

Report to: Planning Applications Committee
Date: 17 July 2023
Application No: 220907
Location: Land adjacent to 14 Tovey Close and 216 Willingdon Road, Ocklynge Chalk Pits, Eastbourne

Proposal: Demolition of existing cottages and construction of 22 dwellings - 18X dwellinghouses and 4X apartments

Applicant: Maxika Homes Ea
Ward: Ratton

Recommendation:

1. Delegate to the Head of Planning to:
 - Liaise with ESCC Highways with regard to any proposed heads of terms for S106 and any additional conditions; and:
 - Liaise with ESCC (LLFA-SuDS) and the Council's Specialist Advisor (Arboriculture), Specialist Advisor (Ecology), and Specialist Advisor (Air Quality).
2. On conclusion of the above consultations, subject to resolution of any matters outstanding to approve with conditions, subject to S106 Agreement to secure:
 - a) Local Labour Agreement;
 - b) Affordable housing (The independent surveyor has recommended that should the Council be minded to grant planning permission consideration should be made for the implementation of a viability review mechanism;
 - c) Transport contributions; and
 - d) Any additional heads of terms requested by consultees.

Contact Officer: **Name:** Emma Wachiuri
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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan:



Location Plan - 1:1250@A1/1:2500@A3

1. Executive Summary

- 1.1 The application is being presented to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 The application seeks planning permission for the demolition of existing cottages and construction of 22 dwellings - 18X dwellinghouses and 4X apartments.
- 1.3 The proposal would deliver sustainable development and much needed housing on previously developed land (a former chalk pit).
- 1.4 This full application follows the grant of Outline planning permission (with all matters reserved) by the Planning Committee in February 2022 for 18 dwellings.
- 1.5 At the time of writing, some consultations remain outstanding, including following the submission of further information to address initial comments from statutory consultees. Further responses are expected from ESCC as Local Highway Authority and Lead Local Flood Authority, and the Council's Specialist Advisor (Air Quality), Specialist Advisor (Arboriculture), and Specialist Advisor (Ecology).
- 1.6 Responses received prior the meeting will be reported to Members. In the absence of responses, Officers are seeking delegated authority from Members to conclude the consultations and, upon resolution of any matters outstanding, to approve the application in line with the recommendations.
- 1.7 The applicant has submitted a Financial Viability Assessment (FVA), which suggests that the scheme would be unable to provide the full complement of affordable housing as it would render the development unviable. The viability of the development has been independently assessed by the Council's financial viability consultants, who has confirmed agreement with the submitted FVA, but recommended that should the Council be minded to grant planning permission consideration should be made for the implementation of a viability review mechanism secured by S106 legal agreement.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

- 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
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment.

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C5: Ocklynge & Rodmill Neighbourhood Policy
- D5: Housing -High Value Neighbourhoods
- D8: Sustainable Travel
- D9: Natural Environment
- D10: Historic Environment -Archaeological Notification Area
- D10a: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems
- NE18: Noise
- NE20: Sites of Nature Conservation Importance
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT5: Protecting Walls/Landscape Features

UHT7: Landscaping
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
US4: Flood Protection and Surface Water Disposal
HO1: Residential Development within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO6: Infill Development
HO20: Residential Amenity
TR2: Travel Demands
TR4 Quality Bus Corridors
TR5: Contributions to the Cycle Network
TR8: Contributions to the Pedestrian Network
TR6: Facilities for Cyclists
TR11: Car Parking
B11: Retention of Class B1, B2 and B8 Sites and Premises
B14: Retention of Employment Commitments
US4: Flood Protection and Surface Water
LCF4: Outdoor Playing Space Contributions.

2.4 Supplementary Planning Documents and other relevant guidance:

Affordable Housing SPD
Sustainable Building Design SPD
Trees and Development SPG
Local Employment and Training SPD
EBC Sustainability in Development TAN
EBC Biodiversity Net Gain TAN
EBC Electric Vehicle Charging Points TAN.
ESCC Guidance for Parking at New Residential Developments.

2.5 Other:

- National Design Guide
- Technical housing standards – nationally described space standard.

3. Site Description

3.1 The application site comprises a former chalk pit, which was originally excavated for chalk and has since been used occasionally by the current owners, East Sussex College.

3.2 The site is accessed at its north-western end via a private road Coppice Court linking the site to Willingdon Road, the nearest public highway. As would be expected for a former quarry, the site is concave as a result of the excavation. The site topography slopes gently from the access point

into a largely flat base, but is steeply sloped on the southern, eastern and northern sides.

