

Planning Committee
26 February 2024



Working in partnership with **Eastbourne Homes**

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).
Councillors Nick Ansell, Andy Collins, Jane Lamb, Anita Mayes, Teri Sayers-Cooper and
Candy Vaughan**

Quorum: 2

Published: Friday, 16 February 2024

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 Urgent items of business.**

The Chair to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Minutes of the meeting held on 29 January 2024 (Pages 5 - 8)**
- 6 Right to address the meeting/order of business.**

The Chair to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 7 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 Gate Court Dairy, Waterworks Road. ID: 230787 (Pages 9 - 28)**
- 9 Land to the rear of Pembroke House, Upperton Road. ID: 230828 (Pages 29 - 40)**

10 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on 18 March 2024 at 6pm

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. If you would like to use the hearing loop please advise Democratic Services (see below for contact details) either in advance of the meeting or when you arrive so that they can set you up with the relevant equipment to link into the system.

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:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Thursday 22 February**. 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

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

Council website: <https://www.lewes-eastbourne.gov.uk/>

Modern.gov app available: View upcoming public committee documents on your device. Free modern.gov [iPad app](#) or [Android app](#) or [Microsoft app](#).

This page is intentionally left blank



Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 29 January 2024 at 6.00 pm.

Present:

Councillor Hugh Parker (Chair).

Councillors Amanda Morris (Deputy-Chair), Nick Ansell, Daniel Butcher, Jane Lamb, Teri Sayers-Cooper and Candy Vaughan.

Officers in attendance:

Neil Collins (Development Management Lead), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer).

43 Introductions

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

44 Apologies for absence and notification of substitute members

Apologies had been received from Councillor Andy Collins and Councillor Anita Mayes. Councillor Butcher confirmed that he was acting as substitute for Councillor Collins.

45 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.

46 Urgent items of business.

There were no urgent items.

47 Minutes of the meeting held on 16 October 2023

The minutes of the meeting held on 16 October 2023 were submitted and approved as a correct record, and the Chair was authorised to sign them.

48 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).

49 Unit 7 and 8, The Crumbles. ID 230607

Retrospective application for consent to display 1no. internally illuminated fascia sign, 2no. non illuminated fascia signs, 2no panel signs and 2no. Sets of glazing graphics to front and rear elevations (amended scheme received 29/11/2023) – **SOVEREIGN**.

The Development Management Lead (DML) presented the report.

The Committee was advised by way of the Addendum that one further representation had been received since the officer report, the revised wording for Condition No. 1, and to omit Condition No. 6.

Mr Bender, neighbour, spoke on behalf of residents against of the revised application concerning the appearance of the signs. Councillor di Cara, Ward Councillor, addressed the Committee in objection to the application.

Members felt the large rear high level fascia sign was inappropriate and too bright and queried if it could be removed, and if the illumination on the front elevational sign could be turned off at 10pm when the business was closed.

The DML advised the application could either be deferred for officers to liaise with the applicant regarding the proposed amendments which would come back to Committee for determination, or the application could be delegated to officers to request the amendments.

The Lawyer added that if the application was delegated to officers and if it was refused following negotiations and the rear high level fascia sign was not removed, the breach of planning would be referred to the Planning Enforcement team.

Councillor Morris put forward a proposal, against the officer's recommendation, to defer the application to enable officers to seek the removal of the rear high level fascia sign and to add a condition to restrict the hours of illumination on the front fascia sign, to be determined at a future meeting. This was seconded by Councillor Vaughan and was put to the vote and this was lost unanimously.

Councillor Lamb put forward a proposal against the officer's recommendation to delegate officers to seek the removal of the rear high level fascia sign with the applicant and to add a condition to restrict the hours of illumination on the front fascia sign. This was seconded by Councillor Morris and was carried.

RESOLVED: (Unanimously) that delegated authority be provided to the Development Management Lead to liaise with the applicant regarding the removal of the large rear high level fascia sign; to add a condition to control illumination of the front fascia sign within certain hours, and to refuse the application if not possible through negotiation.

50 Mansion (Lions) Hotel, 32-35 Grand Parade. ID: 230778

Reserved Matters Application (Landscaping) in relation to planning permission 200280 granted 03/12/2020 - **MEADS**.

The Development Management Lead presented the report.

The Committee was advised by way of the Addendum that there were no further updates.

Councillor Lamb put forward a proposal in line with the officer's recommendation. This was seconded by Councillor Ansell and was carried.

RESOLVED: (Unanimously) that the application be granted subject to the conditions in the Officer's report.

51 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 26 February 2024.

The meeting ended at 6.58 pm

Councillor Hugh Parker (Chair)

This page is intentionally left blank

Agenda Item 8

- Report to:** Planning Applications Committee
- Date:** 26 February 2024
- Application No:** 230787
- Location:** Gate Court Dairy, Waterworks Road, Eastbourne, BN22 8LH
- Proposal:** Erection of 85 residential flats, together with access and parking, associated open space and landscaping and vehicular and pedestrian accesses.
- Applicant:** Waterworks Development Ltd
- Ward:** Devonshire
- Recommendation:**
1. Delegate to the Development Management Lead to:
 - a) Conclude consultation with the Local Highway Authority, the Environment Agency and the Council's Air Quality Specialist;
 - b) Receive and evaluate the independent review of the submitted Financial Viability Assessment from the Council's elected viability consultants; and
 - c) Make any necessary revisions, attach conditions or seek planning obligations resulting from the above processes, and upon conclusion of the above:
 2. Grant planning permission with conditions, subject to S106 Agreement to secure:
 - a) Local Labour Agreement; and
 - b) Travel Plan and monitoring fee
 - c) Car Club contributions
 - d) Any further obligations following conclusion of the above consultations.
- Contact Officer:** **Name:** Chloe Timm
E-mail: chloe.timm@lewes-eastbourne.gov.uk
-

