

<b>App.No:</b> 151056	<b>Decision Due Date:</b> 5 March 2016	<b>Ward:</b> Sovereign
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 12 January 2016	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> 2 February 2016 <b>Neighbour Con Expiry:</b> 2 February 2016 <b>Press Notice(s):</b> 20 October 2015		
<b>Over 8/13 week reason:</b> To seek amendments to the application and bring to planning committee		
<b>Location:</b> Site 1, Off Martinique Way, Eastbourne		
<b>Proposal:</b> Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) together with discharge of conditions 2(part), 3(part), 9(part), 16, 19, 22, 24, 28, 29, 39, 40, 41 and 47 following outline approval (Ref: 131002) for the development of Site 1, Sovereign Harbour for 72 Residential Units, consisting of 62 Apartments over two blocks, and 10 houses.		
<b>Applicant:</b> Mr BRIAN GROVE		
<b>Recommendation:</b> To approve the reserved matters application subject to the following conditions subject to a S106 agreement:- The Heads of Terms for the S106 to cover:-		
<ul style="list-style-type: none"> <li>• ESCC to secure a financial contribution of £10,000 for a parking review</li> <li>• implementation of any restrictions/issues arising from the parking review</li> <li>• Submit prior to the commencement of any (above ground) development details of the refurbishment and services provision to the Martello Tower</li> <li>• Details of the refurbishment and services provision to the Martello Tower shall be fully implemented prior to the sale/first occupation of the 36th residential unit.</li> </ul>		

**Executive Summary:**

Outline planning permission was granted in 2013 for development of sites across the harbour, including site 1 for up to 72 residential dwellings. The outline application approved the principle of the development of this site.

This application relates to the reserved matters of Scale, Access, Appearance, Layout and Landscaping following this outline permission and the discharge of some conditions of this permission.

The proposed design, layout and landscaping of the site are considered to be in accordance with outline permission (approved parameter plans for the site) and the Sovereign Harbour Supplementary Planning Document, and are therefore considered acceptable subject to conditions and legal agreements as set out below.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 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
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

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

Supplementary Planning Guidance/Documents

- Sovereign Harbour Supplementary Planning Document 2013
- Outdoor Playing Space Supplementary Planning Guidance 1999

**Site Description:**

Site 1 sits adjacent to the seaward Harbour entrance, and adjacent to the junction between Prince William Parade, Atlantic Drive and Martinique Way. At present the site is undeveloped and includes shingle and self-vegetated open land that is accessed by the general public.

To the west of the site there are existing residential properties, this adjoining boundary forms an unfinished built edge, which reflects the fact that the development of Site 1 has formed a long established part of the overall masterplan for this part of the Harbour.

Currently the promenade walkway terminates at western edge of Site 1, to continue on a formal path pedestrians need to turn west and via Martinique Way they can access the Harbour Walkway. Public access has been maintained across site 1 and informally it is used by large numbers of members of the public for dog walking and for access between the Promenade and the Harbour Walkway. There are currently no formal (public) footpaths though Site 1.

Martello Tower 66 is sited to the north east corner of the site adjacent to the Harbour Arm. The Martello Tower is a Scheduled Monument. Martello Towers are gun towers constructed to defend the vulnerable South Eastern coast of England against the threat of ship borne invasion by Napoleonic forces. Of the original 74 towers on the South-coast 26 now survive. No.66 survives well and retains a substantial proportion of its original components and associated features, including the original gun barrel, which is a rare survival amongst Martello towers. During World War II, a concrete gun emplacement was constructed across the roof of the tower and this in turn supports a later, temporary coastguard station.

### **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 site.

The application also seeks to approve a number of conditions of the original outline permission as below which are discussed in detail in the report.

- 12 (details of boundary treatments)
- 13 (Details of hard and soft landscaping)
- 15 (Measures to limit habitat encroachment)
- 16 (Landscaping details to include details of the specie and size of any hedging)

- 19 (Layout details shall provide for future maintenance access to both the sea defences and the Outer Harbour walls)
- 22 (Storage of domestic refuse and recycling)
- 24 (new roads to be designed and constructed to approved standards)
- 28 (Details of vehicle Parking areas)
- 29 (details of cycle parking areas)
- 39 (two-thirds of the site shall be retained for public open space)
- 40 (residential development shall not exceed 72 dwellings)
- 41 (Pedestrian and Cycle linkages)
- 47 (details of a turning space for vehicles)

The proposal consists of 10 houses, 5 blocks of pairs of linked dwellings, a southern block of 28 residential apartments and a northern block of 34 apartments with a mix of 2, 3 and 4 bedrooms.

