

**Report to:** Planning Committee  
**Date:** 25<sup>th</sup> January 2022  
**Application No:** 210536  
**Location:** 17 Old Camp Road, Eastbourne  
**Proposal:** Erection of 3no dwellings consisting of 1no 4X bedroom two storey dwelling with detached double garage. 2no 3X bedroom bungalow with detached garage. Formation of parking, landscaping and vehicle entrance new vehicular access. AMENDED DESCRIPTION/PLANS - 1 x bungalow removed, and width of Plot 1 dwelling reduced

**Applicant :** MR & MRS P MUIR  
**Ward:** Old Town

**Recommendation:** Approve subject to conditions. Delegate back to head of planning to secure biodiversity net gain provisions.

**Contact Officer:** **Name:** James Smith  
**Post title:** Specialist Advisor (Planning)  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)  
**Telephone number:** 01323 410000

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**Map Location:**



## 1. **Executive Summary**

- 1.1 The proposed development of garden land is, in this instance, considered to be acceptable as the scheme responds well to the context of the surrounding natural and built environment and would not cause unacceptable harm towards, nor overwhelm, the overall character of the area.
- 1.2 Due to the low density of the development, it is considered that suitable space is available to allow for a comprehensive landscaping scheme that would be focussed on introducing native species, habitat and food sources whilst maintaining green connectivity with surrounding gardens. It is recommended that members delegate back to officers to allow for a suitable scheme to be agreed with the Council's Ecologist.
- 1.3 It is considered that the design, scale and layout of the development sympathetic towards neighbouring sites and, as such, the development would not generate any unacceptable overbearing, overlooking or overshadowing impact.
- 1.4 The access and parking arrangements for the development accord with ESCC Highways and East Sussex Fire and Rescue Standing Advice and it is therefore considered that the development would not have an unacceptable impact upon highway safety or lead to parking stress on the surrounding highway network.
- 1.5 Overall, it is considered that the proposed development would not result in any harm of a significance that would outweigh the benefit of a net gain of three dwellings which would contribute towards the Council's housing delivery targets and address identified housing need within the Borough.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2021:

- 2: Achieving sustainable development
- 4: Decision making
- 8: Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well designed places
- 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
- C10: Summerdown & Saffrons Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel

D9: Natural Environment

D10a: Design

2.3 Eastbourne Borough Plan 2001-2011:

NE4: Sustainable Drainage Systems

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT7: Landscaping

HO1: Residential Development within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO6: Infill Development

HO7: Redevelopment

HO20: Residential Amenity

TR11: Car Parking

US4: Flood Protection and Surface Water Disposal

3. **Site Description**

3.1 The application site is L-shaped and forms part of the rear garden of 15 Old Camp Road along with the undeveloped plot of 17 Old Camp Road. The overall site area is approx. 2342 m<sup>2</sup>

3.2 Undeveloped land on either side of Old Camp Road was divided into plots and sold for residential development which took place at a piecemeal rate through to the early 1960's, when cul-de-sacs at Alfriston Close and Lindsay Close were added. The land had previously been occupied by the Summerdown convalescent camp, which supported injured army personnel during and immediately after World War I. Plots 15 and 17 were purchased together and plot 17 was retained as garden land, with extensive landscaping and planting being carried out.

3.3 Significant areas of this planting have since been cleared, with the site area now being largely surfaced in grass, with occasional clusters of shrubbery, a collection of medium sized trees which are primarily concentrated towards site boundaries. As well as these trees there is hedging/shrubbery which is relatively contiguous on the eastern and western boundaries but patchier along the southern boundary. This hedging includes a substantial leylandii type hedge running along the majority of the western boundary. The site level to the rear of No. 15 is slightly higher than the plot at No. 17.

3.4 The dwelling at 15 Old Camp Road, which is a large detached 1½-storey dwelling, does not fall within the application site. There is a small brick plinthed glass house positioned towards the south eastern corner of the site

and an area of hardstanding, on which a shed type structure was previously positioned, towards the north-western corner. There is also an area of hard surfacing adjacent to an existing dropped kerb gated access that serves plot 17.

