

Report to: Planning Applications Committee
Date: 26 February 2024
Application No: 230828
Location: Land to the rear of Pembroke House, Upperton Road
Proposal: Proposed redevelopment of site comprising of the demolition of existing garage block and erection of 4no. 3-bedroom dwellings with associated facilities and off-road parking.
Applicant: Mr Peter Morley
Ward: Upperton
Recommendation: Grant planning permission, subject to conditions.
Contact Officer: **Name:** Chloe Timm
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IMPORTANT NOTE: This scheme is CIL Liabile.

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to the Planning Committee due to the number of objections received on the proposed scheme.
1.2	The proposed development represents an efficient use of land and would provide housing that would help address the current shortfall within the Borough.
1.3	The development is in a sustainable location, will be constructed using local materials and local labour where possible and will incorporate infrastructure that would help reduce carbon emissions and energy use.
1.4	It is therefore considered that the application is approved, subject to conditions.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>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.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution B2: Creating Sustainable Neighbourhoods C2: Upperton Neighbourhood Policy D1: Sustainable Development D5: Housing D8: Sustainable Travel D10a: Design.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>NE4: Sustainable Drainage Systems NE7: Waste Minimisation Measures in Residential Areas</p>

	<p>NE14: Source Protection Zone</p> <p>NE18: Noise</p> <p>UHT1: Design of New Development</p> <p>UHT2: Height of Buildings</p> <p>UHT4: Visual Amenity</p> <p>HO1: Residential Development within the Existing Built-up Area</p> <p>HO2: Predominantly Residential Areas</p> <p>HO8: Redevelopment of Garage Courts</p> <p>HO20: Residential Amenity</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking.</p>
2.4	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Sustainable Building Design SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN.</p>

3.	Site Description
3.1	The site is currently occupied by a block of 11 disused garages and an area of land to the rear of Pembroke House that previously formed part of the outdoor amenity space for the occupiers of Pembroke House.
3.2	The site is accessible via Upperton Lane, a lane connecting The Avenue and Hartfield Road. The lane is unadopted and is currently in poor condition.
3.3	Along Upperton Lane are privately owned garage blocks and accesses to the rear of the properties of Upperton Gardens.
3.4	Surrounding the application site is a mix of properties, Pembroke House to the south-west is a substantially sized four-storey property comprised of 8no residential flats. To the south is the property of Hadley House, a five-storey property comprised of 20no flats, to the south-east is 4 The Avenue, a five-storey building comprised of 12no flats. On the opposite side of Upperton Lane are single storey garage block with the properties of Upperton Gardens beyond. Upperton Gardens is comprised of a terrace of 4-storey residential properties.
3.5	The site of Pembroke House, 8-10 Upperton Road as a whole is listed within the Boroughs Land Available Assessment (LAA), this is due to having a lapsed planning permission for the erection of a five-storey purpose-built block of flats. Within the LAA the conclusion of the likelihood of the redevelopment of the site was determined to be unachievable due

	existing land values and not being unable to provide sufficient additional units to make the redevelopment viable.
3.6	<u>Site Constraints</u> Predominantly Residential Area Source Protection Zone.

4.	Proposed Development
4.1	The proposal involves the demolition of the existing garage block and the construction of 4no new dwellings on the site. The new dwellings would be comprised of a terrace of 4no three-bedroom dwellings that would front Upperton Lane.
4.2	The three-bedroom dwellings would have rooms distributed over three storeys, the top floor being provided within the roof space with a mansard roof design.
4.3	1no off road parking space will be provided per dwelling and it is proposed to improve the surface of Upperton Lane from The Avenue to the end of the site boundary.

5.	Relevant Planning History:
5.1	<u>010499</u> (Pembroke House) Demolition of existing building and erection of 5 storey building comprising 17 two-bedroom and 2 three-bedroom flats together with upgrading/resurfacing rear lane to give access to garaging and parking facilities. Outline (Some Reserved) Approved Conditionally 31/03/2004.

6.	Consultations:
6.1	<u>CIL Officer:</u> The application will be CIL Liable.
6.2	<u>East Sussex Highways:</u> Refer to standing advice.

7.	Other Representations:
7.1	<u>Notification:</u> Notification of this application has been undertaken in the form of: a. neighbour notification letters b. site notices displayed in roads neighbouring the site.

7.2

Neighbour Representations:

19 letters of objection have been received, which raise the following concerns based upon material planning grounds:

- Access road is unsuitable, unadopted and in poor condition.

Officer Response: Upperton Lane is unadopted with the current surface being uneven and in a poor state. The proposed development includes improvements to the surface from The Avenue up to at least the end of the site boundary to make it accessible.

- Disruption during construction works.

Officer Response: A condition will be included requiring the submission of a demolition, construction and environmental management plan to be submitted prior to construction works taking place. An informative on acceptable hours or working will also be included.

