

**Report to:** Planning Committee  
**Date:** 20<sup>th</sup> April 2021  
**Application No:** 210045  
**Location:** 54-56 Upperton Road, Eastbourne  
**Proposal:** Reserved matters for 29 flats approved by outline permission 190626 requesting consideration of appearance, landscaping and layout.

**Applicant:** Mr G Dascalu  
**Ward:** Upperton

**Recommendation:** That Reserved Matters BE APPROVED

**Contact Officer:** **Name: Sam Finnis**  
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**Map Location:**



## 1. **Executive Summary**

- 1.1 This application is being referred to this Committee as the scale of development proposed falls outside of the Council's adopted scheme of delegation.
- 1.2 Outline planning permission for a residential development of up to 29 flats requesting consideration of access and scale with all other matters reserved was approved under application reference EB/19/0626 on 9<sup>th</sup> July 2020.
- 1.3 This reserved matters application seeks detailed approval for appearance, landscaping and layout pursuant to the outline planning permission. It is considered that the design reflects general characteristics of surrounding development whilst generating a distinct sense of character for the development itself. The layout is also consistent with the general characteristics of surrounding residential development in regard of unit sizes, building footprint and separation between buildings.
- 1.4 The site layout allows for sufficient space for appropriate levels of landscaping that would enable the site to retain a level of greenspace that would integrate with the surrounding green environment. In addition, a sufficient level of parking provision and cycle storage is provided to serve the development.
- 1.5 The appearance, landscaping and layout are considered acceptable. Planning conditions secured at outline stage have secured appropriate parking, access, drainage conditions.
- 1.6 Affordable housing would be secured in accordance with the S106 legal agreement in the form of a commuted sum.
- 1.7 It is recommended that Reserved Matters approval is granted subject to additional conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework:

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:

- 2.2.1 B1: Spatial Development Strategy and Distribution

- 2.2.2 B2: Creating Sustainable Neighbourhoods
- 2.2.3 C5 Ocklynge & Rodmill Neighbourhood Policy
- 2.2.4 D1: Sustainable Development
- 2.2.5 D5: Housing
- 2.2.6 D8 Sustainable Travel – A2021 Quality Bus Corridor
- 2.2.7 D10a Design
- 2.3 Eastbourne Borough Plan 2001-2011:
  - 2.3.1 UHT1: Design of New Development
  - 2.3.2 UHT4: Visual Amenity
  - 2.3.3 UHT6: Tree Planting
  - 2.3.4 UHT7: Landscaping
  - 2.3.5 UHT8 Protection of Amenity Space
  - 2.3.6 HO1: Residential Development Within the Existing Built-up Area
  - 2.3.7 HO6: Infill Development
  - 2.3.8 H07: Redevelopment
  - 2.3.9 HO20: Residential Amenity
  - 2.3.10 TR1: Locations for Major Development Proposals
  - 2.3.11 TR2: Travel Demands
  - 2.3.12 TR4 Quality Bus Corridors
  - 2.3.13 TR5: Contributions to the Cycle Network
  - 2.3.14 TR8: Contributions to the Pedestrian Network
  - 2.3.15 TR11: Car Parking
  - 2.3.16 US4 Flood Protection and Surface Water
  - 2.3.17 US5 Tidal Risk

2.4 Supplementary Planning Documents and other relevant documents:

Sustainable Building Design SPD  
 Trees and Development SPG  
 Eastbourne Townscape Guide SPG  
 Eastbourne Employment Land Local Plan (ELLP- adopted 2016).

3. **Site Description**

- 3.1 The site is rectangular plot located on the north-eastern side of Upperton Road. It currently contains a pair of semi-detached two storey dwellings, each with a front and rear garden, sharing an existing access onto Upperton Road.
- 3.2 The surrounding area is characterised by a mix of dwellings and immediately adjacent to the site, blocks of flats. To the north-west of the site is Arlington House a purpose built 8 storey block of 29 flats. To the south-east is

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

3.3 The site is not listed nor situated within a conservation area.

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

4.1 050761 - Demolition of a pair of semi-detached dwellings and erection of seven-storey building accommodating 14 residential flats (outline application). Outline (some reserved) - Refused - 27/04/2005.