#### Accommodation Schedule

<b>Number of Apartments and Bedrooms</b>	<b>Floorspace provision</b>	<b>National Space Standards</b>	<b>Amenity space</b>
<b>Houses</b>			
10 x 4 bed	Min 209m <sup>2</sup>	130m <sup>2</sup>	Min 62m <sup>2</sup>
<b>South Block Apartments</b>			
9 x 2 bed	Min 99m <sup>2</sup>	70m <sup>2</sup>	Min 17m <sup>2</sup>
14 x 3 bed	Min 124m <sup>2</sup>	95m <sup>2</sup>	Min 21m <sup>2</sup>
5 x 4 bed	Min 187m <sup>2</sup>	117m <sup>2</sup>	Min 130m <sup>2</sup>
<b>North Block Apartments</b>			
13 x 2 bed	Min 103m <sup>2</sup>	70m <sup>2</sup>	Min 25m <sup>2</sup>
13 x 3 bed	Min 125m <sup>2</sup>	95m <sup>2</sup>	Min 25m <sup>2</sup>
8 x 4 bed	Min 188m <sup>2</sup>	117m <sup>2</sup>	Min 58m <sup>2</sup>

The application is accompanied with a number of supporting documents; the significant elements from the main documents are outlined below:-

#### Planning, Design and Access Statement

Sets out the design evolution and consultation the applicant has gone through pre-submission of this application following responses to the original outline permission and comments received from Design Review Panel to initial design concepts.

The design has evolved taking into account the characteristics, setting and prominence of the site located at a key gateway to the Harbour, the location

of Martello Tower 66 and the need to respect visual links through to Martello Tower 64 on the Northern Harbour Beach, and the existing and on-going requirements for the site, namely to provide access to the Environment Agency to maintain existing sea and harbour defences.

#### Transport Statement

Sets out the proposed developments access and parking arrangements.

The houses are each provided with double garages and off street parking to accommodate up to 4 cars, though are assumed to have an average of 3 spaces per unit for the purposes of the assessment. The flats have been allocated car spaces on the basis of 2 spaces for each of the 3 and 4 bed apartments and 1 car space for each 2 bed apartment.

Interspersed with these within the covered car parks and alongside the shared service route will be a further 44 unallocated spaces for residents and visitors.

Cycle parking is provided within the garages for the houses (these are made larger to accommodate) and gated parts of the lower ground floor of the two apartment blocks will provide 88 cycle parking spaces.

The outline permission approved parameter plans for Site 1 assumed the main access to the site would be from the existing spur from Martinique Way and a full transport assessment was carried out as part of this application.

#### Landscape and Ecology Management Plan

Sets out the aim to retain and protect the natural shingle setting and composition of the site as far as possible and to enhance the ecological interest and value of the site through the establishment and maintenance of native vegetated shingle areas.

The area within the new public open space, adjoining the residential zone will comprise a vegetated shingle, ecology zone that will be established and maintained to minimise the extent of public disturbance, enabling this area to become established with a rich mix of native shingle species.

#### Sovereign Court Vertical Sky Component (VSC) Report

This report contains an assessment of the impact of natural daylight on the developments neighbouring properties by calculation the VSC, the percentage of the total sky that can provide direct light to the centre of the face of the window when neighbouring obstructions are taken into account. Three VSC calculations have been made to show the impact from both the proposed housing block and both apartments blocks have on the nearest existing dwellings. All three calculations passed the recommendations of the BRE guide in terms of impact.

## **Consultations:**

### Specialist Advisor (Arboriculture)

No objections subject to species appropriate selection given the hostile marine environment.

### East Sussex County Council Highways

No objections to the proposal and have evidenced their consideration with the following:-

*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.*

*A total of 176 spaces are proposed although it should be noted that each house can accommodate 4 cars rather than the 3 used in the figures submitted, bringing the actual total to 186. 2 spaces would be allocated to each 3 & 4 bedroom flat and 1 to each 2 bed flat. This is in line with ESCC expectations for allocated parking. A total of 44 unallocated spaces for extra residential and visitor use are also proposed. The ESCC parking calculator suggests that for the flats 147 spaces should be provided while the proposal provides 146. The lack of 1 space will not create a significant issue and is therefore acceptable. It should also be noted that the parking calculator uses Sovereign Ward census data and therefore a higher level of parking is required here as car ownership within this ward is higher than adjoining wards. This level of parking is acceptable.*

*The creation of new driveways along Martinique Way will help alleviate some parking problems experienced, by preventing as many cars parking in the area. It is likely however that this will just move the problem further along the road. As Martinique Way and most of the surrounding roads are now adopted public highway, parking restrictions can be considered in the area. It is suggested that a financial contribution is made (£10,000) to allow the area to be included in the next parking review and any resulting restrictions are implemented.*

#### Strategy and Commissioning (Planning Policy)

Support this application in principle. Outline planning permission was granted for the amount of development proposed which is supported in order to meet housing numbers identified in the Sovereign Harbour neighbourhood over the local plan period to 2027.

The development also conforms with the Sovereign harbour Supplementary Planning Document 2013 in particular in reference to the overall design principles and the provision of open space and access to the seafront. This is supported by a detailed Landscape and Ecology Management Plan to enhance the biodiversity and accessibility of the shingle habitat.

