

App.No: 160009	Decision Due Date: 3 March 2016	Ward: Sovereign
Officer: Anna Clare	Site visit date: 12 February 2016	Type: Outline (all reserved)
Site Notice(s) Expiry date: 31 January 2016		
Neighbour Con Expiry: 2 February 2016		
Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: Site 1, Martinique Way, Eastbourne		
Proposal: Application for outline planning permission (all matters reserved) for proposed location of equipped play zone linked with the development of Site 1 Sovereign Harbour.		
Applicant: Mr BRIAN GROVE		
Recommendation: Grant outline planning permission subject to conditions and legal agreement to ensure delivery of the play space linked to the delivery of Site 1.		

Executive Summary:

The S106 attached to the Outline permission for the development of Site 1 requires that play space be provided on Site 1.

The proposed landscaping plan for the Reserved Matters application (reported elsewhere on this agenda) shows that play space can be provided within the site to meet the requirements of the S106. However, this application proposes the provision of play space instead to a section of land immediately to the south of Site 1 adjacent to the Promenade Walkway.

This location is considered a preferred option to that within Site 1 as it is a larger area and has the potential to provide a more comprehensive play environment. The proposed location given the distance to the proposed residential units would have a more neighbourly relationship

And any noise impacts are likely to be mitigated by the distance involved.

The site retains public visibility given its location and proximity to the promenade and as such safety issues are retained in this new location.

The location of the new play space does not impact upon the pedestrian use

of the promenade, nor would it impact upon the accessibility into and across Site 1.

Therefore it is recommended that the application for the alternative layout is supported and outline planning permission granted subject to variances to the S106 agreement to cover the delivery of the new play space.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 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
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- UHT4: Visual Amenity
- UHT7: Landscaping
- HO20: Residential Amenity
- TR6: Facilities for cyclists
- TR7: Provision for Pedestrians

Site Description:

The application site relates to a section of shingle adjacent to the existing promenade end and Site 1.

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.

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:

The application relates to the proposed location of play space in association with the development of Site 1 Sovereign Harbour. This application proposes play space adjacent to the end of the promenade walkway south of Site 1.

The specific details of the play equipment does not form part of this application, consent is sought only for the principle and location of the proposed use.

Consultations:

Parks & Gardens

No objections subject to mutually acceptable play equipment:-

Using EBC's Outdoor Playing Space Provision Supplementary Planning Guidance 1999 which follows the National Playing Fields Association's (NPFA) categories of play, we would be looking at introducing a Local Equipped Area for Play (LEAP) which should provide an activity zone of at least 400m2 and 5 x types of play equipment within the site.

Having looked at the site today, I would be very apprehensive about not enclosing the site with railings, due to the very close proximity of the sea at high tide and the large numbers of dogs that are let off their leads to exercise on the adjacent shingle/ beach. There is also the adjacent cycle way to consider.

All the Councils play areas within Eastbourne meet European legislation and are inspected, independently, by RoSPA (Royal Society for the Prevention of Accidents) each year so we would need both the equipment and the associated safer surface to meet current legislation to protect the Council against future claims.

Specialist Advisor Engineering

The only concern I have is that access to the rock revetment for maintenance purposes should not be hindered. If any rocks became displaced we would need to be able to reposition them.

Ideally there should be an access strip 5 metre wide seaward of the play space to enable this. However, if necessary this could potentially be done from the beach.

Southern Water

Raise no objection in principle to the application in Principle

Sovereign Harbour Residents Association have made no comments on the application

Neighbour Representations:

Two general observations have been received to the application in relation to equalities and whether the play area will serve disabled children with relevant specialist equipment, that the area will not be a through route for pedestrians, and that the area is overlooked to prevent antisocial behaviour. 1 further objection was received about the development of Site 1 in general rather than the provision or location of playspace.

