

Report to: Planning Committee
Date: 23rd February 2021
Application No: 200855
Location: Ocklynge Chalk Pit, Eastbourne, East Sussex
Proposal: Outline application with all matters reserved for siting of 18 residential units

Applicant : East Sussex College Group
Ward: Ratton
Deadlines: **Decision Due Date:** 6 January 2021
Neighbour Con. Expiry: 16 January 2020

Recommendation: Approve with conditions, subject to S106 Agreement

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Map Location:



1. **Executive Summary**

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 The application site is owned by East Sussex College Group and its development is part of wider ambitions to improve the delivery of educational facilities within the borough.
- 1.3 The application seeks Outline planning permission with all matters reserved and would result in the creation of 18 dwellings on the site, adding to two existing derelict houses, which would be refurbished and brought back into use, but which do not form part of this proposal.
- 1.4 Details have been submitted in relation to the principle considerations for this application: The impact upon protected trees; and the impact upon the ecology of the site.
- 1.5 Indicative drawings suggesting a possible layout and dwelling design have been submitted with the application, but all matters (including those covered by submitted details) would be reserved for later approval, including but not limited to: layout; design, landscaping; drainage; flood risk; tree removal/works; sustainability; ecology assessment/mitigation and affordable housing.
- 1.6 At the time of writing, consultation response has not been received from the County Ecologist. Therefore, the recommendation to Committee is for one of the following options to be agreed.
- 1.7 In the event that favourable comments are received from the County Ecologist prior to the Committee meeting, to determine the application in accordance with the recommendations, which would be reported to Committee in an Addendum Report.
- 1.8 In the event that no comments are received from the County Ecologist prior to the Committee meeting, to provide delegated authority for officers to determine the application in accordance with the recommendations of the County Ecologist, following receipt.
- 1.9 Members are advised that, given the principle nature of the outline proposal and the dependency of any resulting scheme upon the detailed Reserved Matters, that these would be brought back to the Committee as and when they are submitted.
- 1.10 The application is recommended for approval subject to the detailed Reserved Matters.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2019

2. Achieving sustainable development
3. Plan-making
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
- 15. Conserving and enhancing the natural environment

2.2 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
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

2.3 Eastbourne Core Strategy Local Plan 2001-2011

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT7: Landscaping
- HO1: Residential Development Within the Existing Built-up Area
- HO6: Infill Development
- H07: Redevelopment
- H09: Conversions and Change of Use
- HO20: Residential Amenity
- TR1: Locations for Major Development Proposals
- TR2: Travel Demands
- TR5: Contributions to the Cycle Network
- TR8: Contributions to the Pedestrian Network
- TR11: Car Parking
- BI1: Retention of Class B1, B2 and B8 Sites and Premises
- BI4: Retention of Employment Commitments
- NE4: Sustainable Drainage Systems
- NE23: Nature Conservation of Other Sites

LCF4: Outdoor Playing Space Contributions

NE14: Source Protection Zone

2.4 Supplementary Planning Documents and other relevant documents

Affordable Housing SPD

Sustainable Building Design SPD

Trees and Development SPG

Eastbourne Townscape Guide SPG

3. **Site Description**

3.1 The application site comprises a former chalk pit, which was originally excavated for chalk and has since been used occasionally by the current owners, East Sussex College.

3.2 The site is accessed at its north western end via a private road linking the site to Willingdon Road, the nearest public highway. As would be expected for a former quarry, the site is concave as a result of the excavation. The site topography slopes gently from the access point into a largely flat base, but is steeply sloped on the southern, eastern and northern sides.

3.3 The site is located within the Ratton Ward and the Ocklynge and Rodmill Neighbourhood, as defined by the Core Strategy 2013. It is not located within any designated conservation area, nor does it include any listed buildings or ancient monuments. However, the site is located within a Archaeological Notification Area.

3.4 The site falls within the Environment Agency's Flood Risk Area 1 (Low Risk).

4. **Relevant Planning History**

4.1 EB/2008/0543

4.2 Development of former chalk pit to provide residential institution with ancillary training buildings (Class C2 Use) for people with learning disabilities, to include a bakery and tea room, and a foyer extension to the former Lime Kiln Cottages and conversion to provide ancillary administrative offices associated with the proposed development. Approved, 9th March 2009.

5. **Proposed Development**

5.1 The application seeks outline planning permission for the construction of 18 residential dwellings on the site. All other matters are to be reserved for later approval.

5.2 The applicant has submitted details of tree removal, shade analysis based on the degree of tree removal and an Ecology Assessment, together with plans showing an indicative layout, dwelling design and access/parking/landscaping.

