

App.No: 171376 (OSR)	Decision Due Date: 6 March 2018	Ward: Upperton
Officer: Anna Clare	Site visit date: 19 January 2018	Type: Outline (some reserved)
Site Notice(s) Expiry date: 7 December 2017 Neighbour Con Expiry: 7 December 2017 Press Notice(s): 4 December 2017		
Over 8/13 week reason: To negotiate and bring to committee		
Location: Arundel Court, 20 Arundel Road, Eastbourne		
Proposal: Outline Planning Permission (Access, Appearance, Layout and Scale) for proposed demolition of existing dwelling and erection of 19 flats together with parking spaces.		
Applicant: Mrs Julia Marshall		
Recommendation: Refuse Planning Permission		

Executive Summary:

This application proposes the demolition of the existing building and development of a purpose built block of 19 flats. Given the existing building is a single dwelling the proposal provides a net gain of 18 units, no affordable housing is proposed on site and no commuted sum towards off site provision is offered therefore the proposal does not meet policy D5 of the Core Strategy Local Plan.

The existing building is a substantial detached villa which sits well within the site; the proposed building extends the footprint to within 0.5m of the site boundaries. The scale and bulk of the proposal is considered overbearing and unneighbourly on either adjacent property and out of character and detrimental to the existing pattern of development in the wider area.

Windows in the side elevation will also give rise to direct overlooking. Given the layout of the site and the internal flat layout/size the scheme is considered to provide substandard accommodation for future occupiers.

A provisional TPO has been imposed on the Beech tree to the front garden, the proposed development will impact on the future health of that tree and likely lead to pressure to heavily prune or remove the tree. The loss of other trees and the loss of the extensive soft landscaping are considered detrimental to the character and appearance of the area.

The overall layout and scale of the development is considered unacceptable in terms of the size of the plot, by virtue of the height, footprint, siting within the site detailed design bulk and scale and the loss of the green openness of the rear garden by virtue of the

scale of the development the proposal is therefore contrary to Section 7 of the National Planning Policy Framework 2012, Policy D10a of the Core Strategy Local Plan 2013 and Saved Policies UHT1, UHT and UHT5 of the Borough Plan 2007.

Access is proposed to the site for vehicles from the rear lane, with 17 car parking spaces provided within the rear of the site. The level of car parking provision for the number of flats is considered acceptable and in excess of ESCC highways requirements. Proposals are provided to improve the access to the rear however this land is not owned by the Applicant and no mechanism (s106) is in place to secure these works therefore the access would be inadequate to serve the level of additional traffic and would result in severe highways impacts.

It is accepted that Eastbourne are unable to demonstrate a 5 year housing land supply and as such in accordance with the National Planning Policy Framework sustainable residential development should be supported unless the impacts of doing so in terms of policies of the framework as a whole would demonstrably outweigh the benefits of granting consent.

Negotiations have taken place with the Applicant and Agent however the above concerns have not been overcome and therefore the adverse impacts of granting consent for this proposed development are considered to significantly and demonstrably outweigh the benefits of the creation of a net gain of 18 units, and therefore it is recommended that planning permission is refused.

Relevant Planning Policies:

National Planning Policy Framework

Introduction – Core planning principles

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C2 Upperton Neighbourhood Policy
- D5 Housing
- D10a Design

Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- HO7 Redevelopment
- HO20 Residential Amenity
- NE14 Source Protection Zone
- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT5 Protecting Walls/Landscape Features
- TR2 Travel Demands
- TR6 Facilities for Cyclists
- TR11 Car Parking

Site Description:

The site is situated on the eastern side of Arundel Road, close to the junction with Carew Road. The site is not situated within a conservation area, nor is the building listed.

To the rear of the site the property has three garages, with vehicular access onto the rear Lane. This Lane provides access to Carew Road to the north, and St Anne's Road to the south.

The existing property is a substantial detached villa, mainly three storeys in height constructed in brick with tiled roof. The property retains timber sliding sash windows, and has a particularly attractive portico feature with decorative stone work. To the roof the property also has an attractive timber/glass roof structure which is not evident on other properties in the area.

Relevant Planning History:

No planning history for the property specifically relevant to this application.

16 Arundel Road

010250

Demolition of existing building and erection of 19 self-contained flats.