#### Specialist Advisor (Conservation)

Identifies that the significant heritage asset at the site is the existing Martello Tower and that any redevelopment needs to address its significance. The significance of No 66 is found in its evidential value, as a good surviving example of a 'low-lying tower' constructed in 1805-6, which includes a high percentage of original components and associated features, providing insight into its chronological evolution. The relatively untouched Martello tower, besides its high aesthetic merit as a military structure, provides understanding into the 'integration of the Martello tower system', its structural and strategic strengths. The sum of which make a valuable contribution to the status of No 66, as a scheduled monument and Grade II listed building, which guarded the coastline from the threat of Napoleonic invasion.

However over time the purity of the setting of No 64, has been compromised through the demolition of the neighbouring tower No 65 and incremental / phased development of the wider Eastbourne and more immediately Sovereign Harbour. In context the phase of development, as proposed, sits in close proximity or within the immediate setting of the asset, the cumulative change of which has therefore been taken into consideration.

In this respect, the significance of the asset and the role it played as part of Eastbourne's history and its national importance would through understanding be better interpreted, if a user friendly path was introduced. Beside the historic interpretation of the functional significance would be

further enhanced by linking the location of what was Martello tower No 64 (neighbouring), by means of a dedicated route to tower No 65.

In this respect appreciation of the original setting and interpretation of the structures function, in conjunction with other structures, should be celebrated as a destination point.

In this respect it is advised, the experience of the asset as a military defence structure, which formed part of a wider chain of structures along the Sussex and Kent Coast should be introduced, by means of providing a physical link (footpath) between what was No 65 and No 64, which would then become a natural destination point.

As a Building at Risk, the required works should be carried out to ensure it is removed from the risk register, whilst its long term viable use and as such maintenance should also be given due consideration as part of the proposal.

In respect of the above, the landscape as proposed, does not celebrate the significance of No 66 a Grade II listed building and scheduled monument. Notwithstanding this, there is little or no commitment, to the repair or long term viable use of the asset as a building at risk.

#### Design Review Panel

The proposal has been to DRP twice, once pre-application and once following submission of this reserved matters application.

##### Pre-application

- The importance of landscaping in the development and the proposals should be treated as a set piece with the architectural and landscape elements treated as one part of an integrated design approach focussing on 'place making'.
- There is an opportunity to ensure the site would link with the adjacent sites the promenade and the Harbour Walkway.
- Same aesthetic should be carried between the blocks of flats and the houses.
- Horizontal emphasis of the apartments is appropriate to the landscape/scale of the building not accentuating the vertical columns and letting the horizontal banding become more prominent.
- Panel members thought there should be a delicate relationship between the ground floor and the beach.

##### Current submission

- Reiterated that there was a need to look further afield that this site and ensure connectivity with the wider area.
- The compressed shingle should be increased to the pedestrian access at the end of the prom so that the site feels like a place to arrive at.
- The design should be focussed on pedestrian use not vehicular which is very occasional.
- The extension to the harbour walkway should link with the compacted shingle and through to the pedestrian route off the prom.



- Any seating should be informal and natural such as sleepers.
- Panel members questioned the lack of proposals for the Martello Tower and what could be required as part of the application.
- More of a destination point should be made of the Martello Tower.
- Play space should be more informal, questions raised over how it would work with the access from the prom for pedestrians.

#### Environment Agency

No objection in principle to the Reserved Matters proposal.

#### Historic England

Recommend that the beach should have a naturalistic character and include public access improvements, such as landscaping, planting and a boardwalk/footpath of some sort. In recommending a natural landscape and the access provisions having a broadly natural looking beach like character, avoiding hard landscaping in order to preserve and enhance a generally complementary setting for the Martello Tower.

Enabling work to the Martello Tower, to facilitate a new use would be highly desirable. Natural England are content with the proposed landscaping scheme in principle, in that it does no more harm to the setting of the tower, however state that it does little to enhance it. However, though not strictly an enhancement of the historic setting of the tower, improvements to the public realm, enhancing public access and providing interpretation of the tower would certainly enhance appreciation of the tower, and perhaps create opportunities for its sustainable re-use, which would be very welcome indeed.

#### County Ecologist

Recommends species appropriate selection in order to create a sustain an appropriate level of habitat across the site.

The landscape masterplan and Landscape and Ecology Management Plan is considered to be broadly acceptable and in line with the Council's Sovereign Harbour SPD. However, the proposed specimen planting is not appropriate and there is a lack of information regarding limiting habitat enrichment and encroachment provided to satisfy conditions 13 and 15.

#### Southern Water

No objections to the reserved matters application.

