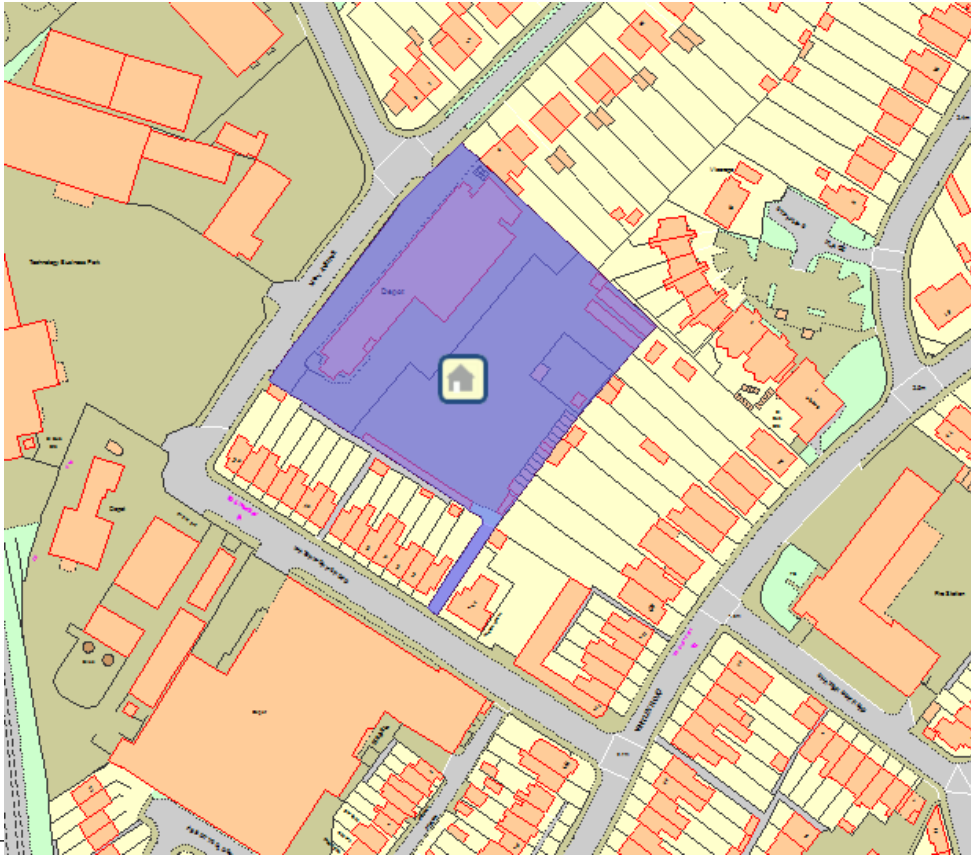


<b>App.No:</b> 180006	<b>Decision Due Date:</b> 6 April 2018	<b>Ward:</b> St Anthonys
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 7 September 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 3 February 2018 <b>Neighbour Con Expiry:</b> 3 August 2018 <b>Press Notice(s):</b> 19 January 2018		
<b>Over 8/13 week reason:</b> To negotiate amendments following concerns regarding the flood risk at the site.		
<b>Location:</b> 2-4 Moy Avenue, Eastbourne		
<b>Proposal:</b> Proposed refurbishment and extension to existing former telephone exchange building and the construction of 2no. part two, three and four storey buildings to the rear to provide a total of 85 residential units, 58no. 1 and 2 bed flats and 27no two storey 1 and 2 bed maisonettes. A total of 88 on site car parking spaces will be provided.		
<b>Applicant:</b> Moy Court Limited		
<b>Recommendation:</b> Grant planning permission subject to conditions outlined at the end of the report and subject to completion of a S106 Legal Agreement covering the following; <ul style="list-style-type: none"> <li>• Local Employment Issues</li> <li>• Affordable Housing Issues</li> <li>• Highway Issues; the financial contribution to real time passenger information for two bus stops in Ringwood Road (£25k), the Travel Plan and its associated audit fee (£6k).</li> </ul> <p>If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.</p>		
<b>Contact Officer(s):</b>	<b>Name:</b> Anna Clare <b>Post title:</b> Specialist Advisor - Planning <b>E-mail:</b> anna.clare@eastbourne.gov.uk <b>Telephone number:</b> 01323 4150000	

## Map location



## 1 Executive Summary

- 1.1 The application is brought to planning committee as the development constitutes a major development given the number of units proposed. The application follows a previously refused scheme which was dismissed at appeal in 2017. The scheme has been redesigned to overcome the issues raised in the appeal decision. The number of units has been decreased (from 95 to 85) and the overlooking impacts on surrounding residential properties have been reduced by reducing balconies and windows on elevations facing out of the site, and moving Block 3 further within the site.
- 1.2 The revised National Planning Policy Framework 2018 supports the redevelopment of brownfield sites with high density housing developments, and the site is considered to make a weighty contribution to our housing delivery within a sustainable location.
- 1.3 The proposal is considered an appropriate scale and design for the surrounding area. There will be impacts on the surrounding highway network from increased activity, access and vehicle movements given the site has been vacant for a number of years, and overlooking to existing properties will occur however it is considered that the benefits of the scheme outweigh the harm caused individually or collectively from these issues.
- 1.4 It is therefore recommended that planning permission is granted subject to conditions and the satisfactory completion of the legal agreement.

