

Report to: Planning Applications Committee

Date: 12 November 2024

Application No: 240418

Location: Eastbourne Magistrates Court, Old Orchard Road

Proposal: Erection of three to four-storey apartment block containing 30 residential units including 30% affordable housing, and other associated work.

Applicant: Eastbourne Borough Council

Recommendation:

1. Delegate to the Head of Development Management to:
 - 1.1 Conclude consultation with the ESCC (Ecology and Landscape) and
 - 1.2 Make any necessary revisions, attach conditions or seek planning obligations resulting from the above consultations;and upon conclusion of the above:-
2. Grant planning permission with conditions, subject to S106 Agreement to secure:
 - a) Local Labour Agreement;
 - b) Affordable Housing
 - c) Biodiversity Net Gain
 - d) Travel Plan and A Travel Plan Audit fee of £4500
 - e) Off-site Highway Works (S278 Agreement under Highways Act 1980),
 - f) Bus Service Improvement Contribution,
 - g) Car Club provision,
 - h) Traffic Regulation Order (TRO)
 - i) Any additional heads of terms requested by consultees
3. Should the Section 106 Agreement outlined within 2 (above) not be completed within a reasonable timescale (to be agreed with Officers) that the application be refused for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that planning obligations required to make the proposed development acceptable in planning terms can be secured, contrary to Policies D5 (Housing), D8 (Sustainable Travel) and D9 (Natural

Environment) of the Eastbourne Core Strategy 2013 and saved policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and paragraph 114 of the NPPF.

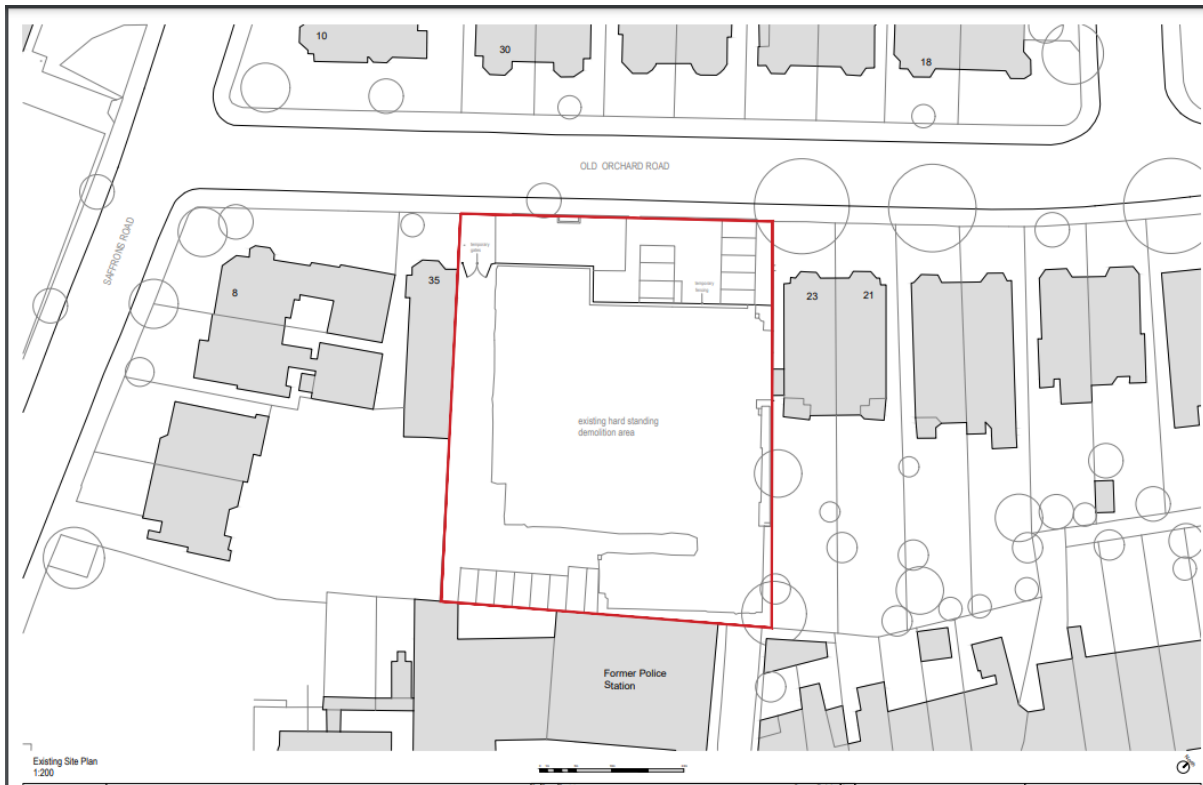
Contact Officer:

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IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to the Planning Committee for reasons of transparency, as it is the Council's own scheme.
1.2	The application seeks planning permission for the erection of three to four-storey apartment block containing 30 residential units including 40% affordable housing, and other associated work.
1.3	The proposal would result in development of a brownfield site and the creation of good quality residential accommodation in a sustainable location close to transport links and the amenities of Eastbourne Town Centre.
1.4	Design, transport, access, amenity and drainage impacts of the development are considered to be acceptable and the development is considered to provide a good quality of proposed accommodation.
1.5	<p>Merits of the scheme can be summarised as:</p> <ul style="list-style-type: none"> • Delivering sustainable development of an underused brownfield site within the Built-Up Area of the Borough; • Delivering housing that meets an identified need, within a Predominantly Residential Area, as defined on the Eastbourne Policies Map; <p>1.6 The proposal would provide 40% affordable housing provision, in excess of the 30% required by policy.</p> <ul style="list-style-type: none"> • Delivering biodiversity net gain; <p>The following paragraphs outline the weighting of the material considerations in the planning balance.</p>
1.7	<p><u>Social Benefits</u></p> <p>There would be minor social benefits by providing smaller units, for which there is an identified need in the Borough and from the increased choice of homes and population in the area.</p> <p>This carries significant positive weight in the planning balance.</p>
1.8	<p><u>Design and Built Environment</u></p> <p>The proposal would make efficient use of a brownfield site that is expected to be developed in accordance with the development plan. The site would be provided with soft landscaping, additional urban trees, hedge rows and diverse green roof which would contribute to place-making in this significant location.</p> <p>This would carry significant positive weight in the planning balance.</p>
1.9	<u>Transport</u>

