

Report to: Planning Committee
Date: 20 October 2020
Application No: 200402
Location: 183 Langney Road, Eastbourne
Proposal: Clearance of site and construction of 7 x 1 bed maisonettes, 4 x 2 bed maisonettes and 1 x studio flat (12 units total)
Applicant: Aspiration Homes
Ward: Devonshire
Deadlines: **Decision Due Date:** 15 September 2020
Site Notice(s) Expiry date: 17 July 2020
Neighbour Con. Expiry: 17 July 2020

Recommendation: Approve subject to the following conditions and a Section 106 agreement to secure affordable housing and local employment training

Contact Officer: **Name:** James Smith
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Map Location:



1. **Executive Summary**

- 1.1 The proposed development represents the optimisation of the residential use of a brownfield site whilst ensuring that suitable living conditions are provided for future occupants and the amenities of neighbouring residents are preserved. It is not considered that the loss of the ground floor shop unit would compromise the viability and vitality of the District Shopping Centre.
- 1.2 Adequate mitigation measures have been provided to address dangers posed to future occupants as a result of flood risk. Due to the sustainable location of the site and the likely tenure of the units, it is considered a zero parking development is acceptable in this instance.
- 1.3 The proposed development would be constructed and managed by Aspiration Homes, a partnership between Lewes District Council and Eastbourne Borough Council and will provide 100% social housing .

2. **Relevant Planning Policies**

- 2.1 Revised National Planning Policy Framework Achieving sustainable development:
 4. Decision-making
 5. Delivering a sufficient supply of homes
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 16. Conserving and enhancing the historic environmentNational Government Planning Practice Guidance
- 2.2 National Design Guide (2019)
- 2.3 Eastbourne Core Strategy Local Plan 2006-2027:
 - B1: Spatial Development Strategy and Distribution
 - B2: Creating Sustainable Neighbourhoods
 - C1: Town Centre Neighbourhood Policy
 - D1: Sustainable Development
 - D4: Shopping
 - D5: Housing
 - D8: Sustainable Travel
 - D9: Natural Environment
 - D10: Historic Environment

D10a: Design

2.4 Eastbourne Borough Plan Saved Policies 2007:

NE18: Noise

NE28: Environmental Amenity

UHT1: Design of New Development

UHT4: Visual Amenity

UHT15: Protection of Conservation Areas

US4 Flood Protection and Surface Water Disposal

HO1: Residential Development Within the Existing Built-up Area

HO9: Conversions and Change of Use

HO20: Residential Amenity

TR2: Travel Demands

TR11: Car Parking

US4: Flood Protection and Surface Water Disposal

3. **Site Description**

- 3.1 The site is occupied by a single-storey flat roof building that had been divided into 4 x shop units, each of which with a shop front facing onto Langney Road. Units a, b and c have been vacant for a significant period of time and the roofing over them has collapsed. As a result, hoarding has been erected to the front of these buildings. The remaining unit has been in more recent use and appears to have maintained structural integrity. There is a group of partially collapsed storage buildings to the rear of the site. The partially collapsed shop units and outbuildings have been colonised by overgrowth which has also spread across the open areas to the rear of the site. The site onto Langney Road (B2136) which connects Seaside with Eastbourne Town Centre. It is also close to the junction between Langney Road and Seaside (A259).
- 3.2 The site is positioned on the southern edge of the Langney Road to Springfield Road District Shopping Centre, which provides an assortment of retail and restaurant uses as well as community facilities. The majority of these uses are accommodated within terraces of three-storey buildings with residential uses occupying the upper floors. The predominant form of development shifts to residential use in the areas to the south and west of the site..
- 3.3 There is no overriding pattern in the architectural style of surrounding buildings although generally characteristics are of terraces of two and three-storey buildings of traditional appearance interspersed with occasional more modern development of three and four-storey flat roof and mansard roof structures. These more modern structures are generally absent from areas around the opposite side of Langney Road (south of the site) and the opposite side of Seaside (east of the site) which fall within the Seafront and Town Centre Conservation Area

- 3.4 From a spatial perspective, buildings within the surrounding area generally face directly onto the pavement and the density of development is relatively high, with only small gaps being maintained between individual buildings/terraces
- 3.5 The majority of the site falls within Tidal Flood Zone 3. A small portion, in the south-western corner of the site, falls within Flood Zone 2 and there is also a smaller pocket that falls within Flood Zone 1, adjacent to the western site boundary. There are no other specific planning constraints or designations attached to the site or the immediate surrounding area

4. **Relevant Planning History**

4.1 040835

Demolition of existing shops and erection of four storey building comprised of two retail shops, 6 no. one-bedroom flats and 6 no. bedsit flats (outline application).

