

Report to: Planning Committee
Date: 3 October 2022
Application No: 220566
Location: 24 Hurst Road, Eastbourne
Proposal: Demolition of existing dwelling and erection of 3no. 3-bedroom dwellings (resubmission of refused planning application 220216)

Applicant : Miss C Christie
Ward: Upperton
Recommendation: Approve Subject to Conditions
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Map Location:



1. **Executive Summary**

- 1.1 This application is presented before planning committee due to the level of objections received on the proposed scheme (23 objections received).
- 1.2 The submission comprised the demolition of the existing unoccupied bungalow on site and the erection of 3no detached three storey dwellings, set at lower ground, ground and first floor levels. The scheme includes the provision of off-road parking to the front and landscaped gardens to the rear.
- 1.3 The application is a resubmission of planning application 220216, which was refused under delegated powers. The design of the scheme has been amended regarding the front elevation and details have been included on the biodiversity of the site.
- 1.4 The application is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 2: Achieving sustainable development
- 4: Decision making
- 8: Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well designed places

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C2 Upperton Neighbourhood Policy
- C5 Ocklynge & Rodmill Neighbourhood Policy
- D5 Housing
- D8 Sustainable Travel
- D10 Historic Environment Archaeological Notification Area
- D10a Design

2.3 Eastbourne Borough Plan 2001-2011:

- HO1 Residential Development within the Existing Built-Up Area
- HO2 Predominantly Residential Areas
- HO6 Infill Development
- HO7 Redevelopment
- HO20 Residential Amenity
- NE4 Sustainable Drainage Systems

NE28 Environmental Amenity
TR11 Car Parking
UHT1 Design of New Development
UHT4 Visual Amenity
UHT7 Landscaping
US1 Hazardous Installations.

3. Site Description

- 3.1 The application site comprises a single storey bungalow on a corner plot with Hurst Road and Rossington Close. The building currently onsite sits towards the rear of the site, is in a run-down state and currently unoccupied.
- 3.2 Hurst Road slopes downwards from South to North and West to East with the application site itself sloping from West to East.
- 3.3 The existing property has a concrete driveway situated to the south side of the site and heavy vegetation surrounding the property and there is evidence of this recently being cleared and the cutting down of trees.
- 3.4 The site is neither located within a designated Conservation Area, nor is the building statutorily listed.
- 3.5 The application site is within an archaeological notification area and is within 50m of a high-pressure gas line.
- 3.6 Hurst Road is mainly comprised of two storey terraced properties with the exception of the application site and two pairs of semi-detached properties, adjoining the site and opposite the site.
- 3.7 Immediately north of the site are semi-detached two-storey dwellings (ground and lower ground floor levels) and opposite the site are three-storey semi-detached dwellings. The properties on the western side of Hurst Road sit above the properties on the eastern side due the topography of the road.

4. Relevant Planning History

- 4.1 220216:
Demolition of existing dwelling and erection of 3no 3-bedroom dwellings
Planning Permission
Refused
Decision Date: 27 May 2022.

5. Proposed Development

- 5.1 The application is seeking permission for the demolition of the existing bungalow on site and the erection of 3no dwellings.
- 5.2 The proposal is for 3no three bedroom, three-storey detached dwellings with lower ground, ground and first floor levels with a gross internal area of 132m² approximately.

5.3 The layout for each dwelling will have a bedroom with ensuite and direct access to the garden at lower ground floor level, open plan kitchen/dining/living space with balcony leading to stairs down to the garden, w.c. and study at ground floor level. At first floor level will be two bedrooms and a family bathroom.

5.4 The proposal includes off road parking to the front.

6. Consultations

6.1 Specialist Advisor (CIL)

6.1.1 The application is CIL Liable.

6.2 Specialist Advisor (Arboriculture)

6.2.1 Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in relation to T1 and G1 and to include ground protection methods and construction exclusion zone (CEZ) where applicable.

6.2.2 Tree Group 1 (G1) in relation to concrete hard standing adjacent this tree group. Root Protection Areas (RPA's) are to be shown. If excavations are to be undertaken, they must be done so under arboricultural supervision. It is advised that trial pit excavations are undertaken along this location to identify tree root presence and density or lack of. Photographic evidence and report of findings are to be submitted. Working methods as per Volume 4: NJUH+G Guidelines for the Planning, Installation and Maintenance Apparatus in proximity to trees (Issue 2), gives guidance when excavating in close proximity to trees. Supporting documentation is to demonstrate arboricultural protection methods when working in close proximity to trees.