East Sussex County Council Lead Local Flood Authority – SUDS Team Raised no objection in principle, however requested further information in relation to the maintenance and management for the drainage system,

#### **Neighbour Representations:**

379 consultation letters were sent to surrounding residential properties. 67 Objections have been received and cover the following points:

- Over population of the Harbour area
- Parking issues
- Insufficient parking spaces for residents and visitors
- Impact on highway safety
- Lack of bus services serving the harbour
- Lack of local amenities/ community facilities/play areas/doctors surgeries/schools
- Loss of privacy/light/view and overbearing impact to existing properties
- Intensity of building will ruin the natural area for wildlife
- The Martello should be preserved and upgraded
- Impact on view and setting of Martello Tower
- Area should be left for recreation
- Impact on future residents of the maintenance activities on the site
- Impact of building operations and length of build
- Flooding
- Design and layout of the proposed buildings out of keeping with surroundings
- Houses having dropped curbs to Martinique Way reduces on street parking
- Access should be off existing roundabout not Martinique Way
- Impact on safety from lack of overlooking to play space if moved off site 1
- Impact of shared path for vehicles and pedestrians
- Disturbance from new road adjacent to existing properties
- No justification of additional residential properties
- Elsewhere the taller blocks of flats are located away from the coast and step down
- Play area is inappropriate
- Accessibility for refuse collection vehicles
- Should have a continuous promenade to encourage walking/cycling
- Impact on Flora and Fauna
- Impact on right of way over the land
- Doesn't provide access for cyclists and disabled
- Fails to deliver a joined up seafront
- New properties should be liable to upkeep of water feature

Columbus Point Residents Association have objected to the application on the following grounds;

- impact on the adjacent residential properties, overbearing impact/loss of light;
- Design of the proposed buildings being out of keeping;
- Parking/traffic/safety issues;
- Noise and disturbance from the new road;
- Assess for shore-works;
- Drainage;
- Loss of recreational land.

Sovereign Harbour Residents Association have objected to the application on the following grounds that the construction of the community centre on Site 5 has not commenced.

Columbus Point Management Company have requested that owners of new properties should be required to contribute towards the water feature.

### **Appraisal:**

#### Principle of development:

Outline planning permission was granted 2 December 2014 for the development of sites across the harbour including site 1. The outline permission approved the development of Site 1 for up to 72 residential dwellings and public open space within a set of parameter plans.

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 the site.

#### Accommodation Schedule

<b>Number of Apartments and Bedrooms</b>	<b>Floorspace provision</b>	<b>National Space Standards</b>	<b>Amenity space</b>
<b>Houses</b>			
10 x 4 bed	Min 209m <sup>2</sup>	130m <sup>2</sup>	Min 62m <sup>2</sup>
<b>South Block Apartments</b>			
9 x 2 bed	Min 99m <sup>2</sup>	70m <sup>2</sup>	Min 17m <sup>2</sup>
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<b>North Block Apartments</b>			
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8 x 4 bed	Min 188m <sup>2</sup>	117m <sup>2</sup>	Min 58m <sup>2</sup>

It is evident from the table above that the accommodation schedule that all apartments exceed the recommended national space standards in terms of minimum internal floorspace.

### Layout

To some extent the layout of the site was agreed through the approved parameter plans of the original Outline planning permission.

These stated that there would be a minimum of 62m set back from the Martello Tower to mitigate any encroachment and that development would be to the west of the site with a pedestrian/cycle route on a new street with a minimum width of 7.8m connecting to Martinique Way via an existing spur which itself will terminate at the outer harbour walkway.

The residential development comprises three main blocks set back from a shared service route that will connect between the existing spur off Martinique Way and the outer harbour walkway. The positioning of the blocks is such to provide an 'wave' line footprint which provides a built edge, concaved at the northern end to extend the physical separation with the Martello Tower.

The northern edge of the site will comprise an extension of the harbour walkway to the edge of the apartment block whereby the path changes into the natural shingle.

At the southern edge a compacted shingle path will connect with the end of the existing formal promenade, with unrestricted access through for pedestrians. This compacted shingle path is proposed to link from the end of the prom with the compacted shingle for maintenance vehicles which accesses from the existing spur. The purpose of providing a compacted shingle path is to give a sense of arrival and to draw people into the site, towards the Martello Tower a destination point and through to the Harbour Walkway linking this section of the seafront.

Given the material (compacted shingle) the path will not be DDA compliant, access for wheelchairs and cyclists will be via the proposed road to the rear of the apartment blocks linking Martinique Way with the Outer Harbour Walkway.

A play space is required to be provided on the site as part of the S106 agreement attached to the outline permission. It is considered there are limitations to providing the play space within the site and there are options for its delivery (see following reports on this agenda).

At the northern end of the site it would be considered to interrupt the views and setting of the Martello Tower. So as part of the Reserved Matters application play space is shown to be provided to the south of the site between the compacted shingle path at the end of the Promenade and the

maintenance vehicle compacted shingle path. This area can provide adequate space for a play area on the site, approximately 130m<sup>2</sup>.

A play area of this size would provide a Local Area for Play (LAP) as defined in the 1999 Outdoor Play Spaces Supplementary Planning Guidance. A LAP would likely constitute small low impact/low key demonstrative play features rather than larger equipment.

However, there is an option to provide the play space adjacent to the end of the Promenade, so outside of Site 1 (see following reports on this agenda). The benefits of this location are a more open site, not constrained by the access paths to site 1, additional overlooking from the Promenade and Prince William Parade and it is considered it would allow more friendly access and approach into site 1 improving the landscaping features. This area equates to approximately 700m<sup>2</sup> and could therefore provide a larger Local Equipped Area for Play (LEAP) which would provide about 5 pieces of equipment. This issue is discussed in more detail in the report for the application for the play space Reference 160009 reported elsewhere on this agenda.

