



Planning Committee

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MEMBERS: Councillor Murray (Chairman); Councillor Sabri (Deputy-Chairman); Councillors Jenkins, Miah, Murdoch, Salisbury, Taylor and Ungar

Agenda

- 1 Minutes of the meeting held on 2 February 2016.** (Pages 1 - 10)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

4 Urgent items of business.

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

5 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

6 4 St James Road. Application ID: 151369. (Pages 11 - 16)

7 9 Willowfield Road. Application ID: 151334. (Pages 17 - 22)

8 35 Compton Drive. Application ID: 151315. (Pages 23 - 28)

9 Site 1, Off Martinique Way, Reserved Matters. Application ID: 151056. (Pages 29 - 52)

10 Site 1, Access Spur, Martinique Way. Application ID: 160007. (Pages 53 - 56)

11 Site 1, Play Space, Martinique Way. Application ID: 160009. (Pages 57 - 62)

12 Upwick Road Drainage. Application ID: 161192. (Pages 63 - 68)

13 Tree Preservation Order No.176. Land at 63 Carlisle Road. (Pages 69 - 72)

14 South Downs National Park Authority Planning Applications.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Registering to speak – Planning Applications - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at www.eastbourne.gov.uk/planningapplications).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

Please note: Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
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Tuesday, 2 February 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Sabri (Deputy-Chairman) Councillors Jenkins, Miah, Murdoch, Salisbury, Taylor, Ungar and Hearn (as substitute for Murray)

129 Minutes of the meeting held on 5 January 2016.

The minutes of the meeting held on 5 January 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

130 Apologies for absence.

Councillor Murray.

131 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Hearn declared a personal interest in minute 137, 21 Glynde Avenue, stating that she knew one of the parties involved with this application. Councillor Hearn considered there was a risk of there being an appearance of bias if she took part. Councillor Hearn withdrew from the room following the public speaking on this item although before the item was debated by the committee.

132 14 Maple Road. Application ID: 151006.

Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence – **ST ANTHONYS**. Members noted that in relation to the first (withdrawn) application (ref: 141434) a petition of 14 signatures and a further 3 letters of objection had been received. In relation to the current application three letters of objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Pollution and Licensing were also summarised.

The committee was reminded that there had been two Planning Committee site visits to the application site to assess the impact of the proposals. This application related to the retention of a biomass boiler, flue and associated

housing being used to provide heating to an existing business on a long standing industrial estate. The Council instructed a consultant AECOM to confirm the findings of the Air Quality Assessment submitted with the application. AECOM had concluded that the modelling demonstrated that even if the boiler ran at full load throughout the year with background concentrations based on the kerbside monitor, the effect of the boiler emissions would still be negligible. Members were advised that to refuse the application on matters relating to pollution given the Council's consultant response would create a scenario that exposed the Council to a costs claim if challenged at appeal.

The committee was advised that page 16 of the report, paragraphs 2 and 3 from the top should be deleted as they had been inserted in error.

An additional objection from Mrs Geering had been received following the consultants response to the Air Quality Assessment and was summarised as follows:

'The documents were estimated based on assessments of the potential air quality impact. The smell and dust had not been addressed. The document did not give an accurate indication of the impact of the boiler on the lives of residents. This large industrial unit should not be placed alongside residential housing and finally how would the site be monitored if planning permission was approved'.

Mrs Geering addressed the committee in objection stating that the structure was unsightly and its position was detrimental to the surrounding properties. The air quality had been impacted.

Councillor Mattock, Ward Councillor, addressed the committee in objection stating that whilst she was not against biomass boilers, their placement should be given consideration. The boiler could be re-sited in a more suitable location so as to avoid any detrimental impact on neighbouring properties.

Councillor Tutt, Ward Councillor, addressed the committee in objection stating that he endorsed the comments made by the previous speakers, particularly with regard to the location and proximity to neighbouring residential properties.

Mr Brewer, applicant, addressed the committee in response stating that the boiler was an effective and environmentally friendly method of heating his premises. He also stated that the impact of 15k to 30k daily vehicle trips around the site should be taken into account when considering pollutants and dust particles in and around the site. There had been an estimated 2g of fly ash produced in an 18 month period. The boiler had been positioned to aid parking and operational requirements at the site.

The committee expressed concern regarding the location and proximity to neighbouring residential properties.

Councillor Jenkins advised the committee that he had attended a site visit at the request of a resident opposed to the scheme. He stated that he did not discuss the application and was only in attendance to observe and better understand the objectors concerns. He was accompanied by Councillor di Cara.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal by reason of its height/mass/bulk and siting close to the boundaries of the site would result in an unneighbourly and overly dominant structure that would materially affect the amenities and enjoyment of the adjacent residential dwellings/plots.

133 20-23 Albert Parade. Application ID: 151262.

Installation of new shopfront incorporating an ATM to no.20, and alterations to the ground floor windows on the south east and south west elevations of the restaurant – **OLD TOWN**.

The relevant planning history for the site was detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Approved Drawings:

- Site Location & Block Plan received 25 November 2015
- Drawing number 223000-16 Revision b received 26 November 2015

3) Materials as per email dated 13/01/2016

134 23 Walnut Tree Walk. Application ID: 151140.

Two storey extension at rear to provide open kitchen/living area and two additional bedrooms – **RATTON**. One objection had been received.

The observations of the County Archaeologist and Specialist Advisor for Conservation were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) commencement within three years from the date of permission 2) Development to be carried out in accordance with approved plans 3) Samples of bricks, roof tiles and hanging tiles 4) Details of the roof windows, doors and windows 5) Restriction of permitted development rights (windows in flank elevations) 6) Hours of building operations.

135 35 Compton Drive. Application ID: 151315.

Loft conversion with dormer and three roof lights to front elevation, and dormer to rear elevation – **OLD TOWN**. Three objections had been received.

The relevant planning history for the site was detailed within the report.

The committee was advised that photographs of the relationship between the neighbouring properties had been supplied by the neighbours outlining the relative impact of the development and had been included within the presentation; in addition the neighbour had commissioned a light impact

assessment and requested that the Council should undertake the same given the proposals proximity to their property.

Officer's comments in response were summarised as follows:

In assessing all 'householder' applications officers had to assess the fall-back position - what could be built as or under permitted development - in this regard the element of the roof extension causing the greatest impact upon the neighbour could be erected without the need for formal planning permission.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that there would be a loss of daylight to a room which was used a considerable amount of the day.

Mr Solomons addressed the committee in objection stating that there would be a loss of light. He stated that he would prefer if the size of the proposed dormer were reduced in size.

Mr Alford addressed the committee in objection stating that there would be a loss of light and suggested that a reduction in size could mitigate some of the issues.

Members agreed that the application should be deferred for a site visit to allow for a view from the rear of the property – the view which would potentially have the most impact on neighbouring properties.

RESOLVED: (By 7 votes to 1) That the application be deferred pending a site visit to assess the impact of the proposals.

136 Former Meads Club. Application ID: 151175.

Use of building as 3x residential units. External alterations comprising roof extension to create additional habitable living space and associated works – **MEADS**. Three letters of objection, one letter of support and one with neutral comments had been received.

At its meeting on 17 November 2015 the Conservation Area Advisory Group raised no objections.

The observations of the Specialist Advisors for Conservation and Arboriculture were summarised with the report. The Eastbourne Society and Meads Community Association made no response.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in accordance with approved plans as amended 2) Materials to match existing unless otherwise approved 3) Provide the waste storage shown on the plans 4) Front boundary wall: details of alteration and repair or reinstatement 5) Details of doors and windows 6) Remove PD rights for extensions and alterations to units created (design and impact on conservation area): Class A, Class B, Class C, Class E GPDO 7) The unit shall not be occupied until full details of soft landscape proposals have been submitted to and approved by the Local

Planning Authority. The details as approved shall be implemented at the site in accordance with the proposed timetable and be retained as such thereafter. These details shall include, as appropriate:

- (a) Planting plans;
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (d) Trees to be removed
- (e) Implementation timetables.

8) Stipulate clay tiles are to be used as the roof covering 9) That the existing commemorative plaque sited within the front wall of the building shall be retained in situ at all times 10) Boundary treatments separating the plots to be installed prior to occupation 11) Refuse and cycling stores to be provided prior to occupation.

137 21 Glynde Avenue. Application: 151115.

(Amendments to size and design) - Erection of two storey side extension to northern elevation, creation of hard standing and vehicular access to front garden area – **HAMPDEN PARK**. One letter of objection (for both the initial and revised submissions) had been received.

The relevant planning history for the site was detailed within the report.

Miss Anderson addressed the committee in objection stating that there would be a loss of space between properties preventing access for maintenance. The proposal was an overdevelopment of the site resulting in noise and loss of privacy. The building would significantly damage the local street scene and would be harmful to the character of the area.

Mr Kent, agent, addressed the committee in response stating that the street had a mix of styles of property with varied spacing between houses. Access for maintenance would still be possible and building regulations would deal with any subsidence issues. He stated that privacy was not affected and the size of the development had been reduced as advised by the planning department.

NB: Councillor Hearn withdrew from the room whilst this item was considered.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings (DWG. NO.: 1308.01 Rev: E) 3) Submission of details of vehicle hardstanding 4) Tree protection to British standards (street tree) 5) No permitted development (New openings, new dormer) 6) Obscure glazing to the side facing windows at 1st floor.

Informative:

The applicant is reminded that they would need to apply to East Sussex County Council Highways for a licence to undertake works in relation to forming a dropped kerb outside of the property.

138 Upwick Road Drainage. Application ID: 151192.

Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road – **OLD TOWN**.

The committee was reminded that this application was reported to Planning Committee in January 2016 and proposed a sewer connection from this development site into an existing sewer in Dillingburgh Road. Members had resolved to refuse this application.

The application had now been amended and now proposed the deletion of the connection to Dillingburgh Road and promoted the foul water disposal via a pumped system direct from the site into Upwick Road. The application also proposed a revised location for the pumping chamber (already in situ) than that previously agreed.

The committee was advised that the agent for the applicant had supplied additional information summarised as follows:

- The pumping chamber was located on the applicants land.
- The drawings submitted to accompany the application were accurate.
- Equipment within the venting / pumping control box would not be noisy as a fault alarm would be a flashing light on top of the control box.
- No noise from the operation of the pump within the chamber.
- All of the properties had SVP connected to their properties and as such all smells should be vented in the common approach and in accordance with Building Regulations.
- A twice year inspection and maintenance regime was to be adopted.
- The pumping chamber was connected to the existing drain serving 2 Upwick Road.
- The pumping chamber needed to have access to the air in order to assist in its operation.
- The brick wall to the rear of the pumping chamber matched those used in the main dwellings

A further representation had been received outlining that the developer had connected to the existing sewer that served 2 and 4 Upwick Road. In addition they recommended that the venting and switching box should be relocated further away from their gardens.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the control box had been positioned in close proximity to a neighbours property without permission, this was causing some concern particularly with regard to potential noise and smells.

Mr Cline addressed the committee in objection stating that the drain had been connected to the foul water pipe at 2 Upwick Road and not the main drain as suggested in the plans submitted.

Mr Goacher, applicant, addressed the committee in response stating that all planning concerns had been addressed, the pump installed was noise and odour free and would run for approximately 2mins per day. Shrubbery would be planted around the control box.

The committee agreed to defer the application and requested that officers explore with the developer an agreeable solution to all parties.

RESOLVED: (By 7 votes with 1 abstention) That the application be deferred pending officers exploring with the developer an agreeable solution to all parties.

139 Customer Satisfaction Survey Results (Oct 2015 - Jan 2016).

Members considered the report of the Specialist Advisor for Planning which provided a summary of responses to the Customer Satisfaction Survey for the period October to December 2015. The purpose of the report was to update the committee on the subsequent responses giving a calendar year-end position and improvements which had been implemented to the planning service following survey responses.

The improvements, recommendations and new comments from the last quarter that been raised in a previous update were summarised in the report.

NOTED.

140 Planning Performance - Quarter 4 (Oct 2015 - Dec 2015).

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance in relation to key areas of the Development Management Services for the fourth quarter (October – December) 2015. The report included information regarding recent appeal decisions.

As members were aware the majority of the applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learned, or interpretations needed to be given different weight at the decision making stage. 14 appeal decisions and the decision letters were appended to the report for information purposes. Officers considered that in granting planning permission for 90% of all application received, planning services of Eastbourne Borough Council had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

It had been a significant period since the previous report on the planning enforcement function and table 11 of the report provided a position statement of the performance for the entire year to date.

NOTED.

141 Planning Enforcement Policy Statement 2016.

The committee considered the report of the Specialist Advisor for Planning providing Members with an updated position with regard to the council's Enforcement Policy Documents.

