

App.No: 180538	Decision Due Date: 19th July 2018	Ward: Devonshire
Officer: James Smith	Site visit date: 25 th June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 17 th June 2018		
Neighbour Con Expiry: 17 th June 2018		
Over 8/13 week reason: Initial scheme unacceptable. Revised plans provided. Amendments required for Flood Risk Assessment and Transport Assessment.		
Location: Lions Cub Nursery, 74 Beach Road, Eastbourne		
Proposal: : Change of use extension and conversion of children's nursery, to form 8 x self-contained residential flats, consisting of 5 x 1 bed flats and 3 x 2 bed flats. (Amended description following reductions).		
Applicant: Sheikh Gulzar		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
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1 Executive Summary

- 1.1 This application has been brought to Committee due to over 6 letters of objection being received, given that the officer recommendation is for the application to be approved.
- 1.2 The proposed development would utilise a vacant building for the provision of residential units for which there is an identified need. The extensions to the building would allow the site to be used at greater efficiency, thereby improving sustainability levels.
- 1.3 The extensions to the building would not compromise the existing character and appearance of the surrounding area nor would they be unduly detrimental to the amenities of neighbouring residents.
- 1.4 Although there is no on-site parking provided, it has been demonstrated that the level of car parking generated by the proposed development could be accommodated on the surrounding public highway network.
- 1.5 Effective mitigation and resilience measures have been incorporated into the proposed development to ensure that future occupants are not subjected to unacceptable danger as a result of flooding. Acceptable surface water drainage methods can be secured by condition in order to reduce the likelihood of surface water flooding affecting future occupants and neighbouring residents.
- 1.6 It is therefore recommended that the application is approved, subject to the conditions set out in this report.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2018

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

2.2 Core Strategy Local Plan 2013 Policies

B1: Sustainable Neighbourhood
B2: Creating Sustainable Neighbourhoods
C3: Seaside Neighbourhood Policy
D5: Housing
D10a: Design

2.3 Eastbourne Borough Plan Saved Policies 2007

NE4: Sustainable Drainage Systems
UHT1: Design of New Development
UHT4: Visual Amenity
UHT7: Landscaping
HO1: Residential Development Within the Existing Built-Up Area
HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO20: Residential Amenity
TR6: Facilities for Cyclists
TR11: Car Parking
TO7: Preferred Area for Tourist Attractions
LCF21: Retention of Community Facilities
US4: Flood Protection and Surface Water Disposal
US5: Tidal Flood Risk

3 Site Description

- 3.1 The site is occupied by a detached building situated on a corner plot where Beach Road meets Royal Parade. The building consists of a two-storey structure which provides the main entrance and faces on to Beach Road. This element is the original building. It has painted render and pebbledash elevation walls with a shallow pitched hipped roof which is surrounded by a parapet wall.
- 3.2 A single-storey element is attached to the main building. This extension faces on to Royal Parade and is a flat roof structure with a parapet wall surround. Its footprint exceeds that of the original building. A modestly sized two-storey gable roof structure has been added to the north-western elevation of the single-storey extension.
- 3.3 Access is provided to a small yard area to the rear of the site via a dropped kerb on Beach Road. The access is fairly narrow, being positioned between 74 Beach Road and the flank wall of 72 Beach Road and a metal railing gate is in position at the entrance. There is a footpath (not a public right of way) which passed to the rear of the site and runs between Royal Parade and Sidley Road, serving the rear of properties on Beach Road.
- 3.4 The building is currently vacant but was most recently in use as a Nursery (use class D1) although prior to 2013 the building had been in use as a Public House.
- 3.5 The northern side of Royal Parade and the secondary roads which branch off from it, of which Beach Road is an example, are characterised by a dense arrangement of predominantly two and three-storey buildings, the majority of which accommodate individual residential dwellings or flats, that are generally set slightly back from the road, with low boundary walls or railings positioned on the front boundaries. The southern side of Royal Parade is markedly different as it is bordered by car parks, green space and sporadic low rise recreational buildings and structures which, in turn, back on to the beach.
- 3.6 The entire site falls within Flood Zone 3.

4 Relevant Planning History

4.1 120391

Change of use from public house (A4) to a day nursery (D1) together with internal and external alterations including the provision of an acoustic screen on the flat roof to form an external play area at first floor level.

