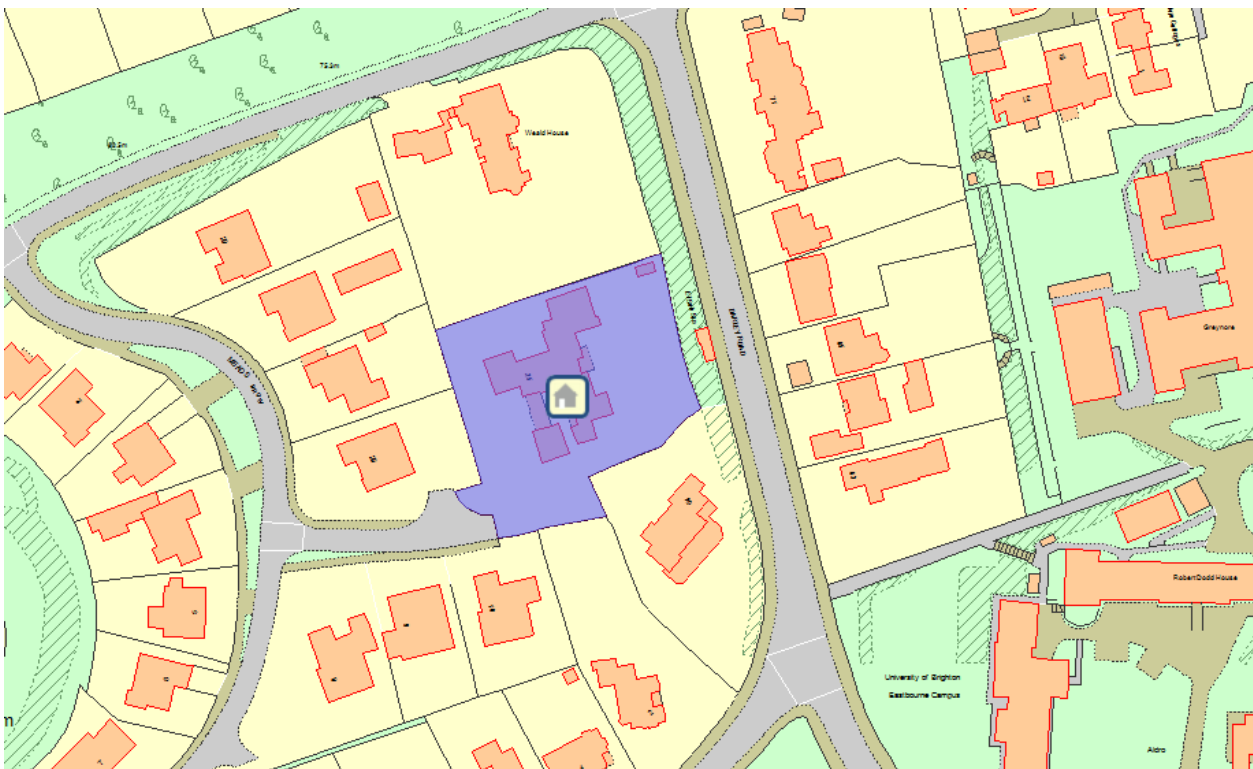


<b>App.No:</b> 191002	<b>Decision Due Date:</b> 16 <sup>th</sup> March 2020	<b>Ward:</b> Meads
<b>Officer:</b> James Smith	<b>Site visit date:</b> 8 <sup>th</sup> January 2020	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> 10 <sup>th</sup> January 2020		
<b>Neighbour Con Expiry:</b> 10 <sup>th</sup> January 2020		
<b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b> Committee cycle.		
<b>Location:</b> Spring Mead, 25 Meads Brow, Eastbourne		
<b>Proposal:</b> : Application for approval of reserved matters (Appearance, Landscaping, Scale) following outline approval granted 08/11/2019 for outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking (Appeal - APP/T1410/W/19/3229465).		
<b>Applicant:</b> Mr James Caldwell		
<b>Recommendation:</b> Approve Conditionally		



## **1 Executive Summary**

1.1 The application follows the grant of outline permission for the demolition of the existing dwelling and erection of a building containing 17 flats on the site. The layout of the building was confirmed at the outline stage, as were the access arrangements. The reserved matters are as follows:-

- Scale;
- Appearance;
- Landscaping;

The proposed building is considered to be of appropriate scale as it allows for the provision of an appropriate mix of 1 and 2 bed units that meet standards for Gross Internal Area but are not excessively large. A building of reduced scale would be unlikely to have the capacity to provide suitable living space for 17 flats, based on the approved footprint.

1.2 The design of the building, which contrasts with the appearance of neighbouring dwellings, is considered to be appropriate given the self-contained nature of the site, its set back from the main street frontage of Meads Brow and the overall scale of the development, which justifies it having its own distinct character and appearance.

1.3 The landscaping details provided show that there is sufficient capacity within the site to incorporate planting to preserve and enhance visual and residential amenity. Additional details can be secured by way of condition to ensure new planting also provides ecological mitigation and assists with surface water drainage.

1.4 Overall, it is considered that the submitted details are consistent with the approved description and layout granted under application 181058 and that the development could be incorporated without any unacceptable impact upon environmental, residential or visual amenity.

