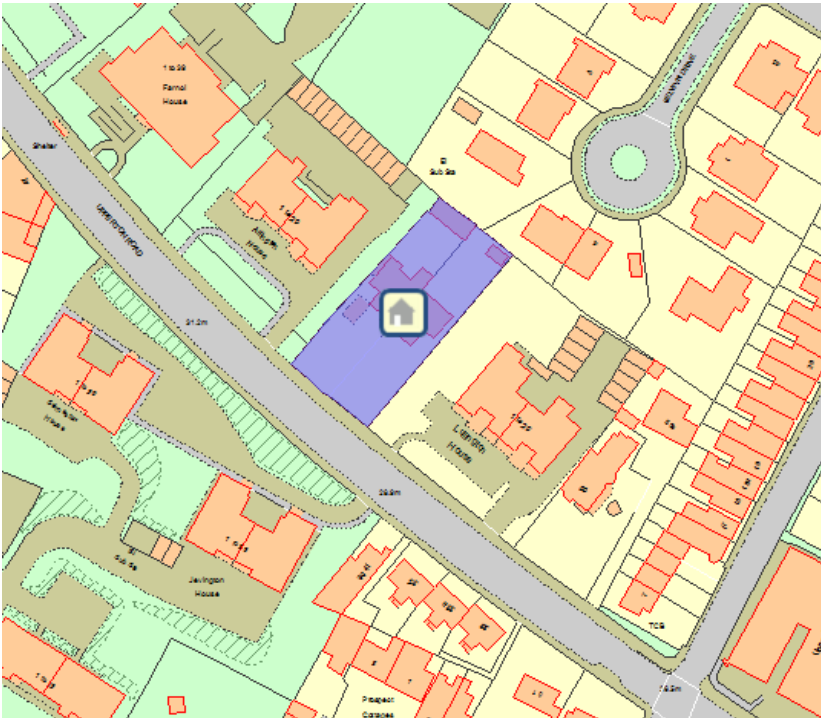


<b>App.No:</b> 190626	<b>Decision Due Date:</b> 11 October 2019	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare		<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 16 September 2019 <b>Neighbour Con Expiry:</b> 16 September 2019 <b>Press Notice(s):</b> 2 September 2019		
<b>Over 8/13 week reason:</b> To await amendments to the application and bring to committee for decision		
<b>Location:</b> 54-56 Upperton Road, Eastbourne		
<b>Proposal:</b> : Outline application for residential development of land for up to 29 flats requesting consideration of access and scale		
<b>Applicant:</b> Mr Andrew Mackleden		
<b>Recommendation:</b> Grant outline planning permission (scale and access) subject to conditions and S106 to secure affordable housing and local labour.		
<b>Contact Officer(s):</b>	<b>Name:</b> Anna Clare <b>Post title:</b> <b>E-mail:</b> <a href="mailto:anna.clare@eastbourne.gov.uk">anna.clare@eastbourne.gov.uk</a> <b>Telephone number:</b> 01323 4150000	
<b>Map location</b>		

## **1 Executive Summary**

- 1.1 The application proposes the erection of a 7 storey building to provide 29 one and two bed flats. Planning permission was previously granted for a 6/7 storey building of 12 flats, and this permission was lawfully commenced and the permission is therefore extant and could be fully implemented at any time.
- 1.2 The development will provide a net gain of 27 units in a sustainable location, the proposed building is considered in line with the surrounding pattern of development and whilst there will be impacts on the existing residential properties those impacts are considered acceptable on balance given the previous consent and the character of the area. Therefore it is recommended that planning permission is granted.
- 1.3 The application has been accompanied with a set of drawings that show how the volume of the development could be accommodated on the site. These drawings are for illustrative purposes.
- 1.4 As part of the appraisal section of this report officers have commented on the implications of this illustrative scheme in terms of the internal arrangement of the apartments and how the building would sit within the street scheme and its relationship with the occupiers of the adjacent properties.

## **2 Relevant Planning Policies**

- 2.1 National Planning Policy Framework 2019  
5. Delivering a sufficient supply of homes  
9. Promoting sustainable transport  
11. Making effective use of land  
12. Achieving well designed places
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013  
B1 Spatial Development Strategy and Distribution  
B2 Creating Sustainable Neighbourhoods  
C2 Upperton Neighbourhood Policy  
D5 Housing  
D10a Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007  
UHT1 Design of New Development  
UHT2 Height of Buildings  
UHT4 Visual Amenity  
HO7 Redevelopment  
HO20 Residential Amenity  
TR6 Facilities for Cyclists  
TR11 Car Parking

## **3 Site Description**

- 3.1 The site is situated on the north-eastern side of Upperton Road. To the north-

west of the site is Arlington House a purpose built 8 storey block of 29 flats. To the south-east is Lullington House a purpose built 6 storey block of 25 flats. To the rear of the site is Selwyn Drive, a cul de sac of single residential properties, two storeys in height.