- 3.3 The site is located within the Ratton Ward and the Ocklynge and Rodmill Neighbourhood, as defined by the Core Strategy 2013. It is not located within any designated conservation area, nor does it include any listed buildings or ancient monuments. However, the site is located within an Archaeological Notification Area.
- 3.4 The site falls within the Environment Agency's Flood Risk Area 1 (Low Risk).

However, a large area of the site is at high risk from surface water flooding.

3.5 Site Constraints:

Predominantly Residential Area.

Source Protection Zone.

TPO Trees:

046007

TPO95

09/07/2003 00:00:00

Ocklynge Chalk Pits, Willingdon Road.

Covenants:

Eastbourne Borough Council

Trustees of The Chatsworth Settlement.

Archaeological Notification Area:

Consult county.archaeology@eastsussex.gov.uk

Archaeological Notification Area defining an Saxon cemetery, Iron Age activity and medieval windmill sites

Extensions, New detached building, Below ground impact to a listed or curtilage listed building, Hard landscaping, Cable and pipe trench, New roads.

Willingdon Levels Catchment Area:

28/05/2009 00:00:00.

4. Proposed Development

- 4.1 Demolition of existing cottages and construction of 22 dwellings - 18X dwellinghouses and 4X apartments.

4.2 The proposed units comprise of:

6no.3b5p terraced units
8no.3b5p semi-detached units
1no. 3b5p detached unit
3no. 2b4p terraced units
4no. 2b3p apartments.

The proposal seeks to use traditional materials such as brick, timber and clay tiles, utilising them in an innovative arrangement for a contemporary design.

4.3 The existing entrance from Willingdon Road will be retained and extended onto the site.

4.4 Parking and storage will be provided underneath the building at the ground level of the units in a 'car-port style' arrangement with visitors car parking spread out within the site.

Each unit would be provided with a refuse storage area and a private amenity space.

5. Relevant Planning History:

5.1 200855:

Outline application with all matters reserved for siting of 18 residential units
Outline (all reserved)
Approved conditionally
01/02/2022.

5.2 EB/2008/0543:

Development of former chalk pit to provide residential institution with ancillary training buildings (Class C2 Use) for people with learning disabilities, to include a bakery and tea room, and a foyer extension to the former Lime Kiln Cottages and conversion to provide ancillary administrative offices associated with the proposed development.
Approved, 9th March 2009.

6. Consultations

6.1 ESCC Archaeology:

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions. Recommend for approval in principle subject to the imposition of conditions.

6.2 Specialist Advisor (Arboriculture):

Awaiting comments.

6.3 Sussex Police:

No major concerns with the proposals at the location. However, additional measures to mitigate against any identified local crime trends and site-

specific requirements should always be considered. No objection subject to the observations, concerns and recommendations being given due considerations:

- Lack of visitor parking may result in illegal and rogue parking at the site which could result in the obstruction of refuse and emergency vehicles and resident disharmony across the site;
- Communal parking should be in areas that are overlooked by active room for surveillance; and
- Boundary between public space and private areas should be clearly indicated;
- Dwelling frontages should be open to view, so walls, hedges and fences will need to be kept low, with vulnerable areas such as exposed side and rear gardens need more robust defensive barriers;
- Open fencing is required to allow greater surveillance such as the proposed rear garden pathways;
- It is preferable that pathways are not placed to the back of properties and if necessary for access these must be gated, gates must be same height as boundary fence, well illuminated, lockable and operable by key from both sides of the gate, not easy to climb or remove from hinges and serve minimum number of houses (4 or less);
- All pathways between blocks of housing leading to rear gardens should be gated and all controlled and should not be double gated as shown;
- Pathways gates should be of a hit and miss construction to provide a higher level of surveillance;
- Blocks of multiple dwellings should have access control implemented into the design and layout to ensure control of entry is for authorised persons only;
- Mail delivery for blocks of multiple dwellings require facility to be provided that enable mail to be delivered to safe and secure areas. Postal arrangements for flats is recommended through the wall or external secure post boxes to reduce unnecessary access;
- Secure cycle store for the apartments missing;
- For as much natural surveillance across the development as possible, ground planting should be no higher than 1m with tree canopies no lower than 2m;
- Lighting is an effective security measure, dwelling exterior lighting switched by dusk till dawn as opposed to PIR is recommended and more effective at controlling night environment.

6.4 Waste Services:

No response received.