Site Location Plan



1.	Executive Summary
1.1	This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes a major development.
1.2	The application seeks planning permission for the erection of 85no. residential flats, together with access, parking and landscaping.
1.3	The site is the former Gate Court Dairy, demolition of the industrial buildings has taken place, and the site has been cleared.
1.4	Redevelopment of the site would provide 85 residential flats split between three blocks. With the provision of 50 one-bedroom flats, 21 two-bedroom flats and 4 three-bedroom flats.
1.5	The principle of the change of use from Class B8 (Storage and Distribution) to Class C3 (Residential) has been established under a previous application for outline planning permission for residential development. Outline application 200742 was granted permission subject to S106 and planning conditions on 11 January 2022 for provision of 60no flats.
1.6	It is recommended that delegated authority be provided to planning officers to grant planning permission subject to S106 Agreement, planning conditions and subject to the satisfactory resolution on the financial viability assessment concerning affordable housing and the technical matters relating to the Flood Risk Assessment.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>3. Plan-Making</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C6: Roselands and Bridgemere Neighbourhood Policy</p>

	<p>D1: Sustainable Development</p> <p>D5: Housing</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design.</p>
2.3	<p><u>Saved policies of the Eastbourne Borough Plan 2001-2011:</u></p> <p>BI2: Designated Industrial Areas</p> <p>BI7: Design Criteria</p> <p>HO1: Residential Development within the Existing Built-up Area</p> <p>HO2: Predominantly Residential Areas</p> <p>HO7: Redevelopment</p> <p>HO11: Residential Densities</p> <p>HO20: Residential Amenity</p> <p>NE4: Sustainable Drainage Systems</p> <p>NE14: Source Protection Zone</p> <p>NE18: Noise</p> <p>NE28: Environmental Amenity</p> <p>TR1: Locations for Major Development Proposals</p> <p>TR2: Travel Demands</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>UHT1: Design of New Development</p> <p>UHT4: Visual Amenity</p> <p>UHT7: Landscaping</p> <p>US4: Flood Protection and Surface Water Disposal</p> <p>US5: Tidal Risk.</p>
2.4	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Sustainable Building Design SPD</p> <p>Trees and Development SPG</p> <p>Sustainability in Development</p> <p>Local Employment and Training SPD</p> <p>Eastbourne Affordable Housing SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN.</p>

3.	Site Description
3.1	The application site is the former site of Gate Court Dairy, a former depot which consisted of large industrial units and warehouses, which have not been demolished and the site cleared.
3.2	The application site is located within a mixed-use area with both industrial and residential areas adjoining the site. To the North/North-West of the site is South-East Water Treatment Works, Technology Business Park and beyond this is Courtlands Industrial Estate. To the North-East, South-East, and South-West of the site are residential properties of Waterworks Road, Stansted Road and Abbots Close.
3.3	The application site is in a sustainable location a short distance from Eastbourne Town Centre, Eastbourne train station and local bus routes.
3.4	The site is not located within any designated conservation area and the site is not statutory listed, the nearest statutory listing is the Grade II listed Bedfordwell Pumping Station which is located to the west of the application site behind the properties on Abbots Close and over the railway line.
3.5	<u>Site Constraints</u> Predominantly Residential Area Source Protection Zone Flood Risk Zones 2 and 3.

4.	Proposed Development
4.1	Redevelopment of the site to provide 85no flats, comprised of 50 one-bedroom flats, 21 two-bedroom flats and 4 three-bedroom flats.
4.2	The proposal is for three detached buildings (V1, V2 and V3) set over two-storey and three-storeys with the layout of the buildings being located towards the north-west, south-west and north-east of the site creating a courtyard in the centre which will provide landscaped areas and car parking.
4.3	Vehicular access is proposed from Waterworks Road, with the current vehicular entrance stopped up. A pedestrian and cycle path would run along the south-west boundary on Abbots Close and then internally through the site connecting from Abbots Close to Waterworks Road.
4.4	The proposal includes the installation of green roofs to buildings V2 and V3 and two shared garden spaces as well as other pockets of planting, trees and grassed areas.
4.5	There will be provision for 48 car parking spaces (5% to be EV charging) and cycle storage for 54 cycles within the site.

5.	Relevant Planning History:
5.1	<p><u>200742:</u> Outline Planning Application (Access, Appearance, Layout and Scale) for the redevelopment of site to form 60no flats, consisting of 3no three-bed room flats, 29no two-bedroom flats an 28no one-bedroom flats. Outline (some reserved) Approved conditionally. 11/01/2022.</p>
6.	Consultations:
6.1	<p><u>ESCC Ecologist:</u> Provided the proposed mitigation, compensation and enhancement measures are implemented; the development can be supported from an ecological perspective. Natural England should be consulted with respect to potential impacts on statutory sites.</p>
6.2	<p><u>Contaminated Land Officer:</u> The applicant has submitted a Desk study report prepared by Geo environmental Services Ltd (Report ref: GE 21923-DSR-Oct_23 dated 17 Oct 2023). The report has highlighted the need for intrusive investigation at the site.</p> <p>If LPA is minded to grant planning permission, then I recommend this be subject to contaminated land conditions and informative.</p>
6.3	<p><u>Regeneration Officer:</u> A review of the application for planning permission for the above site identifies:</p> <p>A residential development consisting of eighty-five one, two and three bedroom residential flats, parking and open space.</p> <p>The above planning application qualifies for a local labour agreement as it meets the thresholds for a residential development as detailed on page 11 of the Employment and Training Supplementary Planning Document adopted November 2016.</p> <p>A previous planning application for the site for 65 residential flats was approved and a S106 with a local labour agreement was signed on 21 December 2021. It is recommended that the developer progresses the local labour process by completion of Appendix 3 from the Council's policy detailed above.</p> <p>In light of the above, Regeneration has no objection to the planning application providing it be subject to a S106 local labour agreement.</p>
6.4	<p><u>Sussex Police Designing Out Crime:</u> Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations have been given due consideration.</p>

