

Report to: Planning Committee
Date: 19th April 2022
Application No: 220012
Location: 6 - 8 Wilmington Gardens, Eastbourne, East Sussex
Proposal: Outline application (with landscaping as a reserved matter) for conversion of building comprising 6-7 Wilmington Gardens (currently 24 x C3 apartments) and 8 Wilmington Gardens (C1 hotel) to provide total of 25 x 2 bed flats, including provision of a two storey rear extension, front extension, formation of basement light wells, alterations to facade, fenestration, roof and provision of communal bin and cycle storage areas along with other associated works.

Applicant : Mr Collins
Ward: Meads

Recommendation: Approve subject to conditions.

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Map Location:



1. **Executive Summary**

- 1.1 It is satisfied that the existing hotel use of 8 Wilmington Gardens is not viable in the long term and that residential development provides an appropriate re-use of the building.
- 1.2 The accommodation provided would significantly improve on the living standards offered by the existing flats at numbers 6-7, many of which have a Gross Internal Area (GIA) that falls well below national space standards.
- 1.3 The external alterations to the buildings are considered to be sympathetic towards its existing character as well as the character and setting of the surrounding conservation area and the neighbouring open space at Wilmington Gardens.
- 1.4 The site is in a sustainable location where reliance on the private motor vehicle would be reduced and there is a good level of accessibility to shops, services and other day to day amenity needs.

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.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C11: Meads Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D3: Tourism
- D5: Housing
- D8: Sustainable Travel
- D10: Historic Environment
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity

UHT7: Landscaping
UHT15: Protection of Conservation Areas
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO20: Residential Amenity
TO2: Retention of Tourist Accommodation
TR6: Facilities for Cyclists
TR11: Car Parking.

3. **Site Description**

- 3.1 The application properties form part of a row of 5½-storey buildings that are set back from Wilmington Gardens, with a crescent shaped in/out access road to the front as well as hard surfaced parking bays. The ground floor level of the row of buildings is raised slightly above street level, with a lower ground floor level being provided below. Numbers 6-7 have been subdivided into 24 x self-contained flats (following previous use as holiday apartments) whilst number 8 has most recently been occupied by the Park View Hotel, which operated 12 bedrooms. Numbers 6 -7 Wilmington Gardens have a shared access and foyer area whilst number 8 has independent access.
- 3.2 Each building has an enclosed garden area to the rear which back on to the mature landscaped private gardens, also known as Wilmington Gardens, which occupy a broadly rectangular area to the rear of properties on Carlisle Road to the north, Wilmington Gardens to the east, Jevington Gardens to the south and Grange Road to the west.
- 3.3 The site faces towards the Towner Gallery, Congress Theatre and Welcome Building to the north. Surrounding buildings are typically large and accommodate a variety of uses. The site and the immediate surrounding area falls within Primary Sector of Eastbourne's Tourist Accommodation Area and a significant proportion of neighbouring buildings accommodate hotels or guest houses with the remainder predominantly comprising large buildings that have been subdivided into flats. The Town Centre extends to the north and there is a more diverse mix of uses in buildings in that direction.
- 3.4 The site falls within the College Conservation Area, which extends to the north-west and south-east. The private gardens to the rear are identified as open space.

4. **Relevant Planning History**

- 4.1 **650627** – Erection of connecting link between Nos. 6 & 7 at ground floor level, minor internal alterations and provision of front entrance canopy – Approved 24th December 1965.

- 4.2 **680404** – Alterations and additions to form link between numbers 6 and 7 and provision of additional hotel accommodation - Approved 16th August 1968.
- 4.3 **730520** – Conversion into 22 holiday flats and enlargement of two existing flats occupied by the owners – Refused 12th July 1973 – Appeal Allowed 23rd May 1974.
- 4.4 **730674** – Alterations to part of the first, second, third and fourth floors to provide 8 self-catering flats – Refused 23rd August 1973 – Appeal Dismissed 23rd May 1974.
- 4.5 **910388** – Internal alterations to improve existing accommodation by reducing the number of flats from 22 to 19 and retention of the existing use without complying with condition 2 of 730520 restricting period of occupation – Refused 15th October 1991 – Appeal Allowed 9th July 1992.
- 4.6 **060024** - Certificate of Lawful Use for the proposed use of flats on a permanent basis as residential accommodation for leaseholders – Certificate Issued 20th February 2006.
- 4.7 **090523** - Application for removal of Condition 2 of Planning Application EB/1973/0523 (730520) to allow flats to be let on a permanent basis – Approved Unconditionally – 3rd April 2009.