- 3.5 The site is located on a residential road that is characterised by large detached dwellings that are generally set on large, wide plots although plot size decreases from the eastern end of the road to the west. There are a mixture of building designs present due to the piecemeal way in which development flanking the road was carried out, with dwellings towards the western end of the road generally being of more modern appearance. The site is entirely surrounded by neighbouring residential development.
- 3.6 Development on Old Camp Road has a clearly defined frontage, with a relatively consistent building line being maintained. Dwellings are set back from the road with parking and mature landscaping provided to the front. This landscaping combines with flint and brick walling which flanks the pavement and occasional street trees to generate an intimate and somewhat verdant character. Development on Alfriston Close and Linsdsay Close introduces buildings that are set back to the rear of frontage properties, with dwellings being smaller in size and occupying smaller plots than the frontage properties.
- 3.7 The edge of the South Downs National Park is approx. 200 metres to the south and 250 metres to the west of the site. There are no specific planning designations or constraints attached to the site or the immediate surrounding area.

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

- 4.1 **480299** – Erection of single, private, prefabricated garage – Approved Conditionally 20<sup>th</sup> October 1948
- 4.2 **610171** – Extension of Old Camp Road and construction of two cul-de-sac roads and sewers, for the development of twenty-five dwellinghouse plots – Approved 15<sup>th</sup> August 1961
- 4.3 **800187** – Erection of detached two-storey dwellinghouse (outline) – Approved Conditionally 14<sup>th</sup> November 1980

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

- 5.1 Pre-application advice that supported the general principle of the development of the site, subject to landscaping and ecological considerations, was issued by the Council under 200506. The original application incorporated an additional 2 bedroom bungalow to the rear of the site but this has since been removed as officers considered that to be an overdevelopment of the site, given the need to incorporate suitable levels of landscaping in order to preserve and integrate with the verdant existing verdant environment.
- 5.2 The proposed development involves the erection of three new dwellings within the site. These would comprise a large, detached two-storey dwelling that would face onto Old Camp Road and two detached bungalow dwellings

that would be set back from the street frontage and accessed via a driveway that would pass between the existing dwelling at 15 Old Camp Road and the proposed frontage dwelling.

- 5.3 The frontage dwelling has a central rectangular two-storey element with a hipped roof over and two single-storey wings projecting to each side of the building and extending further to the rear. The footprint of the two-storey element is approx. 212 m<sup>2</sup> whilst the single-storey elements account for a further approx. 65 m<sup>2</sup>. Height to the eaves of the roof would be approx. 5.45 metres with the ridge line at approx. 8.85 metres
- 5.4 The two bungalows match each other in terms of footprint and scale but with a mirrored layout. The footprint of each building would be approx. 110 m<sup>2</sup> with the eaves height of the roof at approx. 2.3 metres and the ridge line at approx. 5.45 metres.
- 5.5 The driveway would utilise the existing dropped kerb access serving 15 Old Camp Road. It would be widened to meet ESCC Highways standards for two way access and to allow for suitable visibility splays to be provided in both directions. The road would be a width of 4.5 metres along the first 5.5 metres from the highway, reducing to a minimum of 3.7 metres where it passes between the frontage buildings.
- 5.6 The driveway would provide access to the hard surfaced parking to the front of No. 15 Old Camp Road and to the front of the proposed frontage dwelling where two car parking spaces would be provided. A garage would also be provided to the rear of the frontage dwelling and each bungalow would be provided with a detached garage as well as a hard surfaced parking area for 2 x cars. Each dwelling would be provided with an electric vehicle charging point. A new designated access would also be formed to the front of the proposed frontage property.

## 6. Consultations

### 6.1 Specialist Advisor (Ecology)

- 6.1.1 The submitted Preliminary Ecological Appraisal (JWK Wildlife Surveys, 13th May 2021) suggests that clearance works had been undertaken prior to the survey, stating that 'several spoil piles were present across the site from recently removed shrub and trees'. The findings of the report are based on the habitats present at the time of the survey. There is limited information provided on the habitats present on site prior to the clearance works. Aerial imagery suggests areas of tree cover and photographs within the ecological report show areas of recent clearance.
- 6.1.2 In relation to biodiversity net gain Government guidance suggests that recent harm to the biodiversity value of a site should be considered when assessing the baseline and that where appropriate the biodiversity value of the site immediately prior to such activities should be used. Eastbourne Borough Council's Biodiversity Net Gain Technical Advice Note (paragraph 5.15) states that 'where there is evidence of deliberate neglect or damage to any of the habitats and species, their deteriorated condition will not be taken into

consideration and the ecological potential of the site will be used to decide the acceptability of any development proposals.'