Layout Conclusion:-The proposals are considered acceptable in terms of layout, and in line with the approved parameter plans of the original outline planning permission.

In terms of play space the location to the south of site 1 outside the boundary is recommended as the better option of the two spaces as it would provide a larger area, with more visibility and would improve the landscaping, access and permeability to site 1 from the South. However the location within the site is adequate to meet the requirements of the parameter plans and S106 of the original outline permission.

#### Appearance

The applicant within their Planning Statement states that it was their design ethos to create a high quality response to design of the buildings, which has been sought to respect and complement the Martello Tower and also to landmark the Harbour entrance and the seafront. The houses and apartment blocks are designed to be similar with the same language following through the blocks, with a horizontal emphasis and matching materials.

There are a mixture of materials throughout the Harbour. The adjacent properties to Martinique Way are a more traditional brick (mixture of orange and yellow) build with smaller windows and metal balustrades/Juliette balconies. On the northern side of the Harbour, blocks of apartments take on a more modern appearance with coloured blocks and large expanses of glazing on upper levels. The proposal draws more on the modern blocks north of the harbour, with white rendering and horizontal emphasis from the glazing and balustrading.

### Dwelling Houses

The ten houses are 5 blocks of linked dwellings to the south of the site. The building blocks each follow horizontal lines, which are complemented by simplicity in elevation arrangements comprising principally of glazing with open balconies and terraces framed in white render.

### The Apartments

The apartments are proposed over two blocks, South and North, with a lower ground floor service level for car, cycle and refuse storage etc., to the west hidden from view from the public open space to the east which will retain the current ground level.

The buildings have been designed as public facing blocks on each elevation so they will read as being double fronted without defined front and rear elevations with side elevations also designed to provide interest and attractive screens to the public. The Sovereign Harbour Supplementary Planning Document highlighted the prominence of Site 1 when viewed from the sea and stated that proposed residential development was to provide an attractive frontage to the coast and to provide a unique space to reflect the maritime location.

The buildings have been 'broken up' with the proposed stepping up and stepping back arrangement which reduces the bulk of the building. The three blocks combined create a land marking of the site with building of height at the northern end (adjacent to the harbour entrance), stepping down to a more domestic scale at the southern end.

Both the ground floor level apartments and houses have access out onto private decked areas to the seaward elevation, which are open in the respect that they are not enclosed by fences or balustrading. The ecology planting will provide some privacy, however the design ethos is that the ground floor is open onto the public open space, therefore all PD rights have been removed by condition in relation to fences to properties on the elevation facing the public open space.

To the western elevation facing Martinique way, between properties and facing the highway will be low brick walls with railings demarking the private houses driveways/gardens. The southern end of the site adjacent to House plot 1, will be landscaped and the existing fencing removed to provide an open and visually more appealing end to the site. There will be no fencing to the southern end of the side, with the whole vista opened up, boulders will be used to prevent cars accessing the public open space, with drop bollards to the EA vehicular entrance.

**CONCLUSION APPEARANCE:-** Planning policy encourages new and innovative design that can be modern by that respects, preserves or enhances the character of an area. The design of the buildings individually and as a holistic proposal are considered acceptable as are the proposed materials which draw

on the wider design context of the area. The proposed appearance of the buildings is considered to be in line with the approved parameter plans and the Sovereign Harbour SPD.

### Scale

The parameter plans at the original Outline planning stage agreed the storey height/capacity of the development.

The parameter plan set out the scale as a mix of houses and apartments.

The southern block is proposed to be 5 storeys in height facing onto the public open space, with a lower ground floor level providing parking where the existing ground level is lowered. The building steps in as the floors increase with the top floor set back from the eastern elevation to reduce the visual bulk and scale of the building.

The northern block steps down to the south to 3 storeys, with 5 storeys and additional penthouse storey overlooking the harbour.

The houses are proposed 3 split storeys in height, stepped up on the eastern elevation to face onto the public open space and stepped down on their western elevation facing towards the existing properties on Martinique Way. The design of the Houses draws on the Design Review Panel comments that the design of all buildings should follow through from the apartment blocks. Therefore the eastern elevations of each of the five sets of linked houses will be set out with horizontal lines facing the public open space.

The southern block will accommodate 28 apartments, 50% will be 3 bed, the remainder 2 and 4 bed with the larger apartments forming the upper and penthouse floors. The arrangement with the lower ground floor access from the new street, keeps the service area fully screened from the main public open space and screened from shingle and sea salt spray. This is in line with the requirements of the Sovereign Harbour SPD which stated that vehicle parking and access should be screened behind the existing beach level, to reduce the impacts on the setting of the Martello Tower.

The northern block will provide 34 apartments of which 8 will be 4 bed with the remainder 2 or 3 bed.

The arrangement over three 'blocks' will allow vistas through the site, and the stepping to the apartment blocks is designed to reduce the visual bulk and scale of the proposed blocks.

