

<b>App.No:</b> 130897	<b>Decision Due Date:</b> 09 April 2014	<b>Ward:</b> Ratton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 29 January 2014	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> 09 January 2014 <b>Neigh. Con Expiry:</b> 30 January 2014 <b>Weekly list Expiry:</b> 30 January 2014 <b>Press Notice(s):</b> 4 February 2014		
<b>Over 8/13 week reason:</b> Brought to Planning Committee within Statutory Expiry Date.		
<b>Location:</b> Land East Of Kings Drive, Kings Drive, Eastbourne		
<b>Proposal:</b> Application for approval of reserved matters (Details of the appearance and scale of buildings and landscaping of the site) following outline approval. (EB/2010/0003- Outline Planning Permission for 119 new Dwellings)		
<b>Applicant:</b> Bovis Homes Limited		
<b>Recommendation:</b> Grant permission subject to conditions and prior conclusion of a deed of variation to the Unilateral Undertaking in relation to the original outline planning permission granted on appeal.		

## Executive Summary

The application concerns the reserved matters in relation to the grant of Outline planning permission for the development of the site granted on appeal dated 27 October 2010; namely the appearance and scale of buildings, and landscaping of the site.

This application follows a previous refusal of reserved matters at Planning Committee in October 2013 on the grounds of design of the proposed buildings. The design of the proposed buildings has been amended following this refusal.

The proposed design of the buildings follows a 'design/appearance consultation event' where key design and appearance principles were debated. The revised scheme proposes a form of development in terms of its external detailing and materials that are considered acceptable and in keeping with the surrounding area; and the scale of the dwellings and the landscaping proposed respect the topography of the site and the important vista's towards Eastbourne Park.

## Relevant Planning Policies:

National Planning Policy Framework 2011

## 7. Requiring Good Design

### 11. Conserving and Enhancing the Natural Environment

#### Core Strategy Local Plan 2013 Policies

B2: Creating Sustainable Neighbourhoods

C5: Ocklynge and Rodmill Neighbourhood Policy

D1: Sustainable Development

D10A: Design

#### Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT6: Tree Planting

UHT7: Landscaping

UHT8: Protection of Amenity Space

UHT10: Design of Public Areas

HO20: Residential Amenity

TR5: Contributions to the Cycle Network

TR6: Facilities for Cyclists

#### **Site Description:**

The application site, covering approximately 3.24 hectares, is a greenfield site within the boundary of Eastbourne Park. It is bounded to the north and west by main routes into and out of the town, Kings Drive and Cross Levels Way and to the east by low lying open fields that form Eastbourne Park. It is broadly triangular in shape and comprises grazed grassland interspersed with trees and shrubs.

The topography of the site is such that it slopes from north west to south east and west to east, with the southern tip being approximately 4.5 metres below Kings Drive.

Beyond its immediate boundaries, the site lies at the edge of an established residential area which is characterised by a mix of building heights and varying house types, most set within spacious plots. Within this development the houses step down towards Kings Drive with groups of houses served by cul-de-sacs being interspersed by areas of open space which are locally known as 'green fingers'.

Although the area is predominantly residential to the south and west and open parkland to the east, other uses and facilities form part of the context of the area. For example Eastbourne District General Hospital (DGH) is to the north of the site and a parade of shops is located to the north west of the site in Framfield Way. There are existing bus stops adjacent to the site providing direct access into the town centre which is located some 1.5 kilometres south of the site.

#### **Relevant Planning History:**

There is extensive planning history relating to this site. This report will outline only the relevant history to this application.

Original Approved Scheme An application for outline planning permission dated 24 December 2009 related to the development of the site for 140 dwellings of which 42 would be affordable units (EB/2010/0003). This application was revised and dated 5 February 2010, following a requirement by the Environment Agency to provide an 8 metre wide buffer along the Lottbridge Sewer. This resulted in amendments to the layout in the southern part of the site and the loss of three dwellings and therefore relates to 137 dwellings of which 41 would be affordable units, plus associated access and parking, open space, play areas and allotments (Option A).

Following concerns expressed by the Case Officer and local residents, regarding the scale, impact and massing of the proposed four storey blocks of apartments in the northern part of the site, an alternative option for the northern part of the site was submitted with alternative drawings dated 7 April 2010, known as option B. This option reduced the apartment buildings 1 and 2 from 4 to 3 storeys thereby reducing the number of apartments and the total number of dwellings was reduced to 119.

