

Report to: Planning Committee
Date: 19th April 2022
Application No: 210973
Location: Land Rear Of 48 St Leonards Road, Commercial Road, Eastbourne, East Sussex
Proposal: 3 Storey residential accommodation consisting of 17 dwellings
Applicant : Mr S Khalil
Ward: Upperton
Recommendation: Approve subject to conditions and section 106 legal agreement to secure policy compliant affordable housing.
Contact Officer: **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Map Location:



1. **Executive Summary**

- 1.1 The proposal represents the utilisation of an underused brownfield site within a highly sustainable location and, therefore, accords with key objectives set out in the National Planning Policy Framework (NPPF).
- 1.2 The site has had previous approvals for two and three-storey flats approved by committee and the planning inspectorate. A daylight/sunlight survey has been carried out to assess overshadowing impacts on neighbouring properties and has found that their level of access to natural light would remain compliant with the relevant standards.
- 1.3 The proposal does not include any provision for car parking. However, the site is considered to be in a highly sustainable town centre location and a number of similar schemes have been approved with zero parking in the recent past, in line with objectives to reduce car ownership and encourage uptake in more sustainable forms of transport.

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 Town Centre Local Plan 2013

- TC1: Character Areas
- TC6: Residential Development in the Town Centre
- TC10: Building Frontages and Elevations
- TC11: Building Heights

2.3 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10a: Design

2.4 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems

NE28: Environmental Amenity
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
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 site falls within Eastbourne Town Centre. It is currently hard surfaced and is enclosed by a low brick wall and railings, forming an annexe within the wider parking area to the rear of 48 – 50 St Leonards Road (Esher House). It had previously been in use as an overflow car park serving the offices at the adjacent building, St Marys House, which also has parking within its curtilage both on the surface and in the building undercroft. The applicant states that they purchased the site 5 years ago and that any parking now taking place on site is unauthorised. The site slopes gently downwards from west to east. There is also a slight downward slope to the rear of the site towards Esher House. Access to the car park is provided by way of an opening in the perimeter wall, adjacent to the car park serving St Marys House.
- 3.2 The site faces on to Commercial Road which is flanked by a mixture of commercial and residential buildings. The western side of the road is characterised by four and five storey buildings, the majority of which have flat roofs or mansard style flat roofing and were generally originally built to accommodate offices although a number have since been converted to residential use. These buildings generally face on to St Leonards Road, with the Commercial Road aspect being set back from the street and parking facilities being provided to the rear of the building.
- 3.3 The eastern side of Commercial Road is markedly different in character, being lined by domestic building, predominantly in the form of two-storey terraces of residential dwellings behind which are sites backing on to the railway which traditionally accommodated low rise small warehouses and industrial buildings, some of which have since been removed and replaced by mews style residential developments.
- 3.4 The site falls within an inner source protection zone (any pollutant in below ground water would be within 50 day travel time of a source of drinking water). There are no other specific planning related designations or constraints attached to the site or the immediate surrounding area.

4. **Relevant Planning History**

- 4.1 **100463** - Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces. Refused - 06/12/2010 – Appeal Dismissed - 06/05/2011.
- 4.2 **150141** - New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces. (Amended description). Refused - 09/07/2015 - Appeal Allowed - 26/02/2016.
- 4.3 **160538** - New build 3 storey residential accommodation consisting of 11 dwellings and 11 car parking spaces Refused – 16/11/2016.
- 4.4 **180533** - Outline application (relating to Layout, Scale and Means of Access) for new build 3 storey residential accommodation consisting of 9 separate residential units (5 x 1 bed, 2 x 2 bed, 2 x 3 bed) with 11 allocated car parking spaces – Approved Conditionally 27th September 2018.