Planning Permission

Granted

06/02/2002

22 Arundel Road

050731

Demolition of existing nursing home and single-storey dwelling and erection of 24 two-bedroom flats with associated parking. (Outline Application).

Outline (some reserved)

Withdrawn

01/07/2005

Proposed development:

Outline planning permission is sought with Landscaping reserved for the demolition of the existing building and the erection of a building containing 19 flats over 5 floors including lower ground and roof level.

A car parking area, providing 17 off street parking spaces is proposed to the rear with access onto the rear lane.

Consultations:

Specialist Advisor (Arboriculture)

An objection is raised against the loss of the large and imposing Beech tree at the front identified as T18 on the Tree Survey Plan. A TPO has been imposed on this tree and we are seeking to impose a Tree Preservation Order on trees on land adjacent at number 18. This includes the Lime tree shown as T21 and two other trees which are not shown on the plans. The remaining trees within the site are considered to fall short of both meriting and qualifying for a Tree Preservation Order.

There is no objection to development of the site in principle. The applicants are urged to consider amending the layout and incorporating the protected Beech tree within the development proposal and their nominated tree expert will be able to advise them on how this can be achieved without harming the above and below ground parts of the tree and its visual amenity function.

An objection is also raised against the absence of adequate soft landscaping space in the rear car parking area and on the shared boundaries with properties to the north and south. The applicants are advised to seek ways to soften the visual impact of the hard surfacing and to screen some of the site from views from the adjacent properties.

The main area of concern relates to the fate of the Beech tree. Its loss, together with the loss of the companion Beech, will have a significant detrimental impact on the established character of the area. The Beech tree identified in the provisional Order is a significant arboricultural feature and an integral component of the established character of the area. It forms part of the wider local tree-scape of mature trees fronting properties in Arundel Road which collectively provide significant ornament and beauty to the area. The loss of the Beech tree would have a significant detrimental impact on the local environment and its enjoyment by the public.

The car park to the rear presents a large and imposing surface area which is visually harsh and utilitarian for such a residential area. The layout does not provide sufficient space or potential space for soft landscaping and for this reason the car park area will need to be reduced in scale.

Specialist Advisor (Economic Development)

In accordance with the thresholds for development identified in the Local Employment and Training Supplementary Planning Document dated November 2016, this planning application qualifies for a local labour agreement.

Regeneration requests the inclusion of a local labour agreement should the application be granted planning permission.

Specialist Advisor (Planning Policy)

The site location is in the 'Upperton Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C2 of the Core Strategy explains that the vision for the 'Upperton Neighbourhood' is *'Upperton will continue to be a popular, safe and sustainable neighbourhood and make a significant contribution to the delivery of housing in the town, whilst also expanding allotment provision and providing access to Eastbourne Park on the periphery of the neighbourhood'*. It hopes to achieve this through promoting 'the delivering of new housing through redevelopment and conversion of existing properties'.

The Core Strategy states that Upperton is the third most sustainable neighbourhood in the town (Policy B2). Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods.

The Borough Plan Policy HO2 identifies this location as being predominantly residential. Currently, the northern part of the neighbourhood consists of low density, detached

properties. Large parts of the neighbourhood have been redeveloped into purpose-built flats (Core Policy, 2013). Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and the development does propose significant increase in residential accommodation to what is currently present, resulting in a net gain of 18 dwellings.

Policy D5 of the Core Strategy explains that Eastbourne is divided into two Market Value Areas which reflect the disparity between dwelling prices across Eastbourne. The Upperton Neighbourhood is identified as being a 'High Value Neighbourhood' and developments within Neighbourhoods in High Value Areas, 40% affordable housing will be sought on all sites. Developments of 11 net units and over are required to contribute to Affordable Housing. As this application will result in 19 dwellings, it is required to allow for affordable housing units within the development.

This application proposes to provide 19 dwellings therefore policy would require 7 whole affordable units and a commuted sum 'part of unit' requirement of 0.6. Should onsite provision be assessed as unviable a commuted sum payment will be required.

The below figures have been calculated using the 'Affordable Housing Commuted Sum Payment Table' in the Affordable Housing SPD (Nov 2017).

