

App.No: 151192 (VCO)	Decision Due Date: 31 December 2015	Ward: Old Town
Officer: Leigh Palmer	Site visit date:	Type: Variation of Condition
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 04/12/2015		
Press Notice(s): N/A		
Over 8/13 week reason: Over 8 weeks given the committee schedule		
Location: 2 Upwick Road, Eastbourne		
Proposal: Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road.		
Applicant: Mr HENRY GOACHER		
Recommendation: Approve the details.		

Executive Summary:-

This application was reported to Planning Committee in February 2016 (previous report appended below) and proposed the retention of the relocated pumping chamber. Members resolved to defer determination of this item in order that officers could seek clarification from the developer in terms of the foul sewer connection to Upwick Road. Members view was that the sewer connection should follow that previously approved by the appeal Inspector and by Eastbourne Borough Council via the discharge of conditions..

The developer has heeded the advice of members and has re-dug a new sewer trench/line such that the connections now accord with the approved details.

Officers Comments:-

At the February committee additional representation were received regarding the location of the pump switch cabinet. Officers consider the pump chamber to be sited in an appropriate location and issues of noise and smells have been satisfactory dealt with by the applicant. Given this there are no substantive reasons not to issue the consent.

Recommendation:-

Approve the details and discharge the condition.

February Committee in full below

Executive Summary:-

This application was reported to Planning Committee in January 2016 (previous report appended below) and proposed a sewer connection from this development site into an existing sewer in Dillingburgh Road. Members resolved to refuse this application.

The application has now been amended and now proposes the deletion of the connection to Dillingburgh Road and promotes the foul water disposal via a pumped system direct from the site into Upwick Road. The application also proposes a revised location for the pumping chamber (already in situ) than that previously agreed.

Officers comments:-

It is considered that the proposals now promote a more site specific sustainable solution without impacting upon the existing drainage situation for the residents that abut the site.

The proposed revised location of the pumping chamber is due in part to advice received from Building Control whereby the agreed location and the depth of excavation required to install the chamber was such that it would likely impact upon the structural integrity of the foundations of the new property. The new location overcomes this risk.

The new location has resulted in a modest reduction in the available plot (rear garden) at No 2 Upwick Road, officers understand that this plot is owned by the developer, notwithstanding this reduction in garden area there remains an appropriate size of plot to meet the needs of the occupiers of this property.

In conclusion:- The revisions to the scheme have overcome concerns previously raised and will ensure that any issues in relation to the drainage of the site will be controlled and maintained by the developer and future occupiers of the development.

Recommendation:- Approve the details.

January Committee Report

This development site has approval for foul water connections to the main sewer in Upwick Road, this application proposes an alternative connection route.

The applicants are now seeking approval for the foul water sewer from the development site could connect to the existing sewer run to the rear of the properties in Dillingburgh Road.

The application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections.

The applicants have outlined that the sewer from the site and also the existing sewer to the rear of the properties in Dillingburgh Road are to be adopted as 'public sewers' however at the time of writing there has been nothing in writing from Southern water to confirm/support this position.

In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area apart from claiming that as a public sewers they will be controlled by Southern Water.

In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
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
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

- B1 – Spatial, Development, Strategy and Distribution
- B2 – Creating Sustainable Neighbourhoods
- C4 – Old Town Neighbourhood Policy
- D5 – Housing
- D10a - Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1 - Design of New Development
- UHT2 - Height of Buildings
- UHT4 - Visual Amenity
- HO1 - Residential Development within the Existing Built-Up Area
- HO6 - Infill Development
- HO20 - Residential Amenity

Site Description:

The application site is a backland site to the rear of 2 storey inter-war detached and semi-detached properties at nos. 2-8 Upwick Road, 18-34 Longland Road, 1-25 Dillingburgh Road and 25-29 Dacre Road. The rear gardens to these properties have relatively long back gardens

The site is accessed via a service road to the east side of nos. 2-4 Upwick Road which is a semi-detached building containing two flats (2 and 4 Upwick Road).

The site is currently being redeveloped to provide six dwelling houses where previously the site was occupied by twenty-three garages arranged in two rows and the access is from Upwick Road.

Relevant Planning History:

100066 Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments the vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.

Planning Permission Refused 20/05/2010

110194

Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front

Planning Permission Refused 18/07/2011 & Allowed on Appeal 07/03/2013

120699

Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 No. 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.

Planning Permission Refused 20/03/2013 Allowed on Appeal 11/12/2013

140155

Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)). Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).

Granted 14/05/2014

140868 Application for approval of details reserved by condition No.10 (details of steps) of permission EB/2012/0753(FP).

Approval of condition Approved 06/08/2014

141312

Variation of condition 2 of planning permission EB/2011/0193(FP) for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013).

Granted 06/02/2015

Proposed development:

This application seeks to vary the details for foul water disposal from this new development site.

Members will be aware that the principle of redevelopment was allowed on appeal and that the foul and surface water disposal from the site has previously been agreed .

The agreed routing for the foul sewer was under the proposed driveway of the new development connecting to the existing main sewer in the main highway (Upwick Road).

This application seeks to vary this routing and proposes to connect to the an existing drain run to the rear of the properties in Dillingburgh Road.

The applicants outline that this scheme/option is beneficial given that the foul connection if made through to Dillingburgh Road would be gravity fed and save for the need for a pump if to be served from wholly within the application site.

Consultations:

Internal: N/A

External:

Southern Water Services Ltd have responded to the pre-application approaches from the applicant:-If a new inspection chamber is required then no consent can be issued until relevant fees are paid.

Neighbour Representations:

32 local residents have been consulted on this application and as a result of this consultation 2 objections have been received and cover the following points:

Too much volume coming through the pipes

Using neighbours pipe is a cheaper option.

No CCTV of exiting drain to confirm suitability and longevity of the connection, especially given the proximity of trees and shrubs and that the existing drains are more than 100 years old.

Who will pay for ongoing maintenance if there is a leak or blockage.

Appraisal:

Principle of development:

The principle of residential redevelopment of the site has been accepted at appeal with the most recent consent by members of planning committee at planning committee in February 2015.

Scheme has an approved foul and surface water connection, the existence of this approval does not prohibit the exploration of alternative options as each application/submission is determined on the merits of the case at hand.

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

The only impacts upon the occupiers of the neighbouring properties would be if the drain fails and or blocks causing potential flooding / capacity issues. If this were to happen it could potentially affect a wider area than just the properties in the immediate vicinity of the site.

The applicant has not supplied any CCTV data to demonstrate the suitability of the existing drainage run.

The applicant has not offered any mechanism within this application to cover or mitigate this issue; which could have been a legal agreement, a financial bond to cover future works and or an upgrade of the existing sewer from its connection to the rear of the properties in Dillingburgh Road through to its connection with the main highway sewer.

In the absence of this information it is considered more appropriate if the development would be implemented in accordance with the approved details; hence under the existing driveway access to the site.

Design issues:

The applicant claims that the proposed connections will be fit for purpose and as such there are no design issues.

Given the nature of the proposal there are no above ground design issues.

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:

Refuse the details:-

The application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections. In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area, nor provide details that the sewers will be adopted as 'public sewer' by the appropriate statutory undertaker. In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties by reason of localised flooding and blockages of the local sewer network.

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**.