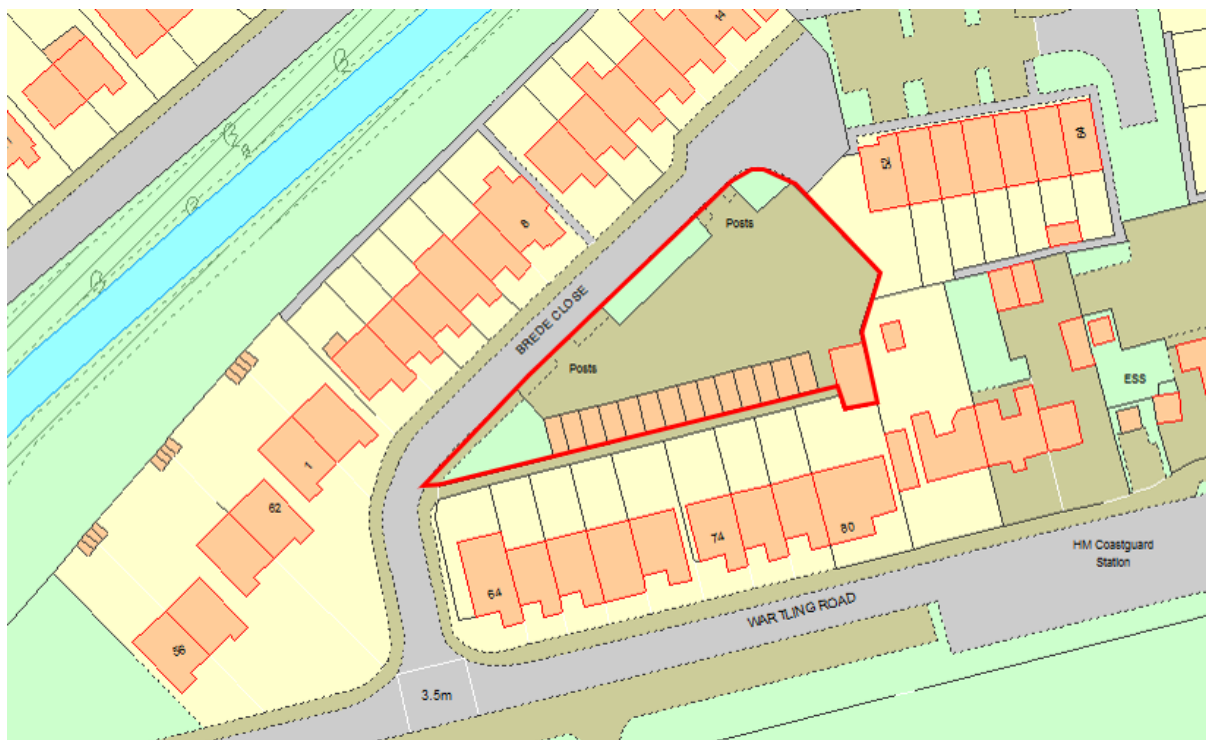


Report to: Planning Committee
Date: 22 February 2022
Application No: 210995
Location: Land off Brede Close, Eastbourne
Proposal: Variation/removal of following Conditions attached to planning approval 180438. Vary Condition 2 (plans) to allow for adjustments to layout and fenestrations, Condition 5 (flood risk) to allow amendments to the schedule of flood mitigation measures and Condition 14 (CMP) to allow for changes to the Construction Management Plan. Remove Condition 15 (Telegraph Pole Relocation) as the pole has now been repositioned.

Applicant : Mr D Ashford
Ward: Devonshire
Recommendation: Approve Conditionally

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



1. **Executive Summary**

- 1.1 The application is being presented at planning committee as the applicant is developing the site on behalf of Eastbourne Borough Council.
- 1.2 It is considered that the alterations the fenestrations and internal layout of the approved dwellings are minor in nature and would not result in any substantial or harmful change in the way the development interacts with the surrounding environment or impacts upon environmental, residential or visual amenities.
- 1.3 The revisions to the construction management plan have been accepted by ESCC Highways and include temporary parking provisions for existing residents on Brede Close. All primary flood mitigation measures
- 1.4 It is considered that the amendment to the list of flood mitigation measures is appropriate in this instance as it would not compromise fundamental flood protection measures and would allow an appropriate level of flexibility for the internal finishes of each dwelling.