5. **Proposed Development**

- 5.1 The proposal involves the erection of a three-storey block of flats within the existing car park area. The building would accommodate 17 x flats, the mix being 6 x 1 bed studios, 10 x 1 bed 2 person and 1 x 2 bed 4 person.
- 5.2 The footprint of the building would measure approx. 24.3 metres in width by 16 metres in depth. The building would have a flat roof, the surface of which would be approx. 9 metres above ground level. All flats, other than 2 x ground floor studios to the rear of the building, would have access to a private balcony/terrace.
- 5.3 The proposed development does not incorporate any car parking facilities. Pedestrian access would be provided directly from Commercial Road. The building would have a single core with all upper floors flats accessed via a single communal staircase. Lift facilities are also provided on each floor.

6. **Consultations**

6.1 Air Quality Officer:

No air quality assessment has been carried out. Conditions recommended if approved.

OFFICER COMMENT: Para. 005 of the MHCLG Planning Practice Guidance for Air Quality states ‘whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity’.

The site is not within an Air Quality Management Area of a Clean Air Zone. No car parking facilities would be provided and, as the site is in a highly sustainable location, it is considered that future occupants would be likely to

use public transport and/or walk and cycle to destinations. The recommended condition regarding low emission boilers will be attached and it is also noted that solar panels would be installed on the roof, supporting the production of renewable, and clean, energy.

7. Neighbour Representations

7.1 A total of 34 letters of objection have been received. A summary of relevant planning matters raised is provided below:-

- Overdevelopment of site;
- Would make the street claustrophobic;
- Neighbouring properties would suffer from loss of light;
- Neighbouring properties would suffer loss of privacy;
- Office conversions have already resulted in residential density being high;
- Increased traffic/loss of parking;
- Construction works would cause disruption and pollution;
- Would overload existing infrastructure;
- Would destabilise the ground;
- Not compliant with local or national planning policy;
- Would lead to increased litter on the road;
- Not sympathetic to existing street scene;
- Would result in loss of on-street parking;
- The car park is still used by St Marys House;]
- Will result in a negative impact upon the health of neighbouring residents;
- Would impede access to the Esher House car park;
- Would result in damage to the existing road and pavement;
- Surrounding area has an elderly population and it would be difficult for carers and taxis to find parking areas;

8. Appraisal

8.1 Planning Obligations

8.1.1 Any development which involves the net gain of 10 or more new dwellings is required to incorporate provision of affordable housing as per para. 64 of the Revised NPPF and policy D5 of the Eastbourne Core Strategy. The ratio of affordable housing required is determined by whether the application site falls within a 'low value' or 'high value' market area, as defined in the Supplementary Planning Document for Affordable Housing (2017). The town centre

neighbourhood is identified as low value and, as such, a 30% provision would be required (5.1 units).

- 8.1.2 The applicant has stated that 6 x 1 bed affordable housing units would be provided, representing an affordable housing contribution of 35% and, thereby, exceeding requirements. This contribution would be secured by a Section 106 legal agreement.
- 8.1.3 As major development, a local employment and training plan would also be required for the construction phase and this would also be secured as part of the Section 106 agreement.

8.2 Loss of Commercial Premises

- 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, 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.
- 8.3.2 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 the application of a 'tilted balance' will be adopted in assessing the planning application. The proposal represents a development of a windfall site that would deliver a net gain of 17 residential units, thereby contributing towards the Council's housing delivery target.
- 8.3.3 The principle of residential use within town centres is accepted in para. 86 of the NPPF which notes that residential development often

plays an important role in ensuring the vitality of centres. This is echoed in policy TC6 of the Town Centre Local Plan whilst policy C1 of the Core Strategy states that the Town Centre will make an important contribution to housing needs as a sustainable centre.

- 8.3.4 Para. 120 d) of the NPPF instructs Local Planning Authorities to promote and support the development of under-utilised land and buildings (with car parks provided as a specific example), especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 8.3.5 It is therefore considered that the principle of the development is acceptable subject to the benefits of the development not being significantly outweighed by any harmful impact identified when assessing against the national planning policy framework and relevant local plan policies that are in alignment with its aims and objectives.