The committee was advised that the National Planning Policy Framework identified that local planning authorities should consider publishing a Local Enforcement Plan to manage enforcement effectively and proactively and where one did not exist it should be produced as a matter of expediency. This was endorsed by the Royal Town Planning Institute and the Planning Advisory Service where the benefits of an Enforcement Plan were echoed. It was recognised that Enforcement Plans should be seen as the direct link to planning policy and as such carry the same weight as other policy documents. Therefore a more customer / user friendly document had also been produced (Planning Enforcement Policy Guidance Note 2016).

It was considered that this streamlined document would assist in the delivery of an 'enforcement process and function' that remained faithful to the delivery of the developments that had been permitted, and also assisted in engendering a culture of compliance helping to maintain the integrity of the planning system.

The proposed changes to the previously adopted enforcement policy were modest and related to updating legislative references and also sought to clarify the type and nature of the various types of enforcement action that could be pursued. The Planning Enforcement Guide had been developed to set out to complainants, or those involved in an investigation, the process of an investigation and its timeframes in a simpler manner than that of the full policy document. The guide would be sent out to anyone contacting the Council in relation to a breach of planning control and contained a pro-forma for a complaint.

RESOLVED: (1) That the revised and updated Enforcement Policy and content of the Planning Enforcement Guidance Note be endorsed (2) that the Enforcement Policy and Planning Enforcement Guidance Note be referred to Cabinet and recommended for adoption.

142 Update on Housing Delivery.

The committee considered the report of the Senior Head of Regeneration, Planning and Assets providing Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply.

Members noted that national planning policy placed considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne had been

falling over recent years, and the annual delivery targets were not being achieved. This trend was expected to continue. The Council was required to identify sufficient land to accommodate the next five years' worth of annual housing target. At present this would equate to land for 1,271 units. The status of the Five Year Housing Land Supply was a material consideration in the determination of planning applications. Currently the Council could only identify a 3.8 year supply of housing (equating to 916 units), and the lack of a five year supply meant that decisions to refuse applications for residential development had the potential to be overturned on appeal.

In order to address the issues arising out of the Five Year Housing Land Supply Assessment, the following next steps would be taken:

- Produce an up to date Strategic Housing Market Assessment (SHMA) to identify the objectively assessed housing need (February – July 2016)
- Produce an up to date Strategic Housing Land Availability Assessment (SHLAA) to identify land that was available, suitable, viable and had potential for residential development (March – October 2016)
- Produce a Housing Implementation Strategy to set out the approach for managing housing delivery and identify and mitigate associated risks (March – June 2016)
- Start discussions with developers on stalled sites to understand what the deliverability issues were and how these sites could be delivered sooner (February – April 2016)
- Commence a review and preparation of a new Local Plan to replace the Core Strategy (April 2016 – TBC)

Members would be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

NOTED.

143 Appeal Decision - 4 Enys Road.

The committee noted the dismissal of the appeal relating to 4 Enys Road.

NOTED.

144 South Downs National Park Authority Planning Applications.

Members noted the amended proposals for the automatic number plate recognition camera adjacent to the Black Robin Farm signage at Beachy Head.

RESOLVED: That the South Downs National Park Authority be advised that Eastbourne Borough Council did not wish to raise any objection to the proposal.

The meeting closed at 8.55 pm

Councillor Sabri
(Deputy Chairman in the Chair)

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Agenda Item 6

App.No: 151369	Decision Due Date: 10 February 2016	Ward: Devonshire
Officer: Neil Holdsworth	Site visit date: 5 January 2016	Type: Planning Permission
Site Notice(s) Expiry date: 9 January 2016 Neighbour Con Expiry: 09 January 2016 Press Notice(s):		
Over 8/13 week reason: To fit in with committee cycle.		
Location: 4 St James Road, Eastbourne		
Proposal: Change of use from light industrial unit, to single residential unit. Installation of pitched roof to create enlarged habitable living area. New windows to front, rear, side elevations and installation of rooflights. Landscaping works and provision of parking space to front of dwelling.		
Applicant: Mr Jason Burrill		
Recommendation: Refused		

Executive Summary:-

Replacing an un-restricted industrial unit with a residential unit would enhance the area immediately surrounding the site and thereby improving the residential quality of the local area.

However, these benefits are outweighed by the poor size, layout and lack of outlook from the proposed dwelling. As such, the proposed development would result in substandard accommodation which would fail to protect the amenity of future occupiers of the unit. These issues are considered to justify a reason for refusal, on the grounds of substandard accommodation.

Planning Status: The application site comprises a general industrial unit (B2 use) located on St James Street.

Eastbourne Core Strategy Policies

- B1 - Spatial Development Strategy and Distribution
- B2 - Creating Sustainable Neighbourhoods
- C3 - Seaside Neighbourhood Policy
- D5 - Housing - Low Value Neighbourhoods

Borough Plan Policies

- HO2 - Predominantly Residential Areas

HO20 – Residential Amenity
US5 - Tidal Flood Risk
UHT1 – Design of New Development
TR11 – Car Parking

Site Description:

This is an existing light industrial unit located on St James Road, Eastbourne. To the immediate east of the unit is a group of three recently constructed residential buildings which replaced garage space, with a nursing home at the end of the road.

Relevant Planning History:

130130

Replacement of existing flat roof with new pitched roof
Planning Permission Approved conditionally
31/05/2013

151029

Change of use from light industrial unit to single residential unit together with new pitched roof, with 1 obscurely glazed rooflight to east elevation, 2 obscurely glazed rooflights to west elevation and one window in each gable end. Withdrawn November 2013.

Proposed development:

The proposal involves retention of the existing building, constructing a pitched roof to create additional living accommodation, demolishing part of the building to construct a rear yard to create private amenity space, with the installation of various windows on the building some of which will be made from obscure glass.

Consultations:

Neighbour Representations:

28 Neighbouring residents were consulted.

Objections have been received and cover the following points:

- loss of residential amenity (through loss of light created by additional area of roof) for commercial buildings to rear on Seaside Road.
- Concern about proposed location of guttering on boundary of number 6 St James Road, and how such guttering is to be maintained following completion of the development.

Appraisal:

Principle of development:

The industrial unit is not located in a designated employment area and in line with the NPPF, there are no policy reasons to restrict its change of use to residential. As such, the conversion of an industrial unit to residential accommodation is acceptable in principle, subject to an acceptable standard of accommodation being provided as a consequence of the development and there being no adverse impacts on the surrounding area.

Quality of living space

The existing unit is an industrial unit bounded by 6 St James Road to the south and alleyways to the north and west. The proposal involves the demolition to part of the existing building, and the reconstruction of the building to include a pitched roof to create a single residential unit with two floors.

The unit is accessed from a private front courtyard with a single parking space. To the rear, there is a small private courtyard area with a new 1.3 m high wall separating the building from the alleyway beyond. This is created by the partial demolition of the existing building.

Due to the constraints of the site and the need to avoid overlooking of surrounding gardens and properties the windows on the sides, the window on upper floor rear elevation is to be made from obscure glass. This could if necessary be required by condition.

In terms of the total amount of space created, the main living area at ground floor level includes a kitchen and living area totalling 46 Sqm of living space. Upstairs, a loft area is to be created which houses two rooms shown as bedrooms on the plans, although at a maximum of 2.1 metres in height, these rooms would have insufficient head height to be considered to be habitable rooms. Upstairs, to avoid overlooking the roof lights and the rear window would need to be obscure glazed, only the front window at first floor level would be clear glazed.

Overall the unit has been designed as a unit for family occupation, with two storeys, and with two bedrooms upstairs. Within the unit, there is a maximum of 46sqm of gross internal area floorspace, with a further two bedrooms upstairs measuring 6.5 Sqm and 5.2 Sqm respectively – although the room height of these rooms falls between 1.5m and 2.1 m respectively.

Under the Nationally defined space standards for new residential dwellings the minimum space standard for a two bedroom, three person unit is 70 Sqm. In this case the unit measures 57.7 Sqm, with the main bedrooms also

failing the recommended size of 11.5 Sqm and 7.5 Sqm respectively and being of very low head height.

There is only one window with a clear and somewhat open aspect, this is the front ground floor window which looks out on to a private forecourt 5 metres deep, shared with a parking space, with the road beyond. The window to the rear would look into a private courtyard which is 1.3 metres deep, the close proximity of the rear fence means that there would be minimal light and outlook through this window.

Policy B2 of the Core strategy requires the Council to protect the residential and environmental amenity of existing and future residents. On balance it is considered that the limited outlook from the property at ground floor level, with the small room proportions and substandard head height in the upstairs bedrooms mean that proposed development is not considered to meet the objective of this policy. As such it is recommended for refusal on the grounds of substandard living space.

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

The pitched roof that is to be constructed on the top of the building was previously approved in 2013 in association with the existing industrial use of the building. This was prior to the construction of the residential units at 6-10 St James Road.

In amenity terms the key issues are whether the proposed development would result in overlooking or a material loss of light to surrounding residential properties. In respect of number 6 St James Road, any loss of light created by the construction of a pitched roof would not result in a significant change to the existing light levels within this garden. The roof windows would lead to a perception of overlooking of this garden, but could be conditioned to be obscure glazed and fixed shut.

The additional bulk of the roof would be visible from the rear yard and internal areas of the commercial building at 135 Seaside. This building is in commercial use, and occupier of this building has objected to the application on these grounds, raising concerns that the roof would result in the loss of light to this property. Given that the premises in question are in commercial and not residential use, it is not considered that the loss of light to this property would be material.

At present the unit has windows that look directly out in to the garden of number 6 St James Road. These are shown as being blocked out as part of the application and this could be required by condition. As the windows shown on the plans at roof level and on the side elevations, and are to be made from obscure glazing, there would be no overlooking of surrounding gardens from the proposed unit. Were the application to be otherwise

acceptable, this could be required by condition, and would improve the overall relationship between the two properties.

The replacement of an industrial use with a residential use as proposed would otherwise be considered acceptable in planning terms, and would result in improvements to the amenity of surrounding occupiers. There would be a decrease in common issues typically associated with industrial properties, such as noise, vehicular deliveries and waste left on the highway.

Design issues:

The existing building is in a transition area between industrial/commercial uses and residential uses. The proposed dwelling would have a pitched roof, windows in the front and rear of the building, and landscaping features as shown on the proposed plans.

Its appearance is considered acceptable in view of its surroundings.

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

Not relevant

Impacts on trees:

Not relevant

Impacts on highway network or access:

One parking space is provided, which will help prevent the development from having an adverse impact on pressure for additional on street parking. The application is acceptable in highways terms.

Sustainable development implications:

This is a brownfield site with a town centre location, it is otherwise considered appropriate for conversion to residential use.

Other matters:

The owner of the adjoining building at number 6 St James Road raises concerns about guttering being constructed along the party wall immediately adjacent to the boundary. This guttering could only be maintained by accessing the garden area of the adjoining property. If the guttering in question does in fact fall within the neighbouring garden area, it would be a civil matter between the parties concerned as to whether the guttering could be erected. The ongoing maintenance of any guttering would be a civil matter between the parties. These are not material planning considerations, and do not constitute grounds to refuse this planning permission.

Any potential increase in the cost of electricity and heating for surrounding commercial occupiers resulting from the increased bulk of development is not a material planning consideration.

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.

Conclusion:

It is considered that, by replacing an industrial unit with a residential unit the proposed development would enhance the area immediately surrounding the site and thereby improving the residential quality of the local area.

However, these benefits are outweighed by the poor size, layout and lack of outlook from the proposed dwelling. As such, the proposed development would result in substandard accommodation which would fail to protect the amenity of future occupiers of the unit. These issues are considered to justify a reason for refusal, on the grounds of substandard accommodation.

Recommendation:

The application is recommended for refusal on the grounds of substandard residential accommodation.

Reason for refusal:

1. Because of its size, internal layout and poor outlook the proposed residential dwelling is considered to provide substandard living accommodation that would not protect the residential amenity of future residents. This is contrary to policy B2 of the Core Strategy Local 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**.

Agenda Item 7

App.No: 151334	Decision Due Date: 15 th March 2016	Ward: Devonshire
Officer: Thea Petts	Site visit date: 12 th February 2016	Type: Planning Permission
Site Notice(s) Expiry date: 11 th February 2016 Neighbour Con Expiry: 11 th February 2016 Press Notice(s): N/A		
Over 8/13 week reason: Referred to Committee from Delegated		
Location: 9 Willowfield Road, Eastbourne		
Proposal: Proposed change of use from a single dwelling into a 7 roomed HMO		
Applicant: Mr Chris Brooks		
Recommendation: Approve Conditionally		

Executive Summary:

The scheme proposes the change of use of a single private dwelling to a House in Multiple Occupation with seven available residential rooms.

It is noted that the property has been licenced as a House in Multiple Occupation since 10th March 2010 (initially for up to 6 occupants). Members should note that a single private dwelling can operate as a House in Multiple Occupation for up to six unrelated individuals without requiring planning permission to do so.

This application has been referred to the Planning Committee from delegated due to the opposition to the scheme and for Members to debate the issues involved.