	<p>The proposal would promote sustainable transport means of transport, including cycling and shared transport modes in the form of a car club and travel plan measures, whilst preventing significant impacts upon the transport network.</p> <p>This carries moderate positive weight in the planning balance.</p>
1.10	<p><u>Economic Benefits</u></p> <p>The proposed development would provide short-term economic benefits in the form of construction jobs (secured by Local Employment), jobs associated with ongoing maintenance of the site, increased local spend in the local economy and the regeneration of the area attracting further inward investment.</p> <p>This carries moderate positive weight in the planning balance</p>
1.11	<p><u>Sustainability</u></p> <p>The proposal would incorporate a number of measures to deliver a sustainable and energy efficient form of development. It would also deliver an effective sustainable drainage scheme that manages surface water and flood risk.</p> <p>This carries moderate positive weight in the planning balance.</p>
1.12	<p><u>Ecology and Biodiversity</u></p> <p>The development would deliver biodiversity net gain on the site, through the replacement and addition of habitats within the landscaping scheme and the building.</p> <p>This would carry limited positive weight in the planning balance.</p>
1.13	<p><u>Impact on Heritage Assets</u></p> <p>The proposed development is not considered to have an impact or harm towards the setting of the Grade II Listed Eastbourne Town Hall, Saffron's Conservation Area and Town Centre and Seafront Conservation Area and statutory Listed Building.</p> <p>This would carry moderate negative weight in the planning balance.</p>
1.14	<p><u>Neighbour Amenity</u></p> <p>The proposed development would lead to an insubstantial loss of light to some neighbouring windows, but not to a degree to warrant a refusal. In addition, the NPPF directs a flexible approach to ensure efficient housing delivery, the limited impact is included in the planning balance</p> <p>This would carry limited negative weight in the planning balance.</p>

1.15	<p>The scheme is recommended for approval subject to conditions and a Section 106 legal agreement for:</p> <ul style="list-style-type: none"> a) Affordable Housing, b) Local Labour Agreement, c) Biodiversity Net Gain, d) Off-site Highway Works (S278 Agreement under Highways Act 1980), e) Bus Service Improvement Contribution, f) Car Club provision, g) Travel Plan to include the following: <ul style="list-style-type: none"> - A full Travel Plan including a £100 flexible transport voucher and 3-year car club membership for each dwelling. - A Travel Plan Audit fee of £4500

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <ul style="list-style-type: none"> 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	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <ul style="list-style-type: none"> B1: Spatial Development Strategy and Distribution B2: Creating Sustainable Neighbourhoods C1: Town Centre Neighbourhood Policy D1: Sustainable Development D2: Economy D3: Tourism D5: Housing - Low Value Neighbourhoods(Town Centre)

	<p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10: Historic Environment</p> <p>D10a: Design</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>NE4: Sustainable Drainage Systems</p> <p>NE7: Waste Minimisation Measures in Residential Areas</p> <p>NE14: Source Protection Zone</p> <p>NE18: Noise</p> <p>NE28: Environmental Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT2: Height of Buildings</p> <p>UHT4: Visual Amenity</p> <p>UHT5: Protecting Walls/Landscape Features</p> <p>UHT7: Landscaping</p> <p>US3: Infrastructure Services for Foul Sewage and Surface Water Disposal</p> <p>US4: Flood Protection and Surface Water Disposal</p> <p>US5 Tidal Risk</p> <p>HO1: Residential Development within the Existing Built-up Area</p> <p>HO2: Predominantly Residential Areas</p> <p>HO11: Residential Densities</p> <p>HO12: Residential Mix</p> <p>HO20: Residential Amenity</p> <p>TR2: Travel Demands</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>LCF18: Extension of Educational Establishments</p> <p>LCF21: Retention of Community Facilities</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land</p>
2.5	<p><u>Eastbourne Town Centre Local Plan 2013</u></p> <p>TC5 – Secondary Retail Area</p>

	<p>TC6 – Residential Development in the Town Centre</p> <p>TC9 – Building Quality</p> <p>TC10 – Building Frontages</p>
2.6	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Affordable Housing SPD</p> <p>Sustainable Building Design SPD</p> <p>Sustainability in Development</p> <p>Eastbourne Townscape Guide SPG</p> <p>Trees and Development SPG</p> <p>Local Employment and Training</p> <p>Local Employment and Training SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN</p> <p>EBC Assessment of Residential Densities</p> <p>ESCC Guidance for Parking at New Residential Developments</p>
2.7	<p><u>Other Guidance:</u></p> <ul style="list-style-type: none"> • National Design Guidance • The Technical housing standards – nationally described space standard (2015).

3.	Site Description
3.1	<p>The site comprises a vacant plot of land to the southern side of Old Orchard Road. It was previously occupied by The Law Courts which was a two- storey building with a flat roof which has since been demolished.</p> <p>The site is accessed at its north from Old Orchard Road.</p> <p>The site is located within the town centre and within 400m of Eastbourne Train Station and all major bus routes.</p>
3.2	<p>The surrounding area is predominantly residential, with houses continuing along Old Orchard Road, Saffrons Road and Arlington Road.</p> <p>Old Orchard Road is a tree lined residential street of imposing, two to three-storey, semidetached Edwardian villas with a generally uniform architectural style and form, with some later infill development such as the</p>

	<p>late c20 block of flats 'Farrington Court' on the corner of Old Orchard Road and Arlington Road. Housing continues on surrounding streets such as Saffrons Road and Arlington Road.</p> <p>Grove Road to the east of the site is more commercial in character, with taller, three plus storey high buildings with shops at street level.</p> <p>To the rear, the site backs onto the former Police Station facing Grove Road, a secondary shopping area featuring a number of retail units and civic buildings.</p>
3.3	<p>Eastbourne's Town Hall located to the south-west and of the site is a Grade 11 Listed Building and is approx. 20m away from the proposed building.</p> <p>Saffrons Road to the west of Old Orchard Road, falls within a conservation but the site is not within a conservation area. The Town Centre and Seafront Conservation Area lies over 25m away to the south of the application site.</p>
3.4	<p><u>Site Constraints</u></p> <p>Predominantly Residential Area</p> <p>Source Protection Zone 2</p> <p>Convenants</p> <p>Trustees of The Chatsworth Settlement Eastbourne Borough Council Trustees of The Chatsworth Settlement.</p>

