

App.No: 140153 (PPP)	Decision Due Date: 7 May 2014	Ward: Ratton
Officer: Jane Sabin	Site visit date: 14 April 2014	Type: Planning Permission
Site Notice(s) Expiry date: 6 April 2014		
Neighbour Con Expiry: 9 November 2014 (for amended scheme)		
Weekly list Expiry: 11 April 2014		
Press Notice(s): N/A		
Over 8/13 week reason: Amendments sought and committee cycle		
Location: 35 Melvill Lane, Eastbourne		
Proposal: Erection of a five bedroom dwelling including annexe, with access from Melvill Lane.		
Applicant: Mr & Mrs C Etwell		
Recommendation: Approve		

Executive summary:

The proposed development would have an acceptable impact on visual, residential and environmental amenity, highway safety, sustainability and flood storage. It therefore complies with the relevant policies in the Eastbourne Borough Plan, the Eastbourne Core Strategy Local Plan and the National Planning Policy Framework.

Planning Status:

Adjacent to the South Downs National Park
Adjacent to a Site of Special Scientific Interest
Adjacent to a public right of way
Within the Built-up Area Boundary
Willington 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

C12: Ratton & Willington Village Neighbourhood Policy

D1: Sustainable Development

D5: Housing

D9: Natural Environment

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE4: Sustainable Drainage Systems

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT3: Setting of the AONB

UHT4: Visual Amenity

UHT6: Tree Planting

UHT7: Landscaping

HO1: Residential Development within the Existing Built-up Area

HO2: Predominantly Residential Areas

HO7: Redevelopment

HO20: Residential Amenity

TR2: Travel Demands

TR11: Car Parking

US4: Flood Protection and Surface Water Disposal

Site Description:

This large open site is located behind 35 Melvill Lane, and is bounded by residential properties on three sides (Melvill Lane, Butts lane and Angus Close), with the west boundary backing onto a steep bank adjoining Butts Lane. It is comprised of a paddock and a manege, with a single storey brick stable building on the west boundary, all serviced from a concrete access drive parallel to the drive to 35 Melvill Lane. The site is steep, rising from east to west by 15m, with an average width of 36m and depth of 80m; the site area, including the drive, is 0.34ha (3433 square metres). Whilst the site slopes only gently from north to south, neighbouring properties on both sides of the site occupy lower ground levels; this is very much the case in Butts Lane, where the eaves of Hillmount are just about visible, however the properties in Angus Close are closer to the boundary and 1.m-2m lower. The north, south and east boundaries have 1.5m high metal and timber stock fencing, and semi-mature trees of ash and sycamore; a number of trees and shrubs were removed prior to the submission of the application, and the remaining specimens appear tall and with thin canopies.

Relevant Planning History:

EB/1975/0280

Erection of two detached houses each with a double garage

Dismissed 28 January 1976

EB/1975/0383

Erection of two detached houses each with double garage

Dismissed 13 May 1976

EB/1976/0397

Erection of detached house & double garage with vehicular access to Melvill Lane

Refused 12 October 1976

EB/1996/0310

Outline – Erection of two detached dwellings

Withdrawn

EB/1997/0215

Outline - Erection of one detached dwellinghouse.

Refused 19 June 1997

EB/1998/0229

Erection of one detached dwellinghouse.

Withdrawn 12 November 1998

EB/1999/0458

Provision of manege.

Approved 17 November 1999

The reason common to all the refusals is the impact of the use of a long and steep access on the amenities of adjoining residents.

Proposed development:

Consent is sought to construct a single dwelling with underground garaging at the top of the site. The building would have a "T" shaped footprint, and would utilise the slope of the site to provide a property over four levels. Externally the building would appear single storey at the rear and two storeys plus a pitched roof at the front, with accommodation arranged thus:

- Basement - garaging for five cars, workshop, storage, rainwater harvesting tank
- Lower ground floor - four ensuite double bedrooms and terrace
- Upper ground floor - one-bedroom annexe, master ensuite bedroom, living room/kitchen, indoor swimming pool, shower room, plant room, utility room, dog quarters, entrance hall and terrace
- First floor - viewing gallery (with dormers in the rear of the roof)

