

<b>App.No:</b> 160036 (OSR)	<b>Decision Due Date:</b> 21 April 2016	<b>Ward:</b> Upperton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 6 April 2016	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 20 March 2016		
<b>Neighbour Con Expiry:</b> 20 March 2016		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> 70 Kings Drive, Eastbourne		
<b>Proposal:</b> Erection of two semi detached dwelling houses adjacent to the existing house, together with the provision of new access and four parking spaces.		
<b>Applicant:</b> Mr Owens Verizon LLP		
<b>Recommendation:</b> Refuse outline permission		

### **Executive Summary**

The application would result in the net gain of 2 dwellings, this could contribute positively to the Council's spatial development strategy (Policy B1 of the Core Strategy). However whilst there is a presumption in favour of allowing permission for sustainable development the National Planning Policy Framework is clear in that permission should be refused where adverse impacts would significantly and demonstrably outweigh the benefits of the development.

The proposed development is considered unacceptable in both scale and layout terms. Two dwellings are considered cramped into a small and awkward site given the slope to the rear providing small or unusable private amenity spaces.

The proposed development would result in significant movement of soil and minor excavation within the root protection area of tree T1 an Ash detrimental to the long term health of this tree.

The hardstanding for parking covers the majority of the area to the front of the proposed properties which is considered out of character with the rest of Kings Drive which as adjacent either has open front garden areas, or for the more substantial properties includes walled front driveway areas. Therefore it is recommended that outline planning permission is refused.

### **Relevant Planning Policies:**

National Planning Policy Framework  
4. Promoting sustainable transport

6. Delivering a Wide choice of high quality homes
7. Requiring good design

#### Eastbourne Core Strategy Local Plan Policies 2013

B2 Creating Sustainable Neighbourhoods  
C2 Upperton Neighbourhood Policy  
D5 Housing  
D10 Historic Environment  
D10A Design

#### Eastbourne Borough Plan Saved Policies 2007

HO20 Residential Amenity  
HO2 Predominantly Residential Areas  
UHT1 Design of New Development  
UHT4 Visual Amenity  
UHT5 Protecting Walls/Landscape Features

#### **Site Description:**

The site refers to a triangular plot adjacent to existing residential property No.70 Kings Drive, a main route into/out of Eastbourne. The site is on a slope to the north-east down to the site currently being developed by Bovis Homes.

The existing No.70 Kings Drive is an end of terrace property. The terrace of three properties are two storey with pitched roof, and matching fenestration although two of the three have large porch/front extensions. The rest of this part of Kings Drive is characterised by large detached properties with off street parking, and large front garden areas.

#### **Relevant Planning History:**

No planning history.

#### **Proposed development:**

Outline Planning permission for Access, Appearance, Layout and Scale (Landscaping Reserved) for the erection of 2 dwellings adjacent to the existing residential property.

The proposal includes a new access from Kings Drive and 4 off-street parking spaces, 2 per dwelling. The proposed dwellings would be detached from the existing terrace and approximately 1m forward of the building line of the existing terrace.

One dwelling would be 3 bedrooms over 3 stories, the other 2 bed over two storeys. Both dwellings would appear 2 stories from Kings Drive. The ridge height would match the adjacent terrace.

#### **Consultations:**

Specialist Advisor (Arboriculture)

**Objections raised.** The application will lead to the loss of one sycamore which at present provides a limited screen between 70 Kings Drive and the Kings Drive Bovis Homes development.

This tree and the others within this screen were required to be retained as part of the Bovis Homes development as part of the planning conditions. This group of Ash and Sycamore individually are not of a category which should be considered a constraint to development except 1no. Ash, but are considered useful as a screen. These trees are within the boundary of the Bovis Homes development and not owned by the applicant for 70 Kings Drive.

The applicant indicates they will request the owners of T4 (Sycamore) to remove the tree to facilitate the development at 70 Kings Drive. This may be in breach of the conditions which Bovis Homes are obliged to comply with.

Should this development be approved the remaining screen on the boundary with the Bovis Homes development may be subject to post development pressures with requests to prune the remaining trees as the development will be in substantial shade.

The applicant indicates that only minor excavation will occur within the root protection of T1 Ash in order to facilitate the development, I disagree with that statement as the site will require significant movement of soil in order to build the end property.