6.5 Southern Water:

Southern Water require a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.6 East Sussex Highways:

Initial response dated 05/01/2023
Objection due to insufficient information.

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, off-street parking, on site turning facilities and would therefore give rise to increased hazards to highway users and would be contrary to para 111 of the National Planning Policy Framework.

Should the applicant submit additional information including a Stage 1 Road Safety Audit, details of trip generation, amended red site boundary and parking dimensions, tracking drawings demonstrating a 12m long refuse vehicle can enter the site, manoeuvre and egress in a forward gear I would wish to be re-consulted.

An updated Transport Statement and site plan have been received and ESCC Highways have been re-consulted and we are expecting comments.

6.7 Specialist Advisor (Environmental Health):

Air Quality team has raised an objection due to insufficient information.

6.8 Environment Agency:

No objection subject to conditions.

6.9 SuDS

Initial response dated 23/12/2022:
Objection due to insufficient information.

An objection was raised at outline stage ref 200855 as a large area of the site is at high risk from surface water flooding. Given the limited area within the site that is shown not to be at risk of surface water flooding, it was not clear at that outline stage whether a residential development could be accommodated at the site.

The applicant has undertaken surface water modelling to demonstrate that the proposed development will not increase flood risk elsewhere. The hydraulic modelling for the proposed scenarios does not include proposed ground levels and we therefore request that further modelling is carried out to include these as they will have a fundamental impact on the risk of flooding at the site.

Proposed ground levels should be designed in such a way to prevent ponding of surface water flooding around the proposed residential units. Residential units should be located outside of the surface water flood extents with a sequential approach to the layout of the site taken, with more vulnerable uses located in the areas with the lowest risk of flooding.

6.10 East Sussex Fire and Rescue Service:

No response received.

6.11 Specialist Advisor (Regeneration):

The planning application qualifies for a local labour agreement as it meets the thresholds for a residential development as detailed on page 11 of the Employment and Training Supplementary Planning Document adopted November 2016.

A S106 Agreement including local labour obligations and monitoring fee was signed on 20 December 2021 for this site under application 200855.

Should planning permission be granted for the site, it be subject to a local labour agreement secured by a S106.

6.12 Specialist Advisor (Planning Policy):

No comment received.

7. Other Representations

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. Letters have been sent to all registered properties adjoining the application site;
- b. A site notice has been displayed in the vicinity of the application site;
- c. An advert has been published in the local newspaper.

7.2 Neighbour Representations:

4 **Objections** have been received raising the following summarised concerns:

- Misleading privacy statement- the roof design can be visible and will be out of character with the surrounding dwellings;
- Security/access to the rear of the flats. This access point is very close to the rear of adjacent properties;
- Parking issues;
- No tree consultation response received.

7.3 Other Representations:

- What stipulations can Planning put in place to ensure prevention of future subsidence to an already weakened bank that may be made worse by disturbance for tree root pruning plot 1 and removal of trees to accommodate plot 2.?

Officer comment: This is a civil matter between land-owners and is not material consideration in the determination of planning applications.

8. Appraisal

8.1 Key Considerations:

8.2 Principle of Development

Para. 74 of the National Planning Policy Framework (NPPF) 2021 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.

The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.8 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

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 site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 22 residential units.

Taking account of the above policy position, the proposed residential use of the site is considered to accord with the objectives of the Development Plan and is considered to be acceptable in principle.

8.3 Sustainability/Energy:

In line with Core Strategy Policy D1 and the Sustainable Building Design SPD, sustainability measures that include the use of green roof, solar voltaic and water heating panels on the roof for renewable energy provision would be provided on the roof of each building and these would be secured by way of condition.

Electric charging points for vehicles and cycles have not been indicated but these can be sought via a planning condition in line with the Borough's Electric Vehicle Charging Points Technical Advice Note and paragraph 112 of the NPPF.

Taking account of the site's location, electric vehicle charging would be sought as part of a detailed scheme in line with the Council's sustainability aspirations.

Building materials will be locally sourced and wherever possible reused or recycled materials will be sourced.

8.4 Design, Character and Impact Upon Landscape:

The site is within a pre-dominantly residential area characterised by large

detached and semi-detached dwellings. Due to the site levels, concave topography and the dense mature vegetation surrounding the site the proposal would have limited visibility in the street scene and vicinity.

The scale and design would be acceptable within the wider area. Given the limited public vantage points the use of more contemporary design is considered acceptable as would have no detrimental impacts on the character of the street scene and area in general.