Externally, the front elevation would be 24m wide, and the building would have a maximum depth of 27.5m (excluding the underground garage). The single storey element to the rear would have a ridge height of 4.5m, increasing to 8.5m at the front, and 11m where the garage doors are exposed on the south elevation. The terrace at lower ground floor level extends the full width of the building and would be 1.3m deep, inlaid with glass block paving to provide borrowed light for the garage and work shop below. The terrace at upper ground floor level would be contained within two wings of accommodation, so that the master bedroom, living area and annexe all share the space, which would be accessed through full height, folding glass doors. Three gables on the front elevation (the central one being recessed to the rear of the terrace) would be glazed to provide light into the vaulted ceilings of the rooms on the upper ground floor level. The materials would be stock brick, with a front elevation of flint and glass within brick quoins under pitched roofs of slate and solar PV slate tiles on appropriate slopes.

The garden would be contained principally at the front of the building and would largely follow the existing slope of the land; the boundaries would be reinforced with additional

tree planting and shrubs and a close boarded fence on the north and west boundaries. The existing stock fence along the southern boundary would be retained, and reinforced with hedgerow type planting (holly, rosa rugosa, viburnum, buddleia, lonicera). Most of the garden would be grassed, including a grass/wild flower area on the site of the manege, and three ponds are also proposed. The existing concrete drive would be retained and extended, and finished with grit rolled into tarmac; this would provide additional parking in the south west corner of the site, but would result in the loss of one mature horse chestnut.

The proposed dwelling would meet Code Level 4 (in terms of the Code for Sustainable Development) and would include air source heat pumps, underfloor heating, heat recovery/ventilation systems, PV roof slates, triple glazing, rainwater harvesting, high level insulation, locally sourced building materials (where possible) and low energy lighting

Consultations:

Internal:

Specialist Adviser (Arboriculture) - the scheme would lead to the loss of all trees on the southern and western sides of the site. 21 of these trees are of a category C or U which shouldn't be considered a constraint to development but it must be noted that the proposal will lead to the loss of the screen that the trees currently provide. Any approval should be conditioned to improve the screen planting on the southern boundary with a detailed landscaping plan.

Highway Authority – no objections subject to appropriate measures to address surface water drainage.

Specialist Adviser (Planning Policy) - the proposed development will attract financial contributions towards affordable housing and the Willingdon Levels flood storage scheme.

External:

County Ecologist - sufficient information has been submitted to ascertain the impact on protected species and there is no objection in principle; the site offers opportunities for biodiversity enhancements. The removal of the stable block roof should be undertaken by hand under supervision.

South Downs National Park - no comments to make.

Neighbour Representations:

Ten communications of support and four objections have been received and cover the following points:

- The proposed house is set well back, in keeping with the area, is of good design and choice of materials
- One extra property would make no difference to the area or traffic
- More houses are needed in the south east; better just one than more
- Willingdon does not need another huge house; there must be other plots
- The impact on trees and ecology is overstressed, and the access is adequate
- Support the post office being kept open
- The paddock is totally unsuitable for horses; if it is unsuitable for keeping horses, why is it still being used as such?

- The paddock used to house several horses and used to be well kept
- The new pond sounds like a planning application appeasement – has enough consideration been given to badgers, bats and birds?
- Concerns regarding construction traffic and the route it takes, and that it may damage Butts Lane
- The house is too large and would result in a large number of vehicles using the site, with resulting noise and disturbance; the vehicular movements associated with a house this size will be the equivalent of three households
- Several previous applications have been refused and Planning Inspectors have found against them; the reasons for the refusal (impact on the living conditions of neighbours from the use of the access) are still valid and should be upheld
- Water displacement will have a huge impact on the nearby properties below the site; it will overshadow and flood the footpath to the Downs and make it dangerous, whilst there will be a lack of light as a result of such a large property being shoehorned into a relatively small space
- The siting of a huge house at the rear of the site will be a massive intrusion into the rural environment. The fence would make the footpath unpleasant to use, particularly if the applicants dogs are barking and growling
- The Biodiversity Report refers to a garden, but it is not a garden, and it stands to reason that uncultivated neglected land supports far more biodiversity than a garden; tree works were carried out prior to the survey, so it is not representative of the usual state of the land; does not agree with “mitigation and/or compensation” suggested
- Lights from the living accommodation will shine into the back of properties in Angus Close; concerns that the drive will be lit up (being level with the bedrooms), as well as noise from the vehicles using it
- The proposed building will dominate the properties in Angus Close – it is 12m high, which will appear as 14m from the reduced ground level of the properties there; the revised scheme shows a building 1m longer and 2m wider, although the balcony has been removed
- Most of the support is from people who want to see the post office kept open, but the objections are from people who have real planning concerns i.e. lighting, noise, access, traffic, privacy, wildlife, environment, history of objections and whether the building is in keeping with the area
- The applicants were once objectors to previous applications to develop the field; ironically they now plan to build there themselves

Appraisal:

Principle of development:

The site is located within the built-up area boundary and in a principally residential area, and therefore the principle of residential development is considered to be acceptable.