Refused – 11th August 2004

4.2 080660

Proposed demolition of existing three single storey retail units and erection of new three storey development comprising two retail units at ground floor level and six residential units to upper storeys (four 1 bed units and 2 studio units) with ancillary cycle storage and rear amenity area accommodation. (Outline Application).

Approved Conditionally – 9th December 2008

4.3 141346

Demolition of 3 vacant retail units and construction of 9no. one and two bed apartments.

Approved Conditionally – 29th July 2015

5. **Proposed Development**

- 5.1 The site involves the removal of all remaining buildings and structures from the site and their replacement with a four-storey flat roof building that would accommodate a total of 12 x self-contained residential units (7 x 1 bed maisonettes, 4 x 2 bed maisonettes, 1 x studio flat).
- 5.2 The main frontage of the building would measure approximately 15.6 metres and it would face directly on to the pavement. The building would project approximately 17.4 metres towards the rear of the site, with the flank elevations stepping inward to reflect the tapering nature of the site boundaries, resulting in the rear elevation of the building being narrower, at approximately 7.8 metres in width. The roof top height of the building would be approximately 12.9 metres above site ground level. The lift shaft would project a further 0.5 metres approx. above the roof top. A single-storey wedge shaped section would be attached to the western side of the building frontage and would be used as a plant room.

- 5.3 The main entrance to the building would be via a door formed within an approx. 3 metre high wall which would extend from the eastern edge of the building frontage to the eastern site boundary. This would lead to a passageway that would, in turn, provide access to a corridor serving the 3 x ground floor flats as well as the stairs and lift which serve the upper floor flats. The passageway would also provide access to cycle and bin storage facilities which are to be provided to the rear of the site
- 5.4 A private garden area would be provided for the 2 bedroom ground floor flat to the rear of the site. No other outdoor amenity space, either private or communal, would be incorporated into the development.
- 5.5 The development would not incorporate any car parking facilities although a secure and covered cycle store would be provided.

6. Consultations

6.1 Specialist Advisor (Regeneration):

- 6.1.1 In accordance with the Local Employment and Training Supplementary Planning Document (SPD), adopted November 2016, this application for planning permission meets the threshold for a residential development and therefore qualifies for a local labour agreement.
- 6.1.2 The proposed development is in Devonshire ward, one of Eastbourne's most deprived wards within the Borough. The claimant count for Jobseekers Allowance and Universal Credit for May 2020 was the highest within the Borough as at May 2020.
- 6.1.3 It is hoped that should the planning application be successful, the development would engage local building contractors, use local trade suppliers and offer construction site work to people living in the area. The benefits from the construction of the development would be a positive boost to the local economy following the Covid-19 pandemic.
- 6.1.4 Regeneration supports the application and requests that should it be successful it be subject to a local labour agreement.

6.2 Southern Water

- 6.2.1 The proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.2.2 Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply. In order to protect drainage apparatus, Southern Water

requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

- 6.2.3 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. No surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding.

6.3 Environment Agency

- 6.3.1 We have reviewed the updated FRA and are happy to remove our existing objection subject to the inclusion of the following condition, in any permission granted. We consider that planning permission could be granted to the proposed development, as submitted, if a planning condition is attached requiring the development to be carried out and maintained in accordance with the submitted Flood Risk Assessment. Without this condition, the proposed development on this site poses an unacceptable risk and we would object to the application.

7. **Neighbour Representations**

- 7.1 None received.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply, contributing a net gain of 12 x residential units.

