

# Planning Statement

26 Jevington Gardens, Eastbourne, BN21 4HN





# Planning Statement

## Introduction

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This Planning Statement is in support of a Full Planning for the subdivision of 1no. Flat to create 3no. Flats on the lower ground and ground floor of 26 Jevington Gardens, Eastbourne, BN21 4HN.

This statement should be read in conjunction with the submitted existing and proposed plans.

This statement provides information on the background to the site, relationship to surrounding buildings, planning policy at a national, and local level and an assessment and justification of the proposal. The statement has been prepared in full accordance with Government guidance, including DCLG Guidance on information requirements and validation for planning applications.





# Planning Statement

## Site and Surroundings

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Jevington Gardens is located immediately to the rear of the Grand Hotel and is easily accessible to both the Town Centre and Meads Village.

From the hall floor entrance, a central staircase provides access to all 6 flats, including a 4 bedroom maisonette across hall and lower ground floors. In addition to this, there are 5 spacious studios (2 on the top floor; 2 on the first floor and 1 at the rear of the upper ground floor) - the 4 bedroom maisonette makes up the other 50% of the upper ground floor and 100% of the lower ground floor).

With the exception of the maisonette all 6 flats are let on ASTs.

The maisonette was occupied by the former freehold owner of the building until the applicant purchased the building.



# Planning Statement

## Planning History

230738

Application for Certificate of Lawfulness to confirm that the property comprises of six self-contained apartments  
Approved – 21st February 2024

160846

Form parking bay in front garden of property for one car  
Refused – 15<sup>th</sup> September 2016

160461

Form parking bay in front garden of property for one car  
Refused – 26<sup>th</sup> May 2016

160026

Form parking bay in front garden of property for two cars  
Refused – 25<sup>th</sup> February 2015

000304

Provision of shared vehicular access  
Refused – 9<sup>th</sup> August 2000

### Neighbouring site

080399

Oakwood House 28 Jevington Gardens Eastbourne BN21 4HN  
Internal alterations of two ground floor flats to provide additional 1-bedroom unit to rear of property  
Approved - 12th August 2008

700383

28 Jevington Gardens Eastbourne  
Single Storey Rear Extension  
Approved - 17th September 1970

### Other Sites

210609

32 Upperton Gardens Eastbourne East Sussex BN21 2AQ  
Extension and alterations to existing ground floor flat and conversion to form 2no. 2 bed flats  
Approved - 3rd September 2021

# Planning Statement

## Planning Policy

### Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that any determination should be made in accordance with the development plan unless material considerations indicate otherwise.

### National Planning Policy Framework (NPPF)

Paragraph 8 outlines that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform several roles. With regards to social, this includes supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment.

Paragraph 10 confirms that the common theme running through National Planning Policy is a presumption in favour of sustainable development.

Paragraph 38 illustrates “local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible”.

Chapter 5 of the NPPF refers to “Delivering a sufficient supply of homes”. Paragraph 60 states “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Paragraph 70 looks to promote the development of smaller sites and identifies that “small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly”.

Chapter 11 is titled “Making efficient use of land” where “planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land”.

Paragraph 90 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development

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## Planning Policy

Paragraph 131 states “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Paragraph 135 lists a number of criteria that planning policies and decisions should ensure that developments provide. This is as follows:

- “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Paragraph 139 considers the issues of poor design and the character and quality of the area and advises “permission should be refused for development of poor design that fails to take the opportunities available improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”

# Planning Statement

## Planning Policy

### Local Plan Policy

#### Eastbourne Core Strategy Local Plan 2006-2027

##### Policy B1 - Spatial Development Strategy and Distribution

The spatial development strategy will deliver at least 5,022 dwellings and 55,430 square metres of employment land by 2027 within the built up area boundary, in accordance with the principles of sustainable development. It will include:

- Giving priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land;
- Developing on a number of small greenfield sites within the urban area that are of low value and poor quality; and
- Creating sustainable centres where adequate services and facilities would be provided by balanced housing led growth.

