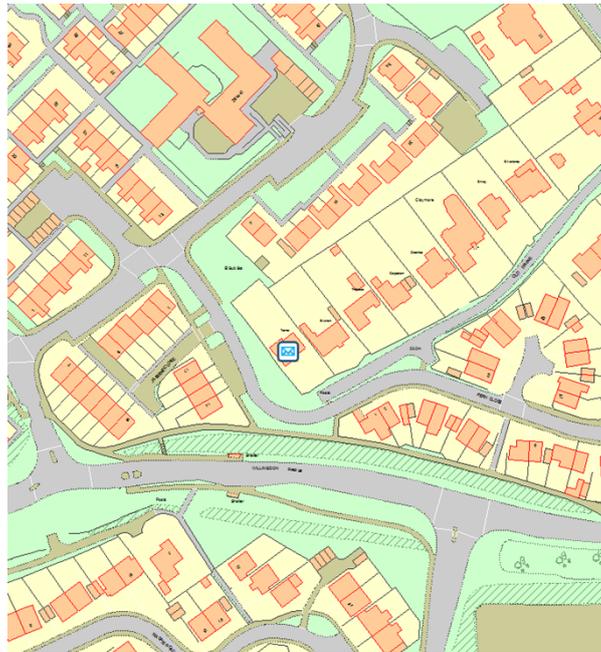


<b>App.No:</b> 181039	<b>Decision Due Date:</b> 20 December 2018	<b>Ward:</b> Langney
<b>Officer:</b> Danielle Durham	<b>Site visit date:</b> 7 December 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 14 November 2018		
<b>Neighbour Con Expiry:</b> 14 November 2018		
<b>Press Notice(s):</b> NA		
<b>Over 8/13 week reason:</b> committee cycle		
<b>Location:</b> 16 Old Drove and land to the rear of 12 & 14 Old Drove		
<b>Proposal:</b> : Proposed demolition of detached bungalow and erection of 1 pair of semi-detached 3bed dwellings and 2no. detached 3bed dwellings to include 2no parking spaces for each dwelling.		
<b>Applicant:</b> Mr Peter Morley		
<b>Recommendation:</b> Approve planning permission subject to conditions		

**Contact Officer(s):**      **Name:** Danielle Durham  
**Post title:** Customer Caseworker  
**E-mail:** danielle.durham@eastbourne.gov.uk  
**Telephone number:** 01323 415489

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## 1 Executive Summary

- 1.1 The application has been brought to committee to be determined due to the volume of letters of objection that have been received.
- 1.2 It is considered that the proposed development represents an effective use of this site that would provide a useful contribution towards housing provision within the Borough.
- 1.3 It is considered that the scale, density and nature of the proposed development is compatible with the surrounding environment and that the proposed scheme provides a more optimal use of the site than the existing use.
- 1.4 It is considered that the layout of the proposed scheme is sympathetic to the amenities of the neighbouring residents and would not bring about unacceptable levels of overlooking, overbearing or overshadowing.
- 1.5 Scheme is recommended for approval subject to conditions.

## 2 Relevant Planning Policies

- 2.1 National Planning Policy Framework-  
2: Achieving sustainable development

- 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
  - C9 Shinewater & North Langney Neighbourhood Policy
  - D5 Housing
  - D10a Design

Eastbourne Borough Plan Saved Policies 2007

- HO2 Predominantly Residential Areas
- US4 Flood Protection and Surface Water
- 2.3 UHT4 Visual Amenity
- UHT1 Design of New Development
- UHT2 Height of Buildings
- UHT5 Protecting Walls/ Landscape Features
- HO6 Infill Development
- HO7 Redevelopment
- HO20 Residential Amenity

### **3 Site Description**

- 3.1 The site consists of land from three properties on Old Drove, 12, 14 and 16. The application site is the whole of no.16, part of the rear garden of no. 14 and a small section of the rear of no.12 Old Drove. There is currently boundary fences and hedging on the existing boundary lines between the properties.