Planning Status:

Residential property located in a predominantly residential area

Relevant Planning Policies:

National Planning Policy Framework 2012

2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

10. Meeting the challenge of climate change, flooding and coastal change

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Area

HO20: Residential Amenity

UHT1: Design of New Development

UHT4: Visual Amenity

Site Description:

Willowfield Road is located in Devonshire Ward, east of Seaside. The road runs on a north to south axis, adjoining Belmore Road to the north and Langney Road to the south. Like a crescent, Willowfield Square adjoins the road on the east side of the road in two places, creating a green space in the centre. The built environment is typified by two storey Victorian terraced houses and is predominantly residential.

Relevant Planning History:

EB/1987/0174

C/U FROM GUEST HOUSE TO SINGLE PRIVATE DWELLING

Approved Unconditionally - 1987-04-09

EB/1967/0303

RECONSTRUCTION OF EXISTING LEAN-TO EXTN AT REAR OF GUEST HOUSE

Approved Unconditionally - 1967-06-22

Proposed development:

The applicant seeks permission to change the use of the property from a single private dwelling to a House in Multiple Occupation with seven available bedrooms. According to the submitted plans, there are six existing available bedrooms at the property.

The development would result in the conversion of the existing ground floor lounge and there are to be no external alterations as part of the development. The room has patio doors which open out onto the rear courtyard garden.

Consultations:

Internal:

Specialist Advisor (Waste) – response dated 16th February 2016:

From the proposed application, and the location of the property, it would appear that the space available for the storage of waste receptacles on the property is already extremely limited...

Conservatively, space would need to be found for at least 4 x 240ltr wheeled bins (2 x refuse, 4 x recycling).

These bins would need to be stored on the property, and only placed on the highway on the day of collection.

If they currently have 2 x 180ltr wheeled bins at the moment, they're likely at capacity...the addition of one additional bedroom is not likely to make a huge amount of difference.

...HMO Regs 2006 make it a requirement to ensure that there are sufficient bins or other suitable receptacles for the storage of refuse. The problem with this particular site is there is a very limited amount of space to store bins off the highway. If the applicant can confirm what their storage arrangements are, then it will show that they are compliant (in which case I won't have any issues).

Specialist Advisor (HMO Licencing) – no comment received

External:

Highways ESCC – no comment received

Neighbour Representations:

Two objections have been received and cover the following points:

- There are a number of HMOs in the immediate area
- Concerns with regards to car parking and obstructions caused by cycle parking
- Increase in noise levels at unsociable hours
- Negative impact on refuse and recycling collection and attributed vermin problems which have already required special attention in the past
- Tenants of HMOs have no personal interest or little control over the appearance and maintenance of the properties in which they live
- House buying families no longer attracted to the area due to the number of HMOs nearby

Appraisal:

Principle of development:

There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

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

Policy D2 of the Core Strategy supports economic prosperity, the achievement of a sustainable economy and contributing to a town where people want to live and work. Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

The application site, although still considered to have planning status as a single private dwelling (in which up to six unrelated individuals can live), has been licenced as an HMO since March 2010, initially for up to six occupants. The proposed development would change the use of the property to Sui Generis as a house in multiple occupation for more than six unrelated individuals.

There have been two objections against the proposed development. These are principally concerned with the change of use to a seven roomed HMO. It is noted that there are a number of licenced HMOs on Willowfield Road and in Willowfield Square already. However, the majority of these have six or fewer occupants, and as such in planning terms are considered to be single private dwellings.

The HMOs operating with a licence in Willowfield Road and Willowfield Square are listed below. The maximum occupancy allowed by the licence is indicated:

- 2 Willowfield Road – 4 (unlicensed)
- 4 Willowfield Road – 9
- 5 Willowfield Road – 7
- 6 Willowfield Road – 8
- 9 Willowfield Road – 6
- 10 Willowfield Road - 5
- 13 Willowfield Road – 6
- 14 Willowfield Road - 6
- 15 Willowfield Road - 6
- 23 Willowfield Road – 5
- 31 Willowfield Road – 5
- 35 Willowfield Road – 5
- 43 Willowfield Road -5
- 45 Willowfield Road – 5
- 5 Willowfield Square - 5
- 6 Willowfield Square - 5
- 12 Willowfield Square - 5
- 13 Willowfield Square – 5
- 17 Willowfield Square - 5
- 21 Willowfield Square - 6
- 22 Willowfield Square - 6
- 23 Willowfield Square - 6

- 25 Willowfield Square – 6

Therefore, in planning terms the majority of the properties on Willowfield Road and Willowfield Square are considered to be single private dwellings and the change of use of 9 Willowfield Road to Sui Generis to enable the property to operate as a seven roomed HMO is therefore not considered detrimental to the residential amenity of occupiers of surrounding properties.

Increasing the capacity of this particular residence by one bedroom is not considered likely to have a detrimental effect on the area and the change of use of the property not considered to make a significant difference to material planning considerations. However, if in the future the intensity of the HMO were to be increased further, the situation would need to be reassessed. In addition, the potential impact the intensification of the residential use may have with regards to waste will be reflected in a recommended condition which will require discharge prior to the occupation of the converted room. This is to ensure that the refuse and waste provision is appropriately managed at the property going forward.

Design issues:

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area. In addition, Policy B1 of the Eastbourne Core Strategy provides the spatial vision and strategic objectives which seek to ensure that future growth in Eastbourne is delivered at an appropriate level and in a sustainable manner and Policy B2 seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

There are to be no external alterations as part of this proposed development. As such, there will be no attributed design implications or design concerns.

Impacts on highway network or access:

There is unrestricted parking available on Willowfield Road and the adjoining roads. In addition, the property is located close to the Town Centre and major transport links. There are good cross-town transport links nearby and local amenities are within walking distance.

Therefore it is considered that it would not be necessary for an additional resident to require the use of a car, and as such, may not own one. Nevertheless, if an additional resident did require a car, there is unrestricted parking on Willowfield Road and the surrounding roads.

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.

Conclusion:

The proposed development, changing the use and effectively increasing the residential capacity of the property, is considered to have very little impact on the residential amenity of the area and is in-line with the aforementioned policies.

The property has been licensed since 2010 for 6 rooms (6 occupiers) and from 2015 for 6 rooms (8 occupiers). Given this it is considered that an additional room would not materially affect the character and the appearance of the site and surrounding nor would it result in a material loss of residential amenity. As such the scheme is recommended for conditional approval.

Recommendation:

Approve Conditionally

Conditions:

- 1) Time Limit
- 2) Approved Drawings
- 3) Notwithstanding the details of the approved plans, the converted room (lounge) shall not be occupied until details regarding refuse/recycling bin stores and collection regime for the residential unit hereby approved are submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site prior to the use commencing and retained as such thereafter.
Reason: To ensure that refuse associated with the development is disposed of responsibly and does not detrimentally impact the appearance of the area or occupiers of surrounding residents

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**.

Agenda Item 8

App.No: 151315 (HHH)	Decision Due Date: 29 January 2016	Ward: Old Town
Officer: Sally Simpson	Site visit date: 4 & 14 January 2016	Type: Householder
Site Notice(s) Expiry date: 27 December 2015 Neighbour Con Expiry: 10 January 2016 Press Notice(s): N/a		
Over 8/13 week reason: Request to speak received and date of next available committee; subsequent Member site visit.		
Location: 35 Compton Drive, Eastbourne		
Proposal: Loft conversion with dormer and three roof lights to front elevation, and dormer to rear elevation.		
Applicant: Mr Ahmed Mossahebi		
Recommendation: Approved conditionally		

Introduction:

This application was deferred at Planning Committee on 2 February 2016 to enable Members to visit the site and the adjoining properties.

Executive Summary:

It is considered that the proposed development is acceptable in terms of scale and design, preserving the overall existing character of the area. It would not have a significant detrimental impact in terms of loss of privacy, light or outlook or be visually intrusive for neighbouring properties.

Planning Status: Residential property in predominantly residential area.

Relevant Planning Policies:

National Planning Policy Framework 2012

Paragraphs 1-5 (Introduction)

Paragraphs 6-16 (Sustainable Development)

Paragraph 17 (Core Planning Principles)

Paragraphs 56-66 (Design)

Eastbourne Core Strategy Policies

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C10 Summerdown & Saffrons Neighbourhood Policy

C4 Old Town Neighbourhood Policy

D5 Housing High Value Neighbourhoods

Borough Plan Policies

Eastbourne Borough Plan 2001-2011

UHT1 Design

UHT4 Visual Amenity

HO2 Predominantly Residential Areas

Site Description:

The site comprises of a single storey dwelling with integral garage located on the south side of Compton Drive, which, together with a similar bungalow next door is situated between Fairway Close and Foredown Close.

The two bungalows are sandwiched between a two storey dwelling at either side on the corner of Fairway Close and Foredown Close, respectively.

This residential area has a mix of single storey properties with and without dormers as well as two storey properties.

The front of the plot has a traditional boundary of a dwarf wall with railings with mature planting at the rear of the application site.

There are no parking restrictions on the public highway.

There is a separation distance from the application site to the neighbouring property at 2 Fairway Close in the region of 8-9m.

There is a separation distance in the region of 3m as measured from the west wall elevation of the application site to the neighbouring property of 37 Compton Drive.

This neighbouring property has extended their property along the boundary of the application site to provide a study.

Relevant Planning History:

EB/1971/0730

Erection of 2 detached bungalows, each with an integral double garage.

Granted, subject to conditions. 1971-12-16

EB/1970/0586

Erection of a detached house, with an integral double garage.

Granted (Five years). 1970-11-19

EB/1967/0145

Construction of road and sewers.

Granted. 1967-03-16

EB/1948/0255

Erection of 40 private dwelling houses, with garages.

Granted, subject to condition.

1948-12-16

150652

Remove roof, construct additional, first floor with new roof over.
Extend front facade and provide glazed, 2 storey entrance.
Householder Withdrawn

Proposed development:

The applicant is seeking planning permission for a loft conversion together with the installation of dormers to the front and rear elevations.

Front Dormer

The proposed front dormer will measure a height of 1.3m and a length of 2.7m, extending from the roof slope, near the ridge by 2.7m.

The front dormer is to allow for the necessary head height for the stairway to the loft conversion.

There are also three rooflights proposed for the front elevation, which are classed as permitted development.

Rear Dormer

The proposed rear dormer will measure a length of 13.3m across the rear roof slope. The dormer will extend from the ridge by 5.7m and have a height of 2.7m.

Consultations:

Neighbour Representations:

There have been two rounds of consultation on this application as a result of the notification letters not being received by neighbouring residents. The second letter, therefore, extended the consultation period and were hand delivered as a direct response to this being brought to our attention.

A total of 3 objections have been received; as well as a request to speak at committee. Two objections and the request to speak are from the occupiers of 2 Fairway Close and 1 from the occupier of 37 Compton drive. The comments raised are in relation to the following issues:

- Unneighbourly development
- Loss of light
- Overshadowing
- Loss of amenity
- Out of character with surrounding properties.
- Dominate views on the approach into Eastbourne
- Out of scale
- Will affect my garden
- This is not a loft conversion but a first floor extension
- There is a breach of BRE guidelines

Appraisal:

Principle of development:

There is no objection in principle to the applicant having the desire to alter and improve their living accommodation, providing it would be 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 policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

A previous application for an entire first floor extension was withdrawn last year. Whilst the current homeowners wish to extend their property with a loft conversion, planning consent is required in this instance as the volume of the proposed loft conversion would exceed the allowance to be considered as permitted development under the General Development Permitted Order (2015).

The main issues to consider are the impact on visual and neighbour amenity when assessing this proposal.

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

Policy HO20 of the Eastbourne Borough Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity for existing and future residents.

Although the proposed rear dormer covers a significant area of the rear roof slope, it has been set up from the eaves and also set in from the sides by 0.8m.

There is a significant distance between the properties and due to the orientation of the site it is my opinion that there will not be any further detrimental impact in terms of loss of light, overlooking and loss of privacy with the installation of a rear dormer. The rear dormer windows, due to their location in the roof slope and the established natural screening between the properties would not affect loss of privacy/ overlooking.

The dormer in the neighbouring property has two windows; one is for a bathroom and the other is a landing where the owner has located a desk. Whilst the dormer may impact the view from this landing window as this is not a habitable room it would be difficult to justify a refusal on this basis.

The proposed dormer will be viewable from the ground floor kitchen window and may well affect the amount of daylight into the kitchen at certain times of the year, being west facing, however this is not a habitable room. In addition the fall back permitted development options for applicant if this application were to be resisted could result in a form of development with very similar impacts. Given these issues it is not considered that a refusal based upon the impacts of the neighbouring properties could be substantiated.

Design issues:

D10A seeks to ensure that new development respects local character and distinctiveness, is appropriate and sympathetic to its setting in terms of scale, massing and design, making a positive contribution to the overall appearance of the area.

The scale and design of the proposal are acceptable in that it does not undermine the character of the mixed styles of properties that are represented in this area. The

proposed dormers will have a flat roof and will be tile hung to match the existing tile hung roof and side elevations respects the local character of the area and is in keeping with the host dwelling.