5. **Proposed Development**

- 5.1 The proposed development involves the conversion of Park View Hotel (8 Wilmington Gardens) to residential and the extension of all properties to provide additional residential floor space that would be utilised to reconfigure/replace the 24 existing flats at 6-7 and provide an additional flat bringing the total amount up to 25. The existing flats comprise 10 x studios, 13 x 1 bed flats and 1 x 2 bed flat. The proposed development would comprise 25 x 2 bed flats.
- 5.2 A range of external works would be carried out. A new five-storey flat roof extension (lower ground floor to third floor) would be added to No. 8, roughly occupying the footprint of the existing access and staircase, which is recessed from the main building frontage. A parapet wall and balustrading would be included on the roof top, which would serve as a balcony for a flat on the fourth floor.
- 5.3 The main entrance to the building would be moved to the side (north-west) elevation of No. 8, with glazed doors formed and a flat roof canopy provided above them. The canopy would project approx. 1.5 metres from the side elevation of the building with the roof top at approx. 2.6 metres above ground level. The width of the canopy would be approx. 3 metres.
- 5.4 A flat roof two-storey extension (lower ground and ground floor level) would be formed to the rear of the building. The extension would project approx. 2 metres beyond the main rear elevation of the existing building and would extend across the full width of numbers 6-8. The roof would have an undulating form, with all slopes having a shallow pitch. The height of the roof would vary between approx. 5.8 metres and 6.5 metres above ground level.

- 5.5 At roof level, an existing flat roof gap between two hipped roof ends to the front of 6-7 would be infilled with a new pitched roof which would match the existing roof in terms of eaves and ridge height. A side facing flat roof dormer window would be installed within the slope of the existing hipped roof projection at number 8. Glazed balustrades would be provided at main roof eaves height where they would serve fourth floor flats.
- 5.6 A number of existing external building features would be removed, most notably the main entrances to the front of 6-7 and 8 as well as all associated staircases and canopies. Elevation walls would be restored following their removal and new windows would be provided at lower ground and ground floor level in place of the entrance openings. New windows would also be installed at all levels in the side (north-west) elevation. To the rear of the building, an existing raised terrace would be removed to accommodate the proposed two-storey extension. Existing stairwell windows would be replaced with larger units and a selection of existing windows would be replaced with glazed doors which would allow access to steel framed balconies which are to be provided for each flat. A metal framed external staircase, which extends from lower ground to third floor level on the side (north-west) elevation would be removed.
- 5.7 A number of flats would have access to private balconies or terraces. In addition, the existing garden space to the rear of the buildings would be retained and provide communal outdoor amenity space for occupant of the flats. A secure and covered cycle store would be provided within the garden area, adjacent to a path leading out onto Wilmington Gardens.
- 5.8 14 x car parking bays would be provided to the front of the site, adjacent to the existing access. A covered bin storage area would also be provided.

6. Consultations

6.1 Planning Policy

- 6.1.1 The site is within a prime location within the Primary Tourist Accommodation Area. Insufficient evidence has been submitted to show the retention of the hotel for tourist accommodation is not viable and therefore the application is in conflict with Saved Policy TO2 of the Eastbourne Borough Plan, and Policy D3 of the Eastbourne Core Strategy.
- 6.1.2 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of 31st October 2021, Eastbourne is only able to demonstrate a 1.8-year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply.
- 6.1.3 National policy and case law has shown that the demonstration of a five-year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF taken as a whole”, (NPPF, paragraph 11).