To conclude in order to facilitate the development at 70 Kings Drive it will require the breaching of conditions on the adjacent development site by removing one tree (T4 of the applicants tree report). In its current form the applicant will not be able to replace the lost screening as the site has insufficient space to facilitate supplementary planting.

#### ESCC Highways

**No objection raised.** The proposed access will have a minimum width at the channel line of 6m which is considered to be appropriate for the development of this type and size. The new access should be provided with visibility splays of 2.4m x 43m in each direction at the junction with Kings Drive and shall be positioned with sufficient space so vehicles turning right out of the access are not impacted by the pedestrian island.

The 4 car parking spaces proposed within the site is in accordance with the provision indicated by the East Sussex Parking Demand Calculator and I am satisfied that this level of provision is sufficient. It should be noted that car parking spaces should measure a minimum of 2.5m x 5m. The area to the rear of the parking spaces should be a minimum of 6.0m to ensure vehicles are able to turn within the site and exit using a forward gear. In the absence of a shed or garage each dwelling should be provided with a long-term, secure cycle storage space. Conditions requested should planning permission be granted.

#### Specialist Advisor (Planning Policy)

The proposed application would provide 2 new residential dwellings on a greenfield windfall site. The National Planning Policy Framework (NPF) supports residential development coming forward on sustainable sites in order to meet local housing need. The Eastbourne Core Strategy Local Plan (2013) identifies the need for windfall development in principle in order to meet its local target.

The development is located within the Willingdon Levels Flood Storage Catchment Area, and as such consideration should be given to suitable SUDS mechanisms that can be used to alleviate surface water flooding and drainage on and off the site. The site is also on the

edge of Fluvial Flood Zone 3 and is bounded by a 'main river' as identified on the EA flood zone maps, so development should be sensitive to this water course and the impacts of climate change.

The application proposes two houses of new floorspace, therefore they will be liable to make a CIL Payment on commencement of development. The CIL officer should therefore be consulted on this application.

#### ESCC Archaeology

The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric, Roman and medieval activity, including occupation, industrial activity and human burial. The area immediately to the west of 70 Kings Drive has been subject to an extensive archaeological excavation which recorded a very significant amount of archaeological remains. It is highly likely this activity extends into the proposed development site.

The application includes an archaeological desk based assessment that reaches the same conclusion. The applicant has declined to consider our advice to assess the site through archaeological field evaluation to clarify the significance of the site and any potential risk to the development budget through archaeological mitigation costs. It is therefore assumed the applicant has an adequate budget to cover what could be potential very high archaeological costs if planning permission is granted.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England). Therefore conditions requested should planning permission be granted.

#### Neighbour Representations:

1 response to the neighbour consultation was received, this was a general observation questioning the safety of the new vehicular access and close proximity of the pedestrian island.

#### **Appraisal:**

##### Principle of development:

There is no objection in principle to the development of the site for housing, providing the accommodation proposed was considered to provide quality accommodation for future occupiers, there would be no significant impacts on existing properties, the design was in accordance with the surrounding properties and the proposed access and other material considerations was in accordance with policies of the Core Strategy Local Plan 2012 and saved policies of the Borough Plan 2007.

##### Access

A new access is proposed onto Kings Drive, with 4 off street parking spaces provided by way of hardstanding to the front of the properties. ESCC highways have raised no objection to the application stating the proposed access will have a minimum width at the channel line of 6m which is considered to be appropriate for the development of this type/size.

It is noted that the access is proposed in close proximity of a pedestrian crossing, however ESCC council have raised no objection to this and therefore we could not justify a ground of refusal on the impacts of the new access on the safe use of the crossing.

### Appearance

Whilst the majority of the properties along Kings Drive have driveways with access directly onto Kings Drive the adjacent properties share a single access to a rear garage area. Therefore the front of No.66-70 are open green spaces. The site is fenced level with the front elevation of the property and provides a side garden. The area in front of this is landscaped and provides a welcome break between the development adjacent which is significantly lower than the application site.

The proposed dwellings are a pair of semi-detached properties with matching fenestration detailing. The proposal matches in ridge height the existing adjacent terrace of three properties. Unfortunately the design of the existing properties hasn't been brought through to the proposed properties which have differently proportioned windows

The majority of the other properties with driveways are significantly larger semi or detached properties with enclosed front garden/driveway areas which is considered the character of this part of Kings Drive.

The pair of properties sit approximately 1m forward of the building line of the adjacent terrace which increases the bulk and appearance from the street scene.

