

App.No: 140130 (PPP)	Decision Due Date: 1 May 2014	Ward: St Anthony's
Officer: Toby Balcikonis	Site visit date: 28 March 2014	Type: Planning Permission
Site Notice(s) Expiry date: 4 April 2014 Neighbour Con Expiry: 4 April 2014 Weekly list Expiry: 4 April 2014 Press Notice(s): N/A		
Over 8/13 week reason: The application is within date		
Location: Churchdale Road Allotments, Eastbourne.		
Proposal: The existing allotments will be extended with the addition of new plots and sensitive parking areas.		
Applicant: Mr Nick Adlam (EBC)		
Recommendation: Approve with conditions		

Constraints:

Convenants

Eastbourne Borough Council

Archaeological Notification Area

prehistoric wetlands - Consult county.archaeology@eastsussex.gov.uk

Willingdon Levels Catchment Area

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

D9 - Natural Environment

D10 - Historic Environment - Archaeological Notification Area

D11 - Eastbourne Park

C6 - Roselands & a m p; Bridgemere Neighbourhood Policy

D11: Eastbourne Park

Saved Borough Plan Policies 2007

NE28: Environmental Amenity

UHT4: Visual Amenity

HO20: Residential Amenity
US4: Flood Protection and Surface Water Disposal
NE16 - Dev within 250m of former landfill site
US1 - Hazardous Installations
US4 - Flood Protection and Surface Water
US5 - Tidal Flood Risk
HO2 - Predominantly Residential Areas
NE1 - Development Outside the Built-up Area Boundary

Site Description:

The Churchdale Allotments are sited in the Eastbourne Park, a flood zone in the area surrounded by undeveloped, fallow land to the North and North West, and bounded by developed land along the remainder of the boundary, including the Hammonds Drive Industrial Estate to the East and North East, and Collier Close, and Horsey Close to the South West, with the Horsey Sewer (with Northbourne Road beyond) located along the South and South East boundary.

Access to the existing allotments (comprising of plots used for the growing of plants and vegetables for personal consumption) is via a tarmac track which runs adjacent to the Horsey Sewer (for use by car, bicycle or on foot) off Bridgemere Road to the West of the site and via bike and pedestrian along the same track accessed from Hammonds Drive to the East. Entry on to the allotments themselves are via two locked gates located along the Southern boundary of the site whose keyholders are members of the site.

Predominantly used for planting, but many also contain sheds and similar storage and greenhousing for growing plants, which is regulated by the Eastbourne Allotments and Garden Society which manage the site on behalf of the Land owner, Eastbourne Borough Council.

An area located to the rear of Collier Close and Horsey Road on the East Side of the site is currently undeveloped fallow land, and is the site of the proposed final phase of allotment creation in the area and the subject of this planning application.

Relevant Planning History:

None relevant to this specific application.

Proposed development:

The applicant, Eastbourne Borough Council seeks permission to extend the existing Churchdale Road Allotments by cultivating the adjacent fallow ground to create 60 additional allotment plots. Access to these proposed new plots (pedestrian bicycle or car) will be via the existing entrance off Bridgemere Road.

Two new car parking areas (constructed of MOT type 1 stone or similar loose fill, permeable material), providing parking for up to 20 cars is indicated on the proposed plans to ensure there is enough parking capacity for the new users and to avoid on-street parking in the surrounding roads. Trackways for migration through the site will also be created using permeable, loose fill surface.

A buffer zone of undeveloped land (to remain fallow) between 5m – 10m is proposed between the newly created plots, and existing residential property boundaries to help maintain the privacy of the existing adjacent residents.

In order to help manage flooding on site (located within the Zone 3 Flood Area), a new drainage ditch will be excavated within the buffer zone, to the rear of the Collier Close.

The site as a whole, including the proposed new plots, will continue to be managed by the Eastbourne Allotment and Garden Society who have strict rules to ensure that members do not cause a nuisance to their neighbours.