6.5	<u>ESCC Archaeology:</u> Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason, I have no further recommendations to make in this instance.
6.6	<u>SUDS:</u> Whilst the application documentation has not met all the County Council's and the Board's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions.
6.7	<u>Southern Water:</u> No Objection.
6.8	<u>East Sussex Highways:</u> Consultation outstanding at time of writing.
6.9	<u>Air Quality Specialist Advisor:</u> Officers are currently liaising with the Council's Air Quality Specialist Advisor, who is seeking clarification on matters within the submitted information.

7.	Other Representations:
7.1	<u>Notification:</u> Notification of this application has been undertaken in the form of: <ul style="list-style-type: none"> a. neighbour notification letters b. site notices displayed in roads neighbouring the site and c. a press advert in a locally distributed newspaper.
7.2	<u>Neighbour Representations:</u> Three letters of objection have been received, which raise the following concerns based upon material planning grounds: <ul style="list-style-type: none"> • Nuisance from construction works • Loss of light • Overlooking • Air Pollution • Noise Nuisance • Flood risk.
7.3	<u>Other Representations:</u> One comment in support of the application.

	One comment of general observation for the provision of a bus service along Waterworks Road and provision of a new bus shelter/bus stop.
8.	Appraisal:
8.1	<p><u>Principle:</u> 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 October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. 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). This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.</p> <p>The application site is on the Borough's Brownfield register, when considering effective use of land the Para 124 of the NPPF states planning policies and decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing land is constrained and available sites could be used more effectively.</p> <p>The site is within the Roselands and Bridgemere Neighbourhood and policy C6 of the Core Strategy Plan sets out the vision of the area, which includes <i>'support economic activity in the town and contribute to the delivery of housing, whilst increasing its sustainability through providing connections to other parts of town and addressing deficiencies in the provision of open spaces and allotments for the wider area'</i>.</p> <p>In addition, Policy B1 in the Spatial Development Strategy states that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that <i>'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'</i>.</p> <p>Taking account of the above policy position, the proposed residential use of the site is considered to be wholly in line with the objectives of the Development Plan for the neighbourhood and is considered to be acceptable in principle.</p>
	<p><u>Land use:</u> The application site falls within the designated industrial area of Courtlands Road Industrial estate, of which the site forms the southern end of the industrial estate with no links internally to the main industrial estate. Saved policy B11 of the Borough Plan states that planning approval for the conversion or redevelopment of land or buildings currently or last in Class B1, B2 or B8 use for non-employment use will not be granted unless it can</p>

be satisfactorily demonstrated that certain criteria have been met, including, a) that the premises is genuinely redundant and is unlikely to be re-used or re-developed for industrial or commercial use within the plan period, b) continued use of the premises would cause undue disturbance to residential neighbours, or c) access to the premises does not meet acceptable highway safety standards and cannot be reasonably improved.

The Employment Land Local Plan 2016 is also a material consideration, paragraph 4.13 states that it is important that industrial estates can accommodate Class B uses that are incompatible with other uses and the loss of key sites within industrial estates to non-B uses will comprise the ability to meet the employment land requirement. Loss of B class uses on key sites within industrial estates will be resisted in order to help protect the integrity of the industrial estates.

The loss of employment spaced needs to be weighed against the benefits of additional housing for the Borough and the principle of the change of use from storage/distribution (Class B8) to residential (Class C3) was established under the outline planning application (200742) granted conditional approval in January 2022. The proposal weighs heavily in favour of the delivery of housing.

The principle of change of use of the land has been established by application 200742 where outline planning permission was granted for the erection of 60 residential units.

The application does not propose to provide any affordable housing contribution based on the viability of the site. At the time of writing this report the viability assessment is still under independent review.

Housing Mix

The development as proposed would result in a net gain of 85 residential units. Policy D5 of the Borough Plan requires residential development to contribute to affordable housing where there is a resultant net gain of 1 or more residential units, 30% affordable housing will be sought on all sites within neighbourhoods in Low Value Areas, of which this site is located.

The Eastbourne Strategic Housing Market Assessment 2016 indicates the three key dwelling types particularly required across Eastbourne, 3 bed houses, and 1 and 2 bed flats. The development proposes predominantly 1 and 2 bed flats with a small number of 3 bed flats. The proposed dwellings would generally meet the needs within the Borough. The density of the development responds to the principle of increased efficiency in the use of land and is not out of character with other developments in the Borough.

The proposed development would comprise a mix of one, two and three bedroom flats across three blocks. The drawings submitted label the plans as V1, V2 and V3.

Whilst it would have been preferred to have a mix of houses as well as flats within the mix of residential units the proposed mix is considered to be appropriate.