- 3.2 The site is currently a pair of semi-detached two storey dwellings, each with a front and rear garden, sharing an existing access onto Upperton Road. The site is not listed nor situated within a conservation area.

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

- 4.1 050761  
Demolition of a pair of semi-detached dwellings and erection of seven-storey building accommodating 14 residential flats (outline application).  
Outline (some reserved)  
Refused  
27/04/2005
- 4.2 070797  
Demolition of a pair of semi-detached houses and erection of a four storey block, with roof accommodation, comprising 10 flats together with ancillary parking at the front  
Planning Permission  
Refused  
05/02/2008
- 4.3 080155  
Demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front  
Planning Permission  
Refused for the following reason;  
The proposal constitutes an undesirable form and scale of residential development which would, by reason of design, over development and overlooking, be detrimental to the visual amenities of the area and the amenities of surrounding residential properties. As such, the proposed development is considered to be contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.  
Allowed on appeal  
20/05/2008
- 4.4 120076  
Discharge of condition 2 (materials), 3 (refuse storage) and 5 (landscaping) of EB / 2008/0162 for the demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front.  
Approval of Condition  
Discharged  
28/03/2012
- 4.5 It has been confirmed that the permission for the demolition of the two dwellings and erection of a part 6, part 7 storey building of 12 residential flats (Ref: 080155

reported above) was commenced lawfully within the time period of the consent. Therefore this permission is extant and could be fully implemented at any time.

## **5 Proposed development**

- 5.1 The application is for outline planning permission for the development of the land for up to 29 flats. The matters for consideration are Access and Scale (Appearance, Landscaping and Layout are reserved).

## **6 Consultations**

- 6.1 Some of the consultation responses refer to a larger number of proposed dwellings; this reflects the scheme as originally submitted prior to amendments.

### **6.2 Highways ESCC**

- 6.2.1 No objections to the proposal and their general comments are outlined below.

#### **6.2.2 Trip Generation:**

In terms of trip generation, the proposed flats would be expected to generate a higher trip rate in comparison to the two existing dwellings. The submitted Transport Report details that an additional 84 two-way vehicle movements will be made to the site, where 9 are in the AM peak and 12 are in the PM peak. Having undertaken my own TRICS assessment, I would consider the methodology used in the Transport Report to be sound. This level of traffic increase is not considered to result in a significant impact on the local highway network. As such, I would not object to this application in this instance.

#### **6.2.3 Vehicular Access:**

The application suggests the widening existing access into the site from Upperton Road. In accordance with guidance given in Manual for Streets, the width of an access should be a minimum of 4.8m, to ensure two vehicles can pass simultaneously alongside pedestrians/cyclists. The proposed access is 4.5m wide and is therefore substandard. Amended plans should be submitted showing a compliant access arrangement.

- 6.2.4 It is noted that a Road Safety Audit has not been submitted as part of this application. In accordance with the County Council's Road Safety Audit Policy for Developments, a Stage 1 Road Safety Audit will need to be completed, and changes incorporated into the design where appropriate. This should be secured by condition.

#### **6.2.5 Car Parking:**

The County Council's Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 21 spaces, if the spaces are unallocated. The 21 on-site parking spaces proposed are therefore in line with the County Council's standards.

- 6.2.6 Car parking space no. 16 appears to block access to the staircase, which is not acceptable. Guidance in the Department for Transport's 'Inclusive Mobility' states that pedestrian facilities should be a recommended minimum of 2.0m, with an

absolute minimum of 1.2m. As such, any reserved matters application should include amended plans showing Car parking space no. 16 relocated to provide a suitable pedestrian access route from the proposed staircase.

6.2.7 The County Council's standards require parking bays to be a minimum of 2.5m x 5m, with an additional 0.5m on any given dimension when next to a wall. Any plans submitted at reserved matters should be compliant with the County Council's standards.

6.2.8 In terms of cycle provision, while a cycle store has been provided, no details of the amount of cycle spaces have been provided. ESCC parking guidance requires one cycle space to be provided per flat. Further details should be provided at reserved matters stage, showing the store can accompany 34 cycle spaces comfortably.

6.2.9 **Accessibility:**  
The site is located within 100m of existing bus stops on Upperton Road, which have regular services towards Heathfield, Uckfield, Hastings, Polegate and Eastbourne. Footways are present along Upperton Road, providing suitable pedestrian connectivity. Cycling is feasible on the carriageway, though if cyclists are not confident cycling on Upperton Road, routes are feasible on quieter roads in the vicinity, connecting to the wider cycle network. The site is therefore considered to be in a suitably accessible location.