The priority locations for balanced housing growth alongside delivering significant improvements to the provision of community facilities and services and improving linkages will be in the two sustainable centres:

- The Town Centre (approximately 1,242 new dwellings); and
- Sovereign Harbour (up to a maximum of 150 new dwellings)

##### Policy B2 - Sustainable Neighbourhood

Proposals within the fourteen neighbourhoods will accord with the respective vision for the specific neighbourhood within which development is being proposed. All schemes will also be assessed against the following generic criteria. They will be required to:

- Meet the needs of the local community and address issues specific to that neighbourhood;
- Protect the residential and environmental amenity of existing and future residents;
- Create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character;
- Offer a choice of housing and employment opportunities locally;

- Respect the natural environment by adapting to climate change and reducing potential negative environmental impacts;
- Provide services and facilities locally within reasonable walking distance of the local residents; and
- Encourage sustainable modes of transport and create good connections between neighbourhoods.

##### Policy D5 - Housing

Proposals for housing will be in accordance with the approach set out in Policy B1: Spatial Development, with a focus of delivering housing within the sustainable centres and sustainable neighbourhoods and must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings.

# Planning Statement

## Planning Policy

### Policy D8 - Sustainable Travel

Sustainable travel will be promoted through a variety of measures aimed at reducing the need to travel and reducing the reliance on the private car. Alternative sustainable travel choices will be supported by shaping the pattern of development and influencing the location, scale, density, design and mix of land uses.

Services and facilities, such as local shops, health facilities, schools, open spaces and community centres, should be provided locally and be accessible to each neighbourhood to help reduce the need to travel. All new development should be located within 800m of local services and facilities and within 400m of a bus stop with a regular service.

### Policy D10A - Design

In order to achieve a high quality environment new development makes a positive contribution to the appearance of our townscape and urban heritage. Design and layout should take account of context, i.e. neighbouring buildings as well as the surrounding area. New development can be modern or based on historic forms but must respect, preserve or enhance local character. It is vital that design goes beyond the focus of the individual development and also takes account of sense of place, safety and security.

Eastbourne's built environment should be of an exemplary standard. It will be protected and enhanced and development will be expected to:

- seek exemplary standards of design and architecture that respects Eastbourne's unique characteristics;
- apply national and regional policies in respect of design, landscape townscape and historic heritage;
- ensure that the layout and design of development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of scale, height, massing and density, and its relationship to adjoining buildings and landscape features;
- ensure that new development makes a positive contribution to the overall appearance of the area including the use of good quality materials, reusing existing materials where appropriate, and seeking to achieve a high standard of finish;

- promote local understanding of good innovative and imaginative design; and
- ensure new development is accessible to all and designed to minimise crime and anti-social behaviour without diminishing the high quality of the overall appearance.



# Planning Statement

## Planning Policy

### Eastbourne Borough Plan 2001-2011

#### Policy HO2 - Predominantly Residential Areas

In order to ensure that at least 60% of homes are built on previously developed land or through conversions and changes of use planning permission will be granted for residential schemes in the areas identified on the Proposals Map as predominantly residential areas. Within the predominantly residential areas schemes for new homes will be achieved through the following ways:

- a) development of sites identified in Policies HO4 and HO5 of this Plan;
- b) infill development (development of gaps within an otherwise built-up frontage (see Policy HO6);
- c) redevelopment of other sites and buildings clearly demonstrated to be redundant for continued commercial and/or business use. (See Policies HO7, HO8 and BI1);
- d) conversion of existing residential and non-residential properties clearly demonstrated to be redundant for continued commercial and/or business use to provide additional dwelling units (see Policies HO9 and HO10);
- e) development of “windfall” sites

#### Policy HO7 - Redevelopment

Redevelopment of land or premises within the primarily residential areas for housing will be permitted subject to other policies and proposals in this Plan.

