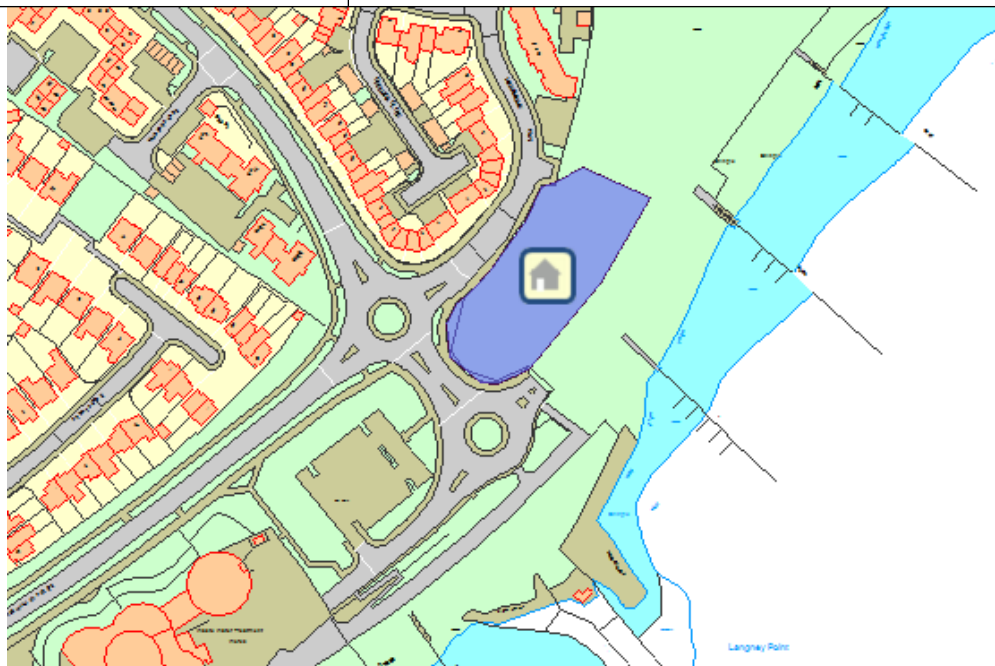


App.No: 190932	Decision Due Date: 6 March 2020	Ward: Sovereign
Officer: Anna Clare	Site visit date: 9 March 2020	Type: Variation of Condition
Site Notice(s) Expiry date: 14 February 2020		
Neighbour Con Expiry: 14 February 2020		
Press Notice(s): n/a		
Over 8/13 week reason: To negotiate amendments and to bring before committee		
Location: Site 1 off Martinique Way, Martinique Way, Eastbourne		
Proposal: Variation of condition 4 of Reserved Matters (Ref:151056) following grant of outline planning permission (Ref: 131002). Amendments are to detailed design of dwellinghouses, omit canopies over beachside terraces, reconfiguration of beach side decked terraces, provision of railings and automatic gates on Martinique Way frontages including south of Plot 1, paving and shingle finishes to beach access footways in place of timber boarding, privacy screen between terraces amendments to plot 1 boundaries and arrangement of beach side public open space.		
Applicant: Marlborough Homes Southern Ltd		
Recommendation: To delegate to the Head of Planning to grant the variation of condition on completion of the works to the access.		
Contact Officer(s):	Name: Anna Clare Post title: Specialist Advisor - Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	



1 Executive Summary

- 1.1 The development of the site was approved under the original outline consent for various sites across the harbour (Ref: 131002). A subsequent reserved matters permission granted consent for the development of Site 1 for 10 dwellings and 62 flats.
- 1.2 The dwellings have been completed but the development has not been carried out in accordance with the approved drawings. The application seeks to remedy the breaches of planning control by agreeing a new set of approved drawings and if approved then this will match the dwellings that have been built.
- 1.3 Negotiations have taken place and works undertaken to remove the works of main concern. The design of the buildings on balance is acceptable as set out in the report. The main concerns were regarding landscaping and the impact on the public open space of works the developer had carried out to the rear (beachside) these have subsequently been removed and a more appropriate landscaping scheme has been approved/implemented.
- 1.4 Therefore it is recommended that the variation of condition is granted.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

12. Achieving well-designed places

2.2 Eastbourne Core Strategy 2013

C14 Sovereign Harbour Neighbourhood Policy
D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of New Development
UHT4 Visual Amenity
UHT7 Landscaping

3 Site Description

- 3.1 The site is that previously referred to as 'Site 1 Sovereign Harbour'. Situated between Martinique Way and the Sea from the Southern Water treatment Works to the west to the Martello Tower to the East adjacent the Harbour. The site was previously granted planning permission for 72 dwellings, consisting of a row of 10 (5 x pairs of semi-detached properties) houses, and 62 flats contained in two blocks to the west of the site.
- 3.2 The 10 dwellings themselves have been completed at the site and are now referred to as White Point, however landscaping works are outstanding.
- 3.3 During construction it became evident that the dwellings themselves varied significantly from the approved plans, and landscaping works had been

undertaking outside of the approved drawings and plot boundaries varied significantly from that approved.