4.	Proposed Development
4.1	<p>Planning permission is being sought for the erection of three to four-storey apartment block containing 30 residential units including 40% affordable housing, and other associated work.</p>
4.2	<p>The proposal differs from the previously withdrawn planning application reference 210751 in that the height of the proposed building has been reduced by one-full storey at the rear of the building and the roof also has been amended from a pitched roof to a flat roof thus reducing the overall height and massing.</p>
4.3	<p>The existing site access will be retained, bringing residents into the site along the western boundary, with the principal residential entrance on the western elevation.</p> <p>The proposal includes two ground floor accessible M4(3) flats with their own 2no. two dedicated accessible bays. Apart from these, the development will be 'car free' and instead promote Sustainable methods of transport.</p>

4.4	A bin store, plant room and cycle store would be provided within the ground floor and located to either side of the communal entrance.
4.5	The development will include significant soft landscaping around the building to provide visual enhancement along with biodiversity and amenity benefits. Also, a biodiverse green roof would be provided. In addition, a new native species hedgerows are to be planted to provide privacy to dwellings and natural barriers between soft and hard landscaping elements.
4.6	The submitted application confirms that the energy measures to be employed would be a 'fabric first approach, whole dwelling-controlled ventilation system with heat recovery (MVHR) with a combined low air permeability rate and use of solar PV providing 7kWp. According to the energy statement the potential CO2 emissions for the proposed development would be reduced by 50.4%.

5.	Relevant Planning History:
5.1	210751 Erection of a part three, part four and part five storey apartment block containing 35 residential units including 40% affordable housing Planning Permission Withdrawn 14/10/2022
5.2	170819 - <u>Eastbourne Police Station Grove Road</u> Proposed refurbishment and extension of former Police Station, with roof extension to existing building and 5 storey side/rear extension to create 50 flats in total. Planning Permission Approved conditionally 13/03/2020.

6.	Consultations:
6.1	<u>Specialist Advisor (Economic Development -Regeneration):</u> The planning proposal presents an attractive building contract for local Eastbourne based contractors. The local supply chain should also benefit from the proposed development. The locality of the site provides an opportunity for increased trade in local food and hospitality retailers in South Street and Grove Road. The Local Employment and Training Supplementary Planning Document (SPD0, adopted November 2016, confirms this planning application qualifies for a local labour agreement as it meets the threshold for a residential development.

	In the event of planning application gaining approval, Regeneration requests it be subject to a local labour agreement in accordance with the SPD.
6.2	<u>Specialist Advisor (Arboriculture):</u> No response received.
6.3	<u>Specialist Advisor (Environmental Health):</u> No response received at the time of writing this report.
6.4	<u>Waste Services:</u> No response received at the time of writing this report.
6.5	<u>Specialist Advisor (Planning Policy):</u> No response received at the time of writing this report.
6.6	<u>East Sussex Highways:</u> No objection subject to the imposition of conditions Summary This application seeks approval to erect 30 residential units on the site of the former Eastbourne Magistrates Court on Old Orchard Road. The Highway Authority's (HA) main concern relates to this development being 'car free' with only 2 accessible car parking spaces proposed on site. However, this is a sustainable town centre location for which levels of car ownership will be low. In addition, the applicant has made clear their desire to promote sustainable travel modes and intend to provide a Travel Plan, despite the need for such being below the HA's current thresholds. On this basis, the HA has no objection to this application, subject to the provision of the conditions and obligations.
6.7	<u>ESCC Ecology:</u> <u>Comments dated 20/09/2024</u> Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Further advice will be provided upon receipt of additional information. In summary, further information primarily relating to reptiles and BNG, is required prior to determination to ensure that appropriate mitigation, compensation and enhancement can be delivered. Further advice will be provided upon receipt of additional information.
6.8	<u>SUDS</u> Whilst the application documentation has not met all the County Council's and the Board's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.

	No objection in principle subject to the imposition of conditions.
6.9	<u>Housing Need:</u> No response received at the time of writing this report.
6.10	<u>CIL</u> Eastbourne's charge on flats in £0 rated, this application is not liable to pay any CIL.
6.11	<p><u>Sussex Police</u> The development is a four-storey apartment block consisting of 30 dwellings with two dedicated parking spaces to the rear of the block. The main access into the building is down the west elevation of the block. There is good surveillance from the dwellings on the block's northern elevation out onto Old Orchard Road.</p> <p>Two allocated parking bays have been provided.</p> <p>With regards to the development from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends compartmentalisation for developments over 25 units.</p> <p>Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development.</p> <p>Certificated door-sets and windows are recommended. Where there is a requirement for a door-set to be fire, smoke and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets, some door-sets aiding security compartmentation and/or meet a building regulation requirement, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party certification from a single UKAS accredited certification body satisfying all the performance elements.</p> <p>The Design and Access Statement submitted in support of the application states that there are only 2 parking bays, these are for the for the M4(3) flats. The remainder of the development will be car free. In order to remove any doubt of parking bay ownership, I recommend signage is erected clearly indicating it is a private parking space and have the vehicle registration number shown on the signage for clarity. This would remove any misconception of the parking space's allocation. To remove the opportunity for rogue parking within the development, I recommend signage to indicate no parking at all and the consequences of misuse.</p> <p>The development is proposing up to 70 cycle spaces within 1 cycle store. SBD offers specific advice to internal bicycle parking for residents within SBD Homes 2024 section 32. Bicycle parking facilities should be limited to the storing of no more than seventy bikes; if larger numbers need to be stored at the same location,</p>