## **2 Relevant Planning Policies**

### **2.1 National Planning Policy Framework**

- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. making effective use of land
- 12. Achieving well-designed places

### **2.2 Eastbourne Core Strategy Local Plan Policies 2013**

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C6 Roselands & Bridgemere Neighbourhood Policy
- D1 Sustainable Development
- D5 Housing
- D8 Sustainable Travel
- D10a Design

### **2.3 Eastbourne Borough Plan Saved Policies 2007**

- US4 Flood Protection and Surface Water
- US5 Tidal Flood Risk
- UHT1 Design of New Development
- UHT2 Height of New Buildings
- UHT4 Visual Amenity
- HO2 Predominantly Residential Areas
- HO7 Redevelopment
- HO20 Residential Amenity
- NE14 Source Protection Zone
- TR6 Facilities for Cyclists
- TR11 Car Parking

## **3 Site Description**

- 3.1 The site consists of an existing building, part 3 part 4 storeys in height, a former BT Telephone Exchange Centre including maintenance/service yard for operational needs/requirements for the wider BT network. The building has been vacant and abandoned for a number of years. The rest of the site is an existing hardstanding and outbuildings/garages.
- 3.2 The site is situated at the corner of Moy Avenue and Waterworks Road, opposite the junction with Courtlands Road. To the north-west lies the Courtlands Road industrial estate which has a variety of uses including Class B1 Business premises and A1 Retail.
- 3.3 The site surrounded by residential properties to the north, east and south. With Moy Avenue evens numbers to the north, properties of Whitley Road to the east and properties of Waterworks Road to the south. There are two vehicular accesses existing from Moy Avenue, and an additional pedestrian access from Waterworks Road to the south-east corner of the site. There are no significant changes of levels across the site and no significant trees or areas of soft landscaping.

- 3.4 The site is known to accommodate the Horsey Sewer the precise location/deviation across the site is unknown. A condition requires the previous location to be determined prior to the commencement of development any significant deviation from the proposed layout will require a fresh consent.

#### **4 Relevant Planning History**

- 4.1 130708  
Demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping.  
Planning Permission  
Approved conditionally  
16/01/2015
- 4.2 160929  
Proposed refurbishment and extension to existing telephone exchange building and the construction of two number; part three, part four storey buildings to the rear to provide a total of 95 one and two bedroom flats, with 91 on site car parking spaces.  
Planning Permission  
Refused for the following reason;  
By virtue of the scale of development, the number of units, the height, bulk and mass of the proposed buildings on the site (blocks 2 and 3) the proposal is considered an unneighbourly over development of the site with an overbearing relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of light, outlook, privacy from overlooking to properties and their rear gardens contrary to saved policy HO20 of the Borough Plan 2007, Policy B2 of the Core Strategy Local Plan 2013 and Paragraph 17 of the National Planning Policy Framework 2012.  
17/11/2016  
Dismissed by appeal decision dated 26 July 2017

#### **5 Proposed development**

- 5.1 The application proposes the conversion and extension to the existing building on the site, Block 1, to create 38 flats and the erection of two further blocks, Block 2 to the south of the site containing 20 maisonnettes/flats and Block 3 to the east of the site containing 27 maisonnettes/flats. Therefore providing 85No. 1 and 2 bed maisonnettes/flats across the site.
- 5.2 Block 1 Conversion and Extension consists of 4 storeys providing a total of 38 flats. The ground floor consists of 5 flats each with a small terrace, undercroft parking spaces, bins and bike storage. The first, second and third floors consists of 11 flats on each floor each with a terrace area. The upper floors are accessed via 2 stair blocks to the rear of the building.
- 5.3 Block 2 New Build consists of 20 maisonnettes/flats over 4 storeys. The ground and first floors providing 11No. 1 and 2 bed maisonnettes, with 5 flats at second floor level, and 4 flats at third floor level, with the top two floors partially in-set towards the site side from the edge of the lower levels of the block.

- 5.4 Block 3 New Build consists of 27 flats over 4 storeys arranged in an 'L' shape with a central corridor. The first and second floor levels provide 15 No. 1 and 2 bed maisonettes, with 7 flats at second floor level and 5 flats at third floor level, with the second and third floor partially in-set from the edge lower levels of the block.

## **6 Consultations**

### **6.1 Specialist Advisor (Planning Policy)**

- 6.1.1 The proposal is to refurbish and extend an existing commercial building to residential as well as to construct additional residential buildings. The proposal site is located in the Roselands and Bridgemere neighbourhood. The vision of the Roselands and Bridgemere neighbourhood is to contribute to the delivery of housing. This will be achieved by delivering additional housing through making more efficient use of land.
- 6.1.2 The National Planning Policy Framework (NPPF) is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs. The site has been formally identified for development within the Council's Strategic Housing Land Availability Assessment (SHLAA) and therefore is considered to be an identified site and part of the land supply identified to meet the housing targets set out in the Core Strategy. It is also identified as a key area of change on the Roselands and Bridgemere neighbourhood key diagram. The Council relies on identified sites coming forward as part of its spatial development strategy (Policy B1 of the Core Strategy Local Plan) and to support sustainable growth identified in the Roselands and Bridgemere neighbourhood. The application contributes positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in ensuring the housing target for the neighbourhood (116 total dwellings) is delivered over the plan period.
- 6.1.3 The application results in a net gain of 89 dwellings (as originally submitted), which means that it would deliver more than identified in the SHLAA to assist housing delivery in the neighbourhood and the town as a whole. Furthermore the site has been identified in the more recent SHELAA (site reference RO03) and is considered deliverable. The development would not be liable to a Community Infrastructure Levy payment, but would be required in the first instance to provide on-site delivery of affordable housing in line with policy D5 (Housing) of the Core Strategy and the Affordable Housing SPD. As of 1 January 2018, Eastbourne is only able to demonstrate a 3.16 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. Para 14 of the NPPF identifies that where relevant policies are out of date, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In addition, national policy and case law has shown that the demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals.