- 8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.1.4 The site is located within a District Shopping Centre. Change of use/loss of non-residential buildings to residential is resisted by saved policy HO9 of the Eastbourne Borough Plan unless it can be clearly demonstrated that the premises are redundant for continued commercial and/or business use. Para. 92 (d) of the NPPF states that planning decisions should 'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'.
- 8.1.5 The buildings currently/previously occupying the site were single-storey structures that occupied a relatively large footprint but did not provide any significant floor space due to their single-storey nature. An inefficient use of a site is of concern from a sustainability perspective, particularly given the constrained supply of housing land within the Borough. Para. 118 (e) of the Revised National Planning Policy Framework states that '*support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.*'
- 8.1.6 The presumption of approval will therefore need to be balanced against potential impacts upon the viability and vitality of the District Shopping Centre and measures to control exposure to flood risk as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).
- 8.1.7 The site also falls within Flood Zone 3 on account of tidal flood risk. Para. 163 of the NPPF requires development at risk of flooding where suitable design and mitigation measures are put in place to reduce vulnerability to flooding.
- 8.1.8 The main body of this report will make an assessment of the balance between the benefits of the proposed development in terms of contributing to the supply of housing and any detrimental impacts based on criteria set out above.

8.2 Affordable Housing:

- 8.2.1 Para. 62 of the Revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- 8.2.2 off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- 8.2.3 the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.2.4 The proposed development would deliver a net gain of 12 residential units and, therefore, represents major development. Para. 64 of the Revised NPPF states that a minimum of 10% of units within major development should be provided as affordable housing.
- 8.2.5 Policy D5 of the Eastbourne Core Strategy reflects this national position and sets a requirement for 30% of units to be provided in 'Low Value Areas' (of which the Seaside neighbourhood is an example).
- 8.2.6 The proposed development would be undertaken and managed by Aspiration Homes, a partnership between Lewes District Council and Eastbourne Borough Council. The development would therefore deliver a 100% provision of social housing.
- 8.2.7 However, a section 106 agreement will be required to ensure there is an obligation to provide a policy compliant level of affordable housing in the event that the development of the site is transferred to another party.

8.3 Loss of Retail Use

- 8.3.1 The site is located within the Seaside District Shopping Centre. Para. 4.4.12 of the Eastbourne Core Strategy states that 'district, local and neighbourhood centres play a vital role in providing a range of services in locations that are accessible by a choice of transport.' Para. 4.4.13 states that 'shops, services and facilities that meet people's day-to-day needs will be supported.'
- 8.3.2 Three retail units have already been removed from the site, having fallen into a poor state of repair and the remaining unit has now been vacant for a sustained period of time. Restoring the site to retail use would therefore require considerable investment and it is unlikely that it would represent a viable form of development. The site has remained undeveloped for a number of years and its appearance is deteriorating, which presents a negative impression at what is the gateway to the Seaside District Shopping Centre.
- 8.3.3 The majority of nearby units continue to provide retail uses that do provide for essential needs and will continue to do so. The provision of a certain level of residential development within shopping areas is acknowledged by the NPPF (para. 85) to boost vitality in those areas, albeit the NPPF mentions this in the context of town centres.

- 8.3.4 Given the condition of the site, the presence of a strong nucleus of shops and services within the Seaside District Shopping Centre as a whole and the positive role an appropriate level of residential development can play within a shopping area, by way of providing additional custom, it is considered that the loss retail use on the site is acceptable in this instance. In any case, the principle of replacing these units with residential development has been established following approval of 141346.
- 8.4 Impact of proposed development on amenity of adjoining occupiers and surrounding area
- 8.4.1 The proposed building would be positioned to the side of Palgrave House, a four-storey building which is subdivided into 4 x flats (one per floor). There are windows on the eastern elevation at each floor level that serve rooms within these flats. At its closest point, the four-storey flank wall of the proposed building would be within approximately 5.7 metres of these windows. It is therefore considered that these windows would be subjected to a degree of overshadowing throughout morning hours whilst outlook from these windows would be dominated by the four storey western flank wall of the proposed building. However, it is noted that one of these windows serves a bathroom and the other appears to serve bedrooms. Given the triple aspect of the flats at Palgrave House, it is not considered that the additional overshadowing and reduced outlook caused by the proposed development would result in oppressive living conditions within any of the flats as a whole.
- 8.4.2 As it projects to the rear of the site, the western elevation would also impact upon outlook and shading of windows on the southern elevation of Windsor Court. However, the two buildings would be angled away from each other, thereby reducing the visual impact of the building upon these windows and, therefore, any sense of overbearing and reducing overshadowing impact.
- 8.4.3 The western elevation of the proposed building, where it faces directly towards Palgrave House, would incorporate only a single high level window per floor. As these windows will be set well above the finished floor levels of the rooms they would serve, their primary function would be to provide natural light to rooms and it is not considered that they would afford any realistic opportunity of intrusive views towards windows at Palgrave House. Side facing windows further towards the rear of the building would overlook the communal parking/landscaped area serving Palgrave House and Windsor Court and are therefore not considered to offer invasive views. Rear facing windows would overlook a communal yard area to the rear of 74 Seaside. It is not considered that invasive views of windows on the southern elevation of Windsor Court would arise as these windows are angled away from the proposed development. It is therefore considered that the proposed allow for any unacceptably invasive views of neighbouring residential properties and that the

outlook offered would be consistent with that of other development within the surrounding area, where residential density is high.