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
- 8. Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well designed places
- 14: Meeting the challenge of climate change, flooding and coastal change

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C3: Seaside Neighbourhood
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Transport
- D10: Historic Environment
- D10A: Design

2.3 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems

NE18: Noise
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
HO7: Redevelopment
HO20: Residential Amenity
TR11: Car Parking
US4: Flood Protection and Surface Water Disposal
US5: Tidal Flood Risk

3. **Site Description**

- 3.1 The site, which is broadly triangular and tapers from east to west, was formerly occupied by a block of garages and associated hard surfacing but has since been cleared and construction has commenced on a row of 6 new houses approved under 180438.
- 3.2 The eastern site boundary flanks the garden of 52 Wakehurst Road, which is part of relatively recent housing development occupying a former coach and lorry park. It faces towards terraces of two-storey dwellings on the opposite side of Brede Close to the north and backs on to the rear gardens of terraced dwellings on Wartling Road to the south.
- 3.3 The site, which occupies low laying land which is close to the coast and Crumbles Sewer, falls within Environment Agency Flood Zone 3. There are no other specific planning designations or constraints attached to the site or the immediate surrounding area.

4. **Relevant Planning History**

- 4.1 **180438** - Demolition of existing garages, and construction of 6no new dwellings, 1no. 1 bed 2 persons, 5no. of 2 bed 4 person houses; including associated parking, access, & landscaping. Amended plans submitted to provide improved access to proposed garages by moving the proposed development 1.4m further into the site - Approved conditionally - 17/09/2018
- 4.2 **190301** - Approval of details reserved by condition 14 (Construction Management Plan) and condition 15 (Relocation/removal of telegraph poles) of planning permission (ref: 180438) granted 17 September 2018 for demolition of existing garages, and construction of 6no new dwellings, 1no. 1 bed 2 persons, 5no. of 2 bed 4 person houses; including associated parking, access, & landscaping. – Approved 31st May 2019

5. Proposed Development

5.1 **Condition 2:** The application seeks permission for a variation to the approved plans comprising the following:-

- Removal of existing substation and reconfiguration of parking area and landscaping on the eastern side of the site;
- Repositioning of existing telegraph pole approx. 14 metres to the west, towards western corner of the site;
- Replacement of ground floor utility room windows with doors to rear of plots 2-6;
- Alterations to window sizes and position to front and rear of dwellings and revised 'juliet' balcony arrangements to front;
- Increase in size of rooms at second floor level (without altering footprint or design/position of external walls and roof);

5.2 **Condition 5:** The application seeks to amend the list of flood mitigation measures as set out in section 7.14 of the approved Flood Risk Assessment (FRA). The proposed amendment involves the removal of restrictions relating to the use of MDF, chipboard and plasterboard within dwelling interiors.

5.3 **Condition 14:** The application also seeks to amend the construction site layout plan that was included within the Construction Management Plan approved under application 190301. This would include provision of a wheel washing facility, temporary neighbour parking adjacent to Brede Close, contractor parking towards the eastern site boundary and welfare facilities and material storage areas adjacent to the southern site boundary.

6. Consultations

6.1 ESCC Highways

6.1.1 The applicant has submitted an updated management site layout plan, which is considered acceptable.

7. Neighbour Representations

7.1 Three letters of objection received, one of which appears to be against the principle of the original permission rather than against the proposed variations. A summary of relevant comments made is provided below:-

- The balconies would increase in size and result in loss of privacy to residents on Brede Close;
- The positioning of the enclosed bin store is a health and safety hazard;

7.2 **Officer Comment:** The position of the bin store was agreed as part of the original planning permission, being approved by committee members. Bins would be in an enclosed store and this would ensure odour and litter is controlled. The bin store should only be used on bin collection days. It is included so as to allow east access to bins by refuse collection crews (in

accordance with best practice guidance) and to prevent bins being placed on the highway or the alleyway to the rear of the site where they may cause an obstruction. The balconies are in 'juliet' form and do not provide an external platform. Although the railing of each balcony has been extended and an additional opening door provided, this door would replace a full height glazed panel and it is not considered that the views offered would be materially different to those available from the originally approved scheme.