## **2 Relevant Planning Policies**

2.1 Revised National Planning Policy Framework 2018:

2. Achieving sustainable development
4. Decision making
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

## 2.2 Eastbourne Core Strategy (2013):

B1 - Spatial Development Strategy and Distribution  
B2 - Creating Sustainable Neighbourhoods  
C11 - Meads Neighbourhood Policy  
D1 - Sustainable Development  
D5 - Housing  
D10a – Design

## 2.3 Eastbourne Borough Plan - Saved Policies (2003):

NE4 - Sustainable Drainage Systems  
NE7 - Waste Minimisation Measures in Residential Areas  
NE14 - Source Protection Zone  
NE15 - Protection of Water Quality  
NE18 - Noise  
UHT1 - Design of New Development  
UHT2 - Height of Buildings  
UHT4 - Visual Amenity  
UHT7 - Landscaping  
HO1 - Residential Development Within the Existing Built-up Area  
HO2 - Predominantly Residential Areas  
HO7 - Redevelopment  
HO20 - Residential Amenity  
TR6 - Facilities for Cyclists  
TR11 - Car Parking

## **3 Site Description**

- 3.1 The site is occupied by a split level dwelling which has a rather sprawling footprint. The dominant roof form is pitched roofing with asymmetric elements and a variety of slope angles present. The nucleus of the building is two-storey, with the frontage being predominantly single-storey and the rear including dormers and flat roof elements. There is a spacious hard surfaced parking area to the front of the dwelling. The rear gardens consist of a generally level area to the immediate rear of the dwelling which includes formal landscaping and patio areas, with a further lawned area towards the rear of the site that is at a lower level, behind a retaining wall.
- 3.2 The site is positioned on a hill side, the access sloping downwards from Meads Brow with the dwelling and parking area being cut into the hill. The site continues to slope downwards across the terraced garden area, with a steep drop immediately to the rear of the site, where it borders Darley Road.
- 3.3 The site is located at the end of a branch off Meads Brow, a residential cul-de-sac which follows the contour of the hill side which it traverses. The road is flanked by well-spaced detached residential dwellings consisting of a mix of chalet style, split level and two-storey buildings. Dwellings on the western side of the road are at a higher level to those on the east on account of the hillside location. The neighbouring properties to the north and south, which are on Beachy Head Road and Darley Road respectively, are larger buildings. The

neighbouring building to the south, 64 Darley Road, has been subdivided into flats.

- 3.4 The site is enclosed by mature landscaping, which includes TPO trees on the northern boundary. The landscaping within the site interior is restricted to ornamental planting, with no significant trees present.

#### 4 Relevant Planning History

- 4.1 **181058** - Outline planning permission (Access and Layout) for demolition of the existing house and the construction of a new building housing 17 one and two bedroom apartments, with associated access and parking – Refused 26<sup>th</sup> February 2019 – Allowed on Appeal 8<sup>th</sup> November 2019

#### 5 Proposed development

- 5.1 The application seeks approval of reserved matters (scale, appearance and landscaping) following the grant of outline permission for the demolition of the existing dwelling and erection of a new building accommodating 17 flats. The layout of the development and access arrangements were confirmed as part of the outline scheme.
- 5.2 The scale of the development is consistent with the indicative plans submitted as part of the outline scheme, this being a split level building made up of two and three-storey elements which would occupy the footprint agreed at outline stage. The building would incorporate flat roof and gable roof elements. The height of the various elements of the building would be as follows:-

Roof Form	No. of storeys	Height (approx.)
Flat Roof	2	6.2 metres
Flat Roof	3	9 metres
Gable Roof	3	11.9 metres (ridge) 9 metres (eaves)

Parapet walls would be used on parts of the flat roof structures in order to provide private amenity space for residents.

- 5.3 The footprint of the existing dwelling occupying the site is approximately 436 m<sup>2</sup>, the floor area of the proposed building would be distributed as follows:-

Level	Floor Area (approx.)
Ground Floor	550 m <sup>2</sup>
First Floor	550 m <sup>2</sup>
Second Floor	445 m <sup>2</sup>

A total of 17 separate units of accommodation would be provided across the three storeys of the building, comprising a mix of one and two bedroom units.

Level & Unit No.	Type of Unit	GIA*	Recommended GIA**
GF Unit 1	2 bed 4 person	74 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 2	2 bed 4 person	77 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 3	2 bed 3 person	75 m <sup>2</sup>	61 m <sup>2</sup>
GF Unit 4	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 5	1 bed 2 person	55.5 m <sup>2</sup>	50 m <sup>2</sup>
GF Unit 6	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>
FF Unit 7	2 bed 4 person	74 m <sup>2</sup>	70 m <sup>2</sup>
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SF Unit 16	2 bed 4 person	77 m <sup>2</sup>	70 m <sup>2</sup>
SF Unit 17	2 bed 4 person	70 m <sup>2</sup>	70 m <sup>2</sup>
* = Gross Internal Area ** = As per DCLG's Technical housing standards – nationally described space standard			

Each ground floor unit would have access to a private terrace whilst first and second floor units would have access to private balconies.