- 8.4.4 Planning permission has recently been granted under application 190888 for the extension of 74 Seaside to form additional flats to the rear. The proposed development would look towards a flank elevation wall and the roof top of this extension and, as such, it is not considered that the proposed development would compromise the future development of 74 Seaside.

8.5 Living conditions for future occupants

- 8.5.1 The Technical housing standards – nationally described space standard (2015) identifies minimum levels Gross Internal Area (GIA) suitable for new residential development, based on the type of unit and the number of bedrooms provided. The accommodation provided within the proposed development comprises 8 x 1 bed, 2 person units and 4 x 2 bed, 3 person units.
- 8.5.2 The minimum GIA for a studio flat (with wet room rather than bathroom) is 37 m². The proposed studio flat meets this standard. The minimum provision for a two-storey 1 bedroom, 2 person unit is 58m². All of the proposed one bed maisonettes meet this standard. The minimum provision for a two-storey 2 bed, 3 person unit is 70 m². All two bed maisonette units meet this standard.
- 8.5.3 All habitable rooms would be served by clear glazed windows, allowing for the provision of natural light and ventilation. All rooms would be of a suitable size to support their intended function. Awkwardly shaped rooms and long corridors are avoided, ensuring internal space is used efficiently, is easily navigated and is adaptable to a variety of needs. All levels of the building would have lift access.
- 8.5.4 There is a single street access to the flats, in the form of a gateway facing directly onto Langney Road. This access point has a high level of natural surveillance from the windows of surrounding properties as well as pedestrians and motorists on what is a relatively busy street. There is, however, a rather enclosed section of footpath between the gated entrance and the main lobby to the flat. It is important that appropriate security measures are installed to control use of the main access gates in order to restrict access to this secluded area by any persons other than occupants of the flats. A planning condition will be used to ensure such measures are put in place.
- 8.5.5 Due to the constrained nature of the site, there is relatively little outdoor space available for amenity use. Although a small shared patio area would be provided adjacent to bike and bin storage areas. Unit 3, a 2 bedroom ground floor flat, would have access to a private outdoor amenity area. Whilst other units would not have access to private amenity space it is considered acceptable, in this instance, as the development provides smaller units that are less likely to be used as family accommodation and also due to the proximity of public open space at the seafront and nearby recreation grounds.

8.6 Impacts on highway network and Access

- 8.6.1 The proposed development does not incorporate any on-site car parking facilities. It is noted that this was also the case with the scheme previously approved under application 141346, albeit the current application includes an additional 3 units.
- 8.6.2 The Transport Statement, which forms part of the submitted application, draws attention to the proximity of the site to public transport hubs and nodes, shops and services, all of which are considered to be within reasonable walking/cycling distance. This observation reflects the sustainable nature of the site, adjacent to a district shopping centre and positioned on a main transport route. As a result, it is considered that future occupants of the development would have a far lower reliance on use of a private car than in those in less sustainable parts of the Borough. It is also noted that there are parking controls in place on neighbouring roads, acting as a further disincentive to car ownership.
- 8.6.3 It should also be noted that the proposed development would replace four former retail units which, based on standards set out in the ESCC Guidance for Parking at Non-Residential Development, would have generated parking demand for approx. 7 cars (1 space per 30 m² of A1 floor space). It is therefore considered any parking demand generated by the proposed development would be reduced from that generated by the previous retail use of the site.
- 8.6.4 The proposed development would include secure and covered storage facilities. These would be easily accessed from the flats and are also positioned close to the highway, with direct access to it available from a hard surfaced pathway. The Transport Statement notes that generally flat topography of the surrounding area and that this, along with the cycle storage facilities available, is likely to encourage increased uptake in the use of bicycles.