- 6.1.3 It is therefore important to establish the habitats present prior to clearance works, to ensure that appropriate biodiversity compensation and enhancement measures are provided within the proposals. This detail should follow the advice of a suitably qualified ecologist.
- 6.1.4 Furthermore, the ecology report states that 'all existing trees also to be retained under current proposals'. However, the Arboricultural Impact Assessment & Method Statement (Owen Allpress, 17th June 2021) suggests that further hedgerow and tree removals would be required.
- 6.1.5 Therefore, at present insufficient information has been provided to be able to fully assess the biodiversity impacts of the proposed development.

## **7. Neighbour Representations**

7.1 A total of 121 letters of objection have been received. The application has been publicised twice due to revisions being made to the scheme. The total number includes duplicate letters as a result. A summary of relevant planning matters raised is provided below:-

- Overdevelopment of the plot;
- Would harm wildlife and habitat;
- Is 'garden grabbing' and would remove valuable green space;
- Would harm amenities of neighbours on Old Camp Road and Compton Road;
- Would set a precedent;
- Would compromise the character of the area;
- Access too narrow and insufficient turning space provided;
- Would result in increase in traffic;
- Would cause unacceptable increase in noise and light pollution;
- Use of access would be hazardous to pedestrians;
- Development needs to incorporate suitable boundary treatment;
- Is against government requirements to preserve green space and build better and beautiful places;
- A large amount of trees have already been cleared from the site;
- The reduction in the amount of bungalows does not overcome address concerns regarding preservation of green space;
- There are obstructions to sight lines around the site access;

- Drawings should show height of the proposed dwelling in comparison with neighbouring properties;
- Site notice was incorrectly placed and not all neighbours were notified;
- The bungalows would likely be converted to houses;
- The frontage dwelling is too imposing;
- Badgers are regularly seen on the site;
- Landscaping and screening would be likely to be removed by occupants of the dwellings in order to allow for more light into properties;
- Would be in breach of a covenant on the site and surrounding area;
- Would not appear similar to Alfriston Close as it would lack a wide access road;
- The ecological survey of the site was conducted at the wrong time and does not account for the original condition of the site;
- The site provides habitat for a large range of flora and fauna as well as a food source;
- Would detract from the original vision of the Devonshire Estate;
- The space freed up by removing one bungalow would be taken up by the proposed detached garages;
- Alfriston Close is cited as an infill development, which is incorrect;
- The roof height of the bungalows should be reduced;
- The site was not included in the 2019 SHELAA which assessed appropriate sites for development;

OFFICER COMMENT: Covenants are a legal consideration and are separate to the planning process. Any grant of planning permission does not extinguish a covenant and the applicant would be required to obtain the consent of the covenant holder prior to works being carried out.

The Council is satisfied that the planning application was advertised correctly, in full accordance with Part 3, Article 15 (5) which requires a minor planning application to be publicised by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier.

## 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, the standard method for calculating housing need set out in Planning Practice Guidance for Housing Needs and Economic Assessment is used to establish the need. As present, the Council is only able to identify a 1.43 year housing land supply.

- 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. This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.
- 8.1.3 The proposal involves the development of garden land. Whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 71 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 124 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). As such, there are stringent controls on development of residential gardens and the impact of the proposed development on the established character of the surrounding area.
- 8.1.4 The above should be seen in context with the overall objective to promote effective and efficient development of land which is set out in section 11 of the NPPF, with particular attention drawn to para. 125 which states that 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'
- 8.1.5 In terms of contribution towards housing delivery, para. 69 of the NPPF recognises that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly' and states that Local Planning Authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.
- 8.1.6 The site is identified in the Council's emerging Strategic Housing and Employment Land Availability Assessment (SHELAA) as having the capacity to accommodate 4 new dwellings. Table 2 of the Eastbourne Core Strategy anticipates the net delivery of 36

residential units in the Summerdown & Saffrons Neighbourhood. Based on a search of planning records, since the adoption of the Core Strategy, residential development in Summerdown & Saffrons is limited to a single detached two-bedroom dwelling built on garden land at 28 Summerdown Road.