- Loss of Light

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of Privacy

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Building in close proximity to Pembroke House

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of parking

Officer Response: The current garage block is in a state of disrepair and as such is not currently used for vehicular parking. The proposal includes 1no. Parking space per dwelling.

- Refuse and Recycling Storage insufficient.

Officer Response: dedicated refuse and recycling storage is being provided per dwelling.

- Impact to refuse and recycling storage to Pembroke House

Officer Response: The existing right of way and refuse and recycling storage for Pembroke House will remain unchanged.

- Noise Nuisance

Officer Response: A careful and extensive assessment has been made regarding the potential impact upon neighbouring amenity.

- Loss of biodiversity

Officer Response: The proposal will see an increase in hard surfaces within the application site. The proposal includes the provision of soft

	<p><i>landscaping with a variety of planting and hedging, swift bricks, and bee bricks are also included within the side elevations of the proposal.</i></p> <ul style="list-style-type: none"> • Not in keeping with the surrounding area. <p>Officer Response: <i>The proposed dwellings are considered to be sympathetic to the area in respect of their size, height, form and design. The dwellings would not be visible from public areas. The dwellings are considered to be high quality and would not impact the character of the area.</i></p> <ul style="list-style-type: none"> • Loss of outdoor amenity to Pembroke House Occupiers <p>Officer Response: <i>There is an existing 1200mm close boarded fence that separates Pembroke House and the application site.</i></p>
7.3	<p>Non-Material planning objections raised: Loss of view; Impact to value of properties.</p>

8.	Appraisal:
8.1	<p><u>Principle / Sustainable Development:</u> 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 October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. 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.</p> <p>It also states that where relevant policies are out-of-date, permission should be granted "<i>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</i>", (NPPF, paragraph 11). This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.</p> <p>The proposal involves the development of garden land. Whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 72 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 128 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). It should also be noted that the</p>

	<p>development proposals would provide outdoor amenity space that would largely replace existing open space.</p> <p>The above should be seen in context with the overall objective to promote effective and efficient development of land which is set out in section 11 of the NPPF, with particular attention drawn to para. 129 which states that ‘local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’</p> <p>The proposal weighs heavily in favour of housing delivery in the planning balance, in line with the NPPF, when taking account of the limited impacts upon local character. It is therefore considered that the principle of the development is acceptable in principle, subject to a balanced assessment of the potential impact of the development, with particular emphasis on the impact upon the prevailing character of the surrounding area as well as other relevant factors set out in the NPPF and consistent Local Plan policies, including highway safety, residential and environmental amenity, sustainability and biodiversity.</p>
8.2	<p><u>Design, Character and Impact Upon Landscape:</u> 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.’</p> <p>The application site is surrounded by a mix of different buildings including 4 storey and 5 storey purpose-built blocks of flats, the 5-storey office block of St Marks House along Upperton Road and 4-storey terraced dwellings of Upperton Gardens. Upperton Lane itself is characterised by single storage garage blocks.</p> <p>The proposed dwellings will be three-storey with accommodation provided within a mansard roof. Sustainability measures include solar panels to the roof, air source heat pump, swift and bee bricks. The material palette includes grey slate tiled roof, lead lined dormer, grey doors and windows, facing brickwork and beige coloured render.</p> <p>The design, scale, bulk and height is sympathetic to the single storey characteristic of Upperton Lane and is found to be acceptable in this instance.</p>
8.3	<p><u>Transport and Parking:</u> East Sussex Highways parking demand calculator advises that a provision of 6.23 spaces is required. The proposal includes the provision of 1 space per dwelling, a total of 4 spaces. This is a shortfall of 2.23 spaces.</p>

