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| <b>App.No:</b><br>150803 (PPP)  | <b>Decision Due Date:</b><br>8 October 2015 | <b>Ward:</b><br>Upperton            |
| <b>Officer:</b><br>Leigh Palmer   | <b>Site visit date:</b><br>28/09/15         | <b>Type:</b> Planning<br>Permission |
| <b>Site Notice(s) Expiry date:</b> 10 September 2015<br><b>Neighbour Con Expiry:</b> 10 September 2015<br><b>Press Notice(s)Published:</b> 25/08/15   |   |                                     |
| <b>Over 8/13 week reason: Reported to Committee within statutory framework</b>  |   |                                     |
| <b>Location:</b> 7 Upperton Road, Eastbourne  |   |                                     |
| <b>Proposal:</b> Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping  |   |                                     |
| <b>Applicant:</b> Mr Alex King  |   |                                     |
| <b>Recommendation:</b> Subject to S106 covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report. |   |                                     |

### **Executive Summary:-**

The application relates to redevelopment of the former Caffyns Garage site on Upperton Road. The proposed use and scale of development accords the local policies contained within the development plan including the Eastbourne Town Centre Local Plan (ETCLP) and as such there are no objections in principle to the proposed redevelopment.

It is considered that the location, design and siting of the building is such that it would not give rise to a material loss of amenity sufficient to justify a refusal of planning permission.

The proposed use is considered to meet a local need and the level/density of off street parking is deemed to be acceptable for this client group.

Issues over demolition and construction access are to be controlled via planning condition.

Subject to a S106 (Legal Agreement) covering local employment issues and age of resident entry to the scheme then planning permission should be granted subject to conditions outlined within this report.

### **Town Centre Action Plan adopted November 2013**

TC1 Character Areas

TC2 Town Centre Structure – *'Improved appearance from Upperton Road*

TC3 Mixed use developments  
TC6 Residential development within the Town Centre.  
TC9 Development Quality  
TC10 Building Frontages and Elevations  
TC11 Building heights  
TC12 Servicing Access and Storage  
TC15 Parking  
TC17 Strategic Approach to Town Centre Development Sites – *'delivering 450 units.*  
TC20 Development opportunity site 3 – *'Active frontage, pedestrian access, 3-6 storey in height, mix of uses, public realm, access and amenity issues.*

### **Eastbourne Core Strategy Policy**

Eastbourne Core Strategy Local Plan 2006-2027  
B1 Spatial Development Strategy and Distribution  
B2 Creating sustainable Neighbourhood  
C1 Town Centre Neighbourhood Policy  
C2 Upperton Neighbourhood Policy  
D1 Sustainable Developments  
D2 Economy  
D10a Design  
D5 Housing  
D8 Sustainable Travel

### **Borough Plan Policies**

Eastbourne Borough Plan 2001-2011  
TR4 Quality Bus Corridors  
HO1 Residential Development within the Existing residential area  
HO20 Residential Amenity  
BI17 design Criteria  
TR11 Car Parking  
HO2 Predominantly Residential Areas  
NE3 Conserving Water Resources  
NE4 Sustainable Drainage Systems  
NE5 Waste minimisation  
NE11 Energy efficiency  
NE12 renewable energy  
NE28 Environmental Amenity  
UHT1 design of new development  
UHT2 Height of buildings  
UHT4 Visual Amenity

### **Site Description:**

The application site relates to the former Caffyns Garage site (now vacant) fronting Upperton Road close to its traffic light junction with The Avenue.

The site is broadly rectangular in shape measuring 0.25 ha with a frontage along Upperton Road of some 70 m and a depth of plot of approximately 37m. The site currently has vehicle access points from Upperton Road and Southfields Road; the Upperton Road access is achievable by virtue of the floor level of the existing building.

There is approximately a storey height difference in levels down from Upperton Road to Southfields Road.

To the rear of the application plot is Southfields Court a 5 storey block with flat roof, this building fronts Southfields Road and has very ,limited external space. To the west of the site lies the Council Staff carpark and the parking area connected with the Royal Mail sorting office. Opposite side of Upperton Road there are number of large flatted buildings and offices comprising 5-6 storeys in height. To the west of the site (up Upperton Road) lies Marlborough Court and large sheltered block over 5 storeys.