This application was not determined within the statutory timeframe, and the Applicant chose to appeal to the Secretary of State on non-determination of the application. It was however noted that had the Council been able to determine the application, permission would have been refused on Option A on the grounds that the proposed development is contrary to the emerging Local Development Framework, Core Spatial Development Strategy; and that the height, scale, form and massing of the proposed two four-storey block of apartments on the northern part of the site would harm the appearance and character of the area and views towards Eastbourne Park, contrary to Policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan 2001-11. The Council would also have refused Option B for the sole reason that the proposed development is contrary to the emerging Local Development Framework, Core Spatial Development Strategy.

The appeal was determined following a Public Inquiry; the Inspector in his decision dated 27 October 2010 granted outline planning permission for Option B, for 119 dwellings, associated access and parking, open space, play areas and allotments with 35% affordable housing secured through a unilateral undertaking which also secured contributions towards archaeological display, bus stops, cycleway, household waste, pedestrian crossing, primary school places, real-time bus information, transport and a travel plan audit fee. Further contributions were required to be made to flood storage and flood mitigation.

Amended scheme: A further application was submitted in 2012 (EB/2012/0823) to amend the layout of the proposed development, and altered the proposal to include slightly more houses, introduced the Flats Over Garages to the proposal and moved the pumping station further from residential properties to the south of the site. This application was approved at Planning Committee on 21 May 2013.

Reserved Matters It was resolved to refuse a subsequent application for reserved matters pursuant to the outline planning permission (amended scheme) at planning committee on 1 October 2013 on the grounds of design.

**Proposed development:**

This application follows the previous granting on appeal of the outline planning permission and relates to the matters reserved by the previous consent, namely the

details of the appearance and scale of the buildings and landscaping of the site. This application follows a previously refused application for the reserved matters which was refused on the grounds of design of the proposed buildings.

Further to the previous consent for material amendments to the layout plan, a revised proposed site layout plan has been submitted in support of this application to incorporate two technical amendments which relate to minor alterations to the highways to take into account technical requirements for example parking standards and appropriate turning heads, and amendments to the pumping station size whilst the location remains as approved. These are very minor and have little if any impact on the overall development.

As the application is for the reserved matters following the grant of outline permission, the application can only be considered with regard to the appearance of the buildings and the landscaping of the site. Whilst it is acknowledged that there remains some opposition to the residential development on the site, the debate into the planning merits or otherwise of the principle of development cannot be reopened.

### **Consultations:**

A number of consultations were undertaken. Where responses were received comments are outlined below. Given the application is for reserved matters most consultees will have no further comments to make on the proposed development.

#### Internal:

##### Specialist Advisor Arboriculture

Agree with tree species, detailed location will be agreed by condition. Relocation of the cycle lane from the boundary is an improvement with regards to arboricultural impact and will ease pressure on the retained trees along the boundary.

##### Housing Services Manager

This proposal will help provide more homes in Eastbourne at a time when demand and need for new accommodation is growing. The additional homes provided will help reduce the risk of shortage of supply across the market contributing towards property price inflation and so help maintain Eastbourne's current status as an accessible housing market for many first time buyers.

##### Specialist Advisor Planning Policy

The application site, for the purposes of the Local Plan, is located within the Ocklynge and Rodmill neighbourhood and is a greenfield site, being a former housing allocation in the Eastbourne Borough Plan (2003), and is an identified site in the adopted Eastbourne Core Strategy Local Plan (2013).

The principle of the quantum of residential development on the site (119 dwellings) has been confirmed through the granting of planning permission at appeal in October 2010. Since this time, planning policy considerations have been developed further through the publication of the National Planning Policy Framework (NPPF) [2012] and the formal adoption of the Eastbourne Core Strategy Local Plan (known as the "Core Strategy") [February 2013]. These two policy documents provide strong planning policy support in favour of the application. The NPPF supports the proposed development by:

- ensuring that identified sites can be brought forward for development to meet the Council's 5 year housing land supply targets, and
- ensuring development is financially viable.

The Core Strategy further strengthens the proposal as the site is identified for development, and is in conformity with the Neighbourhood vision and policy (Policy C5) especially in relation to the 'creation of affordable housing'.

The application does not make any fundamental amendments that would change the principle of residential development, nor impact the overall level of market or affordable housing delivered. In conformity with the National Planning Policy Framework, the proposal would provide sustainable development and should be permitted.

#### External:

##### Local Highway Manager

The outline planning consent granted for this site included permission for the number of dwellings, access arrangements, number of parking spaces, and traffic movements and therefore these have not been considered as part of this response as they are already been approved.