- 6.1.4 As originally submitted the total proposed GIA for the one bedroom and two bedroom dwellings (approximately) fall within the accepted minimum GIA (50m<sup>2</sup> and 61m<sup>2</sup>, respectively) and the two bedroom, two storey dwellings fall within the accepted minimum GIA (79m<sup>2</sup>) as outlined by the DCLG technical housing standards.
- In accordance with Policy US5 of the Core Strategy, reference should be made to Strategic Flood Risk Assessment (SFRA) when considering location and potential future flood risks to developments and land uses. The site for the application is in Tidal Flood Zone 2; this is classed as medium probability of land having 1 in 200 and 1 in 1000 annual probability of sea flooding and Fluvial Flood Zone 2; this is classed as Medium Probability of land having 1 in 100 and 1 in 1000 annual probability of river flooding. It is recommended that a flood risk assessment of the site is considered for this development. Planning Practice Guidance classifies the proposal as More Vulnerable in terms of the Flood Risk Vulnerability. Therefore an Exception Test would not be required. Additionally, Policy US4 (Flood protection and Surface Water Disposal) states that 'All development should make adequate provision for floodplain protection and surface water drainage.' On site remediation through Sustainable Drainage Systems (SuDS) would be required to deal with surface water run-off and drainage.
- 6.1.5 In conclusion, the proposal will have a significant contribution to housing numbers and is considered to be in accordance with adopted policy. Therefore there is no objection from a planning policy perspective.
- 6.2 Policy Update following updated National Planning Policy Framework July 2018
- 6.2.1 The updated NPPF does not change the policy response provided above however in addition it should be noted that the revised NPPF supports higher density housing developments in general.
- 6.2.2 Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Section c of this paragraph states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 6.3 Specialist Advisor (Economic Development)
- 6.3.1 In accordance with the thresholds for development detailed on page 11 of the Local Employment and Training Supplementary Planning Document (SPD) adopted on the 16 November 2016 the proposed development qualifies for a Local Labour Agreement.
- In the current climate there is a need to nurture and support the construction sector; this site would offer construction employment and training opportunity to local people and boost the supply chain economy.

#### 6.4 Specialist Advisor (Arboriculture)

- 6.4.1 No trees or vegetation on the site should be considered a constraint to development

#### 6.5 Southern Water

- 6.5.1 Following our initial investigations, there is currently adequate capacity in the local sewerage network to accommodate a foul flow for a foul discharge rate of 1l/s (gravity)
- 6.5.2 Southern water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 6.5.3 We initially thought that the 1050mm surface sewer crossing the site would be public and therefore we have requested a 5 metres clearance distance either side of the external edge of the sewer to protect it from construction works and future maintenance. However, after further assessment it was found that the sewer is privately owned and the applicant should contact the owner/s in that regard.

#### 6.4 Environment Agency

- 6.4.1 The EA originally objected to the application as the same Flood Risk Assessment had been submitted from the previously refused application. This was as updated climate change modelling has become available since the previous application was made. In the absence of an updated FRA the flood risks resulting from the proposed development were unknown. An updated FRA was subsequently submitted and the application was amended to remove ground floor self contained accommodation from Blocks 2 and 3. The proposed self contained accommodation did not provide a safe means of access and/or egress in the event of flooding. Following the re-design of the scheme with maisonettes to the ground floor of Blocks 2 and 3 the EA removed their objection to the proposal stating as below.
- 6.4.2 We consider that planning permission could be granted to the proposed development, as submitted, if a condition regarding the implementation of the flood risk assessment is included. 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 East Sussex County Council Highways

- 6.5.1 The applicant seeks approval for the redevelopment of the existing telephone exchange site to provide a total of 89 residential units (1 and 2 bed flats). It is noted that this application is fundamentally a resubmission of a previous application (planning reference 160929), with minor changes to the layout of the site and a reduction from 95 to 89 residential units (as shown in Drawing No. 190\_P001 dated 14/11/17).
- 6.5.2 Following review of the updated Transport Assessment, it is considered that the highways impact of the proposed development would not significantly differ from

the previous application. In preparing my response I have also considered a document prepared by local residents (titled "Transport Assessment Concerns") which has questioned the information contained in the Transport Assessment.

