

<b>App.No:</b> 160908	<b>Decision Due Date:</b> 3 October 2016	<b>Ward:</b> Langney
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 7 September 2016	<b>Type:</b> Outline (some reserved)
<b>Site Notice(s) Expiry date:</b> 3 September 2016		
<b>Neighbour Con Expiry:</b> 3 September 2016		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> Land to the West of Larkspur Drive, Larkspur Drive, Eastbourne		
<b>Proposal:</b> Outline planning permission (Access, Appearance, Layout and Scale) for erection of up to 9 no. dwellings including potential for hard and soft landscaping and car parking.		
<b>Applicant:</b> Clinton Development Company Ltd		
<b>Recommendation:</b> Refuse Planning Permission		

**Executive Summary:**

This application is reported to planning committee given the proposed development in the location proposed is considered to be a departure from the Council's Local Plan.

The application is for outline planning permission (landscaping reserved) for the erection of up to 9 dwellings.

The site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary.

The main issue in relation to the application is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The Council is currently unable to demonstrate A full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the planning period to 2026. However it is considered the environmental and landscape constraints with

the site are strong policy reasons to not support this application and therefore it is recommended that planning permission is refused.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment
- 55. Sustainable, high quality of design in rural areas.

Core Strategy Local Plan 2013 Policies

- D1 Sustainable Development
- D5 Housing
- D9 Natural Environment
- D10a Design
- D11 Eastbourne Park

Eastbourne Borough Plan Saved Policies 2007

- UHT1 Design of development
- UHT2 Height of buildings
- UHT4 Visual amenity
- UHT7 Landscaping
- NE23 Nature conservation
- NE28 Environmental amenity
- HO17 Supported and special needs housing
- HO20 Residential amenity
- TR11 Car parking
- US4 Flood protection and surface water disposal

**Site Description:**

The application site is located outside of the built up development boundary of Eastbourne and is located with the confines of Eastbourne Park.

The application site comprises an irregular piece of principally undeveloped land on the west side of Larkspur Drive, 0.4ha in area, adjacent to the Busy Bees Nursery. There is a sewage pumping station in the south east corner of the site, and the whole of the western boundary adjoins the Willingdon and West Langney Sewer. The site slopes down from south to north, and from east to west; a post and rail fence in front of a sparse hedgerow forms the boundary with Larkspur Drive, and the site is mostly covered in scrub, but with a reed bed along the western boundary.

**Relevant Planning History:**

020737

Erection of 14 residential units comprising 8 three-bedroom houses, 2 two-bedroom houses, 2 two-bedroom flats and 2 one-bedroom flats together with provision of a viewpoint facility. (Amended description)

Outline (some reserved)  
Refused  
22/07/2003

090510  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Withdrawn  
20/10/2009

100412  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Refused on the grounds of the design, scale, height and massing would be detrimental to the visual amenities of the area and the setting of, and views of, Eastbourne Park.  
01/10/2010  
Dismissed on appeal

120252  
Erection of a residential care home (Class C2) with parking and new vehicular access.  
Planning Permission  
Refused as the design of the proposed building was considered detrimental to the character and appearance of the site and the long and short range views.  
14/06/2012  
Dismissed on appeal with the inspector concluding that the standard of design would not be good enough to prevent a building of this size and prominence from having a detrimental impact on the long views to and from Eastbourne Park.

**Proposed development:**

The application proposes the erection of 9 dwellings, 3 blocks of 3 dwellings, two storeys in height.

**Consultations:**

Specialist Advisor (Planning Policy)

Raised concerns regarding the sustainability of the proposal, the development of the site is not supported in principle and recommends refusal.

CIL Consultations

The development would be liable to a CIL charge.

