

Time and venue:

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

Membership:

Councillor Hugh Parker (Chair); Councillors Amanda Morris (Deputy-Chair) Nick Ansell, Andy Collins, Jane Lamb, Anita Mayes, Teri Sayers-Cooper and Candy Vaughan

Quorum: 2

Published: Friday, 2 June 2023

Agenda

1 Introductions

2 Apologies for absence and notification of substitute members

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

4 Minutes of the meeting held on 17 April 2023 (Pages 5 - 8)

5 Urgent items of business.

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

6 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

7 Officer Update

Where additional information has been received by Planning Officers subsequent to the publication of the agenda, a supplementary report will be added to this item and published on the Council's website the day before the meeting to update the main reports with any late information.

8 13 Gorringe Road. ID: 220961 (Pages 9 - 22)

9 Lion Works, Sidley Road. ID: 220339 (Pages 23 - 36)

10 24 Hurst Road. ID: 230202 (Pages 37 - 46)

11 **Date of next meeting**

To note the next meeting of the Planning Committee is scheduled to be held on Monday, 17 July 2023.

Information for the public

Accessibility:

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

Filming/Recording:

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Thursday 8 June**. Requests made beyond this date cannot normally be accepted. Please provide your name, address and contact number, the application number and the proposed development to which it refers. You need to make clear whether you wish to speak in favour or against the application and your relationship to the site.

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 the Shackleton Hall at the Welcome Building, Devonshire Quarter, Compton Street, Eastbourne, BN21 4BP on 17 April 2023 at 6.00 pm.

Present:

Councillor Jim Murray (Chair).

Councillors Hugh Parker (Deputy-Chair), Md. Harun Miah, Amanda Morris, Colin Murdoch, Kshama Shore OBE, Barry Taylor and Candy Vaughan.

Officers in attendance:

Leigh Palmer (Head of Planning First), Helen Monaghan (Lawyer, Planning) and Emily Horne (Committee Officer)

65 Welcome and Introductions

Members of the Committee and Officers introduced themselves to all those who were present during the meeting. The Chair reminded the Committee and public speakers, that due to the pre-election period, Members should not make any party-political comments. Political comments were not a material consideration that the Committee could take into account when considering the applications.

66 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Jane Lamb. Councillor Shore confirmed that she was acting as substitute for Councillor Lamb.

67 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.

No declarations of interest were made at the meeting.

68 Minutes of the meeting held on 27 February 2023

The minutes of the meeting held on 27 February 2023 were submitted and approved as a correct record, and the Chair was authorised to sign them.

69 Urgent items of business.

There were no urgent items.

70 Officer Update

An officer addendum was circulated to the Committee prior to the start of the meeting, updating the report on the agenda with any late information (a copy of which was published on the Council's website).

71 12 Gorringe Road. ID: 230049

Change of Use from Residential Care Home (C2 use) to 3no. 3 bed flats (C3 use), with dedicated bin storage area and cycle storage facilities (amended description) – **UPPERTON**.

The Head of Planning First presented the report and reminded the Committee that the applications would be presented and determined separately for 12 and 13 Gorringe Road.

The Committee was advised by way of an Addendum that paragraph 8.4 of the report was corrected to state flats 1 and 3 would be 5 person occupancy and not 6 person occupancy. All flats would meet the technical housing standards for internal floor space requirements. Condition 4 (Landscaping and Boundary Enclosure) was revised to allow approval of details prior to first occupation.

Dr Yusaf Samiullah OBE spoke on behalf of local residents in objection to the application. Sarah Collins, Agent, spoke in favour of the application. Councillor Maxted, Ward Councillor, addressed the Committee in relation to the application.

The Committee queried the interconnectivity between 12 and 13 Gorringe Road, overlooking, Southern Water consultation, potential for an HMO and access to cycle storage.

The Head of Planning First confirmed there were no interconnecting internal doors as they had been blocked. Windows would not give rise to overlooking as they were controlled by condition to be obscure glazed. Agreement from Southern Water was required before permission could be fully implemented and site occupied. A future HMO could not be assumed and would require planning permission. Each flat would have independent access to bike storage.

Councillor Taylor proposed a motion to approve the application in line with the officer's recommendation and the amended conditions set out in the Addendum. This was seconded by Councillor Miah and was carried.

RESOLVED: (Unanimously) that planning permission be granted subject to the conditions set out in the officer's report and officer addendum.

72 13 Gorringe Road. ID: 220961

Change of Use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area – **UPPERTON**.

The Head of Planning First presented the report.

The Committee was advised by way of an Addendum that paragraph 3.1 of the report was corrected to state that the development was occupied and not vacant. An additional 'time limit' condition was added as elements of the proposed development differed from the on-site arrangements. Conditions 3 (Landscaping and Boundary Enclosures) and 2 (Cycle storage facilities) were revised to allow more time for submission of details.

Dr Yusaf Samiullah OBE spoke on behalf of local residents in objection to the application. Sarah Collins, Agent, spoke in favour of the application. Councillor Macted, Ward Councillor, addressed the Committee in relation to the application.

The Committee sought clarification on various points: the access to 13 Gorringer Road, lack of amenity space and small shared kitchen, fire regulations, potential for a live-in manager as a point of contact, proposed single occupancy condition, refuse/garden maintenance, parking and disabled access.

The Head of Planning First confirmed access was through a single front door. Each unit had adequate day light and outside space. It was not possible to require additional kitchens or extra live-in space due to housing legislation, but this it could be added as an informative if the application were to be supported by Members. Fire regulations were covered by Building Regulations and there were two means of escape. The site and refuse would be maintained by the management company and contact details could be obtained and supplied as required by their management plan. The level of parking would not increase more than its former use. There were alternative properties in the town that delivered disabled facilities. The Planning Lawyer added that legislation provided for retrospective applications and any conditions proposed must be enforceable.