- 5.4 The building would be of contemporary design, predominantly flat roofed but with two gable ended elements on an east to west alignment. Elevation walls would be finished in a mixed palette of grey, brown and yellow bricks, including decorative courses of contrasting bricks. The pitched roof elements would be finished in clay tiles. Stone coping would be used on the tops of parapet walls, external window sills and roof eaves.
- 5.5 The building would be of contemporary design, predominantly flat roofed but with two gable ended elements on an east to west alignment. Contrasting roof forms, step changes in height and the formation of recessed areas would be used to break up the mass of the building. Elevation walls would be finished in a mixed palette of grey, brown and yellow bricks, including decorative courses of contrasting bricks. The pitched roof elements would be finished in clay tiles. Stone coping would be used on the tops of parapet walls, external window sills and roof eaves. Window and door frames and rainwater goods would be finished in matt grey whilst grey painted metal railing balustrades would be utilised on first and second floor level balconies.
- 5.6 A number of trees and other planting, the majority of which are ornamental garden species, would be removed from the site interior in order for the proposed building to be accommodated.

## **6 Consultations**

### **6.1 Specialist Advisor (Planning Policy)**

6.1.1 There is no requirement for Policy Comments on this reserved matters phase of the application.

#### **6.1.2 SUMMARY OF POLICY COMMENTS FOR OUTLINE SCHEME (181058)**

6.1.3 It was stated that the development would comply with Policy B1 of the Core strategy through its development in a sustainable neighbourhood and Policy HO2 of the Borough Plan being identified as a windfall site which is relied on by the council. It was also stated that the development complied with the NPPF in supporting sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application would result in a windfall addition of 16 dwellings.

6.1.4 An objection was raised in regard for the failure to provide affordable housing either on-site or by way of a commuted sum. However, this objection was overruled by the Planning Inspectorate in their allowing of the appeal against the refusal of 181058.

### **6.2 Meads Community Association**

6.2.1 The Meads Community Association representing 560 households in Meads wishes to join with residents of Meads Brow in opposing this application on the grounds of appearance and design, the landscape plan and access arrangements both for vehicular and pedestrian to the development.

6.2.2 Scale of the Development: We also have a general concern about the vague statements concerning the height of the proposed development and its actual footprint as there is a lack of definite measurements. At this stage of the application we should have actual measurements and we should not have to rely on a design and access statement that says, '...The proposed footprint is only slightly larger than the existing house, with it also only being slightly taller in places. ...'.

6.2.3 Appearance and Design: We consider that the development will still be over dominant in scale, form and out of character with the environment given that the location is adjacent to the South Downs National Park We do not agree that the property '..feels more part of the context of Darley Road...' the existing property sits firmly in Meads Brow and as the roof height is higher than the existing property it will clearly be visible from Darley and Baslow roads and we consider therefore that the development should have a flat roof to decrease its visibility.

6.2.4 We fully support the detailed objection and suggested redesign of the development proposed by Mr Mitch Peacock of 27 Meads Brow dated 2nd January which covers the appearance and general acceptability of the development in this location and the use of more environmentally construction materials. A number of objectors have referred to overlooking from the western boundary of the development and the loss of privacy to nos. 26-27 in Meads

Brow and we support these concerns.

6.2.5 Landscaping and Access Arrangements for Vehicles and Pedestrians: The construction of 17 apartments on this site will mean the potential for possibly in excess of 50 new residents. Car parking provision for residents and visitors is inadequate as is the lack of separation at the entrance to the site of a separately designated pedestrian pathway. Vehicle and pedestrian movements within Meads Brow will increase enormously and we support the concerns of residents about the increase in vehicle movements and noise from the development.

6.2.6 The proposed application takes little account of the environment of this area and the safety of existing and new residents. The only access from Meads Brow is onto Beachy Head Road, a road recognised for speeding traffic, poor sight lines and there is not a pedestrian pavement from Meads Brow to the junction with Carlisle and Darley Road. Pedestrians will have to cross the road and use the rough footpath to access Meads Village and Eastbourne Town bus services.

6.2.7 Conclusion: Whilst we recognise that following the Planning Inspectors decision redevelopment of this site is inevitable we consider the present proposals to be inadequate in all areas of the application and therefore the application should be refused and a plan more acceptable to the local surroundings and neighbouring properties should be submitted.

### 6.3 SUDs

6.3.1 No additional information to that submitted at outline planning stage has been submitted to detail or clarify the surface water management proposals and their impacts on flood risk. Therefore, when submitting details to discharge condition 9, the applicant should address all the comments raised in our letter of 7 December 2018 in response to consultation on planning application 181058.

6.3.2 The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district, which is downstream of the application site. Therefore, the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

### 6.4 Southern Water

6.4.1 The submitted site layout shows proposed development lies close to public foul sewer which is not acceptable to Southern Water. Construction over or within the standoff distance (3 metres) of public sewers will not be permitted. Southern Water requests that this application is not determined until such time as the applicant produces a suitable layout.

6.4.2 We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our

restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

6.4.3 In order to prevent ingress of groundwater into public sewerage system, no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) sewer.