6. Consultations

6.1 External

6.2 ESCC Highways

6.2.1 No comments received.

6.3 Southern Water

6.3.1 Southern Water has confirmed that further information would be required to demonstrate that drainage could be achieved on site and that any SUDs scheme could be maintained over the lifetime of the development.

6.4 ESCC SUDs

6.4.1 SUDs have confirmed that further information is required to determine that surface water runoff from the proposed development can be sufficiently managed.

6.4.2 There are no surface water sewers or watercourses located within the vicinity of the site. If infiltration to the ground is proposed, SUDs will require that soakaway testing is carried out to BRE365 standard to demonstrate that infiltration will be feasible at the site. Infiltration testing should be carried out at the depth and location of the proposed infiltration features.

6.4.3 It is SUDs preference that existing surface water flow paths are maintained at the site.

6.5 Southern Water

6.5.1 No objection subject to a SUDs scheme to demonstrate effective foul and surface water management and maintenance over the lifetime of the development.

6.6 Internal

6.7 Specialist Advisor – Planning Policy

6.7.1 No principle objections on policy grounds.

6.8 Specialist Advisor – Environmental Health

6.8.1 Conditions are advised requiring submission of details of hours of working, prevention of pollution and prevention of burning material on site during the construction period.

6.8 Specialist Advisor - Regeneration

6.8.2 The planning application qualifies for a local labour agreement as it meets the thresholds for a residential development as detailed on page 11 of the Employment and Training Supplementary Planning Document adopted November 2016.

6.8.3 The proposed development will provide an opportunity for construction students to visit to learn about techniques associated with new builds and refurbishment and gain an understanding of building considerations relating to the topography of the site.

Additionally, the main contractor will be able to participate in extra-curricular and careers initiatives at local primary and secondary educational establishments.

6.8.4 Regeneration requests that should outline planning permission be granted for the site, it be subject to a local labour agreement.

6.9 Specialist Advisor – Arboriculture

6.9.1 The Specialist Advisor for Arboriculture has raised concerns that the proposed development would lead to additional tree loss in order to provide sufficient daylight within the dwellings and that this would impact upon the integrity of the woodland Tree Protection Order. Conditions have been recommended in the event of approval of the application to ensure that tree/loss and protection can be fully assessed as part of a detailed reserved matters scheme.

7. **Neighbour Representations**

7.1 9 representations have been received regarding the application, which raise the following concerns:

- Neighbour privacy/security
- Impact upon wildlife
- Access and parking
- Construction related traffic
- Building heights
- Loss of privacy
- Loss of trees / habitats.

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.

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 This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 18 residential units.
- 8.1.5 Taking account of the above policy position, the proposed residential use of the site is considered to accord with the objectives of the Development Plan and is considered to be acceptable in principle

8.2 Ecology

- 8.2.1 The applicant has submitted a Preliminary Ecological Assessment, which confirms that a Stage 1 Habitat Survey has been carried out for the site. The Assessment broadly concludes that further investigation will be required in order to fully assess the ecological impacts of the development, together with initial recommendations for mitigation measures based upon the indicative proposal.
- 8.2.2 The County Ecologist has been consulted regarding the application in the absence of in-house ecology expertise. The Council is expecting a response to the consultation, which will appraise the submitted information. It is envisaged that the decision will follow the recommendations and/or objections of the County Ecologist and, as such, the recommendations for this application are dependent upon the receipt of comments, as outlined in the Executive Summary.
- 8.2.3 It should be noted that this application seeks outline permission with all matters reserved. This would provide a significant degree of flexibility in the approach to any detailed scheme and potential ecological impacts. A detailed scheme would be the subject of further scrutiny and could respond to the recommendations of the County Ecologist and any further studies that are required to understand the full ecological value of the site and, in turn, the required mitigation measures.

8.3 Loss of protected trees and landscaping

8.3.1 Trees

- 8.3.2 The proposal will have an impact upon existing trees, which form part of the woodland Tree Protection Order covering the site. The applicant has submitted an Arboriculture Assessment, which details a degree of tree removal. Whilst this degree of removal has been submitted, it may be subject to significant change taking account of any revisions to the scheme, including the building locations and associated landscaping works. All matters would be reserved for consideration when a comprehensive assessment can be made on a detailed scheme. This could include a lesser loss of trees, including in relation to the ecology of the site.