Councillor Murray proposed a motion to approve the application in line with the officer's recommendation and amended conditions set out in the Addendum. This was seconded by Councillor Vaughan and the motion was lost by 2 votes to 4 against and 2 abstentions.

Councillor Parker proposed a motion against the officer's recommendation to defer the application to enable officers to seek revised plans. This was seconded by Councillor Morris and was carried.

RESOLVED: (by 5 votes to 3 against) that the application be deferred to enable officers to negotiate improvements to the scheme, and to be determined at a future meeting following any required consultation.

73 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 12 June 2023.

The meeting ended at 7.05 pm

Councillor Jim Murray (Chair)

Agenda Item 8

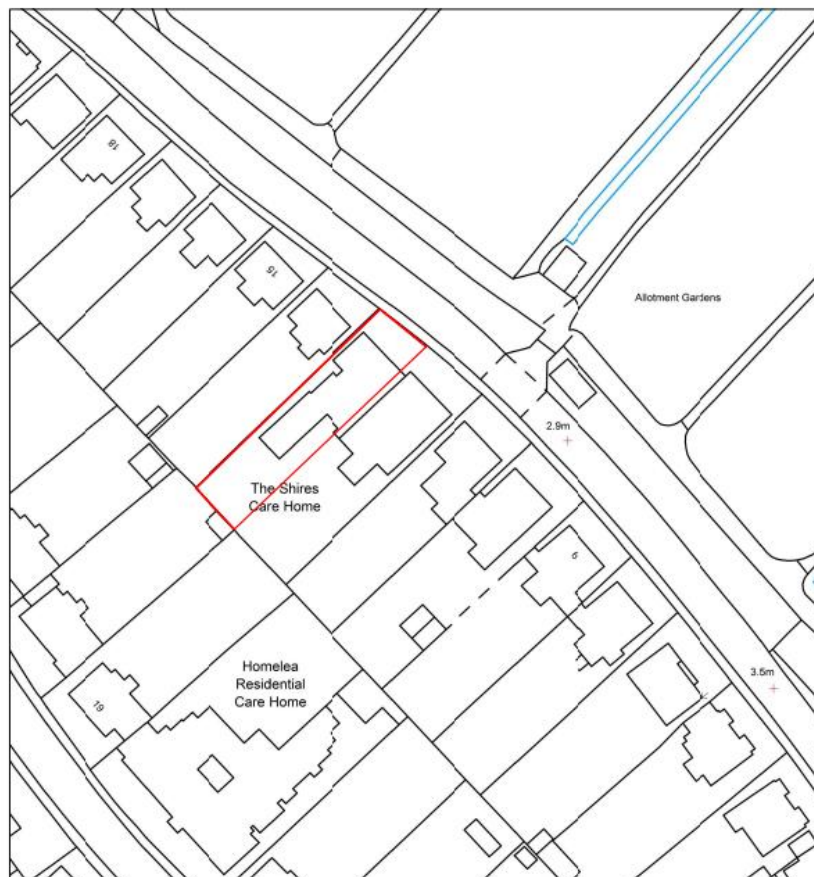
Report to: Planning Committee
Date: 12 June 2023
Application No: 220961
Location: 13 Gorringe Road, Eastbourne, BN22 8XL
Proposal: Change of Use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area

Applicant : Mr Jez and Chris Colville
Ward: Upperton

Recommendation: Approve subject to conditions

Contact Officer: **Name:** Emma Wachiuri
Post title: Specialist Advisor - Planning
E-mail: Emma.Wachiuri@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Site Location:



1. Executive Summary

- 1.1 This application is being presented to the Planning Committee following deferral at the April Planning Committee meeting. Members requested that Officers pursue options for additional communal space within the building for occupants.
- 1.2 The applicant has explored using one of the rooms for communal space but has declared that this would not be viable and is seeking the determination of the Committee on the scheme, as presented at the previous meeting.
- 1.3 Therefore, the scheme comprises the same amount of accommodation as originally proposed; the change of use from Residential Care Home (C2 use) to an HMO (Sui Generis use) comprising 11 single occupancy bedrooms with associated bin and cycle storage area.
- 1.4 The size of the rooms in the proposed building are substantial in most cases, many being large enough to accommodate both sleeping and lounge spaces, together with en-suite washing facilities for each room.
- 1.5 The proposal complies with national and local planning policies and is recommended for approval, subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change.

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D5: Housing - High Value Neighbourhoods
- D7: Community, Sport and Health
- D8: Sustainable Travel

D10A: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

HO2: Predominantly Residential Areas

HO9: Conversions and Change of Use

HO20: Residential Amenity

NE4: Sustainable Drainage Systems

NE14: Source Protection Zone

NE28: Environmental Amenity

UHT1: Design of New Development

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT7: Landscaping

UHT8 Protection of Amenity Space

US4: Flood Protection and Surface Water Disposal

US5 Tidal Risk

TR2: Travel Demands

TR4 Quality Bus Corridors

TR6: Facilities for Cyclists

TR11: Car Parking

LCF21: Retention of Community Facilities.

2.4 Supplementary Planning Documents and other relevant guidance:

Sustainable Building Design SPD

EBC Electric Vehicle Charging Points TAN

ESCC Guidance for Parking at New Residential Development.

3. Site Description

3.1 The application site relates to a two-storey semi-detached building in lawful use as part of a C2 residential care home together with adjoining property no.12 Gorrington Road. The property is currently vacant.

3.2 The site is located within the 'Upperton Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

3.3 Site Constraints:

Predominantly Residential Area.

Source Protection Zone.

4. Proposed Development

4.1 The application is seeking planning permission retrospectively for the change of use from Residential Care Home (C2 use) to 11-bedroom HMO (Sui Generis use) with associated bin and cycle storage area.

4.2 A secure and covered cycle store for 11no bikes is proposed to be located in the rear garden and bin storage is proposed along the side passage.