6.3 County Archaeology

6.3.1 The proposed development site lies within an archaeological notification area (a non-designated heritage asset) associated with Saxon burial, a possible medieval and post-medieval milling. In 1993, an *in-situ* human burial dating to the later Anglo-Saxon period was discovered at 27 Hurst Road, just c.70m South-West of the application site. In my opinion, any groundwork undertaken outside the footprint of the building that currently occupies the site have the potential to expose below ground in-site archaeological features, deposits and artefacts including further inhumations perhaps associated with a wider Anglo-Saxon cemetery.

6.3.2 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a ***programme of archaeological works***. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved *in-situ* or, where this cannot be achieved adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

- 6.3.3 In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and the provide a brief setting out the scope of the programme of works.
- 6.3.4 The **written scheme of investigation**, referred to in the recommended condition wording, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

7. Neighbour Representations

7.1 23 letters of objection have been received and cover the following: (Up to 02/08/2022 09:00).

- Design fails to harmonise with the character of the area
- Scale and bulk
- Over development
- Detrimental impacts to 72 Hurst Road
- Impacts to privacy
- Impacts to light
- Parking issues
- Impact highway safety
- Loss of biodiversity
- Disturbance during development works.

7.2 Objections also included loss of view and impacts to the value of properties in the area. These are not material planning considerations and do not form part of the decision-making process.

8. Appraisal

8.1 Principle of Development

8.1.1 Eastbourne are currently unable to demonstrate a 5-year housing land supply and as such planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole.

8.1.2 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.1.3 Any presumption of approval will therefore need to take into account the balance between the 3 overarching objectives of sustainable development, (these being social, economic and environmental benefits), as well as other matters identified within the NPPF, such as safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 120), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 130) and ensuring development does not compromise highway safety (para. 113).
- 8.1.4 This is reinforced within the Local Development Framework, with one of the key primary development principles being to provide at least 60% of new residential development within the existing built-up area in well-designed schemes that make efficient use of urban land. Policy HO1 also states that planning permission will be granted for residential schemes in 'predominantly residential areas', one of which the site is located.
- 8.2 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:
- 8.2.1 The proposed dwellings are not considered to have a negative impact on the amenity of the occupiers adjoining or the surrounding area.
- 8.2.2 The layout for each plot has been considered to ensure minimum impact to the neighbouring occupiers in terms of loss of light, overshadowing and loss of privacy.
- 8.2.3 New views will be available from the rear of the properties into surrounding gardens, the current building on site is a two storey (ground/lower ground) building, anything of larger design will impact in some way. It is not uncommon for neighbouring properties to have a view into surrounding gardens.
- 8.2.4 Concerns have been raised with regards to overshadowing to the adjoining properties of 72 Hurst Road and 143 Burton Road. 143 Burton Road is set at a lower land level than the application site, due to be approximately 30m distance from the proposed properties there are no concerns raised regarding overshadowing or loss of light.
- 8.2.5 The side elevation of plot 3 will be set approximately 5m from the side elevation of 72 Hurst Road. As the site currently there are not building located along the boundary with 72 Hurst Road, the proposed dwelling may cause some overshadowing to the side elevation of the property however the level of impact is not thought to have a detrimental impact and mainly impact the paved area to the side of the property.
- 8.3 Impact of the proposed development on amenity of future occupiers
- 8.3.1 The proposal is for the erection of 3no three storey, three-bedroom detached dwellings with an approximate gross internal area (GIA) of 132m². Nationally described space standards advise the minimum

requirement for a three storey three-bedroom property for six persons is 108m². The proposal exceeds the minimum requirement for GIA and the requirement for the provision of bedspaces being a minimum of 2.15m wide and floor area of 7.5m².

8.3.2 The proposal includes two parking spaces to the front of the property along with hedging to the boundaries. To the rear is landscaped garden with a patio area, turf, a tree and hedging. Plot three will have additional shrubbery and trees to the north side of the rear garden. The plot boundaries will be enclosed with a 1800mm height close board fencing.

8.3.3 The proposed dwellings are considered to provide a good level of accommodation for future occupiers.

8.4 Design

8.4.1 The proposal is for the erection of 3no detached dwellings, the design of the proposal has been amended since the previous refused scheme to include bay window design to the front which is felt to harmonise better with the properties surrounding.