4.2 070797 - Demolition of a pair of semi-detached houses and erection of a four-storey block, with roof accommodation, comprising 10 flats together with ancillary parking at the front. Planning Permission Refused - 05/02/2008.

4.3 080155 - Demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front Planning Permission Refused - Allowed on appeal - 20/05/2008.

4.4 120076 - Discharge of condition 2 (materials), 3 (refuse storage) and 5 (landscaping) of EB / 2008/0162 for the demolition of the existing 2 semi-detached houses and erection of an apartment block of 12 flats with ancillary parking for 12 cars at the front - Approval of Condition – Discharged 28/03/2012.

4.5 It has been confirmed that the permission for the demolition of the two dwellings and erection of a part 6, part 7 storey building of 12 residential flats (Ref: 080155 reported above) was commenced lawfully within the time period of the consent. Therefore, this permission is extant and could be fully implemented at any time.

4.6 190626 - Outline application for residential development of land for up to 29 flats requesting consideration of access and scale.

4.7 210033 – Application for approval of details reserved by conditions 3(Road Safety), 8(Construction Management Plan), 9(Travel Plan), 11(Sewerage Disposal), 12(Surface Water Drainage), 13(Drainage Management Plan), 14(Flood Risk ) and 16(Tree Protection) pursuant to planning approval 190626 granted on 09/07/2020 – Conditions discharged – 06.05.2021.

#### 5. **Proposed Development**

5.1 This reserved matters application seeks detailed approval for appearance, landscaping and layout pursuant to the outline planning permission.

5.2 The appearance and layout arrangements for the proposed development are broadly similar to the indicative plans provided with the outline scheme. The proposal would incorporate white render on all elevations with Zinc mansard Roof and dormers. White PVCu windows are proposed along with glazed balconies with chrome balustrades.

5.3 The outline approval included a S106 agreement which included the requirement to agree the level of affordable housing or commutable sum. An additional statement has been submitted to address this.

5.4 Following discussions with ESCC Highways and Sussex Police an amended plan was received which now includes a larger cycle store at the rear of the ground floor along with recommended crime prevention measures.

## 6. Consultations

### 6.1 Specialist Advisor (Regeneration)

6.1.1 No comments received.

### 6.2 Specialist Advisor (Planning Policy)

6.2.1 The application is reserved matters following outline planning permission (Ref: 190626) for residential development of land for up to 29 flats (access and scale were considered at outline stage).

6.2.2 The S106 agreement of the outline application stipulated that the details of the affordable housing units to be provided on site and/or the amount of affordable housing contribution to be payable to the Council by the Owners shall be submitted as part of the first application for Reserved Matters approval.

6.2.3 The site is situated within a high-value neighbourhood as set out in Policy D5, therefore 40% affordable housing will be sought. The application results in a net gain of 27 units, therefore 10.8 affordable units should be provided.

6.2.4 The affordable housing supplementary planning document provides detailed guidance on the implementation of policy D5.

6.2.5 The priority of the Council is to increase the number of affordable homes within the borough, and ideally developers will build the correct number and mix of affordable dwellings as directed by policy D5. However, where this is not possible the Council will work to a five-tier system of general principles, as set out in paragraph 4.6 of the affordable housing SPD, the order of preference being;

6.2.6 i. The Council's on-site preferred mix;

6.2.7 ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);

6.2.8 iii. A level of affordable housing on-site which is less than the specified threshold;

6.2.9 iv. Serviced plots onsite;

6.2.10 v. Service plots offsite;

6.2.11 vi. Transfer of land;

6.2.12 vii. A commuted sum

6.2.13 The applicant has submitted an affordable housing statement. This states that the delivery of housing within flatted development is difficult to achieve given the management requirements of Registered Providers, meaning that communal parts cannot be shared, and on larger sites this can be worked around through the provision of separate buildings.