The refuse and recycling bins would be wheeled out and back every collection day by a private refuse management company. A ramp would replace the step between the pavement and the side passage to improve bins and bikes access.

5. Relevant Planning History:

5.1 The most relevant planning history is:

5.2 220421

Proposed change of use from residential care home (Class C2) to mixed use of Class C3 (Dwelling house) and House of Multiple Occupation (Sui Generis) to include separation into two separate properties. No.12 to be comprised of 9 no. luxury HMO rooms and 1 no. 2 bed flat and no.13 to be comprised of 11 no. luxury HMO rooms, with refuse storage area to the front and cycle storage shed in the rear communal garden (amended description). CONCURRENT APPLICATION.

5.3 230049

12 Gorringe Road

Change of Use from Residential Care Home (C2 use) to 3no. 3 bed flats (C3 use), with dedicated bin storage area and cycle storage facilities and rear roof terrace and external staircase.

CONCURRENT APPLICATION .

5.4 010493

Ground and first floor extensions at rear to form additional residents' bedroom accommodation together with a lift.

Approved conditionally.

19/12/2001.

5.5 030513

Erection of conservatory at rear.

Approved unconditionally.

17/11/2003.

5.6 980603

Part ground and first floor extensions to link 12 and 13 Gorringe Road (to provide en-suite facilities at first floor and enlarged utility room to ground floor), first floor extension at rear to form one staff bedroom and one resident bedroom.

Planning Permission.

Approved conditionally.

20/04/1998.

6. Consultations:

6.1 Housing Strategy:
No comment received.

6.2 Southern Water:
Advice given.

6.3 Specialist Advisor (Waste):
No comment received.

6.4 Specialist Advisor (Planning Policy):
No comment received.

6.5 Environment Agency:
No objection.

7. Other Representations:

7.1 Notification

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters;
- b. site notices displayed in roads neighbouring the site.

7.2 Neighbour Representations:

One comment in support of the application received.

Twelve letters of objections have been received raising the following concerns:

- Owner has been running unlicensed, illegal HMO.
- Garbage overflowing from bins all over the streets.
- It is not clear what garden, recycling and household waste bin location provision has been made from the plans.
- No Parking provision.
- Anti-social behaviour.
- Noise impact.
- The planning application is for a project that has been completed. (without planning application approval) as is the sister application for the adjacent property.
- Insufficient egress from the property in an emergency.

- Insufficient storage space for the number of waste bins.
- Cramped living conditions/ limited space in private rooms and communal space.
- High risk of groundwater Flooding on site.
- Overdevelopment.
- This is not the right area for this development as the road is mostly family occupied.
- Road safety: Parents accompany their children to the school.
- The living areas are small and hardly family friendly and not laid out with families in mind.
- Noise.
- Running unlicensed, illegal HMO.

7.3 Non-planning matters (covered by separate legislation):

- No fire safety measures in place.
- Rats presence.
- Sewage pipes and disposal insufficient.

7.4 Other Representations:

None.

8. Appraisal:

8.1 Loss of existing use:

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’.

Whilst a number of smaller and older nursing homes have recently closed in Eastbourne a number of recent approvals for large, purpose-built care homes have been granted, an example being 282 Kings Drive (planning ref: 181178). The site is currently not in operation as a care home and the applicant has confirmed within their submission that the facility closed due to problems with competing with newer, purpose-built care homes in the local area. The building lacks a lift and due the stepped access from pavement level makes accessibility difficult for elderly residents making purpose built care homes more attractive to residents.

8.2 Principle of the proposed residential use:

The assessment will need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

There is no objection in principle to the proposed change of use to residential (C3) provided the development is designed to a high standard, respects the established character of the area, would not have an adverse effect on neighbouring amenity and is in accordance with the policies of the National Planning Policy Framework (2021), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

Para. 73 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.

The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.8year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

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.

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.

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.

Policy HO14 of the Borough Plan directs that 'planning permission will be granted for the establishment and retention of Houses in Multiple Occupation (HMOs) provided they comply with residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE28.' These policies relate to impacts on residential amenity, the character of the surrounding area and environmental impact. The proposal has been assessed against these criteria and is considered to be acceptable on balance of the use of the wider site that the former care home occupied, including number 12.

8.3 Design, Character and Impact Upon Landscape:

The proposal would not comprise any significant alterations to the external envelope of the building from the existing. As such, there would be no impact on the character or the visual amenity of the streetscene or wider area resulting from the proposal. It is therefore concluded that the proposal satisfies policies D10a and UHT4.

8.4 Amenity and living conditions for future occupiers:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

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.

Based on the floor plans provided, bedrooms would generally be substantial in size, with private washing facilities. Suitably sized communal kitchen and dining facilities are also provided. The proposed accommodation would generally provide good quality accommodation for occupants.

All bedrooms and the communal kitchen/dining area have good access to natural light and ventilation as they are well served by clear glazed windows.

There would be no immediate obstructions to outlook from any of the proposed windows. The proposed development has a clear and uncluttered floor plan that avoids awkwardly shaped rooms and long corridors, thereby

allowing for ease of navigation and ensuring rooms are functional and adaptable.

The main access to the property from the street is to the front of the building, facing out towards Gorrington Road where there is a good level of surveillance from neighbouring dwellings as well as from windows of flats forming part of the development.

The site is located in a Predominantly Residential Area. The surrounding uses are thus considered to be compatible with this residential environment and do not generate levels of noise, light or air emissions that would cause undue disturbance towards future occupants of the proposed development.

The occupiers would have access to a private outdoor amenity to the rear of the property.

8.5 Impact upon the amenity of neighbouring occupants:

The existing building would not be extended, and the existing fenestration would be retained. It is therefore considered that the proposal would not have detrimental impacts on residential amenities of neighbouring occupiers by reasons of loss of daylight/sunlight, loss of outlook nor loss of privacy over and beyond the existing.