8.7 Flood Risk and Drainage

- 8.7.1 The majority of the site falls within Flood Zone 3 and, as such, is subject to an increased risk of tidal flooding. The proposed development involves the replacement of a 'less vulnerable' retail use to a 'more vulnerable' residential use (as per the vulnerability classification provided in para. 066 of the Planning Practice Advice for Flood Risk and Coastal Change). The level of flood risk presents a fundamental concern that self-contained residential units with sleeping accommodation at ground floor level would expose occupants to risk to their life in the event of a flood. As such, the Environment Agency objected to an initial scheme for flat development.
- 8.7.2 In response to these objections, the scheme has been modified to provide duplex units, with all sleeping accommodation being at first floor level or above. Upper floors can therefore be used as safe refuge in the event of a flood. The finished floor level at ground floor would also be a minimum of 3.9 metres above ordnance datum

(AOD) and a number of flood resilience measures would be incorporate into the scheme, consisting of:-

- Flood proof doors and openings at ground floor including flood proof air bricks;
- Electrical services run from high level;
- All new plumbing insulation to be of closed-cell design;
- Waterproof plasterboard used at ground floor laid horizontally
- Any new sewer connection from the site should be agreed with the local sewer provider and fitted with non-return valves to mitigate the risk of sewer flooding;
- Site users sign up to the EA Flood Alert Service; and
- Ground floor duplex units to be evacuated in the event of an extreme tidal flood event being predicted that may affect the property.

8.7.3 It is considered that these measures provide sufficient mitigation and management of flood risk and the Environment Agency have removed their objection in response to the amendments made to the scheme.

8.7.4 The Environmental Assessment accompanying the application shows how the Sustainable Urban Drainage Systems (SuDS) hierarchy has been followed when designing the proposed site drainage system. The assessment identifies connection to the existing surface water sewer as the most feasible option with existing connections being utilised.

8.7.5 It is noted that the majority of the existing site is hard surfaced. The proposed development would incorporate a number of measures to help limit and control runoff rate in order to reduce pressure on the surface water sewer network. This includes the use of permeable paving, rainwater harvesting equipment, geocellular attenuation tanks and infiltration devices. Southern Water have not objected to this arrangement, although their formal agreement for a connection would be required.

8.7.6 There is an existing public sewer that runs to the rear of the site, and neighbouring buildings to the east, having branched off from the main sewer line on Langney Road. This sewer currently terminates on site and presumably served the retail units that have now been removed from the site. Southern Water have stated that the sewer may need to be diverted prior to development commencing. This can be secured through the use of a planning condition. Any diversion to the sewer will need to meet Southern Water access requirements.

8.8 Sustainability

8.8.1 The development would include the installation of 18 x solar panels on the roof of the building. This apparatus would generate renewable energy for use on site and/or to feed back into the national grid,

improving the sustainability of the development and acting to reduce carbon production. It is also considered that the car free design of the development, sustainable location and provision of secure and covered cycle parking facilities will encourage the use of more sustainable modes of transport, reducing emissions.

8.9 Servicing

8.9.1 A secure and covered bin storage area would be provided to the rear of the site, in an easily accessible location but away from any windows and openings serving the proposed units or neighbouring properties. This facility would ensure that bins a sufficient amount of bins are provided and that they are appropriately contained so as to prevent unacceptable visual or environmental impact. The bin store is directly accessible via a pathway from Langney Road. The pathway would be approx. 15 metres long meaning the distance bins would need to be carried by refuse crews accords with the standards set out in the Good Practice Guide for Property Developers Refuse & Recycling Storage at New Residential Developments.

8.10 Design Issues

- 8.10.1 The proposed building would replace existing single-storey buildings that currently appear as somewhat of an anomaly within the street scene given that the vast majority of buildings of this part of Langney Road and Seaside are typically between 3 and 5 storeys in height. It is therefore considered that the proposed four-storey building would sit comfortably within the street scene and would not appear overly dominant or overwhelming. The flat roof design is considered to be consistent with the established character of more modern blocks of flats within the surrounding area which generally have either flat roofs or mansard style roofs.
- 8.10.2 It is considered that the proposed engage well with the street scene, assisted by the number of windows within the front elevation. Whilst the main building access would be set back to the side of the building, this is a necessity due to the building being directly adjacent to the pavement. However, a clearly defined gateway would be provided on Langney Road to create a sense of identity and interaction with the surrounding public domain. A well screened plant room would also be included at ground floor level, ensuring necessary plant and equipment can be installed without appearing as clutter.
- 8.10.3 A mixed palette of materials would be used as an effective means to break up the mass of the building. Blue engineering bricks would be used at ground floor level with contrasting metal mesh cladding on the floor above. This juxtaposition in appearance of the ground and upper floors is reflective of neighbouring buildings with ground floor shop fronts and residential accommodation above. Cement cladding would be positioned adjacent to windows to add definition to the building. It is considered that the proposed development would successfully introduce more modern external materials and finishes