- 8.3.3 Taking into account that tree works are would not be approved as part of this application, it is not considered that refusal of this application on the loss of trees could be adequately justified.
- 8.3.4 Landscaping
- 8.3.5 Indicative plans show the potential layout of hard and soft landscaping features for the site. The plans demonstrate that the proposed quantum of development can be accommodated on the site with a good degree of soft landscaping around the dwellings and access/parking surfacing.
- 8.3.6 The site take up of any development, including hard and soft landscaping, would need to be assessed in relation to a full and conclusive ecological assessment, tree works, drainage and the detailed design and scale of the proposed dwellings. However, the site is considered to be sufficient in size to accommodate an appropriate proportion of good quality hard and soft landscaping as part of a comprehensive and detailed scheme.
- 8.3.7 A landscaping scheme would be secured by reserved matters and would be required to provide rich and diverse planting to achieve biodiversity net gains.

8.4 Amenity for future occupants

8.4.1 Privacy

8.4.2 The indicative layout shows buildings that would face each other across the width of the site. The window to window layout would be across a centrally placed access road running the length of the site. This layout could result in privacy issues for future occupants. However, it is considered that there is scope within the site to achieve an alternative layout and, together with detailed building designs, could overcome privacy issues.

8.4.3 Daylight

8.4.4 The topography of the site and the existing tree cover has implications on the delivery of high quality, well-lit, residential accommodation. Successful residential accommodation would require excellent architectural design and orientation, coupled with careful and effective tree removal to allow for daylight/sunlight to serve the dwellings not just following construction, but throughout the lifetime of the development, taking into account of the regrowth of trees. Given that both the extent of tree works and the exact layout / building design is to be considered at a later date, it is not considered that this application could reasonably be refused on these grounds when a detailed scheme submitted at reserved matters stage could effectively overcome the issues.

8.5 Affordable Housing provision

8.5.1 Any development which involves the net gain of 10 or more new dwellings is required to incorporate provision of affordable housing

as per para. 64 of the Revised NPPF and policy D5 of the Eastbourne Core Strategy.

8.5.2 The Policy D5 of the Eastbourne Core Strategy (2013) and the Affordable Housing SPD (2017) require on-site affordable housing provision unless such provision would render the development financially unviable. The following order of preferred provision forms the basis for assessment, taking into account the characteristics of the site:

- The Council's on-site preferred mix;
- An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
- A level of affordable housing on-site which is less than the specified threshold;
- Serviced plots onsite;
- Service plots offsite;
- Transfer of land;
- A commuted sum.

8.5.3 The site is located within a 'high value area', as stated within the Council's adopted Affordable Housing SPD 2017, which requires 40% affordable housing provision. Based upon the submitted scheme (18 units), this would amount to 7.2 units; 7 units provided on-site, with the remaining provision forming an off-site financial contribution, in accordance with the Affordable Housing SPD.

8.5.4 An on-site tenure mix of 70:30 Rented to Shared Ownership would be sought in any scheme brought at reserved matters stage and would be adjusted where necessary to take account of any viability issues

8.5.5 A mix of unit sizes would be sought to reflect, where possible, the following defined housing need, as stated within the Affordable Housing SPD:

- 1 bedroom: 40 per cent;
- 2 bedrooms: 30 per cent;
- 3 bedrooms: 20 per cent;
- 4+ bedrooms: 10 per cent.

8.5.6 All The above provision would be sought via Section 106 Agreement and secured at reserved matters stage, in accordance with the requirements of the Affordable housing SPD.

8.6 Accessibility and impacts upon highway networks

8.6.1 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high quality transport networks and seeks to reduce the town's dependency on the private car.

8.6.2 Accessibility

- 8.6.3 The site is located in a Predominantly Residential Area and is accessible by foot and car. There are frequent bus services available on Willingdon Road, bringing the amenities of Eastbourne Old Town and town centre within reach for future occupants.
- 8.6.4 Parking
- 8.6.5 The submitted indicative layout demonstrates that both vehicle and cycle parking can be adequately accommodated on site for the quantum of proposed development. Detailed scrutiny of the size and arrangement of parking spaces and any other on-site vehicle manoeuvring would be reserved for reserved matters stage.
- 8.6.6 It is considered that the transport needs generated by the quantum of dwellings that would be approved by way of this application could be adequately provided for in detailed proposals.
- 8.6.7 Taking the above considerations into account, it is considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.7 Other matters

8.7.1 Sustainability / Energy

8.7.2 In line with Core Strategy Policy D1 and the Sustainable Building Design SPD, sustainability measures would be sought by reserved matters and would be required to demonstrate that would include solar voltaic and water heating panels on the roof for renewable energy provision.

8.7.3 Taking account of the site's location, electric vehicle charging would be sought as part of a detailed scheme in line with the Council's sustainability aspirations.

8.7.4 Archaeology

8.7.5 The site is located within an Archaeological Notification Area. As such, the developer would be required by the reserved matters to submit a programme of archaeological works in accordance with a written scheme of investigation.