8.2

Design, Character and Impact Upon Landscape:

Building V1 will be comprised of a three-storey building, building V2 will be comprised of a part three-storey, part four-storey building (three-storey

	<p>element will face Waterworks Road) and V3 will be comprised of a three-storey building.</p> <p>The proposed buildings would possess a contemporary visual appearance but would generally be sympathetic to the traditional form of neighbouring buildings, being two storey buildings with pitched and mansard roofs. This design approach is considered to be acceptable and would deliver a high-quality development that is sympathetic to the surrounding built form.</p> <p>The material palette across all three buildings will be comprised of red and grey facing brickwork, standing seam metal roof, standing Seam metal porch, vertical metal railings, grey aluminium windows, aluminium rainwater pipes, vertical louvre wall, green glazed brick, rusticated brickwork detailing and slatted timber canopies.</p> <p>The materials would integrate well within the street scene and would harmonise with the buildings surrounding. The proposal would be a significant improvement to the commercial industrial buildings that had previously been onsite.</p>
8.3	<p><u>Impact Upon Heritage Assets:</u></p> <p>The Grade II listed Bedfordwell Pumping Station is located to the West of the application site, the proposed development is not thought to have an impact on the setting of the heritage asset. The proposal is for a maximum of four storeys and would not dominate the skyline or any views to or from the listed building.</p>
8.4	<p><u>Transport and Parking:</u></p> <p>Vehicular access is proposed from Waterworks Road, with the current vehicular entrance stopped up. A pedestrian and cycle path would run along the south-west boundary on Abbots Close and then internally through the site connecting from Abbots Close to Waterworks Road. The submitted Transport Statement concludes that the proposed residential use of the site would result in a similar level in the traffic activity when compared to the existing storage and distribution use, both in respect of trip generation and the types of vehicles using the site.</p> <p>The proposed development would be served by a centrally located car park providing a total of 48 parking spaces (including 5 EV Charging and 5 Disabled). ESCC Highways Parking Demand Calculator advises the required number of spaces for a development of this size is 56 spaces which leaves a shortfall of 8 spaces.</p> <p>To mitigate the shortfall the travel plan recommends the provision of a car club bay, which will be located on Waterworks Road with funding provided for car club membership for the initial residents of the development. This proposed sustainable transport incentive would offer an alternative to private car ownership for both new and existing residents alike and would offset the small shortfall in parking provision available within the site.</p> <p>The travel plan also advises each household will be provided with a 'Eastbourne 28-day MegaRider' Ticket to promote the use of public transport. These obligations will be secured by legal agreement.</p>

	<p>The application site is sustainably located, and it is expected that residents would be able to undertake journeys on foot or by cycle. The site also has good links with local bus routes.</p> <p>Secure and covered cycle storage will be provided for 54 cycles, this exceeds the minimum guidance as set out by East Sussex Highways.</p>
8.5	<p><u>Residential Amenity of future occupiers:</u></p> <p>The proposal would create 50 one-bedroom flats (6 studio flats), 21 two-bedroom flats and 4 three-bedroom flats.</p> <p>The ‘Technical housing standards - nationally described space standards’, adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space.</p> <p>All proposed flats meet the respective floor space standards required by the nationally described space standards.</p> <p>The proposed units would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms. As such, the scheme is considered to be acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.</p> <p>It is proposed for all flats to have access to private amenity space either in the form of a terrace or balcony area. In addition to this it is proposed to provide two areas of shared garden space for occupiers of the site. The site is also located close to Seaside Recreation Park which can be accessed via Whitley Road, which will provide additional recreational space for residents’ enjoyment.</p> <p>Taking the above considerations into account, the proposal is considered to offer a good standard of accommodation for future occupants of the units and would meet the objectives of adopted policy.</p>
8.6	<p><u>Residential Amenity of neighbouring occupiers:</u></p> <p>The application site is bordered by the residential occupier of Waterworks Road, Stansted Road and Abbots Close. The layout of the proposed residential development has been designed to ensure any impact on the amenity of the surrounding occupiers is limited.</p> <p>It is not considered that the proposed development would result in any unacceptable loss of light to cause issues of overshadowing to the residential neighbours surrounding the site. The proposal would provide a better relationship with neighbouring properties than the previous building on site, both in terms of the noise generating use and the relationship of the built form.</p> <p>The proposed buildings would result in a new outlook towards neighbouring occupiers, but the separation distances and orientation of buildings would prevent any loss of privacy for existing occupants. The site frontages onto Waterworks Road and Abbots Close would provide a public facing relationship with neighbouring properties, commensurate with the existing relationship of properties in the area.</p> <p>The proposal includes the provision of outdoor space and balconies providing private outdoor amenity space for future occupiers. To limit views</p>

	and impacts to privacy to occupiers on Abbotts Close trees will be used as screening.
8.7	<p><u>Flooding and Drainage:</u> At the time of writing the report there is an objection raised by the Environment Agency (EA) and liaison with the EA and applicant on the matters raised is ongoing.</p> <p>SUDS have reviewed the proposal and have raised no objection to the proposal subject to a detailed SUDS scheme being provided via planning condition.</p>
8.8	<p><u>Ecology and Biodiversity:</u> The application site has been cleared of all buildings, apart from a substation located within the site.</p> <p>Whilst the site has been cleared there are some plants on site, following consultation with the County Ecologist it is felt that the details in the Preliminary Ecological Appraisal will help mitigate the impact of the development.</p> <p>Green roofs are proposed to building V2 and V3 and hedges are proposed along some of the site boundaries, together with 2 shared garden areas within the site, including a pond, as well as small pockets of planting, trees and grass through the site to enhance the biodiversity within the site and offer green space to residents.</p>
8.9	<p><u>Planning Obligations:</u> S106 Agreement for a Local Labour Agreement and sustainable transport measures.</p>
8.10	<p><u>Human Rights Implications:</u> 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.</p>
8.11	<p><u>Conclusions:</u> The proposed development has been designed to a high standard and will provide a good level of accommodation for future occupiers. There will be no detrimental impacts to the occupiers that surround the site, and the development will improve the visual amenity of the area.</p> <p>The proposal is in accordance with national and local planning policies.</p>

