

<b>App.No:</b> 150796	<b>Decision Due Date:</b> 30 October 2015	<b>Ward:</b> Sovereign Harbour
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 28 August 2015	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> 4 September 2015 & 13 <sup>th</sup> October 2015 <b>Neighbour Con Expiry:</b> 27 October 2015 <b>Press Notice(s):</b> 25 <sup>th</sup> August 2015		
<b>Over 8/13 week reason:</b> Reported to committee within time		
<b>Location:</b> Site 7b, Pacific Drive, Eastbourne.		
<b>Proposal:</b> Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) and related discharge of conditions 2 (part), 3(part), 4(part), 9(part), 134, 136, 139, 140, 141, 149, 150, 154, 159, 160, 161, 162 and 168 of outline planning permission dated 2 December 2014 (Ref:131002) for the development of 70 residential units (Use Class C3), Public Open Space and Access at Sites 7b and 7c, Pacific Drive, Sovereign Harbour, Eastbourne.		
<b>Applicant:</b> Mr Martin Bates		
<b>Recommendation:</b> Approve conditionally		

### **Executive Summary:**

The application relates to the reserved matters (assess, appearance, landscaping, layout and scale) following the approval of Outline planning permission for sites across the Harbour including sites 7b and 7c.

The application seeks approval for the reserved matters in terms of the open space at Site 7b, and the details of the provision of 70 units of residential accommodation at site 7c.

The information submitted in respect of the reserved matters for both sites is considered acceptable and therefore it is recommended that the reserve matters application is granted.

### **Relevant Planning Policies:**

National Planning Policy Framework 2012

1. Building a strong, competitive economy
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

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

**Site Description:**

Sites 7b and 7c form part of a larger area of land referred to as Site 7 which is located at the northern edge of the Harbour. Adjacent to Old Martello Road and the Borough boundary with Wealdon.

Site 7 borders both Pevensey Bay Road a key access road into Eastbourne and Pacific Drive which serves as a main access route within the North Harbour. There are informal access paths across the site linking to Pevensey Bay Road and to Old Martello Road.

Site 7c has an existing access spur from the existing roundabout on Pacific Drive. The site borders the rear of those properties 21-45 (odd) Samoa Way.

**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 proposed sites.

The application also seeks to discharge a number of conditions of the Outline permission which are interlinked with the details submitted in relation to the reserved matters. These are all outlined within the report.

Site 7b is to provide public open space, a large area of this is general amenity grassland for informal recreation and play, with a further equipped play area to the north-west of the open space set back from the residential units and the main roads. Pedestrian routes connecting Pevensey Bay Road with Pacific Drive and through to Site 7b are created.

Site 7c is to provide 70 residential units, 15 flats are proposed in three blocks, with 55 houses of 3 and 4 bedrooms. Vehicular access to Site 7c is by the existing roundabout junction on Pacific Drive and 166 parking spaces are provided on the site.

**Consultations:**Specialist Advisor (Arboriculture)

The landscaping plans and suggested tree planting are acceptable, with a request to alter the proposed species of PT5 from Sorbus Aria to Sorbus intermedia Brouwers which has been agreed by the Applicant.

Specialist Advisor (Planning Policy)

The Sovereign Harbour Supplementary Planning Document (SPD) (adopted 2013) is a material planning consideration in the determination of this application. It is considered that this application conforms to the guidance contained in the SPD. Overall, the proposal is consistent with the outline application and the Sovereign Harbour SPD, and is supported by planning policy.

Health and Safety Executive (Consulted on the original outline application) responded as such:-

*Housing**HSE would advise;*

- No more than 30 dwellings to be sited within the consultation distance (within 38m of the pipeline) at a housing density of no more than 40 units per hectare; or,*
- All the dwellings were sited beyond the joint inner/middle zone boundary (14m from the pipeline) Gardens, parking areas, landscaping, open space etc could be sited within this distance.*

*Outdoor space (public open space)  
HSE would advise that all items of play equipment, and any features/facilities around which the public may gather, are sited beyond the joint inner/middle zone boundary (more than 14m from the pipeline)*

EBC Officer comment to HSE response:- All playspace is sited more than 14m from the pipeline. None of the dwellings are sited within 14m of the pipeline.

#### Highways ESCC

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.

On the basis of the evidence presented in the Transport Assessment at the outline stage the development was acceptable on these grounds and there would be no defensible case for insisting that a second access point to the Harbour is provided on capacity grounds.

#### SGN

The high pressure gas pipeline in the vicinity of the proposed development has a Building Proximity Distance (BPD) of 14m either side of the pipeline.

This pipeline is of prime importance to the gas supplies of the area. Therefore there are restrictions on what works can occur within the BPD details of which will be forwarded to the Applicant.