8.7.6 Drainage

8.7.7 A full SUDs scheme would be required by reserved matters and would be subject to the agreement of ESCC SUDs and Southern Water regarding any drainage design and this would be approved prior to commencement and implemented in accordance with the approved design prior to first occupation.

8.7.8 Construction Management

8.7.9 A Construction and Environmental Management Plan would be required by reserved matters to ensure that construction related traffic would be suitably managed in relation to the site, including delivery times, parking, types of vehicles and construction traffic movement on and around the site. The Plan would demonstrate how the environmental impacts of construction upon neighbouring

occupants would be mitigated. The plan would also include the previously mentioned pollution mitigation measures.

8.7.10 Flood Risk

8.7.11 The site is located within the Environment Agency's Flood Risk Area 1 (Low Risk).

8.7.12 However, a large area of the site is shown to be at high risk from surface water flooding on the Environment Agency's Risk of Flooding from Surface Water data set, with flood depths up to 0.90m predicted during the 1 in 30-year rainfall event. This area of flooding is shown to affect proposed residential units. Therefore, a flood risk assessment would be required for submission at reserved matters stage together with the detailed building design, to ensure that future residents would be protected in the event of flooding of the site.

8.7.13 Community Infrastructure Levy

8.7.14 The development is CIL liable.

9. **Human Rights Implications**

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

10. **Recommendation**

10.1 Grant planning permission subject to a Section 106 Legal Agreement for the following Heads of Terms: Affordable Housing and Local Labour Agreement.

10.2 Outline permission would be subject to the following reserved matters and conditions:

10.3 **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).

10.4 **Reserved Matters** - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. Layout
- ii. Scale
- iii. Dwelling design
- iv. Access
- v. Landscaping
- vi. Tree removal/works/protection
- vii. Construction and environmental management

- viii. Drainage
- ix. Details of any excavation or alterations to site levels
- x. Archaeology
- xi. Sustainability
- xii. Affordable housing
- xiii. Flood risk
- xiv. Ecology / Biodiversity
- xv. Daylight/Sunlight

- b) The development shall be implemented strictly in accordance with the approved reserved matters.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing prior to commencement of development or tree works.

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

- 10.5 **Approved Site Plan** - The development, hereby permitted, shall be carried out on the land specified in the Location Plan shown on drawing number: (04)0000.

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

- 10.6 **Dwelling Design** - Reserved matters for dwelling design shall include plan, elevation and cross-section drawings including in relation to external ground levels, manufacturer's details of all fenestration and a full schedule of facing materials to be used in the construction of all external surfaces of the development, hereby approved.

Reason: To ensure a satisfactory appearance of the development.

- 10.7 **Drainage** - Reserved matters for drainage shall include a surface water drainage scheme and a maintenance and management plan covering the lifetime of the development, which should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 10.8 **Construction and Environment Management** - Reserved matters for construction and environmental management shall include the submission of a Construction and Environmental Management Plan (CEMP), which shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;

- the loading and unloading of plant, materials and waste;
- the times of any deliveries related to the development, which should avoid peak travel times;
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of any security hoarding;
- the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- dust and/or any pollutants;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

Prior to submission of the CEMP, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

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

- 10.9 **Arboriculture** - Reserved matters for trees shall include: an Arboricultural Impact Assessment, including details of all tree removal/works; a scheme for the protection of retained trees in accordance with BS 5837:2012; a Tree Protection Plan(s) (TPP); and an Arboricultural Method Statement (AMS). Specific issues to be dealt with in the TPP and AMS shall include:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the Root Protection Area (RPA) or that may impact on the retained trees.
- c) A full specification for the construction of all hard landscaped areas, including details of the no-dig specification and including relevant sections through them.
- d) Specification for protective fencing to safeguard retained trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Specification for scaffolding and ground protection within tree protection zones.
- f) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- g) Reporting of inspection and supervision.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990.

- 10.10 **Access** - Reserved matters for access shall include, but not be limited to, swept path diagrams to demonstrate that vehicles can safely access, manoeuvre and egress the site in a forward gear.

Prior to submission of the details, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

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

- 10.11 **Archaeology** - Reserved matter for archaeology shall include a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall not be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation.

Reason: To enable the recording of any items of historical or archaeological interest.

- 10.12 **Landscaping** - Reserved matters for landscaping shall include details of the treatment of all parts of the site not covered by buildings, including:
- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
 - b) details of all hard surfaces;
 - c) all boundary treatments;
 - d) a schedule detailing sizes, species and numbers of all proposed trees/plants
 - e) sufficient specification to ensure successful establishment and survival of new planting.

Reason: To safeguard and enhance the character, amenity and biodiversity of the site.

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.