The proposed building designs comprise high quality contemporary designs, comprising a palette of high quality facing materials, which would create a sense of place within the development.

8.5 Affordable Housing provision:

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 Policy D5 of the Eastbourne Core Strategy (2013) and the Affordable Housing SPD (2017) require on-site affordable housing provision unless such provision would render the development financially unviable. The following order of preferred provision forms the basis for assessment, taking into account the characteristics of the site:

- The Council's on-site preferred mix;
- An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
- A level of affordable housing on-site which is less than the specified threshold;
- Serviced plots onsite;
- Service plots offsite;
- Transfer of land;
- A commuted sum.

The site is located within a 'high value area', as stated within the Council's adopted Affordable Housing SPD 2017, which requires 40% affordable housing provision. Based upon the submitted scheme (22 units), this would amount to 8.8 units. The tenure mix should be 70% rented, 30% Shared Ownership.

The applicant has stated that they would be unable to provide the full complement of affordable housing as it would render the development unviable. They have submitted a Financial Viability Assessment (FVA) in evidence of this. This document has been independently assessed by a Chartered Surveyor who concluded that given the low level of profit generated by the proposed development even at 100% open market, they advise consideration is given to the transparency of the assumptions used by the applicant as per paragraph 8 of the NPPG. This therefore calls into question the deliverability of the proposal.

The independent surveyor has recommended that should the Council be minded to grant planning permission consideration should be made for the implementation of a viability review mechanism. This review should be reserved until there is evidence of the selling prices achieved in accordance with Para 9 of the NPPG. This review can be included in the S.106 agreement and carried out before occupation of 70% of the units.

Therefore, should members resolve to approve the application, this would be on the basis that the viability of the development is fully established and that, if further assessment indicate affordable housing can be provided, that the maximum amount possible is secured through the use of a Section 106 legal agreement.

8.6 Amenity and living standards of future occupiers:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy.

The proposed dwellings would meet the minimum internal space standard defined by the ‘Technical housing standards - nationally described space standards’, published in March 2015 resulting in acceptable level of accommodation for future occupants in accordance with saved policies HO9 and UHT1 of the Eastbourne Borough Plan 2007, Policy B2 of the Eastbourne Core Strategy 2013 and the NPPF

Para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area; the proposed height meets this requirement.

The principal floor of the proposed dwellings would be at first floor to maximise greater access to natural daylight. In addition, the use of design features such as corner windows and skylight would maximise natural lighting reaching the proposed units. All habitable rooms would be served by clear glazed and good sized windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. There would be no immediate obstructions to outlook from any of the proposed windows. The proposed dwelling would have a clear and uncluttered floor plan that avoids awkwardly shaped rooms and long corridors, thereby allowing for ease of navigation and ensuring rooms are functional and adaptable.

The communal access arrangements will need to comply with Secured by Design standards.

The site is located in a predominantly residential areas and thus the proposal is compatible with the surrounding uses.

8.7 Privacy:

The proposed layout shows buildings demonstrates that there would be no overlooking between the proposed units nor on the adjacent properties and thus the development would have no privacy issues for future occupants.

8.8 Private rear gardens:

Each dwellinghouse would have access to a good sized private amenity space.

8.9 Archaeology:

The site is located within an Archaeological Notification Area.

The County's Archaeologist has advised that the information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless, it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are recommended by the County's Archaeologist.

As such, the developer would be required by way of conditions to submit a programme of archaeological works in accordance with a written scheme of investigation.

8.10 Transport and Parking:

Relevant policy: Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and para. 110 of the NPPF.

Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high quality transport networks and seeks to reduce the town's dependency on the private car.

8.11 Accessibility:

The site is located in a Predominantly Residential Area and is accessible by foot and car. There are frequent bus services available on Willingdon Road, bringing the amenities of Eastbourne Old Town and town centre within reach for future occupants.

8.12 Parking:

The submitted site layout plan demonstrates that both vehicle and cycle parking would be provided.

Allocated parking for the terraced and semi-detached houses are proposed to be located underneath the building, in a tandem arrangement (like a 'car

port' arrangement). In line with the requirements of ESCC Parking Standards, the provision would be as follows:

40 allocated vehicle spaces and 8 unallocated vehicle spaces, made up of:

- 1 allocated space per flat, located in front of the building
- 2 allocated spaces per house located underneath the buildings and
- 8 unallocated spaces, spread across the proposed development (spaces located on the western side of the site (nearest Coppice Court) and 5 spaces located on the eastern side of the site)
- 4 communal cycle spaces located within a secure, covered cycle store on the ground floor of the flats
- 2 cycle spaces per house, located within the parking area underneath the houses

The Highways Authority in their initial response raised an objection due to insufficient information to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, off-street parking, on site turning facilities and would therefore give rise to increased hazards to highway users.