	<p>the facilities should be separated into discrete units and be subject to extra mitigating security measures. This would reduce the payoff to a potential offender given the cost of E-bikes and the fact that modern bicycles have quick release parts and fitments that can be removed quickly and easily.</p> <p>Where developments have e-bike storage facilities within the buildings, it is recommended that the developer or developer's agent's informs the Responsible Person(s), Fire and Rescue Service and Building Control of the cycle storage facility, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion e-bikes have been considered and specified.</p> <p>Mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended. Facilities should be provided that enable mail to be delivered to safe and secure areas such as described within SBD Homes 2024 section 39 - Mail delivery for Buildings of Multiple dwellings.</p> <p>Given the quantity of dwellings within the development, to increase resident safety consideration could be given to installing CCTV to particular areas such as entrances and lobbies, lifts, and stairwells.</p> <p>Appropriate physical security measures in the form of defensible planting and low bow-topped railings would be suitable to reduce access to the vulnerable ground floor door-sets and windows to demarcate private areas. Equally defensive planting to the front of the ground floor widows would be affective.</p> <p>Lighting is an effective security measure, dusk to dawn exterior lighting and in communal areas such as main entrance lobbies and stairwells is recommended.</p>
6.12	<p><u>South East Water:</u> No response received at the time of writing this report.</p>
6.13	<p><u>Southern Water:</u> No response received at the time of writing this report.</p>
6.14	<p><u>ESF&RS:</u> No response received at the time of writing this report.</p>
6.15	<p><u>UK Power Networks (Operations Ltd):</u> No response received at the time of writing this report.</p>
6.16	<p><u>Southern Gas Networks:</u> No response received at the time of writing this report.</p>
7.	Other Representations:
7.1	<u>Notification</u>

	<p>Notification of this application has been undertaken in the form of:</p> <ul style="list-style-type: none"> a. neighbour notification letters b. site notices displayed in roads neighbouring the site and c. a press advert in a locally distributed newspaper. d. consultation with the Meads Community Association.
7.2	<p><u>Neighbour Representations:</u></p> <p>35 letters comprising 3 in support, 4 neutral comments and 28 objections have been received which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> • Insufficient parking provision in an already heavily congested area • Car free should be a stipulation for residents <p>1.16 Implement a car pooling system for this car-free development to be practical</p> <ul style="list-style-type: none"> • What is the provision for deliveries of materials and trades cars/vans/trucks? • Pressure on infrastructure and services • Rooftop should not be used as a terrace as it would cause overlooking issues • The height of the new build looks to be out of proportion to the properties in Old Orchard Road, overshadowing them and altering the character of the area. • Balconies on the frontage are out of keeping in the streetscene • Overlooking from balconies • Gables facing Old Orchard Road are flat and featureless <p>1.17 Parking survey not done in peak or representative hours.</p> <p><u>Support</u></p> <ul style="list-style-type: none"> • Development is sympathetic to the character of the area <p>1.18 Reduced mass, height and revised design is acceptable.</p>
7.3	<p><u>Other Representations:</u></p> <p>None.</p>

8.	Appraisal:
8.1	<p><u>Principle of development:</u></p> <p>The site falls within the settlement boundary where the principle of development is deemed to be acceptable. There is no objection in</p>

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.

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. It also states that where relevant policies are out-of-date, permission should be granted "*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole*", (NPPF, paragraph 11).

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.

The application site is identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) as being suitable for residential development. The application will result in a net gain of 30 residential units.

The site is located within the Town Centre Neighbourhood and Policy C1 of the Core Strategy sets out the vision for this area, which includes 'Delivering new housing through conversions, infill development and redevelopment'.

The Core Strategy states that the Town Centre Neighbourhood is one of the town's most sustainable neighbourhoods. It also states that "The Town Centre will make an important contribution to housing needs as a sustainable centre. Future residential development will be delivered through conversions and changes of use of existing buildings".

In addition, Policy B1 in the Spatial Development Strategy states that higher residential densities will be supported in these neighbourhoods. This site would be considered a brownfield site and the strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'.

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.
8.2	<p data-bbox="320 271 986 304"><u>Affordable Housing Provision and Housing Mix</u></p> <p data-bbox="320 344 1350 488">Any development which involves the net gain of 10 or more new dwellings is required to incorporate provision of affordable housing as per para. 65 of the Revised NPPF and policy D5 of the Eastbourne Core Strategy.</p> <p data-bbox="320 528 1366 707">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:</p> <ul data-bbox="368 712 1382 1146" style="list-style-type: none"> <li data-bbox="368 712 927 745">• The Council's on-site preferred mix; <li data-bbox="368 768 1382 835">• An on-site alternative mix to be agreed upon by the Council and the relevant developer(s); <li data-bbox="368 857 1382 925">• A level of affordable housing on-site which is less than the specified threshold; <li data-bbox="368 947 722 981">• Serviced plots onsite; <li data-bbox="368 1003 707 1037">• Service plots offsite; <li data-bbox="368 1059 651 1093">• Transfer of land; <li data-bbox="368 1115 675 1146">• A commuted sum. <p data-bbox="320 1169 1382 1348">The site is located within the town centre a 'low value area', as stated within the Council's adopted Affordable Housing SPD 2017, which requires 30% affordable housing provision. Based upon the submitted scheme (30 units), this would amount to 9 units. The tenure mix should be 70% rented, 30% Shared Ownership.</p> <p data-bbox="320 1388 1382 1568">The applicant (Eastbourne Borough Council) has stated that they intend to provide all of the units as affordable housing. However, planning obligations (including affordable housing) secured by S106 are required to meet statutory tests set out in The Community Infrastructure Levy Regulations 2010. Obligations must be:</p> <ul data-bbox="408 1585 1302 1787" style="list-style-type: none"> <li data-bbox="408 1585 1302 1653">• necessary to make the development acceptable in planning terms; <li data-bbox="408 1675 1023 1709">• directly related to the development; and <li data-bbox="408 1731 1198 1787">• fairly and reasonably related in scale and kind to the development. <p data-bbox="320 1836 1382 2016">Taking the above into account, 30% of the units will be secured as affordable pursuant to Section 106 Legal agreement in compliance with Core Strategy policy D5. The remainder of the affordable housing delivery will be voluntary on the part of the developer and will rely on funding from the Homes and Communities Agency, Eastbourne Borough Council, and</p>