No. 16 is a detached bungalow adjacent to a sweeping bend on Fern Close and accessed from Old Drove. The properties on Old Drove are primarily bungalows and Old Drove which is a single tracked dead ended road that runs along and abuts Fern Close.

### **4 Relevant Planning History**

- 4.1 No relevant planning history

### **5 Proposed development**

- 5.1 The applicant is seeking planning permission for the demolition of the existing bungalow at 16 The Old Drove to construct a Pair of semi-detached dwellings (bungalows) within the curtilage.
- 5.2 The applicant has proposed the subdivision of the site and the adjacent land and 12 and 14 Old Drive, reducing the size of the rear gardens of the neighbouring properties, in order to construct 2 new detached bungalows with entrance

provided from Fern Close.

- 5.3 The semi-detached dwellings would be three bedroom 5 person properties with two bedrooms on the ground floor and one on the first floor (within roof space). One property will be accessed by Old Drove and the other would be accessed from the proposed new entrance of Fern Close. The buildings have been designed to appear as bungalows with roof lights serving the rooms at first floor levels.

The detached dwellings are proposed also be three bedroom 5 person dwelling and to have two bedrooms at ground floor and one bedroom at first floor; again the buildings are proposed to appear as bungalows with roof lights serving the first floor. These are proposed to have driveways for parking and shared use of the proposed new access from Fern Close with an 'Acco' drain at the junction between the proposed new road and Fern Close.

## **6 Consultations**

### 6.1 Specialist Advisor (Arboriculture)

No Comments received

### 6.2

#### CIL

The application would be CIL Liable is it should be granted.

### 6.3

#### Southern Water

No development or new tree planting should be located within 3m of the external edge of the fowl sewer.

No Soakaways should be located within 5m of a public sewer.

All existing infrastructure should be protected during the course of construction.

### 6.4

Recommend the inclusion of an informative.

### 6.4

#### South East Water

No comments received

#### Highways ESCC

The new access on the west side of the property is across land which they do not own. The land is owned by Eastbourne Borough Council. In addition there may be encroachment onto the public highway and or third party land.

## **7 Neighbour Representations**

### 7.1 Objections have been received and cover the following points:

40 Field Close on behalf of 4 others-

- Privacy
- Distance of buildings from boundaries
- Distance to existing windows
- Quality and height of fences
- Volume of trees to be felled- without licence or permit

- Parking for 8 cars means more traffic
- Access- Old Drove is a narrow road with poor access to Friday street
- The bungalows siding the rear of 40 Field close and will cause issues of overlooking and loss of privacy

20 Fern Close-

- Decline and destruction of habitats
- Safety and suitability of access road
- The existing dwelling compliments the ethos of the area.

Claymore, Old Drove

- It is not clear on the drawings where the access will be.
- If access is on Old Drove it will create too much traffic for the road.
- There is existing dwelling being built which will also add to traffic
- It is not possible for two cars to pass each other on old drive
- Over population of the area
- The ethos of the area is currently being changed by no 5 and this proposal could accommodate 16 more people.
- Careful consideration should be given to lifestyle changes of current residents.

15 Fern close-

- No objection in principle
- The number of properties would be an over development
- Creating an entrance on Fern Close would create a loss of on street parking
- The entrance would push people to park on a blind bend
- Detrimental impact on local wildlife

20 Fern Close-

- No objection to the dwellings
- Concerns for safety of vehicles and pedestrians
- Issues with on street parking and congestion
- Impact on wildlife

16 Fern Close-

- No objections to the building of the properties
- Concerns over access being on fern close
- Access is restricted due to parked vehicles
- Parked vehicles will move up onto a blind bend causing risk to pedestrians
- Loss of green space and wildlife

Support received:

Thalassa, Old Drove-

No objections to the planning application next door

## **8 Appraisal**

### **8.1 Principle of development-**

There is no objection in principle to the proposed development because the proposals will provide a net increase of 3 additional units of residential accommodation (making 4 dwellings in total at the site) within the built-up area and in a sustainable location. The proposed developments to the site are acceptable in principle provided they are designed to a high standard, respect the established character of the area and would not have an adverse effect on

the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2018).