8.4.2 The properties will be set further forward than the current bungalow on-site. The existing building on site and the property of 72 Hurst Road both have a single storey appearance when viewed at street level, this design is not a common characteristic within the street scene of Hurst Road with other properties being formed of two storey terraced housing or semi-detached properties.

8.4.3 The layout of the existing site with the building to the rear is also not a common feature, the application site being the only property set towards the rear of the site, away from the highway, all other properties form a building line much closer to the highway with limited amenity space to the front.

8.4.4 The site for the proposed dwellings forms the end plot of Hurst Road on the junction to Rossington Close and Selby Road. Being situated at the end of the road gives way for a differing design to be acceptable.

8.4.5 The design of the front elevation has been amended following the refusal of application 220216 to include bay window to the front, a common feature on properties in the area. The scheme now includes some soft landscaping to the front as well.

8.5 Impact to the highway network

8.5.1 The proposal includes off road parking to the front of the proposed dwellings, this would remove current on street parking. The East Sussex highways parking calculator advises a total of 6.79 spaces should be provided for the development, the proposal includes 6 spaces, this is an acceptable level of parking.

8.5.2 The proposal includes off road parking for the new dwellings, concerns have been raised that this will impede on highway safety,

however it should be noted that there is already vehicular access on to the site as it currently stands.

8.6 Biodiversity

8.6.1 The application site has been cleared of some vegetation and that a loss of biodiversity from the site may have occurred. Due to this application taking place after the site being cleared, the level lost is hard to determine.

8.6.2 It is however noted that if the site had not been left to fall into disrepair and the outdoor areas over grow, it is probable that the level of biodiversity may not have been at such a high level.

8.6.3 The proposal includes hard landscaping in the form of paving to the front for the parking and walkway areas and soft landscaping in the form of hedging along the boundary lines. To the rear a soft landscaping scheme with a patio area has been proposed.

8.6.4 The landscaping scheme has been reviewed by the Councils arboriculturist, who has raised no concerns or requested any amendments or additional requirements.

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 This application is recommended for approval subject to the below schedule of conditions:

10.2 **Timeframe:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

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

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

Drawing: 01 Rev E – Location, Block and Site Plan

Drawing: 02 Rev G – Proposed Plans Plot 1

Drawing: 03 Rev G – Proposed Plans Plot 2

Drawing: 04 Rev G – Proposed Plans Plot 3

Drawing: 07 Proposed Site Plan

Drawing: Landscaping Plan.

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

10.4 **Arboriculture:** Prior to the commencement of works a Tree Protection Plan and Arboricultural Method Statement to include ground protection methods and construction exclusion zones in relation to T1 and Tree G1 are to be submitted and approved in writing by the local planning authority.

Reason: To safeguard and enhance the character and amenity of the area.

10.5 **Demolition/Construction Management Plan:** Prior to commencement of development, including any ground and demolition works, a Demolition Construction and Environmental Management Plan (DCEMP) shall be 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 demolition/construction period. The Plan shall provide details as appropriate, which shall address but not be restricted to the following matters:

- sequence and schedule of demolition phases;
- the anticipated number, frequency and types of vehicles used during development;
- the method of access and egress and routing of vehicles during development;
- parking of vehicles by site operatives and visitors;
- loading and unloading of plant, materials and waste;
- method of removing material from the site, including special measures for hazardous material;
- times of any deliveries related to the development, which should avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- storage of plant and materials,
- erection and maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of development upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality;
- air quality monitoring;
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for completion of the works;
- measures to manage flood risk during construction; and
- public notification, including site notices with public contact details during the works.

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

- 10.6 **Archaeology:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.7 **Archaeology:** The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 10.8 **Rainwater Goods:** Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host properties and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding or encroachment.

- 10.9 **Electric Vehicle Charging Point:** Details of electric charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 10.10 **Car Parking:** Prior to first occupation of the development, hereby approved, the car parking spaces shall be provided and clearly marked in accordance with approved drawing No: 07 (Proposed Site Plan). The parking spaces shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned shall be used for no purpose other than for the parking and turning of vehicles.

Reason: To ensure adequate parking provision for the development and to prevent overspill to on street car parking in accordance with Policy TR11 of the Eastbourne Borough Plan (2007).

11. **Appeal**

11.1 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**

12.1 None.