- 6.1.4 The NPPF (para 12) and case law confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. This means that local plan policies should still be taken into account and should not be disregarded in determining an application.
 - 6.1.5 Tourism is vital to the economy of Eastbourne. The principle objectives of Saved Borough Plan Policy TO2 and Core Strategy Policy D3 is to protect Eastbourne’s tourism role and the value this brings to the local economy. It is considered these policies align with the key objectives contained within the NPPF particularly in section 6.
 - 6.1.6 NPPF Section 6 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.
 - 6.1.7 In conclusion, the proposal would make a small contribution to the delivery of housing in the Borough and potentially improve the quality of housing provided within 6-7 Wilmington Gardens. However, tourism is fundamental to the local economy, the harm caused to the local economy and the Tourist Accommodation Area from the loss of a trading hotel in a prime location is considered to outweigh the benefits of a small number of dwellings when assessed against policies as a whole. It has not been evidenced that the hotel use is no longer viable, therefore the application conflicts with Saved Policy TO2 and Policy D3 of the Eastbourne Core Strategy.
- 6.2 Eastbourne Hospitality Association
- 6.2.1 We have mooted our thoughts and the net result is no overall objection, since the whole area is now flats around there anyway.
 - 6.2.2 A 12-bedroom property is a bit of a quandary nowadays, too small to have cost efficient staffing, based on EB ARR’s, and the winter. Margins are getting very tight nowadays.

7. Neighbour Representations

- 7.1 One letter of objection has been received raising concerns over increased traffic, pedestrian safety, increased noise levels, loss of views and the loss of tourist accommodation.

8. Appraisal

8.1 Planning Obligations

- 8.1.1 Although the proposed development comprises 25 self-contained flats, the net gain is only one residential unit as there are 24 existing

flats accommodated within number 6-7. As such, the development does not meet the threshold at which affordable housing would be required.

8.2 Loss of Hotel Accommodation

8.2.1 An earlier three-storey scheme was refused under 100463 due solely to concerns over the loss of space that could be used for commercial purposes. This stance was supported by the Planning Inspector when a subsequent appeal was dismissed. However, in allowing an appeal against the dismissal of a more recent scheme, 150141, the Inspector noted that the stance was no longer consistent with national planning policy following the introduction of the NPPF and the key objective of identifying more efficient use of existing developed land in sustainable locations as well as delivering the required quantum of new housing to meet the needs of the populace.

8.3 Principle of Development

8.3.1 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.

8.3.2 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.

8.3.3 The proposal represents a development of a windfall site that would deliver a net gain of 1 residential unit, thereby contributing towards the Council's housing delivery target.

8.3.4 Para. 120 d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Para. 152 notes the benefits of building conversions in terms of sustainability due to it representing the reuse and adaptation/improvement of existing resources. Policy C11 of the Eastbourne Core Strategy encourages the provision of new housing

through redevelopments and conversions....within the existing urban area and particularly in the Jevington Gardens area.

- 8.3.5 The site is located within the primary sector of the Eastbourne Tourist Accommodation Area. The loss of tourist accommodation in this area is resisted as per saved policy TO2 of the Eastbourne Borough Plan, policy D3 of the Eastbourne Core Strategy and the Tourist Accommodation Retention Supplementary Planning Document (SPD). It is important to note that numbers 6-7 are already in permanent residential use, with tourist use ceasing in the early 2000's.
- 8.3.6 Para. 5.1 of the SPD states that 'when assessing a proposal for the change of use or redevelopment of tourist accommodation, the key consideration is whether or not the continuing use of the land as tourist accommodation is viable and economically sustainable.
- 8.3.7 The SPD identifies an evidence base in para. 5.15 that should be used to demonstrate that an existing hotel use in the primary sector of the Tourist Accommodation Area is not viable in order to support an application for change of use. This includes evidence of marketing, occupancy and room rates, management strategies to respond to falling viability, running costs and repair/renovation costs.
- 8.3.8 The submitted application does not include evidence that encompasses all requirements set out in para. 5.15. However, the planning statement cites the unforeseen impact of the coronavirus pandemic as having significant impact upon viability and also cites the recent use of the building as temporary/emergency accommodation rather than a hotel and the small amount of rooms provided within the building as well as the failure of the neighbouring property (former Courtlands Hotel) to obtain funding to facilitate the provision of a new 14 room guest house as part of a combined residential/tourism scheme (ref: 151134) and the subsequent approval of a variation of condition to substitute the guest house for 6 additional apartments (ref: 180232).
- 8.3.9 The reference to the small amount of bedrooms provided within the hotel unit is recognised in para. 5.12 of the SPD which states that establishments that provide over 15 letting rooms would be expected to operate in a more commercial manner than smaller 'lifestyle businesses' and, as such would be expected to have business plans and marketing tools that would not necessarily be available to 'lifestyle businesses. In response, it states that the Council will apply additional flexibility when examining evidence provided by a 'lifestyle business'. The practical difficulties in operating a smaller hotel in the current climate are also identified in the comments provided by the Eastbourne Hospitality Association set out in para. 6.2 of this report.
- 8.3.10 Should the hotel use be considered unviable, the SPD then instructs a hierarchical approach to be followed to establish a suitable alternative use, with the provision of serviced, unserviced or partial change to alternative use to be considered in sequence prior to