Planning Permission

Approved conditionally

08/02/2013

5 Proposed development

5.1 The proposal would replace the existing permitted use of the building as a nursery (use class D1) with residential (C3) use, with internal and external modifications made in order to achieve this.

5.2 The existing two-storey element of the building, which faces on to Beach Road would not be the subject of any significant external modifications, with alterations restricted to reconfiguration of windows and other openings. An additional storey would be added to the single-storey extension to the rear of the main building, which flanks Royal Parade. This vertical extension would have a flat roof, with a parapet wall feature.

5.3 The extended building would accommodate 8 x residential flats, arranged as follows:-

2 x 2 bed and 2 x 1 bed flats at ground floor level.

1 x 2 bed and 3 x 1 bed flats at first floor level.

5.4 The two-storey gable roof extension to the rear would be removed, with part of its walls retained up to 2 metres in height, and the space provided would be used for cycle parking, bin storage as well as private amenity space serving both of the 2 bedroom flats at ground floor level.

5.5 The proposed development would not incorporate any designated off-street car parking spaces.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 Policy C3 of the Core strategy explains that the vision for the 'Seaside Neighbourhood' is; "Seaside will experience reduced levels of deprivation and enhance its level of sustainability, whilst reversing the decline in commercial and business activity, playing an important role in the delivery of housing, expanding its contribution to tourism and conserving its historic areas". The application proposal looks to comply with the vision by delivering additional housing.

6.1.2 Saved Borough Plan Policy LCF21 advises on the importance of 'Retention of Community Facilities'. It states that planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions)

unless it can be demonstrated either that:

- a) There is no longer a demonstrable need for the facility; or
- b) Compensatory provision to equivalent community benefit will be made in the immediate vicinity.

It would need to be evidenced that either of the above two factors have been addressed before making any changes to this site use class. The planning statement provided explains that due to economic changes such as; a rise in the number of hours of free childcare entitlement (from 16 hours to 30 hours per week) the rise in business rates and other associated costs of the nursery, it is no longer viable or sustainable to run and there are no plans for the Lion Cub Nursery to resume trading. The planning statement also states that there are “at least 7 other Nurseries within 1.5 miles of the site, the nearest being ‘Tots and Time Out Nursery’ about 200m from the site, at 32-34 Eshton Road. Therefore, there is a significant number of other Nurseries within the town” arguing that that there may no longer be a demonstrable need for the facility. Additionally, Eastbourne is only able to demonstrate a 3.16 year supply of housing land; this application proposes to provide equivalent community benefit through an increase in residential accommodation by 10 units, providing a mixture of dwelling types of one, two and three bedroom flats, which will contribute to the windfall addition for housing.

- 6.1.3 The Core Strategy has identified Seaside as a 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 saved Policy HO2 identifies this location as being predominantly residential and National Policy (NPPF) supports sustainable residential development. 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’.
- 6.1.4 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 this development proposes an increase in residential accommodation to what is currently present, resulting in a net gain of 10 dwellings.
- 6.1.5 It is important to note that as this application is for 10 units, it does not meet the threshold for contribution towards affordable housing. Also, this application is not liable for CIL as it is a development of flats, which are not chargeable under Eastbourne’s current charging schedule.
- 6.1.6 The 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 1 April 2018, Eastbourne is only able to demonstrate a 3.26 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.

6.1.7 To conclude, this application complies with national and local policy. The change of use from D1 to C3 has been considered by Policy LCF21; however it is determined that in this case, the loss of D1 would not be detrimental to the sustainability of the area. It is noted that Flat 2 falls slightly short of the Nationally Described Space Standards by 1.5sqm however, the other 9 units all meet or exceed the standards and therefore it is not considered to have an adverse effect on the living conditions proposed. Additionally, the NPPF supports sustainable residential development, and as Eastbourne currently cannot demonstrate a five year housing land supply; this application will result in a windfall addition of dwellings. Therefore, policy has no objections to this application.

6.2 CIL

6.2.1 Currently the CIL charging schedule does not include flats. Therefore, this permission would not be CIL liable.

6.3 Southern Water

6.3.1 No objections subject to a condition relating to foul sewerage and surface water disposal methods.

6.4 Environment Agency (Following revisions to scheme)

6.4.1 Following the submission of an amended Flood Risk Assessment we are happy to remove our outstanding objection subject to the inclusion of the following condition, in any permission granted.