3 x 1 bed flat

$3 \times 0.4(40\%) = 1.2 \text{ units}$

$1.2 \text{ units} \times 50 \text{ sqm} \times \text{£}538 = \text{£}32,280$

15 x 2 bed flat

$15 \times 0.4(40\%) = 6 \text{ units}$

$6 \text{ units} \times 61 \text{ sqm} \times \text{£}536 = \text{£}196,176$

1 x 3 bed flat

$1 \times 0.4(40\%) = 0.4 \text{ units}$

$0.4 \text{ units} \times 74 \text{ sqm} \times \text{£}855 = \text{£}25,308$

Total = £253,764 total commuted sum

If the mandatory requirements above cannot be met, then the policy requires this must be justified in an evidenced Viability Assessment and supporting statement, including all necessary information to demonstrate and justify residual values.

The applicant has submitted an Economic Viability Appraisal which states that the scheme is unable to support the affordable housing contributions being sought. Therefore no financial contribution is proposed.

To conclude, although this application is supported by some policy in accordance with Policy B1 of the Core strategy through its development in a sustainable neighbourhood and Policy HO2 of the Borough Plan being identified as a windfall site which is relied on

by the council; it fails to address Core Strategy Policy D5. Therefore Planning Policy objects to the application.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

Condition and informatives requested.

Environment Agency

No comments

County Archaeologist

The application site lies within an area of known prehistoric, Romano-British and Anglo-Saxon settlement activity and Bronze Age and Anglo-Saxon burial (Upperton Archaeological Notification Area). It is likely that the construction of the current building at the site has destroyed any buried archaeological remains once located within its footprint. However the land to the rear of the property including that earmarked for parking does have the potential to contain in-situ archaeological remains associated with the known prehistoric, Roman-British and Anglo-Saxon settlement and exploitation of this area. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposal should be subject of a programme of archaeological works. Conditions requested to this effect.

South East Water

No Comments

East Sussex County Council Highways

The scheme is to be accessed via a private road to the rear of the site. The private road joins the public highway at both ends Linking Carew Road and St Anne's Road. It is considered likely that most traffic from this development will utilise Carew Road access as the section of road from the site to Carew Road is better in terms of construction, with the section between the site and St Anne's Road unmade. The width of the public highway where it meets the public highway is 5m; however a bollard is located within the access which restricts the width to 4m. In addition vegetation either side narrows the running lane to 3m. The red site boundary includes the access and as such in order to accommodate two way traffic flows and prevent vehicles having to wait on the highway the access should be widened to a minimum of 4.5m. Tactile paving and dropped curbs should also be provided either side of the access to improve pedestrian facilities. Taking into account the additional trips that will be generated by this development it would be considered beneficial to improve the construction of the whole of the access road, close to adoptable standards as it cannot be guaranteed which route any potential residents would use.

The scheme is for 19 residential flats in total. In accordance with the East Sussex County Council's parking guidelines a development comprising of 3 No.1 Bed flats, 15 No.2 Bed flats plus 1 No.3 bed unit should be provided with 24 parking spaces if 1 space allocated

per unit or 15 if all unallocated . Therefore the 17 on-site parking spaces detailed are acceptable if all remain unallocated. Cycle parking exceeds the East Sussex County Council Standards and as such is considered adequate. These should be covered and secure and located within the site in a convenient location for users.

No information has been submitted on the expected trip rates. Having carried out my own analysis using TRICS, in terms of expected vehicular activity for residential use on the edge of a town centre the likely traffic to be generated by this development is approximately 50 trips daily; with 4-5 trips in the peak hour periods [0800-0900hrs; 1700-1800hrs]. This level of additional vehicle movement can be accommodated by the local highway network without significant issue.

There are a variety of travel choices available in Eastbourne. Bus stops are within walking distance of the site providing connections to Eastbourne Town Centre, Heathfield and Lewes. There are also regular train services from Eastbourne Railway Station to Lewes which provide connections for onward journeys. Eastbourne Railway Station is 950m away which is within the recommended maximum walking distance. Therefore in terms of accessibility for non-car users, this site is within an acceptable distance to encourage the use of sustainable transport.

Wealden District Council

Object to the proposal on the basis that it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the subject planning application.