- 6.5.3 In principle, the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network.
- 6.5.4 Access - The site lies within a 30mph speed limit whereby the visibility splay distances at the junction of with Moy Avenue should be 2.4 x 43m. These splays have been demonstrated by the applicant and are considered acceptable. The positioning of the access is to remain the same; this provides a suitable stagger between the junction with Courtlands Road and the access into Parker Building Supplies and The Be Group. The current access to the site is 14.6m wide at the channel line and 10m at the back of the footway, this is wide enough to cater for a two-way flow of traffic and would therefore be acceptable in its current form. It has been noted that vehicles park in this section of Moy Avenue between Waterworks Road and Courtlands Road even though there are waiting restrictions (double & single yellow lines) in place. This is mainly an enforcement issue as the presence of the lines allows tickets to be issued during the times of operation.
- 6.5.5 Traffic Generation and Impact - The site is currently occupied by a building previously used as a telephone exchange site. The site has subsequently been granted planning permission for 36 houses (planning reference: 130708). The updated Transport Assessment has used the TRICS database to consider the number of trips that would be associated with the proposed use on the site and the previously consented use, rather than the former use as a Telephone exchange site. Table 7.4 in the Transport Assessment indicates that a development of 36 houses is likely to produce 24 trips in the AM peak and 18 in the PM. The same table incorrectly indicates that a development of 89 flats is likely to increase the number of trips to 26 in the AM peak and 29 in the PM peak – these are the trip generation figures from the previous application HW/EB/16/0929 for 95 flats.
- 6.5.6 Instead, checking against the trip rates provided in Table 7.2, the trip generation for the 89 flats would be 24 in the AM peak and 27 in the PM peak. The increase of 9 trips in the PM peak hour is considered low level and can be accommodated in the existing highway network without significant issue or additional congestion.
- 6.5.7 Parking/Cycle Provision - It is noted that the transport assessment uses an earlier version of the East Sussex County Council Car Ownership Parking Demand Tool. Census 2011 data indicates car ownership in St. Anthony's ward of approximately 1.1 vehicles per household. The proposed flats are expected to have lower car ownership levels than that for houses, which is reflected in the ESCC Parking Demand Tool.
- 6.5.8 Using the 2017 version of the tool, this development, if using the data for St. Anthony's ward, should be provided with 64 car parking spaces. It is noted that the site is near the ward boundary, and the proposed housing stock is not typical of St. Anthony's ward, and parking demand is likely to differ.



Using a combination of St. Anthony's, Devonshire and Upperton ward data to obtain a more representative figure on car ownership (an average of 0.9 vehicles per household across the three wards) suggests the provision of 60 spaces would be acceptable.

- 6.5.9 The overall provision of 88 car spaces (reduced from 91) represents an approximate 50% increase in parking above the level required. Whilst this could be considered excessive, it would minimise the likelihood of overspill parking and a refusal on highway grounds would not be justified as a severe impact would be unlikely to be created. Therefore, the proposal is in accordance with the transport requirements of the National Planning Policy Framework. Cycle parking has been provided in accordance with the East Sussex County Council Standards. The 95 cycle spaces proposed should be covered and secure and located within the site in a convenient location for users.
- 6.5.10 Highway Safety - The Transport Assessment has reviewed the collision data around the site and has identified no significant issues on Moy Avenue. Whilst a wider search area would have been desirable to consider junctions with other roads, including the A2021 Whitley Road and Ringwood Road, having reviewed the collision map myself I am satisfied that no significant collision trends exist in the vicinity of the development site.
- 6.5.11 Accessibility - There are a variety of travel choices available in Eastbourne. Bus stops are within 250m of the site with services running between Sovereign Harbour and the Town Centre. There are also regular train services from Eastbourne Railway Station to Lewes which provide connections for onward journeys. Eastbourne Railway Station is 1.2 km away which is the recommended maximum walking distance however it should be noted that walking and cycling distances for commuting exceed this distance. The IHT 'Providing for Journeys on Foot' indicates that although desirable walking distances for commuting is 500m the preferred maximum is 2km. The same applies for acceptable walking distance to town centres, the desired is 200m but the preferred maximum is 800m. In terms of accessibility for non-car users, this site is within an acceptable distance to encourage the use of sustainable transport. The distances to Bourne Primary School and Sainsbury's as stated in Table 5.1 of the Transport Assessment have been checked and are considered reasonable assuming implementation of the proposed pedestrian access to Waterworks Road.
- 6.5.12 It is noted that this development will create a greater demand for public transport and in order to encourage its use the two closest bus stops to the site in Ringwood Road should be upgraded to include high level kerbs, new bus stop flags and poles for both stops and a new shelter on the southern side. In addition a contribution towards providing Real Time Passenger Information (RTPI) is required to help provide better, more reliable information about bus services. To provide two RTPI signs would require a contribution of £25,000.00. These works should be secured by legal agreement and would help the development meet the targets that would be set in the Travel Plan. Pedestrian facilities connecting the site to public transport and the Town Centre are generally good.
- 6.5.13 Travel Plan - A Travel Plan has been proposed as there are potential opportunities to enhance sustainable transport modes therefore reducing the

need for major transport infrastructure. Details of a Travel Plan have been included within the Transport Assessment. The measures proposed include carrying out baseline surveys in order to set targets. Once targets have been set a travel plan coordinator will be appointed to introduce provide advice of walking and cycling routes to and from the site and the promotion of the use of public transport. This will include details of bus services, timetables and route information. This is considered acceptable as a method to raise awareness of alternative modes of travel to and from the site. The site is accessed via Whitley Road; this will potentially encourage sustainable alternatives given the congestion on this road during peak times. If journey times to and from site take as long as walking or cycling trips then this can discourage car trips. The travel plan should incorporate the local cycle (Horseley Cycle Route) network to promote sustainable travel, the route will run along Waterworks Road, Moy Avenue and along onto Courtlands Road. A Travel Plan Statement Audit fee of £6,000 would be required and secured through a 106 agreement.

