

App.No: 160150	Decision Due Date: 17 May 2016	Ward: Langney
Officer: Anna Clare	Site visit date: April 2016	Type: Outline (all reserved)
Site Notice(s) Expiry date: 31 March 2016		
Neighbour Con Expiry: 31 March 2016		
Press Notice(s): 15 March 2016		
Over 8/13 week reason: Bought to committee within statutory time frame.		
Location: Wood's Cottages, Langney Rise, Eastbourne		
Proposal: Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of fifteen residential houses on 0.39 Ha land at Woods Cottages, Swanley Close, Langney Rise.		
Applicant: Mr Ronald S Taylor		
Recommendation: Approve subject to agreement with ESCC Ecologist, conditions and S106 agreement in relation to the management of the wooded/pond area and delivery of affordable housing.		

Executive Summary:

The site is currently derelict with two cottages to the north of the site, and a wooded/pond area to the south. The application is for outline permission for the development for residential purposes.

It is considered the principle of development is acceptable subject to a number of conditions. A S106 agreement is required to ensure the delivery of 30% affordable housing, and to ensure the future maintenance/management of the wooded/pond area to the south of the site which is to be retained as a private 'garden' ecology area.

Relevant Planning Policies:

National Planning Policy Framework 2012

6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

B2. Creating sustainable neighbourhoods

C8. Langney Neighbourhood Policy

D5. Housing

D9. Natural Environment

D10A. Design

Eastbourne Borough Plan Saved Policies 2007

UHT1. Design of New Development

UHT4. Visual Amenity

UHT7. Landscaping

HO2. Predominantly residential areas

HO20. Residential Amenity

TR6. Facilities for cyclists

TR11. Car Parking

Site Description:

The site consists of an area approximately 1 hectare. The site is situated to the south of Langney shopping centre, bordered by Swanley Close, with residential properties to the east and west of the site.

The site currently has two cottages with smaller associated outbuildings on part of the site to the north. To the south the site is a wooded area with large ponds. The south of the site was previous a brickworks between the early 1900's and 1940's.

A number of trees on the site are protected by a tree preservation order.

Relevant Planning History:

150767 - Application for outline permission for development of the site for 15 dwellings. Withdrawn

Proposed development:

The application is for outline permission (all matters reserved) for the development of 0.2 hectare of the site to the north for 15 residential dwellings. The southern part of the site will thereafter be maintained as private woodland 'garden' with a S106 agreement to ensure the future management of the area to protect the amenities of the surrounding residential properties.

Consultations:Specialist Advisor (Arboriculture)

Concerns raised in relation to the currently proposed indicative layout and the implication on the trees on site.

East Sussex County Council Highways

No objection in principle raised; full comments are shown in detail later in the report.

East Sussex County Council Ecology

Objections raised due to lack of survey in relation to bats and lack of a reptile mitigation strategy. Full comments are shown in detail later in the report.

Southern Water

No objection raised requested an informative in relation to connection to the public sewerage system.

Environment Agency

Advised no comments to make on the proposal but requested an informative in relation to foul drainage.

Lead Local Flood Authority (East Sussex County Council SUDS)

A SUDS scheme was submitted with the application which is broadly acceptable, conditions have been requested to supply further information which will inform the design of the scheme at reserved matters stage.

East Sussex County Council Archaeology

In the late 19th century / early 20th century this area was a brickworks quarry, the digging of which would have destroyed any pre-Victorian archaeological remains. The kilns for the brick work which would be of archaeological interest where located further to the north-west.

Therefore I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason no further recommendations to make in this instance.

Neighbour Representations:

Objections have been received from the following properties;

7 Swanley Close

15 Swanley Close

20 Swanley Close

22 Swanley Close

34 Swanley Close
43 Swanley Close

Covering the following points;
Flooding of the road and gardens surrounding the site
Increase in traffic
Risk to pedestrians from increased cars
Impact on wildlife and trees on the site
Area is mainly bungalows, proposal is out of character
Overdevelopment of the site
Loss of light and overshadowing to existing properties
Loss of protected trees
Impact of construction works/disturbance on residents.
The road is not wide enough for construction traffic

7 Tovey Close have written in support of the application, stating the cottages are derelict and magnet for vandals and the site is ideal for new housing.

Appraisal:

Principle of development:

In principle there is no objection to the proposed development of the site for housing.

The application is for outline permission for 15 dwellings. Therefore an in principle decision on the development of the site for housing. The detailed appearance, scale, layout, landscaping, and access would be submitted at reserved matters application(s). It is considered that although there are constraints to development the site can accommodate 15 dwellings in principle.

The site is not identified in the SHLAA for development and would therefore be a windfall development in terms of housing delivery. The proposed development would be CIL liable, and be required to provide 30% affordable housing. This will be controlled through the S106 agreement.

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

An indicative layout has been provided to show how 15 dwellings could be accommodated on the site. The land to be developed for housing to the north of the site sits adjacent to the Langney Shopping Centre car park, with the Langney Centre openspace/pond area to the west. No.

40 and 41 Swanley Close are the properties immediately adjacent to the site to the East. Given the context of the site, it is considered that a detailed layout could be provided which had little impact in terms of overlooking, or loss of light or outlook to the adjacent properties.

Design issues:

The design of the properties is a reserved matter; however an indicative design has been submitted. In principle the site is contained relatively secluded from the wider area, and therefore the design would have limited impact in terms of street scene/character of the area.