Any vehicle crossing over the pipeline will require calculations to prove that no additional stresses will be incurred, and vehicles crossings should be kept to a minimum. The emergency access proposed needs to be designed and agreed between SGN and the developer.

**Neighbour Representations:**

Objections have been received from the following properties;

- 3 Brisbane Quay
- 10 Brisbane Quay
- 16 Pitcairn Avenue
- 9 Hobart Quay
- 10 Hobart Quay
- 39 Samoa Way
- 79 Samoa Way
- 4 Barrier Reef Way
- 13 Barrier Reef Way
- 1 Coral Reef Close
- 18 Hamilton Quay

Covering the following points;

- Principle of developing the site, enough development within the Harbour already this area should be landscaped and allowed to return to a natural state.
- Not sufficient facilities, school places, open spaces
- Increase in traffic
- Pedestrian Safety
- Materials out of keeping with the other houses in North Harbour
- Safety of having only one vehicular access to the North Harbour
- Insufficient green space
- Impact on the existing footpath to the rear of Samoa Way properties which is used to access Martello Road
- Over crowding

**Principle of development:**

Outline planning permission was granted 2 December 2014 for the development of sites across the harbour including sites 7b and 7c. The outline permission approved the development of Site 7b for public open space and Site 7c for residential development. 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 either site.

## **Appraisal Site 7b – Public Open Space**

### Layout:

The layout of the space has been designed to allow for a larger informal play 'kickabout' area to the south of the site adjacent to Pacific Drive and a formal enclosed play area to the north east of the site. The existing mature vegetated shingle is to be retained to the north eastern boundary of the site with Pevensy Bay Road. The layout of the area has been considered through consultation with the SHRA and other interested parties, and designed to reflect the type of open space the residents of the Harbour require.

The layout for the two linked sites responds to the outline parameter plans. There are a series of formal paths proposed to connect through the site, providing ease of access, to create a legible and accessible space which will serve and be fully accessible to the wider Harbour community.

The layout of the open space is considered appropriate, and will provide a large open space 'kick about' area which is lacking on other open spaces across the harbour.

### Scale:

The space equates to the 0.8ha area required through the S106 and is therefore considered acceptable.

### Landscaping:

The existing mature vegetated shingle to the northern boundary with Pevensy Bay Road is to be retained. This forms a buffer between the main road and the play space and provides an ecological enhancement. This is also in line with advice in relation to the BPD of the high pressure gas main, to restrict places where people gather to outside of the 14m buffer.

The southern boundary is proposed to be planted with trees to create a subtle and attractive buffer between the public open space and Pacific Drive. The proposed landscaping of this area is therefore considered acceptable.

### Appearance:

The site is laid out with more formal play space to the north and a less formal open space area to the south adjacent to Pacific Drive. The layout and landscaping will create an attractive public open space for the whole community of the Harbour to use. The appearance of the open space area through the landscaping proposal is considered acceptable.

### Access:

Pedestrian paths are provided across the open space including a one from north to south, linking Pevensy Bay Road and Pacific drive. Access is

provided from Site 7c into 7b. The access' are restricted with bollards or barriers to prevent cyclists or motorised vehicles from entering the public space.

The S106 requires an additional pedestrian crossing across Pacific Drive. It is noted that the pedestrian entrances are at either end of Site 7B to maximize the openness of the space. This does result in the western entrance being opposite Tasmania Way and therefore the zebra crossing, when installed, will be offset from this access point as it will need to be installed away from the Tasmania Way junction.

However it is not considered that amendments to the scheme could be undertaken to improve the situation with the crossing point, without impacting on the open space when the desire is for a large open amenity area. Therefore the proposal is considered acceptable.

#### Planning obligations:

The S106 requires that the public open space on the site must be linked with the residential development on Site 7c, no more than 40% of the residential units on Site 7c must be occupied until the development of Site 7b has been completed.

### **Appraisal Site 7c**

#### Layout:

The layout to the northern boundary is dictated by the position of the gas pipe line which restricts development within the 14m buffer zone. The dwellings within the site have been positioned appropriately to take full advantage of aspect and view whilst respecting the privacy of adjoining/adjacent dwellings.

The only place where the proposed properties will border existing properties is those at 21-45 (odd) Samoa Way. The proposed properties in this location are two storey with a separation distance (property back to back) of 24.3m. At these separation distances, which in most areas are normal, it is not considered that there would be significant impacts in terms of overlooking or loss of privacy to warrant the refusal of the application.

The other nearby residential properties are those of Brisbane Quay and Tasmania Way which are side on to Pacific Drive. The part of the site between the open space at site 7b and the access to site 7b is fronted with a terrace of 6 three storey houses and the side elevation of Apartment block 3. Given the separation of the properties by the existing road, it is not considered this layout will give rise to significant overlooking to warrant a refusal of the application.