## 6.5 South Downs National Park

6.5.1 Reference should be made to the original consultation response dated 16th November 2018 provided by the South Downs National Park in relation to planning application 181058. Consideration should also be given to the comments of the Inspector in the determination of the appeal insofar as they relate to the South Downs National Park. Paragraph 18 of the appeal decision highlights the importance of the Park's Dark Skies Reserve and that this matter should be addressed through the reserved matters application.

### 6.5.2 SUMMARY OF SDNP COMMENTS FOR OUTLINE SCHEME (181058)

6.5.3 Given the context of the existing urban environment within which the site is located, it is unlikely that the proposed development would have a direct visual or landscape impact on the setting of the South Downs National Park in this instance.

6.5.4 However, given the site is close to the boundary of the South Downs National Park, internal, and any external lighting required in connection with the proposal may have the potential to have adverse effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore, it would be appropriate for consideration to be given to any need for the development to include a full appraisal of both internal and external lighting, to consider what impact it may have on the dark skies of the National Park and if/how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

## 6.6 Secured by Design

6.6.1 The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Eastbourne district being above average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

6.6.2 The vehicle parking has good observation over it from active rooms within the block. In order to create safe and secure environment for the vehicle and their owners I recommend the parking area is illuminated.



6.6.3 I cannot see any defensible demarcating railings or fencing shown on the ground floor plans that deters unauthorised access to the sides and rear of the development, where the vulnerable ground floor windows are located. Neither is there any defensible planting in front of windows to remove / restrict access to them. The absence of these measures makes the ground floor windows and the side and rear of the building very susceptible to unobserved attack, increasing the opportunity for crime.

6.6.4 I was pleased to note the cycle area has been relocated to provide more observation from the apartments and has a canopy to provide a degree of protection for the cycles from the elements. However, I was disappointed to note that this area is not a secure cycle shelter, only a covered area with Sheffield stands out in the open which relies on the resident's locking mechanisms to keep the cycles secure. The lack of a secure cycle store / shelter gives a would-be offender the opportunity and time to defeat locks and chains securing the cycle and remove any easily quick-release items from the cycles such as wheels and saddles.

6.6.5 Lighting throughout the development will be very important to create a safe and secure development especially the carpark and pedestrian walkway. It should be designed to illuminate the building's entrances, the carpark, refuse and cycle stores and is to conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

6.6.6 The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

6.7 Specialist Advisor (Waste)

6.7.1 As long as there is access for our LGV vehicles. All bins need to be presented at the curtilage of the property on the morning of collection. Bins stores / areas not to be down steps.

## **7 Neighbour Representations**

7.1 Letters of objection have been received from 13 addresses, the content of these letters is summarised below.

7.1.1 Design:

- Flat roof throughout would be preferable;
- Extensive use of brick on elevations is unsightly;
- Lack of green elements (timber cladding, green walls/roof);
- Over-dominant and out of character;

- Comparisons with properties on Darley Road are deceptive as these should be made to properties on Meads Brow;
- Building is utilitarian in appearance;
- Will lift plant housing be visible?;
- Overdevelopment in a low density area;
- Amount of parked cars will change character of the area;
- Amount of flats should be reduced

OFFICER COMMENT IN RESPONSE: The principle of providing 17 flats on the site has been established following the allowing of an appeal against the refusal of the outline scheme (181058). Protruding lift housing is not shown on the submitted plans and it is therefore assumed all housing would be internal. Any modification to the design to incorporate protruding lift housing would need to be agreed by way of a full planning application to vary the scheme. Matters relating to design are addressed in the main body of this report.

### 7.1.2 Layout, Parking and Access

- Developer should contribute towards footpath improvements along Beachy Head Road;
- Only one disabled parking space provided;
- No visitor parking space provided;
- No storage area of charging points for invalid carriages;
- No physical protection for pedestrians accessing the site;
- Vehicle and pedestrian access is too narrow;
- Waste collection lorry will struggle with access;
- Not enough car parking provided;
- Poor access to public transport and shops;
- No electric vehicle charging points are provided;
- Will result in increase in traffic;
- There is no turning capacity for refuse vehicles;
- Difficult for emergency vehicles to access;
- The site should be accessed from Darley Road;

### 7.1.3 Residential and Environmental Amenity

- Overlooking of 26-28 Meads Brow from balconies and doors;
- Would result in light pollution;
- Car park should be provided beneath building to reduce noise and visual impact;
- Would cause overshadowing and overlooking towards Darley House;
- Would contravene articles 1 and 8 of Human Rights Act (right to peaceful enjoyment of possessions and right to respect for private and family life);
- Sound reduction measures should be incorporated;

#### 7.1.4 Ecology/Biodiversity

- No reference made to protected species and badger sett and runs within the site;
- There is a badger sett on site as well as badger runs;
- Loss of trees;
- Negative impact upon National Park;
- Tree planting required;
- Ecologist report required;
- Bats have been seen above and around the site;
- No arboricultural report has been provided;
- Lack of detail on tree and hedge planting

OFFICER COMMENT IN RESPONSE : Construction works would take place within a residential garden and a regularly maintained garden area and, as such, it is not considered that a full ecological report would be justified, Notwithstanding this, the applicant will be made aware of their legal responsibilities in relation to the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended).