**CONCLUSION SCALE:-** The scale of the proposed buildings are considered acceptable and in line with the approved parameters of the original outline planning permission and the Sovereign Harbour SPD.

## Landscaping

The approved parameter plans stated that approximately 2/3 of the site would be for public open space, which would be configured to create a natural shingle setting for the Martello Tower with a low key boundary between the development and the open space.

The landscaping of the site evolved following comments from Historic England, the requirements of the Environment Agency for maintenance and the Design Review Panels comments.

Access is required by the Environment Agency to maintain sea defences and by Premier Marina's to maintain boat access to the harbour. The site has an existing compacted shingle path from the access spur to the south which will be retained for vehicular access. Access is required at times throughout the year when considered necessary, there is no set parameters for maintenance, but only the EA have a legal right of way over the land. At present as the site is undeveloped the owner has an agreement with the EA to stockpile or use the site as they see necessary so not restricting to one area, but the legal right of way is only to the eastern part of the site up and around the Martello Tower.

The originally proposed formal extension to the Harbour Walkway with seating has been removed from the plans principally because its location would interfere with access to the outer harbour for maintenance purposes, and as a formal destination point here was considered inappropriate and a distraction from the true destination point of the Martello Tower.

The western edge of the public open space, that will define the edge of the private residential areas will be set out as a vegetated shingle ecology zone that will provide a physical separation between the open shingle banks and the new properties.

The landscaping plan has been amended through the course of the application to enhance the public access to the site, providing a visual and enticing access to the site from the end of the Prom and clearly linking to the existing harbour walkway creating a destination point of the existing Martello Tower with compacted shingle paths. The use of compacted shingle makes an easier surface for walking, whilst retaining the naturalist visual appearance for the landscape.

Historic England have supported the principle of the beach having a naturalistic character in order to preserve and enhance a generally complementary setting for the tower.

A Landscaping Ecology Management Plan was submitted with the application, whilst acceptable in principle the details are considered unacceptable as an objection of the construction should be to retain vegetated shingle habitat in its current location and protect during construction. It is considered that the



information currently provided is insufficient to discharge this condition; this should be revisited as part of a construction management plan.

**CONCLUSION LANDSCAPING:-** The landscaping of the site is considered acceptable and in line with the approved parameters of the original outline planning permission and the Sovereign Harbour SPD, retaining the naturalist appearance and public open space for residents whilst respecting the setting of the Martello Tower and preserving its setting. However specific details of the location/design and appearance of the boulders, seating, delineation details for the compacted shingle route and also way-markers are yet to be supplied and as such this condition cannot be fully discharged.

#### Access

To some extent the access to the site was agreed through the approved parameter plans of the original Outline planning permission. These stated that vehicular access will be off Martinique Way, the new street will connect to Martinique Way via the existing spur and terminate at the Outer Harbour Walkway. The street is proposed to remain private, therefore not offered for adoption by East Sussex County Council.

Eight of the new houses at the southern end of the side will be accessed via new dropped kerbs to private driveways directly off Martinique Way. The northern two linked houses will be accessed via a shared service route that will link from the existing spur off Martinique Way. This route will remain a private road with bollard controls to prevent general vehicles access. The bollards are to be set back into the site to enable vehicles to pull off Martinique way helping to keep that carriageway free from stopped and queueing vehicles whilst bollards are activated. However the shared route will be open at all times to all non-vehicle users, providing a paved route for pedestrians, cyclists, wheelchair and pushchair users to connect freely between Martinique way and the outer harbour walkway.

The northern and southern entrance points to the site will be connected by a low key compacted shingle route that will connect towards and past the Martello Tower. The route will be demarcated by the use of low key rocks and managed vegetated shingle banks, edged to ensure maintenance vehicles keep to the route. The site is now to provide a continuous pedestrian link from the existing prom into and across the site past the Martello Tower and connecting to the existing Harbour walkway.

Vegetated areas are used to provide a barrier between the private residential terraces and the public open space. The objective is to protect and retain the natural shingle setting and composition of the site as far as possible and to enhance the ecological interest and value of the site through the establishment and maintenance of native shingle areas.

**CONCLUSION ACCESS:-**The access into and across the site is considered acceptable and in line with the approved parameter plans of the original

outline planning permission and the Sovereign Harbour SPD.

It is considered that the provision of enhanced linkages to/through/across the site would be a material enhancement to the quality of the area should ensure that it remain open/accessible and fully integrated into the wider land/townscape.

**Planning Obligations:**

A S106 is to be entered into between the Applicant, ESCC and EBC in relation to a financial contribution for a parking review and implementation of any restrictions following this review and for the refurbishment of the Martello Tower

**Other Matters:**

Access for sea defence maintenance and Harbour Access

The rock revetment and all sea defences south of Sovereign Harbour's southern harbour arm are the responsibility of Eastbourne Borough Council.

