

<b>App.No:</b> 171403	<b>Decision Due Date:</b> 16 January 2018	<b>Ward:</b> Roseland
<b>Officer:</b> Luke Simpson	<b>Site visit date:</b> 16 January 2018	<b>Type:</b> Outline (all reserved)
<b>Site Notice(s) Expiry date:</b> 20 December 2017 <b>Neighbour Con Expiry:</b> 20 December 2017 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Amended plans submitted and committee cycle		
<b>Location:</b> Land to the rear of 35 Windermere Crescent, Eastbourne		
<b>Proposal:</b> Outline Planning Permission for a 2 bedroom bungalow		
<b>Applicant:</b> Mr Leslie Hillier		
<b>Recommendation:</b> Approve Conditionally		

#### **Executive Summary:**

This application is reported to planning committee due to high level of representations received being received objecting to the proposed development.

The application seeks outline approval with all matters reserved for the erection of a 2 x bed bungalow within part of the rear curtilage of 35 Windermere Crescent. Schemes for residential development upon the site have previously been withdrawn upon notice that they would be unlikely to receive officer support due to their scale. This proposal as informed by the illustrative elevations is markedly smaller than previous proposals.

Several public objections have been received raising concerns over the proposal on neighbouring privacy and amenity as well as highway impacts; however the application is recommended for approval subject to conditions.

#### **Planning Status:**

The site forms an area of residential curtilage surrounding by neighbouring dwellings. It does not fall within a conservation area, within an at risk flood zone or within the curtilage of a listed building.

#### **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy

B2: Creating Sustainable Neighbourhoods

C6: Roselands and Bridgemere Neighbourhood Policy

D1: Sustainable Development  
D5: Housing

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
H02: Predominantly Residential Areas  
H06: Infill Development  
HO20: Residential Amenity  
TR6: Facilities for Cyclists  
TR11: Car Parking

**Site Description:**

The site occupies an overgrown area of residential curtilage associated with 35 Windermere Crescent. It is contained in all directions by a mixture of brick plinth walls and timber fencing, which separates it from neighbouring residential dwellings to the south and west. The site is largely screened from the highway by a row of large overgrown conifers.

**Relevant Planning History:**

160975

Proposed 4no. one bed self-contained flats with off road parking and a cycle store to the front and private amenity space to the rear on land within the curtilage of no. 35 of Windermere Crescent.

Planning Permission

Withdrawn

13/10/2016

170655

Outline Planning Permission for a 3 bedroom detached house

Outline (all reserved)

Withdrawn

**Proposed development:**

This application seeks outline planning consent with all matters reserved to erect a 2 bed bungalow with associated parking curtilage on the site.

Illustrative drawings have been supplied indicating how the building could be sited on the plot and how the external design may manifest itself.

**Consultations:**

Internal:

N/A

External:

N/A

**Neighbour Representations:**

Objections have been received which raise the following concerns:

- Neighbouring amenity, particularly in relation to privacy, loss of light and noise nuisance

- The development will exacerbate an existing shortage of parking in the area
- The proposed dwelling would lead to overdevelopment of the site
- The development would have a negative impact on the local street scene
- The dwellings would create noise

## **Appraisal:**

### Principle of development:

The National Planning Policy Framework supports residential development in sustainable locations particularly where it can support local housing needs. It states that housing applications should be considered in the context of the presumption in favour of sustainable development unless other material considerations prevent this.

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 in.

Policy C6 of the Eastbourne Core Strategy Local Plan further establishes that there is a desire to provide new housing within the Roselands and Bridgemere Neighbourhood to enhance the variety of its housing stock. A key aim of the Vision for the neighbourhood is to deliver this new housing through making more efficient use of land. It is therefore considered that the principle of developing an area of unused garden fronting onto the highway is acceptable subject to compliance with other relevant considerations.

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

Several objections have been received raising concerns that the residential development of the site would have a significant detrimental impact on the privacy and residential amenity of the occupiers of neighbouring dwellings. The originally submitted plans showed a chalet style bungalow with large front and rear dormer features that would have allowed first floor accommodation which would have provided harmful views over the rear garden of the adjoining No.33. Given the outline status of the application, revised indicative plans were submitted upon the request of the specialist advisor for a true single storey bungalow with no first floor accommodation. This would address the privacy concerns expressed by neighbouring objectors. It would also mitigate against a significant loss of light to neighbouring property.