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

This property is not a listed building nor is it located in a Conservation Area.

Impacts on trees:

There are no trees that would be affected by this proposal.

Impacts on highway network or access:

There are no alterations scheduled as part of this proposal to the existing highway network or the access to it.

Other matters:

Although a neighbour had requested that the applicant provide a right to light survey it is not standard procedure to request this as supporting documentation for a householder application and the officers assessment of this proposal is that there should not be any material impact upon the available light.

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.

Conclusion:

The proposed loft conversion, together with dormers to the front and rear is recommended for approval, subject to conditions as it is considered to have minimal impact in terms of scale, design, visual and neighbour amenity and therefore complies with policies B1, B2, C4, C10, D5 & D10A of the Eastbourne Core Strategy Local Plan (2013), policies UHT1, UHT4, HO2, HO20 of the Eastbourne Borough Plan (Saved Policies 2007) and the guidance outlined within the National Planning Policy Framework (2012).

Recommendation: Approve conditionally

Conditions:

1. Time Limit
2. Approved Drawing No's.
3. Materials To Match
4. PD windows

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**.

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Agenda Item 9

App.No: 151056	Decision Due Date: 5 March 2016	Ward: Sovereign
Officer: Anna Clare	Site visit date: 12 January 2016	Type: Reserved Matters
Site Notice(s) Expiry date: 2 February 2016 Neighbour Con Expiry: 2 February 2016 Press Notice(s): 20 October 2015		
Over 8/13 week reason: To seek amendments to the application and bring to planning committee		
Location: Site 1, Off Martinique Way, Eastbourne		
Proposal: Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) together with discharge of conditions 2(part), 3(part), 9(part), 16, 19, 22, 24, 28, 29, 39, 40, 41 and 47 following outline approval (Ref: 131002) for the development of Site 1, Sovereign Harbour for 72 Residential Units, consisting of 62 Apartments over two blocks, and 10 houses.		
Applicant: Mr BRIAN GROVE		
Recommendation: To approve the reserved matters application subject to the following conditions subject to a S106 agreement:- The Heads of Terms for the S106 to cover:- <ul style="list-style-type: none">• ESCC to secure a financial contribution of £10,000 for a parking review• implementation of any restrictions/issues arising from the parking review• Submit prior to the commencement of any (above ground) development details of the refurbishment and services provision to the Martello Tower• Details of the refurbishment and services provision to the Martello Tower shall be fully implemented prior to the sale/first occupation of the 36th residential unit.		

Executive Summary:

Outline planning permission was granted in 2013 for development of sites across the harbour, including site 1 for up to 72 residential dwellings. The outline application approved the principle of the development of this site.

This application relates to the reserved matters of Scale, Access, Appearance, Layout and Landscaping following this outline permission and the discharge of some conditions of this permission.

The proposed design, layout and landscaping of the site are considered to be in accordance with outline permission (approved parameter plans for the site) and the Sovereign Harbour Supplementary Planning Document, and are therefore considered acceptable subject to conditions and legal agreements as set out below.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO20: Residential Amenity
- TR6: Facilities for cyclists
- TR7: Provision for Pedestrians
- TR11: Car Parking

Supplementary Planning Guidance/Documents

- Sovereign Harbour Supplementary Planning Document 2013
- Outdoor Playing Space Supplementary Planning Guidance 1999

Site Description:

Site 1 sits adjacent to the seaward Harbour entrance, and adjacent to the junction between Prince William Parade, Atlantic Drive and Martinique Way. At present the site is undeveloped and includes shingle and self-vegetated open land that is accessed by the general public.

To the west of the site there are existing residential properties, this adjoining boundary forms an unfinished built edge, which reflects the fact that the development of Site 1 has formed a long established part of the overall masterplan for this part of the Harbour.

Currently the promenade walkway terminates at western edge of Site 1, to continue on a formal path pedestrians need to turn west and via Martinique Way they can access the Harbour Walkway. Public access has been maintained across site 1 and informally it is used by large numbers of members of the public for dog walking and for access between the Promenade and the Harbour Walkway. There are currently no formal (public) footpaths though Site 1.

Martello Tower 66 is sited to the north east corner of the site adjacent to the Harbour Arm. The Martello Tower is a Scheduled Monument. Martello Towers are gun towers constructed to defend the vulnerable South Eastern coast of England against the threat of ship borne invasion by Napoleonic forces. Of the original 74 towers on the South-coast 26 now survive. No.66 survives well and retains a substantial proportion of its original components and associated features, including the original gun barrel, which is a rare survival amongst Martello towers. During World War II, a concrete gun emplacement was constructed across the roof of the tower and this in turn supports a later, temporary coastguard station.

Relevant Planning History:

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:

Site 1 - up to 72 dwellings and access

Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, 1 and D13,600sqm)

Site 5 - Community use (800sqm)

Site 6 - Employment and office uses (B1 up to 15,000sq m)

Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)

Granted 02/12/14

Proposed development:

This application seeks approval for the reserved matters following the grant of outline planning permission. The matters for consideration are layout and landscaping of the sites, scale and appearance of the proposed development, and access to the site.

The application also seeks to approve a number of conditions of the original outline permission as below which are discussed in detail in the report.

- 12 (details of boundary treatments)
- 13 (Details of hard and soft landscaping)
- 15 (Measures to limit habitat encroachment)
- 16 (Landscaping details to include details of the specie and size of any hedging)

- 19 (Layout details shall provide for future maintenance access to both the sea defences and the Outer Harbour walls)
- 22 (Storage of domestic refuse and recycling)
- 24 (new roads to be designed and constructed to approved standards)
- 28 (Details of vehicle Parking areas)
- 29 (details of cycle parking areas)
- 39 (two-thirds of the site shall be retained for public open space)
- 40 (residential development shall not exceed 72 dwellings)
- 41 (Pedestrian and Cycle linkages)
- 47 (details of a turning space for vehicles)

The proposal consists of 10 houses, 5 blocks of pairs of linked dwellings, a southern block of 28 residential apartments and a northern block of 34 apartments with a mix of 2, 3 and 4 bedrooms.

Accommodation Schedule

Number of Apartments and Bedrooms	Floorspace provision	National Space Standards	Amenity space
Houses			
10 x 4 bed	Min 209m ²	130m ²	Min 62m ²
South Block Apartments			
9 x 2 bed	Min 99m ²	70m ²	Min 17m ²
14 x 3 bed	Min 124m ²	95m ²	Min 21m ²
5 x 4 bed	Min 187m ²	117m ²	Min 130m ²
North Block Apartments			
13 x 2 bed	Min 103m ²	70m ²	Min 25m ²
13 x 3 bed	Min 125m ²	95m ²	Min 25m ²
8 x 4 bed	Min 188m ²	117m ²	Min 58m ²

The application is accompanied with a number of supporting documents; the significant elements from the main documents are outlined below:-

Planning, Design and Access Statement

Sets out the design evolution and consultation the applicant has gone through pre-submission of this application following responses to the original outline permission and comments received from Design Review Panel to initial design concepts.

The design has evolved taking into account the characteristics, setting and prominence of the site located at a key gateway to the Harbour, the location

of Martello Tower 66 and the need to respect visual links through to Martello Tower 64 on the Norther Harbour Beach, and the existing and on-going requirements for the site, namely to provide access to the Environment Agency to maintain existing sea and harbour defences.

Transport Statement

Sets out the proposed developments access and parking arrangements.

The houses are each provided with double garages and off street parking to accommodate up to 4 cars, though are assumed to have an average of 3 spaces per unit for the purposes of the assessment. The flats have been allocated car spaces on the basis of 2 spaces for each of the 3 and 4 bed apartments and 1 car space for each 2 bed apartment.

Interspersed with these within the covered car parks and alongside the shared service route will be a further 44 unallocated spaces for residents and visitors.

Cycle parking is provided within the garages for the houses (these are made larger to accommodate) and gated parts of the lower ground floor of the two apartment blocks will provide 88 cycle parking spaces.

The outline permission approved parameter plans for Site 1 assumed the main access to the site would be from the existing spur from Martinique Way and a full transport assessment was carried out as part of this application.

Landscape and Ecology Management Plan

Sets out the aim to retain and protect the natural shingle setting and composition of the site as far as possible and to enhance the ecological interest and value of the site through the establishment and maintenance of native vegetated shingle areas.

The area within the new public open space, adjoining the residential zone will comprise a vegetated shingle, ecology zone that will be established and maintained to minimise the extent of public disturbance, enabling this area to become established with a rich mix of native shingle species.

Sovereign Court Vertical Sky Component (VSC) Report

This report contains an assessment of the impact of natural daylight on the developments neighbouring properties by calculation the VSC, the percentage of the total sky that can provide direct light to the centre of the face of the window when neighbouring obstructions are taken into account. Three VSC calculations have been made to show the impact from both the proposed housing block and both apartments blocks have on the nearest existing dwellings. All three calculations passed the recommendations of the BRE guide in terms of impact.

Consultations:

Specialist Advisor (Arboriculture)

No objections subject to species appropriate selection given the hostile marine environment.

East Sussex County Council Highways

No objections to the proposal and have evidenced their consideration with the following:-

Due to the size of the proposals at the outline application stage the impact on the highway network was assessed on both the local and strategic road network. In order to test this development it was agreed between the applicant and ESCC at an early stage that the proposals should be run through the existing ESCC transport model for the South Wealden & Eastbourne area.

The outputs from the model are in the form of traffic flows on each road or arm of a junction and highlight any areas where there are potentially any capacity issues. From this data more detailed traffic modelling was then undertaken for any junction which requires further analysis. This second more detailed phase of modelling included five junctions which were:

- Pevensey Bay Road/Pacific Drive Roundabout*
- Pacific Drive Roundabout*
- Harbour Roundabout*
- Langney Roundabout*
- Sovereign Roundabout*

While traffic levels at these junctions and the linking roads will obviously increase as a result development the results from these models has shown that each of the junctions will continue to operate within their capacity. The Langney roundabout will on some arms be close to capacity but this will be only slightly worse than the situation that would occur in 2027 without development taking place.

A total of 176 spaces are proposed although it should be noted that each house can accommodate 4 cars rather than the 3 used in the figures submitted, bringing the actual total to 186. 2 spaces would be allocated to each 3 & 4 bedroom flat and 1 to each 2 bed flat. This is in line with ESCC expectations for allocated parking. A total of 44 unallocated spaces for extra residential and visitor use are also proposed. The ESCC parking calculator suggests that for the flats 147 spaces should be provided while the proposal provides 146. The lack of 1 space will not create a significant issue and is therefore acceptable. It should also be noted that the parking calculator uses Sovereign Ward census data and therefore a higher level of parking is required here as car ownership within this ward is higher than adjoining wards. This level of parking is acceptable.

The creation of new driveways along Martinique Way will help alleviate some parking problems experienced, by preventing as many cars parking in the area. It is likely however that this will just move the problem further along the road. As Martinique Way and most of the surrounding roads are now adopted public highway, parking restrictions can be considered in the area. It is suggested that a financial contribution is made (£10,000) to allow the area to be included in the next parking review and any resulting restrictions are implemented.

Strategy and Commissioning (Planning Policy)

Support this application in principle. Outline planning permission was granted for the amount of development proposed which is supported in order to meet housing numbers identified in the Sovereign Harbour neighbourhood over the local plan period to 2027.

The development also conforms with the Sovereign harbour Supplementary Planning Document 2013 in particular in reference to the overall design principles and the provision of open space and access to the seafront. This is supported by a detailed Landscape and Ecology Management Plan to enhance the biodiversity and accessibility of the shingle habitat.

Specialist Advisor (Conservation)

Identifies that the significant heritage asset at the site is the existing Martello Tower and that any redevelopment needs to address its significance. The significance of No 66 is found in its evidential value, as a good surviving example of a 'low-lying tower' constructed in 1805-6, which includes a high percentage of original components and associated features, providing insight into its chronological evolution. The relatively untouched Martello tower, besides its high aesthetic merit as a military structure, provides understanding into the 'integration of the Martello tower system', its structural and strategic strengths. The sum of which make a valuable contribution to the status of No 66, as a scheduled monument and Grade II listed building, which guarded the coastline from the threat of Napoleonic invasion.

However over time the purity of the setting of No 64, has been compromised through the demolition of the neighbouring tower No 65 and incremental / phased development of the wider Eastbourne and more immediately Sovereign Harbour. In context the phase of development, as proposed, sits in close proximity or within the immediate setting of the asset, the cumulative change of which has therefore been taken into consideration.

In this respect, the significance of the asset and the role it played as part of Eastbourne's history and its national importance would through understanding be better interpreted, if a user friendly path was introduced. Beside the historic interpretation of the functional significance would be

further enhanced by linking the location of what was Martello tower No 64 (neighbouring), by means of a dedicated route to tower No 65.

In this respect appreciation of the original setting and interpretation of the structures function, in conjunction with other structures, should be celebrated as a destination point.