However, once the beach passes the most easterly Eastbourne groyne (No.94, approximately in the centre of Site 1) the shingle "belongs" to the Environment Agency. Because the harbour entrance prevents natural movement of sediment from Langney into Pevensey Bay, any shingle that builds up to the west of the harbour entrance has to be mechanically bypassed around the harbour and placed on the eastern side. There is an obligation to remove shingle from the harbour arm before it has the chance to get into the harbour entrance channel, so there are no specific timings for when the work will occur, however the Council has placed restrictions that only allow shingle to be moved between 1st October and 31st March each year.

To enable these works access to and across Site 1, wide enough to accommodate at least two lorries is needed as far as the Martello Tower, where sufficient space must be available to allow each lorry to turn and then reverse to the end of the southern harbour arm where it will be loaded by an excavator.

It should also be noted that periodically, shingle has to be removed from the inside of the outer harbour. This is because the rock harbour arms allow shingle to pass through/over them during storms. Subsequent easterly/southerly waves then push this material towards the lock gates ultimately with the potential to block them. This operation, the responsibility of Premier Marinas has to be undertaken at least every two or three years.

Meetings have taken place between all parties, The Applicant, Council, Environmental Agency and Premier Marinas during shingle movement works to assess how the proposed buildings will impact on the future operations within Site 1. Whilst the development of the Western side of Site 1 will

impact on how works are undertaken, care has been taken to ensure all development and planting is to the western edge allowing sufficient room to the east of the site for EA access and turning of vehicles.

These works would likely have significant impacts on future residents given the close proximity, however any buyers would be aware of the legal agreements in place which allow the EA access over the land and given the limited times these operations actually occur it is not considered that permission could be refused on the basis of the impact on future residents from these sea defence operations.

#### The re-use of the Martello Tower

The applicant has agreed to a condition requiring utility service points and connection routes to be provided to serve the Martello Tower and to be installed prior to the first occupation of the northern apartment block, this will enable the actual connections for utilities to be made once a new user of the Tower is confirmed as this would define the type of connections required. It is considered that these works in and of themselves would not be a significant intervention sufficient to mitigate this building which currently sits on the 'Building at Risk' register.

In this regard it is considered that via a S106 legal agreement details of how the building (Martello Tower) shall be refurbished sufficient for a commercial use shall be submitted to and approved in writing by the Local Planning Authority and that the works (to facilitate the refurbishment) shall be fully implemented prior to the completion of the 50% (36 units) of the residential units hereby approved

Whilst not strictly an enhancement of the historic setting of the tower, the improvements to the public realm, enhancing public access and providing interpretation of the tower would enhance appreciation of the tower and perhaps create opportunities for its sustainable re-use. The details and refurbishment as required by the S106 Legal Agreement shall enhance the potential for a new users/occupier of the building and thereby increasing its long term retention/viability.

#### The Water Feature

Comments have been received that new owners should be required to contribute to the ongoing maintenance of the water feature. It is not considered that this is something that can be required through this planning process.

#### The Community Centre

The original outline permission for the development of sites across the harbour included the provision of a Community Centre on Site 5. There are no linkages between the development of this site and site 5.

Considerable works have been ongoing in relation to the commencement of development of this site, including extensive ground work analysis in terms of contamination of the site. This is ongoing. The delivery of the community centre is controlled by the S106 agreement.

### **Discharge of Conditions:**

#### 12 Details of boundary treatments

Highways confirm that the boundary treatment at the edge of Martinique Way is acceptable as it will be a low wall (600mm high) which will allow adequate visibility of pedestrians and vehicles when exiting the driveways. In principle this is acceptable, but in order to discharge the condition we would require details of materials and visual appearance of this wall and railings. Therefore this condition is not discharged at this time.

#### 13 Details of hard and soft landscaping proposals

As outlined already within this report there are specific details that have yet to be submitted in addition there is an absence of information in relation of the retention and protection of existing vegetated shingle during the construction period rather than relying on removal, storage and replacement and as such there this condition cannot be discharged.

Highways have confirmed that as the site is to remain private the paving materials are at the applicant's discretion from the Highway Authority's point of view. It is noted that the soft landscaping includes trees in the front gardens of the houses, these trees have been positioned further back following comments from ESCC Highways.

#### 15 details of measures to limit habitat enrichment and encroachment

Whilst the details in the details submitted are broadly acceptable in principle, there remains an absence of information as to how the scheme will mitigate the encroachment of soft landscaping into areas of the site where it is not desired (play space, compacted shingle drive).

Therefore this condition is not discharged at this time.

#### 16 Landscaping details to include species and size of any hedging and trees

Details submitted are acceptable to ESCC Highways and Specialist Advisor for Arboriculture therefore condition can be discharged.

#### 19 Layout details shall provide for future maintenance access

An access from the Southern Water controlled roundabout will be maintained, although altered, as part of this proposal which will provide maintenance access for the Sea wall and Harbour defences. The Environment Agency and ESCC Highways have confirmed they do not object to this proposal, therefore this condition can be discharged.