#### Policy HO9 - Conversions and Change of Use

Within the primarily residential areas residential conversions and the change of use of non-residential premises to residential will be permitted subject to the following considerations:

- a) houses with 3 bedrooms, or less, to be retained as single private dwellings;
- b) in the case of non-residential premises it can be clearly demonstrated that the premises are redundant for continued commercial and/or business use;

- c) conversion schemes for terraced and semi-detached properties will be required to demonstrate that the amenity of adjoining residents will not be harmed;
- d) the proposed development is well designed and provides an acceptable standard of accommodation (see Policy UHT1);
- e) compliance with the residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE27;
- f) wherever feasible ground floor accommodation to be provided to mobility standard;
- g) provision of satisfactory access from the public highway and adequate car parking (see Policy TR11).

#### Policy HO20 - Residential Amenity

Subject to other policies and proposals of this Plan new development proposals and extensions to existing buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable:

- a) loss of outlook;
- b) loss of privacy by overlooking from habitable rooms;
- c) overshadowing and/or loss of light;
- d) noise, general disturbance or odour;
- e) loss of character to conservation areas or neighbouring listed buildings.

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## Planning Policy

### Policy UHT1 - Design of New Development

All development proposals will be required to:

- a) harmonise with the appearance and character of the local environment respecting local distinctiveness;
- b) be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout;
- c) make the most effective use of the site with the highest density appropriate to the locality;
- d) comply with the requirements of a planning brief (where appropriate);
- e) ensure car parking and highway access provision is not visually dominant. The needs of pedestrians, cyclists and public transport should be paramount in the design of access and parking arrangements;
- f) be supported by the submission of an appropriate design statement and any other additional information to justify the style of the building/ major extension in relation to the local townscape;
- g) consider incorporating crime prevention measures and definitely incorporate measures in the layout and design of proposals in excess of 10 or more dwelling units or 1000 square metres of gross non-residential floorspace, as well as all public houses, nightclubs, restaurants and amusement arcades;
- h) take into account the needs of people with disabilities which are articulated in other policies in this Plan.

### Policy UHT4 - Visual Amenity

Development proposals will be judged having regard to their effect on visual amenity using the following criteria:

- a) loss of natural screening;
- b) the degree to which additional screening enhances the surroundings;
- c) erosion of local distinctiveness; d) effect on an important vista.

# Planning Statement

## Housing Need

### **Applying Paragraph 49 – the first stage**

The Supreme Court (Suffolk Coastal District Council v Hopkins Homes Ltd & Anor [2017] UKSC 37) found that there were two distinct issues in paragraph 49.

Firstly, the judges adopted a narrow interpretation of what is meant by 'policies for the supply of housing'. Namely, it is only housing supply policies that are to be considered 'out of date' in paragraph 49. The judges disagreed with the Court of Appeal that such term should be extended to other policies that 'affected' housing supply.

The second issue was more simply a question of fact as to whether or not there was a five year deliverable land supply. If there was no such five year supply then paragraph 14 was engaged.

### **Applying Paragraph 14 – the second stage**

If there is no five year land supply then paragraph 14 is engaged. Paragraph 14 provides for what is commonly caused the 'tilted balance' in favour of granting planning permission. Namely, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Two issues are important to understand in relation to paragraph 14.

Firstly, the development plan (including the housing supply policies) retains its statutory force under section 38(6) but the focus shifts to 'other material considerations'. The 'other material considerations' will then be determined in accordance with the national guidance in paragraph 14.

Secondly, whilst the housing supply policies are to be considered out of date for the 'other material consideration' assessment (the narrow interpretation) planning weight may still be given to other policies in the development plan. However, such weight must be considered on the 'significantly and demonstrably outweigh the benefits' test founded on the golden thread of sustainable development. This 'tilted balance' test is a matter of planning

judgement and the weight to be given to remaining local development plan policies is a matter for the decision maker.

