

App.No: 160150	Decision Due Date: 22 July 2016	Ward: Langney
Officer: Anna Clare	Site visit date: 28 June 2016	Type: Outline (all reserved)
Site Notice(s) Expiry date: March 16		
Neighbour Con Expiry: 3 July 2016		
Press Notice(s): March 16		
Over 8/13 week reason: Due to Committee cycle		
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 ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise.		
Applicant: Mr Ronald S Taylor		
Recommendation: Grant Planning Permission subject to conditions and S106 Agreement.		

Executive Summary:

This application was deferred from Planning Committee in July in order to allow time for officers to negotiate access to the development site from the north (Langney Shopping Centre) and once this had been secured then a Planning Committee site visit would follow.

The applicant has confirmed that they are unable to secure access from the north and have reiterated that Swanley Close and the internal arrangements of the scheme (albeit in illustrative terms only) meet recognised highway/layout standards.

Given the above the application is reported back to planning committee; the officers recommendation remains as outlined in the July Committee Report.

Notwithstanding the above and following the debate-discussions at the July Planning Committee where members were not inclined to support/endorse the officers recommendation then Members may choose to use the following draft reason for refusal:-

- 1. The applicant has failed to demonstrate that the development would not result in the loss or deterioration of high value habitat at the site.*

In the absence of information to the contrary it is considered that the development is likely to have an adverse impact on habitat that has the potential for protected species on this site including but not limited to bats, water voles and reptiles contrary to section 11 of the National Planning Policy Framework 2012.

- 2. No woodland management plan has been submitted and no commitment has been secured to improve and thereafter manage/maintain the land to the south of the site, in the absence of this information it is considered that the scheme would likely result in the long term neglect of the land detrimental to the visual amenity of the surrounding area contrary to saved policy UHT4 and UHT7 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.*
- 3. No commitment has been secured in relation to local labour obligations as set out in Local Employment and Training Technical Guidance Note 2013 and in the absence of this commitment it is considered that the development would not comply with infrastructure/Local Policy*
- 4. The applicant has failed to demonstrate that suitable access to the site can be provided to serve the number of dwellings proposed without adaptation/alteration. The use of Swanley Close for access would be detrimental to the amenity of residents of Swanley Close given the increase in vehicular traffic including construction vehicles and due to indiscriminate on street car parking from the development may give rise to highway and pedestrian safety issues, the development is considered to be contrary to saved policy HO20 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.*
- 5. The applicant has failed to demonstrate by way of a current tree survey that the proposed development could be accommodated within the site without the loss of, or harm to the long term health of trees within the site which are covered by Tree Preservation Order 86 contrary to saved policy UHT5 of the Borough Plan 2007.*

The report to July's Planning Committee is attached in full below.

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, with all matters reserved for the development of 10 residential dwellings. A layout plan has been submitted to indicate how 10 properties, along with parking can be accommodated along with suitable access and turning spaces.

It was resolved to refuse planning permission by Committee the previous proposal for 15 residential dwellings on the grounds that the applicant failed

to demonstrate that the number of dwellings could be accommodated on the site with the required level of parking and suitable access, and the development would likely lead to the loss of TPO protected trees.

It is considered the principles of development to the thresholds now proposed are acceptable subject to a number of conditions. A S106 agreement is required 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 and to secure a financial contribution towards the provision of a Traffic Regulation Order.

It is acknowledged that this development is CIL liable.

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:

It was resolved at Planning Committee in April to refuse outline planning permission with all matters reserved for the development of 15 dwellings on the site for the following reason:

The application has failed to demonstrate that the proposed 15 dwellings can be accommodated on the site with the required level of parking provision and suitable access and the development would likely lead to the loss of 5 trees covered by Tree Preservation Order (86) and given the size of the access road be likely to lead to construction vehicle and emergency vehicle congestion issues resulting in a material loss of amenity. The proposal would therefore be contrary to saved policies T11, UHT4 and UHT5 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.

Proposed Development:

The application proposes the demolition of the existing cottages and the erection of 10 dwellings on the site. The application is for outline planning permission with all matters reserved.

However an indicative layout plan has been submitted to indicate how 10 dwellings could be laid out within the site and how access should be obtained.

The proposed access is from the existing spur onto the top turning head within Swanley Close. Previously Committee assessed the access to the site via the existing lower access, this is now proposed to be pedestrian access only.

29 parking spaces are proposed for the 10 dwellings.

Consultations:

Specialist Advisor (Waste)

The layout of the site will allow for access by refuse and recycling crew. The properties are within suitable distance from the access to allow presentation of the bins.

Specialist Advisor (Arboriculture)

No objection to the proposal – comments discussed in more detail in report.