Southfields Road itself is characterised predominantly by large Victorian/Edwardian villas on substantial plots, for the most part the properties closet to the application site entrance have been converted into apartments and or care homes.

The site is located with the Town Centre boundary and approximately 200m from Eastbourne Train Station.

The site has been identified within the Town Centre Local Plan as a suitable development site. Policy TC20 deals with development opportunity site No3 and the parameters of this policy have been outlined within the policy section above.

### **Relevant Planning History:**

The most relevant planning history is outlined below:-

EB/1963/0367

Erection of petrol station, showroom offices, repair shop and car park on roof of basement workshop

Approved Conditional

1963-09-26

EB/1963/0055

Petrol service station, show room workshop, offices and parking and block of flats on 4 upper floors and garages /stores on ground floor

Approved Conditional

1963-02-21

130152

Demolition of existing one and two storey offices and showroom

Notification

Issued

29/05/2013

Adjacent site:-

970355

Erection of 4/5 storey building containing 66 very sheltered housing apartments with common areas comprising lounge, office, dining room, kitchen, staff areas, car park and site works.

Planning Permission

Approved conditionally

02/01/1998

### **Proposed development:**

#### **General Concept:-**

The scheme relates to the demolition of the entire building to be replaced by a new building providing accommodation for 61 units for private sheltered accommodation. The scheme is to be built/managed by Churchill Retirement Living a specialist provider delivering accommodation that is designed to meet the needs of the independent retired people and provides self-contained apartments for sale within the block.

It is intended that the apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those over this age with the a partner at least 55 can live in the development. The applicants outline that even with the age restriction as outlined above the average age of the occupiers' within their portfolio is 79, the majority of which are single female households.

The development will have a 'lodge manager' employed by the management company and will provide general site maintenance of the buildings/gardens and also security to the residents. The 'lodge manager' is on site during working hours and when off site there is an emergency alarm system fitted in each apartment and communal areas. The development will be accessed via a video entry system from both the car park level and from Upperton Road.

#### **New Building:-**

The new building is to have 5 storeys fronting onto Upperton Road and given the change of levels 6 storey to the rear. The building is to have a flat roof and proposed to use a range of external finishes including facing brick, render and slate coloured cladding panels.

The proposed building incorporates a curved façade to the south-eastern corner of the building in order to provide some visual interest to views from The Avenue and also views to the site up from the train station and from the Town Centre.

A brick and flint boundary wall is proposed along the Upperton Road frontage of the site.

#### **Separation Distances & Height:-**

The building is to be located close to the Upperton Road boundary of the site and is kinked at the middle of the building, this reflect the curvature of this part of Upperton Road. The frontage of the building is some 30+m from properties on the opposite side of Upperton Road. The building is proposed to be sited so the back to back distance is some 21+m from the rear of the property Southfields Court. Marlborough Court which lies to the eastern boundary of the site has an 'H' shaped footprint and to the central limb of the 'H' there is a separation of some 18m and a back to back distance to the bottom limb of the 'H' in excess of 23m.

The external height of the building is broadly similar with the properties to the north (opposite) and east (adjacent) of the site and approximately 4m above the height of Southfield Court (rear).

#### Access & Parking:-

The scheme proposes pedestrian access from the street level on Upperton Road, there is also pedestrian access from within the building (lower ground floor level car park level). Vehicular access to the site is from Southfields Road and provides access to 21 car parking spaces (7 Undercroft and 16 open).

#### Accommodation schedule:-

##### Lower Ground Floor:

- Access/parking
- Waste/recycling store
- Buggy store
- Communal lift to all floors
- Communal lounge
- Plant room
- 1 x 2 bedroom flat

##### Ground Floor:

- 3 x 2 bedroom flats
- 9 x 1 bedroom flats
- Entrance foyer from Upperton Road and lift to all floors
- Guest suite

##### First, second, third and Fourth Floor:

- 5 x 2 bedroom flats
- 7 x 1 bedroom flats

The scheme therefore proposes 61 residential apartments with the following mix:-

37 x 1 bedroom apartments

24 x 2 bedroom apartments

#### Amenity Space/balconies:-

All of the apartments have access to the communal landscaped garden on the lower ground floor as well as direct access to a private balcony ranging in size from 5sqm for the main bulk of the units and up to 12sqm for the apartments on the south-eastern corner.