8.4 Design:

- 8.4.1 The proposed development would be positioned to the rear of 48 St Leonards Road but does not represent 'backland' development as it would engage directly with Commercial Road, which flanks the eastern edge of the site. Unlike the eastern side of Commercial Road, which is characterised by terraces of two-storey dwellings with a relatively uniform building line, development on the western side is more mixed and sporadic. In some instances, the multi-storey flat roof office/residential blocks on St Leonards Road extend back towards the street. There are also residential flats at Gables Court which face out onto the street, with a minimal set back, along with associated garages.
- 8.4.2 Whilst the flat roof design of the building would differ from the traditional pitched roof housing on the opposite side of the road, the free-standing nature of the building and the context in which it will be seen, with the prominent presence of flat roof buildings on St Leonards Road behind it, would ensure that it does not appear disruptive or incongruous within the street scene. Furthermore, the flat roof design ensures that the height of the building would be kept to a minimum, with the roof top height of approx. 9 metres being comparable with the ridge height of neighbouring dwellings and, therefore, it is considered that the building would not appear overly prominent or overbearing within the street scene. The use of a contrasting external finish above first floor window heads also helps create an impression of an eaves height similar to that of neighbouring dwellings.
- 8.4.3 Overall, it is considered that the development would maintain the character of the transition between domestic scale dwellings on the eastern side of Commercial Road and the multi-storey office and flat blocks on St Leonards Road.

- 8.4.4 Whilst the building occupies the majority of the site envelope, space has been retained for outdoor amenity and landscaping and the open space provided around the site provided by car parking and access roads would prevent the site from appearing cramped or over-developed. Although the density of the development is high in terms of dwellings per hectare it is important to note that the majority of dwellings provide only one bedroom, that the building includes three-storeys and that there is minimal space allocated to outdoor amenity and parking that may, unlike what would be expected for a development of more traditional dwellings in a less sustainable location.
- 8.4.5 The primary access to the flats would be from the footway on Commercial Road and it is considered that the building possesses a clearly identifiable frontage that would engage with the street scene, strengthening visual and social integration. The development would also include a low wall along the street frontage which would appear consistent with existing walls on Commercial Road.
- 8.4.6 The site is located within the town centre where the buildings in the immediate surrounding area are in mixed use, primarily for residential and office purposes. There are no heavy industrial or other noise generating uses within close proximity that would have the potential to detract from the amenities of future occupants or have their continued operation prejudiced against by the presence of residential flats.
- 8.4.7 It should be noted that permission for a three-storey building in a similar location and of a similar scale was approved by committee in 2018, although this permission has now lapsed. It is also important to note that, whilst an appeal against the refusal of an earlier three-stored development was dismissed by the inspectorate, the design of the building was not considered to be a concern, the inspector stating in para. 12 of their report that ‘the design of the proposed development would be acceptable in the street scene.
- 8.4.8 It is therefore considered that the proposed development would not have an unacceptable impact upon the established visual and spatial characteristics of the surrounding area.

8.5 Impact of the proposed development on amenity of adjoining occupiers

- 8.5.1 It is noted that in dismissing the appeal for application 100463, which was for a three-storey building, the appeal inspector did not consider that a building of this height would have an adverse impact upon the amenities of the occupants of properties on Commercial Road. Esher House was still in office use at this time and so amenity impacts on this building were not taken into consideration.
- 8.5.2 Approximately 12.4 metres would be maintained between the rear elevation of Esher House and the rear elevation of the proposed building. Although the degree of separation is less than is commonly the case for new development, it is consistent with the more intimate spatial characteristics of the surrounding town centre environment.

This is demonstrated by the relationships between other nearby buildings such as 1 – 54 Gable Court and 55 – 58 Gable Court as well as the mews properties on Commercial Road. It is also noted that the precedent of a building with an identical footprint to the proposed, albeit a two-storey building, has been established following the approval of 150141.