	<p>other sources of affordable housing available to Eastbourne Borough Council.</p> <p>Therefore, 30% affordable housing would be secured through the use of a Section 106 legal agreement in any given approval.</p> <p><u>Housing mix:</u> Policy TC6 of the Eastbourne Town Centre Local Plan covers Residential Development in the Town Centre and states that it should provide a mix of different dwellings to include one, two and three bedroom units to suit the needs of a range of different occupiers.</p> <p>The proposed building would comprise a mix of 1 and 2 bed units and the proposed units comprise of:</p> <p>1.19 9no. 1bed 2person flats 1.20 19no. 2bed 4person flats 1.21 2no. 2 bed 4p accessible flats at ground floor level.</p> <p>Whilst no 3-bed flats would be provided, such family-sized accommodation should have access to good quality outdoor amenity space. This constrained site would not allow for many ground floor 3 bed units and would need to replace the proposed wheelchair accessible units, which there is a far greater need for, especially as they would be included within the affordable housing provision. Therefore, 2-bed units are considered to be well suited to this site given the other considerations.</p> <p>Furthermore, the precise proportions in the split between dwelling sizes is not explicitly outlined within adopted policy. Therefore, it is not considered that it would be reasonable to refuse this application based upon the proposed mix of dwelling sizes, in the absence of such detail in adopted policy. Therefore, the proposed mix is considered to be acceptable on this site.</p>
8.3	<p><u>Residential Density</u> Saved Policy UHT1 requires all new development proposals to make the most effective use of the site with the highest density appropriate to the locality.</p> <p>The site area measures 0.26ha. The proposed density is thus 115dpha which is providing for a high density of development suitable for a town centre location without harming character and amenity.</p> <p>It is thus considered to result in an effective use of land.</p>
8.4	<p><u>Sustainability and Energy Efficiency:</u></p> <p>Sustainable design and development is at the heart of the Eastbourne Core Strategy Local Plan. Policy D1 sets out the high-level strategic policy against which all proposals will be assessed. It requires that all new development is sustainable, well designed and constructed and</p>

demonstrate that it has taken account of the principles of sustainable development.

The site is in a sustainable town centre location. The site is located within the Town Centre Neighbourhood, which is considered one of the most sustainable neighbourhoods in the borough. The site is well served in terms of public transport, amenities and public services with Eastbourne train station and the town centre just a short walk from the site. The site is served by a number of bus routes in the vicinity.

An energy strategy report submitted with the application confirms that the energy measures to be employed would be a 'fabric first approach, whole dwelling-controlled ventilation system with heat recovery (MVHR) with a combined low air permeability rate and use of solar PV providing 7kWp. According to the energy statement the potential CO2 emissions for the proposed development would be reduced by 50.4%. These measures would be secured via a planning condition in any given approval.

In addition, a condition would be used to secure further water and energy efficiency measures as well carbon saving measures in any given approval.

Sustainable energy is integral to affordable housing as it ensures such units would also be sustainable to run. The scheme therefore through the provision of green energy and energy efficiency measures to all unit meets the sustainability requirements.

A vehicle and dedicated charging bay to be sited on Old Orchard Road would be secured via a S106 as part of the Car club provision as required by the ESCC LHA.

8.5

Design, Character and Impact Upon Landscape:

Section 12 of the NPPF is concerned about development 'achieving well-designed places' and under paragraph 135 it states, amongst other requirements, that 'planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) [...]
- f) ...create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Para. 128 states that 'decisions should support development that makes efficient use of land, taking into account... the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

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.

Policy D10A states that in order to achieve a high quality environment new development makes a positive contribution to the appearance of our townscape and urban heritage. Design and layout should take account of context, i.e. neighbouring buildings as well as the surrounding area. New development can be modern or based on historic forms but must respect, preserve or enhance local character.

Saved Policy UHT1 states amongst other things that all development proposals will be required to: a) harmonise with the appearance and character of the local environment respecting local distinctiveness; b) be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout; c) make the most effective use of the site with the highest density appropriate to the locality.

The proposal relates to a large detached building that would be of two different heights in response to the surrounding buildings and context; three storeys pitch roofed to the front and four-storeys flat roofed to the rear.

The surrounding streetscene is varied. Old Orchard Road is a tree lined residential street of imposing, two to three-storey, semidetached Edwardian villas with a generally uniform architectural style and form, with some later infill development such as the late c20 block of flats 'Farrington Court' on the corner of Old Orchard Road and Arlington Road.

To the south (rear) is the former police station on Grove Road which is red brick three-storeys building. Immediately to the south of the police station site is the Grade II listed Eastbourne Town Hall, situated on the junction of Meads Road and South Street.

Saved policy UHT2 (Height of Buildings) seeks to ensure that 'new development is of a height similar and conform with that of the majority of surrounding buildings and take full account of its effect on the skyline and long distance views'.

The proposed building would be 3 storeys in height to the front and rising to four storeys towards the rear. The height of the proposed building responds well to the residential character of the Old Orchard Road streetscene. The rear of the building would be visible from public viewpoints across the Town Hall car park to the south-west and partly as

one travels south to north along Saffrons Road. The area is a mix of commercial and residential and the four-storeys flat roof rear wing is of a similar design to that of the formerly Eastbourne Police Station building which the site backs onto to the rear.

The proposed building would be offset from the side boundaries and the positioning of the building within the plot respects the existing building line. The frontage along Old Orchard Road will feature new trees, hedgerows and ornamental shrub planting areas, each contributing to the existing street vegetation and would be an improvement to the front of the site which previously had hard landscaping with car parking dominating. All existing trees situated within the land adjacent to the north, east and west of the site boundary will be retained within the scheme proposal. The rear communal garden would be soft landscaped with wildflower planting, urban trees and a grassed area.

The proposed materials are a multi brickwork of red/brown and light grey, clay tiles for roof and vertical cladding, contrasting render flint and stone detailing as the key-facing material. The balconies would be enclosed by balustrades, which are shown on the submitted plans as comprising opaque glazing. The balustrade design is subject to review due to the potential for stored items to add to visual clutter, particularly within the street scene of Old Orchard Road. A revised design would be secured by condition. Samples of the proposed materials would be secured by way of a condition.