#### 7.1.5 Construction Works

- County Archaeologist should assess impact bearing in mind the Iron Age history of the site;
- Impossible to see how construction vehicles will access the site;
- Will disturb ground around site boundaries;
- Could destabilise soil and result in landslip;
- If approved, there should be restriction on hours that construction works can take place and consideration of where workers would park vehicles

OFFICER COMMENT IN RESPONSE : The site is not located within, or adjacent to, an Archaeological Notification Area and it would therefore not be reasonable to require archaeological works to be carried out prior to commencement of development. Impact upon land stability would be addressed at the Building Regulations stage. Condition 8 of the outline approval (181058) requires the submission of a Construction Method Statement to be submitted to and approved by the Local Planning Authority prior to commencement of development. This statement would cover the demolition and construction phase and would need to include the following details:-

- i. Parking for vehicles used by site operatives and visitors;
- ii. Arrangements for the loading and unloading of plant and materials;
- iii. Secure storage arrangements for plant, materials and other construction related apparatus during construction phase of the development
- iv. Delivery and working hours
- v. Wheel washing facilities.

#### 7.1.6 Submitted Documents

- Design and Access Statement includes subjective comments;
- Drawings are of poor quality;
- Drawings of the existing building are not accurate;
- Site section shows boundary hedge as being higher than it is;
- Accurate measurements should be provided on plans;
- Submitted plans are no more detailed than those provided at outline stage.

OFFICER COMMENT IN RESPONSE : There is an element of subjectivity involved when assessing the design and scale of a development in terms of impact upon surroundings. The submitted plans are drawn to scale and measurements from these plans are included in the officer report. The application report is based on the submitted plans as well as observations made on a site visit.

#### 7.1.7 Drainage

- Local drains are already at capacity.

#### 7.1.8 Obligations

- There are covenants in place to prevent building of flats on the site;
- No affordable housing provided.

OFFICER COMMENT IN RESPONSE : Covenants are a legal matter and do not influence planning decisions. An application for planning permission does not override a covenant. In allowing the appeal against the refusal of outline permission (181058) the Planning Inspector accepted the applicant's argument that it would not be viable to provide affordable housing either on site or as a commuted sum.

### 8.1 Principle of development

8.1.1 The principle of erecting a new building accommodating 17 one and two bedroom apartments and associated access and parking has been established following the approval of outline permission by the Planning Inspectorate. Layout and access arrangements were also approved at the outline stage. The current application therefore relates only to the appearance, scale and landscaping arrangements of the development.

8.1.2 The outline scheme involves development within what is currently a residential garden. Para. 68 (c) of the Revised National Planning Policy Framework states that Local Planning Authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using

suitable sites within existing settlements for homes.’ This needs to be taken into context with the direction given in para. 70 which states that ‘inappropriate development of residential gardens, for example where development would cause harm to the local area.’ And this is echoed in para. 122 (d), which supports increased residential density provided an area’s prevailing character and setting (including residential gardens) as maintained. It is therefore important to ensure that the scale and appearance of the building and the landscaping of the site preserve a sense of green space and do not compromise the wider character of the area.

8.1.3 Para. 127 of the Revised National Planning Policy Framework requires that development is inclusive and accessible, promotes health and well-being and a high standard of amenity for existing and future users. The reserved matters will be assessed in this context, with particular reference to potential impacts upon environmental, residential and visual amenity.

## 8.2 Planning Obligations

8.2.1 The outline application was refused by the Council due to, amongst other reasons, the failure to deliver any contribution towards affordable housing, either by way of on-site provision or through a commuted sum. The applicant maintained that this was on the grounds of the financial viability of the scheme and this was supported by the Planning Inspector in approving the subsequent appeal. As such, there is no requirement for affordable housing to be provided.

8.2.2 No works requiring the use of planning obligations are required. Modifications to the public highway that are necessary in order to allow for safe access by vehicles and pedestrians will be secured through the use of a Section 278 agreement.

## 8.3 Impact of proposed development on amenity of adjoining occupiers and surrounding area

8.3.1 The proposed building reaches within fairly close proximity of the boundary with Weald House to the north (approx. 2 metres), although the building occupying the site is some distance away (approx. 26.5 metres). There are first and second floor level balconies that offer views to the north, although their primary aspects are east/west. However, these balconies are stepped further away from the boundary and, include an element of screening/balustrading that would restrict outlook to an extent. In any case, there is an embankment and a belt of mature trees flanking the northern site boundary which provide an effective and visually sympathetic screen to Weald House.

8.3.2 Windows to the front of the proposed building would face towards the rear of 26 and 27 Meads Brow. However, it is considered that the distances maintained between the site boundary (minimum of approx. 14 metres) and buildings (minimum of 27.5 metres), the topography (with 26 and 27 Meads Brow being on higher ground, and the presence of site boundary screening and landscaping, would combine to prevent intrusive views either from the proposed building towards those properties or vice versa. Views towards 64 Darley Road would also be effectively screened by the varying topography, orientation of the

proposed windows in relation to the neighbouring property and the degree of separation maintained.