At the time of the planning appeal for this site, a S106 was agreed and signed. This agreement included contributions payable to East Sussex County Council (ESCC) to cover a number of specific highway issues. The contributions included payments towards cycle routes, pedestrian crossing and bus stops, etc, which were to be put towards an ESCC scheme for the area.

As the implementation date for a scheme in this area is not clear at this time it is likely that this development (subject to the necessary planning consent), would commence before the scheme. In order to ensure adequate infrastructure to serve this development the developer should install a pedestrian crossing over Kings Drive and implement the necessary bus stop improvements as part of the off site highway works that will be carried out. This approach has been discussed and agreed in principle with the developer. This work would be in lieu of the equivalent contributions currently included in the S106 agreement. A deed of variation would therefore be required to make these changes.

##### County Archaeologist

Nothing further to add; recommendations remain from the outline planning permission.

##### County Ecologist

The proposal for 'green fingers' running through the site is welcome and this should be supported as this will help maintain wildlife connectivity. The design and access statement states that new planting will use species found naturally in the sussex area. The landscaping scheme should use species appropriate to the local area and conditions, of known benefit to wildlife. Species should be native and of local provenance where possible.

##### Southern Water

No objection to drainage layout.

Natural England

Make no specific comments on the proposals.

Sussex Police – Crime Prevention Design Officer

Is satisfied that the revised design and layout of this development will support the attributes of safe, sustainable places.

Neighbour Representations:

29 Objections have been received from surrounding residents which cover the following points:

- Increased traffic to Kings Drive and surrounding area
- Lack of parking and therefore impacts on surrounding areas
- Flooding
- Impact on the view
- Effect on social infrastructure (such as schools and hospitals)
- Energy and Climate change
- Biodiversity
- Density of housing not in keeping with area
- High density/low quality estate
- Size of dwellings proposed
- Design does not reflect surrounding area

Only objections based on the three issues to be assessed as part of this application can be taken into consideration. The principle of the development of the land for housing was assessed under the outline planning application which was approved on appeal by the Planning Inspectorate. Some of those neighbouring residents objecting, did so on the grounds that the design is out of keeping with the area and this is assessed below.

**Appraisal:**

This appraisal will look at each of the three issues to be assessed as part of the application in turn.

Design

The scheme is made up of apartment blocks, terraced houses and town houses. The most recurring house type is the town houses to the centre of the site, the composition of which have been designed to be simple and modern but with interesting elevational detailing.

The town houses are three storeys in height and are composed primarily of red brick with orange detailing interspersed with blue/grey coloured weatherboard cladding to relieve the brickwork and add texture. The roofs are hipped and made of reconstituted slate, with an accentuated key corner block at the end of prominent rows. The windows and doors are proposed to be white upvc, the doors with simple canopy hoods.

The flats above garages consist of living accommodation above open fronted garages. The appearance will be similar in style to the two storey terraced properties to the south of the site, mainly red brick in construction with orange detailing and some

weatherboarding at prominent positions. The roofs are hipped and tiles are proposed to be heather blend plain tiles.

The design of the apartment blocks to the north of the site, constitute the main changes to the scheme from the previously refused reserved matters application. These are proposed to be of a modern flat roof design, the height and flat roof design were actually approved at the outline planning permission stage. The exterior walls are proposed to be buff brickwork with bronze/brown cladding panels, glass balconies and entrance canopies.

The quality of the overall design of the buildings will come from the variation and colour of the key materials and the finer detailing. The rows of terraces are long so the design creates a balance of compositions that have an interesting and controlled rhythm in the dispersion of projections and key facing materials.

Saved Policy UHT1 of the Eastbourne Borough Plan states that development proposals will be required to harmonise with the appearance and character of the local environment. The Rodmill Estate to the west of the site whilst being fairly uniform is of no particular character, and is set back from Kings Drive. The site is visible from Kings Drive a major vehicular route into Eastbourne and the Rodmill roundabout and therefore the design of the proposed buildings is of great importance.

The Government attaches great importance to the design of the built environment. Paragraphs 56-58 of the NPPF state good design is a key aspect of sustainable development; and that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and will establish a strong sense of place.

The use of a variety of materials and controlled symmetry in the design of the facades of the buildings as they step down through the site gives a sense of uniformity and structure whilst maintaining important views through the site. The modern design of the apartment blocks and the proposed materials are considered acceptable and will harmonise with the appearance and character of the local area.

Given the design of the development is structured and has a sense of uniformity; it is proposed that the permitted development rights of the dwellings will be removed by condition. This would mean the Local Planning Authority would have more control over the type of development and alterations that could be undertaken to the properties after completion.

