

Report to: Planning Committee
Date: 19th October 2021
Application No: 210339
Location: 2 Mill Road, Eastbourne, BN21 2JR
Proposal: Demolition of the existing building and redevelopment of the site to provide 14 flats with associated off-street car parking.
Applicant: Mr B Kitchener
Ward: Upperton

Recommendation: Delegate to Head of Planning to conclude independent assessment of financial viability information and to approve with conditions subject to s106 legal agreement to secure local labour agreement, any affordable housing provision (based upon the viability assessment), travel plan, TRO contribution, car club contribution and allocated parking arrangements.

Contact Officer: **Name:** Neil Collins
Post title: Senior Specialist Advisor - Planning
E-mail: neil.collins@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 This application is brought back to the Planning Committee following consideration at the September Planning Committee meeting, where it was deferred by Members to seek a reduction in scale and impact upon neighbouring occupants.
- 1.2 The applicant has revised the overall scale and relationship with adjoining neighbours through additional proposed screening. This has resulted in a reduction in the number of proposed units within the building from 14 to 13 self-contained flats falling within the C3 use class. Associated off-street car parking would also be reduced from 14 to 13 spaces.
- 1.3 The proposed development would represent the optimisation of the use of a previously developed site. It would ensure that the amenities of neighbouring residents are protected.
- 1.4 It is acknowledged that that the Council is not, at present, able to substantiate a five-year supply of housing. The development of housing on this previously developed site is considered to accord with the 3 dimensions of sustainable development as set out in paragraph 11 of the NPPF. The proposal will make a welcome contribution to the housing stock in the Borough, delivering 13 high-quality residential units.
- 1.5 The applicant has submitted a Financial Viability Assessment, which concludes that the development provision of affordable housing, including in the form of a contribution, would not be viable. This requires independent assessment by the Council's elected viability consultants and this would be concluded following consideration by Members and any residual contribution resulting from independent assessment would be secured the Section 106 legal agreement in the form of a commuted sum.
- 1.6 The application is considered to comply with national and local planning policies and is therefore recommended for approval subject to conditions and S106 agreement, with delegated authority provided to Officers to conclude the independent assessment of the submitted viability information.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C11 Upperton Neighbourhood Policy

D1 Sustainable Development

D5 Housing

D10a Design.

2.3 Eastbourne Borough Plan 2001-2011:

NE7 Waste Minimisation Measures in Residential Areas

NE28 Environmental Amenity

UHT1 Design of New Development

UHT4 Visual Amenity

UHT7 Landscaping

HO1 Residential Development within the Existing Built-up Area

HO2 Predominantly Residential Areas

HO8 Redevelopment of Garage Courts

HO20 Residential Amenity

TR6 Facilities for Cyclists

TR11 Car Parking.

2.4 Eastbourne Employment Land Local Plan (ELLP – adopted 2016).

3. **Site Description**

3.1 The application is located on a corner plot on the Mill Road and Ashburnham Road junction. The existing building is situated within a 0.31-acre plot with gardens to the front, rear and eastern side and a substantial tree screen at the highway boundaries. The site is located within a predominantly residential area.

3.2 Surrounding development is predominantly residential. The established character of the area comprises large predominantly detached buildings that vary in height from 2 to 4 storeys, including both pitched and flat roofs. Buildings are accommodated on substantial plots and are set back from the road in a uniform building line, with lengthy rear gardens.

3.3 The current building is a care facility falling within the C2 use class, which is owned by Eastbourne and District Mencap Ltd (EDM) previously operated in conjunction with the adjoining No 4. EDM have confirmed that the property is no longer required and that they will continue to provide services from other properties within their ownership. The application building is currently unoccupied awaiting the outcome of this application.

3.4 Due to the surrounding topography, properties to the north of the site are at a lower level than the application property.

3.5 The site is located within the settlement boundary. The site is located within an Archaeological Notification Area and other than this there are no specific planning constraints or designations regarding the site or the immediate surrounding area.

4. **Relevant Planning History**

4.1 No relevant planning history.

5. **Proposed Development**

5.1 Following consideration by the Planning Committee in September planning permission is sought for the demolition of the existing two storey property and redevelopment of the site to provide 13 flats with associated 13 off-street parking spaces. The proposal would comprise the erection of 4 storey building with the upper two floors contained within the roof.

5.2 The scheme comprises 4 x one-bedroom, 4 x two-bedroom, 3 x three-bedroom and 2 x four-bedroom units. The two ground floor units would be designed as wheel-chair accessible.

5.3 The scheme would incorporate a basement parking area, which would accommodate 13 car parking spaces, including two larger spaces for use by occupants of the wheelchair accessible ground floor units.

5.4 Access to the parking area would be in the same location as the existing and a separate pedestrian access would be from Mill Road, where the existing is located.