SUDS

Following submission of further information no objection is raised in principle to the proposed development. The proposal to manage surface water runoff using infiltration is acceptable in principle however it is requested that further ground investigation is carried out to confirm infiltration rates at the site. Conditions requested.

Neighbour Representations:

7 Objections have been received and cover the following points:

- Additional parking pressures
- Impacts on highway safety
- State of the rear access is inadequate
- Loss of trees
- Impact from construction traffic
- Impact on loss of light to No.18
- Loss of handsome building
- Loss of trees and walls is detrimental to the appearance of the area
- Roof height should not be higher than the existing
- Safety of intersection of Carew and Arundel Roads
- Density is too great
- Lack of garden space for future occupiers
- Access road should be tarmacked to the entrance of the development with drainage and lighting

Appraisal:

Principle of development:

Wealden District Council has objected to the application on the basis that it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the subject planning application.

It is considered that this application for residential development is screened out from the requirement for a site-specific Appropriate Assessment of the impacts in relation to the Ashdown Forest, Lewes Downs and the Pevensey Levels. This is because the application is not considered to give rise to significant adverse effects, alone or in combination with other plans and projects, on these European protected sites.

With regard to the Pevensey Levels we are content that Natural England do not currently see atmospheric pollutants as a risk to the integrity of the site. With respect to Lewes Downs SAC and the Ashdown Forest SAC recent modelling and air quality calculations (undertaken by Lewes DC, the SDNPA and Tunbridge Wells BC) to assess the air quality impacts on these sites has been undertaken, in combination, with growth in surrounding areas including the adopted (2013) Eastbourne Core Strategy quantum of growth.

This Habitat Regulations Assessment work has formally concluded no likely significant effects on these habitats resulting from the growth in the associated adopted and emerging Local Plans. A conclusion supported by Natural England.

Saved Policy HO7 of the Borough Plan 2007 states that redevelopment of land or premises within the primarily residential areas for housing will be permitted subject to other policies and proposals in this Plan. Paragraph 6.21 of the Plan expands on this policy to state redevelopment of obsolete or underused land of buildings has been one of the principle means of achieving new homes within the existing built-up area. However it is important that the character and amenity of existing residential areas does not become undermined by inappropriate developments. In principle there is no objection to the redevelopment of the site to maximise the residential densities providing there would be no detrimental impacts on the existing surrounding properties, the proposal provided good quality accommodation for future occupiers, and the design/bulk and scale respected the character and appearance and the pattern of development in the area.

The Council accept that at present a 5 year housing land supply cannot be demonstrated. The site is considered sustainable, therefore residential development is supported in principle by the National Planning Policy Framework unless in accordance with paragraph 14, any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.

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

The proposed building enlarges the existing footprint bringing the building to within 0.5m of the boundary of the site.

The neighbouring property to the north is a residential care home which is situated approximately 6m from the boundary. There are numerous windows in the side elevation of the property overlooking the site, along with a fire escape staircase. Windows serving the kitchen/dining/living room of flats proposed within this elevation of the development will directly overlook existing windows within the neighbouring property detrimental to the privacy of both occupiers.

Given the close proximity of the building to the site boundary and the height the proposal would form an overbearing and unneighbourly form of development on the neighbouring property.

The neighbouring property to the south is separated into flats; this property has a side extension within 2m of the boundary of the site. Given the development site is to the north it is not considered the proposed development would result in a loss of light to the neighbouring property. However considering the close proximity to the boundary the proposed development would form an overbearing and unneighbourly form of development on this adjacent property. Windows serving the kitchen/dining/living room of flats proposed within this elevation of the development will directly overlook existing windows within the neighbouring property detrimental to the privacy of both occupiers.

Therefore by virtue of the proposed footprint, the close proximity to either side boundary of the site and the height of the proposed building and the location of windows providing direct overlooking the development would be an overbearing and unneighbourly form of development detrimental to the amenity of adjacent properties (residential care home and residential flats) contrary to the Core Planning Principles of the National Planning Policy Framework 2012, Policy B2 of the Core Strategy Local Plan 2013 and Saved Policy HO20 of the Borough Plan 2007.

Impact of proposed development on amenity of future occupiers:

The size of the flats compared with the DCLG's recommendations contained within the Technical housing standards – nationally described space standard is set out in the table below.