- 6.2.14 Paragraph 5.10 of the SPD sets out instances where it may not be considered appropriate to deliver affordable housing units on-site, and therefore the council may seek either a commuted sum, free serviced land or off-site provision. This includes.
- 6.2.15 Where the development is in the form of a flatted development, including new build and conversion or refurbishment of existing buildings, where it would not be possible on technical or architectural grounds to provide a separate entrance and access areas for the affordable housing separate from that fitted for housing provided at full market rates. This will be independently assessed and verified.
- 6.2.16 The Affordable Housing Statement states that the constraints of the site, the size, shape and relationship to surrounding development, limits the available design and site layout options, and means that the provision of separate buildings, or services plots for affordable housing, sitting alongside the market units is not possible.
- 6.2.17 The applicant company has submitted they do not have any other land within their control locally. Their statement broadly sets out that it is not practical to deliver on site affordable housing, and therefore a commuted sum in lieu should be considered.
- 6.2.18 Whilst most part of the statement is accepted, the site is relatively constrained for separate access and services; the statement is not backed up with any evidence of discussions with Registered Providers, nor any discussions with the Council's Housing Team. The document also does not show what design work was carried out prior to the submission of the application to show that on site affordable housing was not achievable. The SPD does set out that where it is not technically or architecturally possible to provide separate services this would be independently verified.
- 6.2.19 If it is agreed that in this instance it is not possible to deliver the affordable housing units on site, then the following commuted sum calculation is provided based on the information submitted.
- 6.2.20 The average floorspace of the 1 bedroom flats = 45.3m<sup>2</sup>
- 6.2.21 The average floorspace of the 2 bedroom flats = 61.1m<sup>2</sup>
- 6.2.22 This floorspace should be multiplied by the "Contribution per sq. m" figure found within the "Affordable Housing Commuted Sum Payment Table" in the "Affordable Housing SPD," which is £538 per m<sup>2</sup> for 1 bed flats and £536 per m<sup>2</sup> for 2 bed flats.
- 6.2.23 40% of the 17 one bed units would be 6.8 units, and of the 12 two bed units it would be 4.8 units – however as there is a Net Gain of only 27 units, one off each dwelling type will be removed from the calculation, which results in 5.8 and 3.8 units respectively.
- 6.2.24 One Bed: 45.3 x £538 = £24371.40    £24371.40 x 5.8 =  
£141,354.12
- 6.2.25 Two Bed: 61.1 x £536 = £32771.93    £38645 x 3.8 = £124,553.35

6.2.26 Total Contribution = £265,887.47

6.3 Southern Water

No objections to the application.

Note – Approval for the foul and surface water connection should be submitted under a Section 106 connection application.

6.4 Sussex Police – Crime Prevention

Initial comments received on 3<sup>rd</sup> March 2021 referred to previous correspondence provided within the outline submission. The current scheme did not include the provision of these recommendations. As such Sussex Police were unable to support the submission.

Following additional discussion, a further plan (no 3145 04D) was received which provided confirmation of the requested crime prevention measures in accordance with the previous comments referred to in the outline submission.

Further comments were received from Sussex Police on 7<sup>th</sup> April 2021 which confirms that the development would now satisfy previous concerns and that crime prevention measures were acceptable.

6.5 SUDS

No objection.

The information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

Detailed Comments:

Although no information on surface water management has been submitted in support of this layout, the proposed layout is not significantly different to the one submitted at outline application stage.

Detailed information on surface water management, including confirmation of agreement to surface water discharge rates by Southern Water should be provided to discharge planning conditions related to surface water drainage. We were previously consulted on the discharge of conditions 11 through to 14 of planning permission 190626. Our letter dated 19th February 2021 lists the additional information required before we can recommend a discharge of the conditions.

6.6 ESCC Highways

Initial comments received on 9<sup>th</sup> March 2021 raised an objection due to insufficient information. Officer comments confirmed that the principle of the development was accepted but requested that additional information be submitted to confirm revised parking space measurements and a greater number of cycle spaces.

Following receipt of the additional details the officer provided further comment on 31<sup>st</sup> March 2021.