Policy HO20 of the Local Plan states that subject to other policies and proposals of this Plan new development proposals and extensions to existing buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable harm.

The existing building has been used as a residential care home meaning occupants and staff members of the care home are likely to be frequently moving up and down internal staircases plus additional care home activities such as deliveries, family visitors and health workers visits. It is considered the proposed use could be carried out without unacceptable impact upon the amenities of neighbouring residents, provided a suitable management and maintenance programme is in place to ensure the upkeep and security of the building and that noise and activity is controlled so as to protect residential and environmental amenity. This can be secured through the use of a planning condition.

Representations from neighbouring residents received following consultation raise concerns about the impact upon the amenity of the area resulting from poor refuse management. Planning permission would be subject to the imposition of a condition requiring a Management Plan, which would include details to ensure the site is managed in a way that would ensure the amenity of the area is maintained. This would include refuse and refuse and recycling management and the general condition, appearance and maintenance of the site.

It should also be noted that all HMO's occupied by more than 5 persons must be licenced by the Council's Housing Department. The security and maintenance standards of the HMO are fully assessed as part of the licencing process as per The Management of Houses in Multiple Occupation (England) Regulations 2006 and any licence granted has to be renewed every 5 years. A licence can also be revoked at any time.

The proposal is thus considered that subject to condition would not harm the residential amenities of the adjacent occupiers.

8.6 Transport and Parking:

The proposal seeks permission for change of use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area. The proposal does not incorporate any off-street car parking spaces and would operate in a similar manner but less intensity compared to the existing use. Given the site constraints and the fact that the existing care home has no off-street parking provision, officers consider that lack of car parking provision for the proposed development would not be a justified reason for refusal on this ground alone.

ESCC Parking Demand Tool confirms that the proposed development would generate the demand for 6 car parking spaces. Taking account of the demand for staff and visitor parking associated with the former care home use, the proposal would not give rise to any significant increase in parking demand when compared to the established use of the site.

In addition, according to 2011 census data, 74% of people who live in studio accommodation in Eastbourne do not own vehicles. Therefore, utilising this percentage, it is likely that 2 spaces would be required for a total of 11 bedrooms.

Policy TR6 states that adequate facilities for cyclists will be required in new developments and for changes of use. This will include:

- a) safe and clearly defined access to, and circulation within the development site;
- b) secure, convenient, well lit, well signed and wherever practical, covered, cycle parking close to the main entrance of the premises, in accordance with the Highway Authorities' adopted standards; and
- c) provision of changing and showering facilities.

The proposal would provide 11no. cycle storage facilities within the rear garden of the property, details of which can be secured via a condition.

8.7 Sustainable drainage and flood risk:

The site is located within Flood Zone 1 (with part of the front garden being part or bordering Flood Zones 2 and 3). However, it is noted that the front garden is elevated above road level and that the Strategic Flood Risk Assessment confirms that zones 2 and 3a are associated with the lower

level land in Eastbourne Park, including the allotments opposite the site. 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.

The Environmental Agency was consulted, and no objection raised.

9. **Human Rights Implications:**

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. **Conclusions:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The Proposal therefore complies with local and national policies.

11. **Recommendations**

11.1 Recommendation to approve the application subject to the following conditions:

12. **Conditions:**

12.1 **Drawings:** The development hereby permitted shall be carried out in accordance with the approved drawings published on 30/01/2023 and 20/03/2023:

- 1025.17 REV A site and block plan
- 1025.19 proposed floor plans

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

12.2 **Landscaping and Boundary Enclosures:** Within two months of the date of this permission, details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting;
- b) details of all hard surfaces;

c) all boundary treatments;

Any new planting that dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

12.3 **Cycle storage facilities:** Within one month of the date of this permission, details of secure and covered cycle parking facilities for 11no. cycles shall be submitted to the Local Planning Authority. Within two months of approval in writing by the Local Planning Authority, the facilities shall be provided in accordance with the details approved and retained as such for the parking of cycles for the lifetime of the development.

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

12.4 **Refuse and recycling facilities:** Notwithstanding what is shown on the approved drawings, within one month of the date of this permission details of enclosed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Within two months of approval in writing by the Local Planning Authority, the facilities shall be provided in accordance with the details approved and retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory refuse and recycling facilities are provided for future residents of the development to protect the amenity of the area and neighbouring occupants.

12.5 **Maintenance and Management Plan:** Within one month of the date of this permission, A Maintenance and Management Plan (MMP) for the development, hereby approved, shall be submitted to the Local Planning Authority. The MMP shall include details of the management of litter and the cleanliness of the site, the maintenance of the building and the management of refuse and recycling storage areas and containers, which shall not be left on the public highway and shall be returned to the designated refuse and recycling storage enclosures shown on the approved plans. Upon approval in writing by the Local Planning Authority, the site shall be managed in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory maintenance and management of the site to protect the amenity of the area and neighbouring occupants.

13. Appendices

13.1 None.

14. Background Papers

14.1 None.

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Agenda Item 9

Report to: Planning Committee
Application No: 220339
Location: Lion Works, Sidley Road, Eastbourne
Proposal: Demolition of the existing building and erection of 5no. 2 x bedroom dwellings
Applicant : HGP Investments
Recommendation: Approve subject to conditions

Contact Officer: **Name:** Emma Wachiuri
Post title: Specialist Advisor - Planning
E-mail: emma.wachiuri@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1. Executive Summary

- 1.1 This application is presented to the Planning Committee in line with the Scheme of Delegation as a total of 26 letters of objection and one petition with 28 signatures (which includes signatures from same address) have been received.
- 1.2 The application seeks permission to replace the existing two-storey office building with new 5no. 2 x bedroom dwellings. The proposed buildings will be two-storey in nature and would largely occupy similar footprint to the extant building albeit slightly larger.
- 1.3 The proposed development will be car free, but 12no cycle parking spaces would be provided on-site.
- 1.4 The fall pack position for change of use from office to residential property under permitted development rights is a material consideration. Instead of converting the building into residential units under permitted development rights, the proposal seeks to provide a well-designed scheme in this sustainably located brown site.
- 1.5 The application is considered acceptable in principle and is compliant with the Local Plan policies and the NPPF. It is therefore recommended that the application is approved subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework (NPPF) 2021:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change.