- 8.3.3 All of the proposed flats would have access to a private balcony/terrace. It is considered that this would be acceptable provided suitable screening is provided to prevent invasive views towards neighbouring properties, including other units within the proposed development. The proposed balconies and terraces are of modest size and would be likely to allow for use by large congregations of people, meaning that usage would be unlikely to cause disturbance towards neighbouring residents. The amount of communal amenity space available would also mean that any larger gatherings of people would be likely to be concentrated there, where there would be less impact upon neighbouring residents.
- 8.3.4 The proposed building reaches up to three-storeys in height. However, due to its predominantly flat roof design, it only exceeds the ridge height of the existing building in the gable ended elements. The footprint is also not significantly larger than that of the existing building and is stepped away from site boundaries and neighbouring buildings. The topography of the site, which falls away from the level of neighbouring properties on Meads Brow, would soften the visual impact of the building as would the self-contained nature of the site which is bounded by mature trees and embankments.
- 8.3.5 The proposed building incorporates a number of stepped changes in height, staggered elevation walls and a mixed palette of external materials. These design elements help to prevent the building from appearing overly bulky or oppressive. It is considered that the combination of the design attributes of the building along with its siting and orientation would ensure that it would not bring about any undue overshadowing or overbearing impact towards neighbouring residents.

#### 8.4 Living conditions for future occupants

- 8.4.1 The table below provides a comparison between floor space provided and the minimum GIA required under the Technical housing standards – nationally described space standards.

Level & Unit No.	Type of Unit	GIA*	Recommended GIA**
GF Unit 1	2 bed 4 person	74 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 2	2 bed 4 person	77 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 3	2 bed 3 person	75 m <sup>2</sup>	61 m <sup>2</sup>
GF Unit 4	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>
GF Unit 5	1 bed 2 person	55.5 m <sup>2</sup>	50 m <sup>2</sup>
GF Unit 6	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>
FF Unit 7	2 bed 4 person	74 m <sup>2</sup>	70 m <sup>2</sup>
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FF Unit 9	2 bed 3 person	75 m <sup>2</sup>	61 m <sup>2</sup>
FF Unit 10	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>
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FF Unit 12	2 bed 4 person	76 m <sup>2</sup>	70 m <sup>2</sup>

SF Unit 13	1 bed 2 person	60 m <sup>2</sup>	50 m <sup>2</sup>
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SF Unit 16	2 bed 4 person	77 m <sup>2</sup>	70 m <sup>2</sup>
SF Unit 17	2 bed 4 person	70 m <sup>2</sup>	70 m <sup>2</sup>
* = Gross Internal Area ** = As per DCLG's Technical housing standards – nationally described space standard			

- 8.4.2 All units would meet minimum space standards and, in the majority of instances, exceed them. All units would have a clear and uncomplicated layout, avoiding awkwardly shaped rooms and long corridors. All habitable rooms would be adequately served by clear glazed windows allowing for a satisfactory level of natural light permeation as well as natural ventilation. A number of units would have dual aspects, further enhancing natural light and ventilation provision.
- 8.4.3 All units would have access to private amenity space in the form of terraces at ground floor level and balconies on upper floors. In addition, a sizeable area of communal amenity space would be provided to the rear of the site in an area which forms the rear garden of the existing dwelling and provides a verdant setting on account of the number of surrounding trees and other landscape features.
- 8.4.4 The surrounding environment is residential and there are no potential sources of noise, light or air pollution nearby that would have the potential to cause nuisance to future residents, nor are there any nearby uses that would have their ongoing operation prejudiced by the presence of the proposed development.
- 8.5 Design and Layout
- 8.5.1 The site is considered to be visually distinct from the other plots on Meads Brow on account of it being on land that is at a lower level and well screened by soft and hard landscaping. The existing dwelling does not correspond to the general characteristics of buildings on Meads Brow, these being detached chalet and split level dwellings, due to its design, height and sprawling footprint. It is more in keeping with the character of neighbouring plots to the north and south, which are occupied by larger buildings in the form of Weald House and 64 Darley Road respectively.
- 8.5.2 The footprint of the proposed building would not be significantly different from that of the existing dwelling, which is rather sprawling in nature, and the proposed hard surfaced car parking area to the front of the building would occupy a similar area, and be in a similar position, to the existing car parking area present on site. The rear of the site would remain as a lawn and the mature boundary landscaping would be largely maintained, with the any landscaping clearance within the site interior being limited to the removal of ornamental planting.
- 8.5.3 As the footprint of the building is part of the site layout agreed at outline stage it dictates the scale of the development to a certain extent in terms of the number

of storeys required to accommodate 17 new flats (the number of flats to be provided was also established by the outline approval). The need for three-storeys is therefore justified and accepted. The overall scale of the building has been minimised through the use of flat roofing which is the predominant form of the building. Gable ended elements have been used to break up the roof line and to introduce articulation, as have step changes in height and staggered elevation walls. These design attributes serve to break up the mass of the building, preventing it from appearing bulky or oppressive whilst also making reference to the form of the dwelling currently occupying the site.