8.2 Para. 11 of the revised NPPF (2018) states that decision taking should be based on the approval of development plan proposals that accord with an up-to-date development plan without delay.

8.3 Where the policies that are most important for determining the application are out of date, which includes, for applications involving the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF as a whole.

8.3 The 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 1st April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. The NPPF would view this application with a 'presumption in favour of sustainable development,' as described in paragraph 14 of that document. It is not considered that the proposal would be contrary to the NPPF as a whole, or contrary to any specific policies in the NPPF.

8.4 Para. 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposed use of the rear gardens of no12,14 & 16 Old Drove would provide an additional 3 dwellings utilising the land to create new housing provisions.

8.5 The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas.

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

It is considered that there would not be a significant impact of overlooking from the first floor of any of the properties as these are only provided light from roof lights. Due to the angle and location of the roof lights they will not provide a view into habitable rooms of neighbouring properties.

It is considered that the proposed new semi-detached houses will not create a significant loss of privacy over and above the existing dwelling as it also has windows on the ground floor and permitted development rights would allow them to add more windows or conservatories with out the need for planning permission which would have more significant impact than possible from the proposed dwellings.

It is considered that the proposed two detached dwellings would not cause an Significant adverse impact of overlooking to the properties on Old Drove as they

and not proposed to have windows on the Southern elevation.

To prevent additional overlooking from future development, a condition should be imposed to remove permitted development rights at the site.

Due to the locations of the proposed detached dwellings, the orientations and distances between them and the existing dwellings on Sorrel Drive or Old Drove it is considered that there would not be a significant impact of overshadowing or loss of light.

The proposed semi-detached dwellings are in a similar foot print to the existing building and it is considered that there would be a limited additional level of overshadowing and loss of light in comparison with the existing building.

Amenity of future occupiers:

All proposed units comply with National Space Standards

*Detached dwellings-*

*The two detached dwellings would have a total floor space of these properties would be approx. 99.6m<sup>2</sup> and it would be approx. 95m<sup>2</sup> excluding areas with a ceiling height of under 1.5m. This would exceed the 93m<sup>2</sup> requirement set out by the Nationally Described Space Standard.*

*Bedroom 1 is proposed to be a two person bedroom that would be approx. 7.8m<sup>2</sup> in the areas with over 1.5m of head height this is above the Nationally Described Space Standard which states that this should be a minimum of 7.5m<sup>2</sup> for one person. It is considered on balance that as the entire room is approx. 14.5m<sup>2</sup> including the areas under 1.5m in height it would not be unreasonable to have this as a two person bedroom as the room benefits from its own bathroom which is not shared with any other bedrooms.*

*Bedroom 2 is proposed to be a 2 person bedroom and approx. 12.75m<sup>2</sup> with built in wardrobe. This exceeds the 11.5m<sup>2</sup> requirement of the Nationally Described Space Standard.*

*Bedroom 3 is proposed to be a 1 person bedroom and 9m<sup>2</sup> which exceeds the 7.5m<sup>2</sup> that is set out by the Nationally Described Space Standard.*

*Dwelling 4 is proposed to have approx. 230m<sup>2</sup> of outside amenity space including driveway.*

*Dwelling 3 is proposed to have approx. 220m<sup>2</sup> of outside amenity space including driveway.*

*It is considered that the two detached dwellings with access onto Fern Close would have sufficient amenity space for future occupiers and as such would be in accordance with policy B2 Creating Sustainable Neighbourhoods and thereby creating sustainable centres where adequate services and facilities would be provided by balanced housing led growth.*