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C3: Seaside Neighbourhood Policy
- C5 Ocklynge & Rodmill Neighbourhood Policy
- D1: Sustainable Development

D5: Housing
D8: Sustainable Travel
D9: Natural Environment
D10a: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

NE4: Sustainable Drainage Systems
NE5: Minimisation of Construction Industry Waste
NE6: Recycling Facilities
NE7: Waste Minimisation Measures in Residential Development
NE22: Wildlife Habitats
NE28: Environmental Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT7: Landscaping
US2: Water Resource Adequacy
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
US4: Flood Protection and Surface Water Disposal
US5 Tidal Risk
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO3: Retaining Residential Use
HO7: Redevelopment
HO9: Conversions and Change of Use
HO11: Residential Densities
HO12: Residential Mix
HO20: Residential Amenity
TO1: Tourist Accommodation Area
TO2: Retention of Tourist Accommodation
TR2: Travel Demands
TR4 Quality Bus Corridors
TR6: Facilities for Cyclists
TR11: Car Parking.

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

Policy EL1 – Economy and Employment Land.

- 2.5 Eastbourne Town Centre Local Plan 2013:
TC6 – Residential Development in the Town Centre
TC9 – Building Quality
TC10 – Building Frontages.
- 2.6 Supplementary Planning Documents and other relevant guidance:
Sustainable Building Design SPD
EBC Sustainability in Development TAN
EBC Biodiversity Net Gain TAN.
- 2.7 Other Guidance:
National Design Guidance.

3. Site Description

- 3.1 The application site relates to a two-storey office building consisting of brick with access from Sidley Road along a narrow single access road.
- 3.2 To the rear the site backs onto a private pedestrian access serving the rear gardens of properties fronting Royal Parade.
- 3.3 It is located in a residential area and is surrounded by two storey properties fronting Sidley Road to the north-west and Royal Parade to the south and south-east.
- 3.4 Site Constraints
Predominantly Residential Area
Source Protection Zone
Flood Zones 2 and 3.

4. Proposed Development

- 4.1 Planning permission is being sought for the demolition of the existing building and erection of 5no. 2 x bedroom dwellings.
The proposed units 1-5 all have two bedrooms (one single and one double).
- 4.2 During the application the proposal was amended as follows:
- Height of south-eastern end of the proposed building was reduced from two storey to single storey to prevent harmful impacts on residential amenity of adjacent occupiers and as such the proposed structure would be similar to the existing.
 - Unit 6 removed from the scheme due to EA objection to ground floor sleeping accommodation reducing the total proposed units from six to five.

- 4.3 Cycle storage and refuse bins storage would be provided to the front of the units and the development would be car free.

5. Relevant Planning History

- 5.1 050492 - Change of use from storage (B8) with ancillary offices to offices (B1) with photographic, voice over and video editing suites. General repairs and upgrading of building including re-surfacing parking area, creation of garden and replacement UPVC windows. Approved conditionally - 24/10/2005
- 5.2 970130 - Change of use from book binding workshop with ancillary storage to storage with ancillary offices. - Approved conditionally 14/08/1997.

6. Consultations

- 6.1 East Sussex Highways:
No objection subject to the conditions.

The main issue with this development is the lack of parking provided; however, considering the previous use on the site, the associated parking demand and substandard width of the access an objection solely on this basis would be difficult to uphold.

- 6.2 Environmental Health:
No response received.

- 6.3 Waste Services:
No response received.

- 6.4 SUDS:
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 the proposal.

- 6.5 Environment Agency:
30/03/2023
Conditional response.

16/05/2022
Conditional response
Bedrooms to be restricted to first floor and above, with non-sleeping accommodation only on the ground floor.

- 6.6 CIL Consultations:
This application would be liable for CIL as per EBC charging schedule, provided they are houses and not flats.

7. Other Representations

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters
- b. site notices displayed in roads neighbouring the site and

7.2 Neighbour Representations:

A total of 26 letters of objection and one petition with 28 signatures which includes signatures from same address) have been received in which the following summarised concerns were raised:

- Overdevelopment
- Noise
- Air pollution during the build
- Design an external appearance of the proposed buildings
- Loss of light on adjoining houses – due to roof design
- Overlooking and loss of privacy due to insufficient separation distances
- Contamination risks
- Flooding risks on adjoining properties
- Increased traffic and pressure on on-street parking
- Lack of parking for residents
- Changing use to residential would open the area up to 24/7 activity and leading to decrease in privacy and noise for adjacent occupiers
- Pollution from refuse bins for adjoining no.16 Sidley Road
- No suitable parking areas for construction and trades vehicles
- Very narrow access for emergency services
- Narrow pedestrian access
- Contrary to policy B1 which seeks continued usage for the same purpose
- Lack of water efficiency calculations
- Lack of transport assessment report
- Lack of waste and recycling checklist
- Increased pressure on drainage and sewerage
- Negative environmental and health impact on no.16 from the refuse bins

Non-planning considerations:

- Risk to existing foundations of and services to adjoining properties (Officer note: This is covered under Building Regulations legislation)
- Damage to neighbouring properties (Officer note: This is a civil matter)
- Devaluing of surrounding properties.

8. Appraisal

8.1 Key Considerations:

8.2 Principle of Development:

Para. 73 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.

The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43-year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

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.