*'A reduced number of parking spaces is not ideal, as this would result in overspill parking. However, as the overspill parking is three vehicles, this is unlikely to result in a severe impact, and I wouldn't object on this basis. That being said, in order to mitigate this and to encourage sustainable forms of transport, I would like to see the applicant prepare a Framework Travel Plan.*

*Regarding the cycle parking, I would prefer that LTN 1/20 standards are met, especially as car parking is lower than normal. I would also note the layout of the exiting parking spaces is not ideal, as there is insufficient room to manoeuvre cycles into and out of the stands and is therefore not convenient for users. A minimum of 1.8m should be provided to allow users to turn their bikes around. Although Sheffield Stands are preferred, I would accept the use of double tier stands to achieve the necessary quantum in the restricted space available. Sheffield Stands should still be provided for oversized cycles'.*

An additional amended plan was subsequently produced showing 34 No cycle spaces, accurate stand types and an increased width of some parking spaces and was considered satisfactory.

Details of the proposed Travel Plan for the site were submitted under 210033 and have now been approved. ESCC Highways were consulted on the scheme and confirmed no objection raised.

## **7. Neighbour Representations**

7.1 Letters of objection were received covering the following points:

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



## 8. **Appraisal**

### 8.1 Principle of Development

- 8.1.1 The principle, scale of development and access into the site has been established by virtue of the extant outline planning permission 190626.
- 8.1.2 Whilst the density of the development has been agreed, housing density can also be measured in terms of bedspaces per hectare, as stated in para. 005 of the MHCLG's Planning Practice Guidance for Effective Use of Land (2019). The amount of bedspaces provided within the development, which would be defined by its layout and scale, can therefore be taken into account in the context of seeking development that represents an optimal use of the site, as required by para. 123 of the Revised National Planning Policy Framework (2019).
- 8.1.3 The content of section 12 of the Revised NPPF, 'Achieving well-designed places', is of particular relevance in determining this reserved matters application. The guidance provided in para. 127 within this section requires development to be functional, visually attractive and effectively landscaped, to respect the surrounding built environment and landscape (whilst not discouraging innovation or change such as increased density), to possess a strong sense of space and to be safe, inclusive and accessible. It is also required that a high standard of amenity is provided both for existing residents as well as the future occupants of the development.
- 8.1.4 The proposed development will therefore be determined in the context of the NPPF, along with development plan policies that reflect the NPPF position and any other development plan policies relevant to the development.

### 8.2 Appearance

- 8.2.1 The footprint and height of the proposal have been previously considered within the Outline submission along with the number of units proposed for the site.
- 8.2.2 As identified within the indicative plans for the outline approval this block is simply designed with 5 equal floors of flats and a mansard roof design. The openings shown on the submitted plan would match those shown on the indicative plan supplied at outline stage.
- 8.2.3 However, the design of the block has been altered from the indicative plans which showed a mix of vertical cladding, grey facing brick and white render with light grey PVCu windows. The scheme now tabled would incorporate contemporary white render over the entirety of all elevations with a zinc mansard roof and dormers. White PVCu windows are now proposed along with glazed balconies with chrome balustrades.

- 8.2.4 The materials would contrast with the prevalent character of blocks of flats along Upperton Road which comprise brick elevations with render detailing on the floor levels and balconies only. The existing character is reminiscent of the type of development which was commonplace in the latter half of the 20<sup>th</sup> Century.
- 8.2.5 Para 127(c) of the NPPF considers that decisions should ensure that developments *(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*. The proposed materials would provide for a development which, whilst contrasting with the predominant built environment, would provide for a contemporary design providing a greater level of interest at this point along Upperton Road. The design would emphasize the evolution of development within the landscape and is welcomed.

### 8.3 Layout

- 8.3.1 The density of the site is acceptable for this location and flat layouts have been shown to identify how 29 flats can be accommodated on the site. As with the outline approval all flats meet the recommendations of the Nationally described space standards.
- 8.3.2 In design terms the layout also proposes a green space in the vicinity of the footpath and parking area retaining a degree of openness and allowing space for planting to further mitigate the effect of the development and parking area in views from the footpath.
- 8.3.3 Bin storage facilities are indicated on the ground floor plan. The layout details that bin stores are within acceptable distances for waste operatives and residents to manoeuvre bins on waste collection days. The outline planning application did not include a planning condition in respect of bin stores and so an additional condition is proposed requiring the implementation of the bin store facilities prior to occupation of the development.
- 8.3.4 In conclusion on the physical requirements of the layout it is the view of officers that the proposed scheme responds to the constraints of the site and would be considered acceptable.
- 8.3.5 Layout in respect of Affordable Housing
- 8.3.6 Any application submitted which results in a net increase of 10 or more residential units requires provision of affordable housing as per Eastbourne Borough Council's Affordable Housing SPD (2017).
- 8.3.7 The outline submission (190626) included a Section 106 Legal Agreement which sought to confirm the details of affordable housing units within this reserved matters proposal. The applicants have submitted an Affordable Housing Statement which confirms that the constraints of the site, the size, shape and relationship to surrounding development, limits the available design and site layout options, and means that the provision of separate buildings,

or services plots for affordable housing, sitting alongside the market units is not possible.