- 8.1.7 The proposed development incorporates bungalow dwellings, a form of development that provides an important function in serving the needs of less able-bodied members of the community. It is considered that provision of bungalow dwellings would help meet NPPF objectives for a mix of development that meets the needs of different groups of the community (NPPF para. 73. National Design Guide para. 121).
- 8.1.8 It is therefore considered that the principle of the development is acceptable subject to a balanced assessment of the potential impact of the development, with particular emphasis on the impact upon the prevailing character of the surrounding area as well as other relevant factors set out in the NPPF and consistent Local Plan policies, including highway safety, residential and environmental amenity, sustainability and biodiversity.

## 8.2 Design:

- 8.2.1 The proposed development occupies an area that is currently garden land and has not been previously developed. Plots on Old Camp Road are generally large and incorporate sizeable areas of green space to the rear. However, plot sizes reduce significantly from the eastern end of the road to the west and the application site adjoins the plot of 19 Old Camp Road, which occupies a modest plot and also has development set behind it in the form of properties on Alfriston Close.
- 8.2.2 Para. 126 of the NPPF states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ Para. 127 states that design policies should be ‘grounded in an understanding and evaluation of each area’s defining characteristics.’. Area-wide, neighbourhood or site-specific design codes or guides are identified as a means to fulfil these objectives. Eastbourne Borough Council does not currently have any adopted design code or guide and, in such instances, para. 129 of the NPPF instructs that national documents should be used to guide decisions on applications.
- 8.2.3 The National Design Guide and National Model Design Code Part 2 Guidance Notes both identify context as an important consideration when looking at how a development would impact upon the character of an area. Para. 39 of the National Design Code states that well designed places are ‘based on a sound understanding of the features of the site and the surrounding context, integrated into their surroundings so they relate well to them, influenced by and

influence their context positively and responsive to local history, culture and heritage.'

- 8.2.4 It is considered that the development on Alfriston Close provides suitable context for the proposed development given its positioning to the rear of frontage development on Old Camp Road. It is also noted that, at a wider, neighbourhood scale, backland development is present on Summerdown Road in the form of Summerdown Close and individual dwellings that have been built on garden land to the rear of frontage properties.
- 8.2.5 The density of the development, at approx. 13 dwellings per hectare, is considered to be low, allowing for the incorporation of a suitable level of landscaping to maintain greenspace and linkage with the verdant garden land to the east and is broadly consistent with the approx. 11 dwellings per hectare density of Alfriston Close. The scale of the proposed bungalow dwellings would also be clearly subservient to frontage dwellings on Old Camp Road and the two-storey dwellings on Alfriston Close, reducing their visual prominence and preventing the character of the existing built environment from being overwhelmed. It is therefore considered that, with a suitable landscaping scheme, the proposed development would provide a sympathetic transition between the more densely developed area of Old Camp Road to the west of the site and the more open and green environment to the east, respecting the context of both the built environment and the natural environment within the immediate surrounds as well as the wider neighbourhood of Summerdown and Saffrons.
- 8.2.6 There is no overriding characteristic in terms of the design of dwellings on Old Camp Road, probably due to the period of time over which development was undertaken as well as the piecemeal way in which plots were developed. However, there is a general consistency in terms of scale and in spatial characteristics, with dwellings generally having a large footprint that occupies close to the full width of their respective plots and frontages being set back from the road. Mature landscaping to the front of properties and the presence of boundary walls also provide a key contribution to the street scene.
- 8.2.7 It is considered that the footprint and plot coverage of the proposed frontage dwelling is consistent with the general spatial characteristics of the area whilst the two-storey height is sympathetic to the scale of surrounding dwellings. As such, it is considered that the proposed dwelling would integrate well within the existing street scene and not appear disruptive or overly dominant, particularly as it would occupy a designated plot.
- 8.2.8 Although there are no bungalow dwellings within the immediate surrounding area, the proposed bungalows would be set back from the road and have a minimal impact upon the street scene on Old Camp Road. However, it is not considered that these dwellings would suffer from a sense of isolation or seclusion as a result given

the relatively open and spacious nature of their plots and the good level of interaction between the bungalows as well as the proposed frontage dwelling and the existing dwelling at No. 15.