- 6.5.14 Internal Layout - The submitted Addendum to the Transport Statement includes swept path drawings which demonstrate that a 12.0 metre refuse vehicle and a fire tender can circulate the site and avoids conflicts between vehicles and pedestrians, accommodating that concern raised in the Stage 1 Road Safety Audit. As such, it is considered that the internal layout as shown in drawing no. 190\_P001 rev C is considered acceptable.
- 6.5.15 Conclusion - In principle, the proposed redevelopment of this site at this scale is acceptable in terms of traffic impact expected on the surrounding network. The quantum of parking which can be achieved exceeds that required by the ESCC Parking Demand Tool and would minimize the likelihood of overspill parking. The submitted Addendum to the Transport Assessment and revised plans sufficiently address previously raised concerns. As such, I recommend approval subject to conditions as well as a Section 106 legal agreement to secure the Travel Plan including audit fee and financial contribution for Real Time Passenger Information.
- 6.6 SUDS
- 6.6.1 The proposal for the management of surface water runoff is acceptable in principle. Conditions requested regarding a drainage investigation of the existing on site surface water drainage network, and a maintenance and management system of the proposed drainage system.
- 6.7 Crime Prevention Design Officer
- 6.7.1 Comments regarding Secured by Design Principles in terms of access to the buildings and cycle storage. Recommendation that parking bay no.39 is removed as this is totally unobserved area and there is a very unobserved access to the vehicle from Waterworks Road (amended plan submitted with this space removed)
- 6.8 Wealden District Council
- 6.8.1 Object to the application on the basis of potential impacts upon the Lewes

Downs, Pevensey Levels and Ashdown Forest. Stating that at this stage it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the development.

## 6.9 Planning Policy Response to Wealden Objection

6.9.1 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.

6.9.2 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.

6.10.3 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.

## 7 **Neighbour Representations (please include a para that states that only objections that are material planning considerations will be included).**

7.1 89 comments have been received from 55 surrounding properties, Objections cover the following points:

- Overdevelopment of the site
- Design of the new blocks
- Highway Impacts and Safety
- Impacts on the Waterworks Road Junction
- Impact on Parking
- Impact on infrastructure and amenities (schools, GP and medical assistance)
- Access for construction traffic
- Additional demands on foul sewer
- Concern over the culvert running through the site its stability and safety during construction
- Impact on the Horsey Sewer
- The proposal does not differ significantly from the previous refusal
- Impact on character of the area of high density housing
- No buildings of this size in the area
- Impacts on Amenity increased noise/cars
- Overbearing nature
- Significant loss of light and overlooking of neighbouring properties
- There are no safe crossings for pedestrians across any of the main roads in the area.

- Impact of construction on local businesses in terms of road closures and disruptions
- Family homes would be in keeping with the housing stock
- Increased pollution
- Decreased size of the amenity space within the development
- Development should be for families
- Proposed flats are overcrowded and unpleasant to live in
- What about flats with disabled access
- Block 2 will loom over Waterworks Road properties
- The increased height of Block 1 will be visible from some distance
- Overshadowing of back garden of 2 St Philips Place
- Questions raised over the content of the Transport Assessment.
- Lack of formal daylight/sunlight assessment submitted

## 8 Appraisal

### 8.1 Assessment of proposed against issues raised by the appeal decision

8.1.1 A previous application for redevelopment of the site was refused in 2016, and later dismissed at appeal. This application is broadly similar, the number of units has been amended from 95 to 85, with block 3 moved within the site further from the common boundary. The previous application was refused at Planning Committee as it was considered that the proposal would by virtue of the scale of the development, the height, bulk and mass be an unneighbourly over development of the site with an overbearing relationship, detrimental to the amenity of the occupiers of the surrounding residential properties by way of loss of light, outlook and privacy from overlooking to properties and their rear gardens.

### 8.1.2 Summary of Inspectors Comments

In his decision on the appeal the Inspector stated that the siting of Blocks 1, 2 and 3 relative to the adjoining dwellings would mean that actual harmful window to window overlooking would be unlikely to occur. However, because the north eastern elevation of Block 3 and the South Western elevation of Block 2 would be punctuated by so many windows at first and second floor levels, that Block 2's and 3's presence could give rise to the occupiers of the neighbouring dwellings perceiving that they were being overlooked, particularly when using their gardens. There is also a strong likelihood that the use of the first and second floor balconies in Block 3's North Eastern elevation and Block 2's South Western elevation would be likely to give rise to harmful overlooking of the adjoining properties. The occupiers of the neighbouring dwellings might therefore be less inclined to use their gardens.

8.1.3 The Inspector stated that Block 2's North Eastern elevation sited around 12m from No.6 Moy Avenue's side boundary and the blocks width and height would mean its siting would give rise to an unacceptable sense of enclosure for the users of No.6s rear garden and would have a harmful effect on the outlook from No.6's Garden. However that the distances between Block 3 and No.6 and the properties in St Philips Place would mean that Block 3's siting would not cause any harmful loss of outlook from the interior of those neighbouring dwellings and

that the outlook from within the interior of No.6 would be improved to some degree because of the partial demolition of the northern end of the existing building.