An updated Transport Statement and amended site plan have been submitted and ESCC Highways have been re-consulted and comments have not been received at the time of writing this report.

8.13 Refuse and Recycling

Bin storage areas has been shown on the submitted plan to be accommodated within the properties boundary. Refuse collection would take place from the front of the site. It is considered that the bin storage area for the proposed development is in location where bins can easily be moved to the highway for collection.

8.14 Impact upon the amenity of neighbouring occupants:

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.

Due to the topography of the site and existing tree cover which would provide screening, the proposal would not have detrimental effects on the neighbouring occupiers.

8.15 Flooding and Drainage:

Relevant policy: Policy B2 (Creating Sustainable Development) and D9 (Natural Environment) of the Eastbourne Core Strategy 2013, policy NE4 (Sustainable Drainage Systems) of the Eastbourne Borough Plan 2003 and para. 167 of the NPPF.

The site is located within the Environment Agency's Flood Risk Area 1 (Low Risk).

The Environment Agency have raised no objection subject to conditions.

However, a large area of the site is shown to be at high risk from surface water flooding on the Environment Agency's Risk of Flooding from Surface Water data set, with flood depths up to 0.90m predicted during the 1 in 30-

year rainfall event. This area of flooding is shown to affect proposed residential units. Therefore, a flood risk assessment would be required for submission at reserved matters stage together with the detailed building design, to ensure that future residents would be protected in the event of flooding of the site.

The ESCC SUDS team was consulted, and they have commented that a large area of the site is at high risk from surface water flooding. The applicant has undertaken surface water modelling to demonstrate that the proposed development will not increase flood risk elsewhere. The hydraulic modelling for the proposed scenarios does not include proposed ground levels and therefore request that further modelling is carried out to include these as they will have a fundamental impact on the risk of flooding at the site.

Proposed ground levels should be designed in such a way to prevent ponding of surface water flooding around the proposed residential units. Residential units should be located outside of the surface water flood extents with a sequential approach to the layout of the site taken, with more vulnerable uses located in the areas with the lowest risk of flooding.

Further drainage information has been provided and ESCC SUDS re-consulted at the time of writing this report.

8.16 Ecology and Biodiversity:

According to the Council's Biodiversity Net Gain Technical Advice Note (September 2021), major development must demonstrate that there is a Biodiversity NET GAIN of a minimum 10%.

The application is supported by an Extended Phase 1 habitat survey, a reptile presence of likely absence survey, badger sett monitoring, and a full bat roost assessment undertaken between December 2021 and November 2022.

The report sets out the Ecological enhancement measures and mitigation measures to ensure no significant adverse residual effects would result.

The use of green roof to provide a habitat for flora is being proposed.

Ecologist has been consulted regarding the application. A response is anticipated and Members will be updated with regard to these matters when received.

8.17 Loss of protected trees and landscaping:

Relevant policy: UHT5 (Protecting Walls/Landscape Features) of the Eastbourne Borough Plan 2003 and paras. 131 and 180 of the NPPF.

8.18 Trees:

The proposal will have an impact upon existing trees, which form part of the woodland Tree Protection Order covering the site. The applicant has submitted an Arboriculture Assessment, which details a degree of tree removal.

The mature trees surrounding the site will be retained and protected during the build and the applicant in their planning statement confirms that the majority of trees to be removed are small and are of low quality.

The Council's tree officer was consulted. A response is anticipated and Members will be updated with regard to these matters when received.

8:19 Landscaping:

Indicative plans show the potential layout of hard and soft landscaping features for the site.

The site is considered to be sufficient in size to accommodate an appropriate proportion of good quality hard and soft landscaping as part of a comprehensive and detailed scheme.

Hard landscaping is to be permeable where suitable subject to further investigative works.

A landscaping scheme would be secured by way of condition and would be required to provide rich and diverse planting to achieve biodiversity net gains.

8.20 Construction Management:

A Construction and Environmental Management Plan would be required by reserved matters to ensure that construction related traffic would be suitably managed in relation to the site, including delivery times, parking, types of vehicles and construction traffic movement on and around the site. The Plan would demonstrate how the environmental impacts of construction upon neighbouring occupants would be mitigated. The plan would also include pollution mitigation measures.