6. **Consultations**

6.1 External

6.2 ESCC Highways:

6.2.1 Objection received regarding two issues: substandard parking space dimensions; and concerns with the access to the site.

6.3 ESCC SuDS:

6.3.1 SuDS have raised concerns due to a lack of information to demonstrate that the proposed on-site infiltration would be possible and that discharge rates to the public sewer would require agreement with Southern Water.

6.3.2 At the time of writing, response is awaited following re-consultation with ESCC SuDS regarding additional information submitted in response to the initial comments.

6.4 Internal

6.5 Specialist Advisor (Waste):

6.5.1 No comments received.

6.6 Specialist Advisor (Environmental Health):

6.6.1 No comments received.

7. Neighbour Representations

7.1 A number of representations have been received in respect of this proposal comprising:

- 15 letters of objection

7.2 The following is a summary of the main themes and issues raised by the objectors:

- Loss of the existing building
- Issues from parking
- Issues created by additional traffic and congestion
- Replacement building would be too big
- Would not be in keeping with the character of the area
- Loss of privacy and overlooking
- Overbearing
- Safety implications from increased vehicles
- Excessive density of development – overdevelopment
- Loss of Daylight and Sunlight
- Loss of residential amenity.

8. Appraisal

8.1 Principle of Development:

8.1.1 Para. 74 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 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.

8.1.3 The presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), as well as other matters identified within the NPPF.

8.1.4 Eastbourne can currently only demonstrate a 1.43 year supply of housing land, based upon the most recent monitoring report. The site is not allocated or identified in the Strategic Housing and Employment Land Availability Assessment (SHELAA). The site is

therefore regarded as a windfall site that would boost housing delivery, contributing a net gain of 12 units, taking account of the existing unit. It is important to note that this is based on a general overview of the site rather than the full gamut of relevant planning considerations.

- 8.1.5 The proposed development would result in a net gain of 13 residential units. It is considered that the unit sizes across the development provides for a mixed and balanced community as required by policy D5 of the Eastbourne Core Strategy, as well as para. 124 a) of the Revised National Planning Policy Framework which maintains that '*Planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development...*
 - 8.1.6 The shortfall in the supply of housing land is a material consideration that weighs heavily in favour of the proposed development. In terms of Local Planning Policies the site is located within the development boundary of Eastbourne where the principle of sustainable residential development is supportable.
 - 8.1.7 Policy HO2 within the Eastbourne Borough plan identifies the area of Upperton as being predominantly residential, thus the proposal is consistent with this policy.
 - 8.1.8 The Core Strategy also states that Upperton is one of Eastbourne's most sustainable neighbourhoods. Additionally, Policy B1 of the Spatial Development Strategy within the Core Strategy explains that higher residential densities will be supported within these sustainable neighbourhoods. The current proposal would add to housing numbers in an area where development is favoured and consequently supported.
 - 8.1.9 Taking account of the above policy position, the proposed residential use of the site is considered to be wholly in line with the objectives of the Development Plan for the Neighbourhood and is considered to be acceptable in principle.
- 8.2 Loss of Community Facilities / Existing Building:
- 8.2.1 It is considered that the existing building makes a positive contribution to the area in terms of its appearance. The existing building comprises good quality locally distinctive architectural design and materials. However, there is no designation of the site or the building to prevent its loss, which would not require the formal grant of planning permission. The site is not located within a Conservation Area and the building is not statutorily listed. Furthermore, the building is not considered to be of significance to warrant inclusion on the statutory list. Prior approval would be required for demolition of the building, but the LPA would be limited in its considerations of such an application to the methodology for demolition. Taking the above into account, loss of the building cannot

be prevented by the LPA and would not form a reasonable refusal of the application.

- 8.2.2 The site currently provides care facilities, which was until recently used for adults under the age of 65 with learning disabilities through Eastbourne and District Mencap Ltd (EDM). EDM have confirmed in a letter submitted with the application that the facility is no longer required and is therefore being sold
- 8.2.3 Older buildings are not built to the standard for all types of care provision, reducing their marketability for ongoing C2 accommodation. This building does not have a lift and is therefore difficult to adapt for all care needs.
- 8.2.4 Loss of the existing care facilities is accepted, given that redevelopment would fund better quality, purpose built facilities and contribute to the aim of providing ongoing care facilities where they are required, based upon demand.

8.3 Design

- 8.3.1 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. 130 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.
- 8.3.2 Para 130(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 some elements would contrast with some of the more traditional properties in the vicinity, would provide for a contemporary design providing a greater level of interest at this point along Mill Road. The design would emphasize the evolution of development within the landscape.
- 8.3.3 In assessing the impact of the development upon the existing site, it is important to note that the LPA could not control retention of the building given the lack of designation and that the building would not qualify for statutory listing.
- 8.3.4 The proposed building would possess a contemporary visual appearance but would generally be sympathetic to the traditional form of neighbouring buildings, being two storey buildings with pitched roofs or larger flatted developments. This design approach is considered to be acceptable and would deliver a high quality development that is sympathetic to the surrounding built form.