Consultations:

Internal:

Specialist Advisor - Planning Policy (rec'd 05/04/2014):

- Proposal accords with the Eastbourne Park Supplementary Guidance
- Provision of additional allotment space is in accordance with the Council's Infrastructure Delivery Plan.

Senior Specialist Advisor - Parks and Gardens:

The Eastbourne Allotments and Gardens Society (EAGS), who manage the allotments on the Council's behalf, carry out the day to day management functions with the allotment tenants.

I am awaiting confirmation on the complaints that are being submitted to EAGS but they have verbally advised that there have been none since 2011. I liaise with the EAGS and have involvement with the management of allotments on behalf of the Council and can confirm I have received no complaints since this time.

Specialist Advisor - Environmental Health:

At the time of writing this report, no complaints regarding the site from the Council's Environmental Health Team have been communicated to the officer.

External:

County Archaeologist- ESCC are happy for the conversion of the site to be done under the supervision of our museums officer (Jo Seaman) who will be able to identify any issues

- No hard landscaping / groundworks to create levels for use
- Minimal cultivation impact by users of plots
- Surface artefact survey following completion by EBC heritage team
- Any archaeological works in conjunction with ESCC
- Useful community project for survey work

Environment Agency – This is within a flood risk zone but as there is no development on the site there is no increased risk to the site. The car parks are made from free draining material.

County Ecologist:

A detailed habitat survey was carried out at the site which has highlighted the need to relocate a large population of slow worms. This will be done before the site is converted to an allotment and only after planning is granted.

Neighbour Representations:

46 neighbouring properties were consulted as part of the application. With 5 objections have been received and cover the following points:

FLOODING: Assured that drainage installed as part of phase 1 would be 'sufficient' to negate flooding issues on site (which 'occurs annually'). Recently the site has been reported to be underwater, with the access road within the site not being able to be used (to reach designated parking areas) causing allotment users to cause parking congestion on roads outside of the site due to offset parking. Concerns that increased flooding may occur due to changing the land to use as allotments.

SIZE OF SHEDS & USE: Reports of overly large sheds already on site (approx. 24ft x 12ft) and reports that these may even be 'lived in' at times and allegedly running businesses from them.

IMPACTS ON RESIDENTIAL AMENITY;

NOISE: Unsociable hours, early mornings and late in evening inc.

- Loud radios
- Children 'shouting and screaming'
- Loud Radios
- Dogs barking
- People working on the allotments before 7am building sheds, fences, structures

POLLUTION: Burning of waste and materials (bonfires) causing issues due to smoke and smell. Bringing materials from off-site to burn.

VISUAL AMENITY: The current allotment has a negative impact on visual amenity with the appearance of a 'shanty town' (through use of sheds, waterbutts and composting area for many of the plots) and erection of large flag poles and flags.

REDUCTION OF PRIVACY: Users being much closer to the rear of existing properties (some comments have been to request screening / fencing to negate impact).

FEAR OF CRIME: Perception caused by regular issues of inconsiderate behaviour by allotment users and people walking through from the allotments to the 'donkey fields' to the rear of Collier Close, for 'no apparent reason'.

MANAGEMENT OF ALLOTMENTS: Question management of allotments where perceived breaking of rules happening often.

IMPACT ON WILDLIFE & ENVIRONMENT.

Appraisal:

Principle of development:

There is no objection in principle to extending the Churchdale Road allotments provided it would not have a significant impact on the amenity of the existing nearby residents, and

would not have an adverse effect on flooding in and around the site 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:

Further to the range of comments received from local residents the Eastbourne Gardens and Allotment Society have been contacted and have confirmed that there have not been any complaints directly received regarding the proposed allotment extension and are not aware of any 'long running' issues, and have in fact have received applications for allotments from several residents in Horsey Close and Bridgemere Road for plots when they become available.

