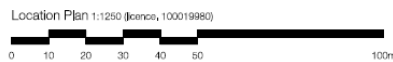
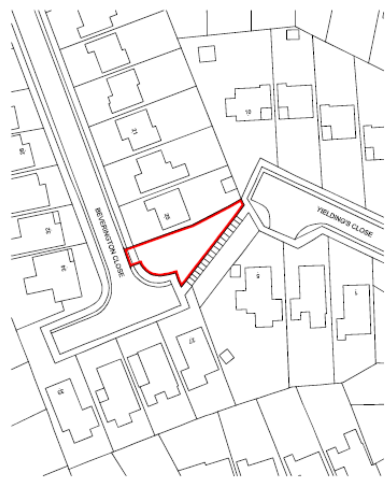


Report to: Planning Committee
Date: 23 July 2024
Application No: 240180
Location: Land Adjacent to 25 Beverington Close, Eastbourne, BN21 2SB
Proposal: Erection of 1no. 3 x bedroom dwelling.
Applicant: Mr Elliot Kemp
Ward: Ratton
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** Emma Wachiuri
E-mail: emma.wachiuri@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1. Executive Summary

- 1.1 This application is presented to the Planning Committee due to the significant number of objections received in relation to the proposed scheme (44 objections received). Members are advised that the number of objections is not a material consideration in the determination of planning applications, but does have a bearing upon the requirement for consideration by the Planning Committee.
- 1.2 The application seeks planning permission for the erection of 1no. 3 x bedroom dwelling. This would include the replacement of two whitebeam trees with two new trees; one in the front garden and the second in the rear garden.
- 1.3 The proposal would provide 2no. off street parking spaces, cycle storage facility for 3no cycles in the rear/side garden and a dedicate refuse store within the front garden.
- 1.4 It is considered that the design, scale and layout of the development sympathetic towards neighbouring sites and, as such, the development would not generate any unacceptable overbearing, overlooking or overshadowing impact.
- 1.5 The access and parking arrangements for the development accord with ESCC Highways subject to approval of access details and it is therefore considered that the development would not have an unacceptable impact upon highway safety or lead to parking stress on the surrounding highway network.
- 1.6 Overall, it is considered that the proposed development would not result in any harm of a significance that would outweigh the benefit of a net gain of one dwelling which would contribute towards the Council's housing delivery targets and address identified housing need within the Borough.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
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.

2.2 Eastbourne Core Strategy 2006-2027:

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C5: Ocklynge & Rodmill Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D8: Sustainable Travel

D9: Natural Environment

D10a: Design.

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

NE4: Sustainable Drainage Systems

UHT1: Design of New Development

UHT4: Visual Amenity

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

HO20: Residential Amenity

TR2: Travel Demands

TR6: Facilities for Cyclists

TR11: Car Parking.

2.4 Supplementary Planning Documents and other relevant guidance:

Sustainable Building Design SPD

Trees and Development SPG

Sustainability in Development

EBC Sustainability in Development TAN

EBC Biodiversity Net Gain TAN

EBC Electric Vehicle Charging Points TAN.

2.5 Other Guidance:

National Design Guidance

The Technical housing standards – nationally described space standard (2015).

3. Site Description

- 3.1 The site comprises an open grass area to the east of Beverington Close. The site is adjacent to and to the south of 25 Beverington Close. The overall site area is approx. 269sqm.

The site is located on a residential road that is characterised by detached dwellings with either side of the road presenting dwellings of a different design from the other.

The site has two mature trees at the front end of the plot.

- 3.2 The site levels drops significantly west (front) to east (back) and the site is elevated above Yieldings Close to the rear of the application site.

- 3.3 The proposal is located within adopted Highway Land over which the public has the right to pass and repass.

3.4 Site Constraints:

Predominantly Residential Area.

Convenants:

Trustees of The Chatsworth Settlement.