6.4.2 We consider that planning permission could be granted to the proposed development, as submitted, if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

6.5 Highways ESCC

6.5.1 No car parking spaces are proposed as part of the development. ESCC's 'Guidance for Parking at New Residential Development' states applicants should use the East Sussex County Council Car Ownership Parking Demand Tool to determine the likely demand for parking at the site. Where this level is not met on-site, the applicant is required to demonstrate that there is adequate capacity to accommodate this on street and, in response to the Highway Authority's original comments, the applicant has now submitted a parking survey.

6.5.2 For the amended development proposals, ESCC's Car Ownership Parking Demand Tool shows that for an eight-unit development of the composition proposed, six unallocated spaces for residents should be provided to accommodate demand. It is noted that this is a reduction on the previous demand of eight vehicles for the previously proposed 10 units.

- 6.5.3 The survey covered streets within an approximate 200m radius of the site which is considered to be acceptable for a residential survey. Full surveys were carried out at 3am and 5am which is when residential demand would be expected to be highest and therefore in line with ESCC's Guidance for Parking at New Residential Development. Informal surveys were also conducted at 3pm and 8pm.
- 6.5.4 The surveys indicate that there is overnight parking available in the roads surveyed, including Beach Road. However, parking stress is high in certain roads (84% in Beach Road) and the methodology used has the potential to over-estimate the number of spaces available in practice. For example, the number of spaces has been calculated as a division of 5m and, in some cases, the length of road sections have been rounded up to give an extra space (e.g. 54m = 11 spaces). In practice, where people park in the individual sections and gaps left between vehicles will reduce the available capacity from that calculated in theory.
- 6.5.5 Nevertheless, the surveys have indicated approximately 100 on-street spaces within 200m of the site. Even if this figure is considered to be an overestimate, the surveys do suggest that the anticipated level of additional demand generated by the development (six vehicles) could be accommodated. In addition, the applicant has surveyed the Fisherman's Green car park opposite the site and the Redoubt car park to the south, both of which offer free parking between 6pm and 8am and show very low occupancy at these times. However, the parking capacity in these car parks are not public highway, and could be closed at any time, thereby removing the capacity provided within. Despite this, it is considered that the parking demand generated by this development could be accommodated on-street, and would not warrant a refusal on parking grounds.
- 6.5.6 It is noted that the submitted parking survey was completed on Tuesday 24 July 2018. This was in the first week of the school holidays which is not normally considered a neutral month for conducting parking surveys as residential demand typically reduces, as detailed within the industry standard Lambeth Methodology, and an additional survey during term time would normally have been requested. However, as the results of the survey are not considered to be marginal, an additional survey would not be required on this occasion.
- 6.5.7 Having considered the level of demand expected to be generated by the revised development proposals, the availability of some on-street parking and potential alternative off-street parking, it is not considered that the development proposals could be deemed to amount to a severe impact in this instance. Refusal on these grounds would not therefore be warranted under the National Planning Policy Framework (2018, para 109).
- 6.5.8 The revised size of the development proposals means that a minimum of four spaces should be provided. However, given the accessible location and expected on-street car parking demand, provision above this level would be preferred.
- 6.5.9 The revised ground floor plan (drawing 278100-22-A) shows amended cycle parking arrangements. The drawing shows a proposed cycle store, which the

drawing state is able to hold eight bicycles. As with the Highway Authority's original comments, the space remains constrained and would not allow stands of the recommended type (Sheffield stands) to be laid out in accordance with guidance (Manual for Streets paragraph 8.2.22). It is recommended that the size of the store be increased and, subject to this, stands may need to be angled to ensure they are accessible. It is recommended that further details of the cycle parking, including stand type, be secured by condition.

- 6.5.10 An amended refuse storage location is also indicated on the revised plan 278100-22-A. The bins are now located closer to the edge of the property for collection which would be in accordance with the ESCC 'Good Practice Guide for Property Developers: Refuse and Recycling Storage at New Residential Development within the Eastbourne, Hastings Wealden and Rother Council Areas', though the acceptability of the proposals should be confirmed with Eastbourne Borough Council's Waste Management Team.
- 6.5.11 This does reduce the associated alleyway width to approximately 1.2m but this would remain sufficient to access the bike store and within the absolute minimum outlined in the Department for Transport's 'Inclusive Mobility' for wheelchairs to pass at a pinch-point, should this be necessary for residents accessing the rear ground floor flats.
- 6.5.12 As stated in the original comments, were planning permission to be granted, a Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure as little on-street parking occurs as possible during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission.
- 6.5.13 The revisions to the development proposals, together with the submission of additional information suggests that there would be sufficient parking capacity within the local highway network to accommodate the demand generated by the proposed development, and would overcome my previous objections. The Highway Authority recommend approval of the application, subject to inclusion of the necessary conditions provided below.