- 8.2.9 It is considered that the design of the bungalows is of good quality, with features such as quoins, hipped roof projections and porches utilised to a greater degree of visual interest.
  - 8.2.10 Given that the proposed development would be embedded in a residential area, surrounded by neighbouring development and of a modest scale it is not considered that it would compromise views from or towards the South Downs National Park.
  - 8.2.11 It is therefore considered that, in addition to being sympathetic to the context of the surrounding and wider environment, the proposed development would respect, and positively contribute towards, the identity of Old Camp Road, maintain and strengthening the definition of frontage development. As such, it is considered that the proposed development would not compromise or overwhelm the prevailing character of the surrounding area.
- 8.3 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area
- 8.3.1 The proposed frontage dwelling would occupy close to the full width of its plot. As such, the two-storey western flank elevation would be within approx. 4.2 metres of ground floor windows on the eastern elevation of 19 Old Camp Road which serve a wc, living/dining area and a kitchen and within approx. 8 metres of a first floor bathroom window. It should be noted that the kitchen and living/dining areas are served by other windows on the rear elevation of the building and are already subject to a level of overshadowing due to the proximity to the substantial leylandii type hedge on the western boundary shared between the two plots. It is not considered essential for bathroom/wc windows to have access to high levels of natural light as they are not primary habitable rooms.
  - 8.3.2 As the front and rear elevations of the proposed frontage dwelling generally align with the two-storey front and rear elevations of 19 Old Camp Road it is not considered that other windows at the property would be impacted upon as a result of the proposed development. It is also considered that the alignment with 19 Old Camp Road and the amount of setback provided from the side boundary is consistent with the pattern of development across the length of Old Camp Road and that it is sufficient to prevent the proposed dwelling from appearing unacceptably overbearing when viewed from 19 Old Camp Road.
  - 8.3.3 It is noted that the Leylandii boundary hedge, which is entirely within the curtilage of the application site, would be removed in order to accommodate the proposed development. Whilst this hedge provides screening it is considered that its loss in this regard could be compensated for through the provision of a suitable boundary fencing and additional hedge planting to soften visual impact. Side

facing first floor windows are restricted to those serving bathrooms and, as such, a condition will be used to ensure they are obscure glazed in order to prevent overlooking of neighbouring sites. Views from any ground floor windows towards neighbouring sites would be obstructed by site boundary treatment. All other windows would be to the front or rear of the building and outlook towards neighbouring sites would be consistent with that available between existing dwellings and neighbouring sites on Old Camp Road.

- 8.3.4 The proposed bungalow dwellings are considered to be of modest height, only approx. 1.4 metres taller than an outbuilding that could be lawfully positioned in a similar location without the need for planning permission. They are stepped well away from site boundaries. It is therefore considered that they would not appear overbearing or be the generate any unacceptable level of overshadowing. All windows and openings would be at ground floor level and, as such, outward views towards neighbouring properties would be interrupted by site boundary treatment.
- 8.3.5 Due to the potential for invasive views if rooms and windows were to be provided in the roof of the bungalows, a permitted development restriction removing the rights to carry out such works without the benefit of planning permission would be attached to any approval given.
- 8.3.6 The parking areas and road serving the dwellings within the would be stepped well away from boundaries shared with neighbouring plots and buildings, topography and landscaping would provide screening that would prevent harmful visual impact as well as control noise and light spill generated by vehicles.
- 8.3.7 It is considered that the residential nature of the proposed development would be compatible with the surrounding environment as would the intensity of its use.

#### 8.4 Living Conditions for Future Occupants

- 8.4.1 Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.'
- 8.4.2 Para. 126 of the National Design Guide (2019) 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.'
- 8.4.3 The Technical housing standards – nationally described space standard (2015) defines 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 proposed 4 bed detached dwelling comfortably exceeds the minimum GIA requirement as defined in space standards whilst the bungalow dwellings exceed the minimum GIA required for a 3 bed 4-

person bungalow and meet the requirements for 3 bed 5-person bungalow.

- 8.4.4 All habitable rooms within the proposed dwellings would be served by clear glazed windows allowing access to good levels of natural light as well as providing natural ventilation to the dwelling interior. The layout of each new dwelling is considered to be clear and uncluttered, with rooms of an awkward size or shape being avoided, allowing for a good level of adaptability and functionality within each dwelling.
- 8.4.5 It is considered that the occupants of each dwelling, as well as of the existing dwelling at 15 Old Camp Road, would be provided with private outdoor amenity space of a good size, suitable to serve the day to day needs of the household.