Ecology:

The National Planning Policy Framework (NPPF) states that "*the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...*"

Our Ecologist has reviewed the proposal and the submitted Habitat and Ecology Survey. Our Ecologists advice is that further surveys are required before consent is granted, that these cannot be carried out by condition as they could identify constraints to development. Specifically the buildings on site have been identified as providing a moderate potential for bat roost and several trees have also been identified as having a bat roost potential, therefore a further bat survey is required.

Given the southern part of the site is to be retained for biodiversity, the justification that no additional surveys are required for great crested newts, reptiles and dormice is acceptable, however a robust mitigation strategy is required to ensure the protection of reptiles and amphibians.

Impacts on trees:

The application is supported by a tree report, there are a number of protected trees on the site. Our Specialist Advisor for Arboricultural has raised some concerns in relation to the submitted layout and the impact on the protected trees which should be considered as constraints to development. It is considered that these issues can be overcome with the working up of the detail design of the layout.

Impacts on highway network or access:

No transport report has been submitted by ESCC highways have carried out their own assessment of the likely impact of the proposed development. The highest level of trips likely is 70 per day, this would equate to 7 vehicles in the am peak, 8 in the pm peak and 5/6 per hour at other times. It is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak. The level of traffic that 15 houses would create is low with only 1 additional car every 8/9 minutes so any impact on the highway network would not be significant.

It is also noted that Swanley Close is relatively narrow, this will keep vehicle speeds low. The presence of a number of existing vehicle accesses also provides breaks in the on street parking which helps traffic flow. Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.

There are however a number of in relation to access and parking that will need to be addressed by the Reserved Matters detailed applications.

The level of parking does not meet the ESCC guidance which suggests that 28 spaces should be provided based on 2 allocated spaced for each 3 and 4 bed house, and 1 for each 2 bed house with an allowance for additional visitor parking. Given the relatively narrow streets, we would not want to see any overspill parking which may interrupt traffic flow and therefore the site should provide the full level of parking suggested.

Cycle parking would also be required in line with ESCC guidance of 1 space per 2 bed house and 2 spaces per 3 and 4 bed. These spaces need to be secure and covered so they are suitable for long term storage.

The access will need to be formalised to provide appropriate visibility splays (43m x 2.4m) as well as a more formal layout which caters for both vehicular and pedestrian access. The visibility splay requirement could be lowered if backed up by site speed survey data which shows the actual speeds.

The access road inside the site will also need to be upgraded to cater for two way traffic flow as well as turning. Given the length of the access road refuse vehicles will need to enter the site as the distances are too great for waste to be carried by residents. The access layout,

road and turning area will all therefore need to be of an adequate size to accommodate the vehicles used by the refuse collection company and the emergency services. Pedestrian access through the site will also need to be considered.

The applicant will also need to consider how the scheme could be built should planning permission ultimately be granted given the access limitations. Smaller lorries would need to be utilised to deliver to the site, which will limit the size of building materials.

Planning obligations:

The proposal would be CIL liable, the applicant has submitted the necessary forms.

To be policy compliant the scheme would be required to provide 30% affordable housing this will be controlled by S106 agreement.

The S106 agreement will also control the future management of the wooded private/garden area which is to be retained.

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:

It is considered that the site could accommodate 15 dwellings, there are considerable constraints on the site however the detailed layout and design of the scheme could overcome these issues.

Whilst an indicative layout has been provided this is considered unacceptable by way of impact on existing trees, and the access shown would not be sufficient however these can be overcome prior to the submission of a full scheme for development.

A s106 agreement is being drafted in relation to the delivery of affordable housing on the site and to ensure the future maintenance/management of the wooded/pond area.

Recommendation:

1. That no consent be issued until the agreement of the County Ecologist has been secured.
2. Grant outline planning permission subject to conditions and S106 agreement to provide affordable housing in accordance with adopted policy and an ongoing maintenance regime of the ponds/ecological area.
3. Should the S106 agreement not be signed within a reasonable time period 8 weeks from the date of the Committee resolution (unless an extension of time has been agreed) the application should be refused on the grounds that the application would not meet policy requirement in terms of the delivery of affordable housing and/or that there is no provision in place to ensure the future management/maintenance of the wooded/pond area which would result in a detrimental impact on the surrounding residential properties.

Conditions:

1. Submission of Reserved matters
2. That the submission of reserved matters for the layout of the scheme shall be accompanied by a tree report (prepared by a qualified arboriculturalist) demonstrating that the proposed layout has been informed by the retention of the high amenity value trees on the site.
3. Time for submission
4. SUDS condition regarding designing the surface water drainage system
5. SUDS prior to commencement ground investigations to establish infiltration rates and depth of groundwater
6. SUDS requirement for surface water management proposals to be supported by detailed hydraulic calculations
7. Submission of a maintenance and management plan for the entire drainage system
8. Submission of traffic management plan for construction
9. Submission of detailed drawings of proposed roads, surface water drainage and street lighting
10. Wheel washing
11. Submission of details of the layout of reconstructed access, visibility spays and swept path analysis.
12. Provision of a turning space for vehicles
13. Submission of details in relation to parking areas
14. Submission of details of cycle parking
15. Submission of a transport report

Informatives:

Highways informative

This consent relates only the principle of development on the site for 1 dwellings, the submitted indicative layout and elevations are not considered acceptable and will need to be re-designed taking into account the comments from our Arboriculturalist, Parking provision and access requirements

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**.