6.2.10 **Refuse Collection:**  
The Transport Statement states that the refuse collection will remain as per the existing arrangement, on Upperton Road's carriageway. The proposed bin store is located approximately 25m within the site, which is in line with the County Council's Standards. Nevertheless, Eastbourne Borough Council's Waste Management Team should take a view on the acceptability of the proposals.

6.2.11 **Travel Plan:**  
It is recommended that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle etc. This should be included as part of any reserved matters application.

6.2.12 **Construction:**  
A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This should be included as part of any reserved matters application.

### 6.3 Specialist Advisor (Arboriculture)

6.3.1 There is a TPO to trees on the adjoining land to the north western boundary. Whilst they are third party trees the applicant will be able to exercise their common-law right to prune back overhanging branches subject to planning

permission being granted. A planning condition requiring tree protection method statement is requested.

#### 6.4 Southern Water

6.4.1 Southern water can provide foul and surface water sewage disposal to service the proposed development. Informative requested regarding formal application for connection to the public sewer. A condition is requested regarding details of a means of foul and surface water sewerage disposal.

#### 6.5 Lead Local Flood Authority

6.5.1 The application site is a brownfield site which appears to have an existing connection to the public sewer and the proposals do not appear to have significant impact on the impermeable area on site.

#### 6.6 Crime Prevention Design Officer

6.6.1 No major concerns with the proposals, advice given over design of entrance system, and design features to increase security of communal areas.

#### 6.7 Specialist Advisor (Planning Policy)

6.7.1 No objections; their general comments are reported below.

6.7.2 Policy C2 of the Core Strategy explains that the vision for the 'Upperton Neighbourhood' is "Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood." It hopes to achieve this through promoting 'the delivering of new housing through redevelopment and conversion of existing properties'.

6.7.3 The 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 1st April 2019, Eastbourne is only able to demonstrate a 1.57 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

6.7.4 The Core Strategy states that Upperton is the third most sustainable neighbourhood in the town (Policy B2). Policy B1, as mentioned in the Spatial Development Strategy, explains that higher residential densities will be supported in these neighbourhoods.

6.7.5 The Borough Plan Policy HO2 identifies this location as being predominantly residential. Large parts of the neighbourhood have been redeveloped into purpose-built flats (Core Policy, 2013). This site would not be considered a windfall site, as it has previously been identified in the Council's Strategic

## Housing Land Availability Assessment (SHLAA).

- 6.7.6 The development is not liable for CIL, as it is a development of flats, which is not chargeable in the current charging schedule.
- 6.7.7 As the proposed development results in the net gain of 32 dwellings, over the threshold of 10, there is a requirement to contribute towards affordable housing. The planning statement describes that while a development of 32 net units should normally contribute 40% towards affordable housing (as it is a high-value neighbourhood), which in this case would be 12.8 units, the planning statement states that the development is not suitable for on-site delivery, and so will contribute a commuted sum entirely. There was no attached viability study to show that there was no way of creating an on-site provision.
- 6.7.8 According to the provided planning statement, the development will meet the minimum requirements laid out in the 'Technical Space Standards – nationally described space standard.'
- 6.7.9 This proposal is supported by Policy, providing that a full justification of why Affordable Housing could not be supported on site is provided.

## 7 Neighbour Representations

- 7.1 123 Letters of objection were received from 108 addresses covering the following points:-
- Building forward of Arlington House will obstruct views from windows and balcony
  - No. of flats already in the area.
  - Overstretched community and infrastructure
  - Impacts on onstreet car parking
  - Size of car parking spaces
  - Turning space not adequate resulting in vehicles reversing onto the main road
  - Quality of accommodation provided, Size of flats and access to light
  - Overlooking and privacy impacts
  - Overdevelopment
  - Overshadowing and loss of light to Lullington House
  - Location of bin stores
  - Overlooking to Selmeston House
  - Removal of trees
  - Over population of area
  - Overly dominant building, visually intrusive

## 8 Appraisal

### 8.1 Principle of development:

- 8.1.1 The principle of the demolition of the existing buildings and erection of a block of flats has effectively already been secured by the previous permission on appeal. The commencement of this permission means this could be fully implemented at

any time.

8.1.2 No objection has been raised by ESCC Highways, who have confirmed that the 21 car parking spaces shown to be accommodated on site are in line with the car parking demand calculator. It should also be considered that the site is a sustainable location, with good public transport links, and a short walk into the town centre.

8.1.3 The National Planning Policy Framework would view this application with a 'presumption in favour of sustainable development' it is not considered that the proposal would be contrary to the NPPF as a whole or contrary to any specific policies.

8.1.4 Therefore in principle there is no objection to the proposal. The layout, design and landscaping are reserved matters for consideration under separate application.