9.	Recommendations:
9.1	<p>Delegated Authority be provided to planning officers to approve the application subject to a S106 and Planning Conditions. Subject to:</p> <p>a) Concluded consultation with the Local Highway Authority, the Environment Agency and the Council's Air Quality Specialist;</p>

	<p>b) Receive and evaluate the independent review of the submitted Financial Viability Assessment from the Council's elected viability consultants; and</p> <p>c) Make any necessary revisions, attach conditions or seek planning obligations resulting from the above processes.</p>
--	--

10.	Conditions:
10.1	<p>TIMEFRAME: The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>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).</p>
10.2	<p>DRAWINGS: The development hereby permitted shall be carried out in accordance with the approved drawings and documents:</p> <ul style="list-style-type: none"> - Drawing: 7295PL01-P2 – Site Location Plan - Drawing: 7295-PL03 – Site Block Plan - Drawing: 7295-PL04-P5 – Proposed Ground Floor Plan - Drawing: 7295-PL05-P5 – Proposed First Floor Plan - Drawing: 7295-PL06-P5 – Proposed Second Floor Plan - Drawing: 7295-PL07-P5 – Proposed Third Floor Plan - Drawing: 7295-PL08-P4 – Proposed Roof Plan - Drawing: 7295-PL10-P5 – Volume 1 Elevations - Drawing: 7295-PL11-P5 – Volume 2 Elevations – Sheet 1 - Drawing: 7295-PL12-P5 – Volume 2 Elevations – Sheet 2 - Drawing: 7295-PL13-P5 – Volume 3 Elevations - Drawing: 7295-PL14-P3 – Proposed Street Scenes - Drawing: 7295-PL15-P3 – GA Sections – AA and BB - Drawing: 7295-PL16-P3 – Bay Elevations Sheet 1 - Drawing: 7295-PL17-P3 – Bay Elevations Sheet 2 - Drawing: 7295-PL18-P3 – Bay Elevations Sheet 3 - Drawing: 7295-PL19-P2 – ASHP Enclosure Plans and Elevations - Drawing: 7295-PL20-P2 – Bay Elevation Entrance - Drawing: 7295-PL30-P1 – 3D Visualisation – Waterworks Road - Drawing: 7295-PL31-P2 – 3D Visualisation – Internal Courtyard <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>EXTERNAL MATERIALS: The external surfaces of the development, hereby approved, shall be finished in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development has a satisfactory appearance.</p>
10.4	<p>ECOLOGY: All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological</p>

	<p>Appraisal (CSA Environmental, 20/10/2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006, Policy D9 of Eastbourne Core Strategy Local Plan (2013).</p>
10.5	<p>ECOLOGY: No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, amphibians and hedgehogs has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); <p>The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: To protect species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.</p>
10.6	<p>ECOLOGY: No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the measures identified in the Preliminary Ecological Appraisal (CSA Environmental, 20/10/23) and the Biodiversity Net Gain Design Stage Report (CSA Environmental, 10/11/23) and other site-specific biodiversity features, to include 85 swift nesting cavities, has been submitted to and approved in writing by the local planning authority. The EDMMS shall include the following parts:</p> <ul style="list-style-type: none"> a) Description and evaluation of habitat/features proposed (to include full Metric and details of condition assessments). b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric and details of condition assessments). c) Aims and objectives for the proposed works.

	<p>d) Site specific and wider ecological trends and constraints that might influence works.</p> <p>e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.</p> <p>f) Details of the legal and funding mechanism(s) by which the implementation of the EDMMP will be secured by the developer with those responsible for its delivery.</p> <p>g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.</p> <p>h) Works Schedule, written for both on- and off-site areas (where present), aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.</p> <p>i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.</p> <p>j) Details for on-going monitoring of BNG habitats in years 2, 5, 10, 15, 20, 25 and 30, and any other biodiversity features (where present), including:</p> <ul style="list-style-type: none"> - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured - Methods for data gathering and analysis. - Location, timing and duration of monitoring - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority. - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met. <p>The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.</p> <p>Reason: To provide a minimum 10% Biodiversity Net Gain in line with national and local planning policy and EBC's Technical Advice Note on Biodiversity Net Gain (2021), and to ensure maintenance of significant on-site BNG for at least 30 years.</p>
10.7	<p>CONTAMINATION: No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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:</p> <p>(a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a</p>

	<p>detailed assessment of the risk to all receptors that may be affected, including those off site;</p> <p>(b) The results of the site investigation and the detailed risk assessment referred to in (a) 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;</p> <p>(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: 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, 174, 178 and 179].</p>
10.8	<p>CONTAMINATION: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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 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. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: 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, 174, 178 and 179].</p>
10.9	<p>CONTAMINATION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: 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</p>

	<p>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, 174, 178 and 179].</p>
10.10	<p>SUDS: Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:</p> <p>a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to a maximum of 10 l/s for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.</p> <p>b. Written evidence that Southern Water has agreed to the proposed discharge rate into the public sewer.</p> <p>c. The details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.</p> <p>d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority.</p> <p>Reason: To ensure surface water runoff from the development is managed safely</p>
10.11	<p>SUDS: A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following: This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.</p> <p>Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.</p> <p>These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.</p> <p>Reason: To ensure surface water runoff from the development is managed safely.</p>
10.12	<p>SUDS: Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.</p>