8.5.4 As the proposed building has a clearly defined frontage with an open area to the front that would engage with the wider street scene and ensure that the development does not appear divorced from its surroundings. The parking area would benefit from good levels of surveillance from the windows of flats as would the communal amenity area to the rear of the site. The level of surveillance provided would discourage anti-social behaviour, counter any perceived fear of crime and would ensure a safe environment is provided for residents using these areas. The Sussex Police Secured by Design Officer has stated that the parking area should also be illuminated. Given the sensitivity of external lighting in the area as a result of the proximity of the site to the South Downs National Park, a condition will be used to secure a sympathetic low level lighting scheme. Bollard lighting is not recommended as it does not allow for easy facial recognition.

8.5.5 The Secured by Design Officer has also highlighted the lack of defensible space provided around ground floor windows as well a lack of any barrier to prevent access to the rear of the development via the narrow gaps to the side of the building. In the interest of the security of future occupants, this would need to be addressed and this can be achieved through the use of a planning condition.

## 8.6 Highway Impact

8.6.1 The access arrangements for the site have been approved as part of the outline permission. The existing site access from Meads Brow will be utilised, with minor works taking place on the highway in order to provide a designated pedestrian route to the site. This pedestrian route would flank the existing turning head adjacent to the site access. This access arrangement was approved as a result of the successful appeal against the refusal of outline permission for the development, during which a plan showing a raised kerb footpath extending to the site access point was provided. Within the car park, a pedestrian route would be marked out in order to draw the attention of motorists. Full details showing how the route would be marked out and the use of other identification aids such as textured paving will be secured through the use of a condition, to be discharged in consultation with ESCC Highways.

8.6.2 The quantum of parking provided (21 bays) is adequate to serve the development without resulting in unacceptable parking pressure on the surrounding highway network. A disabled bay would be provided in an appropriate position within close proximity of the main access to the building. The provision of 1 x disabled parking bay accords with the 5% ratio as set out in para. 8.3.26 of Manual for Streets. A suitable amount of cycle parking has been provided in the form of covered Sheffield stands that could accommodate 24 x



bicycles. Whilst the amount of cycle parking provided is considered to be acceptable, the use of an open sided structure to house them is considered to present issues in regard to security, as identified by the Secured by Design Officer. Condition 7 of the outline planning permission requires the submission of full details of a secure and covered cycle storage area, in alignment with the comments of the Secured by Design Officer.

8.6.3 Refuse would be collected from the bin store within the site. The County Council's guidance states that waste collection vehicles should be able to get within 25 metres of the storage point. The proposed bin store loading area is approximately 22 metres from the road side.

## 8.7 Impact on trees

8.7.1 The boundaries of the adjoining site to the north, occupied by Weald House, are marked by a dense arrangement of mature trees, some of which are the subject of Tree Preservation Orders and all of which perform a useful function in screening the site as well as contributing to the semi-rural character that abounds in the surrounding area. It is noted that the footprint of the proposed development is similar to that of the existing building and would not extend any closer to these trees, which are positioned on a raised embankment.

8.7.2 The removal of some trees within the interior of the site would be required in order to accommodate the development. However, these are ornamental garden trees which do not provide any significant amenity or ecological value in terms of the character of the wider surrounding area or warrant any protection order on the grounds of being specimen trees.

8.7.3 The proposed development would retain the majority of the lawn area to the rear of the site. New planting will generally be in the form of herbaceous plants and shrubbery that is suited to the domestic nature of the site. Whilst no significant trees are included within the planting programme, the majority of the mature trees distributed along site boundaries will be retained and will continue to generate a verdant character and appearance both within the site as well as the wider street scene.

8.7.4 Hard landscaping would include the use of contrasting red and grey brick block paving for the parking areas

## 8.8 Drainage

8.8.1 The footprint of the proposed development would not be significantly greater than that of the existing building and there is also the opportunity to replace existing impermeable hardstanding with more permeable surfacing. There is also the potential to further manage surface water run off by introducing green roofing and rain water harvesting equipment through the use of planning conditions.

8.8.2 There is the potential for the existing drainage infrastructure within the site to be used, although this would require an investigation into its condition to be performed and necessary upgrades to be made. The proximity to the surface

water sewer on Darley Road is also noted, allowing for the potential of connection without significant civil engineering works, and subject to discharge rates being agreed. The full drainage scheme, which would be secured by condition, would need to demonstrate that surface water runoff rate would not exceed existing levels, including during 1 in 100 year storm events and also taking into account the projected 40% increase in peak rainfall intensity as a result of climate change. Details of the overall drainage scheme are required by condition 9 of the approved outline scheme (181058).

8.8.3 The proximity of the proposed development to a public foul sewer which crosses the site from west to east has been identified by Southern Water as a cause for concern. An easement of 3 metres either side of the sewer is required for maintenance purposes (although this is not currently in place in relation to the existing dwelling). The applicant disputes the position of the sewer shown on Southern Water records and maintains that a 2.5 metre easement can be provided between the sewer and the proposed development, which would be stepped further away from the sewer than the existing dwelling is. Notwithstanding the above, it is the responsibility of the applicant to secure permission from Southern Water for works adjacent to the sewer prior to commencement of development. If a suitable easement cannot be provided then a diversion may be required, subject to a section 185 legal agreement with Southern Water.

8.8.4 Any grant of planning permission would not override the requirement for a suitable easement or diversion to be agreed between the developer and Southern Water. If such an agreement cannot be reached then the layout of the development would need to be modified. This would require an application for a variation to an approved scheme, which would be subject to the full scrutiny of the planning process.