- 8.5.3 Given that the ground floor of Esher House is used as a basement level car park, the only properties with their outlook impacted as a result of the development would be first and second floor flats. As the proposed building would be only three-storeys in height, and the third-storey would be recessed from the front and rear elevation, it is considered that the proposed building would not appear oppressive, with outlook offered to the sides and above the structure.
- 8.5.4 It is also considered that the height of the building, in relation to neighbouring habitable room windows, would not be so great as to cause undue levels of overshadowing towards these rooms. To provide assurance of this, the applicant has carried out a daylight/sunlight survey which models impact upon windows at Gables Court, to the south, Esher House, to the rear, and properties on Commercial Road opposite. The report assesses Vertical Sky Component (VSC), the ratio of direct sky light that reaches a vertical plane (wall or window) to the amount of sky light that reaches the horizontal plane (the ground) and Annual Probable Sunlight Hours.
- 8.5.5 BRE Guidance document “BR 209: Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2011 states that an unacceptable overshadowing impact constitutes a window achieving less than 27% VSC or less than 80% of its existing level. The report confirms that the lowest VSC achieved is 32% on one window at Esher House and that no window suffers a loss of over 80% of existing VSC. BRE guidance states that living room windows should receive 25% of annual probable sunlight hours over the course of the year, including at least 5% of annual probable sunlight hours in winter months. The modelling carried out confirms that the development would not result in any neighbouring living room windows failing to meet this requirement.
- 8.5.6 The building frontage is stepped slightly back from the road, in a similar arrangement to other nearby buildings facing on to the northern side of Commercial Road, with over 15 metres maintained between in and dwellings on the opposite side of the road. It is considered that this represents a standard relationship between buildings on opposing sides of roads and, given this, and the modest height of the building, aided by the use of a flat roof, it is not considered that the proposed building would appear overbearing towards properties on Commercial Road.
- 8.5.7 Regarding potential for intrusive overlooking, the proposed building would include flats with habitable room windows within the rear elevation that would face towards habitable room windows on the rear elevation of Esher House. This relationship would be no

different to that of the approved previously approved 180533 or that of the two-storey building (150141) which was approved by the Planning Inspectorate, with the Inspector stating that separation distances maintained would ensure no unacceptable impacts would result upon residential living conditions in respect of loss of light, outlook or privacy.

- 8.5.8 Balconies would be provided for first and second floor flats, on the eastern (front) and western (rear) elevations. All balconies are considered to be modestly sized and would not allow for large congregations of people to gather on them. As such, it is not considered that these balconies would result in unacceptable disturbance to the occupants of neighbouring residential properties.

8.6 Living Conditions for Future Occupants

- 8.6.1 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.'
- 8.6.2 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.'
- 8.6.3 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 GIA provided in each of the flats exceeds the minimum levels identified in the space standards (39 m² for a studio flat, 50 m² for a 1 bed 2 person flat and 70 m² for a 2 bed 4 person flat.
- 8.6.4 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. All but one of the flats has access to a small private outdoor amenity area which is considered acceptable based on the unit sizes within the scheme, which are unlikely to provide family homes. There is also public amenity space nearby on The Avenue.
- 8.6.5 The main entrance to the building would benefit from a good level of natural surveillance from neighbouring dwellings on Commercial Road and the site layout avoids the creation of any isolated or secluded areas that may generate a sense of vulnerability or support anti-social behaviour.

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. Given the site is currently entirely hard surfaced it is considered to have a negligible baseline biodiversity score. The submitted scheme includes provision for landscaping to the rear of the building as well as a grass sedum roof. It is considered that a landscaping condition could be used to secure and maintain these improvements and to obtain full details of species planted, as well as any other habitat enhancements, that would support a 10% biodiversity net gain over current conditions. It is noted that the street tree adjacent to northern boundary of the site would be retained.