4. Proposed Development

- 4.1 Planning permission is sought for the erection of 1 no. 3 x bedroom dwelling.

- 4.2 Two parking spaces would be provided within the front driveway and a cycle store for three cycles would be provided in the rear garden.

Based on the submitted plans an electric vehicle charging point would be provided adjacent to the front parking spaces.

The location of bin stores is proposed within the front garden.

- 4.3 The dwelling would be built of facing brickwork at lower ground floor level, white render to upper ground floor front and sides, and tile hanging to upper ground floor rear and sides. The other materials comprise roof tiles, Upvc windows and doors to match closely those on adjacent/nearby properties.

- 4.4 The paving would be done using permeable paving materials.

- 4.5 The proposal seeks to remove the existing two mature trees at the front end of the plot and replace them with two new trees; one within the lower rear garden and the other at the front garden.

5. Relevant Planning History

- 5.1 None.

6. Consultations

6.1 SUDS:

LLFA is unable to respond to minor applications at this time.

6.2 Specialist Advisor (Arboriculture):

No objection received in relation to the proposal.

6.3 CIL

This application is liable for CIL.

6.4 East Sussex Highways:

No objection subject to conditions.

The proposal is located within adopted Highway Land over which the public has the right to pass and repass. The area cannot be developed without a Stopping Up Order. The SUO would have to be in place before development commences but I do not wish to object to this application subject to the imposition of conditions.

7. Other Representations:

7.1 Notification:

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:

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

1. Loss of green wildlife space
2. Access disruptions during construction
3. Overdevelopment of the site
4. Overbearing effect on adjacent properties
5. Parking problem and congestion
6. Loss of trees
7. Noise, dust and access problems during the build
8. Development will interfere with sewage and drains that are underneath the land
9. Loss of visual amenity provided by this space
10. Dropped kerb at this turning head will compromise pedestrian and highway safety
11. How are utilities to be re-routed around, below and/or in the proposed building
12. Where would the building materials and equipment be stored?
13. Increase in traffic will affect access for emergency and delivery vehicles

14. How will safety of users of steps connecting Beverington Close to Yieldings Close be ensured during construction period?
15. Loss of light to 25 Beverington Close
16. Loss of privacy
17. Appearance of the property would not match other dwellings in the close
18. Replacement saplings insufficient to compensate for removal of mature trees
19. Boundary wall/fence adjacent to the steps would be overbearing and create an enclosed alley-way attracting anti-social behaviour
20. Misleading plans due to different scales
21. Lack of topography survey
22. Land is County owned, how can it be built on?

Non-planning considerations:

1. Loss of views
2. Excavation of chalk soil could affect neighbour's property
3. Relocation of street light (*ESCC Highways comment: The lighting column on the grass verge half-way up the steps will need to be re-located to the opposite side of the footway(steps). It will need to be replaced with a raise/lower column at the expense of the developer.*)
4. Risk of subsidence
5. Covenants
6. Proposal would affect house prices
7. Road as existing is in an eroded condition
8. Ownership of drainage system
9. Residents not notified about plot sale

8. Appraisal:

8.1 Key Considerations:

8.2 Principle of development:

The site falls within the settlement boundary where the principle of development is deemed to be acceptable. There is no objection in principle provided it is designed to a high standard, respects the established character of the area, would not have an adverse effect on neighbouring amenity and is in accordance with the policies of the National Planning Policy Framework (2021), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

There is a need for new homes within Eastbourne Borough, emphasised by the current shortage of identified land for housing development, and development should be approved without delay 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 (para. 11 (d) (ii)). It is noted that para. 124 of the NPPF identifies the more efficient use of land as a means to meet housing demand.

8.3 Design, Character and Impact Upon Landscape:

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and paragraphs 8 and 130 of the NPPF

The site is formed of a grass amenity area adjacent to 25 Beverington Close.