8.1.4 The Inspector also stated that given the siting of the Blocks and the length of gardens and taking into account the orientation and heights of the blocks relative to the neighbour dwellings, the development would not give rise to a loss of outlook or an unacceptable loss of light to the interiors or gardens of the neighbouring properties

8.1.5 The Inspector concluded that whilst the development would make a weighty contribution to the supply of housing in the area and there would therefore be significant economic and social benefits associated with the development he found that the adverse impact on the living conditions of residents of the area would significant and demonstrably outweigh the development benefits and therefore dismissed the appeal.

8.1.6 Scheme amendments to mitigate impacts raised at appeal

The provision of maisonettes at ground and first floor level of Blocks 2 and 3, reduces overlooking impacts on the surrounding residential properties. The first floor windows serving bedrooms reduces the perceived overlooking towards surrounding properties by reducing the use of these windows. The previously refused application proposed flats over all floors of the rear blocks, with balconies at first and second floor levels viewing towards the boundaries of the site facing the rear elevations/gardens of Waterworks Road.

8.1.7 Block 2 is now proposed with the upper two floors, second and third floor level set in from the lower sections, with only windows serving a corridor at second and third floor level further reducing overlooking impacts. Block 2 is proposed 12m from the boundary with properties of Waterworks Road, 28m from the rear elevation of the properties themselves. Similarly with Block 3 this is moved further from the boundary and the upper two floors are set in with windows only serving a corridor facing the boundary of the site with the boundary of the rear garden of No.6 Moy Avenue. Following the previous refusal and Inspectors decision this Block is moved further within the site and is now proposed at least 12.5m from the boundary.

8.1.8 The changes to the proposed scheme since the previous refusal are considered to overcome the reasons for refusal in relation to the impacts on the adjacent residential properties taking into consideration the Inspectors appeal decision.

8.2 Impact of proposed development on amenity of future occupiers:

8.2.1 Maisonettes are proposed to Blocks 2 and 3 as the Environment Agency will not support the provision of self contained accommodation at ground floor levels within new build developments in Flood Risk areas. The proposal of maisonettes overcomes flooding concerns, and they also reduce overlooking issues from the first floor windows facing out of the site towards existing residential properties.

8.2.2 The majority of the proposed units meet the DCLG Technical housing

standards recommended minimum internal floorspace standards as set out in the table below. One unit within Block 2 is slightly under sized at 55m<sup>2</sup> for a 1 bed maisonette, the standard recommends a minimum of 58m<sup>2</sup>. Overall the unit provides a good layout, with access to natural light and ventilation. one of the 2 bed maisonettes is also slightly undersized by 1m. These are considered marginal and on balance acceptable.

<b>Number of beds/bed spaces</b>	<b>No. of units</b>	<b>DCLG's Technical Housing Standards Floorspace m<sup>2</sup></b>	<b>Proposed floorspace m<sup>2</sup></b>
1 Bed Maisonnettes	3	58	Min 55 (1 Unit) Max 59
2 Bed Maisonnettes	23	70	Min 69 Max 92
1 Bed Flats	17	50	Min 51 Max 68
2 Bed Flats	42	61	Min 62 Max 90
<b>Total</b>	<b>85</b>		

8.2.3 None of the maisonettes have ground floor private amenity space, where these face onto the central public space balconies are provided for some private amenity space at first floor level. Ideally houses would be provided with private amenity space, however as these are 1 and 2 bed maisonettes, rather than dwelling houses no objection in principle is raised to the lack of private amenity space for the maisonettes. Where possible throughout the site, without overlooking surrounding residential properties the flats are provided with balconies to provide some private amenity space which is acceptable in principle.

8.2.4 Overlooking within the site will occur between the blocks, with separation distances of 23m between Block 2 and 3 generally and 7.5m at the closest point. Block 1 and 2 are sited 11m<sup>2</sup> apart, and Block 1 and 3 of 7m. Windows in elevations which overlook each other are limited. These impacts are considered reasonable for a development of this nature of multiple blocks within a site.

8.2.5 Overall the flats will all have good levels of outlook and provision of natural light. Communal amenity space is proposed to the centre of the site. Therefore it is considered that the proposal will result in a good standard of accommodation for future occupiers of the development.

### 8.3 Layout, Design and Scale issues:

8.3.1 The layout is broken down into three blocks, the majority of the car parking is provided to the site boundaries which pulls the buildings further from these common boundaries, this increases the separation and provides a buffer to the development.

8.3.2 The positioning of the blocks also provides the opportunity to create a central amenity area within the centre of the development; this pocket park would provide external amenity space for the enjoyment of the residents of this development.

