



Appeal Decision

Site visit made on 20 June 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/T1410/W/22/3307832

36 Broomfield Street, Eastbourne BN20 8LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr H Goacher (Goacher Developments Ltd) against the decision of Eastbourne Borough Council.
 - The application Ref: 220236 dated 17 March 2022, was refused by notice dated 30 May 2022.
 - The development proposed is construction of 2 no. 3 bed semi-detached and 2 no. 2 bed semi-detached houses and 3 no. 4 bed detached together with parking spaces, garages, a new site access road.
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Decision

1. The appeal is allowed and outline planning permission is granted for construction of 2 no. 3 bed semi-detached and 2 no. 2 bed semi-detached houses and 3 no. 4 bed detached together with parking spaces, garages, a new site access road at 36 Broomfield Street, Eastbourne BN20 8LT in accordance with the terms of the application 220236 dated 17 March 2022, subject to the conditions set out at the end of this decision letter.

Procedural Matters

2. The application was submitted in outline, with access, appearance, layout and scale to be considered and determined at the outline stage, with landscaping a reserved matter.
3. Planning permission was granted in 2021 under the Council's reference 210108 for a similar development; the principal change under the current proposal before me seeks to retain the existing house at No 36 Broomfield Street which would result in a different access arrangement.

Main Issue

4. The main issue in this appeal is whether the proposed access arrangement would be safe for all highway and pedestrian users.

Reasons

5. The appeal site comprises some 40 single garages arranged in two rows of 20, set back to back, with access off Broomfield Street, together with No 36 Broomfield Street, a detached dwelling fronting the road, within a predominantly residential area. No 36 would be retained as a single dwelling

- and 7 houses erected to the rear together with parking areas and rear gardens and utilising the existing access, subject to widening in part and other amendments. There would be three detached dwellings leading to 2 pairs of semi-detached properties towards the rear of the site, one pair comprising 3 bedrooms each and the other pair, 2 bedrooms each. The detached dwellings would be 4 bedrooms each.
6. The submitted plans show that the existing site access would be widened to 4.5 m at the entrance to the site but narrowing to 3.2 m in width for some 10m as it passes the side of the dwelling at No 36, widening to 4.5 m again beyond the existing house. The wider sections would provide passing places in front of and to the rear of No 36. There would be shared pedestrian access along the roadway, with no footpath along the entrance way or within the site.
 7. I have noted the concerns raised by local residents as well as the reason for refusal but there is no technical evidence before me, including from the Council, to defend the reason for refusal. The Council has not explained or elaborated on its reason for refusal.
 8. I recognise that there is very limited use of the garages now. However, I have not been advised that the single lane access and lack of pedestrian footpath along the access has caused any highway or pedestrian issues when the garages were more fully used, although I have taken into account the comments from surrounding residents that many of the garages are or have been used for long term storage, indicating that the level of traffic generated may not have been high.
 9. In respect of the proposed development, visibility along the access road, in both directions, is good. The introduction of passing spaces at the front of the site, together with a widened access would assist in terms of accommodating cars seeking to enter and egress the site at the same time. Given the relatively small size of the development for a limited number of dwellings and therefore the relatively low amount of traffic likely to be using the access, I do not consider that the lack of two way traffic along the whole of the access road would be a concern in terms of highway safety, both within and in the vicinity of the site.
 10. In addition, and for the same reasons, including the scale of the development and the good visibility along the access road, I do not consider that the shared surface for pedestrians would lead to concerns in terms of pedestrian safety both within and in the vicinity of the site.
 11. There is also no technical evidence before me to indicate that the short length of restriction on the width of the access outside the retained No 36 would restrict access for emergency vehicles. A number of alternative solutions for refuse collection have been put forward, but no in principle technical objection raised, and for that reason I consider it would be appropriate to reserve out further details to enable an appropriate solution to be included.
 12. I am therefore satisfied that there would be no unacceptable impact on the safety of highway or pedestrian users as a result of the proposed development. There would be no conflict with Policy D8 of the Eastbourne Core Strategy 2013 and Policies TR7 and UHT1 of the Eastbourne Borough Plan 2003 as well as the National Planning Policy Framework and in particular paragraphs 110 and 111, all of which amongst other matters seek safe and suitable access for all users.