It has been advised that "In the early days when phase one was completed we, and the Council, had a number of complaints re bonfires and noise from our new tenants. Action was taken and, other than one complaint some ten days ago from a lady in Collier Close regarding a bonfire, nothing has been heard from our neighbours for well over eighteen months".

Visually, the existing allotments represent a variety of appropriately sized sheds and outbuildings for the use in conjunction with the growing of plants and vegetables for personal consumption and storage of items for the use in conjunction with maintaining allotments plots. Some composting heaps do exist, but are governed by strict membership rules to ensure that it is material generated on site.

By its very nature the use of allotments seeks to provide families with foodstuffs as cost effectively as possible. Thus there are a number of sheds made from salvaged or recycled materials. Part of the allotment lifecycle generates compostable material and low level structures are created to accommodate such material as well as water butts to recycle rainwater.

Allotments rules state that nobody is allowed to run a business from the site. A large sized shed (up to the size reported by neighbour representations) does exist on site. It has been confirmed that shed, in existence for a number of years has been funded by a grant from the Heritage Board of the National Lottery. The plot holder, together with other suitably qualified and vetted adults, provide Horticultural training classes for young people from less fortunate backgrounds, this has included 'Charlies' youth club amongst other organisations well known in the town. The size of the construction provides a group meeting place particularly during inclement weather.

Issues of Noise:

All of the allotment tenants are "reminded of Eastbourne Borough Council's Rules regarding nuisance". Whilst it cannot be guaranteed that no noise emanates from the site (used by families including children, and involving some construction of sheds and associated minor structures), any member found to be deliberately ignoring the rules can in some cases lose their right to hold an allotment on the site.

Sheds are proposed to be located at the furthest point from the resident's boundaries and the use of poly tunnels will not be strictly monitored within the plots that adjoin the properties to ensure the impact to residential amenity is managed within acceptable levels.

Air Pollution:

Members of the allotments are allowed to burn waste materials generated from onsite activity only, and their use is governed by site rules. As previously mentioned, there has been very little by way of complaint since those first months of the development of the first phase. Large green waste containers have been successfully trialled within the Gorrington Road complex and will be used on other sites, such as Churchdale Road. This will reduce the need for fires.

Compost piles are a feature of allotments providing a source of nutrients to enrich the growing plots. To ensure the impact of compost by way of smell of decomposing materials or their visual impact, none of the new tenants will be able to locate compost piles near to properties.

Reduction of Privacy and Issues of Security:

During previous public consultation in 2011, a reduction of privacy was, and still appears to be of great concern to the residents and the Council have proposed the use of buffer zones (at least 5 metres in length), a ditch and native planting to reduce the impact, especially on the end property (number 14 Collier Close) who has longest boundary affected by the proposals. An enlarged buffer zone, of 10 metres in depth has been proposed adjacent to this location to help minimise an adverse impact to the amenity of the resident in this location. The buffer zones indicated on the submitted were 'discussed and accepted' at the 2011 public consultation meeting.

A site that is well used results in less opportunity for crime through natural, ongoing surveillance by other tenants who have a vested interest in keeping the site secure and reporting/ challenging strangers. In recent years the allotment site has been made more secure with the replacement of gates and fences along large sections of the boundary. According to site rules and signs on the entrance gates, they should remain locked at all times.

Flooding:

The allotment site, just like the Bridgemere housing estate, is situated on floodplain. The low lying areas of the site have experienced flooding this exceptional winter in spite of an additional culvert runaway facility being built in the Horsey Sewer as part of the cyclepath development.

Notwithstanding the buffer zone the plan also incorporates a substantial ditch which has been designed to alleviate the flooding of the gardens in Collier Close, as well as improving the drainage of that parcel of land in general. It is considered that the change of land from fallow use to allotments will not have an unacceptable impact on flood risk due to the proposed use of land for the cultivation for planting allowing water to soak in to the ground naturally. The proposed parking areas to be created onsite, are to be constructed of materials which are permeable and allow water to drain.