#### Supporting documentation:-

The application is accompanied by a number of supporting documents whose content can be summarised as:-

Design & Access Statement:- Re-uses town centre brownfield site, promotes a scheme that in design terms is respectful to the characteristics of the site and existing buildings. Scheme complies with National & Local Policies that promotes sustainable development in appropriate locations and supports a client group where there is a large demand for this downsizing accommodation. Scheme would help to meet the Councils housing pressures. There is a growing demand to meet the needs and requirements of an ageing population.

Ecological Report:- The site has low ecological value, this will be enhanced by virtue of the introduction of communal landscaped areas.

Flood Risk Assessment:- The site will have negligible flood risk, accept the need for further work to satisfy the requirements of the Lead Local Flood Authority (see response below)

Transport Assessment:- the site is in a highly sustainable location in relation to public transport, shops and other goods and services. Excellent bus connections/frequency to a number of destinations. 21 cap parking spaces is considered entirely appropriate for the scheme/client group. Vehicular access will be onto Southfields Road and given the very limited vehicle movements connected to the use of the site there will not be any material impact upon the local highway network.

Housing Need & Affordable Housing:- Given the demographics both locally and nationally there is a shortfall in this type of accommodation within Eastbourne and that there is growth in the 65+ age group with the 75+ age group is forecast to rise by 75% by 2037.

On viability and site constraint grounds the development cannot deliver on or off site affordable housing units.

Stakeholder Engagement:- Feedback from the public exhibition/training events; the majority of those that engaged in the process were complimentary/supportive of the proposal. Other comments received relating to the following:

- Level of parking provision
- Access to the site
- Construction disturbance
- Need for housing for younger people
- Overprovision of retirement housing.

Response to Eastbourne Design Review Panel (EDRP):- The proposed development was reported to the EDRP where a number of issues were raised:

*Development site providing an opportunity to provide a building that enhances the approaches to Eastbourne Town Centre, the new building should address this.*

*Scale and design of the elevations needs to ensure that the development has a degree on architectural consistency (integrated development)*

*Key feature on the corner to provide visual interest*

*Car parking and landscaping needs to be rationalised to provide more useable and pleasant environment.*

*Privacy of amenity space*

*Alternative amenity space within elements of the building*

The applicant contends that the current proposal has addressed/mitigated the concerns raised by the EDRP

## Consultations:

### Internal:

Housing Services Manager:- No objection to the principle of the development and given the viability assessment submitted with this project it is accepted that the scheme cannot deliver either on or off site affordable housing units.

Specialist Advisor (Planning Policy) Recommendation: Planning Policy support this development proposal in principle, subject to detailed consideration on matters relating to affordable housing and transport provision.

Strategy and Commissioning (Regeneration):- Subject to the inclusion of a local labour agreement then no objections are raised.

### External:

East Sussex County Council Lead Local Flood Authority (ESCC SUDS):- Concludes that the conceptual surface water strategy is acceptable for managing run off generated by the development and recommend conditions (outlined below) to any consent to mitigate the risks:

*Prior to construction of the proposed development, a drainage survey is undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.*

*The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha.*

*A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for the maintenance needs to be satisfied with the submitted details.*

Adult Social Care:- The tenure of outright sale is likely to meet a need in Eastbourne given the demographics. However, it would have been good to have seen a different model proposed such as extra care housing or a model which allowed for an on-site care service particularly as there is very little available for owner occupiers who would like to remain independent but have care and support needs.

Some of the flats are small and below (usually one bed in this client group is 54 Sqm these are average 49sqm, in addition some two beds are below the space standards.

Access to outside space should be fully explored for the well-being of the residents.