No of flats	Size of Flats	Proposed Floorspace	Recommendation	
3	1 bed 2 person	54m ²	50m ²	Exceeds
8	2 bed 3 person	72m ²	61m ²	Exceeds
6	2 bed 4 person	65m ²	70m ²	Below
1	3 bed 6 person	138m ²	95m ²	Exceeds
1	2 bed 3 person	88m ²	61m ²	Exceeds

Flats 1 and 2 have access to private rear gardens providing some amenity space. Flats 18 and 19 at roof level have access to small rear balconies.

The 6 flats considered below the recommended standard are shown to be 2 bed 3 person units, however the size of the second bedroom is considered a double bed space and therefore these have been considered in accordance with the requirements of a 2 bed 4 person occupancy. The living space for these flats is small given the 4 person occupancy, at only 22m². It is considered that the layout would lead to substandard accommodation by virtue of the small size.

Three of these flats are to the south of the building with the two bedrooms to the front elevation. Given the close proximity to the retained Beech Tree within the front garden the outlook from these windows will be limited. Advice to alter the footprint of the building away from the tree, to reduce the impacts on the tree and improve outlook has not been followed.

In addition Flats 7, 12 and 17 are to the front of the building with all living accommodation windows affected by the close proximity of the tree.

A core planning principle of the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy B2 of the Core Strategy Local Plan required development to protect the residential and environmental amenity of existing and future residents.

Given the above, the quality of accommodation by virtue of the lack of outlook and light to front elevation flats given the location of the TPO tree, and the small size of 6 of the units (30% of the proposed units) the scheme is considered to provide substandard accommodation detrimental to the amenity of future occupiers contrary to the Core Planning Principles of the National Planning Policy Framework 2012 and Policy B2 of the Core Strategy Local Plan 2013.

Design issues:

The site is situated within an Archaeological Notification Area and is therefore a non-designated heritage asset.

Whilst the property/site has no formal designation in terms of being listed or in a conservation area the property itself is an attractive Victorian villa. The property is three storeys, and detached sitting within a wide and substantial plot. The rear garden is landscaped and a number of trees on the site offer character to the amenity of the area.

The Upperton area has a planned street layout, comprising avenues set out in a grid pattern. Overall there is a regularity to the building frontage positions within their plots and the area is generally green with street lined with substantial trees.

The property has a partially attractive front door and portico feature with stone work surround and lintel with decorative stone work. The front boundary walls are constructed with brick and flint panels. To the rear the property is marginally visible from the rear service road, the roof structure is particularly visible and an attractive historic feature of the building.

It is accepted that the property is not visible in wider public views but is visible within the immediate street scene. Including across the rear of the properties from the rear lane, an important vista within this planned street layout. The property matches to a certain extent the property next door at No.18 Arundel Road albeit this has been extended and converted into flats. The pair of properties are the last remaining of this style in this part of Arundel Road. A number of properties have been replaced over the years with developments of their time mostly by purpose built blocks of flats. As less historic properties remain in some respects this makes those still in situ more important to the townscape.

It is considered that the property offers character and amenity value to the area and no evidence has been submitted to suggest the property is unsafe or unsuitable for conversion even with sensitive extension so the front elevation and architectural features can be retained to preserve the character.

The proposed development is considerably more bulky than the existing building extending to either side boundary and further 6m into the rear garden area. The design proposals are taken from the development at 16 Arundel Road, with the front turret. However the window detailing of the turret is considered out of proportion with the proposals.

No materials details have been submitted with the application, however the front elevation is shown to be part tile hung at second/third floor level and some detailing is proposed to the windows and ridge tiles. Whilst I understand the design concept is taken from the adjacent development this does not reflect the subtlety of the existing dwelling within its plot.

Saved Policy UHT1 of the Borough Plan 2007 states that proposals will be required to be appropriate in scale, form materials, setting alignment and layout.

Policy D10a of the Core Strategy Local Plan 2013 seeks to ensure that the layout and design of development contributes to local distinctiveness and sense of place is appropriate and sympathetic to its setting in terms of scale, height, massing and density and its relationship to adjoining buildings and landscape features.