4 Relevant Planning History

4.1 151056
Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) 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.
Reserved Matters
Approved Conditionally
17/05/2016

4.2 131002
Outline Planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour.
Outline (all matters reserved)
Approved conditionally
02/12/2014

4.3 There are two other applications with the Council for consideration, listed below, it is considered neither of these applications can be considered until the principles of the variation have been determined:

190933
Installation of clear gazed balustrades to beach side terrace of 1-10 White Point.
Planning Permission

200101
Retrospective application for installation of hydrotherapy pool, additional decking, privacy screen and amendments to location of glass balustrade.

5 Proposed development

5.1 The application proposes to vary condition 4 of Reserved Matters granted 17 May 2017 (Ref: 151056) for the development of Site 1 Sovereign Harbour. The purpose of the variation is to:

1. amend the design of the dwellings as follows:
 - Omission of first and second floor handrails to terraces on Martinique Way Elevations;
 - Omission of downpipes, accent panels, side elevation feature windows to properties;
 - Omission of covered walkway, door and garages projecting features and overhang to rear (beachside) terraces;
 - Reconfiguration of rear (beachside) terraces
 - Omission of brick plinths to ground floor.

2. amend the landscaping of the scheme as follows:

- Provision of railings and automatic gates to Martinique Way frontages;
- Paving and shingle finishes to the beach access footways in place of approved timber boarding;
- Privacy screens between terraces;
- Amendments to boundaries of Plot 1;
- Amendment to the layout of Beachside landscaping/public open space.

6 Consultations

6.1 Environment Agency/PCDL

Object to the landscaping encroaching onto the access track and the lack of maintenance of the track.

7 Neighbour Representations

7.1 No.1 and 4 White Point have written in support of the application.

8 Appraisal

8.1 Principle of Development

8.1.1 The principle of the development is already established by the previous consents. This application can only consider whether the amendments/revisions to the approved scheme are acceptable.

8.2 Amendments to the design of the buildings

8.2.1 Each of the elements omitted in and of themselves are generally minor, however the concern is that the overall design concept has been lost by the omission of so many features. The walkway overhangs, door and garage projecting features and projections over the terraces amount to a very visually different row of buildings than were actually agreed.

8.2.2 However, if the development before us now was originally submitted it is unlikely that a refusal of the permission would have been substantiated. The loss of some features is unfortunate and results in buildings not to as high a standard as was originally wanted for such a prominent site. However on balance the dwellings as built are acceptable, the main material palette has not been changed and as such no objection is raised to the dwellings as built.

8.2.3 Balustrade screens to the edge of the decking are proposed under application 190933. This application also proposes privacy screens between the terraces which are considered acceptable, are glazed and will assist with providing privacy in a uniform manner to prevent occupiers from erecting their own inappropriate privacy screens.

8.3 Landscaping

8.3.1 The landscaping amendments are more visually prominent. The landscaping to

the site is very important given the location adjacent the public beach which is well used.

- 8.3.2 The works to the front of the properties, the installation of railings and automatic gates and railings to the side of Plot 1 all make the development more domesticated than the original design concept. The moving of the boundary of plot 1 out to the pavement edge has allowed for the installation of domestic paraphernalia and a degree of the 'beach' house design has been lost.
- 8.3.3 To the front elevation on Martinique way this is more acceptable as the beach views are limited and the domestic character does not look out of place as such. However to the beach side it is considered important to maintain the 'beach' house appearance, maintaining the concept that the properties are the edge of public open space.
- 8.3.4 Negotiations have taken place over the landscaping proposals, and the submission is now considered broadly acceptable. There are no physical boundaries between the houses and the public open space, the two are proposed to be separated by a raised shingle bund, which is planted with vegetation suitable to the shingle landscaping, and balustrade to the terraces proposed under application 190933. This provides some level of differentiation between the private properties and the public open space whilst not appearing domesticated or overly dominant or oppressive.
- 8.3.5 It is unfortunate that the developers/owners have taken to posting private property signs along the edge of the public open space, these are visually inappropriate and detract from the pleasant openness. Unfortunately they benefit from deemed consent under the advert regulations, the Council will consider if there are grounds to seek formal discontinuance of these signs as they are considered a proliferation of an unsightly addition totally inappropriate to the setting. It is also acknowledged that over time when the landscaping becomes more established and the terrace balconies (separate application on this agenda) are implemented that these signs may become redundant and therefore removed.

9 Human Rights Implications

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

- 10.1 To delegate to the Head of Planning to grant the variation of condition on completion of the works to the access.
- 10.2 If the works to the access are not completed within 3 months of the resolve to grant this permission then to refer back to planning committee with a recommendation to refuse permission.

Condition 4 will be amended to include the revised drawings as follows, the other conditions of the Reserved Matters consent will remain unchanged.

4. The development hereby permitted shall be carried out in accordance with the following approved drawing nos:

HPE850 PA 01
HPE850 PA 02C
HPE850 PA 03B
HPE850 PA 04A
HPE850 PA 05A
HPE850 PA 06B
HPE850 PA 07
HPE850 PA 08
HPE850 PA 09 - Flat Block Sections Only
HPE850 PA 10A House Plans
1551.105 Rev A House Rear and Side Elevation
1551.104 Rev A House Front and Side Elevation
1551.205 Rev A House Rear and Side Elevation
1551.304 Rev A House Front and Side Elevation
BIR4832 – 03 – 1 Illustrative Landscape Masterplan
BIR4832 – 05 - To apartment blocks only
BIR4832 – 06 C
BIR4832 – 07 B Soft Landscape Proposals- To apartment blocks only
BIR4832 – 08 A Soft Landscape proposals

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

11 Appeal

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.