### Scale

The dwelling tenure is a mix of flats, terraced and end of terrace housing and flats over garages. Generally the scale is agreed within the outline permission. Given the topography of the site, whereby the north is higher than the south there is a need for the proposed development to respect and take account of the change in ground levels.

The scale of the proposed dwellings responds to the lie of the land by positioning the taller buildings towards Kings Drive and the hospital and stepping them down towards Eastbourne Park. The houses to the south of the site are two storeys in height

responding to the lower levels of this part; these houses would be predominantly hidden as the site is approximately 4 metres lower than Kings Drive at this point.

Saved Borough Plan Policy UHT1 requires the design of new development to be appropriate in scale and form, with the highest density appropriate to the locality, UHT2 requires the height of buildings to conform to most of the surroundings. The Inspector in his Decision dated 27 October 2010 in paragraph 52 stated;

*'This sloping site leads down to flat marshland; and the proposed two-storey development is most appropriate at the bottom end of the site. Three -storey development would occupy the middle and higher parts of the site, so it would follow the lie of the land.'*

### Landscaping

The proposed landscaping has responded to earlier concerns and is now more organic in terms of the siting/layout of the structural planting (trees and shrubs). This revised structural planting now supports this development site in providing a development that sits well on the transitional site between the Rodmill residential estate and Eastbourne Park.

The landscaping treatment aims to reflect the urban-fringe character of the site, whilst helping to integrate the site with the surroundings. The 'green fingers' onto which the town house terraces face follow through from the Rodmill Estate which has similar green corridors to the west of Kings Drive. The layout of the dwellings means the green fingers and open spaces are overlooked to maximise their potential with natural surveillance. The 'green fingers' also allow the continued view through to Eastbourne Park from Kings Drive which is in accordance with Saved Borough Plan Policy UHT4 which states development proposals will be judged having regard to their effect on visual amenity, specifically the effect on an important vista.

The Councils Specialist Advisor for Arboriculture has commented on the landscaping proposals. The applicant indicates the removal of nine trees in the interest of safety and the retention of nine trees, the plans do not indicate the root protection area required to ensure the protection of the trees during development; however this will form a condition to ensure the trees proposed to be retained survive. The loss of the existing trees will in the long term be compensated for by the new tree planting scheme.

The landscaping plan seeks to ensure a sufficient amount of tree and hedge planting for visual amenity whilst retaining important vistas across the site and eastern boundary over to Eastbourne Park.

### **Human Rights Implications:**

It is considered that the proposed development would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property. Furthermore the proposals will not result in any breach of the Equalities Act 2010.

### **Conclusion:**

It is considered that the proposed design and scale of the dwellings will respect the topography of the site and the important vista towards Eastbourne Park. In addition, the



proposals, the design of the proposed buildings and the proposed landscaping of the site will make a positive contribution to the area. The proposed design, scale and landscaping is therefore considered to comply with saved policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan and Policies B2, C5 and D10A of the Core Strategy Local Plan 2013.

The proposal incorporates a cycle path through the site which will make a positive contribution to the cycle network in accordance with Saved Policy TR5 of the Eastbourne Borough Plan and Policies C5 and B2 of the Core Strategy 2013 which state that development should encourage sustainable modes of transport and create good connections between neighbourhoods. The proposal also complies with the adopted Cycling Strategy for Eastbourne (2012) which seeks to develop a network of cycle routes across the town.

In addition, when outline planning permission was granted it was subject to a Unilateral Undertaking. This agreement provides for the provision of 35% of affordable housing units, contributions to archaeological display, bus stops, household waste, pedestrian crossing, primary school places, real-time bus information, transport and a travel plan audit fee. With further contributions towards flood storage and flood mitigation, and a commuted sum towards public open space.

The Council are currently in the process of undertaking a deed of variation to this agreement to vary the terms of the highways contributions and it is therefore recommended that the application is granted subject to the required deed of variation to the unilateral undertaking.

**Recommendation:**

Grant permission subject to conditions and the prior conclusion of a deed of variation to the Unilateral Undertaking in relation to the previous outline planning permission.

**Conditions:**

- (1) Time commencement (two years from the date of this decision in line with the previous commencement condition of the Outline Planning permission).
- (2) That the conditions attached to outline planning permission EB/2010/0003 are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with.
- (3) In accordance with approved plans of this permission.
- (4) Removal of permitted development rights – no buildings, structures, walls or fences.
- (5) Removal of permitted development rights – no roof extensions.
- (6) Submission of details in relation to cycle parking to the outdoor play area.
- (7) Submission of detailed design of refuse storage facilities.
- (8) Submission of details of secure cycle parking facilities.