Highways ESCC:- To be reported at Planning Committee

Neighbour Representations:

135 neighbour letters were sent out resulting in 10 objections being received commenting in the main on the following issues:-

- loss of light
- Overshadowing
- Construction from Southfields Road may cause congestion and highway safety problems
- Access would be better from Upperton Road
- Double yellow lines in area for safety reasons
- Southfields Road is an accident black spot
- Loss of privacy
- Building is too close to Upperton Road
- Pedestrian Access should be introduced linking Upperton and Southfields
- Construction Noise and Dust
- Loss of View

The Council have received 3 letters of support to the proposal.

**Appraisal:**

Principle of development:

The site is located with Development Opportunity Site 3 (Policy TC20 of the Eastbourne Town Centre Local Plan [ETCLP], 2014). The proposal would provide sheltered housing for the elderly (considered to be C3 Planning Use Class), which is in need locally, in line with Paragraph 50 of the NPPF. The application would provide 61 flats, going some way to meeting the overall housing delivery target for the Development Opportunity Sites within the Town Centre neighbourhood. The application does not prevent the remainder of the Development Opportunity Site coming forward for a mix of uses, therefore is not contrary to Policy TC20 of the ETCLP. The proposal is in general conformity with the Town Centre neighbourhood vision (Policy C1 of the Eastbourne Core Strategy Local Plan, 2013) in that it “delivers new housing through redevelopment”;

The Eastbourne Borough Plan (2003) contains a specific planning policy (Policy HO17: Supported and Special Needs Housing’ in relation to the development of residential care homes (C2 Planning Use Class). The proposal generally meets the following criteria contained in the policy, in that the site is in a sustainable and accessible location near to public transport routes, and the scheme’s design is functional to the needs of its occupants.

It is acknowledged that as a society the population is ageing and as such there is an increasing requirement to meet the needs and requirements of this sector of the community. The applicants are a specialist provider in this field and would go some way to meeting Eastbourne’s demand for elderly sheltered accommodation.

It is considered therefore that the principle of residential development in the manner proposed is acceptable.



Impact of proposed development on amenity of adjoining occupiers and surrounding area:

It is considered that the size, scale and height of the proposed buildings accords with both Planning policy (TC20 of the Eastbourne Town Centre Local Plan) and the character of the surrounding area.

The scheme promotes the redevelopment of a brownfield parcel of land within Eastbourne Town Centre, given this urban location it is considered that the scheme proposes sufficient separation distances between the proposed development and Southfields Court and Marlborough Court (18m – 23m) to mitigate any loss of amenity through direct overlooking and or over-dominant relationship.

The proposed building broadly maintains the building heights of those that adjoin/abut the plot, given this and the separation (back to back) distances and the orientation/siting of the building it is considered that the development would not have any material impact upon the amenities of the occupiers of the adjoining and nearby properties.

It is accepted that this site has a number of site constraints making it more difficult to build, none more so than the limited access to the site from Southfields Road and the change in levels up to the Upperton Road.

Some respondents have commented on these constraints and raised concerns over the potential conflict and potential highway safety issues that may occur if the scheme is demolished/constructed from Southfields Road.

It is accepted that with any development scheme there will be noise/disturbance issues along with greater pressure on the local highway network given the removal of demolition materials from the site and the delivery of construction materials. It is considered that this loss of amenity occurs for a relatively short period of time given the commercial pressure for the scheme to be considered so that revenues can be secured.

Both Southfields road and Upperton Road have issues in terms of appropriateness for the siting of the demolition/construction access. Given the desire to maintain the openness of the more strategic route it is considered that Southfields Road would be more appropriate. This position has been verbally agreed by ESCC Highways. In addition a demolition and construction method statement will be controlled via planning conditions.

Design & Layout Issues:

Members will note the site forms part of a key development within the ETCLP and as such the broad parameters of the redevelopment have been promoted/supported by this policy document, namely the storey height and the desire to accommodate a key architectural feature of interest on the elevation facing the train station.

In addition and as outlined earlier in this report the scheme at pre application stage was reported to Eastbourne's Design Review Panel. This panel raised a number of design issues that needed further exploration. It is considered that the application now before members has addressed these key themes.

The overall design concept is acceptable and given the policy issues outlined above it is considered to be in conformity with the development plan and as such a refusal based on the design principles could not be justified or substantiated.