## 8.5 Landscape and Ecology

- 8.5.1 The site is currently garden land and, prior to clearance, had supported a substantial level of planting. The site is at the western end of a row of large rear gardens and there is connectivity between these individual areas of green space in the form of hedgerow and tree lines.
- 8.5.2 The Arboricultural Survey Impact Assessment & Method Statement that accompanies the application identifies further trees and hedges for removal, these being a 4 metres high snake bark maple and 5 metre high silver birch to the front of the site, a 3 metre high leylandii hedge that flanks Old Camp Road and a section of beech hedge that runs perpendicular to it, mixed boundary planting to the north-western and south-western corners of the site and the leylandii hedge running along the western site boundary. In addition, two trees towards the south-eastern corner of the site, a box elder and paper bark birch, would be transplanted to an alternative location within the site and form part of the development landscaping.
- 8.5.3 The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require biodiversity net gain to be delivered as a condition of a planning permission. The Act provides a two-year transition period (expiring 2023) before this requirement comes in to force. In the interim, the Council have adopted a Biodiversity Net Gain Technical Advice Note (TAN) to reflect the direction of travel and also provide clarification on NPPF requirements that 'planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para. 174) and that, when determining planning applications, local planning authorities should apply the principle that 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity' (para. 180).
- 8.5.4 Major developments within the Borough are expected to deliver 10% biodiversity net gain. This does not apply to minor developments,

such as the scheme under consideration, but there is an expectation that some biodiversity net gain will be delivered.

- 8.5.5 The application is accompanied by a Preliminary Ecological Assessment (PEA). The report concludes that the site provides potential habitat for reptiles, breeding birds, and foraging and commuting bats and badger. In response to this it sets out a requirement for precautionary working methods to be adopted during construction in order to minimise risk of harm or disturbance to protected species and also recommends a number of ecological enhancements intended to mitigate any loss of habitat and to enhance biodiversity across the site.
- 8.5.6 The report identifies the primary ecological value of the site is forming a route to habitat in neighbouring gardens and for foraging. The PEA states that such activities would be concentrated towards the tree and hedge lines around site boundaries.
- 8.5.7 A number of representations have stated that there are badgers present on the site. The PEA discounts the site as a potential location for a sett due to its topography but notes that commuting and foraging may be supported.
- 8.5.8 It is also noted that some representations maintain there are orchids present on the site. These were not recorded by the PEA although it does note that it was carried out at a sub-optimal time for identifying the presence of flowering plants. Some species of orchid are afforded special protection under the Countryside and Wildlife Act (1981) and it is an offence to intentionally uproot or destroy them. It would be possible to translocate them if they were encountered and it is therefore recommended that provisions to identify and safeguard protected plants are included within a Construction Environmental Management Plan.
- 8.5.9 Recommended precautionary measures to reduce ecological impact during and after construction works include restricting clearance of vegetation to periods outside of the bird nesting season (March – August) and, if clearance works during the season are unavoidable, a requirement for it to be carried out under the supervision of a qualified ecologist. External lighting would be restricted in order to minimise impact upon commuting bats. The PEA notes the site is currently exposed to artificial light from neighbouring development. Trenches formed during construction works would be covered overnight or have ramps provided in order to prevent wildlife from becoming trapped in them.
- 8.5.10 Ecological enhancement measures suggested in the PEA include the planting of native trees, hedges, shrubs and wildflowers in order to increase the ecological value of the site for wildlife, with particular emphasis on the use of nectar rich and fruit bearing trees and shrubs. Strengthening of connection with neighbouring habitat through creation of vegetated boundaries and avoidance of obstacles to commuting wildlife. Provision of bat boxes on suitable

trees within the site or incorporated into the fabric of buildings. Provision of bird boxes including those providing specific habitat for the song thrush and house sparrows and provision of insect nesting boxes.