	Reason: To ensure surface water runoff from the development is managed safely.
10.13	<p>SUDS: Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: To ensure surface water runoff from the development is managed safely.</p>
10.14	<p>CEMP: Prior to commencement of development, including any ground works, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full throughout the entire construction period. The CEMP shall provide details as appropriate, including but not limited to the following matters:</p> <ul style="list-style-type: none"> • site plan; • sequence and schedule of demolition phases; • demolition methodology; • piling methodology; • anticipated number, frequency and types of vehicles used during construction; • method of access and egress and routing of vehicles during construction; • parking (on-site and off-site) of vehicles by site operatives and visitors; • loading/unloading/storage of plant, materials and waste (including loading/unloading areas); • times of any deliveries related to the development, which should seek to avoid peak travel times; • photographic survey of the condition of the surrounding highway; • site compounds and location/erection/maintenance of any security hoarding; • provision and operation of wheel washing facilities, or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); • measures to manage the impact upon local air quality (including dust suppression); • noise and vibration mitigation • confirmation of no burning of materials on site; • operating hours; • anticipated timescales for construction; • measures to manage flood risk during construction; • details of public notification / neighbour notification, including site notices with public contact details during the works; and • details of liaison with other site managers in the vicinity (if applicable).

	<p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.15	<p>PILING: Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: This development is in a location where groundwater is very sensitive and needs to be protected. Groundwater is also very shallow, and this should be considered in the piling risk assessment to ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.</p>
10.16	<p>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.</p> <p>Details shall include:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>Reason: To safeguard and enhance the character and amenity of the area.</p>
10.17	<p>CYCLE PARKING: The cycle parking facilities shall be provided in accordance with the approved plans prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicle.</p>
10.18	<p>REFUSE AND RECYCLING: The refuse and recycling facilities shall be provided in accordance with the approved plans prior to first occupation of</p>

	<p>the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that satisfactory facilities for refuse and recycling are provided.</p>
10.19	<p>EXISTING ACCESS: The development, hereby approved, shall not be occupied until the existing access onto Waterworks Road has been stopped up and the kerb and footpath reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.20	<p>INFORMATIVE: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.</p>
10.21	<p>INFORMATIVE: All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner following current guidance and practices.</p>
10.22	<p>INFORMATIVE: The application site is partly within and drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board drainage district. Therefore, the applicant should formally agree surface water discharge rates into the IDD with the Board. This should be done at the time of seeking to discharge drainage conditions.</p>
10.23	<p>INFORMATIVE: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.</p>

11.	Appendices
11.1	None.

12.	Background Papers
12.1	None.

Agenda Item 9

Report to: Planning Applications Committee
Date: 26 February 2024
Application No: 230828
Location: Land to the rear of Pembroke House, Upperton Road
Proposal: Proposed redevelopment of site comprising of the demolition of existing garage block and erection of 4no. 3-bedroom dwellings with associated facilities and off-road parking.
Applicant: Mr Peter Morley
Ward: Upperton
Recommendation: Grant planning permission, subject to conditions.
Contact Officer: **Name:** Chloe Timm
E-mail: Chloe.Timm@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liabile.

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to the Planning Committee due to the number of objections received on the proposed scheme.
1.2	The proposed development represents an efficient use of land and would provide housing that would help address the current shortfall within the Borough.
1.3	The development is in a sustainable location, will be constructed using local materials and local labour where possible and will incorporate infrastructure that would help reduce carbon emissions and energy use.
1.4	It is therefore considered that the application is approved, subject to conditions.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding and coastal change.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C2: Upperton Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p> <p>D8: Sustainable Travel</p> <p>D10a: Design.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>NE4: Sustainable Drainage Systems</p> <p>NE7: Waste Minimisation Measures in Residential Areas</p>

	<p>NE14: Source Protection Zone</p> <p>NE18: Noise</p> <p>UHT1: Design of New Development</p> <p>UHT2: Height of Buildings</p> <p>UHT4: Visual Amenity</p> <p>HO1: Residential Development within the Existing Built-up Area</p> <p>HO2: Predominantly Residential Areas</p> <p>HO8: Redevelopment of Garage Courts</p> <p>HO20: Residential Amenity</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking.</p>
2.4	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Sustainable Building Design SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN.</p>

3.	Site Description
3.1	The site is currently occupied by a block of 11 disused garages and an area of land to the rear of Pembroke House that previously formed part of the outdoor amenity space for the occupiers of Pembroke House.
3.2	The site is accessible via Upperton Lane, a lane connecting The Avenue and Hartfield Road. The lane is unadopted and is currently in poor condition.
3.3	Along Upperton Lane are privately owned garage blocks and accesses to the rear of the properties of Upperton Gardens.
3.4	Surrounding the application site is a mix of properties, Pembroke House to the south-west is a substantially sized four-storey property comprised of 8no residential flats. To the south is the property of Hadley House, a five-storey property comprised of 20no flats, to the south-east is 4 The Avenue, a five-storey building comprised of 12no flats. On the opposite side of Upperton Lane are single storey garage block with the properties of Upperton Gardens beyond. Upperton Gardens is comprised of a terrace of 4-storey residential properties.
3.5	The site of Pembroke House, 8-10 Upperton Road as a whole is listed within the Boroughs Land Available Assessment (LAA), this is due to having a lapsed planning permission for the erection of a five-storey purpose-built block of flats. Within the LAA the conclusion of the likelihood of the redevelopment of the site was determined to be unachievable due

	existing land values and not being unable to provide sufficient additional units to make the redevelopment viable.
3.6	<u>Site Constraints</u> Predominantly Residential Area Source Protection Zone.