8.3.8 The document concludes that a commuted sum is the only option and the justification provided is considered acceptable.

8.3.9 The Planning Policy Team have been consulted on this matter and confirm that a commuted sum is agreeable and that this would amount to £265,887.47.

#### 8.4 Layout and impact of the proposed development on amenity of adjoining occupiers and the surrounding area:

8.4.1 The comments of the neighbouring properties have been carefully considered during the formulation of this recommendation to members for approval. It is acknowledged that representations also related to matters outside of residential amenity and planning matters raised have been discussed within the relevant sections of this officer report.

8.4.2 The layout plan is similar to that approved under the outline submission and demonstrates that the proposal can be sited to ensure that the amenities of neighbouring properties are maintained.

8.4.3 The site access will alter the appearance of this part of Upperton Road, but would not be harmful in appearance/nature and planting is proposed around the access to further mitigate the effects and enhance the access area.

8.4.4 In conclusion on layout it is the view of officers that the proposed scheme responds to the constraints of the site

#### 8.5 Trees and Landscaping Proposals

8.5.1 It is noted that the reserved matters submission includes a proposed layout plan 3145 03D which includes the proposed landscaping details.

8.5.2 In terms of soft landscaping the plan is broadly similar to that shown within the outline submission and would include the provision of 4 no Wild Cherry trees along the front boundary and a Crab Appel tree to the rear of the site. In addition, grass is proposed along the side boundary and to the rear which would frame a communal amenity area.

8.5.3 The scheme proposes grey permeable block paviors to the parking and turning area with red permeable block paviors to the pedestrian path and the communal amenity/garden area. Following consultation with ESCC highways the plans also now show the retaining wall proposed for the parking area located within the undercroft at the ground floor of the scheme.

8.5.4 The proposed landscaping achieves a satisfactory parking arrangement along with the provision of soft landscaping and tree planting which for this somewhat constrained site is considered acceptable.

8.5.5 In addition to the details shown on the submitted layout plan conditions were imposed on the outline submission and these have now been discharged. Details of the surface drainage measures were submitted under 210033 and have now been approved.

Due to the level of mature trees surrounding the boundaries of the site tree protection measures were included within condition 16 of the outline submission 190626. Details of the tree protection measures were also submitted under 210033 and have now been approved.

## 8.6 Accessibility and impacts upon highway network

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 The Outline planning conditions require the submission and approval of details by the local planning authority to ensure that the provision of the access and associated highway infrastructure within the development is fit for purpose.

8.6.3 Details of the proposed Travel Plan for the site were submitted under 210033 and have now been approved. ESCC Highways were consulted on the scheme and confirmed no objection.

## 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 The application site already benefits from outline planning consent for the construction of up to 29 units. The layout, appearance and landscaping are considered acceptable. Planning conditions secured at outline stage can secure appropriate parking, access, drainage and landscaping detail.

10.2 It is recommended that Reserved Matters approval is granted subject to the additional conditions.

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

- 3145 03D
- 3145 04D

- 3145 05E
- 3145 06E
- 3145 07D
- 3145 08G
- 3145 09D

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

- 10.4 Materials - The external materials and finishes of the dwellings hereby approved shall be in accordance with the schedule of materials provided on the approved plans.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and the character of the surrounding area in accordance with policy D10a of the Eastbourne Core Strategy (2013) and saved policy UHT1 of the Eastbourne Borough Plan.

- 10.5 No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10.6 No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

- 10.7 Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be provided in accordance with the approved details. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

- 10.8 The development, hereby approved, shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawings.

Reason: In the interests of road safety.

## 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.