8. Appraisal

8.1 Principle of Development

8.1.1 The principle of the development has already been established following the approval of 180438.

8.1.2 Section 73 (1) of the Town & Country Planning Act 1990 (as amended) allows planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. This includes the variation of approved plans to allow for minor material amendments as per the Planning Practice Guidance for Flexible Options for Planning Permissions. Para. 017 of the guidance states that 'there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.'

8.1.3 The proposed amendments are not considered to substantially alter the approved development given the general positioning, scale and mass of the dwellings would be consistent with the approved scheme.

8.1.4 The application will therefore be assessed in the context of how the proposed amendments respond to relevant local and national planning policies and legislation.

8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:

8.2.1 It is considered that the general positioning and nature of fenestrations within each dwelling would remain consistent with the approved scheme and, therefore, no unacceptable overlooking impact would be generated. The scale, footprint, mass and positioning of the dwellings would not be altered and, as such, there would be no increased overbearing or overshadowing impact towards neighbouring residents.

8.3 Design issues

8.3.1 It is considered that the proposed amendments would not result in any significant alteration to the overall character and appearance of the dwellings as approved under 180438. The scale, footprint, mass and positioning of each dwelling would remain consistent with the approved scheme and the provision of additional doors to the rear of the building would improve accessibility to rear garden space.

8.3.2 The revised parking layout is considered to be more functional than that of the original layout and the removal of the substation would allow for enhanced landscaping that would help to soften the impact of the development as well as provide a biodiversity function.

8.4 Flood risk

8.4.1 The proposed amendment to condition 5 seeks to allow the use of MDF, chipboard and plasterboard within the building interior. The FRA submitted with the original application suggested these materials not be used as they are more likely to be rendered unusable if subject to flood damage. The use of the materials in themselves would not reduce the risk of a flood event and more fundamental measures such as raised floor levels and infrastructure would remain in place. The living space within each dwelling is also restricted to first floor level and above meaning the likelihood of flooding impacting on furnishings and internal finishes is minimal. Furthermore, the restriction on the use of more affordable materials impacts on the viability of the scheme, which is being delivered as 100% affordable housing.

8.4.2 All primary flood mitigation measures, which include all living accommodation being at first floor level and above (raised above predicted flood risk levels in the event sea defences are overtopped and allowing for increased rainfall as a result of climate change) and raised utilities and infrastructure, would remain integral to the development.

8.4.3 It is therefore considered that the proposed amendment to flood risk measures would not result in an increased likelihood of flooding within the approved dwellings and, therefore, should be accepted.

8.5 Impacts on highway network and access:

8.5.1 The revised CMP includes an amended layout plan for the construction phase of the development. A hard surfaced parking area has been provided to the front of the site and is available for use by occupants and visitors to existing dwellings on Brede Close. The positioning of material stores and drop-off areas has slightly altered but remains in roughly the same position. ESCC Highways have raised no objection to the proposed amendments and the provision of car parking for existing residents helps alleviate parking pressure on the road and the potential for parked cars to obstruct or be damaged by construction and delivery vehicles associated with the development.

8.5.2 The total amount of car parking spaces provided would remain as per the original approval and the revised layout to the parking and access area maintains the capacity to serve the development and allow for improved manoeuvrability to access parking spaces and turn within the site.

8.6 Infrastructure

8.6.1 An alternative position for the telegraph pole that was previously positioned towards the middle of the site was agreed under discharge of condition application 190301 (relating to condition 15 of the original approval). However, the new position was within the rear garden of 64 Wartling Road and, on further consideration, was not considered to be appropriate. The telegraph pole has now been repositioned further towards the western corner of the site and this is considered to be acceptable. As such, condition 15 can now be removed.