- 8.5.11 The Council's ecologist has reviewed the PEA and is in general agreement with the conclusions drawn on habitat potential and the need for the recommended precautionary measures to be adopted. Additional precautionary measures are also required and these will need to be included as part of a Construction Environmental Management Plan which would be secured by a pre-commencement planning condition, with the plan requiring the approval of the ecologist prior to any construction works taking place.
- 8.5.12 However, further information is needed to establish an appropriate biodiversity baseline value for the site as the PEA represents this as its current value, following clearance, rather than the value offered prior to clearance. Para. 5.15 of the TAN states that 'where there is evidence of deliberate neglect or damage to any of the habitats and species, their deteriorated condition will not be taken into consideration and the ecological potential of the site will be used to decide the acceptability of any development proposals.' As such, the applicant will need to provide further information on how biodiversity net gain would be achieved over the baseline provided by the site prior to clearance rather than over its current condition.
- 8.5.13 It is suggested that members delegate this matter back to officers to allow the applicant's ecologist and the Council's ecologist to discuss and agree on a suitable enhancement scheme.
- 8.5.14 Aside from the role landscaping plays in providing habitat and supporting ecology, it also plays a crucial function in defining the character of the surrounding area, with planting to the front of dwellings and alongside boundaries generating a verdant character. It is considered that the site has the capacity to accommodate a significant amount of green space and that mitigation planting could enhance existing boundary planting, amalgamating with surrounding landscaping and strengthening its amenity value. Whilst landscaping would be lost as a result of the proposed development it is considered that the opportunity to secure a comprehensive landscaping scheme that incorporates specific native species that provide habitat and food for wildlife and can be subject to protection by condition would allow for a long term enhancement of the quality of green space within the site.

## 8.6 Highways and Access:

- 8.6.1 The proposed development would deliver a net gain of 3 dwellings. It is not considered that this amount of development would generate a level of vehicle movements that would be likely to significantly impact upon traffic on the surrounding highway network or the general character of the surrounding residential environment.

- 8.6.2 The existing dropped kerb access would be adapted to serve the proposed development, with the access being widened to 4.5 metres in accordance with ESCC Highways Minor Planning Application Guidance (para. 3.5.1). The access road would be at least 4.5 metres in width for a minimum of 5.5 metres leading from Old Camp Road, allowing for vehicles entering and leaving the site to pass each other safely. A condition will be used to ensure that the new boundary wall to the front of the site does not compromise the required visibility splays of 2.4m x 43m.
- 8.6.3 The width of the access driveway reduces to a minimum of 3.7 metres where it passes between the frontage dwellings. Para. 3.5.2 of the ESCC Minor Planning Application Guidance states that 'a narrower shared access (less than 4.5m) may be acceptable in urban areas- (for example to allow backland development). However, the acceptability will depend on the length of narrow section, inter-visibility, on-street parking, and whether other similar accesses nearby operate successfully/without incident.' As the narrow section is not adjacent to Old Camp Road, is a short, straight section of driveway allowing for good levels of inter-visibility and is not required for vehicular parking it is considered that its presence would not compromise highway safety on the access road or on Old Camp Road.
- 8.6.4 The 3.7 metre width of the access driveway is also considered sufficient to serve fire appliances, based on standing advice provided by East Sussex Fire and Rescue. The driveway would need to be able to support the weight of the appliance. This would be addressed at the building regulations stage.
- 8.6.5 The access driveway would also provide pedestrian access to the development. Given its width, the relatively light usage the driveway would be subject to and good levels of intervisibility, it is considered that there would be no unacceptable conflict between pedestrians accessing the site and moving vehicles.
- 8.6.6 It would not be suitable for a refuse vehicle to access and turn within the site. A bin store would be provided in a recess part way along the access drive and the refuse vehicle would remain on Old Camp Road whilst crews collect the bins. The store is located within suitable proximity to the properties it would serve and to the road on which the refuse vehicle would be parked, complying with the Good Practice Guide for Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas.
- 8.6.7 Based on interrogation of the ESCC Car Parking Demand Tool, the proposed development would generate demand for approx. 4 car parking spaces. Each of the dwellings has space for at least 2 parked vehicles provided on adjacent hard standing, along with turning and circulation space that will ensure that vehicles will be able to enter and leave the site in forward gear.

8.6.8 The existing dropped kerb access at 17 Old Camp Road would not be used to serve the proposed development and, therefore, it will need to be closed off and the crossover restored to pavement. These works as well as the access arrangements will be subject to agreement with ESCC Highways and the issuing of a section 184 agreement which will secure the use of appropriate materials.

8.6.9 It is therefore considered that the car parking and access arrangements that form part of the submitted scheme would prevent any unacceptable impact upon highway capacity or safety.