## 8.9 Ecology

8.9.1 The bulk of the proposed development would be accommodated within a previously developed part of the site. The development would be contained fully within an existing residential curtilage, with the garden area being regularly maintained and used and, as such, of limited habitat value. A number of letters of representation have stated that there is a badger sett on site and that the site itself is used as a badger run. The applicant will be made fully aware of their legal duty in regards the disturbance and/or displacement of protected species as set out in the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended). Failure to comply with this legislation is a criminal offence.

8.9.2 A condition is also recommended in order to secure ecological mitigation measures such as appropriately positioned bat and bird boxes and the planting of native species as part of the landscaping scheme. This could also include the provision of gaps below boundary fencing to allow for fauna such as badger and hedgehog to pass through the site unimpeded.

## 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 Approve, subject to the conditions listed below and those attached to outline approval 181058:

1. **Time limit:** The development hereby approved shall be commenced no later than expiration of two years beginning with the date on which this permission is granted.

Reason: For the avoidance of doubt and in accordance with condition 3 of the outline permission ref: 181058.

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

- 0260-P20 – Location & Proposed Block Plan;
- 0260-P21 – Proposed Site Plan;
- 0260-P22 – Proposed Ground Floor Plan;
- 0260-P23 – Proposed First Floor Plan;
- 0260-P24 – Proposed Second Floor Plan;
- 0260-P25 – Proposed Roof Plan;
- 0260-P26 – Proposed West Facing Elevation;
- 0260-P27 – Proposed South Facing Elevation;
- 0260-P28 – Proposed East Facing Elevation;
- 0260-P29 – Proposed North Facing Elevation;
- 0260-P30 – Site Elevations AA and BB;

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

3. **External Lighting:** No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of environmental, residential and visual amenity, including the setting of the South Downs National Park Dark Sky Reserve, in accordance with saved policies NE28, HO20, UHT1 and UHT4 of the Eastbourne Borough Plan.

4. **Hard and Soft Landscaping:** Notwithstanding the approved plans, prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard surfacing which should be permeable where feasible;
- b) details of all boundary treatments – to include gaps under fencing to allow for small mammals to pass through the site;
- c) details of all balcony screening;
- d) details of green roof surfacing to assist with surface water drainage;
- e) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. Planting should be carried out using predominantly native species;
- f) Ecological enhancements;

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of environmental, residential and visual amenity and biodiversity in accordance with saved policies NE28, HO20, UHT1, UHT4, UHT5 and UHT7 of the Eastbourne Borough Plan and Policy D9 of the Eastbourne Core Strategy.

5. **External Materials:** Notwithstanding the details provided on the approved plans and application form, prior to the commencement of any construction above slab level, a schedule of external materials, indicating types, colours, texture and finishes shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained.

Reason: In the interest of visual amenity and good quality design in accordance with saved policy UHT1 of the Eastbourne Borough Plan and policy D10a of the Eastbourne Core Strategy.

6. **Balconies:** Other than the areas marked as balconies on the floorplans hereby approved, no other parts of the flat roof of the building shall be used as a balcony, roof garden or for any other amenity purposes at any time.

Reason: In the interest of residential amenity in accordance with saved policy HO20 of the Eastbourne Borough Plan.

7. **Refuse and Recycling:** The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the

approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: In the interest of visual amenity and serviceability in accordance with saved policy UHT1 of the Eastbourne Borough Plan and para. 110 of the Revised national Planning Policy Framework.

8. **Sustainable Initiatives:** No development associated with the construction of the building shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of the new flats as they are each completed, and retained as such thereafter.

Reason: In order to improve the sustainability of the development and to meet the challenge of climate change in accordance with policy D1 of the Eastbourne Core Strategy and section 14 of the Revised National Planning Policy Framework.

9. **Electric Charging Points:** Prior to the first occupation of the development, a scheme showing the number and location of electric vehicle charging point shall submitted to and approved in writing by the Local Planning Authority. The details as approved shall be installed and operable prior to the first occupation of any of the units. These charging points shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In order to improve the sustainability of the development and to meet the challenge of climate change in accordance with policy D1 of the Eastbourne Core Strategy and section 14 of the Revised National Planning Policy Framework.

10. **Badger Survey:** Prior to site clearance, a Badger walk-over survey of the site and 30m of adjacent land (access permitting) must be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority and approved in writing. A licence may be required from Natural England to proceed lawfully.

Reason: In order to ensure protected species are not disturbed in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

## **Informatives**

1. **Southern Water Drain:** Southern Water require an easement of a minimum of 3 metres either side of the main sewer running across the site. This also applies to tree planting. If this is not possible then a diversion may be required. Planning permission does not override the need to agree details with Southern Water prior to commencement of development. Please

contact [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk) for further details.

2. **Wildlife Protection:** The applicant is reminded of their legal duty to ensure the protection of wildlife during and after development as set out in the Countryside and Wildlife Act 1981 (as amended) and the Protection of Badgers Act 1992.
3. **Surface Water Management:** The applicant is reminded of their obligations under the Pevensey and Cuckmere Water Level Management Board.

## 11. Appeal

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