The proposed development would result in the majority of the area to the front of the properties to be hard standing with a small triangular section approx 9m at the widest point being retained as a landscaped area. This is considered to detract from the visual appearance of this part of Kings Drive detrimental to the character of the area contrary to Policy D10A which states that development should ensure that the layout and design of development contributes to local distinctiveness and a sense of place and makes a positive contribution to the overall appearance of the area.

### Layout

The proposal is for a pair of semi-detached properties, one two bedroom over two stories, one three bedroom over three stories. The DCLG published National Space Standards for new residential properties, the proposal meets these requirements as outlined below.

<b>Property size</b>	<b>Floorspace</b>	<b>National Requirement</b>
3 bed (2 double, 1 Single) over 3 stories	117m <sup>2</sup>	99m <sup>2</sup>
2 bed (2 double) over 2 stories	85m <sup>2</sup>	79m <sup>2</sup>

The site is situated on a slope, towards the side and rear (north-east) the site drops significantly. This results in plot 1 to the north of the site appearing as two stories to Kings Drive and three stories to the rear with the lower ground floor opening out onto a side and rear garden. For the existing property this results in a rear garden of approx 5.5m then steps down to a sloped area a further 6m in length. For Plot 2 this results in

an awkward and unusable rear garden area given the significant change in levels. For Plot 1 this results in two separate areas of garden space, doors in the floor plan show access to the side garden area, but no access is shown to the the rear area and the building appears to be within 40cm of the boundary not allowing sufficient access between the spaces.

Therefore the layout of the development is considered to be unacceptable and resulting in insufficient and/or unusual private amenity space for the existing and proposed properties contrary to policy B2 of the core strategy local plan which states that development should protect the residential and environmental amenity of existing and future residents.

The 4 parking spaces provided within the site is in accordance with the provision indicated by the East Sussex Parknig Demand Calculator and is therefore considered sufficient.

Plot one has windows in the side elevation at ground and first floor which given the significant difference in height these will look down upon the adjacent site. However, the properties are well under construction and the nearest property is set back from the boundary by a parking area and pumping station therefore it is unlikely that these side windows would have significant impacts in terms of amenity on the adjacent properties.

#### Scale

The scale of development, a pair of semi-detached properties to what is an awkward and small site given the slope, and is considered over development. The development would result in properties with unusable rear amenity spaces given the sloping ground level and in terms of Plot 1 with smaller triangular sections of garden which would enclose the property with limited outlook.

#### Impacts on trees:

The proposed development is in close proximity of the boundary with the adjacent currently under construction Bovis Homes development. This boundary is well screened with existing trees which are all situated on Bovis Homes land. Specialist Advisor Arboriculture has raised objections to the application on the grounds of the impacts on these trees both in development and through long term health impacts. The trees are not on the applications land and are not therefore under their control. I understand that no discussions have taken place with Bovis Homes in relation to these trees.

#### Other matters:

The plans show no provision for bicycle or bin storage. The majority of the front garden area for the two new properties would be taken up with the parking, the small section of landscaping remaining is sloped however it is anticipated that these could be built into a scheme.

#### **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 proposed development is considered unacceptable in both scale and layout terms. Two dwellings are considered cramped into a small and awkward site given the slope to the rear providing small or unusable private amenity spaces.

The proposed development would result in significant movement of soil and minor excavation within the roof protection area of tree T1 an Ash detrimental to the long term health of this tree.

The hardstanding for parking covers the majority of the area to the front of the proposed properties which is considered out of character with the rest of Kings Drive which as adjacent either has open front garden areas, or for the more substantial properties includes walled front driveway areas.

Therefore it is recommended that outline permission be refused for the reason set out below.

**Recommendation:** Refuse Planning Permission for the following reasons;

1. Two dwellings is an over development of a constrained site, the dwellings are cramped into a small site resulting in an ill-conceived and awkward configuration of the private amenity spaces contrary to policy B2 of the Core Strategy Local Plan 2012 which states development should protect the residential amenity of existing and future residents.
2. The proposed development would result in significant movement of soil and minor excavation within the roof protection area of tree T1 an Ash detrimental to the long term health of this tree contrary to Saved UHT5 of the Borough Plan 2007.
3. The proposed hardstanding for parking results in the loss of the existing open landscaped area, and covers the majority of the area to the front of the proposed properties, out of character with the rest of Kings Drive contrary to policy D10A of the Core Strategy.

**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**.