Other Considerations

13. Concerns have been expressed by local residents on a number of other matters which I have taken into account. I consider that the proposed development in terms of layout, spacing and design, with a mix of housing styles, would be attractive and in so far as it would be visible in the street scene would make an appropriate contribution to the character and appearance of the local area. There would be appropriate distances between the proposed dwellings and existing neighbouring properties so that the living conditions of both existing neighbours and future residents would be respected. In both these respects, it is also a material consideration that planning permission has been granted for a similar scheme under its reference 210108. Furthermore, the Council did not raise these issues as reasons for refusal.
14. I have noted that the Council cannot provide a 5 year supply of housing land, and the proposed development would make a contribution of 7 houses to that supply with attendant socio-economic benefits. However, as I have already found that there would be no harm from the development, there is no need for me to address this matter further, although and given the concerns raised by some local residents, the housing land supply position would not, on its own, automatically override highway or pedestrian safety issues, had I found these to be of concern and there to be a conflict with policy.
15. It has been raised that there is a dispute between the landowner of the site and neighbouring residents but this is a matter which should be addressed under separate legislation. Similarly concerns raised by surrounding residents relating to access to maintain boundary fences and walls would need to be addressed direct to the landowner of the appeal site.

Conditions

16. In terms of conditions, the outstanding reserved matter of landscaping requires to be submitted and implemented. The approved plans should be listed in the interests of good planning and for the avoidance of doubt. Materials require to be approved to ensure a satisfactory appearance to the development.
17. Given the distances between the proposed houses and the existing surrounding development, I do not consider that there is a justification for removing permitted development rights, following the guidance in the National Planning Policy Framework.
18. In the interests of the amenities of surrounding residents and to ensure highway safety, a construction environmental management plan is required. Drainage details have not been specified and these require to be submitted and approved and then appropriately managed to minimise the risk of flooding.
19. Conditions to ensure that the highways access is provided together with parking provision on site and turning spaces are necessary to ensure the safety of all users of the development. However, and for the same reasons, in respect of the highways access I consider that further details together with a more detailed plan should be required to be submitted to address, amongst other matters, the marking out of the passing bays along the access way and the arrangements for refuse collection. Conditions are also required in respect of cycle storage and electric charging points to ensure that the development accords with sustainable transport objectives.

20. In order to be effective, it is my view that the conditions relating to the construction environment management plan, to the drainage details and in respect of further details of the access arrangements all require to be pre-commencement conditions. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of these conditions.

Conclusion

21. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Notwithstanding the details shown on the approved plans, the landscaping details shall include:
 - a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
 - b) details of all hard surfaces, including facing material specifications;
 - c) all boundary treatments, including facing material specifications;
 - d) a schedule detailing sizes, species and numbers of all proposed trees/plants;
 - e) sufficient specification to ensure successful establishment and survival of new planting; and
 - f) biodiversity enhancement measures in respect of the individual houses and across the site.

The landscaping and biodiversity enhancement measures shall be undertaken in accordance with the approved details in the first planting season after the completion or first occupation of the development whichever is the sooner.

- 5) Written details of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above slab level and shall thereafter be implemented in accordance with the details approved.
- 6) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details as appropriate and shall include, but not be restricted to, the following matters:
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading, unloading and storage of plant, materials and waste;
 - the times of any deliveries related to the development,
 - the erection and maintenance of security hoarding;
 - details of wheel washing, or any other measures to mitigate the impact of construction upon the public highway
 - details of public engagement both prior to and during construction works;
 - hours of construction;
 - details of all mitigating measures to ensure protection of neighbouring occupants from environmental pollution;
 - assurance that no burning of material will take place on site; and
 - A survey of the condition of the surrounding public highway network prior to commencement of development.

Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period.

- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 25849 01, 25849 04J, 25849 17F, 25849 23D, 25849 24E, 25849 25D, 25849 26D, 25849 27E, 25849 28E, 25849 29D, 25849 30D, 25849 31C, 25849 32C, 25849 41, 25849 42, 25849 43, 25849 44.
- 8) Prior to the commencement of the development hereby permitted, a Surface Water Drainage Scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include the following:
 - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water

flows can be limited to 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.

c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d) The detailed design of the surface water drainage features shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

e) a Management Plan for the future management of the surface water drainage system

The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and then retained and maintained in accordance with the approved Management Plan.

- 9) The cycle and bin stores shall be erected in accordance with the details shown on plan 25849 04 J prior to the first occupation of the development hereby permitted and thereafter retained.
- 10) The development shall not be occupied until parking areas and turning areas have been provided in accordance with the approved plan, 25849 04 J, and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.
- 11) The development hereby permitted shall not be first occupied until details of electric charging points for each house has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The electric charging points shall thereafter be retained and maintained.
- 12) Notwithstanding the approved plans, prior to the commencement of the development hereby permitted, further details shall be submitted including

a plan at a scale of 1: 100 (minimum) of the access arrangements to include:

- i) The access arrangements at the entrance to the site, together with construction details;
- ii) The site markings to denote passing places along the access road and information to deter any parking to take place along the access road;
- iii) The visibility splays to be provided at the entrance to the site together with the boundary treatments for the retained property at No 36 Broomfield Street;
- iv) The arrangements for refuse collection.

The approved details shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained and maintained.