## 22 Details of storage of domestic waste and recycling and access to those stores for collection vehicles

Storage of domestic waste and recycling is shown within the rear gardens of the houses, and at lower ground floor levels in bin stores for the apartment buildings. A vehicle tracking plan has been submitted which shows that a large refuse vehicle can enter the site, turn and exit in a forward gear which is acceptable. Therefore the details submitted are considered acceptable and the condition can be discharged.

## 24 Construction of estate roads

The applicant has confirmed that the road within the site will not be offered for adoption as public highway. This condition can therefore be discharged as it will not apply. It should be noted that the decision on whether or not to offer roads for adoption by the Highway Authority is entirely at the discretion of the developer. Local Authorities do not have the power to insist that roads are adopted.

## 28 Details of vehicles parking areas

A total of 176 spaces are proposed throughout the site. Each House has at least 2 off street parking spaces, 2 spaces would be allocated to each 3 & 4 bedroom flat and 1 to each 2 bed flat.

This level of parking provision is in line with ESCC expectations for allocated parking. A total of 44 unallocated spaces for extra residential and visitor use are also proposed for the apartment blocks and to the proposed new private road off Martinique Way.

The ESCC parking calculator suggests that for the flats 147 spaces should be provided while the proposal provides 146. The lack of 1 space will not create a significant issue and is therefore acceptable.

It should also be noted that the parking calculator uses Sovereign Ward census data and therefore a higher level of parking is required here as car ownership within this ward is higher than adjoining wards. This level of parking is acceptable and therefore the condition can be discharged.

## 29 Details of cycle parking areas

The level of cycle parking proposed is in excess of that required by ESCC guidance. It is also covered and secure so suitable for long term use and therefore this condition can be discharged.

## 39 Two thirds of the site to remain for public open space

It is considered that based on the drawings submitted with this application the proposed development shows that two thirds of the site does remain for public open space to the east of the site. It is therefore considered that the development accords with this condition

## 40 Residential development shall not exceed 72 residential dwellings

It is considered that based on the drawings submitted with this application the proposed development shows that 72 residential units are to be provided and therefore meets the requirement of this condition.

#### 41 Pedestrian and Cycle Linkages

Access to the rear of the site (landward side):- The submitted plan shows for the majority of the site that a shared surface arrangement which would be used to cater for vehicular, pedestrian and cycle use without separate foot or cycle ways.

A vehicle control system is proposed (off/from Martinique Way) which would limit the number of vehicles in the site and the layout, size and surface materials in the development would keep vehicle speeds low.

At the eastern end of the site a ramped DDA compliant footway would be provided to link to the harbour walkway. This design accords with the Manual for Streets guidance on Shared Space and is therefore acceptable. At the entrance to the site there is not currently a dropped kerb and tactile paving in place across the junction. The applicant has indicated they will install this. Also any pedestrian entering the site from Martinique Way would need to do so at the junction. As the new street from Martinique Way is to remain private, and therefore not adopted highway there would not be a right for pedestrians and cyclist to travel through the site. In order to ensure as much permeability of the area as possible a condition is suggested below to ensure access is provided through the site once complete.

It is considered that the connection from the existing promenade across the site and linking to the existing Harbour Walkway would provide enhanced connectivity to/through the site.

Therefore this condition can be discharged.

#### 47 Details of turning space for vehicles

A large refuse vehicle can turn within the site so it can exit in a forward gear. This would cater for the largest vehicle likely to enter the site once constructed. Therefore this condition can be discharged.

#### **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 proposal in terms of the design and scale of the buildings, the proposed materials, the layout, access and the landscaping (subject to further details) are considered acceptable given the context of the site.

The proposal is considered in line with the approved parameter plans of the Outline permission and the Sovereign Harbour SPD and it is therefore recommended that the reserved matters application is approved, and the conditions are determined as outlined above.

**Recommendation:** To approve the reserved matters application subject to the following conditions subject to a S106 agreement:-

The Heads of Terms for the S106 to cover:-

- ESCC to secure a financial contribution of £10,000 for a parking review
- implementation of any restrictions/issues arising from the parking review
- Submit prior to the commencement of any (above ground) development details of the refurbishment and services provision to the Martello Tower
- Details of the refurbishment and services provision to the Martello Tower shall be fully implemented prior to the sale/first occupation of the 36th residential unit.

**Conditions:**

1. Highways – Accesses for houses
2. Highways – shared space shall be available for pedestrians and cycle access
3. No plant or machinery to be installed to roofs of any houses or flats.
4. Approved drawings
5. Prior to the first occupation of any of the residential unit hereby approved a plan shall be submitted identifying residential demarcation (assigned plot boundaries). This plan shall endorse that the residential demarcation shall end at the seaward end of the proposed decking.
6. The soft landscaping hereby approved shall be implemented in full prior to the first occupation of phase of the development to which it relates. The soft landscaping as implemented shall be protected (Barrier fencing) from the construction of later phases of the development.
7. Once implemented the soft landscaping areas to the seaward side of the development (outside of the residential demarcation zone) shall be maintained by the applicant (or a management company assigned by them) and at no time shall the areas be supplemented (planted) by species selected by the home owner

**Informatives:**

Highways – need for a licence for construction of accesses.

**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**.