The immediate streetscene consists of mostly detached dwellings and thus the proposal would not be an anomaly within Beverington Close. In addition, the design, scale and bulk of the proposal is in keeping with the surrounding dwellings on this side of Beverington Close and will therefore not have a harmful impact on the visual amenity of the area.

The proposal seeks to fell the two existing trees located within the site. Based on the submitted plans two new replacement trees; one in the front garden and the other in the rear garden would be provided. These can be secured via a planning condition in any given approval.

8.4 Living Standards for Future Occupants:

Para. 119 of the Revised NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. Paragraph 124 (e) requires decisions secure '[] well-designed, attractive and healthy places' and Para.130 (f) seeks to 'promote health and well-being, with a high standard of amenity for existing and future users'. Eastbourne Core Strategy Policy B2 (Creating Sustainable neighbourhoods) requires a development to "Protect the residential and environmental amenity of existing and future residents" and Eastbourne Borough Plan Policy UHT1 (Design of New Development) where a development is required to 'be appropriate in [] alignment and layout'.

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 Department for Communities and Local Government has produced the Technical housing standards – nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. The Local Planning Authority requires that all new residential developments comply with National Space Standards in order to provide suitable amenity space for future residents.

The nationally described space standards require that a three bedroom, four persons two-storey dwelling provide a minimum GIA of 84m². The proposed unit will exceed 85 m². The proposed unit has space to provide adequate storage at both ground and first floor levels.

As such it is considered that the proposed unit would meet the nationally described space standards.

All habitable rooms would be served by clear glazed openings that offer unobstructed outlook and thus these rooms would have access to good levels of natural light and ventilation.

New dwellings must also have acceptable arrangements for access and amenity space. Although the local development plan does not identify minimum sized for outdoor amenity space it is considered essential that suitable amenity facilities are provided for occupants of residential property in line with the objectives of para. 130 (f) of the Revised NPPF, which states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'

It would appear from the site plan an amenity space could be provided for the occupiers of the dwelling.

The proposed dwelling will provide a good level of accommodation for future occupiers.

8.5 Residential Amenity:

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

Given the scale of the development and the orientation/relationship with adjacent properties, the proposal is not considered to result in detrimental impacts on amenity of neighbouring occupants. The proposal would thus accord with Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.

8.6 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.

ESCC Highways were consulted, and no objection has been raised subject to a number of conditions and informatives. They advised that the site is located in a sustainable location frequent bus services from Rodmill Drive to Eastbourne town centre, Heathfield and Uckfield, adjacent to Rutland Close which is approximately 175 metres North-East of the site.

Two parking spaces are being proposed and in addition a cycle store located to the side/rear of the property in a secure cycle store for 3 cycles would be provided as per the amended drawing no.04 Rev A. As there are 3 bedrooms proposed, there should be 3 cycle spaces in line with the ESCC Parking Guidance and thus the proposal meets this requirement.

The location of bin stores is considered acceptable.

8.7 Ecology and Biodiversity:

Relevant policy: UHT5 (Protecting Walls/Landscape Features) of the Eastbourne Borough Plan 2003 and paras. 131 and 186 of the NPPF.

The site is formed of a grass amenity area and has two mature trees at the front end of the plot.

According to the submitted arboricultural statement the existing trees are considered to fall into category 3 of BS5837 'Trees Relating to Construction' (section 4.3.1). The existing two trees will be removed and replaced with two new trees within the front and rear gardens as shown on the amended proposed Site plans.

The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require at least 10% biodiversity net gain for all new development to be delivered as a condition of a planning permission. The Act provided a two-year transition period before this requirement came in to force on 2 April 2024 for small sites such as this one. This application was submitted during the transition period (before 2 April 2024) and therefore this requirement doesn't apply.

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. 180) 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. 186). However, the TAN does not require or expect a 10% biodiversity net gain from minor developments and so doesn't apply to this application.

The Council's Arboriculture was consulted but no comments had been made at the time of writing this report.