There have been objections from properties of Samoa Way in relation to the proposals. The whole site is to be regraded, so whilst there is a difference in

ground level between the rear gardens of those of Samoa Way and the site at present due to an existing mound directly to the rear of these properties, this will be decreased by the regrading.

The regrading and remodelled mound will mean this boundary is graded to blend with the existing levels at the boundaries adjoining properties of Samoa Way.

Outside of the application process, the Applicant has stated that offers to replace existing rear boundary fences to those properties of Samoa Way bordering the site will be made.

The layout is influenced by the need to create an active frontage to the public open space providing surveillance from the habitable rooms. The blocks together form a simple grid pattern made up of shared surface streets running broadly in a north-south and east-west configuration. This ensures that the public frontages are aligned with the front of properties and in turn results in a legible permeable layout for residents and visitors.

All the proposed dwellings are above in floorspace that recommended by the Technical Housing Standards – Nationally described space standards, published by the DCLG. Therefore the size of accommodation is considered acceptable.

Therefore the layout of site 7c is considered acceptable.

#### Scale:

The general principle in relation to the scale of development on the site was agreed through the Outline permission for the development of 70 dwellings on the site.

The Pevensey Bay Road frontage and the frontage of Site 7b and this corner with Pacific Drive will comprise 3 and 4 storey buildings (the flats being higher blocks). The rest of the development will comprise 2 storey houses. The higher apartment blocks provide landmark and referencing along the public facing areas and are considered acceptable.

Therefore the scale of the proposed development to site 7c is considered acceptable.

#### Landscaping:

An Ecology area, consisting of vegetated shingle is to be retained to the north-eastern boundary of the site. The general landscaping site 7c is acceptable, maintaining shared surfaces with tree planting and general landscaping throughout.

#### Appearance:



Modern design references are applied across the scheme, drawing on beach side and fisherman hut design styles for the houses. This design is continued with the proposed materials palette that will include a narrow range of timber and brick finishes arranged with a number of configurations to break up the long elevations.

The design is considered to compliment the contrasting modern design that has already been approved at nearby site 8.

Careful consideration has been given to the design of the dwellings on the site which has been presented to the Design Review Panel on two occasions. The feedback from these meetings has influenced the detailed design of this application.

The materials proposed are intended to response to the local area with a contemporary and sustainable context. An element of symmetry is proposed to the rows of housing, with projecting windows, chimneys and mixture of materials to create aesthetical interest within the street-scene.

The design of the buildings and materials proposed are considered acceptable given the context of the site; providing aesthetically pleasing views of the site, and active frontages to street elevations.

#### Access:

Vehicular access to Site 7c will connect with the existing roundabout junction on Pacific Drive. This will be 5m wide with footways on both sides leading into the site.

An emergency access is to be provided between site 7c and Pevensey Bay Road. This is not for general access, so will be restricted by retractable bollards within the site. Whilst Access was a reserved matter, the principle of access to the development was considered at outline stage. At that time the evidence provided in the Transport Assessment showed that the development was acceptable and there would not be a defensible case for insisting that a second access point to the Harbour is provided on capacity grounds. This view is maintained with the Transport Assessment submitted with this application for reserved matters.

However, although on capacity grounds it was found that a secondary access point was not required, it is still the case that there is only one access to Pacific Drive from Pevensey Bay Road serving a large number of dwellings. In the event of an incident occurs and the first section of Pacific Drive from Pevensey Bay Road is closed, then the entire area is effectively cut off from the Highway network. It was therefore recommended that a secondary emergency access be provided through site 7 or via Harbour Quay.

The emergency access will mean in the event of an incident there is a second access for emergency vehicles to enter the Harbour area. East Sussex County

Council approve the location of the access, details of the construction will need to be provided to SGN as this work would be within the 14m BPD.

166 parking spaces are provided on the site, the majority of which are allocated, with additional visitor parking.

The internal road layout is in the form of shared surfaces, with high levels of pedestrian permeability. Specifically this includes new pedestrian links from the internal road system to both the public open space and Pevensey Bay Road which in turn link to the wider context and harbour.

The access arrangements for Site 7c are therefore considered acceptable.

#### Other Matters:

##### Refuse and recycling storage:

Communal refuse and recycling storage is provided within the parking areas of each of the apartment blocks. Bin storage is provided to rear garden areas of each of the dwellinghouses.

The layout of the site allows for service vehicles to enter and turn on site. A tracking plan has been submitted to confirm that the layout can comfortably accommodate service vehicles such as bin trucks.

##### Cycle Parking:

Secure cycle parking is proposed by way of sheds in the rear gardens of the dwellings, and by way of communal cycle storage to each of the flat blocks. This accord's with East Sussex County Council's standards.