considering a complete loss of the tourist use of a building. Whilst the applicant has not demonstrated that a sequential approach has been followed, the context presented in para 8.3.7 and 8.3.8 is considered to indicate that it would be highly unlikely that alternative uses in the hierarchy would be able to provide a long term viable use of the building.

- 8.3.11 It is therefore considered that the principle of the development is acceptable. Any benefit offered by the proposed scheme will therefore need to be balanced against potential impacts upon the integrity of the tourism accommodation area as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 120), ensuring development is of suitable design, is sympathetic to the character of the surrounding area (para. 130) and historic environment (section 16) and ensuring development does not compromise highway safety (para. 109).

8.4 Design:

- 8.4.1 A number of external alterations and additions would be made to the existing buildings in order to support the proposed development. There is a particular need for such works to be sympathetically designed in terms of integration with the existing building and visual impact upon the wider surrounding area due to the large scale of the buildings and their prominent positioning within the College Conservation Area.
- 8.4.2 The site also backs on to open space in the form of Wilmington Gardens. Policy D10 of the Core Strategy states that designated open space should be protected from development that would adversely affect its character and historic interest and that views into and from these sites must be protected.
- 8.4.3 It is considered that the proposed extensions are modest in scale when considered in proportion to the overall size of the existing buildings. No significant extensions have been made to the existing building and there is a good amount of undeveloped space to the front and rear. As such, there are no concerns about the proposed works resulting in the site taking on an excessively cluttered or cramped appearance.
- 8.4.4 The extensions would facilitate the removal of unsympathetic existing features such as the prominent metal framed external staircase that scales the north-west elevation of the building and the 1960's flat roof entrance lobbies.
- 8.4.5 The proposed 5-storey front extension would occupy a space to the side of the existing frontage that is created by an indent in the side elevation. It would not extend beyond the main side elevation of the building and would be stepped back from the main building frontage. As such, it is not considered that it would overwhelm the building frontage and would maintain visual subservience towards it. The vertical positioning of windows within the extension would match that

of the existing building and existing cornice, mouldings and parapet walling would be continued across it, ensuring a strong sense of visual integration. The use of the roof top as a balcony would be consistent with similar features in neighbouring buildings as would the modestly sized dormer that would be positioned adjacent to it, installed within the existing roof slope.