6.6 SUDS

- 6.6.1 The information submitted by the applicant in support of the planning application has not satisfied the Lead Local Flood Authority and does not assure us that surface water and local flood risk have been adequately taken into account. However this a brownfield site which is 100% impermeable, the majority of the changes are internal and the public sewer records show a public surface water sewer in Royal Parade Road adjacent to the application site. Therefore, there is a potential for the applicant to discharge surface water runoff to the public surface water sewer subject to Southern Water's agreement.
- 6.6.2 The supporting Flood Risk Assessment indicates that permeable pavement could be used to manage surface water runoff from the application site. We would recommend that the permeable pavement is implemented. However, any

design of the permeable pavement should include the management of impacts of high groundwater. If the existing drainage system on site is re-use, an investigation into its condition should be carried out and any required improvements undertaken prior to occupation.

- 6.6.3 The LLFA has not provided any comments on the tidal/coastal flood risk, which is a responsibility of the Environment Agency. If the Local Planning Authority is minded to grant planning permission, the LLFA requests conditions to ensure surface water runoff from the development is managed safely:

7 Neighbour Representations

- 7.1 17 letters of objection have been received from neighbouring residents, all of which were sent before the amount of units in the scheme was reduced. The points raised are summarised below.

- Would result in on street parking that would pose a hazard to pedestrians.
- Car parking is already difficult due to a number of nearby uses as well as tourists.
- Can rarely access disabled bay close to the site.
- Residents will not use the Fisherman's Green car park as have to pay for permit. This happened with the nursery staff.
- The drainage system frequently backs up and Southern Water have said that it the shared drainage system is inadequate for current amount of properties.
- Construction works will cause a nuisance to neighbouring residents.
- Would block light to neighbouring properties which are already overshadowed by nearby flats.
- Would result in a loss of privacy to the rear of properties on Beach Road.
- There are not enough nurseries nearby.
- There should be fewer flats, and they should be larger units for families.
- The bin stores are too close to neighbouring gardens.
- The exterior design is out of keeping with surrounding housing.
- Would result in noise, pollution and congestion.

8 Appraisal

- 8.1 Principle of Development:

- 8.1.1 Para. 92 (c) of the Revised National Planning Policy Framework 2018 (NPPF) instructs that planning decisions should 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.

- 8.1.2 Policy LCF21 of the Borough Plan reflects this by setting out the following:-

Planning permission will not be granted for the change of use or redevelopment of class D1 (non-residential institutions) unless it can be demonstrated either that:

- a) there is no longer a demonstrable need for the facility; or

b) compensatory provision to equivalent community benefit will be made in the immediate vicinity.

- 8.1.3 The applicant has stated that the nursery use, which has operated for a period of 5 years following change of use from a public house, is no longer viable due to the expansion of the number of hours for free childcare entitlement and related issues with central government funding coupled with an increase in business rates and wage expenditure. The applicant also lists a number of alternative nurseries within a 1.5 mile radius of the site.
- 8.1.4 Given the relatively short period in which the nursery operated, the unlikelihood that such a use could continue to function and the presence of other nurseries nearby, it is considered, in this instance, that the loss of the nursery use would be acceptable.
- 8.1.5 Para. 118 (d) of the NPPF states that Local Planning Authorities should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.'
- 8.1.6 Para. 123 of the NPPF states that 'here there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.' It is noted that the proposal involves the removal of an existing two-storey building to the rear of the site. However, it is not considered that this would lead to an inefficient use of the site as the building would not be suitable for residential occupation due to its proximity to neighbouring properties and the limited outlook that would be available.
- 8.1.7 The proposed scheme would not only make use of a redundant building but would increase the efficiency of the use by providing an additional storey above a significantly sized single-storey element of the existing building. The site would also contribute to the addressing of an identified need for housing within the Borough, which is evidenced by the current supply of housing land, that currently falls markedly below the 5 year supply required by the NPPF.
- 8.1.8 Para.11 (d) of the NPPF maintains that, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing site, permission should be granted for development unless it is within a specially protected area resulting in a clear reason for refusal or if 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
- 8.1.9 The principle of the development is therefore considered to be acceptable.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The proposed development does not significantly alter the existing two-storey element of the building but does involve an additional storey being added to the

single-storey section of the building, which is positioned to the east of the rear gardens of properties on Beach Road. It is considered that, whilst the increase in height as a result of the extension would undoubtedly also increase the visual prominence of the building, it would not be to the detriment of the amenities of neighbouring residents, for a number of reasons, as set out below.