In this respect it is advised, the experience of the asset as a military defence structure, which formed part of a wider chain of structures along the Sussex and Kent Coast should be introduced, by means of providing a physical link (footpath) between what was No 65 and No 64, which would then become a natural destination point.

As a Building at Risk, the required works should be carried out to ensure it is removed from the risk register, whilst its long term viable use and as such maintenance should also be given due consideration as part of the proposal.

In respect of the above, the landscape as proposed, does not celebrate the significance of No 66 a Grade II listed building and scheduled monument. Notwithstanding this, there is little or no commitment, to the repair or long term viable use of the asset as a building at risk.

Design Review Panel

The proposal has been to DRP twice, once pre-application and once following submission of this reserved matters application.

Pre-application

- The importance of landscaping in the development and the proposals should be treated as a set piece with the architectural and landscape elements treated as one part of an integrated design approach focussing on 'place making'.
- There is an opportunity to ensure the site would link with the adjacent sites the promenade and the Harbour Walkway.
- Same aesthetic should be carried between the blocks of flats and the houses.
- Horizontal emphasis of the apartments is appropriate to the landscape/scale of the building not accentuating the vertical columns and letting the horizontal banding become more prominent.
- Panel members thought there should be a delicate relationship between the ground floor and the beach.

Current submission

- Reiterated that there was a need to look further afield that this site and ensure connectivity with the wider area.
- The compressed shingle should be increased to the pedestrian access at the end of the prom so that the site feels like a place to arrive at.
- The design should be focussed on pedestrian use not vehicular which is very occasional.
- The extension to the harbour walkway should link with the compacted shingle and through to the pedestrian route off the prom.

- Any seating should be informal and natural such as sleepers.
- Panel members questioned the lack of proposals for the Martello Tower and what could be required as part of the application.
- More of a destination point should be made of the Martello Tower.
- Play space should be more informal, questions raised over how it would work with the access from the prom for pedestrians.

Environment Agency

No objection in principle to the Reserved Matters proposal.

Historic England

Recommend that the beach should have a naturalistic character and include public access improvements, such as landscaping, planting and a boardwalk/footpath of some sort. In recommending a natural landscape and the access provisions having a broadly natural looking beach like character, avoiding hard landscaping in order to preserve and enhance a generally complementary setting for the Martello Tower.

Enabling work to the Martello Tower, to facilitate a new use would be highly desirable. Natural England are content with the proposed landscaping scheme in principle, in that it does no more harm to the setting of the tower, however state that it does little to enhance it. However, though not strictly an enhancement of the historic setting of the tower, improvements to the public realm, enhancing public access and providing interpretation of the tower would certainly enhance appreciation of the tower, and perhaps create opportunities for its sustainable re-use, which would be very welcome indeed.

County Ecologist

Recommends species appropriate selection in order to create a sustain an appropriate level of habitat across the site.

The landscape masterplan and Landscape and Ecology Management Plan is considered to be broadly acceptable and in line with the Council's Sovereign Harbour SPD. However, the proposed specimen planting is not appropriate and there is a lack of information regarding limiting habitat enrichment and encroachment provided to satisfy conditions 13 and 15.

Southern Water

No objections to the reserved matters application.

East Sussex County Council Lead Local Flood Authority – SUDS Team Raised no objection in principle, however requested further information in relation to the maintenance and management for the drainage system,

Neighbour Representations:

379 consultation letters were sent to surrounding residential properties. 67 Objections have been received and cover the following points:

- Over population of the Harbour area
- Parking issues
- Insufficient parking spaces for residents and visitors
- Impact on highway safety
- Lack of bus services serving the harbour
- Lack of local amenities/ community facilities/play areas/doctors surgeries/schools
- Loss of privacy/light/view and overbearing impact to existing properties
- Intensity of building will ruin the natural area for wildlife
- The Martello should be preserved and upgraded
- Impact on view and setting of Martello Tower
- Area should be left for recreation
- Impact on future residents of the maintenance activities on the site
- Impact of building operations and length of build
- Flooding
- Design and layout of the proposed buildings out of keeping with surroundings
- Houses having dropped curbs to Martinique Way reduces on street parking
- Access should be off existing roundabout not Martinique Way
- Impact on safety from lack of overlooking to play space if moved off site 1
- Impact of shared path for vehicles and pedestrians
- Disturbance from new road adjacent to existing properties
- No justification of additional residential properties
- Elsewhere the taller blocks of flats are located away from the coast and step down
- Play area is inappropriate
- Accessibility for refuse collection vehicles
- Should have a continuous promenade to encourage walking/cycling
- Impact on Flora and Fauna
- Impact on right of way over the land
- Doesn't provide access for cyclists and disabled
- Fails to deliver a joined up seafront
- New properties should be liable to upkeep of water feature

Columbus Point Residents Association have objected to the application on the following grounds;

- impact on the adjacent residential properties, overbearing impact/loss of light;
- Design of the proposed buildings being out of keeping;
- Parking/traffic/safety issues;
- Noise and disturbance from the new road;
- Assess for shore-works;
- Drainage;
- Loss of recreational land.

Sovereign Harbour Residents Association have objected to the application on the following grounds that the construction of the community centre on Site 5 has not commenced.

Columbus Point Management Company have requested that owners of new properties should be required to contribute towards the water feature.

Appraisal:

Principle of development:

Outline planning permission was granted 2 December 2014 for the development of sites across the harbour including site 1. The outline permission approved the development of Site 1 for up to 72 residential dwellings and public open space within a set of parameter plans.

Therefore the development in principle of these sites has already been agreed.

Objections have been received to the principle of the development, and the impact therefore on traffic generation and facilities within the Harbour. These issues are considered to have been dealt with in principle at the outline stage, the purpose of the reserved matters application is to deal with the detailed proposal for the site.

Accommodation Schedule

Number of Apartments and Bedrooms	Floorspace provision	National Space Standards	Amenity space
Houses			
10 x 4 bed	Min 209m ²	130m ²	Min 62m ²
South Block Apartments			
9 x 2 bed	Min 99m ²	70m ²	Min 17m ²
14 x 3 bed	Min 124m ²	95m ²	Min 21m ²
5 x 4 bed	Min 187m ²	117m ²	Min 130m ²
North Block Apartments			
13 x 2 bed	Min 103m ²	70m ²	Min 25m ²
13 x 3 bed	Min 125m ²	95m ²	Min 25m ²
8 x 4 bed	Min 188m ²	117m ²	Min 58m ²

It is evident from the table above that the accommodation schedule that all apartments exceed the recommended national space standards in terms of minimum internal floorspace.

Layout

To some extent the layout of the site was agreed through the approved parameter plans of the original Outline planning permission.

These stated that there would be a minimum of 62m set back from the Martello Tower to mitigate any encroachment and that development would be to the west of the site with a pedestrian/cycle route on a new street with a minimum width of 7.8m connecting to Martinique Way via an existing spur which itself will terminate at the outer harbour walkway.

The residential development comprises three main blocks set back from a shared service route that will connect between the existing spur off Martinique Way and the outer harbour walkway. The positioning of the blocks is such to provide an 'wave' line footprint which provides a built edge, concaved at the northern end to extend the physical separation with the Martello Tower.

The northern edge of the site will comprise an extension of the harbour walkway to the edge of the apartment block whereby the path changes into the natural shingle.

At the southern edge a compacted shingle path will connect with the end of the existing formal promenade, with unrestricted access through for pedestrians. This compacted shingle path is proposed to link from the end of the prom with the compacted shingle for maintenance vehicles which accesses from the existing spur. The purpose of providing a compacted shingle path is to give a sense of arrival and to draw people into the site, towards the Martello Tower a destination point and through to the Harbour Walkway linking this section of the seafront.

Given the material (compacted shingle) the path will not be DDA compliant, access for wheelchairs and cyclists will be via the proposed road to the rear of the apartment blocks linking Martinique Way with the Outer Harbour Walkway.

A play space is required to be provided on the site as part of the S106 agreement attached to the outline permission. It is considered there are limitations to providing the play space within the site and there are options for its delivery (see following reports on this agenda).

At the northern end of the site it would be considered to interrupt the views and setting of the Martello Tower. So as part of the Reserved Matters application play space is shown to be provided to the south of the site between the compacted shingle path at the end of the Promenade and the

maintenance vehicle compacted shingle path. This area can provide adequate space for a play area on the site, approximately 130m².

A play area of this size would provide a Local Area for Play (LAP) as defined in the 1999 Outdoor Play Spaces Supplementary Planning Guidance. A LAP would likely constitute small low impact/low key demonstrative play features rather than larger equipment.

However, there is an option to provide the play space adjacent to the end of the Promenade, so outside of Site 1 (see following reports on this agenda). The benefits of this location are a more open site, not constrained by the access paths to site 1, additional overlooking from the Promenade and Prince William Parade and it is considered it would allow more friendly access and approach into site 1 improving the landscaping features. This area equates to approximately 700m² and could therefore provide a larger Local Equipped Area for Play (LEAP) which would provide about 5 pieces of equipment. This issue is discussed in more detail in the report for the application for the play space Reference 160009 reported elsewhere on this agenda.

Layout Conclusion:-The proposals are considered acceptable in terms of layout, and in line with the approved parameter plans of the original outline planning permission.

In terms of play space the location to the south of site 1 outside the boundary is recommended as the better option of the two spaces as it would provide a larger area, with more visibility and would improve the landscaping, access and permeability to site 1 from the South. However the location within the site is adequate to meet the requirements of the parameter plans and S106 of the original outline permission.

Appearance

The applicant within their Planning Statement states that it was their design ethos to create a high quality response to design of the buildings, which has been sought to respect and complement the Martello Tower and also to landmark the Harbour entrance and the seafront. The houses and apartment blocks are designed to be similar with the same language following through the blocks, with a horizontal emphasis and matching materials.

There are a mixture of materials throughout the Harbour. The adjacent properties to Martinique Way are a more traditional brick (mixture of orange and yellow) build with smaller windows and metal balustrades/Juliette balconies. On the northern side of the Harbour, blocks of apartments take on a more modern appearance with coloured blocks and large expanses of glazing on upper levels. The proposal draws more on the modern blocks north of the harbour, with white rendering and horizontal emphasis from the glazing and balustrading.

Dwelling Houses

The ten houses are 5 blocks of linked dwellings to the south of the site. The building blocks each follow horizontal lines, which are complemented by simplicity in elevation arrangements comprising principally of glazing with open balconies and terraces framed in white render.

The Apartments

The apartments are proposed over two blocks, South and North, with a lower ground floor service level for car, cycle and refuse storage etc., to the west hidden from view from the public open space to the east which will retain the current ground level.

The buildings have been designed as public facing blocks on each elevation so they will read as being double fronted without defined front and rear elevations with side elevations also designed to provide interest and attractive screens to the public. The Sovereign Harbour Supplementary Planning Document highlighted the prominence of Site 1 when viewed from the sea and stated that proposed residential development was to provide an attractive frontage to the coast and to provide a unique space to reflect the maritime location.

The buildings have been 'broken up' with the proposed stepping up and stepping back arrangement which reduces the bulk of the building. The three blocks combined create a land marking of the site with building of height at the northern end (adjacent to the harbour entrance), stepping down to a more domestic scale at the southern end.

Both the ground floor level apartments and houses have access out onto private decked areas to the seaward elevation, which are open in the respect that they are not enclosed by fences or balustrading. The ecology planting will provide some privacy, however the design ethos is that the ground floor is open onto the public open space, therefore all PD rights have been removed by condition in relation to fences to properties on the elevation facing the public open space.

To the western elevation facing Martinique way, between properties and facing the highway will be low brick walls with railings demarking the private houses driveways/gardens. The southern end of the site adjacent to House plot 1, will be landscaped and the existing fencing removed to provide an open and visually more appealing end to the site. There will be no fencing to the southern end of the side, with the whole vista opened up, boulders will be used to prevent cars accessing the public open space, with drop bollards to the EA vehicular entrance.

CONCLUSION APPEARANCE:- Planning policy encourages new and innovative design that can be modern by that respects, preserves or enhances the character of an area. The design of the buildings individually and as a holistic proposal are considered acceptable as are the proposed materials which draw

on the wider design context of the area. The proposed appearance of the buildings is considered to be in line with the approved parameter plans and the Sovereign Harbour SPD.

Scale

The parameter plans at the original Outline planning stage agreed the storey height/capacity of the development.

The parameter plan set out the scale as a mix of houses and apartments.

The southern block is proposed to be 5 storeys in height facing onto the public open space, with a lower ground floor level providing parking where the existing ground level is lowered. The building steps in as the floors increase with the top floor set back from the eastern elevation to reduce the visual bulk and scale of the building.

The northern block steps down to the south to 3 storeys, with 5 storeys and additional penthouse storey overlooking the harbour.