- 8.4.6 The extension to the rear elevation would be relatively well screened by surrounding buildings and would be set well back from the road, although the north-western flank elevation would be visible from Carlisle Road. Although two-storeys in height, the majority of the lower ground floor level would not be visible from outside the site due to surrounding topography.
- 8.4.7 The extension would not project a significant distance beyond the rear elevation of the building and would only be made to the lower parts of the building. The flat roof design would ensure that the appearance is simple and does not interfere with the upper floors of the building whilst and would also compliment existing flat roof elements of the original structure.
- 8.4.8 A sympathetic green buffer would be provided between the rear extension and the open space at Wilmington Gardens in the form of the rear gardens serving the proposed development, Mature landscaping around the fringes of the garden would also provide a sympathetic screen and, therefore, it is not considered that the proposed extensions would detract from the setting of the gardens or provide any unacceptable obstruction to views towards or from them.
- 8.4.9 The existing entrances to the buildings would be removed and a new entrance would be positioned within the north-western flank elevation. Although this would remove the main entrance from the building frontage it is noted that the existing entrance is set well back from the road and has limited street scene presence. Furthermore, improvements to the window arrangements on the front elevation would ensure it continues to engage well with Wilmington Gardens whilst the new entrance would have a clear visual presence within the street scene of Carlisle Road and, again, additional windows would be installed that would strengthen the way the building engages with the street.
- 8.4.10 A bin store would be provided towards the front of the site. It is considered that, provided the store is of an acceptable design and provides a suitable degree of screening, it would not result in a harmful impact upon the street scene or the setting of the Conservation Area. It is noted that the neighbouring development, at the former Courtlands Hotel site, has a bin enclosure in a similar position to the front of the site. The store is surrounded by a painted render wall and it is considered that it does not appear incongruous or disruptive within the street scene.
- 8.4.11 Overall, it is considered that the general appearance of the existing buildings would be maintained, that distinctive architectural features

such as the bay windows, mouldings and cornices and roof form would be preserved and that the removal of unsympathetic windows and the external staircase would improve its general appearance. This is provided the works are carried out using suitable materials (including window frames) and a condition will be used to ensure that this is the case.

8.5 Impact of the proposed development on amenity of adjoining occupiers

- 8.5.1 Numbers 6-7 are in existing residential use, accommodating 24 x self-contained flats. The proposed development would generate a net increase of 1 dwelling, although the size of each flat would increase, with the proposed development comprising 2 bed flats whilst the existing flats are almost universally studio or 1-bedroom properties. It is considered that the residential use is compatible with surrounding uses, which include a number of buildings subdivided into flats, and that the intensity of the use would also be consistent with these existing uses.
- 8.5.2 New windows and openings would be formed in the front elevation of building, which overlooks the road, the rear elevation which overlooks the open space at Wilmington Gardens and the north-west elevation which faces towards the flank elevation of the Devonshire Park Hotel, which is angled away from the building. All elevations contain a number of existing windows at all floor levels and it is not considered that the proposed conversion would introduce any invasive views towards neighbouring properties. The proposed front extension is stepped away from site boundaries and is no taller than the existing building which wraps around to the side and rear of it whilst the rear extension is considered to be relatively modest in terms of height and projection. Therefore, it is considered that the proposed extensions would not appear overbearing towards neighbouring properties nor would they introduce undue levels of overshadowing.
- 8.5.3 Balconies and terraces are considered to be of modest size and would not support large outdoor gatherings that may have the potential to cause disturbance towards neighbouring residents. Any views offered from them would be similar to those available from existing and proposed windows and, as such, it is considered that they would not be intrusive or invasive.
- 8.5.4 Car parking areas would be to the front of the building where there is an established presence of car parking. The proposed development would not introduce a new parking, access or turning facilities in close proximity to neighbouring dwellings where they would potentially cause disturbance or nuisance.
- 8.5.5 It is therefore considered that the proposed development would not result in any unacceptable harm upon the amenities of neighbouring residents.