8.8 Highways and Access:

- 8.8.1 The site had previously served as an overflow car park for the neighbouring offices at 52 St Leonards Road (St Marys House). As the site has now been purchased by the applicant, this use has ceased, something ESCC Highways accepted was a possibility in comments made in response to earlier planning schemes for the site. The offices continue to be served by the car park within their site curtilage. There is no legislation to demand that a privately owned site must remain in its previous use and the operators of the office facility accepted the loss of the parking facilities when it was sold. Given the proximity of the offices to public transport links it is considered that parking facilities should be discouraged in any case in order to support the increased use of public transport.
- 8.8.2 The proposed development does not include any provision for on-site/off-street car parking. The ESCC car parking demand tool estimates the proposed use would generate demand for 9.5 car parking spaces. This estimation is based on an aggregation of car ownership data across the whole Upperton ward, which includes more peripheral development up to 1.5km from the Town Centre and, as such, the aggregate figure is likely to be higher than for residents within the town centre. The application site is considered to be in a highly sustainable area in the town centre, close to the main line railway station (approx. 400 metres walking distance), bus stops frequently served by local and regional services (approx. 250 metres walking distance) and the primary shopping area (approx. 550

metres walking distance). Due to the positioning of the site, it is considered that occupants of the proposed flats would not be dependent on the use of a private motor vehicle.

- 8.8.3 The provision would be consistent with recent planning decision in the town centre, where there is an emphasis on maximising housing delivery in sustainable areas and designing out the private motor car as a means to encourage the use of more sustainable modes of transport. The small unit sizes would also attract occupants from a demographic where car ownership is typically lower.
- 8.8.4 ESCC are responsible for issuing parking permits and would be highly unlikely to issue additional permits if it were to result in increased parking stress on the surrounding highway network. Given this, and the observations in para. 8.6.2 and 8.6.3, it is considered that the proposed development would not result in unacceptable parking pressure on the surrounding highway network.
- 8.8.5 ESCC Guidance for Parking at New Residential Development (2017) states that safe and secure cycle parking spaces should be provided to serve new residential development at a rate of 0.5 spaces per a and 2 bed flats (if communal) and 1 space per flat if private. Two of the flats would have dedicated secure stores positioned to the rear of the building while communal parking for 8 cycles would be provided within the entrance hall to serve the remaining 15 flats. The amount of cycle parking provided would therefore comply with ESCC standards. A condition will be used to secure full details of the cycle parking facilities and also require it to remain in place throughout the lifetime of the development.
- 8.8.6 Pedestrian access would be directly from the existing footway and would not involve any crossing of surrounding car parks. It is therefore considered to represent a safe means of access for those on foot.
- 8.8.7 The site could be serviced by refuse vehicles on Commercial Road provided an appropriately positioned bin store is provided. An appropriately sized enclosed bin store would be provided to the front of the site where it would be easily accessible to residents and to bin crews. The presence of a storage facility would address the potential for bins to be left in the street where they would appear visually unsympathetic as well as present a hazard to pedestrians.

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 As identified earlier in the report, the site is considered to be in a highly sustainable location and, as such, car ownership and associated traffic is likely to be significantly lower than would be expected in areas further away from town centre facilities. This is noted in para. 4.19 of the Town Centre Local Plan which states that 'increasing the population of the Town Centre...benefits local businesses and employers. It also enhances the viability of public transport in the Town Centre through introducing a larger potential customer base as well as reducing the potential need for people to make journeys by car because of the availability and proximity of a range of services.'

8.10.2 The Design and Access Statement includes details of measures to improve energy and resource efficiency within the building including building materials, water saving features, low energy lighting and roof mounted solar panels which, it is predicted, would generate up to 10% of the total energy demand for the building. A planning condition will be used to secure full details of the siting and appearance of the solar array as well as specifications for performance.

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 and a section 106 agreement to secure affordable housing provision and a local employment and training plan.

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: -

- A.001 – Site as existing
- D.001 Rev B – Site as proposed
- D.002 Rev B – Floor plans as proposed
- D.003 Rev B – South elevation
- D.004 Rev B – East elevation
- D.005 Rev B – West elevation
- D.006 Rev B – North elevation
- X082 Version 01 – Daylight/Sunlight Survey

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 **DRAINAGE MAINTENANCE:** 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 **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.

10.7 **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 balcony screening);
- 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 5 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 **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.

- 10.9 **LOW EMISSION BOILERS:** Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181.

- 10.10 **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 details to be submitted to and approved by the Local Planning Authority 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.

- 10.11 **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 and 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.