### **Discharge of Conditions**

The submission also addresses a number of conditions of the original Outline permission in addition to the reserved matter requirements, these are assessed here.

#### Condition 136 – demonstration of how the development shall relate to the adjoining gas pipeline

The details provided do show how the development will relate to the adjoining gas pipeline and set out the 14m BPD.

Further condition is required in relation to the creating of the vehicle crossing over the pipeline. Along with an informative of the restrictions as set out by SGN in their consultation response.

#### Condition 141 – Landscaping to include species and size of trees

The submitted details are suitable from a highway perspective and have been considered by the Specialist Advisor for Arboriculture as acceptable with one

requirement to amend a proposed tree species which will be controlled by condition. Therefore this condition can be discharged.

Condition 161 – Pedestrian access point to facilitate links between the side and a planning improved pedestrian crossing facility over Pacific Drive

The details are suitable to allow the condition to be discharged. It is noted that the pedestrian entrances are at either end of Site 7B to maximize the open space. This does result in the western entrance being opposite Tasmania Way and therefore the zebra crossing, when installed, will be offset from this access point as it will need to be installed away from the Tasmania Way junction. However it is not considered that amendments to the scheme could be undertaken to improve the situation with the crossing point, without impacting on the open space when the desire is for a large open amenity area. Therefore the proposal is considered acceptable.

The flood assessment and drainage details provided have been considered by the Lead Local Flood Authority to meet the reserved matter requirements and address the following conditions;

Condition 140 - SUDS

Condition 159 – Foul sewerage and surface water disposal

Additional conditions requested in relation to the future maintenance and management for the drainage system and hydraulic calculations

A number of further matters are also addressed

Condition 134 – Details of hard and soft landscaping

Details have been submitted and are considered acceptable in relation to the hard and soft landscaping proposals. An amendment to a proposed species of tree as requested by the Specialist Advisor for Arboriculture can be controlled by condition.

Condition 139 – Details of all works to or affecting trees

Details agreed by Specialist Advisor for Arboriculture.

Condition 149 – Vehicle parking areas

The details submitted are suitable to discharge the condition. Although not fully in accordance with the number of spaces recommended in the ESCC Parking Guidance it is only a 5% reduction which is allowable under the guidance without the need for any additional justification being provided.

Condition 150 – Details of cycle parking

The details submitted are acceptable to allow the condition to be discharged as sufficient cycle parking will be provided.

Condition 154 – Details of pedestrian and cycle linkages

The submitted details are suitable to allow the condition to be discharged.

#### Condition 160 – Turning Spaces for vehicles

The submitted details are suitable to allow the condition to be discharged. Vehicle tracking has demonstrated that a large refuse vehicle can enter, manoeuvre, turn and exit the site in a forward gear.

#### Condition 162 – Details of boundary treatments

The submitted details are considered acceptable.

#### **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 principle of the development was considered at the outline application stage, the reserved matters details submitted with this application are considered acceptable for the reasons set out in the report. Through the reserved matters submission a number matters reserved by condition are also met.

#### **Recommendation:**

To approve the reserved matters application and discharge the appropriate conditions.

#### **Conditions:**

1. Prior to the commencement of development the design of the emergency access shown on the approved drawing from Pevensey Bay Road, along with a method statement for its construction shall be submitted to and approved by Southern Gas Network details of the agreement shall be submitted to the Local Planning Authority.
2. Requirement for the emergency access route to be constructed and operational prior to first occupation of the site.
3. SUDs condition in relation to hydraulic calculations, taking into account the connectivity of the different drainage features.
4. Submission of a maintenance and management plan for the drainage system.

#### **Informatives:**

Seek HSE approval prior to commencement of work.

#### Southern Gas Network Informative

Should any work be contemplated it is essential that you comply with the restrictions detailed below and in the document SGN/SP/SSW22 (available from SGN) in order to protect our plant and equipment and for the safety of your own operatives.

- 1) No mechanical excavation is allowed within 3 metres either side of pipeline.
- 2) No plant or storage of equipment shall be made within any easement strip.
- 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
- 4) All precautions stated in publication SGN/SP/SSW22 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SSW22 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- 5) No thrust boring shall take place within three metres of the pipeline.
- 6) All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity".
- 7) Before commencing work on site you must contact our Pipeline Maintenance Section on 0141 4184093 at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
- 8) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
- 9) This pipeline is cathodically protected and as such has test cables located in surface boxes, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
- 10) Intrusive construction methods will require an agreed method statement prior to work starting.

11) The minimum proximity between the high pressure gas pipeline and any wind turbine should be 1.5 times the fixed mast height excluding the turbine of the wind turbine. If you are planning to construct a wind turbine closer than this, then you must contact SGN immediately.

12) Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

13) Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

14) Please ensure these conditions, together with any relevant drawings are forwarded for use by the construction personnel of your works.