The houses are proposed 3 split storeys in height, stepped up on the eastern elevation to face onto the public open space and stepped down on their western elevation facing towards the existing properties on Martinique Way. The design of the Houses draws on the Design Review Panel comments that the design of all buildings should follow through from the apartment blocks. Therefore the eastern elevations of each of the five sets of linked houses will be set out with horizontal lines facing the public open space.

The southern block will accommodate 28 apartments, 50% will be 3 bed, the remainder 2 and 4 bed with the larger apartments forming the upper and penthouse floors. The arrangement with the lower ground floor access from the new street, keeps the service area fully screened from the main public open space and screened from shingle and sea salt spray. This is in line with the requirements of the Sovereign Harbour SPD which stated that vehicle parking and access should be screened behind the existing beach level, to reduce the impacts on the setting of the Martello Tower.

The northern block will provide 34 apartments of which 8 will be 4 bed with the remainder 2 or 3 bed.

The arrangement over three 'blocks' will allow vistas through the site, and the stepping to the apartment blocks is designed to reduce the visual bulk and scale of the proposed blocks.

CONCLUSION SCALE:- The scale of the proposed buildings are considered acceptable and in line with the approved parameters of the original outline planning permission and the Sovereign Harbour SPD.

Landscaping

The approved parameter plans stated that approximately 2/3 of the site would be for public open space, which would be configured to create a natural shingle setting for the Martello Tower with a low key boundary between the development and the open space.

The landscaping of the site evolved following comments from Historic England, the requirements of the Environment Agency for maintenance and the Design Review Panels comments.

Access is required by the Environment Agency to maintain sea defences and by Premier Marina's to maintain boat access to the harbour. The site has an existing compacted shingle path from the access spur to the south which will be retained for vehicular access. Access is required at times throughout the year when considered necessary, there is no set parameters for maintenance, but only the EA have a legal right of way over the land. At present as the site is undeveloped the owner has an agreement with the EA to stockpile or use the site as they see necessary so not restricting to one area, but the legal right of way is only to the eastern part of the site up and around the Martello Tower.

The originally proposed formal extension to the Harbour Walkway with seating has been removed from the plans principally because its location would interfere with access to the outer harbour for maintenance purposes, and as a formal destination point here was considered inappropriate and a distraction from the true destination point of the Martello Tower.

The western edge of the public open space, that will define the edge of the private residential areas will be set out as a vegetated shingle ecology zone that will provide a physical separation between the open shingle banks and the new properties.

The landscaping plan has been amended through the course of the application to enhance the public access to the site, providing a visual and enticing access to the site from the end of the Prom and clearly linking to the existing harbour walkway creating a destination point of the existing Martello Tower with compacted shingle paths. The use of compacted shingle makes an easier surface for walking, whilst retaining the naturalist visual appearance for the landscape.

Historic England have supported the principle of the beach having a naturalistic character in order to preserve and enhance a generally complementary setting for the tower.

A Landscaping Ecology Management Plan was submitted with the application, whilst acceptable in principle the details are considered unacceptable as an objection of the construction should be to retain vegetated shingle habitat in its current location and protect during construction. It is considered that the

information currently provided is insufficient to discharge this condition; this should be revisited as part of a construction management plan.

CONCLUSION LANDSCAPING:- The landscaping of the site is considered acceptable and in line with the approved parameters of the original outline planning permission and the Sovereign Harbour SPD, retaining the naturalist appearance and public open space for residents whilst respecting the setting of the Martello Tower and preserving its setting. However specific details of the location/design and appearance of the boulders, seating, delineation details for the compacted shingle route and also way-markers are yet to be supplied and as such this condition cannot be fully discharged.

Access

To some extent the access to the site was agreed through the approved parameter plans of the original Outline planning permission. These stated that vehicular access will be off Martinique Way, the new street will connect to Martinique Way via the existing spur and terminate at the Outer Harbour Walkway. The street is proposed to remain private, therefore not offered for adoption by East Sussex County Council.

Eight of the new houses at the southern end of the side will be accessed via new dropped kerbs to private driveways directly off Martinique Way. The northern two linked houses will be accessed via a shared service route that will link from the existing spur off Martinique Way. This route will remain a private road with bollard controls to prevent general vehicles access. The bollards are to be set back into the site to enable vehicles to pull off Martinique way helping to keep that carriageway free from stopped and queueing vehicles whilst bollards are activated. However the shared route will be open at all times to all non-vehicle users, providing a paved route for pedestrians, cyclists, wheelchair and pushchair users to connect freely between Martinique way and the outer harbour walkway.

The northern and southern entrance points to the site will be connected by a low key compacted shingle route that will connect towards and past the Martello Tower. The route will be demarcated by the use of low key rocks and managed vegetated shingle banks, edged to ensure maintenance vehicles keep to the route. The site is now to provide a continuous pedestrian link from the existing prom into and across the site past the Martello Tower and connecting to the existing Harbour walkway.

Vegetated areas are used to provide a barrier between the private residential terraces and the public open space. The objective is to protect and retain the natural shingle setting and composition of the site as far as possible and to enhance the ecological interest and value of the site through the establishment and maintenance of native shingle areas.

CONCLUSION ACCESS:-The access into and across the site is considered acceptable and in line with the approved parameter plans of the original

outline planning permission and the Sovereign Harbour SPD.

It is considered that the provision of enhanced linkages to/through/across the site would be a material enhancement to the quality of the area should ensure that it remain open/accessible and fully integrated into the wider land/townscape.

Planning Obligations:

A S106 is to be entered into between the Applicant, ESCC and EBC in relation to a financial contribution for a parking review and implementation of any restrictions following this review and for the refurbishment of the Martello Tower

Other Matters:

Access for sea defence maintenance and Harbour Access

The rock revetment and all sea defences south of Sovereign Harbour's southern harbour arm are the responsibility of Eastbourne Borough Council.

However, once the beach passes the most easterly Eastbourne groyne (No.94, approximately in the centre of Site 1) the shingle "belongs" to the Environment Agency. Because the harbour entrance prevents natural movement of sediment from Langney into Pevensey Bay, any shingle that builds up to the west of the harbour entrance has to be mechanically bypassed around the harbour and placed on the eastern side. There is an obligation to remove shingle from the harbour arm before it has the chance to get into the harbour entrance channel, so there are no specific timings for when the work will occur, however the Council has placed restrictions that only allow shingle to be moved between 1st October and 31st March each year.

To enable these works access to and across Site 1, wide enough to accommodate at least two lorries is needed as far as the Martello Tower, where sufficient space must be available to allow each lorry to turn and then reverse to the end of the southern harbour arm where it will be loaded by an excavator.

It should also be noted that periodically, shingle has to be removed from the inside of the outer harbour. This is because the rock harbour arms allow shingle to pass through/over them during storms. Subsequent easterly/southerly waves then push this material towards the lock gates ultimately with the potential to block them. This operation, the responsibility of Premier Marinas has to be undertaken at least every two or three years.

Meetings have taken place between all parties, The Applicant, Council, Environmental Agency and Premier Marinas during shingle movement works to assess how the proposed buildings will impact on the future operations within Site 1. Whilst the development of the Western side of Site 1 will

impact on how works are undertaken, care has been taken to ensure all development and planting is to the western edge allowing sufficient room to the east of the site for EA access and turning of vehicles.

These works would likely have significant impacts on future residents given the close proximity, however any buyers would be aware of the legal agreements in place which allow the EA access over the land and given the limited times these operations actually occur it is not considered that permission could be refused on the basis of the impact on future residents from these sea defence operations.

The re-use of the Martello Tower

The applicant has agreed to a condition requiring utility service points and connection routes to be provided to serve the Martello Tower and to be installed prior to the first occupation of the northern apartment block, this will enable the actual connections for utilities to be made once a new user of the Tower is confirmed as this would define the type of connections required. It is considered that these works in and of themselves would not be a significant intervention sufficient to mitigate this building which currently sits on the 'Building at Risk' register.

In this regard it is considered that via a S106 legal agreement details of how the building (Martello Tower) shall be refurbished sufficient for a commercial use shall be submitted to and approved in writing by the Local Planning Authority and that the works (to facilitate the refurbishment) shall be fully implemented prior to the completion of the 50% (36 units) of the residential units hereby approved

Whilst not strictly an enhancement of the historic setting of the tower, the improvements to the public realm, enhancing public access and providing interpretation of the tower would enhance appreciation of the tower and perhaps create opportunities for its sustainable re-use. The details and refurbishment as required by the S106 Legal Agreement shall enhance the potential for a new users/occupier of the building and thereby increasing its long term retention/viability.

The Water Feature

Comments have been received that new owners should be required to contribute to the ongoing maintenance of the water feature. It is not considered that this is something that can be required through this planning process.

The Community Centre

The original outline permission for the development of sites across the harbour included the provision of a Community Centre on Site 5. There are no linkages between the development of this site and site 5.

Considerable works have been ongoing in relation to the commencement of development of this site, including extensive ground work analysis in terms of contamination of the site. This is ongoing. The delivery of the community centre is controlled by the S106 agreement.

Discharge of Conditions:

12 Details of boundary treatments

Highways confirm that the boundary treatment at the edge of Martinique Way is acceptable as it will be a low wall (600mm high) which will allow adequate visibility of pedestrians and vehicles when exiting the driveways. In principle this is acceptable, but in order to discharge the condition we would require details of materials and visual appearance of this wall and railings. Therefore this condition is not discharged at this time.

13 Details of hard and soft landscaping proposals

As outlined already within this report there are specific details that have yet to be submitted in addition there is an absence of information in relation of the retention and protection of existing vegetated shingle during the construction period rather than relying on removal, storage and replacement and as such there this condition cannot be discharged.

Highways have confirmed that as the site is to remain private the paving materials are at the applicant's discretion from the Highway Authority's point of view. It is noted that the soft landscaping includes trees in the front gardens of the houses, these trees have been positioned further back following comments from ESCC Highways.

15 details of measures to limit habitat enrichment and encroachment

Whilst the details in the details submitted are broadly acceptable in principle, there remains an absence of information as to how the scheme will mitigate the encroachment of soft landscaping into areas of the site where it is not desired (play space, compacted shingle drive).

Therefore this condition is not discharged at this time.

16 Landscaping details to include species and size of any hedging and trees

Details submitted are acceptable to ESCC Highways and Specialist Advisor for Arboriculture therefore condition can be discharged.

19 Layout details shall provide for future maintenance access

An access from the Southern Water controlled roundabout will be maintained, although altered, as part of this proposal which will provide maintenance access for the Sea wall and Harbour defences. The Environment Agency and ESCC Highways have confirmed they do not object to this proposal, therefore this condition can be discharged.

22 Details of storage of domestic waste and recycling and access to those stores for collection vehicles

Storage of domestic waste and recycling is shown within the rear gardens of the houses, and at lower ground floor levels in bin stores for the apartment buildings. A vehicle tracking plan has been submitted which shows that a large refuse vehicle can enter the site, turn and exit in a forward gear which is acceptable. Therefore the details submitted are considered acceptable and the condition can be discharged.

24 Construction of estate roads

The applicant has confirmed that the road within the site will not be offered for adoption as public highway. This condition can therefore be discharged as it will not apply. It should be noted that the decision on whether or not to offer roads for adoption by the Highway Authority is entirely at the discretion of the developer. Local Authorities do not have the power to insist that roads are adopted.

28 Details of vehicles parking areas

A total of 176 spaces are proposed throughout the site. Each House has at least 2 off street parking spaces, 2 spaces would be allocated to each 3 & 4 bedroom flat and 1 to each 2 bed flat.

This level of parking provision is in line with ESCC expectations for allocated parking. A total of 44 unallocated spaces for extra residential and visitor use are also proposed for the apartment blocks and to the proposed new private road off Martinique Way.

The ESCC parking calculator suggests that for the flats 147 spaces should be provided while the proposal provides 146. The lack of 1 space will not create a significant issue and is therefore acceptable.

It should also be noted that the parking calculator uses Sovereign Ward census data and therefore a higher level of parking is required here as car ownership within this ward is higher than adjoining wards. This level of parking is acceptable and therefore the condition can be discharged.

29 Details of cycle parking areas

The level of cycle parking proposed is in excess of that required by ESCC guidance. It is also covered and secure so suitable for long term use and therefore this condition can be discharged.

39 Two thirds of the site to remain for public open space

It is considered that based on the drawings submitted with this application the proposed development shows that two thirds of the site does remain for public open space to the east of the site. It is therefore considered that the development accords with this condition

40 Residential development shall not exceed 72 residential dwellings

It is considered that based on the drawings submitted with this application the proposed development shows that 72 residential units are to be provided and therefore meets the requirement of this condition.

41 Pedestrian and Cycle Linkages

Access to the rear of the site (landward side):- The submitted plan shows for the majority of the site that a shared surface arrangement which would be used to cater for vehicular, pedestrian and cycle use without separate foot or cycle ways.

A vehicle control system is proposed (off/from Martinique Way) which would limit the number of vehicles in the site and the layout, size and surface materials in the development would keep vehicle speeds low.