The site is located within a sustainable location and the approved use of the building is currently in office use. Economic objectives are one of the three overarching objectives of sustainable development. Para. 80 of the NPPF 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 business needs and wider opportunities for development'.

The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

8.3 Design, Character and Impact Upon Landscape:

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF:

The proposed development would have limited public vistas and only visible from Sidley Road as one travels north to south. The scale and design would be in keeping with the existing building to be replaced and also with the wider area.

The proposed external materials are traditional bricks and tiles to reflect those used in the surrounding area. This is considered acceptable and would be secured by way of condition.

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

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013 and para. 130 of the NPPF.

The site is in current use as offices with windows at first floor level overlooking the properties to the west nos. 2-16 Sidley Road and the current arrangement between properties is similar to the proposed development. It is thus considered that the proposed buildings would not lead to unacceptable levels of overlooking/loss of privacy and would not increase in noise or general disturbance emanating from the site over and beyond the existing. To the rear, there are proposed rooflights to the units serving bathroom, hallway and stairway and to prevent overlooking, this can be controlled via a condition by restricting the cill-height of any openable parts. The proposed is not considered to harm the amenities of the area which is characterised by a variety of land uses.

In addition, the site has a fall-back position for change of use from office to residential property under permitted development rights which is also a material consideration. Instead of converting the building into residential units under permitted development rights, the proposal seeks to provide a well-designed scheme in this sustainably located brown site

Officers are mindful of a similar development at 145A Ashford Road ref no. 200242 which was allowed on appeal where noise disturbance and overlooking wasn't considered to be a reasonable reason for refusal.

It is therefore considered that there would be no adverse impact upon the amenities of neighbouring residents.

8.5 Amenity and living standards of future occupiers:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

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.

2-bedroom, 3person, 2 storey dwelling: Requirement = 70sqm /Proposed units 1-5 = approx 70-76sqm.

2-bedroom, 4person, 2 storey dwelling: Requirement = 79sqm /Proposed unit 6 = approx 88sqm.

Para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area; the proposed height meets this requirement in all properties.

Single aspect and all habitable rooms would be served by clear glazed windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. The guidance in the National Design Code advises that good quality housing creates a pleasant indoor environment with adequate levels of natural lighting, and sunlight, without problems of overheating, good quality ventilation and privacy from overlooking. Internal layouts should maximise access to natural daylight and provide appropriate levels of glazing to ensure adequate internal lighting without problems of overheating. The scheme meets these aims.

Each unit would be provided with an outdoor amenity space.

8.6 Transport and Parking:

Relevant policy: Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and para. 110 of the NPPF.

ESCC Highways Authority has been consulted and they have raised no objection subject to conditions. They have also commented that considering the previous use on the site, the associated parking demand and substandard width of the access an objection solely on this basis would be difficult to uphold.

ESCC Highways Authority have also commented that given the location of the site, width of the access and the potential for construction vehicles to impact the flow of traffic and pedestrian safety in the surrounding highway network, a Construction Traffic Management Plan should be provided, and this would be sought via a planning condition.

With regards to cycle parking the East Sussex County Council Guidance for Parking at Residential Developments, a 2-bedroom house should be provided with 2 cycle parking space per unit. The proposed development seeks to provide 12 cycle parking spaces. A cycle storage should be covered, secure and located conveniently for users. Details of the cycle stores have not been submitted with this application, but these can be sought by way of a condition in any given approval.

The site is located in a sustainable location given the area has frequent bus services and the nearest train station is Eastbourne Town Centre.

A bin storage area along the north boundary and to the front of the buildings has been shown on the submitted block plan. Refuse collection would thus take place from the front of the site. It is considered that the bin storage area for the proposed development is in location where bins can easily be moved to the highway for collection.

8.7 Flooding and Drainage:

Saved Policy US4 states that all development should make adequate provision for floodplain protection and surface water drainage, in order to ensure that:

a) no overall reduction in flood storage capacity and flood waterway area occurs;

b) measures are provided to manage increased surface water runoff to minimise the risk from flooding, whilst not increasing the risk of flooding elsewhere.

Saved Policy US5 states that development will not be permitted in areas considered to be in consultation with the Environment Agency, at an unacceptable risk of flooding from the sea.

The Environment Agency has been consulted and no objection was raised subject to condition that the development is carried out in accordance with the submitted flood risk assessment (FRA, ref 11322, October 2021)

With regards to hard landscaping, the use of hard-surfaced materials and the installation of channel drains to prevent surface water discharge onto the highway would be encouraged. ESCC Highways have not raised any objections regarding surface water runoff. Details of hard landscaping materials can be secured via a condition.

8.8 Human Rights Implications:

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.

8.9 Conclusions:

The application is considered acceptable in principle and is compliant with the Local Plan policies and the NPPF.

9. Recommendations

9.1 It is therefore recommended that the application is approved subject to conditions.

10. Conditions:

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

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

- 10.2 **Drawings:** The development hereby permitted shall be carried out in accordance with the following approved drawings published on EBC website on 03/05/2022 and 24/03/2023:

- Drawing: 7102/001 site/block plan
 - Drawing: 7102-024-C - Site Sections/Elevations Proposed
 - Drawing: 7102/023 Rev C 7102-024-C - Site Sections/Elevations. Proposed -
 - Drawing: 7102/022 Rev D Roof Plan Proposed
 - Drawing: 7102/021 Rev E First Floor Plan Proposed
 - Drawing: 7102/020 Rev J Ground Floor Plan Proposed.
- Documents -
- Flood Risk Assessment (FRA, ref 11322, October 2021).

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

- 10.3 **Materials:** Samples of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure that the development has a satisfactory appearance.

- 10.4 **Landscaping:** Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

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

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

Reason: To safeguard and enhance the character and amenity of the area.