- 8.3.5 It is noted that the building would be heavily screened from the majority of surrounding views by trees that would be retained on the road frontages.
- 8.3.6 A number of buildings in the vicinity have been redeveloped with larger, flatted developments and, as a result, the character of the area comprises buildings that are more significant in scale than the building currently occupying the site.
- 8.3.7 The density of the site is acceptable for this location and flat layouts have been shown to identify how 14 No flats can be accommodated on the site. Bin storage facilities and cycle stores are indicated on the ground floor plans.
- 8.3.8 The modern design of the proposal, which would incorporate materials similar to those used on existing neighbouring buildings, would integrate well within the street scene and to harmonise with the buildings surrounding.

8.4 Impact of proposed development on amenity of adjoining occupiers and 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 relate 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 proposed redevelopment will occupy an area that currently appears as a two storey dwelling when viewed from neighbouring properties. Its redevelopment with a 4 storey property would inevitably have a greater impact on adjoining residents. However, this is not a reason for refusal; very many developments have an effect. The issue is whether those impacts are unreasonable in terms of, for example, the overbearing nature of the properties, loss of light or overlooking.
- 8.4.3 It is not considered that the proposed development would result in any unacceptable loss of light or cause issues of overshadowing to the residential neighbours surrounding the site. The proposal would provide a suitable relationship with neighbouring properties, both in terms of the use and the relationship of the built form.
- 8.4.4 The proposed building would result in an altered outlook towards neighbouring occupiers, but the separation distances and orientation of buildings would prevent any loss of privacy or direct overlooking to neighbouring habitable rooms. The site frontages onto Mill Road and Ashburnham Road would provide a public facing relationship with neighbouring properties with significant screening, commensurate with the existing relationship of properties in the area.
- 8.4.5 It is therefore considered that the proposed development would not generate unacceptable adverse impact upon the amenities of neighbouring residents, in conflict with saved policies HO20 and

NE28 of the Eastbourne Borough Plan and paras. 119 and 130 of the Revised National Planning Policy Framework.

8.5 Living Conditions for Future Occupants:

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that *'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'*
- 8.5.2 Nationally described space standards define the minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The majority of units would exceed the standards for floorspace provision, but one unit would result in a very marginal shortfall against the standards. The resulting development would be acceptable.
- 8.5.3 All primary habitable rooms across the development are served by clear glazed openings. The level of access would be improved due to the dual aspect nature of all dwellings. Awkwardly shaped rooms and long corridors are avoided, thereby ensuring that the functionality and accessibility of the internal space within each property is maximised.
- 8.5.4 Two of the units would be designed for use by wheelchair users and located on the ground floor. A lift would provide access from the car area to all floors.
- 8.5.5 All dwellings have direct access to private amenity space in the form of balconies whilst a communal garden would be available to residents. Overall, it is considered that outdoor amenity space is of a good quality for future residents of the building.

8.6 Impacts on highway network or access:

- 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 It is proposed to provide 13 car parking spaces for the development within a basement parking area. The site would be accessed via the existing access point onto Ashburnham Road.
- 8.6.3 The application includes the provision of cycle storage facilities in a secure area with lockable facilities. Cycle parking spaces would be provided at a 2:1 ratio and would also accommodate larger cycles and carts, cargo bikes, etc. Visitor cycle spaces would also be provided at ground floor level on the Mill Road frontage, adjacent to the pedestrian entrance to the site.

- 8.6.4 ESCC as Local Highway Authority (LHA) originally objected on the following grounds: that the parking spaces would not comprise dimensions to ESCC adopted standards; and that the access would not meet the safety standards of the LHA. Since the objection, the applicant has responded with a revised parking layout, including spaces that meet adopted standards in terms of their dimensions, together with swept path diagrams which demonstrate that cars would be able to turn safely within the site and egress in a forward gear. Confirmation has since been received from the Highway Authority to confirm that the revised parking and access arrangements are acceptable, subject to the 3 and 4 bed units having allocated spaces and all others being unallocated. This would require inclusion in the S106 agreement.
- 8.6.5 The quantum of parking provided is considered acceptable to serve the development without resulting in unacceptable additional parking pressure on the surrounding highway network. The existing site provides off-street parking for just two vehicles in a garage located at the access onto Ashburnham Road, which require vehicles to reverse onto the public highway. All other parking related to the establish care facility use, including for significant staff numbers and visitors has to date been accommodated on street. As such, it is not considered that there would be any significant additional on-street parking stress resulting from the development.
- 8.6.6 All car parking spaces would be provided with access to electric vehicle charging facilities. A condition is recommended to secure a minimum of one electric vehicle charging point per dwelling to be provided prior to first occupation. This is to encourage the uptake in the use of electric vehicles as a means to combat emissions.
- 8.6.7 Further to the above measures, the applicant has committed to contributing to a car club vehicle in the vicinity of the site. This would be secured by S106 legal agreement.