At the eastern end of the site a ramped DDA compliant footway would be provided to link to the harbour walkway. This design accords with the Manual for Streets guidance on Shared Space and is therefore acceptable. At the entrance to the site there is not currently a dropped kerb and tactile paving in place across the junction. The applicant has indicated they will install this. Also any pedestrian entering the site from Martinique Way would need to do so at the junction. As the new street from Martinique Way is to remain private, and therefore not adopted highway there would not be a right for pedestrians and cyclist to travel through the site. In order to ensure as much permeability of the area as possible a condition is suggested below to ensure access is provided through the site once complete.

It is considered that the connection from the existing promenade across the site and linking to the existing Harbour Walkway would provide enhanced connectivity to/through the site.

Therefore this condition can be discharged.

47 Details of turning space for vehicles

A large refuse vehicle can turn within the site so it can exit in a forward gear. This would cater for the largest vehicle likely to enter the site once constructed. Therefore this condition can be discharged.

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.

Conclusion:

The proposal in terms of the design and scale of the buildings, the proposed materials, the layout, access and the landscaping (subject to further details) are considered acceptable given the context of the site.

The proposal is considered in line with the approved parameter plans of the Outline permission and the Sovereign Harbour SPD and it is therefore recommended that the reserved matters application is approved, and the conditions are determined as outlined above.

Recommendation: To approve the reserved matters application subject to the following conditions subject to a S106 agreement:-

The Heads of Terms for the S106 to cover:-

- ESCC to secure a financial contribution of £10,000 for a parking review
- implementation of any restrictions/issues arising from the parking review
- Submit prior to the commencement of any (above ground) development details of the refurbishment and services provision to the Martello Tower
- Details of the refurbishment and services provision to the Martello Tower shall be fully implemented prior to the sale/first occupation of the 36th residential unit.

Conditions:

1. Highways – Accesses for houses
2. Highways – shared space shall be available for pedestrians and cycle access
3. No plant or machinery to be installed to roofs of any houses or flats.
4. Approved drawings
5. Prior to the first occupation of any of the residential unit hereby approved a plan shall be submitted identifying residential demarcation (assigned plot boundaries). This plan shall endorse that the residential demarcation shall end at the seaward end of the proposed decking.
6. The soft landscaping hereby approved shall be implemented in full prior to the first occupation of phase of the development to which it relates. The soft landscaping as implemented shall be protected (Barrier fencing) from the construction of later phases of the development.
7. Once implemented the soft landscaping areas to the seaward side of the development (outside of the residential demarcation zone) shall be maintained by the applicant (or a management company assigned by them) and at no time shall the areas be supplemented (planted) by species selected by the home owner

Informatives:

Highways – need for a licence for construction of accesses.

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**.

Agenda Item 10

App.No: 160007	Decision Due Date: 3 March 2016	Ward: Sovereign
Officer: Anna Clare	Site visit date: 12 February 2016	Type: Planning Permission
Site Notice(s) Expiry date: 30 January 2016 Neighbour Con Expiry: 2 February 2016 Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: Site 1, Access Spur, Martinique Way, Eastbourne		
Proposal: Proposed amendments to the roundabout access spur into Site 1, off Martinique Way, Sovereign Harbour, Eastbourne.		
Applicant: Mr BRIAN GROVE		
Recommendation: Grant planning permission subject to conditions		

Executive Summary:

The application proposes alterations to the access and adjacent pavement at the southern vehicular access point to Site 1 Sovereign Harbour to improve the access.

The works are considered to improve the street scene and visual appearance of this section of Site 1 and are therefore supported. It is recommended that Planning Permission be granted.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D1: Sustainable Development
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT4: Visual Amenity

UHT7: Landscaping

HO20: Residential Amenity

TR6: Facilities for cyclists

TR7: Provision for Pedestrians

Site Description:

Site 1 sits adjacent to the seaward Harbour entrance, and adjacent to the junction between Prince William Parade, Atlantic Drive and Martinique Way. At present it includes shingle and self-vegetated open land. Whilst in private ownership public access to the site has been maintained from both the southern and northern ends of the site.

The application relates to the existing access spur to the southern end of Site 1 from the Southern Water roundabout.

Relevant Planning History:

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:

Site 1 - up to 72 dwellings and access

Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, 1 and D13,600sqm)

Site 5 - Community use (800sqm)

Site 6 - Employment and office uses (B1 up to 15,000sq m)

Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)

Granted 02/12/14

Proposed development:

The application proposes minor alterations to the existing access spur from the Southern Water Roundabout to Site 1. These include, the removal of the pedestrian island, and narrowing the access to just over 4m in width, and alterations to the pavement, tactile paving and curb line.

Consultations:

East Sussex County Council Highway

Raise no objection to the application, some minor amendments to the tactile paving were requested and have been shown on revised drawings.

Southern Water

No comments received

Environment Agency

Have raised no objection to the application; however they will require access through the lockable barriers to provide maintenance or emergency works.

Neighbour Representations:

No neighbour comments have been received to this application.

Appraisal:

Principle of development:

The spur was originally designed to cater for potentially large scale development within site 1 and as such provides for an in and out arrangement with a dividing island for pedestrians. The access is now however only required for limited maintenance vehicles primarily the Environment Agency and for access to the Martello Tower. At all other times, the access is gated and locked to prevent general vehicle access to the site.

As access for the proposed residential properties is to be from Martinique Way this access spur can be reconfigured and improved so as it provides the necessary access for vehicles but with an improved crossing and visual appearance.

The removal of the pedestrian island and narrowing to a single access will improve the visual appearance and dominance of this access spur on the landscaping and general appearance of Site 1 and is therefore considered acceptable.

The removal of the access gates and instead the use of bollards to prevent unauthorised access is welcomed as this will provide greater usability of the site and improve pedestrian access from the existing end of the promenade.

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.

Conclusion:

The proposal is welcomed in terms of the greater landscaping, visual appearance and usability of site 1. The removal of the bulky gates will improve the appearance and the perception of the open public space when approaching from the end of the seafront promenade.

The simplified crossing will be an improvement for pedestrians and is therefore considered acceptable.

Recommendation:

Grant planning permission.

Conditions:

1. Time for commencement
2. Approved drawings
3. The works hereby approved shall be implemented in accordance with the details hereby approved before the substantial completion of any of the residential units approved under reserved matter application 151056.

Informatives:

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**.

Agenda Item 11

App.No: 160009	Decision Due Date: 3 March 2016	Ward: Sovereign
Officer: Anna Clare	Site visit date: 12 February 2016	Type: Outline (all reserved)
Site Notice(s) Expiry date: 31 January 2016 Neighbour Con Expiry: 2 February 2016 Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: Site 1, Martinique Way, Eastbourne		
Proposal: Application for outline planning permission (all matters reserved) for proposed location of equipped play zone linked with the development of Site 1 Sovereign Harbour.		
Applicant: Mr BRIAN GROVE		
Recommendation: Grant outline planning permission subject to conditions and legal agreement to ensure delivery of the play space linked to the delivery of Site 1.		

Executive Summary:

The S106 attached to the Outline permission for the development of Site 1 requires that play space be provided on Site 1.

The proposed landscaping plan for the Reserved Matters application (reported elsewhere on this agenda) shows that play space can be provided within the site to meet the requirements of the S106. However, this application proposes the provision of play space instead to a section of land immediately to the south of Site 1 adjacent to the Promenade Walkway.

This location is considered a preferred option to that within Site 1 as it is a larger area and has the potential to provide a more comprehensive play environment. The proposed location given the distance to the proposed residential units would have a more neighbourly relationship

And any noise impacts are likely to be mitigated by the distance involved.

The site retains public visibility given its location and proximity to the promenade and as such safety issues are retained in this new location.

The location of the new play space does not impact upon the pedestrian use

of the promenade, nor would it impact upon the accessibility into and across Site 1.

Therefore it is recommended that the application for the alternative layout is supported and outline planning permission granted subject to variances to the S106 agreement to cover the delivery of the new play space.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT4: Visual Amenity
- UHT7: Landscaping
- HO20: Residential Amenity
- TR6: Facilities for cyclists
- TR7: Provision for Pedestrians

Site Description:

The application site relates to a section of shingle adjacent to the existing promenade end and Site 1.

To the west of the site there are existing residential properties, this adjoining boundary forms an unfinished built edge, which reflects the fact that the development of Site 1 has formed a long established part of the overall masterplan for this part of the Harbour.

Relevant Planning History:

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:

Site 1 - up to 72 dwellings and access

Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, 1 and D13,600sqm)

Site 5 - Community use (800sqm)

Site 6 - Employment and office uses (B1 up to 15,000sq m)

Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)
Granted 02/12/14

Proposed development:

The application relates to the proposed location of play space in association with the development of Site 1 Sovereign Harbour. This application proposes play space adjacent to the end of the promenade walkway south of Site 1.

The specific details of the play equipment does not form part of this application, consent is sought only for the principle and location of the proposed use.

Consultations:

Parks & Gardens

No objections subject to mutually acceptable play equipment:-

Using EBC's Outdoor Playing Space Provision Supplementary Planning Guidance 1999 which follows the National Playing Fields Association's (NPFPA) categories of play, we would be looking at introducing a Local Equipped Area for Play (LEAP) which should provide an activity zone of at least 400m2 and 5 x types of play equipment within the site.

Having looked at the site today, I would be very apprehensive about not enclosing the site with railings, due to the very close proximity of the sea at high tide and the large numbers of dogs that are let off their leads to exercise on the adjacent shingle/ beach. There is also the adjacent cycle way to consider.

All the Councils play areas within Eastbourne meet European legislation and are inspected, independently, by RoSPA (Royal Society for the Prevention of Accidents) each year so we would need both the equipment and the associated safer surface to meet current legislation to protect the Council against future claims.

Specialist Advisor Engineering

The only concern I have is that access to the rock revetment for maintenance purposes should not be hindered. If any rocks became displaced we would need to be able to reposition them.

Ideally there should be an access strip 5 metre wide seaward of the play space to enable this. However, if necessary this could potentially be done from the beach.

Southern Water

Raise no objection in principle to the application in Principle

Sovereign Harbour Residents Association have made no comments on the application

Neighbour Representations:

Two general observations have been received to the application in relation to equalities and whether the play area will serve disabled children with relevant specialist equipment, that the area will not be a through route for pedestrians, and that the area is overlooked to prevent antisocial behaviour. 1 further objection was received about the development of Site 1 in general rather than the provision or location of playspace.

Appraisal:

Principle of development:

The principle of the development of site 1 was agreed by the Original outline planning permission. The S106 agreement accompanying this permission required the provision for play space at Site 1. The type and level of play space would need to meet the requirements set out in our Outdoor Play Space Provision Supplementary Planning Guidance 1999.

Provision/Amount of Play Space

EBC's standard is made up from part of the National Playing Fields Association's (NPFA) minimum standard for outdoor playing space requirements and part of the Sports Council's standards. These are both based on acreage per thousand population.

The type of play space provided would depend on the space available and the proximity of house boundary. As set out in the SPG an area 100m² to 400m² would provide a Local Area for Play (LAP) which in character would be a small low key games area with 'demonstrative' play features. This would require a buffer, distance from house boundary of 5m. This was agreed to be provided within the boundaries of Site 1 (130m² between the two access paths at the south of the site).

This application proposes a new location outside of Site 1 but remaining linked to it via an amended S106. This revised application site is larger in area (700m²) than that previously agreed and sited in a more distant location from existing and proposed dwellings as such it has the potential to provide a larger and more comprehensive play area. An area 400m² to 3600m² could provide a Local Equipped Area for Play (LEAP) which in character would be about 5 types of equipment and/or with games area. A LEAP would require a buffer of 20m from house boundaries.

The precise detailing of the equipment is subject to the necessary ROSPA assessments and funding from the participating bodies (the applicant/EBC).

Delivery/Maintenance of the Play Space

In either option the S106 agreement provides the option for the developer of delivering and maintaining the control of the play space, or offering to the Council for delivery and/or adoption following delivery by the Developer. For the Council to take on the Play Space it would have to meet the requirement of the Supplementary Planning Guidance in terms of provision of equipment.

Benefits of Location of Play Space Outside Site 1

There are a number of benefits to the location of the play space in the alternative location.

1. The improved permeability and landscaping to Site 1.
2. Overlooking/passive surveillance
3. Reduced impact on residential properties
4. Ability to provide a larger area and therefore better quality of equipment/play

Improved Permeability

The location of play space adjacent to the access from the promenade is considered to hinder the access and the visual draw of people into the site and towards the destination point of the Martello Tower.

Overlooking/Passive Surveillance

It is considered that the alternative proposed site outside of Site 1 is still overlooked, if not more so by users of the promenade and from the adjacent roadway.

Impact on Amenity of Residential Properties

The proposed location within Site 1 is set back from the residential houses by approximately 19-20m (approx. 20m buffer), which is not considered ideal in terms of impact on the amenity of these occupiers. This buffer would however meet the requirements of the SPD in terms of the provision of a LAP.