- 8.3.3 The layout is considered to maximise the potential of the site whilst offering a buffer to surrounding properties by setting the buildings in from the boundary with car parking to the edges of the development. The location of Block 3 has been moved further from the boundary from the previously refused scheme this is now 12.5m from the boundary (previously 10.5m). In layout terms the development is considered to be acceptable.
- 8.3.4 The ground floor of the blocks is to be formed from a dark stock brick, with a lighter mix of three stock bricks to create a flecked appearance to the intermediate floors. The top floors are proposed timber/composite vertical cladding which provides a contrasting finish to the top floors and has the effect of reducing the visual mass and bulk at this level. Details of the proposed materials will be required to be submitted by condition
- 8.3.5 Projecting bay windows and recesses are proposed to break up the facades and provide more interest. The buildings are horizontal/linear in appearance which assists with reducing the visual bulk of the buildings. Similarly the recessed upper floors in a contrasting material help to reduce the visual mass and scale of the proposed development. The remodelled frontage building shares the common architectural reference and the material palette with the new buildings to the rear.
- 8.3.6 It is accepted that the design and external appearance of the proposed blocks is of a different scale, design and appearance to that of the predominant pattern of residential properties (primarily two storey family dwellings) immediately adjacent the site. However the existing building and yard are of a much larger scale than the residential properties adjacent and the character of the wider commercial area to the north is more varied and does not just include smaller residential properties.
- 8.3.7 In his appeal decision the previous Inspector stated in terms of the character and design of the proposed development that the sites scale and that of nearby commercial premises would mean that this redevelopment would not be out of character with the development in the surrounding area, and considered that the development contemporary appearance would be appropriate to its surroundings. Therefore the proposed scale, character and design are considered an appropriate approach for the site to maximise the provision of housing.

#### 8.4 Impacts on highway network or access:

- 8.4.1 The site has been vacant for a number of years, therefore the surrounding Highway network will see an increase in vehicle movements resulting from the development. It is considered that the highways impact of the proposed development would not significantly differ from the previous application to which no objection was raised by ESCC Highways and the application was not refused for Highway related impact reasons. ESCC highways confirm that the proposed redevelopment of the site at this scale is acceptable in terms of traffic impact expected on the surrounding network.
- 8.4.2 A stage 1 safety audit for the access to the site was requested by ESCC Highways. This was completed and with swept path drawings demonstrating that a 12m refuse vehicle and fire tender can circuit the site. Therefore the access and layout is considered acceptable.

8.4.3 The ESCC highways response outlines in further detail the calculation undertaking in relation to the car parking provision. Although the total number of spaces was reduced (from 91 to 88) following the swept path analysis and the comments of the Crime Prevention Officer, the number is still significantly over that required (64 spaces) as set out in the ESCC Parking Demand Calculator. Whilst it could be considered excessive the number would minimise the likelihood of overspill parking and a refusal on the grounds of car parking provision would not be justified as a severe impact would be unlikely to be created. Therefore the proposal is considered acceptable in scale and no reasons for refusal regarding highway impacts or parking can be substantiated.

8.5 Affordable Housing:

8.5.1 Policy D5 of the Core Strategy Local Plan and the Affordable Housing Technical Note 2017 requires that the site provide 30% affordable housing on site. This equates to 25.5 units. The applicant accepts this policy position and has confirmed agreement to the S106 agreement requiring Block 2 to be provided as Affordable Housing. Block 2 provides 20 units, a commuted sum in lieu of the further 5.5 units will also be secured through the S106 agreement.

It is anticipated that Eastbourne Homes would be looking to take on the affordable housing element of this proposal.

8.6 Impacts on trees:

8.6.1 None of the existing trees/landscaping on site should be a constraint on development. A landscaping plan will be requested by condition to ensure satisfactory landscaping is carried out post completion of the development.

8.7 Planning obligations:

8.7.1 The applicant will be required to enter into a S106 agreement in relation to:

- The delivery of affordable housing in compliance with Policy D5 of the Core Strategy,
- a Local Labour Agreement.
- Travel Plan
- Highway Infrastructure

8.8 Other matters:

8.8.1 The precise location of the existing sewer through the site is unknown and a condition is recommended that the exact location of the sewer is established prior to the commencement of the development and details of all foul and surface water drainage should be submitted for subsequent approval. It is acknowledged that this could have implications on the layout of the site. However it has been confirmed by Southern Water and the owner of the site that the sewer is in privately owned and therefore under their control. Members should be aware that any significant divergence from the layout plans proposed under this application should form the content of a further submission to the Council and any such



application will be reported back to planning committee for determination.

## 8.9 Conclusion

- 8.9.1 The scheme is considered to be an appropriate redevelopment of this parcel of previously developed land and would not give rise to any substantive issues that would warrant or justify a refusal of planning permission. The provision of the residential units in the number proposed by this scheme would go some way to contributing to the shortfall in the Council's 5YHLS and would also ensure that this development site is maximised to its full potential. Subject to S106 to cover infrastructure issues then the scheme is considered to be acceptable making an efficient use of this land within a sustainable location.