8.7 Landscaping

- 8.7.1 The proposed scheme would retain a significant portion of the trees on site, with the exception of some Category C trees that are of declining health. A Landscape Plan has been submitted with the application, which details improvements to the planting around the proposed building and demonstrates that the variety and biodiversity of species would be improved at the site, including green walls in the garden area, a kitchen garden providing fruiting and herbal planting and low maintenance and shade tolerant native planting on the highway borders of the site around the retained trees.
- 8.7.2 Hard surfaces would be high quality and would be porous where possible in line with the anticipated surface water infiltration at the site.
- 8.7.3 It is considered that whilst the proposal would result in the loss of a modest amount of trees and verdant features, this would be

mitigated and, more importantly, enhanced by landscape planting throughout the subsequent development as a whole.

- 8.7.4 It is recommended that conditions can be used to secure delivery of the proposed landscaping scheme and the protection of retained trees.

8.8 Drainage

8.8.1 ESCC SuDS has raised concerns with regard to the proposed infiltration at the site due to a lack of hydrological calculation information and that proposed overspill into the public sewer has not been agreed with Southern Water. Further details have been submitted to respond to these concerns, which is currently with SuDS for consideration. It is anticipated that this will overcome previous concerns, but in the event that response is not received from SuDS prior to the Committee meeting, it is considered that the imposition of a condition would be sufficient to ensure that a SuDS scheme is approved by ESCC and implemented at the site, including if additional measures are required than infiltration or discharge to the public sewer.

8.8.2 As well as a detailed drainage scheme, a planning condition requiring a management and maintenance plan for any site drainage features would also be applied to any approval in order to ensure the site drainage continues to function effectively throughout the lifetime of the development.

8.9 Ecology

8.9.1 The application is supported by a Preliminary Ecological Appraisal (PEA) and Nocturnal Bat Roost Survey. The PEA confirms no presence of protected species found on site but that further bat surveys were required. Bat Surveys have been undertaken and no bat roost have been found.

8.9.2 There would not be any perceived impact upon off-site habitats. The main ecological factor to consider at the site is the low risk of birds using the buildings as breeding habitat and bats using the site for foraging. The PEA recommends that bird boxes are provided at the site to promote Swift and House Sparrow, which are the species most likely to be found at the site.

8.10 Other Matters

8.10.1 Construction/Demolition Management:

8.10.2 A Demolition, Construction and Environmental Management Plan would be required by condition to ensure that construction related traffic would be suitably managed in relation to the site, including methodology for demolition, the delivery times, parking, types of vehicles and construction traffic movement required for demolition/construction, together with mitigation of the environmental impacts, such as dust suppression and wheel washing, etc.

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 Delegate to Head of Planning to conclude independent assessment of financial viability information and to approve with conditions subject to s106 legal agreement to secure local labour agreement, any affordable housing provision (based upon the viability assessment), travel plan, TRO contribution, car club contribution and allocated parking arrangements and the following conditions:
- 10.2 Standard Time Limit.
 - 10.3 Approved Plans.
 - 10.4 External Materials in compliance with submitted details.
 - 10.5 No occupation until car parking provided and thereafter maintained.
 - 10.6 Minimum of 1 x electric vehicle charging point per unit.
 - 10.7 No demolition/development until Demolition, Construction and Environmental Management Plan provided.
 - 10.8 Protection of retained trees.
 - 10.9 No occupation prior to access being constructed in accordance with approved details.
 - 10.10 No occupation until secure and covered bin and bike stores provided.
 - 10.11 Hard landscaping to be provided prior to occupation. Soft landscaping in first planting season.
 - 10.12 No occupation until sustainability measures installed in accordance with details to be provided.
 - 10.13 No commencement of development until drainage scheme and maintenance plan approved.
 - 10.14 Waste minimisation statement (including procedure for dealing with contaminants).
 - 10.15 Permitted Development Rights removed (hard surfacing / boundary enclosures).
 - 10.16 No commencement of development until SuDS scheme and maintenance plan approved.
 - 10.17 SuDS Verification Statement demonstrating completion of works prior to first occupation.
 - 10.18 Details of provision of bird boxes.

10.19 Screening of terraces/balconies prior to first occupation and retained for lifetime of the development.

10.20 Details of ground floor screening on boundary adjacent to 1A Ashburnham Road, provided prior to first occupation.

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.