Future Management:

There have been behavioural issues in the past that were raised such as fires, noise (especially early morning), children and dogs. There appear to have been very few complaints received in recent years. Generally, allotment holders are good neighbours judging by the lack of complaints. The Allotment Rules identify what is expected in terms

of behaviour of an allotment tenant and if the rules aren't abided by, they may be served with a Notice to Quit. The rules include references to bonfires, children, dogs and travelling in cars at no more than 5 mph.

New allotment tenants must apply to the Trustees to erect sheds, glass houses or poly tunnels so those taking on new plots can be advised of the restrictions before they decide to take on the plots. There will be the offer of first refusal for those residents wishing to take on allotment plots adjacent to their property.

It is considered that the rules governing the use of the Churchdale Road allotments should be sufficient to ensure that the impact to the residential amenity is kept to an acceptable level. Many of the issues raised by adjacent residents to the proposal are activities which should be governed by the members rules for allotments use.

Impacts on trees and ecology:

Boundary hedges are proposed to be retained where they exist around the border of the site, providing a habitat for nesting birds, and to help maintain residential security and privacy from members using the site. A existing tree on site is indicated to be retained which will help with drainage issues around this location.

An extensive ecological survey of the site has been conducted, and identified that the land provides a habitat for slow worms. These will be relocated to a suitable site in the event of planning permission being granted. Habitat areas for differing species are proposed on site, to help reduce the impact on ecology.

Impacts on highway network or access:

The only access to the site will be through the two existing gates that serve Churchdale Road allotments.

Three car parking areas have been created within the former allotment site, with the top car park requiring extending to serve the new plots. A second car park would be located at the bottom of the area accessed via a new track between rows of proposed plots adjacent to Collier Close and Horseye Road. Both will be located at the furthest distance possible from properties. There is no car parking to be created adjacent to Collier Close.

The roads are proposed to be loose fill stone creating two tracks, the width of the car with grass in between which will allow water to soak away.

Other matters:

The Council has identified in its Infrastructure Delivery Plan (IDP) the need to extend the Churchdale Road Allotments, to support growth proposed in its spatial development strategy (Policy B1 of the Eastbourne Core Strategy Local Plan, 2013). The application would provide a large new area of allotments including nature zones and suitable drainage and flood mitigation arrangements, to help meet the overall additional provision of allotments required across the Borough. The application confirms with the requirements of Policy D11: Eastbourne Park of the Core Strategy Local Plan which supports 'allotment provision, located close to and within safe access to existing residential areas'.

The Eastbourne Park Supplementary Planning Document (SPD) (2013) provides specific guidance in support of Policy D11 of the Core Strategy. The application conforms with Key Principle 4: Agriculture and Allotments, as well as the concept for Sector B: Southbourne, where Churchdale Road allotments are mentioned specifically, with the requirement that planning permission is applied for to extend the area of land (0.98ha) adjacent to current allotment site.

It is considered that the proposal would provide sustainable development that meets the infrastructure needs of the local community.

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 is considered acceptable for the following reasons:

The proposed extension of the Churchdale Road Allotments should not have an unacceptable impact on the visual or residential and is deemed to be an appropriate use of land within the Eastbourne Park, and should not have a detrimental impact on the land for issues such drainage, and should therefore not increase the risk of flooding on site.

The development accords with policies UHT4 and HO20 of the Eastbourne Borough Plan (2007) regarding impact to Residential Amenity and Policies B1 and D11 of the, Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

Recommendation:

It is recommended that the application be approved with the following conditions.

Conditions:

- 1) Time limit for commencement
- 2) In accordance with approved drawings
- 3) Hours for works of implementation
- 4) Ongoing archaeology
- 5) Protection of retained trees
- 6) Sensitive treatment of ecology (pre-commencement)
- 7) Submission of sufficient flood risk information
- 8) Sheds sited on furthest point from residential boundary within plots
- 9) Boundary Hedgerow to be maintained

Summary of reasons for decision

The proposed development is considered acceptable for the following reasons:

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Appeal:

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