance. This is provided the works are carried out using suitable materials (including window frames) and a condition will be used to ensure that this is the case.

8.5 Impact of the proposed development on amenity of adjoining occupiers

- 8.5.1 Numbers 6-7 are in existing residential use, accommodating 24 x self-contained flats. The proposed development would generate a net increase of 1 dwelling, although the size of each flat would increase, with the proposed development comprising 2 bed flats whilst the existing flats are almost universally studio or 1-bedroom properties. It is considered that the residential use is compatible with surrounding uses, which include a number of buildings subdivided into flats, and that the intensity of the use would also be consistent with these existing uses.
- 8.5.2 New windows and openings would be formed in the front elevation of building, which overlooks the road, the rear elevation which overlooks the open space at Wilmington Gardens and the north-west elevation which faces towards the flank elevation of the Devonshire Park Hotel, which is angled away from the building. All elevations contain a number of existing windows at all floor levels and it is not considered that the proposed conversion would introduce any invasive views towards neighbouring properties. The proposed front extension is stepped away from site boundaries and is no taller than the existing building which wraps around to the side and rear of it whilst the rear extension is considered to be relatively modest in terms of height and projection. Therefore, it is considered that the proposed extensions would not appear overbearing towards neighbouring properties nor would they introduce undue levels of overshadowing.
- 8.5.3 Balconies and terraces are considered to be of modest size and would not support large outdoor gatherings that may have the potential to cause disturbance towards neighbouring residents. Any views offered from them would be similar to those available from existing and proposed windows and, as such, it is considered that they would not be intrusive or invasive.
- 8.5.4 Car parking areas would be to the front of the building where there is an established presence of car parking. The proposed development would not introduce a new parking, access or turning facilities in close proximity to neighbouring dwellings where they would potentially cause disturbance or nuisance.
- 8.5.5 It is therefore considered that the proposed development would not result in any unacceptable harm upon the amenities of neighbouring residents.

8.6 Living Conditions for Future Occupants

- 8.6.1 Para. 119 of the NPPF states that planning decisions 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' Para. 127 advocates the use of design policy, guidance and codes as a means to create better spaces to live and work in. Eastbourne Borough Council does not currently have an adopted design code and, in these circumstances, national documents should be used to guide decisions on applications as per para. 129 of the NPPF. These national documents are the National Design Guide (2019) and the National Model Design Code (2021).
- 8.6.2 Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'
- 8.6.3 Para. 126 of the National Design Guide (2019) 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.'
- 8.6.4 The Technical housing standards – nationally described space standard (2015) defines 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. A number of the existing flats at numbers 6-7, particularly the studio accommodation, fall significantly below the minimum recommended GIA. All flats within the proposed development would be 2-bedroom, 3 person properties, for which the minimum GIA is 61 m². All flats provided would exceed the minimum space standards, with GIA provided for each unit ranging from 61.2 m² to 75 m² (discounting floor space where the ceiling height is less than 1.5 metres as per para. 10 f) of the space standards.
- 8.6.5 All habitable rooms would be served by large, glazed windows/doors that would have an unobstructed outlook and provide good levels of access to natural light and ventilation. A good proportion of the flats would be dual aspect and would therefore have increased access to natural light throughout the day. All rooms are considered to be functional and adaptable, being of a good size and with awkward shapes being avoided.
- 8.6.6 A large amount of the flats provided would have direct access to private outdoor amenity space in the form of balconies and terraces. In addition, all occupants would have access to a landscaped communal amenity space to the rear of the building. This communal area provided is considered to be of a good size and would provide a sheltered environment due to its location set back from the road and backing onto the open space at Wilmington Gardens.
- 8.6.7 The building would have a single access within the north-west elevation. The access would be adjacent to the parking area to the

front of the building and would enjoy a good level of natural surveillance from pedestrians and motorists on Wilmington Gardens and Carlisle Road as well as from surrounding buildings on Carlisle Road and College Road. The parking area would also be well overlooked as would the rear garden area. It is therefore considered that the occupants of the proposed development would not experience any unacceptably secluded public areas which may provide opportunities for crime and anti-social behaviour.

8.6.8 Other than the fourth floor flat above No. 8, all flats would be accessible via a single communal staircase or by a lift that serves all floors. Occupants of the fourth floor flat above No. 8 would use the communal staircase or lift to reach the third floor, with a private staircase and lift, which is accessible from the main landing area, being used to reach the flat.

8.6.9 It is therefore considered that the proposed development makes efficient use of the existing building, using modest extensions to improve internal space and accessibility, and would represent a significant improvement in comparison to the living conditions provided by the existing cramped development within numbers 6-7.

8.7 Landscape and Ecology

8.7.1 The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require biodiversity net gain to be delivered as a condition of a planning permission. The Act provides a two-year transition period (expiring 2023) before this mandatory requirement comes in to force. In the interim, the Council have adopted a Biodiversity Net Gain Technical Advice Note (TAN) to reflect the direction of travel and also provide clarification on NPPF requirements that 'planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para. 174) and that, when determining planning applications, local planning authorities should apply the principle that 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity' (para. 180).

8.7.2 Major developments within the Borough are expected to deliver 10% biodiversity net gain. The proposed development would involve a minimal amount of additional site coverage and would preserve the existing rear garden area. It is noted that landscaping is a reserved matter, and it is considered that additional landscaping and appropriate habitat provision within the rear garden area could realistically deliver a net gain of 10% or more. A condition will be used to require that any reserved matters application includes evidence that a biodiversity net gain of at least 10% over baseline conditions will be achieved.