- 10.5 **Cycle storage facilities:** No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

- 10.6 **Refuse and recycling storage facilities:** Notwithstanding the approved drawing, prior to the first occupation of the development hereby approved details of the enclosure to the proposed refuse and recycling storage facilities shall be provided and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved drawings prior to the first occupation of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

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

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of demolition and removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- storage of plant and materials,
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public

highway (including the provision of temporary Traffic Regulation Orders);

- measures to manage the impact upon local air quality;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

Thereafter the approved DCEMP shall be implemented and adhered to in full throughout the entire demolition/construction period.

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

- 10.8 **Foul sewer:** Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of the localised flooding and the amenity of the area.

- 10.9 **Travel Plan initiatives:** Upon occupation of the development each residential unit shall be provided with either a bus taster ticket or £100 cycle voucher plus a supermarket delivery voucher.

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

- 10.10 **Flood Risk:** The development shall be carried out in accordance with the submitted flood risk assessment (FRA, ref 11322, October 2021) and the following mitigation measures it details:

- Finished floor levels will be no lower than the stated finished floor levels in Section 3.4 of the FRA (4.2M;4.25M and 4.3 AOD).
- Bedrooms to be restricted to first floor and above, with non-sleeping accommodation only on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 10.11 **Rainwater run off:** Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods

installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and shall be retained as such thereafter.

Reason: To ensure that surface water is dealt with appropriately within the application site and will not affect adjoining property by way of localised flooding or encroachment.

- 10.12 **Obscure glazing:** The first-floor windows in the rear elevation of the development, hereby approved, shall be obscurely glazed and non-opening to a minimum height of 1.7m above internal finished floor level, and shall be installed prior to first use of the development and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.13 **Permitted development rights removed:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority to the dwellings hereby approved.

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

- 10.14 **Use of flat roof:** The flat roof of the single storey element of unit 5, hereby approved, shall not at any time be used for sitting out, as an amenity area or for any other purpose other than that of an emergency or for maintenance.

Reason: To safeguard the amenity of the occupiers of adjoining properties.

11. **Appeal**

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. **Appendices**

- 12.1 None.

13. **Background Papers**

- 13.1 None.

Report to: Planning Applications Committee
Date: 12 June 2023
Application No: 230202
Location: 24 Hurst Road, Eastbourne
Proposal: Variation of a condition 2 (Approved Plans) following grant of planning permission 26/10/2022(ref 220566) to include additional bedrooms to form 3no four-bedroom dwellings
Applicant: Ms C Christie
Ward: Upperton
Recommendation: Approve Conditionally

Contact Officer: **Name:** Chloe Timm
E-mail: Chloe.Timm@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1. Executive Summary

- 1.1 This application is presented before planning committee due to the level of objections received on the proposed scheme (15 objections received). The application.
- 1.2 The application is a variation to the previously approved scheme for 3no three-bedroom dwellings with 2no off street parking spaces per dwelling.
- 1.3 The proposed development is to vary the previously approved plans to include the installation of 6no roof lights to each of the three dwellings to enable the loft space to be converted into a fourth bedroom, bathroom and storage.
- 1.4 The application is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

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

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2 Upperton Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10: Historic Environment
- D10a: Design.

- 2.3 Saved polices of the Eastbourne Borough Plan 2001-2011:
- NE4: Sustainable Drainage Systems
 - NE28: Environmental Amenity
 - UHT1: Design of New Development
 - UHT4: Visual Amenity
 - UHT7: Landscaping
 - HO1: Residential Development within the Existing Built-up Area
 - HO2: Predominantly Residential Areas
 - HO3: Retaining Residential Use
 - HO6: Infill Development
 - HO7: Redevelopment
 - HO11: Residential Densities
 - HO20: Residential Amenity
 - TR11: Car Parking
 - US1: Hazardous Installations.

2.4 Supplementary Planning Documents and other relevant guidance:

- Sustainable Building Design SPD
- Trees and Development SPG
- Sustainability in Development
- EBC Sustainability in Development TAN
- EBC Biodiversity Net Gain TAN
- EBC Electric Vehicle Charging Points TAN.

3. Site Description

- 3.1 The application site comprises a single storey bungalow on a corner plot with Hurst Road and Rossington Close. The building currently onsite sits towards the rear of the site, is in a run-down state and currently unoccupied.
- 3.2 Hurst Road slopes downwards from South to North and West to East with the application site itself sloping from West to East.
- 3.3 The existing property has a concrete driveway situated to the south side of the site and heavy vegetation surrounding the property and there is evidence of this recently being cleared and the cutting down of trees.
- 3.4 The site is neither located within a designated Conservation Area, nor is the building statutorily listed.
- 3.5 The application site is within an archaeological notification area and is within 50m of a high-pressure gas line.

- 3.6 Hurst Road is mainly comprised of two storey terraced properties with the exception of the application site and two pairs of semi-detached properties, adjoining the site and opposite the site.
- 3.7 Immediately north of the site are semi-detached two-storey dwellings (ground and lower ground floor levels) and opposite the site are three-storey semi-detached dwellings. The properties on the western side of Hurst Road sit above the properties on the eastern side due to the topography of the road.
- 3.8 Site Constraints:
Predominantly Residential Area
Gas High Pressure 50m Buffer Zone
Archaeological Notification Area
Covenant – Trustees of the Chatsworth Estate.

4. Proposed Development

- 4.1 The application is seeking permission for variation of condition 2 (plans) of planning permission granted 26/10/2022 for the erection of 3no 3-bedroom dwellings.
- 4.2 The variation to the plans is to provide 3no 4-bedroom dwellings, this would be achieved by providing a bedroom in the previously approved loft space.
- 4.3 The proposal includes the installation of 6no. roof lights.