### *Semi-detached dwellings-*

*The proposed semi-detached dwelling would be 95m<sup>2</sup> in floor space excluding areas with a roof height of under 1.5m. This is over the 84m<sup>2</sup> required by the Nationally Described Space Standard.*

*Dwelling 1 Bedroom 1 is proposed to be approx. 16.9m<sup>2</sup> and for 2 people, this is larger than the 11.5m<sup>2</sup> required by the Nationally Described Space Standard.*

*Dwelling 1 Bedroom 2 is proposed to be approx. 9.9m<sup>2</sup> and for 1 person including a built in wardrobe, this is larger than the 7.5m<sup>2</sup> required by the Nationally Described Space Standard for a single person bedroom.*

*Dwelling 1 Bedroom 3 is proposed to be approx. 10m<sup>2</sup> and for 1 person, this is larger than the 7.5m<sup>2</sup> required by the Nationally Described Space Standard.*

*Dwelling 2 Bedroom 1 is proposed to be approx. 17.2m<sup>2</sup> and for 2 people, this is larger than the 11.5m<sup>2</sup> required by the Nationally Described Space Standard.*

*Dwelling 2 Bedroom 2 is proposed to be approx. 10m<sup>2</sup> and for 1 person, this is larger than the 11.5m<sup>2</sup> this is larger than the 7.5m<sup>2</sup> required by the Nationally Described Space Standard for a single person bedroom.*

*Dwelling 2 Bedroom 3 is proposed to be approx. 9.7m<sup>2</sup> and for 1 person, this is larger than the 11.5m<sup>2</sup> required by the Nationally Described Space Standard.*

*Both properties are proposed to have front and rear gardens.*

It is considered that there is sufficient amenity space to comply with policy B2 for 4 occupants to both dwelling and considered appropriate to include an informative that the dwelling is for the occupation of 4 persons.

### Design issues:

It is considered that the proposed semidetached dwellings (bungalows) would be in keeping with the design of the area on the basis that it will appear to be a bungalow that would be a similar height as the neighbouring property and as such would be in accordance with policy UHT2 Height of buildings as it would conform with a majority of the surrounding buildings. It has also been proposed to have the same building line on Old Drove as the neighbouring property 'Brixham' and as such it is considered that it will have a limited impact on the street scene on Old Drove. It is considered that the semi-detached dwellings are not too bulky for the street scene as Brixham has a foot print of approx. 136.85m<sup>2</sup> and the proposed semi-detached dwellings would have footprint of 163.5m<sup>2</sup>. These dwellings would be in accordance with Policy D10a which requires that building works are appropriate and sympathetic to its setting.

The proposed detached dwellings would also appear externally to be bungalows which would be in keeping with the design of the properties on Old Drove. The properties on Fern Close are a variety of detached bungalows

and two storey detached dwelling houses.

A condition should be imposed to require details of the soft and hard landscaping to be approved by the Local Planning Authority prior to occupation of the properties to ensure that the landscaping is appropriate to the properties and the surrounding area.

Details of the boundary treatment between the proposed dwellings and the existing properties on Old Drove and Sorrel Drive to ensure that appropriate fencing is in place to protect the amenities of the properties on this site and also to be in keeping with the design of the area.

Impact on character and setting of a listed building or conservation area:

The property is not a listed building and is not in a conservation area and as such the proposal would not have a detrimental impact to either listed buildings or conservation area.

Impacts on trees:

There are no tree protection orders or tree conditions on the site to limit the removal of trees or require that specific tree works consents are sought prior to work to the trees being undertaken.

The applicants have proposed the retention of trees and Shrubbery on the Northern side of the site but the removal of trees and shrubbery in the rear gardens of the three applicant properties.

Highways impacts

Each of the properties has proposed parking for 2 cars and bike storage facilities for two bikes. This complies with ESCC Highways guidance that properties with 3 or more bedrooms should provide cycle storage for 2 bikes.