It is considered that by virtue of the increased footprint and height the bulk and scale of the proposed development is overdevelopment of the site lacking in respect of the local distinctiveness inappropriate to its setting. Advice given to the applicant to reduce the scheme bringing the proposal in from either boundary has not been followed.

Although landscaping is a reserved matter a detailed layout plan has been received. The original submission showed the loss of the entire landscaped rear garden to car parking. Following advice that this was unlikely to be considered acceptable an amendment to the layout of the rear to increase the soft landscaping has been received.

The revised layout provides 17 spaces with a 3.5m landscaped buffer to either side boundary. This is an improvement however the resulting impact of the loss of the entire rear garden area, including trees is considered detrimental to the character of the area. In terms of surface water from the hard surfacing this is proposed to be managed using infiltration; which although acceptable in principle testing of infiltrations rates and the depth of ground water was not undertaken in accordance with the appropriate methodology. If acceptable this could be controlled by condition but it would be more beneficial that the means of drainage was proven to be appropriate prior to the detailed design stage.

Therefore there is an objection in principle to the loss of the building where the replacement is considered substandard and does not respect the scale or character of the existing building. The proposal is considered an over development of the plot in terms of its scale, bulk and visual appearance. The layout is considered detrimental to the visual appearance and character of the area.

The overall layout and scale of the development is considered unacceptable in terms of the size of the plot, by virtue of the height, footprint, siting within the site detailed design bulk and scale and the loss of the green openness of the rear garden by virtue of the

scale of the development the proposal is therefore contrary to Section 7 of the National Planning Policy Framework 2012, Policy D10a of the Core Strategy Local Plan 2013 and Saved Policies UHT1, UHT and UHT5 of the Borough Plan 2007.

Impacts on trees:

The widening of the lane results in the loss of a sycamore tree which affords value to the overall appearance and character of the area. The loss of trees in the lane is detrimental to the overall character of the area and the important vista along the lane and of the rear elevations of the Arundel Road properties when viewed from Carew Road.

Saved Policy UHT4 of the Borough Plan 2007 states that proposals that have an unacceptable detrimental impact on visual amenity will be refused including their effect from the loss of natural screening, erosion of local distinctiveness and the effect on an important vista.

The application originally indicated the loss of the large and imposing beech tree within the front garden of the property, identified as T18. This tree was identified in the Applicants Tree Survey as being Category A1 in a good condition. The Arboricultural Impact Assessment states that although there is minor physical conflict between the tree and the proposed building, the tree is proposed to be removed to reduce shade to the windows at the front of the property.

Following the submission of the application a provisional TPO was imposed on this tree. The loss of the Beech tree through impacts to its health from the construction or the future pressure to prune from occupiers of the property given the close proximity to the front elevation would have a significant detrimental impact on the established character of the area. The Beech tree identified in the provisional Order is a significant arboricultural feature and an integral component of the established character of the area.

It forms part of the wider local tree-scape of mature trees fronting properties in Arundel Road which collectively provide significant ornament and beauty to the area. The loss of the Beech tree would have a significant detrimental impact on the local environment and its enjoyment by the public.

A revised Arboricultural Impact Assessment and Method Statement were provided to show the retention of this tree. However no amendment to the building is proposed. It is still considered that the location in close proximity to the protected tree will result in future conflict and pressure to heavily prune or remove the tree. The loss of the tree would result in a significant detrimental impact on the established character of the area.

Saved Policy UHT5 of the Borough Plan 2007 states that landscaping typical of the area shall be required to be retained unless it can be demonstrated that the feature is beyond its useful life.

By virtue of the loss of natural screening, the erosion of local distinctiveness

The loss of the TPO tree to the front and the general loss of trees and soft landscaping to the site is considered detrimental to the character and appearance of the area contrary to Section 7 of the National Planning Policy Framework 2012, D10a of the Core Strategy Local Plan and Saved Policy UHT4 and UHT5 of the Borough Plan 2007.

Impacts on highway network or access:

The site is situated within a sustainable location, there are a variety of travel choices available in Eastbourne, bus stops are within walking distance and Eastbourne Railway Station is 950m away which is within the recommended maximum walking distance.

ESCC Highways have carried out analysis in terms of the likely traffic to be generated by the development and consider that the level of additional vehicle movements can be accommodated by the local highway network without significant issue.