It is noted within the response from Adult Social Care that some of the flats have a modest internal floorspace. The applicant contends that the size of the proposed flats is consistent with the rest of their portfolio and has developed over a number of years to deliver the size/quality of accommodation that is required by their client group. Notwithstanding this it is considered that the development also incorporates communal lounge/garden and also private balconies in excess of 5sqm in area; these features when taken/assessed collectively with the internal floor space of the individual flats is considered to provide a level of accommodation suitable for the client group.

Given this a refusal based on the size (individual floorspace) of the proposed flats could not be justified/substantiated.

#### Impact on character and setting of a listed building or conservation area:

There are no buildings of local/national historic importance on or near the site that will be affected by the development.

The site is not located within a conservation area or an area of High Townscape Value.

Given this it is considered that the mixed character of the local street scene outlines the context within which the appropriateness of this development should be assessed.

#### Impacts on trees & Biodiversity:-

Given the former use and nearly 100% site coverage there is little scope for any existing habitat. Notwithstanding this the scheme promotes a landscaped garden which would enhance the local biodiversity as well as providing some visual enhancements to this part of the site.

#### Impacts on highway network or access:

The impacts upon nearby residential properties from demolition/construction of the scheme has been outlined in previous sections of this report.

The density of parking is considered acceptable for the this use/client group given the age of the residents and car ownership across the applicants portfolio.

Given the very low car ownership/occupancy of the residents it is considered that the off street carparking is sufficient to meet staffing and visitor needs and as such there should not be any material impact upon the local highway network and given this impact is less than severe in NPPF terms then a refusal based on highway impact could not be justified/substantiated.

#### Sustainable development implications:

The applicant outlines that with the redevelopment of a town centre brownfield site, utilising modern construction techniques and incorporating (where possible) other

sustainable features (SUDS) the scheme would deliver a highly sustainable form of development.

In addition for all those residents who down size into this scheme their former accommodation would be reused and thereby to some extent reduce the pressure for the release of further developable land.

#### Other matters:

Affordable housing and CIL and S106 agreement:-

The scheme has been assessed and evaluated and it can not sustain (viability) the delivery of on-offsite affordable housing units. Given this no affordable housing contributions are sought.

As the scheme proposes flats then there is no CIL requirement.

It is recommended that if the scheme be supported then a S106 should be entered into securing local labour contributions in line with the Local Labour and Training Technical Note (linked to Policy D2 'Economy' of the Eastbourne Core Strategy Local Plan, 2013) and also limitations over the age of the occupants of the scheme in order to prevent the scheme being occupied in the open market and thereby placing greater pressure on parking and amenity space.

#### **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.

#### **Recommendation:**

Subject to a S106 agreement covering 'Local Labour Initiatives' and 'age of resident restriction' then the scheme be granted subject to the following conditions:-

1. Time Limit
2. Accordance with approved drawings
3. Prior to their installation all external materials submitted and approved
4. Prior to their installation all boundary treatments submitted and approved
5. Prior to first occupation refuse/recycling shall be made available to residents along with a statement for the presentation of bins on collection day.
6. Prior to the first occupation buggy store shall be made available to residents
7. Prior to the first occupation the car park shall be laid out in accordance with the details
8. Demolition/construction method statement
9. No plant machinery to be used outside of the following times 08:00 – 18:00 Monday to Friday and 08:00 13:00 Saturdays and not at all on Bank or public holidays.
10. Prior to commencement other than demolition Hard and soft landscaping submitted and approved

11. Prior to construction of the proposed development, a drainage survey is undertaken to determine the existing surface water discharge location (s). Details of the drainage survey should be submitted to and agreed by the Local Planning Authority.
12. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2 l/s/ha.
13. A maintenance and management plan for the entire drainage system should be submitted to and agreed by the local planning authority before any construction commences on the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for the maintenance needs to be satisfied with the submitted details.
14. Prior to the construction on site, other than demolition a contaminated land assessment and associated remedial strategy is to be submitted and agreed.
15. The Building shall not be occupied until details of all exterior lighting have (including security lighting) have been submitted and approved.
16. Before the development hereby permitted is commenced full details of all proposed extract flues, ventilation systems and meter boxes shall be submitted to and approved

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.