It has not been identified by the Council as a development opportunity, and as such would be regarded as a windfall site. The plot is clearly of a sufficient size to accommodate a dwelling and has its own separate access, therefore its suitability for residential development falls to be decided on matters of visual, residential and environmental amenity, highway safety, sustainability and flood storage.

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

The proposal has been subject to negotiations with officers to reduce the impact of the development on neighbouring residents and the surrounding area; the principal changes have been the deletion of balconies across the full width of the upper ground floor and a simplified front elevation. Apart from the impact on 35 Melvill Lane and Wishanger, Butts Lane (which are within the ownership of the applicants) the only residential properties directly affected would be 33 Melvill Lane, 16, 17 & 18 Angus Close adjacent to the south elevation and Hillmount, Butts Lane on the north boundary.

Property on the northern boundary:- Hillmount, is accessed from Butts Lane and the site is dug down so far into the bank that only the roof is visible from within the site; furthermore, there appears to be only one small, obscure glazed window on the rear elevation, given this there are considered to be no issues with loss of privacy or outlook for occupiers of this property.

Properties on the Southern Boundary:- With the properties adjoining the southern boundary, the main issues are loss of privacy, loss of outlook, and noise and disturbance/loss of amenity from the use of the driveway.

The removal of the full width balconies and the provision of obscure glazing to windows on the flank elevation closest to the boundary have dealt with loss of privacy (these are either secondary windows or serve bathrooms/kitchen).

Loss of outlook would mainly affect 17 and 18 Angus Close, as these properties directly face the site with relatively short rear gardens and a ground level approximately 2m lower; 16 Angus Close is at a 90° angle to the site with no windows facing the application site. The proposed dwelling would be between 8 and 9m from the common boundary at its closest point, although only directly in line with no.16 which has a side garden 13m wide.

The outlook from nos. 17 and 18 would therefore be affected from the north-west; the distance between the existing properties would be 16m in the case of no.17 and 26m in the case of no.18, but the new property would be on significantly higher ground; the question is whether the impact is so severe that the application should be refused.

It is acknowledged that the occupiers of these two properties rely on the existing paddock for views and outlook, although it is noted that no.18 has grown a dense hedge; the existing stock fence provides uninterrupted views across the application site, but the applicants could exercise their permitted development rights by erecting a 2m high solid fence to prevent this. The proposed dwelling is unquestionably large, and adjoining occupiers may consider it to be an intrusive feature, however given that the site is to the north of the objectors and the building would be to the west of the two properties which directly face it, it is concluded that the impact would be within acceptable limits.

The reason for refusal of the earlier applications and appeals is relevant to the current application. The use of the existing driveway, which would be extended to the full length of the site, would have an impact on all the properties adjoining the south boundary. Due to its steep gradient, it is likely that noise and disturbance would result from engine noise, fumes and headlights. The crux of the matter is whether the intensification of the use of the driveway, which is already in use by vehicles and presumably horseboxes,

would be acceptable. It is considered that the use of the driveway by one dwelling, even a dwelling with the capacity to park six or more cars, is likely to be relatively low, although it is likely to be most noticeable after dark. In this respect, it is acknowledged that whilst the applicant has indicated that there is no intention to illuminate the driveway, in the long term this would need to be controlled by condition. It would also be necessary to consider a mixture of solid fencing as well as hedging along this boundary to address this issue all year round.

Objections have also been made regarding the impact on the footpath along the north boundary which leads up to the Downs, in terms of making it dark, damp and oppressive. The applicants could erect a fence under permitted development rights in any case, which has been done behind Wishanger, and where the path is already dark, damp and narrow. It is considered that this is not a sustainable reason for refusal.