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 conditions listed below.

10.2 **TIME LIMIT:** The development hereby permitted shall be begun before 17th September 2021

Reason: In accordance with the original planning permission, 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;

- 3220 01 Revision B – Site Location and Block Plans
- 3220 03 Revision B – Proposed Site layout
- 3220 04 Revision B – Proposed Site Layout - Overhead Wires
- 3220 05 Revision C – Proposed Ground
- 3220 06 Revision C – Proposed First
- 3220 07 Revision C – Proposed Second
- 3220 08 Revision B – Proposed Roof
- 3220 09 Revision D – Proposed Elevations
- 3220 10 Revision C – Proposed Elevations
- Brede Close Construction Environmental Management Plan (CEMP) Revision 1
- 3220 15 – Proposed Site Management

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

- 10.4 EXTERNAL FINISHES: The external finishes of the development hereby permitted shall be as stated on the approved drawings, unless agreed otherwise by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 10.5 LANDSCAPING: Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a scaled plan showing vegetation to be retained and trees and plants to be plants:
- proposed hardstanding and boundary treatment
- a schedule detailing sizes and numbers of all proposed trees/plants
- sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s), is/are removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area.

- 10.6 FLOOD RISK MITIGATION: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures detailed within the FRA:

The measures as stated in paragraph 7.1.2 shall be implemented:

- a) Ground floor is to be used for garages, storage and access only, with living accommodation restricted to the first floor and above
- b) Ground floor levels are set as high as is practicable, and no lower than 3.5mAOD
- c) First floor levels are set no lower than 6.2mAOD

Implementation of the following Flood Resistant and Resilient construction measures:

- i. Providing ground floor electrical sockets at levels as high as practicable above ground floor level, would reduce the risk of electrical damage during a flood event.

- ii. Gas and electricity meters should be sited relatively high to prevent water damage during a flood event.
- iii. Minimise use of laminate covered, medium density fibreboard or chipboard as part of any ground floor works, as these materials damage easily when wet.
- iv. Minimise use of plasterboard in the lower ground floor areas. This would reduce time consuming remedial works during a flood event.
- v. Ensure possible water entry points are sealed at first floor level. Such routes include openings for electricity, gas and water. Telescopic air bricks venting to the outer leaf should be set at an elevated height.
- vi. All foul and surface water inspection covers within the property should be replaced with lockable gas and water-tight units. Additionally, open rainwater pipe inlet gullies should be replaced with sealed units.
- vii. The owner/occupier should sign up to the Environment Agency's Flood Line Warnings Direct Scheme.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

- 10.7 **NO PERMITTED EXTENSIONS/CONVERSIONS:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or extension, window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed, and no internal conversion of the garages shall occur without planning permission obtained from the Local Planning Authority to the dwellings hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties

- 10.8 **NO OUTBUILDINGS/PLATFORMS:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, raised platforms or hardsurfacing shall be erected within the curtilage of dwelling houses hereby approved other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.

- 10.9 **BIN STORE DETAILS:** Notwithstanding the approved drawing, prior to the first occupation of the development hereby approved details of the enclosure to the proposed bin storage shall be provided and approved in writing by the

Local Planning Authority, the development shall thereafter be carried out in accordance with the approved drawings prior to the first occupation of the development.

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

- 10.10 CONSTRUCTION HOURS: That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers.

- 10.11 ACCESS: No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 3220 03 Revision B – Proposed Site layout

Reason: In the interests of road safety.

- 10.12 ACCESS GRADIENT: The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

- 10.13 CAR PARKING: 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[s] 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.

- 10.14 CYCLE PARKING: No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] 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.

- 10.15 CONSTRUCTION MANAGEMENT PLAN: The approved Construction Management Plan (as amended by plan 3220 15 – Proposed Site Management) shall be implemented and adhered to in full throughout the entire construction period.

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

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