East Sussex County Council Highways

No objection to the proposal – comments discussed in more detail in report and in addition the following comments have been received:- There are however a number of areas of concerns that will need to be fully addressed by any reserve matters application as set out below.

Parking spaces must also be of sufficient size in order to be counted towards. All spaces will therefore need to be 5m x 2.5m.

The access will need to be formalised to provide appropriate provision for vehicles, pedestrians and cyclists in accordance with current guidance.

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. The construction of the roads will also need to be appropriate to cater for the weight of a refuse vehicle. The standard for construction should therefore be at, or at least close to adoptable standards to reduce maintenance issues in the future. 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 vehicles would need to be utilised to access the site, which will limit the size of building materials.

Lastly, a Transport Report should also be submitted to consider the impact of the development on the highway network.

I recommend that any consent shall include the following attached conditions as well as a S106 agreement to secure £5000 towards provision of a Traffic Regulation Order.

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.

Environment Agency

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

Southern Water

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

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 were 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.

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.

Neighbour Representations:

Five objections to the consultation on 10 dwellings have been received covering the following points;

- Impact of traffic on small/narrow road of Swanley Close
- Pedestrian safety
- Access for emergency vehicles
- Impact of demolition and construction works
- Impact on trees
- Disruption to wildlife habitat
- Drainage
- Current state of the road
- Overcrowding of vehicles
- Surface water drainage issues

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 10 dwellings and therefore results in 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) stage. It is considered that although there are constraints to development the site can accommodate 10 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.

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

An indicative layout has been provided to show how 10 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 open space/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 the proposed dwellings would have little impact in terms of overlooking, or loss of light or outlook to the existing properties.

Whilst the layout is only indicative it is considered that a good quality of accommodation can be provided by reducing the number of units (now 10) proposed on the site which overcomes previous concerns.

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.

Impact on Trees:

The application is supported by a tree report, there are a number of protected trees on the site. The use of the alternative access (from that previously reported to committee) means less impact on the protected trees on the site. Trees T9, T11 and T12 are all less likely to be harmed as the lower access will not need to be widened or altered if only used for pedestrian access. The reduction in the number of units has also removed the development pressure on tree T9.

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 highway network or access:

Our Specialist Advisor for Waste and Recycling has confirmed that the layout would allow access for refuse and recycling vehicles.

ESCC Highways carried out their own assessment on the level of vehicle trips that will be generated by the proposed development. The highest level is now likely to be around 44 trips per day compared to the 70 of the previous application. This would equate to 5 vehicles in the am peak, 5 in the pm peak and 3-4 per hour at other times.

Whilst 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 10 houses will create is low with only 1 additional car approximately every 12 minutes so any impact on the highway network would not be significant.

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.

The location of the access has been revised from that previously reported to committee. It is now intended to access the site from the turning head at the end of the Close rather than use the existing access between no. 37 & 40. This means that vehicles would now need to travel a greater distance along Swanley Close in the narrowest section.

Swanley Close narrows north east of the turning that leads to West Rise School from approximately 6m to around 5m. North of the exiting access it narrows further to around 4.5m.

While these road widths would help to keep speeds low and a road width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee.

Given that all the properties in Swanley Close, bar number 34 at the entrance to the Close, have off street parking the only impact of imposing parking restrictions will be on visitor parking.

It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating

the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted.

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.

This revised application also provides a greater level of parking than the previous scheme. There are now 29 spaces proposed for 10 houses. Using the ESCC parking calculator this development should provide 25 spaces based on local car ownership levels. The 29 spaces proposed are therefore acceptable.

Sheds are also shown in each garden which would provide safe, secure cycle parking and is therefore acceptable.

There are a number of detailed design issues that needs to controlled via the condition and reserved mater stage and it is considered that subject to these issues being resolved then there are no highway related issues/concerns.

Planning obligations:

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

The S106 agreement will also control the future management of the wooded private/garden area which is to be retained and a contribution towards provision of a Traffic Regulation Order.

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 can comfortably accommodate 10 dwellings, providing good amenity for future occupiers and sufficient car parking. There are considerable constraints on the site however the detailed layout and design of the scheme could overcome these issues.

A s106 agreement is being drafted to ensure the future maintenance/management of the wooded/pond area and to secure the contribution towards the provision of a Traffic Regulation Order.

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 an ongoing maintenance regime of the ponds/ecological area and a financial contribution of £5000 for towards the provision of a Traffic Regulation Order.
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 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
16. Roads to be constructed at or at least close to adoptable standards.

Informatives:

- The applicant be informed that this development is CIL liable.
- EA Informative

- SW Informative

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**.