The application site is bounded by dwellings on all sides except Butts Lane. As the dwelling would be single storey at the rear, it is considered that there would not be an adverse impact on views in and out of the South Downs National Park over and above the existing dwellings which can be seen from Butts Lane. It is acknowledged that there are no objections from the South Downs National Park to this application.

Design:

The design and layout of the dwelling is to the applicants requirements.

It sits at the top of the plot, which makes use of the existing stable block along the rear boundary and affords the best views over the town towards the east.

The building would have the appearance of a traditional construction, featuring strong gables, large windows with a vertical emphasis, flint and brick facing materials detailed with quoins, and oak windows and doors; modern elements include large areas of glazing in the gables and glazed balcony facings to the upper ground floor terrace and Juliet doors.

Although there are elements of accommodation over floor levels, the garage and workshop are effectively below ground and the modest first floor viewing gallery is contained within the roof space; outwardly, the building appears as a two storey dwelling with a gabled roof, reducing down to a bungalow towards the rear. Notwithstanding the overall dimensions of the proposed building, it sits comfortably on the plot and the elevated position is mitigated by being over 100m from the public footpath in Melvill Lane, with the result that the impact of its scale is reduced.

Impacts on trees:

The proposed development would have an adverse impact on the trees on the south and east boundaries as a result of the construction process, however none of the trees are worthy of a tree preservation order, and only have limited screening value.

The tree works carried out prior to the application (which did not require any consent as they are not protected) have resulted in trees which currently appear sparse, as they need time to recover from the pruning works. Whilst the application promotes the retention of the remaining trees through a no dig solution, no details of this has been provided; it is considered that the amount of construction traffic visiting the site needed

to remove the spoil, to construct the dwelling and provide the parking area in the south east corner, would result in the loss of the majority of the trees alongside the concrete drive and the rear boundary. In the circumstances, it may be beneficial in the long term to remove the trees and replant with alternative species to provide a better screen (eventually) with a longer life expectancy.

Impacts on highway network or access:

It is agreed (in line with the Highway Authority response) that the provision of an additional dwelling, even one of the size proposed, would not have a significant impact on highway safety or road infrastructure. The route for construction traffic would need to be subject to control, via planning condition.

Sustainable development implications:

A report submitted with the application demonstrates that the dwelling will achieve Code Level 4. Furthermore, the site is within walking distance of the local shop/post office, public houses and the main bus routes in Eastbourne Road; other services, such as schools, are within reasonable distances.

The application includes measures (although not details) of rainwater harvesting, and given that much of the site would remain open, it is considered that the impact on flood storage, and the perceived flooding of the footpath and Butts Lane would be adequately dealt with.

Other matters:

Ecology – further information has been submitted at the request of the County Ecologist (regarding Great Crested Newts), who is satisfied that the site can be developed without harm to protected species, and welcomes the addition of ponds to improve the biodiversity of the site.

Affordable housing and compensatory flood storage contributions – financial contributions are required (Policy D5 and Policy US4) to mitigate the impacts of the development, and are agreed by the applicants.

Some issues have been raised by those interested in the application that if this scheme is not supported then the local Post Office may have to close. Members should be aware that this application is in no way enabling development and that this issue is not a material planning consideration in determining this application.

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 would have an acceptable impact on visual, residential and environmental amenity, highway safety, sustainability and flood storage. It therefore complies with the relevant policies in the Eastbourne Borough Plan, the Eastbourne Core Strategy Local Plan and the National Planning Policy Framework.

Recommendation: Approve, subject to the following conditions:

Conditions:

- 1) Commencement within three years
- 2) Compliance with plans
- 3) Affordable housing and flood storage contributions
- 4) Samples of materials
- 5) Tree protection
- 6) No burning on site
- 7) No excavations near trees
- 8) Routes of services
- 9) Tree replacement and landscaping details
- 10) Tree maintenance programme
- 11) Retention of boundary trees and planting
- 12) Details of surface water drainage
- 13) Restriction of permitted development rights (windows)
- 14) Restriction of permitted development rights (extensions)
- 15) Obscure glazing in side elevation with restrictors
- 16) No illumination of site without prior approval of LPA
- 17) Details of external plant and machinery (heat recovery etc)
- 18) Hours of operation during construction
- 19) Route for construction vehicles
- 20) Removal of existing stable roof by hand
- 21) Submission of compliance with Code Level 4

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**.