	<p>The application site is sustainably located near Eastbourne Town Centre, local bus routes and Eastbourne train station. Due to the highly sustainable location of the dwellings, the parking provision proposed is acceptable.</p> <p>The development will be accessed via Upperton Lane, an unadopted lane that runs between The Avenue and Hartfield Road.</p>
8.4	<p><u>Residential Amenity of Future Occupiers:</u></p> <p>The technical housing standards – nationally described space standards (2015) defines the minimum levels of Gross Internal Areas (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy. The proposed scheme will provide 4no. three-storey, Three-bedroom, five-occupant dwellings, the GIA requirement as set out in the space standards is 99m², the proposed dwellings will have a GIA of 106m² which exceeds the minimum required. The dwellings also comply with the required floor area, bedroom dimensions, storage areas and floor to ceiling heights.</p> <p>The dwellings will have an open plan kitchen/dining/living area with w/c at ground floor, a double bedroom with ensuite, single bedroom and family bathroom at first floor level and a double bedroom with access to roof terrace and an office/study at second floor level.</p> <p>Outside to the front of the dwellings will be off road parking space, refuse/recycling storage, lawn area and landscaped border. The the rear will be a lawn area with cycle storage, wooden pergola, water butt and air source heat pump. To the roof will be solar panels.</p> <p>The proposed dwellings will be uniform in their design and layout, all properties will have a good level of access to natural light. The fenestration has been designed to limit overlooking onto the adjoining occupiers of Pembroke House, the new dwellings whilst still maintaining a good level of outlook for future occupiers.</p>
8.5	<p><u>Residential Amenity Neighbouring Occupiers</u></p> <p>The proposed dwellings will be located to the rear of Pembroke House, a block of 8 flats. The rear elevations of Pembroke House and the proposed dwellings will be set at a distance of 12m from each other. The national design code advises a distance of 15m between proposed and existing residential windows is sufficient to protect the privacy of occupiers. Although the proposed dwellings would be set away from Pembroke House by less than 15m, the fenestration on the rear elevation has been designed to limit the impact on the privacy of the occupiers surrounding the site.</p> <p>There are two windows at first floor level that will face Pembroke House, these windows are comprised of an obscurely glazed window for an ensuite bathroom and a bay window which includes a high level window at 1.7m above internal floor level and a clear full length window to the west side of the bay. The second storey will utilise roof lights and windows to</p>

	<p>the front elevation with no windows to the rear. There will be no direct views onto the property of Pembroke House from the new dwellings.</p> <p>Outlook from the front elevation would be sufficiently distanced from the rear of dwellings in Upperton Gardens to protect privacy.</p> <p>The proposed houses will be three-storeys with the second floor located within the mansard roof, due to the location and orientation of the development and the buildings surrounding, the proposal will not cause any overshadowing or loss of light.</p> <p>The application site is within a predominantly residential area and any noise from the development will be of a similar nature that already exists within the area.</p> <p>On balance, taking the above into consideration, the proposal will not have a significantly detrimental impact on the amenity of residential occupiers that surround the site.</p>
8.6	<p><u>Flooding and Drainage:</u></p> <p>The application site is not located within a flood risk zone.</p> <p>Details of a sustainable drainage system have not been provided within the details of the application. To ensure all surface water is dealt with correctly, a condition will be set.</p>
8.7	<p><u>Ecology and Biodiversity:</u></p> <p>The proposal will see the demolition and redevelopment of an existing garage block and an area of soft landscaping (grass and planting).</p> <p>The proposal will increase the footprint of hard standing than currently exists with the garage block, but on balance the level of increase is acceptable when taking into consideration the contribution the dwellings will have on the Boroughs housing supply.</p> <p>The proposal includes the provision of front and rear garden areas which include grassed areas and planting, the terrace of buildings will also include swift bricks and bee bricks to try and help further the biodiversity gain on the site.</p>
8.8	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.9	<p><u>Conclusions:</u></p> <p>The application will provide a good level of accommodation for future occupiers, is within a sustainable location and is found to be an efficient use of land. The proposal will not have a detrimental impact on residential occupiers surrounding the site or harm the visual amenity of the area.</p> <p>The application is found to be in accordance with national and local planning policy.</p>

9.	Recommendations
9.1	Approve the application, subject to the following conditions.
10.	Conditions:
10.1	<p>TIMEFRAME: The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>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).</p>
10.2	<p>DRAWINGS: The development hereby permitted shall be carried out in accordance with the approved drawings submitted:</p> <p>Location Plan 02 – Proposed Second Floor and Roof Plan 03 – Proposed Front and Side Elevation 04 – Proposed Rear and Side Elevation 05 – Proposed Site Layout Plan 06 – Existing and Proposed Block Plan 07 – Proposed Cycle Storage and Elevations</p> <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>MATERIALS: The external finishes of the development hereby permitted shall be as stated on the approved drawings and within the submitted application form.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.</p>
10.4	<p>SURFACE WATER DRAINAGE (1 of 2): Prior to commencement, a surface water drainage scheme and maintenance and management plan shall be submitted to and approved 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). Thereafter, the surface water drainage scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development, hereby approved.</p>

	<p>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.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats</p>
10.5	<p>SURFACE WATER DRAINAGE (2 of 2): 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.</p> <p>Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.</p>
10.6	<p>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:</p> <ul style="list-style-type: none"> • 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;

	<ul style="list-style-type: none"> • measures to manage flood risk during construction; and • public notification, including site notices with public contact details during the works. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.7	<p>REFUSE/RECYCLING STORAGE: Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be provided in accordance with drawing No: 05 – Proposed Site Layout Plan. 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.</p> <p>Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.</p>
10.8	<p>CYCLE STORAGE: Prior to first occupation of the development, hereby approved, secure and covered cycle parking shall be provided within the site in accordance with the approved plans. Thereafter the facilities shall be retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development.</p> <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p>
10.9	<p>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.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby properties.</p>

11.	Appendices
11.1	None.
12.	Background Papers
12.1	None.