- 8.2.2 The height of the extension would be kept to the minimum due to the use of a flat roof, with parapet wall. This would mean that the increase in height would be no greater than 2.6 metres above that of the existing single-storey element. Given the minimal increase in height of the building, as well as the positioning of the extension, which is not directly in the line of sight of any main habitable room windows, with the only windows facing directly towards the extension being small kitchen windows at 112 Royal Parade, it is not considered that the extension would introduce undue levels of overshadowing or overbearing above that already present as a result of the intimate arrangement of surrounding buildings. Furthermore, the demolition of the two-storey gable roof building to the rear of the site (with walls retained to single-storey level) would remove an existing overshadowing element which is in a more impactful position than the proposed extension.
- 8.2.3 The majority of windows and openings that would serve the proposed flats would face out onto Beach Road or Royal Parade and, therefore, not allow for any intrusive views towards neighbouring property. An angled oriel arrangement has been employed for first floor windows on the rear elevation of the building which would otherwise allow direct views towards the rear gardens of residential properties on Beach Road. There would be modestly sized first floor balconies facing out towards Royal Parade which would not impact upon residential amenities. A small amount of amenity space would be provided at ground floor level to the rear of the property, with any impact upon neighbours consistent with that which would be produced by any of the existing gardens to the rear of Beach Road.
- 8.2.4 A bin store would be provided to the rear of the site, on part of the existing access which also serves the rear of 72 Beach Road. The bin store would be in a similar position to the existing bin storage arrangements. Given the proximity to the neighbouring dwelling, as well as windows of the proposed flats, a condition would be attached to any approval given to ensure that the bins are housed within a secure and covered storage structure in order to prevent vermin and odour emissions.

8.3 Living Conditions for Future Occupants:

- 8.3.1 The gross internal area (GIA) provided within each of the proposed units is as follows:-

Unit 1 (2 bedroom 3 person) – 61.7 m²
Unit 2 (2 bedroom 3 person) – 64.1 m²
Unit 3 (2 bedroom 3 person) – 62.7 m²
Unit 4 (1 bedroom 2 person) – 54.1 m²
Unit 5 (1 bedroom 2 person) – 50.2 m²
Unit 6 (1 bedroom 2 person) – 53.2 m²

Unit 7 (1 bedroom 2 person) – 53.2 m²

Unit 8 (1 bedroom 2 person) – 51 m²

All units are therefore compliant with Technical housing standards – nationally described space standard (2015) which require 1 bedroom 2 person flats to provide at least 50 m² GIA and 2 bedroom 3 person flats to provide 61 m².

8.3.2 The layout of each unit is uncomplicated and all rooms are of a sufficient size and suitable shape to allow for them to be functional and able to accommodate their intended uses. All units are dual aspect, with all habitable rooms served by windows that would allow for a good level of permeation of natural light into all rooms as well as provide natural ventilation. Due to the constraints of the site, notably the lack of space available for amenity purposes, it is best suited to smaller units as are proposed. A small amount of external amenity space is also provided for all 2 bedroom units. The site is also within close proximity of the beach and large public recreation spaces such as Princes Park

8.3.3 It is therefore considered that the proposed scheme would provide good quality living standards for all future occupants.

8.4 Design issues:

8.4.1 The existing building consists of three distinctive elements, the two-storey frontage onto Beach Road, the large single-storey flat roof element to the rear and the two-storey gable roof element positioned behind the flat roof section.

8.4.2 The Beach Road frontage would only be altered cosmetically and this characterful element of the overall building would therefore be maintained within the Beach Road street scene. The first floor extension over the existing single-storey element, which flanks Royal Parade, would alter the appearance of the building within the street scene but is considered to represent an improvement as the single-storey extension is currently slightly discordant as all surrounding buildings are at least two-storeys in height.