The National Planning Policy Framework (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 October 2023, Eastbourne is only able to demonstrate a 1.4 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. It also states 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 the NPPF taken as a whole", (NPPF, paragraph 11).

Effectively, this means that the Local Authority are REQUIRED to give greater weight to the government's National Planning Policy Framework (NPPF) relative to their Core Strategy and Local Plan policies when determining planning applications, with the presumption in favour of sustainable development taking precedent.



# Planning Statement

## Material Considerations

### Principle

The revised NPPF instructs that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.

As of October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply.

The application site is not identified in the Council's SHELAA or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

The NPPF states that, where a LPA is unable to identify a 5 year supply of housing land, permission for development should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The presumption of approval will therefore need to be balanced against matters such as safeguarding and improving the environment and ensuring safe and healthy living conditions, ensuring development is of suitable design and sympathetic to the character of the surrounding area and ensuring development does not compromise highway safety.

The site is located within the built-up area and also within an area recognised as predominantly residential by Policy HO2 of the Eastbourne Borough Plan. This Policy states that, in order to ensure that at least 60% of residential dwellings are built on previously developed land, planning permission will be granted for residential schemes in the areas identified on the Proposals Map as predominantly residential areas

It is therefore concluded that the proposed use does make a significant contribution to the housing need and is acceptable in principle.

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

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013 and para. 130 of the NPPF.

The proposal comprises limited external alterations to the building and would not provide any new vantage points from which neighbouring property would be overlooked.

Therefore the proposal does not create any neighbour amenity issues and is acceptable in accordance with adopted policy.

### Design Quality and impact on the streetscene and visual amenities

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.

The proposal comprise of limited external alterations to the building and would not have any impact upon the character of the building or the wider area.

# Planning Statement

## Material Considerations

### Amenity and living standards of future occupiers

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

Para. 135 (f) of the NPPF states that planning decisions should help create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space.

The proposals would result in:

Lower Ground Floor Studio - 37sqm  
Lower Ground Floor Studio - 39.5sqm  
Ground Floor Studio - 40sqm

The proposal accords with the standards, both in terms of bedroom the the GIA of the units for their intended occupancy.

The proposed units would comprise a good level of outlook for future occupants, with adequate daylight levels within habitable rooms.

Taking account of the above, the scheme is considered acceptable in respect of these elements, in accordance with Policy HO20 Residential Amenity.

### Highways

Policy D8 of the Core Strategy states that new development should reduce the need to travel; make walking, cycling and accessibility to public transport a priority in the design of their layouts; provide for the needs of pedestrians and cyclists, including people with disabilities and mobility difficulties, which is particularly relevant to the proposed development; contribute towards sustainable travel schemes and activities, including the County Council's Local Sustainable Accessibility Improvement Contributions; and support safe and effective traffic movement along existing highways.

The site is located in a sustainable location given the area has frequent bus services and the nearest train station is Eastbourne Town Centre.

Policy TR6 requires adequate facilities for cyclists for new developments and for changes of use.

Details of the cycle stores has been provided demonstrating the provision of safe and secure cycle storage.

Additionally plans show the position of the bin store. The position is directly adjacent to the pavement, where the previous bins were positioned. This makes it the ideal the location for a bin store.

# Planning Statement

## Summary

### **Summary**

This Planning Statement is in support of a Full Planning for the subdivision of 1no. Flat to create 3no. Flats on the lower ground and ground floor of 26 Jevington Gardens, Eastbourne, BN21 4HN.

The property already has recent planning permission for a Certificate of Lawfulness to confirm that the property comprises of six self-contained apartments.

This proposal provides for an additional two units within the existing building.

The units are provided in a sustainable location, providing two additional units of accommodation with suitable cycle storage and bin storage.

The development is therefore considered to achieve all necessary National and Local Plan Policy.