It is therefore considered that the scale and design of the building and the development is in keeping and sympathetic with the character of the immediate and wider streetscene.

8.6

Impact Upon Heritage Assets:

The site is not situated within a conservation area, however the Town Centre and Seafront Conservation Area and Saffrons Conservation Area are in proximity to the site and the adjacent Town Hall is a Grade II listed building.

Policy D10a of the Core Strategy Local Plan states that new development will be expected to contribute to local distinctiveness and sense of place, and be appropriate and sympathetic to its setting in terms of scale, height, massing and density and its relationship to adjoining buildings and landscape features.

The application site is over 40m from Saffrons Conservation Area, the proposed building would be approx. 20m from the closest point of the Grade II Listed Town Hall and is over 25m from the Town Centre and Seafront Conservation Area.

The proposed development would be screened from the conservation areas by the surrounding buildings. Given this relationship and the separation distances and, taking the above into account, together with the

	<p>consideration of the housing and job creation in the planning balance, it is not considered that the relationship of the proposed development to the nearby heritage assets would have a significant impact to warrant refusal of planning permission when arriving at a balanced decision, taking account of the benefits delivered.</p>
8.7	<p><u>Living Standards for Future Occupants:</u> 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’.</p> <p>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.’</p> <p>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.</p> <p>All the flats meet the 2015 Technical Housing Standards - Nationally Described Space Standards (NDSS), as follows:</p> <ul style="list-style-type: none"> • 1-bed, 2-person = Proposed=50m²/Required=50m² • 2-bed, 4-person = Proposed=70m²/ Required=70m² • 2-bed, 4-person accessible = Proposed=83-90m²/ Required=70m² <p>In addition, the proposal complies with the required floor areas, bedroom dimensions, storage areas and floor to ceiling heights. As such it is considered that the proposed unit would meet the nationally described space standards.</p> <p>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.</p>

	<p>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. 135 (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...’</p> <p>Each flat would be provided with a balcony amenity space in addition to a communal garden to the rear of the building. More so, the site is located within walking distance of public open spaces including the beach Therefore, the proposed dwellings will provide a good level of accommodation for future occupiers.</p>
8.8	<p><u>Residential Amenity:</u> 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. 135 of the NPPF.</p> <p><i>Noise and disturbance</i> It is not considered that there would be any significant noise related issues with the proposal.</p> <p><i>Privacy</i> The building would provide an outlook on all elevations of the building, including towards the nearest neighbouring residential buildings, no.23 Old Orchard Road to the north-east. The impact upon the privacy for occupiers of each neighbouring building has been carefully considered. The proposal includes balconies at high level on all elevations of the building. This will introduce a degree of overlooking of rear gardens serving houses to the east, however the east elevation of the building is set back between 7m to 19 from the common boundary with no. 23. Given this separation distance the proposal is not considered to result in unacceptable levels of overlooking on this neighbouring property.</p> <p>Also, the separation distances would ensure the building would not create a sense of overbearing on its neighbours.</p> <p>The proposed building would be offset approx. 12.4m from the rear common boundary with the former police station site and thus would not result in harmful impacts on this neighbour’s amenities.</p> <p><i>Daylight</i> A daylight, sunlight and overshadowing report has been submitted, to inform the impact of the proposed development on the surrounding properties. The study carried out by the applicant has demonstrated that daylight and sunlight levels are met for all the dwellings on the opposite</p>

side of Old Orchard Road. For the former Police Station to the rear the impact is also small.

For 23 Old Orchard Road the new development will shade and restrict sunlight and daylight into the 1st floor windows along the side of the property to an extent that it may be noticeable to occupants. Sunlight whilst sufficient for most of the year will be reduced in winter when the sun is low in the sky. Given that most main living areas are generally to the front and rear of the property this may not impact the main living areas.

For the Probation Office the daylight will be restricted to 3 of the windows on the side of the building, but these are facing north, so are not assessed as they will receive limited sunlight anyway.

Both the gardens for 21 and 23 Old Orchard Road meet the criteria for overshading with over 89% of the garden areas receiving sunlight for at least 2 hours a day. The criteria laid out in the BRE guide provides guidance to assist design and are not mandatory requirements.

Therefore, since the proposed building would be set well away from neighbouring buildings it is not considered that existing habitable room windows would suffer from any significant loss of light as a result as demonstrated by the submitted daylight, sunlight and overshadowing report.

It is considered that the proposal complies with Policy HO20 of the Eastbourne Borough Plan Saved Policies (2007).

8.9

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. 114 of the NPPF.

Policy D8 of the Core Strategy states that new development should reduce the need to travel; make walking, cycling and accessibility to public transport a priority in the design of their layouts; provide for the needs of pedestrians and cyclists, including people with disabilities and mobility difficulties, which is particularly relevant to the proposed development; contribute towards sustainable travel schemes and activities, including the County Council's Local Sustainable Accessibility Improvement Contributions; and support safe and effective traffic movement along existing highways.

The site is highly sustainable being located near the town centre and walking distances to public transport for both rail and bus services are available within 300m.

Vehicle and cycle parking

The Local Highway Authority (LHA) has been consulted and they have advised that the main concern relates to this development being 'car free' with only 2 accessible car parking spaces proposed on site.

They have commented that based on the LHA's Parking Demand Calculator which has been designed to calculate the number of vehicle parking spaces required at a new residential development on a site-specific basis, the calculator indicates a car parking requirement of 26 spaces for a proposed development of 9no. 1 bed flats and 21no. 2 bed flats. With only 2 allocated accessible parking spaces available, there is a worst-case scenario of 24 additional vehicles being parked on-street. However, in practice, taking account of the proposed measures to reduce car ownership and the fact that the site is located within Zone G of the Eastbourne Controlled Parking Zone, the scenario is expected to be significantly less than this and therefore of no practical concern. The LHA advises that it should also be noted that residents of the development will not be eligible for a parking permit.