8.4.3 The proposed extension would provide additional height but not to the extent that it would overwhelm the main building, which would maintain dominance due to its greater height. The extension would replicate architectural features of the existing building such as the parapet wall and pilasters and the distinctive doorways that face onto Royal Parade would be retained. As such, the extension would possess interesting characteristics that would prevent it from appearing monotonous within the street scene and would also effectively complement the main element of the building, maintaining visual subservience towards it whilst integrating towards it in an effective and uncontrived way.

8.4.4 Both street frontages of the building contain a number of windows and doors, ensuring that they engage within the street scene and provide a positive contribution towards the character and appearance of the surrounding area. The space to the rear of the site, where amenity space and cycle storage is provided, is fairly secluded. However, all areas would be secured so as not to attract anti-social behaviour in an isolated location. The occupation of the building would also provide increased surveillance of this area, further discouraging anti-social

behaviour.

- 8.4.5 The two-storey gable roof building to the rear of the site has no significant street scene presence due to its positioning and the level of screening provided by taller surrounding structures. It is also considered to possess little architectural merit and, as such, it is not considered that the loss of this structure would result in a negative impact upon the character and appearance of the surrounding area.
- 8.4.6 The more functional elements of the development, such as bin and cycle storage areas, will be positioned in to the rear of the site where visual impact would be minimised and adequate screening would be provided.
- 8.5 Impacts on highway network or access:
- 8.5.1 The proposed development would not provide associated off street parking. It is accepted that the constraints of the site, which is already largely built upon, result in a lack of available space for on-site car parking. The development would therefore only be acceptable if it can be demonstrated that there is sufficient on-street parking capacity to absorb the parking demand generated by it.
- 8.5.2 It is noted that the Fisherman's Green Car Park is located directly opposite the site and that yearly parking permits can be purchased for this facility. Whilst it is possible that future residents may use this facility for car parking, there is no legal mechanism to secure this arrangement and, as such, it cannot be assumed that this would be the case and future residents cannot be forced to use the car park. The car park is also not part of the public highway and could be closed at any time. As such, the presence of the car park has limited weight in the assessment of parking impact of the development.
- 8.5.3 A Transport Statement, which included recently conducted parking surveys, was submitted by the applicant and has been assessed by East Sussex County Highways. Given the size of the units to be provided and the sustainable nature of the site location, which is close to the Local Shopping Centre on Seaside as well as public transport links, it is anticipated that the development would generate a demand for 6 car parking spaces. ESCC Highways have confirmed that they are satisfied that this level of car parking can be accommodated on surrounding streets without a detrimental impact and, as such, it is considered that the proposed development is acceptable on highway grounds.
- 8.5.4 Cycle storage is provided as part of the development and this is considered to be crucial in supporting the use of this mode of travel, which would reduce reliance on motorised vehicles. A condition will be used to ensure that a sufficient number of spaces are provided and that they are maintained in place.
- 8.5.5 Due to the level of activity that would be generated in the construction of the development and the confined nature of the site, a condition requiring a Construction Traffic Management Plan would be attached to any approval given to ensure deliveries are timed so as to have a minimal impact upon the free flow of traffic and to ensure responsible parking by contractors.

8.6 Flood risk and drainage impact:

- 8.6.1 The site lies within Flood Zone 3. The use of the building for residential accommodation has the same vulnerability rating as the previous nursery use as per para. 066 of the Flood Risk and Coastal Change guidance issued by the Ministry of Housing, Communities and Local Government.
- 8.6.2 A Flood Risk Assessment (FRA) has been provided by the applicant and been assessed by the Environment Agency. The FRA includes mitigation measures to ensure that future occupants are not subjected to unacceptable risks to their safety as a result of flooding. This includes the infilling of the existing basement level to prevent any possibility of it being used for residential accommodation in the future, the incorporation of various flood resistance and resilience measures into the development, signing up to flood alerts and adhering to a site specific Flood Emergency Evacuation Plan.
- 8.6.3 Provided the measures set out in the FRA are employed and maintained, it is considered that the proposed development would be acceptable on flood risk grounds. A planning condition will be used to secure this.
- 8.6.4 It is noted that a number of objectors have questioned the ability of existing drainage infrastructure to cope with the proposed development. In regards to surface water drainage, the proposal would not introduce any increase in impermeable area on site, given that the extension would be built entirely over the footprint of the existing single-storey extension and that the remainder of the site is already hard surfaced. The submitted Flood Risk Assessment suggests that permeable paving may be used for hard surfacing as a means to reduce surface water run-off if necessary.
- 8.6.5 There is a public surface water sewer below Royal Parade which could be utilised, subject to agreement with Southern Water and the submission of details of discharge rates and methodology. This can be achieved by condition.
- 8.6.6 A condition would also be attached to any approval given to require a survey of the existing drainage arrangements, the results of which would be submitted to the Lead Local Flooding for comment, in order for any possible improvements to be identified. A maintenance and management plan for the drainage system would also be required in order to ensure site drainage continues to function correctly throughout the lifetime of the development.