8.21 Community Infrastructure Levy:

The development is CIL liable.

8.22 Human Rights Implications:

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.

8.23 Conclusions:

This application is recommended for approval subject to conditions and to a Section 106 Legal Agreement for Affordable Housing, Local Labour Agreement and Transport contributions.

9. Recommendations

9.1 Recommendation to approve the application subject to the following conditions:

10. Conditions

- 10.1 **Time Limit:** The development hereby permitted shall be begun before the expiration of three years from the date of 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).

- 10.2 **Approved Plans:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 0001 - OS Map & Location Plan
- 2000-P5-Proposed Site Plan (Amended)
- 2300 - Proposed Site Section
- 2102 - Proposed GA Plans 3b Terraced
- 2100 - Proposed GA Plans 3b Terraced
- 2101 - Proposed GA Plans 3b Terraced
- 2108 - Proposed GA Plans 3b Semi-Detached 2
- 2107 - Proposed GA Plans 3b Semi-Detached 2
- 2106 - Proposed GA Plans 3b Semi-Detached 2
- 2105 - Proposed GA Plans 3b Semi-Detached 1
- 2104 - Proposed GA Plans 3b Semi-Detached 1
- 2103 - Proposed GA Plans 3b Semi-Detached 1
- 2113 - Proposed GA Plans 3b Detached
- 2114 - Proposed GA Plans 3b Detached
- 2109 - Proposed GA Plans 2b Terraced
- 2110 - Proposed GA Plans 2b Terraced
- 2111 - Proposed GA Plans 2b Apartment
- 2112 - Proposed GA Plans 2b Apartment
- 2206 - Proposed GA Elevations Detached
- 2205 - Proposed GA Elevations Apartment
- 2200 - Proposed GA Elevations 3b Terraced
- 2203 - Proposed GA Elevations 3b Semi-Detached 2
- 2202 - Proposed GA Elevations 3b Semi-Detached 1
- 2204 - Proposed GA Elevations 2b Terraced.

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

- 10.3 **Materials:** Samples of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure that the development has a satisfactory appearance.

- 10.4 **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) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
- b) details of all hard surfaces;
- c) all boundary treatments;
- d) a schedule detailing sizes, species and numbers of all proposed trees/plants
- e) sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s) are/is 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.

- 10.5 **Archaeology 1:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

- 10.6 **Archaeology 2:** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1]

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.7 **Cycle Parking:** No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. 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

- 10.8 **Refuse and recycling:** Prior to first occupation of the development, hereby approved, the refuse and recycling storage facilities shall be provided in accordance with drawings. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10.9 **DCEMP:** Prior to commencement of development, including any ground and demolition works, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved DCEMP shall be implemented and adhered to in full throughout the entire demolition/construction period. The DCEMP shall provide details as appropriate, which shall address but not be restricted to the following matters:

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- storage of plant and materials,
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality;
- air quality monitoring;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

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

- 10.10 **Contamination Remediation Strategy:** No development approved by this planning permission shall commence until remediation strategy to deal

with risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the foreign components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - Potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at this site
1. A site investigation scheme, based on (1) to provide information for detailed assessment on the risk to all receptors that may be affected, including those off-site
2. the results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they had to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate the works set out in the in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National planning policy framework.

- 10.11 **Contamination Verification Report:** Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

- 10.12 **Other contamination:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local

planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

- 10.13 **Piling Method Statement:** Piling using penetrative methods shall not be carried out other than in accordance with a Piling Method Statement, which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.

- 10.14 **Infiltration:** No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: In the interest of protecting controlled water sources from pollution as the site is located upon a principal aquifer.

- 10.15 **Drainage:** Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing, by the Local Planning Authority in agreement with Southern Water. Thereafter, the drainage scheme shall be implanted in accordance with the details approved.

Reason: In the interests of the localised flooding and the amenity of the area.

- 10.16 **Travel Plan:** No part of the development shall be occupied until a Travel Plan statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and the good practice documentation has published but the Department for Transport and/or as advice by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 10.17 **EV Charging:** Details of electric vehicle and cycle charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved

prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 10.18 **Renewables:** Details of micro renewable equipment, including their number and specification, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.

- 10.19 **Car parking spaces:** No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas 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.

- 10.20 **PD rights removed:** 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 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.

11. **Appendices**

None.

12. **Background Papers**

None.