8.6 Living Conditions for Future Occupants

- 8.6.1 Para. 119 of the NPPF states that planning decisions 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' Para. 127 advocates the use of design policy, guidance and codes as a means to create better spaces to live and work in. Eastbourne Borough Council does not currently have an adopted design code and, in these circumstances, national documents should be used to guide decisions on applications as per para. 129 of the NPPF. These national documents are the National Design Guide (2019) and the National Model Design Code (2021).
- 8.6.2 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.'
- 8.6.3 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.'
- 8.6.4 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. A number of the existing flats at numbers 6-7, particularly the studio accommodation, fall significantly below the minimum recommended GIA. All flats within the proposed development would be 2-bedroom, 3 person properties, for which the minimum GIA is 61 m². All flats provided would exceed the minimum space standards, with GIA provided for each unit ranging from 61.2 m² to 75 m² (discounting floor space where the ceiling height is less than 1.5 metres as per para. 10 f) of the space standards.
- 8.6.5 All habitable rooms would be served by large, glazed windows/doors that would have an unobstructed outlook and provide good levels of access to natural light and ventilation. A good proportion of the flats would be dual aspect and would therefore have increased access to natural light throughout the day. All rooms are considered to be functional and adaptable, being of a good size and with awkward shapes being avoided.
- 8.6.6 A large amount of the flats provided would have direct access to private outdoor amenity space in the form of balconies and terraces. In addition, all occupants would have access to a landscaped communal amenity space to the rear of the building. This communal area provided is considered to be of a good size and would provide a sheltered environment due to its location set back from the road and backing onto the open space at Wilmington Gardens.
- 8.6.7 The building would have a single access within the north-west elevation. The access would be adjacent to the parking area to the

front of the building and would enjoy a good level of natural surveillance from pedestrians and motorists on Wilmington Gardens and Carlisle Road as well as from surrounding buildings on Carlisle Road and College Road. The parking area would also be well overlooked as would the rear garden area. It is therefore considered that the occupants of the proposed development would not experience any unacceptably secluded public areas which may provide opportunities for crime and anti-social behaviour.

8.6.8 Other than the fourth floor flat above No. 8, all flats would be accessible via a single communal staircase or by a lift that serves all floors. Occupants of the fourth floor flat above No. 8 would use the communal staircase or lift to reach the third floor, with a private staircase and lift, which is accessible from the main landing area, being used to reach the flat.

8.6.9 It is therefore considered that the proposed development makes efficient use of the existing building, using modest extensions to improve internal space and accessibility, and would represent a significant improvement in comparison to the living conditions provided by the existing cramped development within numbers 6-7.

8.7 Landscape and Ecology

8.7.1 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 mandatory 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).

8.7.2 Major developments within the Borough are expected to deliver 10% biodiversity net gain. The proposed development would involve a minimal amount of additional site coverage and would preserve the existing rear garden area. It is noted that landscaping is a reserved matter, and it is considered that additional landscaping and appropriate habitat provision within the rear garden area could realistically deliver a net gain of 10% or more. A condition will be used to require that any reserved matters application includes evidence that a biodiversity net gain of at least 10% over baseline conditions will be achieved.

8.8 Highways and Access:

- 8.8.1 Interrogation of the ESCC parking demand calculator suggests that a development of 25 x 2 bed flats in Meads ward would generate parking demand for 15.3 spaces (assuming spaces are not allocated). The demand generated by the existing 24 x flats is estimated to be 14.7 spaces and, should the hotel use at number 8 be brought back into use, it is anticipated an additional parking demand of 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff plus would be required. It is therefore considered that the proposed development would represent a reduction over potential demand from existing use.
- 8.8.2 Although the development would only have access to 14 x off street car parking spaces, representing a shortfall of 1.7 spaces based on the parking demand calculator, it is important to note that the development is in a highly sustainable part of Meads, directly adjacent to the town centre and associated shops and services and is on a local bus route and within approx. 500 metres walking distance of a hub for bus services at the Memorial Roundabout.
- 8.8.3 Vehicular access to the development would be via the existing in/out crescent to the front of 1-8 Wilmington Gardens. Parking bays would all meet ESCC minimum standards and would be directly adjacent to the access road. Although vehicles would need to reverse into or out of these spaces, they would be able to turn on the access road and enter and leave the adopted highway in forward gear. However, it is noted that some of the parking bays impede access to others and it is therefore recommended that the amount of parking provided is reduced at the reserved matters stage, particularly given the reduced parking demand generated by the development.
- 8.8.4 There is an existing footway to the side of No. 8 that leads from the access road and this would allow for pedestrian access to the building. However, this area is allocated for parking on the accompanying block plan and, given that the principle of reduced parking is acceptable due to the sustainable location of the site and the reduced demand in comparison and extended to meet the existing footway on Carlisle Road. This can be secured as part of the hard landscaping scheme for the development to be submitted as a reserved matter.
- 8.8.5 The development would include provision of a secure and covered cycle store to the rear of the site. ESCC guidance suggests 0.5 communal cycle parking spaces should be provided for each 2-bed flat, suggesting a provision of 13 spaces would be appropriate. A condition will be used to ensure that any building provided has a suitable capacity in order to ensure that the development includes appropriate provisions to encourage the use of more sustainable modes of transport. A minimum of 1 x electric vehicle charging point would also be required.
- 8.8.6 The site could be serviced by refuse vehicles on Wilmington Gardens/Carlisle Road provided an appropriately positioned bin store is provided. A bin storage area is shown on the submitted block