ESCC Highways Parking calculator indicated that there is a parking demand of 9 spaces for the development. There has been 8 parking spaces provided for, two with each dwelling and on street parking available which can meet the demand for the development for visitors along with nearby parking at langney shopping centre.

The proposed parking spaces for dwelling 1 would be approx 8m in width and 6.5m in depth. ESCC Highways guidance states that parking spaces should be 5m x 2.5m in size. The parking provided would be sufficient for two parking spaces. The proposed parking spaces for dwelling 2 would make use of the existing drive way and parking and would be approx 11m x 3.65m. The dead end of Old Drove would provide sufficient turning space in order that the occupants can reverse in and leave the property in a forward gear. Dwelling 3 is proposed to have a parking area 5.8m x 6.2m which would exceed the highways guidance on parking space size.

Dwelling 4 is proposed to have two parking spaces and a turning area. The parking would be approx 6.1m x 5.6m which would also comply with Highways Guidance on parking space size.

The proposed new access road would cross land owned by Eastbourne Borough Council. It is proposed to have a access drain where the access road meets Fern Close to prevent water run off into the highway as the site is a slightly higher ground level.

The proposed development would see that only one of the dwellings would have vehicular access from Old Drove, this would have a neutral impact on this road as there is an existing driveway and use of this road. The proposed dwelling with access on this road is not considered to cause a significant impact to highway safety as a result of the proposal on the basis that it will be using an existing entrance and not increasing the number of dwelling using this road. The proposed access on Fern close would have sufficient visibility splays as there is an existing large grass verge in this location.

Other matters:

The properties do not fall within a flood risk zone.

The site does not fall under a SSSI (Site of Special Scientific Interest) note for special environmental or biological interest.

An objection has been raised by no 40 Fern close about the proposals being too close to the boundary with No.40 Fern close and the overlooking between the proposed buildings and no.40. The Proposed nearest dwelling would be approx. 102m at the closest corner. The properties are also separated by the road Old Drove and 45 and 46 Fern close. As such there would be no direct impact to no 40 Fern Close by way of proximity to boundaries, overlooking, loss of privacy.

## **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 That the application is approved, subject to the conditions listed below

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. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Drawing No. 2018-65-02- Proposed site layout Submitted 25 October 2018

Drawing No. 2018- 65-07 Rev A- Existing and proposed block plans Submitted 14 December 2018

Drawing No. 2018-65-10 Rev A- Proposed first floor plans denoted a ceiling height of under 1.5m Submitted 2 January 2019

Drawing No. 2018-65-06 rev A- Proposed elevations (detached dwellings) Submitted 2 January 2019

Drawing No. 2018- 65-03 Rev B- Proposed elevations and floor plans(semi-detached dwellings) Submitted 2 January 2019

Drawing No. 2018-65-09- Proposed Cycle and bin stores Submitted 25 October 2018

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

3. Prior to the commencement of development, 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 construction and delivery vehicles, wheel cleaning facilities, traffic management (to allow safe access for construction vehicles), contractor parking and a compound for plant/machinery and materials clear of the public highway. Associated traffic should avoid peak traffic flow times.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

4. No part of the development shall be occupied until the vehicle turning spaces has been constructed within the site in accordance with the approved drawing ref: 2018-65-02

This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety.

5. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved drawing ref. 2018-65-02

The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide suitable car-parking space for the development

6. No part of the development shall be occupied/brought into use until such time as the vehicular access serving the site on to Fern Close has been constructed in accordance with the approved drawing ref: 2018-65-07

Reason: In the interests of road safety

7. No part of the development shall be occupied until details of the boundary treatment between the site and adjoining properties has been approved

by the Local Planning authority and has been constructed in accordance with the approved plans.

Reason: to protect the visual and residential amenity of the area in accordance with policies HO20 and D10a.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D10a Design.

9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy D10a and HO20 residential amenity

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) including windows and dormer windows other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy HO20 Residential Amenity

## **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.