4.	Proposed Development
4.1	The proposal involves the demolition of the existing garage block and the construction of 4no new dwellings on the site. The new dwellings would be comprised of a terrace of 4no three-bedroom dwellings that would front Upperton Lane.
4.2	The three-bedroom dwellings would have rooms distributed over three storeys, the top floor being provided within the roof space with a mansard roof design.
4.3	1no off road parking space will be provided per dwelling and it is proposed to improve the surface of Upperton Lane from The Avenue to the end of the site boundary.

5.	Relevant Planning History:
5.1	<u>010499</u> (Pembroke House) Demolition of existing building and erection of 5 storey building comprising 17 two-bedroom and 2 three-bedroom flats together with upgrading/resurfacing rear lane to give access to garaging and parking facilities. Outline (Some Reserved) Approved Conditionally 31/03/2004.

6.	Consultations:
6.1	<u>CIL Officer:</u> The application will be CIL Liable.
6.2	<u>East Sussex Highways:</u> Refer to standing advice.

7.	Other Representations:
7.1	<u>Notification:</u> 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:

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

- Access road is unsuitable, unadopted and in poor condition.

Officer Response: Upperton Lane is unadopted with the current surface being uneven and in a poor state. The proposed development includes improvements to the surface from The Avenue up to at least the end of the site boundary to make it accessible.

- Disruption during construction works.

Officer Response: A condition will be included requiring the submission of a demolition, construction and environmental management plan to be submitted prior to construction works taking place. An informative on acceptable hours or working will also be included.

- Loss of Light

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of Privacy

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Building in close proximity to Pembroke House

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of parking

Officer Response: The current garage block is in a state of disrepair and as such is not currently used for vehicular parking. The proposal includes 1no. Parking space per dwelling.

- Refuse and Recycling Storage insufficient.

Officer Response: dedicated refuse and recycling storage is being provided per dwelling.

- Impact to refuse and recycling storage to Pembroke House

Officer Response: The existing right of way and refuse and recycling storage for Pembroke House will remain unchanged.

- Noise Nuisance

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of biodiversity

Officer Response: The proposal will see an increase in hard surfaces within the application site. The proposal includes the provision of soft

	<p><i>landscaping with a variety of planting and hedging, swift bricks, and bee bricks are also included within the side elevations of the proposal.</i></p> <ul style="list-style-type: none"> • Not in keeping with the surrounding area. <p>Officer Response: <i>The proposed dwellings are considered to be sympathetic to the area in respect of their size, height, form and design. The dwellings would not be visible from public areas. The dwellings are considered to be high quality and would not impact the character of the area.</i></p> <ul style="list-style-type: none"> • Loss of outdoor amenity to Pembroke House Occupiers <p>Officer Response: <i>There is an existing 1200mm close boarded fence that separates Pembroke House and the application site.</i></p>
7.3	<p>Non-Material planning objections raised: Loss of view; Impact to value of properties.</p>

8.	Appraisal:
8.1	<p><u>Principle / Sustainable Development:</u> 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 October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. 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.</p> <p>It also states that where relevant policies are out-of-date, permission should be granted "<i>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</i>", (NPPF, paragraph 11). This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.</p> <p>The proposal involves the development of garden land. Whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 72 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 128 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). It should also be noted that the</p>

	<p>development proposals would provide outdoor amenity space that would largely replace existing open space.</p> <p>The above should be seen in context with the overall objective to promote effective and efficient development of land which is set out in section 11 of the NPPF, with particular attention drawn to para. 129 which states that ‘local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’</p> <p>The proposal weighs heavily in favour of housing delivery in the planning balance, in line with the NPPF, when taking account of the limited impacts upon local character. It is therefore considered that the principle of the development is acceptable in principle, subject to a balanced assessment of the potential impact of the development, with particular emphasis on the impact upon the prevailing character of the surrounding area as well as other relevant factors set out in the NPPF and consistent Local Plan policies, including highway safety, residential and environmental amenity, sustainability and biodiversity.</p>
8.2	<p><u>Design, Character and Impact Upon Landscape:</u> 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.’</p> <p>The application site is surrounded by a mix of different buildings including 4 storey and 5 storey purpose-built blocks of flats, the 5-storey office block of St Marks House along Upperton Road and 4-storey terraced dwellings of Upperton Gardens. Upperton Lane itself is characterised by single storage garage blocks.</p> <p>The proposed dwellings will be three-storey with accommodation provided within a mansard roof. Sustainability measures include solar panels to the roof, air source heat pump, swift and bee bricks. The material palette includes grey slate tiled roof, lead lined dormer, grey doors and windows, facing brickwork and beige coloured render.</p> <p>The design, scale, bulk and height is sympathetic to the single storey characteristic of Upperton Lane and is found to be acceptable in this instance.</p>
8.3	<p><u>Transport and Parking:</u> East Sussex Highways parking demand calculator advises that a provision of 6.23 spaces is required. The proposal includes the provision of 1 space per dwelling, a total of 4 spaces. This is a shortfall of 2.23 spaces.</p>