5. Relevant Planning History

- 5.1 220216: Demolition of existing dwelling and erection of 3no 3-bedroom dwellings.
Planning Permission, Refused, Decision Date: 27 May 2022.
- 5.2 220566: Demolition of existing dwelling and erection of 3no. 3-bedroom dwellings (resubmission of refused planning application 220216)
Planning Permission, Approved Conditionally, Decision Date: 26/10/2022.
- 5.3 230055: Non-material amendment application in relation to planning consent 220566 granted on 26/10/2022 for alterations to external materials to all elevations (amended proposal)
Non-Material Amendment, Issued, 28/03/2023.

6. Consultations

- 6.1 CIL Officer
The application is CIL Liable.

7. Other Representations

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters
- b. site notices displayed in roads neighbouring the site and
- c. a press advert in a locally distributed newspaper.
- d. consultation with the Meads Community Association.

7.2 Neighbour Representations:

15 letters of objection have been received, which raise the following concerns based upon material planning grounds:

- Densely Populated Area
- Loss of privacy
- Out of Keeping with the Character of the Area
- Parking provision.

7.3 Other Representations:

Other non-material matters raised included a lack of transparency from the developers with their intentions for the site and a concern the houses would be converted into flats once completed. The application has to be assessed with the information provided, assumptions as to future development of the site do not form part of the decision-making process and the application is assessed on its own merit.

8. Appraisal

8.1 Key Considerations:

8.2 Principle:

The principle of the development for the erection of 3no dwellings was established as acceptable under planning application 220566, which was approved conditionally following presentation at planning committee on 03 October 2023.

A non-material amendment application was submitted and approved on 28 March 2023 to alter the external facing materials under reference 230055.

This application is seeking to vary the plans approved to allow for the loft area to be used as habitable space with a bedroom (bedroom 4) and a bathroom. No other changes are proposed within this application.

8.3 Design, Character and Impact Upon Landscape:

The scheme is not looking to alter the overall design or external materials for the 3no dwellings. The addition of the roof lights within the previously approved roof will not detrimentally harm the character or visual amenity of the host buildings or surrounding area.

8.4 Transport and Parking:

Objections raise concerns over the impact an additional bedroom for each property will have on the parking availability in the area.

The East Sussex County Council parking demand calculator advises that for a 3bedroom house the total parking demand is 2.26 spaces per house. When using the calculator for a 4bedroom house, the total parking demand is 2.28 spaces, an increase in 0.02 additional parking space required. Across all three houses this would be an increase of 0.6 spaces with total demand for 3no 4bedroom houses being 6.84

The application site is sustainably located with links to local bus routes in close proximity, Eastbourne train station and the town centre are a short distance away.

The scheme as approved provides for 6 spaces (2 per dwelling), an increase of 0.06 in parking demand, does not warrant enough of a reason for refusal of this application to include a fourth bedroom within the properties.

8.5 Residential Amenity:

The proposed additional bedroom in the loft space will not have a detrimental impact on the amenity of the surrounding occupiers.

Objections raised on this application mentioned that a condition was set to remove permitted development rights for dormers and roof lights to protect the amenity of the neighbouring occupiers. The condition was to ensure that any conversion of the roof space did not take place without prior planning permission being applied.

The condition removed the permitted development rights for dormers and roof lights, however, did not take away the right to apply for such development via a planning application. The planning application process assesses developments, and the material impacts they would have on amenity of neighbouring occupants and the surrounding area, along with other matter.

This application does not include any alterations to the design or the height of the dwellings but would see the installation of 6no roof lights to each of the three dwellings. 4no to the north roof slope (1 for the stairway, 1 for the bathroom and 2 for the bedroom) and 2no to the south roof slope (for the bedroom).

No other windows or dormers are proposed to be installed to the roof to enable the conversion of the loft space into a bedroom and bathroom.

Outlook from the new roof lights will be limited and would not provide any direct views into the neighbouring buildings or negatively impact the privacy of the occupants.

8.6 Human Rights Implications:

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.

8.7 Conclusions:

The proposed variation to the previously approved plans is acceptable and would not have a detrimental impact on the amenities of the neighbouring occupiers or the visual amenities of the surrounding area.

The application is found to be in accordance with national and local planning policies.

9. Recommendations

9.1 Approve, subject to conditions.

10. Conditions:

10.1 **Timeframe:** The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

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

Drawing: 01 Rev E – Location, Block and Site Plan

Drawing: 02 Rev L – Proposed Plans Plot 1

Drawing: 03 Rev N – Proposed Plans Plot 2

Drawing: 04 Rev N – Proposed Plans Plot 3

Drawing: 07 Proposed Site Plan

Drawing: Landscaping Plan.

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

10.3 **Tree Protection:** Prior to the commencement of works a Tree Protection Plan and Arboricultural Method Statement to include ground protection methods and construction exclusion zones in relation to T1 and Tree G1 are to be submitted and approved in writing by the local planning authority.

Reason: To safeguard and enhance the character and amenity of the area.

10.4 **Demolition/Construction Management Plan:** Prior to commencement of development, including any ground and demolition works, a Demolition Construction and Environmental Management Plan (DCEMP) shall be 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 demolition/construction period. The Plan shall provide details as appropriate, which shall address but not be restricted to the following matters:

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- storage of plant and materials;
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

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

10.5 **Archaeology:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

10.6 **Archaeology:** The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological

investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

- 10.7 **Rainwater goods:** Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host properties and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding or encroachment.

- 10.8 **Electric Vehicle Charging Point:** Details of electric charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 10.9 **Car Parking:** Prior to first occupation of the development, hereby approved, the car parking spaces shall be provided and clearly marked in accordance with approved drawing No: 07 (Proposed Site Plan). The parking spaces shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned shall be used for no purpose other than for the parking and turning of vehicles.

Reason: To ensure adequate parking provision for the development and to prevent overspill to on street car parking in accordance with Policy TR11 of the Eastbourne Borough Plan (2007).

11. Appendices

- 11.1 None.

12. Background Papers

- 12.1 None.

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