Appraisal:

Principle of development:

The principle of the development of site 1 was agreed by the Original outline planning permission. The S106 agreement accompanying this permission required the provision for play space at Site 1. The type and level of play space would need to meet the requirements set out in our Outdoor Play Space Provision Supplementary Planning Guidance 1999.

Provision/Amount of Play Space

EBC's standard is made up from part of the National Playing Fields Association's (NPFA) minimum standard for outdoor playing space requirements and part of the Sports Council's standards. These are both based on acreage per thousand population.

The type of play space provided would depend on the space available and the proximity of house boundary. As set out in the SPG an area 100m² to 400m² would provide a Local Area for Play (LAP) which in character would be a small low key games area with 'demonstrative' play features. This would require a buffer, distance from house boundary of 5m. This was agreed to be provided within the boundaries of Site 1 (130m² between the two access paths at the south of the site).

This application proposes a new location outside of Site 1 but remaining linked to it via an amended S106. This revised application site is larger in area (700m²) than that previously agreed and sited in a more distant location from existing and proposed dwellings as such it has the potential to provide a larger and more comprehensive play area. An area 400m² to 3600m² could provide a Local Equipped Area for Play (LEAP) which in character would be about 5 types of equipment and/or with games area. A LEAP would require a buffer of 20m from house boundaries.

The precise detailing of the equipment is subject to the necessary ROSPA assessments and funding from the participating bodies (the applicant/EBC).

Delivery/Maintenance of the Play Space

In either option the S106 agreement provides the option for the developer of delivering and maintaining the control of the play space, or offering to the Council for delivery and/or adoption following delivery by the Developer. For the Council to take on the Play Space it would have to meet the requirement of the Supplementary Planning Guidance in terms of provision of equipment.

Benefits of Location of Play Space Outside Site 1

There are a number of benefits to the location of the play space in the alternative location.

1. The improved permeability and landscaping to Site 1.
2. Overlooking/passive surveillance
3. Reduced impact on residential properties
4. Ability to provide a larger area and therefore better quality of equipment/play

Improved Permeability

The location of play space adjacent to the access from the promenade is considered to hinder the access and the visual draw of people into the site and towards the destination point of the Martello Tower.

Overlooking/Passive Surveillance

It is considered that the alternative proposed site outside of Site 1 is still overlooked, if not more so by users of the promenade and from the adjacent roadway.

Impact on Amenity of Residential Properties

The proposed location within Site 1 is set back from the residential houses by approximately 19-20m (approx. 20m buffer), which is not considered ideal in terms of impact on the amenity of these occupiers. This buffer would however meet the requirements of the SPD in terms of the provision of a LAP.

Delivery of Playspace/type of equipment

The application is for outline planning permission, for the principle of the location of the play space. Therefore details have not been submitted in relation to the types/size of play equipment.

Conclusion:

Whilst the Reserved Matters plan can provide an area of Play and meet the requirements of the S106. For the reasons set out above it is considered the alternative location would provide a better location in terms of space and therefore the quality of the play space provided.

Locating the play space adjacent to the promenade will allow for greater permeability within site 1, a larger play space area, and will have less impact on the future occupiers of the adjacent houses.

It is considered in this proposed location the play space would be overlooked sufficiently by users of the public open space, promenade and from the public roads surrounding and would link the end of the promenade with Site 1.

The Design Review Panel and Officers felt that the play space should be natural and informal, without barriers and hardstanding. However this is not possible as certain standards have to be met in terms of safety. So a more formal play space will be required to meet the appropriate regulations. Given a more formal play space will be required it is considered the most appropriate location is outside of site 1 to ensure the landscaping and access of site 1 is maintained/enhanced.

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.

Recommendation: Grant outline planning permission subject to the following conditions and also subject to revisions to existing S106 agreement to control the delivery and ownership of the play space.

Conditions:

1. Submission of reserved matters
2. Time frame for commencement
3. Details of layout shall include details of equipment and materials of surfacing and railings.