The proposal seeks to provide two new replacement trees within the front and rear gardens as shown on Proposed Site plans. The lower garden and part of the side garden would be retained as lawn. Soft landscaping and additional biodiversity enhancements measure such as bird-boxes would be encouraged, details of which would be secured via a planning condition in any given approval. The proposal is thus not considered to harm the natural environment in a level to warrant a refusal.

8.8 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.

This location is in flood zone 1 and it is not at risk of surface water flooding.

Saved Policy US4 states that all development should make adequate provision for floodplain protection and surface water drainage, in order to ensure that:

- a) no overall reduction in flood storage capacity and flood waterway area occurs;
- b) measures are provided to manage increased surface water runoff to minimise the risk from flooding, whilst not increasing the risk of flooding elsewhere.

With regards to hard landscaping, the use of hard-surfaced materials and the installation of channel drains to prevent surface water discharge onto the highway would be encouraged. ESCC Highways have commented that there are no soakaways/drainage shown on the plans to stop water runoff onto the highway and vice versa although there is a soakaway proposed within the application form. However, details of a soakaway or other Sustainable Drainage Systems can be sought via a planning condition.

8.9 Planning Obligations:

None.

8.10 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.

8.11 Conclusions:

The application is considered acceptable in principle and is compliant with the Local Plan policies and the NPPF.

9. Recommendations

- 9.1 It is therefore recommended that the application is approved 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 DRAWINGS:** The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 29th January 2020:

- **Drawing: 01 Location and Block plan**
- **Drawing: 02 Topographical Survey**
- **Drawing: 04A Site Plan at Lower Ground Floor**
- **Drawing: 05A Site Plan at Ground Floor**
- **Drawing: 06 Proposed Floor and Roof Plan**
- **Drawing: 07 Proposed Elevations - Sheet 1 of 2**
- **Drawing: 08 Proposed Elevations - Sheet 2 of 2**
- **Drawing: 09A Typical Bin and Cycle Stores**

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

- 10.3 **MATERIALS:** Prior to commencement of the development, hereby approved, 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 and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

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 **SUDS SCHEME AND MAINTENANCE PLAN:** 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.

Prior to submission of the scheme, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the scheme.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 10.6 **VEHICULAR ACCESS:** The development shall not be occupied until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 10.7 **PARKING SPACES:** The development shall not be occupied until parking spaces have been provided in accordance with the approved plans/ and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 10.8 **PARKING SPACE DIMENSIONS:** The proposed parking spaces shall measure at least 2.5m by 5m (with an extra 50cm for the space that abuts the hedge).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 10.9 **CYCLE STORAGE:** The development shall not be occupied until cycle parking for at least 3 cycles has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

- 10.10 **WORKS ADJACENT TO PUBLIC HIGHWAY:** Prior to the commencement of development details of the proposed alterations to the structure/areas abutting the footway/steps, shall be submitted and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 10.11 **EV CHARGING:** Prior to occupation of the development, hereby approved, details of electric 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.

- 10.12 **BIODIVERSITY:** Prior to occupation of the development, hereby approved, details of biodiversity enhancements (a minimum of two bird boxes and a bat box on the building and hedgehog box in the rear garden) to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

Development shall subsequently proceed in accordance with any such approved details and installed prior to occupation. Once installed the bird box, bat box and hedgehog box shall thereafter be retained in perpetuity.

Reason: To enhance biodiversity on the site.

- 10.13 **POROUS SURFACES:** All ground surfaces of the development, hereby approved, shall be constructed in porous materials or shall discharge surface water onto porous areas within the application site and shall

remain as such for the lifetime of the development. No surface water shall be discharged onto the public highway or adjoining land.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect the public highway or adjoining properties.

- 10.14 **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, dormer window 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 future occupiers and occupiers of nearby properties.

11. Appendices

- 11.1 None.

12. Background Papers

- 12.1 None.