within the surrounding environment whilst also respecting established characteristics.

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 following conditions and a Section 106 agreement to secure affordable housing and local employment training.

10.2 Time Limit - The development hereby permitted shall be begun before the expiration of three years from the date of permission.

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

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

1944/01 Revision A – Existing Plans and Elevations

1944/02 Revision A – Proposed Plans and Elevations

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

10.4 Flood Resilience - The development shall be carried out in accordance with the submitted flood risk assessment (Ref: 5329_FRA_SWDS, Final V3.0, 11/09/2020) and the following mitigation measures it details:

Finished ground floor levels shall be set no lower than 3.90 metres above Ordnance Datum (AOD).

Proposed ground floor units are to be arranged as two-floor duplex apartments with internal stairwells, providing safe refuge and sleeping accommodation on an upper floor.

Flood resilience and resistance measures are to be incorporated during construction as described in Paragraph 9.13.

Owners/occupants are to sign up to the EA's Flood Warning Service and a Flood action evacuation plan is to be developed for the site (details to be agreed by Local Authority Emergency Planners).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and to maximise the safety of occupants of the building by providing safe refuge to those at risk on ground floors, and providing arrangements for evacuation in an extreme event. To also maximise the development's safety and resilience to floodwater.

- 10.5 Protection of Infrastructure - Prior to the commencement of development, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect and/or divert the public sewer that crosses part of the site.

Reason: In order to ensure existing infrastructure is not compromised and in the interest of flood risk management and environmental amenities in accordance with saved policies NE28, US3 and US4 of the Eastbourne Borough Plan, policy D1 of the Eastbourne Core Strategy and para. 122 of the Revised National Planning Policy Framework.

- 10.6 Sustainable Drainage - Prior to the installation of any drainage system. details of the following shall be submitted to and approved by the Local Planning Authority:-

Specify the responsibilities of each party for the implementation of the SUDS scheme.

Specify a timetable for implementation.

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. No surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding.

Reason: In order to ensure suitable drainage measures are in place, in the interest of environmental amenity and flood risk management in accordance with saved policies NE28 and US4 of the Eastbourne Borough Plan, policy D1 of the Eastbourne Core Strategy and section 9 of the Revised National Planning Policy Framework.

- 10.7 External Materials - The external materials and finishes used on the development hereby approved shall accord with the details submitted on the approved elevation drawings and shall be maintained in place thereafter.

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

- 10.8 Bin and Cycle Storage - Prior to the first occupation of the development hereby approved, the secure and covered bin and cycle storage shown on the approved layout plan shall be installed and operational and shall thereafter be maintained in place throughout the lifetime of the development.

Reason: In the interest of sustainability and environmental amenity in accordance with saved policy NE28 of the Eastbourne Borough Plan and policy D8 of the Eastbourne Core Strategy.

- 10.9 Construction Environmental Management Plan - The site clearance and construction works associated with the development hereby approved shall be carried out in full accordance with the submitted Construction Environmental Management Plan (CEMP)

Reason: In the interest of environmental and residential amenity as well as highway safety in accordance with saved policies NE28 and HO20 of the Eastbourne Borough Plan and paras 108 and 109 of the Revised National Planning Policy Framework.

- 10.10 Secured by Design - Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority as to how the development would adhere to the principles of Secured by Design, with particular reference to access arrangements. The development shall thereafter be maintained in accordance with those approved details.

Reason: In the interest of amenity and controlling the risk of crime in accordance with saved policy HO20 of the Eastbourne Borough Plan, policy D1 of the Eastbourne Core Strategy and paras 91 and 127 of the Revised National Planning Policy Framework.

11. **Appeal**

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

12. **Background Papers**

- 12.1 None.