In accordance with the LHA's adopted parking standards for residential development, 1 cycle parking space would need to be provided per bedroom. The Transport Statement indicates that 70 spaces will be provided. This number exceeds the requirement and is therefore accepted. A secure store for 70 cycle parking spaces is included in the proposal, which is located conveniently adjacent to the main entrance.

In summary, the LHA has advised that this is a sustainable town centre location for which levels of car ownership will be low. In addition, the applicant has made clear their desire to promote sustainable travel modes and intend to provide a Travel Plan, despite the need for such being below the HA's current thresholds. On this basis, the HA has no objection to this application, subject to the provision of the conditions and obligations. Details of the cycle storage facilities can be secured via a planning condition.

Refuse and Recycling storage

A bin store would be located close to the communal entrance at the ground floor. The TS confirms that a communal waste store will be located within 25 metres walking distance of the site frontage on Old Orchard Road, thereby meeting the requirements set out in good practice refuse and recycling collection guidelines and permitting kerbside waste collection by Eastbourne Borough Council. The location of bin stores is considered acceptable.

The proposal is thus considered subject to conditions to meet its operational requirements without resulting in harmful impacts on highway safety and network.

8.10 Flooding and Drainage:

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;

	<p>b) measures are provided to manage increased surface water runoff to minimise the risk from flooding, whilst not increasing the risk of flooding elsewhere.</p> <p>The site is identified as being within flood zone 1 and it is not at risk of surface water flooding. The site is relatively flat with a slight fall in ground level from west to east.</p> <p>The site is located within a Zone II (Outer Zone) groundwater Source Protection Zone (SPZ), which is a classification given to aquifers to protect the quality of water at potable water abstraction points.</p> <p>According to the submitted Landscape Design Strategy, it is proposed that the new access road and parking area will be of permeable construction, managing surface water directly at source. Other hard landscaping areas (paths and patio) will feature both permeable and impermeable surfacing with the former designed to allow water to drain into the surrounding planting beds and be absorbed by the dense ground-cover discussed in the Soft Landscape Section. Roof runoff will be drained to a crate-style soakaway located in the communal garden area. The communal garden to the rear would have soft landscaping with additional areas of soft landscaping to the front of the building and along the north eastern boundary.</p> <p><u>Foul Drainage:</u> New foul drainage will be installed for the proposed new building. This will continue to discharge via the existing foul connection at Southern Water manhole</p> <p>Surface water would not be discharged to the public sewer rather the new drainage system will utilise infiltration to discharge surface water runoff at source.</p> <p>ESCC LLFA-SuD's team were consulted, and they have commented that whilst the application documentation has not met all the County Council's and the Board's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.</p> <p>Therefore, no objection in principle subject to the imposition of conditions.</p>
8.11	<p><u>Ecology and Biodiversity:</u></p> <p>The National Planning Policy Framework (NPPF) states that 'planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity...' and that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...'</p>

	<p>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.</p> <p>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).</p> <p>In accordance with Policy D9 of the Core Strategy, a Preliminary Ecological Appraisal (PEA) was conducted and Biodiversity Net Gain Assessment Report by Lizard Landscape Design and Ecology ref: LLD3119-ECO-REP-002-00-BNG has been submitted in support of the application.</p> <p>According to the report, the proposed development would involve the removal of all existing semi-natural habitats resulting in a loss of 0.81Habitat units. However, proposals include soft landscaping provision comprising wildflower grassland areas, a biodiverse green roof, ornamental planters, tree planting and lawns. In addition, a new native species hedgerows are to be planted to provide privacy to dwellings and natural barriers between soft and hard landscaping elements. The proposal would thus result in the delivery of a net gain of +0.09 Habitat units which would equate to a net gain of +10.60% Habitat units and thus just meets the mandatory requirements.</p> <p>The County Ecologist was consulted, and they have commented that insufficient information primarily relating to reptiles and BNG has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. They have advised that further information should be provided as to how impacts to reptiles can be adequately mitigated and any population that may be present safeguarded long-term. In addition, further justification for the post-development approach to tree planting and consideration of possible alternatives should be provided.</p> <p>This matter would be addressed prior to the grant of any approval.</p>
8.12	<p><u>Community Infrastructure Levy:</u> As per the Eastbourne Charging Schedule, charge on flats in £0 rated, this application is not liable to pay any CIL.</p>
8.13	<p><u>Planning Obligations:</u></p>

	This application is recommended for approval subject to a Section 106 Legal Agreement for Local Labour Agreement, affordable housing, travel plan and Biodiversity Net Gain.
8.14	<u>Human Rights Implications:</u> 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.
8.15	<u>Conclusions:</u> Approve subject to the conditions listed below and a section 106 legal agreement to secure Local Labour Agreement, Affordable Housing, Biodiversity Net Gain, Travel Plan and A Travel Plan Audit fee of £4500, Off-site Highway Works (S278 Agreement under Highways Act 1980), Bus Service Improvement Contribution, Car Club provision and Traffic Regulation Order (TRO).

9.	Recommendations
9.1	<p>1. Delegate to the Head of Development Management to:</p> <ul style="list-style-type: none"> a) Conclude consultation with the ESCC (Ecology and Landscape) and <p>1.22 Make any necessary revisions, attach conditions or seek planning obligations resulting from the above consultations; and upon conclusion of the above:-</p> <p>2. Grant planning permission with conditions, subject to S106 Agreement to secure:</p> <ul style="list-style-type: none"> a) Local Labour Agreement; b) Affordable Housing c) Biodiversity Net Gain d) Travel Plan and A Travel Plan Audit fee of £4500 e) Off-site Highway Works (S278 Agreement under Highways Act 1980) g) Club provision h) Traffic Regulation Order (TRO) <p>1.23 Should the Section 106 Agreement outlined within 2 (above) not be completed within a reasonable timescale (to be agreed with Officers) that the application be refused for the following reason:</p> <p>The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that planning obligations required to make the proposed development acceptable in planning terms can be secured, contrary to Policies D5 (Housing), D8 (Sustainable Travel) and D9 (Natural</p>