## 8.2 Scale

8.2.1 The building previously approved on appeal, was a part 6, part 7 storey block to house 12 flats, 11x 3bed and 1x 1 bed , with 2 flats per floor, one penthouse would be a maisonette over the 6<sup>th</sup> and 7<sup>th</sup> floors, with 12 car parking spaces. The current proposal, providing a net gain of 27 dwellings would make a more efficient use of the land. The scale of the building proposed is in line with the previous approval in terms of the bulk of the building and its footprint.

8.2.2 The scale of the proposal has been reduced from 34 dwellings to 29 following a reduction in the footprint of the building. Officer advice was the building proposed should respect the building line to Upperton Road and the building should not therefore be projecting forward of Lullington House to the East of the site.

8.2.3 It should be noted that the drawings provided are indicative of how a development of 29 flats could be accommodated on site. The appearance and layout of the site are reserved matters. However the footprint and height are directly relevant when considering scale, the number of units proposed for the site. If approved a reserved matters application would likely come forward with a similar shaped building, however some direction would be offered by way of informatives to the design/material choices that the council would consider appropriate.

8.2.4 Flat layouts have been shown to identify how 29 flats can be accommodated on the site. All the flats meet the recommendations of the Nationally described space standards. The layouts are considered to minimise overlooking, over that already granted. Windows to side elevations are minimised. The rear of the building is no closer than previously approved so as to provide no greater impact on the properties to the rear. The building shown is more bulky in terms of its side/rear elevations, the previously approved scheme was complicated by way of a mixed curved roof structure. This block is more simply designed with 5 equal floors of flats and a mansard roof design.



- 8.2.5 Given the previous approval it is considered that a block of 29 flats can be accommodated on site. There would undoubtedly be impacts on surrounding residential properties, including the two flat blocks adjacent and the properties of Selwyn Drive to the rear which have been afforded views over the site and enjoyed the open aspect given the low level of the existing buildings. Overlooking will occur from upper floor levels to the Selwyn Drive properties. However this has already been agreed by way of the previous consent, the additional overlooking from the squaring off of the building at the rear is considered acceptable and in line with the character of the area.
- 8.2.6 Buildings of this height are a common feature of Upperton Road. In fact the two low level dwellings appear out of place amongst the higher blocks either side. Therefore the proposal is considered to respect the character of Upperton Road providing additional accommodation and making effective use of the land.
- 8.2.7 Therefore the scale of the proposal is considered to be acceptable.

### 8.3 Access

- 8.3.1 Access to the site already exists from Upperton Road.
- 8.3.2 ESCC Highways have raised no objection to the application. A wider access was requested and the plans have been amended to take account of their comments. A stage 1 safety audit is requested by condition.

## 9 **Human Rights Implications**

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

## 10 **Recommendation**

- 10.1 Grant outline planning permission (scale and access) subject to conditions and S106 to secure affordable housing and local labour.

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

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

- 2) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- a. layout;
- b. appearance; and
- c. landscaping.

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 3) The development shall not commence until revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

- 4) No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 5) No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety.

- 6) The development shall not be occupied until a parking area have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

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

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

- 8) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire demolition and construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-
- a. the anticipated number, frequency and types of vehicles used during demolition and construction,
  - b. the method of access and egress and routeing of vehicles during demolition and construction,
  - c. the parking of vehicles by site operatives and visitors,
  - d. the loading and unloading of plant, materials and waste,
  - e. the storage of plant and materials used in demolition and construction of the development,
  - f. the erection and maintenance of security hoarding,
  - g. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of demolition or construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - h. details of public engagement both prior to and during demolition and construction works.

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

- 9) No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 10) That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

- 11) Construction of the development shall not commence until the 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: To ensure satisfactory means of sewerage disposal.

- 12) Prior to the commencement of the development hereby approved detailed surface water drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority. These shall include the following:
- i. Surface water runoff from the proposed development shall be limited to a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - ii. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority.

This should also include details of how the existing overland surface water flows have been retained.

Reason: To ensure satisfactory surface water drainage facilities.

- 13) 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:
- i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

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.

Reason: To ensure future management and maintenance of the drainage system.

- 14) 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.

Reason: To minimise flood risk during the construction phase.

- 15) Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure the drainage system is constructed as per the approval.

- 16) No demolition, site clearance or building operations shall commence until tree protection details, relating to all stages of development, for the protection of trees subject to Tree Preservation Order (No.135) 2008 to be retained on site, and those trees off site where root protection areas extend into the site, has been submitted to and approved in writing by the Borough Planning Authority. These details shall observe the principles embodied within BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the District Planning Authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with (Insert relevant policies here).

### **Informatives**

- 1) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters' New Connections Services Charging Arrangements which has now been published and is available to read on our website via the following link <http://beta.southernwater.co.uk/infrastructure-charges>.

## **11 Appeal**

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