	<p>The application site is sustainably located near Eastbourne Town Centre, local bus routes and Eastbourne train station. Due to the highly sustainable location of the dwellings, the parking provision proposed is acceptable.</p> <p>The development will be accessed via Upperton Lane, an unadopted lane that runs between The Avenue and Hartfield Road.</p>
8.4	<p><u>Residential Amenity of Future Occupiers:</u></p> <p>The technical housing standards – nationally described space standards (2015) defines the minimum levels of Gross Internal Areas (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The proposed scheme will provide 4no. three-storey, Three-bedroom, five-occupant dwellings, the GIA requirement as set out in the space standards is 99m², the proposed dwellings will have a GIA of 106m² which exceeds the minimum required. The dwellings also comply with the required floor area, bedroom dimensions, storage areas and floor to ceiling heights.</p> <p>The dwellings will have an open plan kitchen/dining/living area with w/c at ground floor, a double bedroom with ensuite, single bedroom and family bathroom at first floor level and a double bedroom with access to roof terrace and an office/study at second floor level.</p> <p>Outside to the front of the dwellings will be off road parking space, refuse/recycling storage, lawn area and landscaped border. The the rear will be a lawn area with cycle storage, wooden pergola, water butt and air source heat pump. To the roof will be solar panels.</p> <p>The proposed dwellings will be uniform in their design and layout, all properties will have a good level of access to natural light. The fenestration has been designed to limit overlooking onto the adjoining occupiers of Pembroke House, the new dwellings whilst still maintaining a good level of outlook for future occupiers.</p>
8.5	<p><u>Residential Amenity Neighbouring Occupiers</u></p> <p>The proposed dwellings will be located to the rear of Pembroke House, a block of 8 flats. The rear elevations of Pembroke House and the proposed dwellings will be set at a distance of 12m from each other. The national design code advises a distance of 15m between proposed and existing residential windows is sufficient to protect the privacy of occupiers. Although the proposed dwellings would be set away from Pembroke House by less than 15m, the fenestration on the rear elevation has been designed to limit the impact on the privacy of the occupiers surrounding the site.</p> <p>There are two windows at first floor level that will face Pembroke House, these windows are comprised of an obscurely glazed window for an ensuite bathroom and a bay window which includes a high level window at 1.7m above internal floor level and a clear full length window to the west side of the bay. The second storey will utilise roof lights and windows to</p>

	<p>the front elevation with no windows to the rear. There will be no direct views onto the property of Pembroke House from the new dwellings.</p> <p>Outlook from the front elevation would be sufficiently distanced from the rear of dwellings in Upperton Gardens to protect privacy.</p> <p>The proposed houses will be three-storeys with the second floor located within the mansard roof, due to the location and orientation of the development and the buildings surrounding, the proposal will not cause any overshadowing or loss of light.</p> <p>The application site is within a predominantly residential area and any noise from the development will be of a similar nature that already exists within the area.</p> <p>On balance, taking the above into consideration, the proposal will not have a significantly detrimental impact on the amenity of residential occupiers that surround the site.</p>
8.6	<p><u>Flooding and Drainage:</u></p> <p>The application site is not located within a flood risk zone.</p> <p>Details of a sustainable drainage system have not been provided within the details of the application. To ensure all surface water is dealt with correctly, a condition will be set.</p>
8.7	<p><u>Ecology and Biodiversity:</u></p> <p>The proposal will see the demolition and redevelopment of an existing garage block and an area of soft landscaping (grass and planting).</p> <p>The proposal will increase the footprint of hard standing than currently exists with the garage block, but on balance the level of increase is acceptable when taking into consideration the contribution the dwellings will have on the Boroughs housing supply.</p> <p>The proposal includes the provision of front and rear garden areas which include grassed areas and planting, the terrace of buildings will also include swift bricks and bee bricks to try and help further the biodiversity gain on the site.</p>
8.8	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.9	<p><u>Conclusions:</u></p> <p>The application will provide a good level of accommodation for future occupiers, is within a sustainable location and is found to be an efficient use of land. The proposal will not have a detrimental impact on residential occupiers surrounding the site or harm the visual amenity of the area.</p> <p>The application is found to be in accordance with national and local planning policy.</p>

9.	Recommendations
9.1	Approve the application, subject to the following conditions.
10.	Conditions:
10.1	<p>TIMEFRAME: The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>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).</p>
10.2	<p>DRAWINGS: The development hereby permitted shall be carried out in accordance with the approved drawings submitted:</p> <p>Location Plan 02 – Proposed Second Floor and Roof Plan 03 – Proposed Front and Side Elevation 04 – Proposed Rear and Side Elevation 05 – Proposed Site Layout Plan 06 – Existing and Proposed Block Plan 07 – Proposed Cycle Storage and Elevations</p> <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>MATERIALS: The external finishes of the development hereby permitted shall be as stated on the approved drawings and within the submitted application form.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.</p>
10.4	<p>SURFACE WATER DRAINAGE (1 of 2): Prior to commencement, a surface water drainage scheme and maintenance and management plan shall be submitted to and approved 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). Thereafter, the surface water drainage scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development, hereby approved.</p>

	<p>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.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats</p>
10.5	<p>SURFACE WATER DRAINAGE (2 of 2): 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.</p> <p>Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.</p>
10.6	<p>DCEMP: 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 DCEMP shall be implemented and adhered to in full throughout the entire demolition/construction period. The DCEMP shall provide details as appropriate, which shall address but not be restricted to the following matters:</p> <ul style="list-style-type: none"> • 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; • air quality monitoring; • confirmation of no burning of materials on site; • operating hours; • anticipated timescales for completion of the works;

	<ul style="list-style-type: none"> • measures to manage flood risk during construction; and • public notification, including site notices with public contact details during the works. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.7	<p>REFUSE/RECYCLING STORAGE: Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be provided in accordance with drawing No: 05 – Proposed Site Layout Plan. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development.</p> <p>Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.</p>
10.8	<p>CYCLE STORAGE: Prior to first occupation of the development, hereby approved, secure and covered cycle parking shall be provided within the site in accordance with the approved plans. Thereafter the facilities shall be retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development.</p> <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p>
10.9	<p>PD 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.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby properties.</p>

11.	Appendices
11.1	None.
12.	Background Papers
12.1	None.