## 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 (This must include the reasons for each condition).**

- 10.1 A: Subject to a S106 Legal Agreement to cover:-

1. Local employment issues
2. Affordable housing delivery
3. Travel Plan and Associated Audit fee of £6,000
4. Highway infrastructure to provide two bus stops with RTPI £25,000

Then planning permission be granted subject to the following conditions:-

B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.  
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings;  
190\_P001 Rev D – Proposed Site Layout  
190\_P004 Rev C – Block 1 Ground & Plant Mezzanine  
190\_P005 Rev B – Block 1 First & Second Floor Plan  
190\_P006 Rev A – Block 1 Third Floor & Roof Plan  
190\_P007 Rev C – Block 1 North & East Elevation

190\_P008 Rev C – Block 1 South & West Elevations  
190\_P009 Rev A – Block 1 Section AA  
190\_P010 Rev B – Block 1 Demolition & New Construction Layout  
190\_P011 Rev C – Block 2 Ground & First Floor Plan  
190\_P012 Rev B – Block 2 Second & Third Floor Plan  
190\_P013 Rev B – Block 2 Roof Plan  
190\_P014 Rev C – Block 3 North & East Elevations  
190\_P015 Rev C – Block 3 South & West Elevations  
190\_P016 Rev C – Block 3 Ground & First Floor Plan  
190\_P017 Rev B – Block 3 Second & Third Floor Plan  
190\_P018 Rev B – Block 3 Roof Plan  
190\_P019 Rev C – Block 3 North & East Elevations  
190\_P020 Rev C – Block 3 South & West Elevations

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

3. No above ground build shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development. ++

4. No development shall take place until such time as a method statement has been submitted to ascertain the exact position of the sewer crossing the site; thereafter works shall be carried out in accordance with the approved details. Details of the location of the sewer shall thereafter be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site and if any layout changes are proposed following the investigation a revised layout plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason: To ascertain the exact position of the sewer within the site and any impact this could have on the position of the buildings. ++

5. That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously been agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area.

6. a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
  - (i) proposed finished levels or contours;
  - (ii) means of enclosure/boundary treatments where

- replaced;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
- (vii) planting plans;
- (viii) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (ix) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (x) implementation timetables.

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.++

7. The development shall not be occupied until details of the layout of the reconstructed access and specification for the construction of the access which shall include details of drainage have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.++
8. The development shall not be occupied until parking areas have been provided in accordance with details submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.++
9. Prior to demolition works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This

shall include the size of vehicles, wheel cleaning facilities, contractor parking and compound for plant/machinery and materials clear of the public highway. (Given the restrictions of the access hours of delivery/ collection should avoid peak traffic flow times).

Reason: In the interests of highway safety and for the benefit and convenience of the public at large++

10. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

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

11. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

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

12. Prior to the commencement of development a drainage investigation of the existing on-site surface water drainage network should be undertaken to determine its suitability for conveying surface water from the site. The findings of the survey should be submitted to and agreed by the local planning authority before any construction commences on site. Where a SUDS scheme is to be implemented the drainage details submitted shall specify the responsibilities for the implementation of the SUDS scheme and a timetable for implementation. Thereafter works must be carried out in accordance with the agreed details.

Reason: To ensure suitable surface water disposal from the site.

13. Prior to the commencement of development a maintenance and management plan for the entire drainage system should be submitted to the planning authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including any piped drains, and the appropriate authority should be satisfied with the submitted details.

Reason: To ensure satisfactory future maintenance and management of the drainage system.++

14. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure satisfactory foul and surface water disposal.++

15. All roads that form part of the development hereby permitted that are not to be offered for adoption shall be laid out and constructed to standards at, or at least close, adoptable standards.

Reason: In the interest of highway safety and for the benefit and convenience of the public at large.

16. No satellite dishes or aerials shall be erected to any elevation of any of the Blocks at any time.

Reason: To protect the visual appearance of the buildings from clutter.

17. The access path shown on the approved drawings between the site and Waterworks Road shall be laid out as approved and open to the public prior to the occupation of the units and thereafter retained as such unless agreed otherwise in writing by the Local Planning Authority.

Reason: To provide an additional and shortened access to the site from Waterworks Road.

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

New-build blocks 2 and 3 provide duplex units only across the ground and first floors. Finished floor level of the first floor in these blocks is to be set above 5.94mAOD – at least 300mm above the modelled 1 in 200 (2115) undefended flood scenario of 5.64mAOD, as stated in Section 4.2.1 & 6 of the FRA.

1. Ground Finished Floor levels in Block 1 are to be set no lower than the 4.5mAOD suggested in Sections 4.2.1 & 6 of the FRA to provide an additional margin of protection and limit the residual risk associated from flooding.
2. An appropriate site-specific Flood Warning and Emergency Evacuation Plan must be prepared prior to occupation, as stated in Sections 4.2.1, 4.2.7, & 6 of the FRA, and implemented as detailed in Section 4.2.7. The plan must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the development. The development is also to sign up to the Environment Agency's Flood Warning Service (Section 4.2.7).
3. Appropriate Flood Resilient and Resistant Construction Methods are to be adopted, including incorporation of the measures stated in Section 4.2.6 of the FRA.

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 maximise the safety of future occupants.++

## **Informatives**

1. The reconstruction of the access will need to be carried out under the appropriate license. The applicant should contact East Sussex Highways

on 0845 60 80 193 to apply for a licence to ensure the construction is up to an acceptable standard.

2. The works required to improve the two closest bus stops will need to be carried out under the appropriate licence/agreement. The applicant should contact ESCC on 01273 482254 to apply, this will ensure that the works are carried out to an acceptable standard.
3. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition the number of properties served, and potential means of access before any further works commence on site.
4. 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 S)21 2SW (Tel: 03303030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance.
6. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed and a fee is payable with each application.

## **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.

## **12 Background papers**

The background papers used in compiling this report were as follows:

- Case File