	Environment) of the Eastbourne Core Strategy 2013 and saved policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and paragraph 114 of the NPPF.
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10.	Conditions:
10.1	<p>Time limit: 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>Approved Plans: The development hereby permitted shall be carried out in accordance with the approved drawings:</p> <ul style="list-style-type: none"> - 4790-MBA-1000 REV A - Site Location Plan - 4790-MBA-1001 REV A - Block Plan - 4790-MBA-1004 REV A – Existing Site Plan - 4790-MBA-1005 REV A - Proposed Site Plan - 4790-MBA-1006 REV B - Proposed Ground Floor Plan - 4790-MBA-1007 REV B - Proposed First Floor Plan - 4790-MBA-1008 REV B - Proposed Second Floor Plan - 4790-MBA-1009 REV B - Proposed Third Floor Plan - 4790-MBA-1010 REV A - Proposed Roof Plan <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 surfaces of the development, hereby approved, shall be finished in accordance with the approved plans and Design and access Statement, unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development has a satisfactory appearance.</p>
10.4	<p>Soft and Hard Landscaping: The site shall be landscaped strictly in accordance with the approved Landscape Design Strategy REV 2 Ref: LLD3119-LAN-REP-001 in the first planting season after completion or first occupation of the development, whichever is the sooner.</p> <p>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 approve details unless agreed otherwise with the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>

10.5	<p>Protection of trees to be retained: Prior to the commencement of the development hereby permitted, measures of the protection of the trees to be retained as outlined in the submitted Arboricultural impact assessment and method statement Ref: LLD3119-ARB-REP-001, Tree Retention and Protection Plan Ref: LLD3119-ARB-DWG-020 and Tree Constraints Plan Ref: LLD3119-ARB-DWG-001 shall be implemented.</p> <p>Reason: In the interests of the amenity and the landscape character of the area.</p>
10.6	<p>Access works: No development shall be occupied until the vehicular access serving the development has been re-constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.7	<p>Visibility: The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.8	<p>Turning: The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.9	<p>Vehicle Parking: The development shall not be occupied until parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>

10.10	<p>Vehicle Parking: The proposed accessible parking spaces shall measure at least 3.6m wide by 5m long, with an additional 0.5m width provided where spaces abut walls and fences.</p> <p>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.</p>
10.11	<p>Parking spaces: No part of the development shall be occupied until the disabled car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To provide disabled car-parking spaces for the development.</p>
10.12	<p>Cycle Parking: The development shall not be occupied until cycle parking has been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.</p>
10.13	<p>Construction Transport Management Plan: No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> • the anticipated number, frequency and types of vehicles used during construction, • the method of access and egress and routeing of vehicles during construction, • the parking of vehicles by site operatives and visitors, <p>1.24 the loading and unloading of plant, materials and waste,</p> <ul style="list-style-type: none"> • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the

	<p>public highway (including the provision of temporary Traffic Regulation Orders),</p> <ul style="list-style-type: none"> • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.14	<p>Foul Drainage: No above ground works development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to secure a satisfactory standard of development.</p>
10.15	<p>Surface Water Drainage: No above ground works shall commence until a surface water drainage scheme and maintenance and management plan have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme shall include the following:</p> <ol style="list-style-type: none"> 1. The detailed design of the surface water drainage system should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided or an alternative drainage approach should be utilised. 2. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365. 3. If discharge off site is proposed as part of final detailed design, then surface water discharge rates should not exceed the Greenfield QBar runoff rate for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. 4. The details of any outfall of the proposed drainage system and how it connects into the watercourse/sewer/drain should be provided as

	<p>part of the detailed design. This should include cross sections and invert levels.</p> <ol style="list-style-type: none"> 5. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. 6. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following: <ol style="list-style-type: none"> a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. 7. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development. <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>
10.16	<p>Surface Water Drainage Part 2: Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.</p>
10.17	<p>Green Roof and Micro Generation - No development shall commence until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the green roof shall be implemented in accordance with the approved details, the development, hereby approved, shall not be occupied until the green roof and renewable</p>

	<p>energy equipment has been constructed in accordance with the approved drawings.</p> <p>Reason: of the amenity of the area and sustainability.</p>
10.18	<p>Micro Renewables: No development shall commence until 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.</p> <p>Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.</p>
10.19	<p>Water efficiency measures: Water and Energy Efficiency Measures: Prior to the occupation of the development hereby permitted or in accordance with a programme to be agreed in writing with the Local Planning Authority an as-built stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For energy this must demonstrate with reference to design stage SAP data:</p> <p>a) Predicted CO2 emissions from all proposed new dwellings to be at least 19% reduced through the energy efficiency of the buildings. compared to the target emission rate baseline set by building regulations</p> <p>b) Predicted CO2 emissions from all proposed new dwellings to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by building regulations.</p> <p>For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.</p> <p>Reason: To ensure an environmentally sustainable development.</p>
10.20	<p>Roof terrace restriction Use of flat roof as roof terrace: The flat roof of the ground floor CWS Tankroom, hereby approved, shall not at any time be used for sitting out, as an amenity area or for any other purpose other than that of an emergency or for maintenance.</p> <p>Reason: To safeguard the amenity of the occupiers of adjoining properties.</p>
10.21	<p>Refuse Storage: Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be</p>

	<p>provided in accordance with drawing No:4790-MBA-1006 REV B - Proposed Ground Floor 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>
10.22	<p>Biodiversity Net Gain:</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Gain Plan prepared by Lizard Design and Ecology and dated 28/05/2024 to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Plan shall be implemented in full.</p> <p>No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.</p> <p>Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.</p> <p>Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy D9 of the Eastbourne Core Strategy 2006-2027, Saved Policy NE28 of the Eastbourne Borough Plan 2001-2011 and paragraphs 180 and 186 of the National Planning Policy Framework 2023.</p>
10.23	<p>Details of balustrade design:</p> <p>Notwithstanding what is shown on the approved plans, details of the design of the balustrades shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details approved prior to first use of the development, hereby approved, and thereafter shall be maintained in accordance with the approved details for the lifetime of the development. At no time shall the balustrades be screened or shrouded.</p> <p>Reason: In the interest of preventing visual clutter and protecting the visual appearance of the area.</p>

11.	Appendices
11.1	None
12.	Background Papers
12.1	None