plans and a planning condition will be used to secure require it to be provided prior to the first occupation of the development and to ensure it has sufficient capacity to serve the development and is also of a design that is sympathetic to the street scene and surrounding Conservation Area.

8.9 Flooding and Drainage:

- 8.9.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from tidal or fluvial flooding. Risk of surface water flooding is also identified as being low. The site is currently entirely hard surfaced and, therefore, offers very little in the way of permeability. It is considered that the proposed development would be likely to reduce surface water run off due to the drainage benefits offered by landscaping and the sedum roof. There is also the potential for permeable paving to be used on hard surfaces, further increasing drainage capacity. This can be secured through the use of a planning condition.
- 8.9.2 A condition can also be used to secure an appropriate drainage scheme for the development as well as management and maintenance details that support its long-term functionality. This would include details of any connection agreement in Southern Water and confirmation that flow rates have been agreed so as to prevent any overloading of the existing sewer network.
- 8.9.3 It is therefore considered that the proposed development would not result in any unacceptable increase in flood risk within the site, neighbouring property or on the public highway.

8.10 Sustainability:

- 8.10.1 The development involves the re-use of an existing building and this, in itself, is considered to represent sustainable development by providing a more efficient use of the building. The site is also in a sustainable location meaning occupants will be less reliant on motorised transport.
- 8.10.2 The extensions and alterations to the building allow it to be used efficiently and the quality of accommodation provided significantly improves on the existing standards in terms of internal space and, as a result, the functionality and adaptability of the accommodation provided.

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 submission of acceptable landscaping details as reserved matters 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 or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

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

- 3122 01 - Site location and block plans
- 3112 06 Rev A - Proposed lower ground and ground floor plans
- 3112 07 Rev A - Proposed first and second floor plans
- 3112 08 Rev A - Proposed third, fourth floor plans and roof plan
- 3112 09 Rev B – Proposed elevations

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

10.4 **RESERVED MATTERS:** Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate to:

- Landscaping (incorporating a minimum 10% biodiversity net gain over site baseline levels).

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail.

10.5 **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.

- 10.6 **DRAINAGE COMPLETION:** 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.

- 10.7 **CMP:** No development shall take place, including any further site clearance, until a Construction Management Plan (CMP) 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 or recycling 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;
- Works 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;
- 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.

- 10.8 **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 details to be submitted to and approved by the Local Planning Authority and shall thereafter be provided in accordance with the approved 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.

- 10.9 **PARKING AND ACCESS:** Notwithstanding the details shown on approved block plan, the development hereby approved shall not be occupied until car parking and pedestrian access arrangements have been completed in accordance with details to be submitted to and approved by the local planning authority. A minimum of one functioning electric vehicle charging point shall be installed to serve the car parking facilities.

Reason: In the interest of pedestrian safety and to prevent obstruction on the public highway in accordance with policy D8 of the Eastbourne Core Strategy and para. 110 of the NPPF.

- 10.10 **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.

- 10.11 **SECURED BY DESIGN:** Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. This includes external areas, with particular reference to the passageway to the side of the building. The development shall be carried out and retained in accordance with the agreed details.

Reason: In order to provide a healthy and safe environment for future occupants of the development and the wider public in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 92 of the NPPF.

10.12 **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.