8.8 Highways and Access:

- 8.8.1 Interrogation of the ESCC parking demand calculator suggests that a development of 25 x 2 bed flats in Meads ward would generate parking demand for 15.3 spaces (assuming spaces are not allocated). The demand generated by the existing 24 x flats is estimated to be 14.7 spaces and, should the hotel use at number 8 be brought back into use, it is anticipated an additional parking demand of 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff plus would be required. It is therefore considered that the proposed development would represent a reduction over potential demand from existing use.
- 8.8.2 Although the development would only have access to 14 x off street car parking spaces, representing a shortfall of 1.7 spaces based on the parking demand calculator, it is important to note that the development is in a highly sustainable part of Meads, directly adjacent to the town centre and associated shops and services and is on a local bus route and within approx. 500 metres walking distance of a hub for bus services at the Memorial Roundabout.
- 8.8.3 Vehicular access to the development would be via the existing in/out crescent to the front of 1-8 Wilmington Gardens. Parking bays would all meet ESCC minimum standards and would be directly adjacent to the access road. Although vehicles would need to reverse into or out of these spaces, they would be able to turn on the access road and enter and leave the adopted highway in forward gear. However, it is noted that some of the parking bays impede access to others and it is therefore recommended that the amount of parking provided is reduced at the reserved matters stage, particularly given the reduced parking demand generated by the development.
- 8.8.4 There is an existing footway to the side of No. 8 that leads from the access road and this would allow for pedestrian access to the building. However, this area is allocated for parking on the accompanying block plan and, given that the principle of reduced parking is acceptable due to the sustainable location of the site and the reduced demand in comparison and extended to meet the existing footway on Carlisle Road. This can be secured as part of the hard landscaping scheme for the development to be submitted as a reserved matter.
- 8.8.5 The development would include provision of a secure and covered cycle store to the rear of the site. ESCC guidance suggests 0.5 communal cycle parking spaces should be provided for each 2-bed flat, suggesting a provision of 13 spaces would be appropriate. A condition will be used to ensure that any building provided has a suitable capacity in order to ensure that the development includes appropriate provisions to encourage the use of more sustainable modes of transport. A minimum of 1 x electric vehicle charging point would also be required.
- 8.8.6 The site could be serviced by refuse vehicles on Wilmington Gardens/Carlisle Road provided an appropriately positioned bin store is provided. A bin storage area is shown on the submitted block

plans and a planning condition will be used to secure require it to be provided prior to the first occupation of the development and to ensure it has sufficient capacity to serve the development and is also of a design that is sympathetic to the street scene and surrounding Conservation Area.

8.9 Flooding and Drainage:

- 8.9.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from tidal or fluvial flooding. Risk of surface water flooding is also identified as being low. The site is currently entirely hard surfaced and, therefore, offers very little in the way of permeability. It is considered that the proposed development would be likely to reduce surface water run off due to the drainage benefits offered by landscaping and the sedum roof. There is also the potential for permeable paving to be used on hard surfaces, further increasing drainage capacity. This can be secured through the use of a planning condition.
- 8.9.2 A condition can also be used to secure an appropriate drainage scheme for the development as well as management and maintenance details that support its long-term functionality. This would include details of any connection agreement in Southern Water and confirmation that flow rates have been agreed so as to prevent any overloading of the existing sewer network.
- 8.9.3 It is therefore considered that the proposed development would not result in any unacceptable increase in flood risk within the site, neighbouring property or on the public highway.

8.10 Sustainability:

- 8.10.1 The development involves the re-use of an existing building and this, in itself, is considered to represent sustainable development by providing a more efficient use of the building. The site is also in a sustainable location meaning occupants will be less reliant on motorised transport.
- 8.10.2 The extensions and alterations to the building allow it to be used efficiently and the quality of accommodation provided significantly improves on the existing standards in terms of internal space and, as a result, the functionality and adaptability of the accommodation provided.

9. **Human Rights Implications**

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

10. **Recommendation**

10.1 It is recommended that the application is approved, subject to the submission of acceptable landscaping details as reserved matters and to the conditions listed below.

10.2 **TIME LIMIT:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

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

- 3122 01 - Site location and block plans
- 3112 06 Rev A - Proposed lower ground and ground floor plans
- 3112 07 Rev A - Proposed first and second floor plans
- 3112 08 Rev A - Proposed third, fourth floor plans and roof plan
- 3112 09 Rev B – Proposed elevations

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

10.4 **RESERVED MATTERS:** Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate to:

- Landscaping (incorporating a minimum 10% biodiversity net gain over site baseline levels).

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail.

10.5 **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 ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.

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

- 10.6 **DRAINAGE 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.

- 10.7 **CMP:** No development shall take place, including any further site clearance, until a Construction Management Plan (CMP) 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 or recycling 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;
- Works 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;
- 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;

- 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.

- 10.8 **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 details to be submitted to and approved by the Local Planning Authority and shall thereafter be provided in accordance with the approved 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.

- 10.9 **PARKING AND ACCESS:** Notwithstanding the details shown on approved block plan, the development hereby approved shall not be occupied until car parking and pedestrian access arrangements have been completed in accordance with details to be submitted to and approved by the local planning authority. A minimum of one functioning electric vehicle charging point shall be installed to serve the car parking facilities.

Reason: In the interest of pedestrian safety and to prevent obstruction on the public highway in accordance with policy D8 of the Eastbourne Core Strategy and para. 110 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 any 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 **SECURED BY DESIGN:** Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. This includes external areas, with particular reference to the passageway to the side of the building. The development shall be carried out and retained in accordance with the agreed details.

Reason: In order to provide a healthy and safe environment for future occupants of the development and the wider public in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 92 of the NPPF.

10.12 **EXTERNAL MATERIALS:** No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority, The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

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.

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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