#### 8.7 Flooding and Drainage:

8.7.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from tidal or fluvial flooding. Parts of the site are identified as being at medium risk of surface water flooding and it is therefore vital that an appropriate drainage scheme that has the capacity to manage surface water and to prevent surface water flood risk to occupants of the development as well as neighbouring sites. If attenuation measures are used, then it is likely that potential for surface water flooding could be reduced within the site. Any drainage scheme submitted would need to be based on sustainable drainage system principles.

#### 8.8 Sustainability:

8.8.1 A condition would be attached to any approval to ensure that each dwelling within the scheme is provided with an electric vehicle charging point, as required by the Eastbourne Electric Vehicle Charging Points Technical Advice Note.

8.8.2 In addition, a condition would be used to secure further water and energy efficiency measures as well carbon saving measures.

### 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 It is recommended that the application is approved, subject to the Council's Ecologist being satisfied that a suitable level of biodiversity net gain is provided and to the conditions listed below.

10.2 **TIME LIMIT:** The development hereby permitted shall be commenced before the expiration of three years from the date of this 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: -

- 2102/01 Rev A – Site Location Plan
- 2102/12 Rev N – Proposed Site Plan
- 2012/03 Rev E – Plot 1 Ground Floor Plan
- 2102/04 Rev D – Plot 1 First Floor Plan
- 2102/05 Rev D – Plot 1 Roof Plan
- 2102/06 Rev E – Plot 1 Elevations (1 of 2)
- 2102/07 Rev E – Plot 1 Elevations (2 of 2)
- 2102/08 Rev E – Plot 2 Bungalow Details;
- 2102/09 Rev F – Plot 3 Bungalow Details;
- 21/08a – Preliminary Ecological Appraisal
- 2348 Rev-02 – Arboricultural Impact Assessment and Method Statement

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

10.4 **DRAINAGE:** No above ground works shall commence until a surface water drainage scheme and maintenance and management plan, together with a timetable for implementation, have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Surface water run off to the surface water sewer network shall be limited to a rate agreed with Southern Water and shall incorporate any required mitigation measures. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

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

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

10.5 Following completion of the SuDS scheme, a Completion Statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), which demonstrates that the development has been fully implemented in accordance with the approved SuDS scheme, including a photographic record of the works, shall be submitted to and approved in writing by the Local Planning Authority.

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

10.6 **CEMP:** No development shall take place, including any further site clearance, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access 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 storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.

10.7 **LANDSCAPING:** Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing;

- Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site);
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- Ecological enhancements and Biodiversity Net Gain;

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 30 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with saved policies UHT1, UHT4, UHT7, NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 174 of the NPPF.

- 10.8 **EXTERNAL LIGHTING:** No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.

Reason: To protect the amenity and character of the surrounding environment as well as habitat in accordance with saved policy NE28 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 174 of the NPPF.

- 10.9 **CAR PARKING:** The development shall not be occupied until all parking and turning areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to saved policy TR11 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 110 of the NPPF.

- 10.10 **VISIBILITY SPLAYS:** Visibility splays measuring 2.4m x 43m shall be provided either side of the approved site access and shall be maintained free from obstruction at all times.

Reason: In the interest of highway safety in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 110 of the NPPF.

- 10.11 **CLOSURE OF EXISTING ACCESS:** Prior to the first occupation of any part of the development hereby approved, the existing dropped kerb access at 17 Old Camp Road shall be closed off and the pavement restored.

Reason: In the interest of highway safety and accessibility in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 110 and 112 of the NPPF.

- 10.12 **ELECTRIC VEHICLE CHARGING POINT:** Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each dwelling and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

- 10.13 **SUSTAINABILITY MEASURES:** The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 152 of the NPPF.

- 10.14 **BIN & CYCLE STORAGE:** Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF.

- 10.15 **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS:** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works (including the formation of new windows) as defined within Part 1 of Schedule 2, classes A-F inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with saved policies NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

- 10.16 **OBSCURE GLAZING:** All first floor windows on the east and west (side) elevations of the dwelling at plot 1 shall be obscure glazed and all parts fixed

shut other than those over 1.7 metres above the finished floor level of the room that they serve.

Reason: In order to protect the amenities of neighbouring residents in accordance with saved policy HO20 of the Eastbourne Borough Plan and policies B2 and D1 of the Eastbourne Core Strategy.

- 10.17 **EXTERNAL MATERIALS:** No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority, The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and sustainability in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF.

## 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.