9 Human Rights Implications

- 9.1 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.

10 Recommendation

10.1 It is recommended that, for the reasons set out in this report, the application is approved, subject to the following conditions.

10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

278100 No. 10 Rev A;
278100 Drawing No. 22 Revision A;
278100 Drawing No. 23 Revision A;
278100 Drawing No. 25 Revision A;
278100 Drawing No. 26 Revision A;
278100 Drawing No. 27 Revision A;

Reason: For the avoidance of doubt and in the interests of proper planning.

10.4 All external materials shall be in accordance with the schedule of materials provided on approved drawings 278100 Drawing No. 26 Revision A and 278100 Drawing No. 27 Revision A;

Reason: In the interests of the character and appearance of the surrounding area.

10.5 Prior to the occupation of the development, details of hard and soft landscaping, to include defensible space for ground floor amenity areas, details of a covered and secure bin store and details of all balcony screening, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the character and appearance of the surrounding area, security and the amenities of neighbouring residents.

10.6 Prior to the commencement of development, details of the proposed means of foul sewerage and surface water disposal shall be submitted to, and approved in writing, by the Local Planning Authority, in consultation with Southern Water.

Reason: In the interests of resilience to flooding.

10.7 Prior to the occupation of the development, the following matters relating to sustainable urban drainage shall be addressed:-

1. Detailed design of the permeable pavement which is proposed by the FRA shall be provided and, thereafter, implemented. If connection directly to the public sewer is proposed, surface water runoff should be limited to

a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Hydraulic calculations should be submitted in support of the surface water drainage strategy together with evidence that Southern Water agrees to the proposed surface water discharge rate and connection.

2. If it is proposed to re-use existing connections, the condition of the existing surface water drain shall be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the surface water sewer shall be carried out prior to construction of the outfalls.
3. A maintenance and management plan for the entire drainage system shall be submitted to the planning. This plan shall 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. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be provided to the Local Planning Authority.
4. Evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of resilience to flooding.

10.8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (v2, August 2018) and the following mitigation measures detailed within the FRA:

1. The cellar/basement level is to be filled in as part of the development, as stated in Paragraph 2.4, so it cannot be used for residential accommodation at any point in the future.
2. Appropriate flood resistance and resilience measures are incorporated within the development, as detailed in Paragraph 8.1 and Appendix F, to help prevent flood water entering the property and limit the damage caused to the structure and fittings.
3. Floor levels are to be raised at least 300mm above the existing ground level, set no lower than the 4.5mAOD suggested in Paragraphs 8.2 & 11.11 of the FRA to provide an additional margin of protection.
4. Site owners/occupiers sign up to the Environment Agency's Flood Warning Service, as detailed in Paragraph 9.10 of the FRA, in order for them to have sufficient time to evacuate the site in advance should it be required.
5. A site-specific Flood Emergency Evacuation Plan is implemented as part of the development, as stated in Paragraph 9.12 and outlined in Appendix G. This is because ground floor occupants have no access to safe refuge

on site (Paragraph 9.11), thus require identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

- 10.9 No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10.10 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,

1. the anticipated number, frequency and types of vehicles used during construction,
2. the method of access and egress and routeing of vehicles during construction,
3. the parking of vehicles by site operatives and visitors,
4. the loading and unloading of plant, materials and waste,
5. the storage of plant and materials used in construction of the development,
6. the erection and maintenance of security hoarding,
7. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
8. details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

10.10 **Informative**

10.11 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 019) or www.southernwater.co.uk . Please read our New Connections Services Charging Arrangements document, which has now been published and is available to read at <https://beta.southernwater.co.uk/infrastructure-charges>

11 **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.