Overall it is considered, that whilst the true impacts of the scheme on amenity cannot be fully assessed until final plans have been submitted, the indicative drawings submitted within this outline application demonstrate that a scheme can be achieved that could be acceptable in terms of amenity impacts. It is deemed necessary however to recommend a condition that any dwellings proposed on site at reserved matters stage must not exceed the external (5.25m) ridge height as indicated on the submitted illustrative plans.

At this stage, subject to compliance with the suggested condition, the scheme is deemed to be in accordance with Policy HO20 of the Eastbourne Borough Plan Saved Policies 2007.

Design issues:

Given this application is for outline planning consent, the consideration of specific design details can only be made at reserved matters stage. Notwithstanding this, indicative plans have been submitted showing that a small 2 x bed bungalow can be accommodated within the site whilst providing parking and turning facilities as well as a commensurate sized rear garden. The indicative elevation plans show a building that is utilitarian in its appearance, but a more sympathetic design could subsequently be achieved.

Impacts on trees:

The site is dense in its vegetation with a row of 3 large conifers occupying its western roadside boundary. Whilst these would be lost, it is considered that they provide limited value to the visual amenity of the area, and their replacement with a small scale dwelling would do little in the way of harming the street-scene.

Impacts on highway network or access:

The application seeks permission for a single dwelling, so it falls below the threshold for formerly consulting the local highway authority. Several public objections have been received raising concerns that the proposed access would be too close to the bend within Windermere Crescent, but it is considered that given the low speeds vehicles travel along this part of the road, it is positioned sufficiently far enough away so as not to be a highway risk. Further to this, the scheme proposes room for the accommodation of 2 vehicles which exceeds the threshold of 0.8 set by East Sussex County Councils Parking Calculator.

As a result, the highway and parking impacts of the scheme are considered acceptable at this stage.

Planning obligations:

The proposal would create one new dwelling and as such it will be liable for CIL. It is not possible at this stage to calculate the CIL charge as the floor area of the dwelling has not been finalised.

**Human Rights Implications:**

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. \*AMEND IF NO CONSULTATION UNDERTAKEN

**Conclusion:**

Overall it is considered that the indicative plans that have been submitted demonstrate that a bungalow can be erected on the site without causing significant harm to the privacy or residential amenity of the occupiers of neighbouring dwellings. It is deemed that enough information has been provided to demonstrate that a scheme can be delivered that would also not present any significant highway or visual amenity issues, and given that the site is located within a predominantly residential area, it is therefore considered that proposal is acceptable in principle.

**Recommendation:**

Approve Conditionally

**Recommended Conditions:**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990

- 2) Approval of the details of the layout, design and external appearance of the building, scale, landscaping, and access and parking (herein called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** To ensure that the details of the development are appropriate for the site and to ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall be carried out in accordance with the approved site location plan submitted on 21<sup>st</sup> November 2017.

**Reason:** For the avoidance of doubt and to ensure that development is carried out in accordance with the plans to which the permission relates.

- 4) No development above slab level 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 and to comply with policies D10A of the Eastbourne Core Strategy 2013 and UHT1 of the Eastbourne Borough Plan Saved Policies 2007.

- 5) No development shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site’s potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by, an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from

- the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- ii. be supported by a site investigation which incorporates ground water monitoring, preferably in winter, and soakage tests undertaken in accordance to BRE365 (*when infiltration is proposed*)
  - iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

The implementation of the SUDS scheme should be carried out in accordance with the approved details prior to the occupation of the dwellings hereby approved, and following

**Reason:** To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

- 6) Following completion of the works approved under Condition 5, a statement by an accredited person, someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the suds scheme has been fully implemented shall be submitted to the Local Planning Authority.

**Reason:** To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

- 7) No building shall be erected on the site that exceeds 5.25m in external height unless previously agreed in writing by the Local Planning Authority.

**Reason:** To protect the residential amenity of the occupiers of neighbouring dwellings and to comply with Policy HO20 of the Eastbourne Borough Plan 2013.

**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**.