Off street parking is proposed to the rear of the development with access from the private rear Lane. The lane joins the public highway at both ends linking Carew Road with St Anne's Road. Part of the Lane was resurfaced following the development of 16 Arundel Road through a legal agreement. ESCC Highways requested that taking into account the additional trips that will be generated by the development it would be beneficial to improve the construction of the whole of the access road close to adoptable standards. This has not been agreed by the Applicant.

The application proposes to grasscrete 10m of the rear lane and widen the lane at the access from St Anne's Road to a minimum of 4.5. Highways also requested the pedestrian facilities are improved at this junction by installing tactile paving and dropped curbs these have not been included on amended drawings.

In general the Lane is narrow and should by its nature appear as a subservient service lane. To improve the standard close to adoptable standard may encourage road users to use the Lane as a cut through which given the size would likely impact on the safe use of the lane and hinder traffic flow. Therefore it is acceptable that the Applicant has not agreed this. However the development is significant and offering very little in terms of improving the Lane for vehicle or pedestrian use. The amendments proposed to the lane are outside of the applicants control as the lane is not owned by them. There is no S106 agreement in place that would secure the works to the lane to improve the access to a standard acceptable.

The scheme is for 19 residential flats in total. In accordance with the East Sussex County Council's parking guidelines a development comprising of 3 No.1 Bed flats, 15 No.2 Bed flats plus 1 No.3 bed unit should be provided with 24 parking spaces if 1 space allocated per unit or 15 if all unallocated. Therefore the 17 on-site parking spaces detailed are acceptable if all remain unallocated. Cycle parking exceeds the East Sussex County Council Standards and as such is considered adequate. These should be covered and secure and located within the site in a convenient location for users.

By virtue of the lack of mechanism in place to secure the works to widen and improve the access the access is considered inadequate to serve the proposed development resulting in severe highways impacts and impacts on the safety of pedestrians contrary to Paragraph 32 of the National Planning Policy Framework 2012.

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.

Conclusion:

Whilst in accordance with HO7 that redevelopment will be supported within the primary residential areas, this is subject to meeting the requirements of the other policies within the plan.

Recommendation: Refuse planning permission for the following reasons;

1. The proposed development fails to meet the requirements of the Affordable Housing Supplementary Planning Document 2017 by providing no on site affordable housing or a commuted sum payment contrary to Policy D5 of the Core Strategy Local Plan
2. By virtue of the proposed footprint, the close proximity to either side boundary of the site and the height of the proposed building and the location of windows providing direct overlooking the development would be an overbearing and unneighbourly form of development detrimental to the amenity of adjacent properties (residential care home and residential flats) contrary to the Core Planning Principles of the National Planning Policy Framework 2012, Policy B2 of the Core Strategy Local Plan 2013 and Saved Policy HO20 of the Borough Plan 2007.
3. By virtue of the lack of outlook and light to front elevation flats by virtue of the location of the TPO tree, and the small size of 6 of the units (30% of the proposed units) the scheme is considered to provide substandard accommodation detrimental to the amenity of future occupiers contrary to the Core Planning Principles of the National Planning Policy Framework 2012 and Policy B2 of the Core Strategy Local Plan 2013.
4. The loss of the TPO tree to the front and the general loss of trees and soft landscaping to the site is considered detrimental to the character and appearance of the area contrary to Section 7 of the National Planning Policy Framework 2012, D10a of the Core Strategy Local Plan and Saved Policy UHT4 and UHT5 of the Borough Plan 2007.
5. The overall layout and scale of the development is considered unacceptable in terms of the size of the plot, by virtue of the height, footprint, siting within the site detailed design bulk and scale and the loss of the green openness of the rear garden by virtue of the scale of the development the proposal is therefore contrary to Section 7 of the National Planning Policy Framework 2012, Policy D10a of the Core Strategy Local Plan 2013 and Saved Policies UHT1, UHT and UHT5 of the Borough Plan 2007.
6. By virtue of the lack of mechanism in place to secure the works to widen and improve the access the access is considered inadequate to serve the proposed

development resulting in severe highways impacts and impacts on the safety of pedestrians contrary to Paragraph 32 of the National Planning Policy Framework 2012.

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**.