Delivery of Playspace/type of equipment

The application is for outline planning permission, for the principle of the location of the play space. Therefore details have not been submitted in relation to the types/size of play equipment.

Conclusion:

Whilst the Reserved Matters plan can provide an area of Play and meet the requirements of the S106. For the reasons set out above it is considered the alternative location would provide a better location in terms of space and therefore the quality of the play space provided.

Locating the play space adjacent to the promenade will allow for greater permeability within site 1, a larger play space area, and will have less impact on the future occupiers of the adjacent houses.

It is considered in this proposed location the play space would be overlooked sufficiently by users of the public open space, promenade and from the public roads surrounding and would link the end of the promenade with Site 1.

The Design Review Panel and Officers felt that the play space should be natural and informal, without barriers and hardstanding. However this is not possible as certain standards have to be met in terms of safety. So a more formal play space will be required to meet the appropriate regulations. Given a more formal play space will be required it is considered the most appropriate location is outside of site 1 to ensure the landscaping and access of site 1 is maintained/enhanced.

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.

Recommendation: Grant outline planning permission subject to the following conditions and also subject to revisions to existing S106 agreement to control the delivery and ownership of the play space.

Conditions:

1. Submission of reserved matters
2. Time frame for commencement
3. Details of layout shall include details of equipment and materials of surfacing and railings.

Agenda Item 12

App.No: 151192 (VCO)	Decision Due Date: 31 December 2015	Ward: Old Town
Officer: Leigh Palmer	Site visit date:	Type: Variation of Condition
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 04/12/2015		
Press Notice(s): N/A		
Over 8/13 week reason: Over 8 weeks given the committee schedule		
Location: 2 Upwick Road, Eastbourne		
Proposal: Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road.		
Applicant: Mr HENRY GOACHER		
Recommendation: Approve the details.		

Executive Summary:-

This application was reported to Planning Committee in February 2016 (previous report appended below) and proposed the retention of the relocated pumping chamber. Members resolved to defer determination of this item in order that officers could seek clarification from the developer in terms of the foul sewer connection to Upwick Road. Members view was that the sewer connection should follow that previously approved by the appeal Inspector and by Eastbourne Borough Council via the discharge of conditions..

The developer has heeded the advice of members and has re-dug a new sewer trench/line such that the connections now accord with the approved details.

Officers Comments:-

At the February committee additional representation were received regarding the location of the pump switch cabinet. Officers consider the pump chamber to be sited in an appropriate location and issues of noise and smells have been satisfactory dealt with by the applicant. Given this there are no substantive reasons not to issue the consent.

Recommendation:-

Approve the details and discharge the condition.

February Committee in full below

Executive Summary:-

This application was reported to Planning Committee in January 2016 (previous report appended below) and proposed a sewer connection from this development site into an existing sewer in Dillingburgh Road. Members resolved to refuse this application.

The application has now been amended and now proposes the deletion of the connection to Dillingburgh Road and promotes the foul water disposal via a pumped system direct from the site into Upwick Road. The application also proposes a revised location for the pumping chamber (already in situ) than that previously agreed.

Officers comments:-

It is considered that the proposals now promote a more site specific sustainable solution without impacting upon the existing drainage situation for the residents that abut the site.

The proposed revised location of the pumping chamber is due in part to advice received from Building Control whereby the agreed location and the depth of excavation required to install the chamber was such that it would likely impact upon the structural integrity of the foundations of the new property. The new location overcomes this risk.

The new location has resulted in a modest reduction in the available plot (rear garden) at No 2 Upwick Road, officers understand that this plot is owned by the developer, notwithstanding this reduction in garden area there remains an appropriate size of plot to meet the needs of the occupiers of this property.

In conclusion:- The revisions to the scheme have overcome concerns previously raised and will ensure that any issues in relation to the drainage of the site will be controlled and maintained by the developer and future occupiers of the development.

Recommendation:- Approve the details.

January Committee Report

This development site has approval for foul water connections to the main sewer in Upwick Road, this application proposes an alternative connection route.

The applicants are now seeking approval for the foul water sewer from the development site could connect to the existing sewer run to the rear of the properties in Dillingburgh Road.

The application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections.

The applicants have outlined that the sewer from the site and also the existing sewer to the rear of the properties in Dillingburgh Road are to be adopted as 'public sewers' however at the time of writing there has been nothing in writing from Southern water to confirm/support this position.

In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area apart from claiming that as a public sewers they will be controlled by Southern Water.

In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

- B1 – Spatial, Development, Strategy and Distribution
- B2 – Creating Sustainable Neighbourhoods
- C4 – Old Town Neighbourhood Policy
- D5 – Housing
- D10a - Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1 - Design of New Development
- UHT2 - Height of Buildings
- UHT4 - Visual Amenity
- HO1 - Residential Development within the Existing Built-Up Area
- HO6 - Infill Development
- HO20 - Residential Amenity

Site Description:

The application site is a backland site to the rear of 2 storey inter-war detached and semi-detached properties at nos. 2-8 Upwick Road, 18-34 Longland Road, 1-25 Dillingburgh Road and 25-29 Dacre Road. The rear gardens to these properties have relatively long back gardens

The site is accessed via a service road to the east side of nos. 2-4 Upwick Road which is a semi-detached building containing two flats (2 and 4 Upwick Road).

The site is currently being redeveloped to provide six dwelling houses where previously the site was occupied by twenty-three garages arranged in two rows and the access is from Upwick Road.

Relevant Planning History:

100066 Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments the vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.

Planning Permission Refused 20/05/2010

110194

Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front

Planning Permission Refused 18/07/2011 & Allowed on Appeal 07/03/2013

120699

Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 No. 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.

Planning Permission Refused 20/03/2013 Allowed on Appeal 11/12/2013

140155

Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)). Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).

Granted 14/05/2014

140868 Application for approval of details reserved by condition No.10 (details of steps) of permission EB/2012/0753(FP).

Approval of condition Approved 06/08/2014

141312

Variation of condition 2 of planning permission EB/2011/0193(FP) for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013).

Granted 06/02/2015

Proposed development:

This application seeks to vary the details for foul water disposal from this new development site.

Members will be aware that the principle of redevelopment was allowed on appeal and that the foul and surface water disposal from the site has previously been agreed .

The agreed routing for the foul sewer was under the proposed driveway of the new development connecting to the existing main sewer in the main highway (Upwick Road).

This application seeks to vary this routing and proposes to connect to the an existing drain run to the rear of the properties in Dillingburgh Road.

The applicants outline that this scheme/option is beneficial given that the foul connection if made through to Dillingburgh Road would be gravity fed and save for the need for a pump if to be served from wholly within the application site.

Consultations:

Internal: N/A

External:

Southern Water Services Ltd have responded to the pre-application approaches from the applicant:-If a new inspection chamber is required then no consent can be issued until relevant fees are paid.

Neighbour Representations:

32 local residents have been consulted on this application and as a result of this consultation 2 objections have been received and cover the following points:

Too much volume coming through the pipes

Using neighbours pipe is a cheaper option.

No CCTV of exiting drain to confirm suitability and longevity of the connection, especially given the proximity of trees and shrubs and that the existing drains are more than 100 years old.

Who will pay for ongoing maintenance if there is a leak or blockage.

Appraisal:

Principle of development:

The principle of residential redevelopment of the site has been accepted at appeal with the most recent consent by members of planning committee at planning committee in February 2015.

Scheme has an approved foul and surface water connection, the existence of this approval does not prohibit the exploration of alternative options as each application/submission is determined on the merits of the case at hand.

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

The only impacts upon the occupiers of the neighbouring properties would be if the drain fails and or blocks causing potential flooding / capacity issues. If this were to happen it could potentially affect a wider area than just the properties in the immediate vicinity of the site.

The applicant has not supplied any CCTV data to demonstrate the suitability of the existing drainage run.

The applicant has not offered any mechanism within this application to cover or mitigate this issue; which could have been a legal agreement, a financial bond to cover future works and or an upgrade of the existing sewer from its connection to the rear of the properties in Dillingburgh Road through to its connection with the main highway sewer.

In the absence of this information it is considered more appropriate if the development would be implemented in accordance with the approved details; hence under the existing driveway access to the site.

Design issues:

The applicant claims that the proposed connections will be fit for purpose and as such there are no design issues.

Given the nature of the proposal there are no above ground design issues.

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.

Recommendation:

Refuse the details:-

The application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections. In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area, nor provide details that the sewers will be adopted as 'public sewer' by the appropriate statutory undertaker. In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties by reason of localised flooding and blockages of the local sewer network.

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**.

Agenda Item 13

Body: Planning Committee
Date: **1 March 2016**
Subject: **Tree Preservation Order - Land at 63 Carlisle Road, Eastbourne**
No. 176 (2016)
Report Of: Senior Head of Community
Ward(s) **Meads**
Purpose **This report seeks confirmation of a Tree Preservation Order.**
Contact: Jane Sabin, Specialist Advisor (Planning) Customer First on telephone number 01323 415212 or internally on extension 5212.
E-mail address: jane.sabin@eastbourne.gov.uk

Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land at 63 Carlisle Road, Eastbourne, East Sussex) No.176 (2016) be confirmed without modification as follows.

1. Introduction

1.1 On 17 November 2015 the Senior Specialist Advisor (Planning) exercised his delegated powers and authorised the making of a tree preservation order in respect of trees on the above land. The trees are five Quercus ilex (Holm oak).

The Senior Specialist Advisor (Planning) took this action because a section 111 notification had been received to fell some of the trees, which make a significant contribution to the visual amenity of the area.

The Order was made on 19 November 2015 (A copy of the Order plan is attached).

1.2 The Order will continue in force until the expiration of a period of six months from the making of the Order or the date on which the Order is confirmed, whichever first occurs.

2. Confirmation Procedure

The Committee must now decide whether to confirm the Order. The Committee may:

- confirm an Order without modification or subject to such modification as it considers it expedient; or
- decline to confirm the Order, in which case it lapses.

Before making a decision the Committee must take into account any objections or representations made within the prescribed period.

3. Consultations

3.1 Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.

- 3.2 The following is a summary of the representations and objections received together with the response of officers.

Representation/Objection

From the owner of Flat 2, 63 Carlisle Road, who considers that her flat is adversely affected by T1, T2 and T3. Whilst the benefit of trees is appreciated, it is questioned how these trees provide any significant amenity benefit to this particular area whatsoever. The trees shed leaves all year round and constantly litter cars and pavements with leaves, presenting a danger to pedestrians. It is not reasonable to expect owners of property to be constantly subjected to the cost of maintaining such enormous trees unduly or be liable for potential accidents.

The trees block out sunlight to the building, in particular the basement and first floor, and cause constant blocked drains, resulting in the flooding of the property. Blocked drains because of excessive leaves are a contributing cause; lack of sunlight and excess water are causing damp to the internal walls of the flat. The roots must also be huge and extend below ground over a considerable area, and may be contributing to the damp. The flat has been treated for damp on a number of occasions, but continues to seep through within days/weeks. The trees should be removed or reduced considerably at the soonest opportunity, not protected. It is ridiculous to suggest the trees are of benefit to local area; they are unsightly and unnecessary, and expensive to maintain. The flat is now damp and dismal. The preservation of trees should not take precedence over encouraging a property to fall into a situation where one is prevented from living in it due to damp and drain blockage. The drainage for the flat is being looked at but regardless of this the trees are still a great problem for the property.

Officers Response

The Specialist Advisor (Arboriculture) assessed the trees using the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, which is a method tested in the courts to ascertain whether trees are suitable for protection by a Tree Preservation Order. The trees are entirely visible from a public place, and make a significant contribution to the visual amenity of the area; they continue the line of protected trees situated in the adjoining property (Whittington Lodge) which are covered by Tree Preservation Order 142. The section 211 notice received provided no evidence to support the claim that the trees are the cause of damp. The only option available to the Council to prevent the felling of the trees is to make a Tree Preservation Order. No evidence has been submitted with the objection. The issue of damp may not be related to the trees, since trees tend to reduce damp rather than be the cause; leaf fall can be addressed by manual methods (sweeping and/or using guards), and is not a substantive reason to fell trees.

4. Resource Implications

4.1 Financial

There are none.

4.2 Staffing

There are none.

5. Environmental Implications

The confirmation of the Order will ensure the protection of the trees, which make a significant contribution to the visual amenity of the area.

6. Legal Implications

The Council has the power to make and confirm a tree preservation order under S.198 of the Town and County Planning Act 1990. The procedure to be followed is contained in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

7. Human Rights

Whilst the owners have the right to the peaceful enjoyment of their property, the Council have the right to make the Order to preserve and protect the visual amenity to which the trees make a significant contribution.

8. Conclusion and Recommendation

- 8.1 The trees make a significant contribution to the visual amenity of the area. It is therefore recommend that the Tree Preservation Order be confirmed without modification.

IAN FITZPATRICK
SENIOR HEAD OF COMMUNITY

Background Papers:

The Background Papers used in compiling this report can be found on files:
004509EBC-DF
TPO 176