Southern Water

No response received

Environment Agency  
No response received

County Archaeologist – Consultations

Although this application is situated within an Archaeological Notification Area, the site has been subject to archaeological evaluation excavation which has identified it as being of low archaeological interest. I therefore do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

County Ecologist  
No response received

Highways ESCC

No objection raised in principle to the development. Their full response is attached below:-

*The new shared access will have a minimum width of 4.5m which is considered to be appropriate for a development of this type and size, however a footway on the southern side of the access should be provided for residents to use from the site to Larkspur Drive.*

*Larkspur Drive is subject to a 30mph speed limit, therefore any new access should be provided with visibility splays of 2.4m x 43m, the applicant has demonstrated that visibility splays greater than 43m can be achieved. It is unlikely waste collection vehicles will enter the site, therefore it is recommended that a central refuse collection point be incorporated to accommodate the maximum carry distances of 30m for residents and 25m for waste operatives.*

*The Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 14 spaces provided there are 9 No.2 bed dwellings with 1 space allocated per dwelling. The parking provision therefore falls 1 short of the recommended number; however there appears to be scope to increase this number. If parking spaces number 3, 4, 6, & 7 are moved toward the western boundary an additional 4 spaces in a tandem arrangement could be provided. This would also help prevent the turning head being obstructed by parked cars. It is noted that the cycle parking has not been indicated. Cycle parking should be provided in accordance with the East Sussex County Council's adopted parking standards with 1 cycle parking spaces per dwelling. These parking facilities should be covered and secure and located within the site in a convenient location for users.*

*Pedestrian facilities connecting the site to public transport and the surrounding area are generally good. From a highway perspective the application site has good access to local services which are not on the whole car dependent. Local schools are close by and bus stops are present and within short walking distance. 9 residential units would generate in the region of 45 trips per day over the course of a 24 hour period. During the peak periods, it is expected that 4-5 vehicle trips are likely. This increase in activity from this site does not raise concern from a highway safety or highway capacity point of view.*

*Given that Larkspur drive can get congested during peak times. A Construction Traffic Management Plan should be submitted to ensure that this development does not have an adverse effect on the existing highway infrastructure. This should be submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction traffic hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking clear of the highway.*

*It is noted from the application form on Section 6 that the applicant wishes the new road to be adopted a public highway. Given the size of the development and the fact that it does not link to any other public highway or right of way it is not considered of sufficient public benefit and we would not want to adopt.*

### **Neighbour Representations:**

Objections have been received from the following properties;

- 1b Erica Close
- 2 Erica Close
- 10 Erica Close
- 15 Erica Close
- 16b Erica Close
- 4 Briar Place
- 8 A Larkspur Drive

Covering the following points:

- Provision for parking overspill impact on Larkspur drive
- Increase in traffic congestion
- Pedestrian safety given increase in vehicles
- Loss of open space
- Flooding
- Climate change
- Ecology
- Land is in Shinewater Park
- Access for construction
- Problems with sewage infrastructure

## **Appraisal:**

### Principle of development:

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission to ensure greater choice of housing in the local market and to meet local and national housing needs.

The site has not been formally identified for development within the Council's Strategic Housing Land Availability Assessment therefore would be considered to be a windfall site.

The site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary. The application would result in the net gain of 9 dwellings on a greenfield site.

The main policy issue is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The site is located within Tidal Flood Zone 3A, and is also located within the Willington Levels Flood Storage Catchment Area (Policy US4, Eastbourne Borough Plan). It is a low-lying site that would require significant on-site infrastructure improvements to deal with drainage of water into Eastbourne Park and surface water management. A detail flood risk assessment has been provided in support of the application, including necessary information relating to the sequential and exception test. However, the sites location in Eastbourne Park is the determining factor which currently resists residential development within its boundary.

The Council is currently unable to demonstrate a full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the plan period to 2026. However it is considered the environmental and landscape constraints of the site are in this instance the overwhelming material planning considerations in the evaluation of this application. Given this it is recommended that the application should be resisted on these grounds despite the shortfall in the 5 year housing supply.

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

The site is low lying compared with the closest residential properties of Larkspur Drive, therefore having limited impact on these in terms of any loss of privacy etc.

To the south of the site is Busy Bee's Nursery a single storey building with rear outdoor space. A first floor bay window is proposed to the side elevation of the terraces to maximise the views this would overlook the garden area of the adjacent nursery. This is probably not ideal however could be controlled by condition should permission be granted.

The design of the property and layout results in a lack of private amenity space for future occupiers. The dwellings have bedrooms at ground floor with the main living accommodation at first floor level. Each have a small balcony to the rear 1m in depth with access down to a small courtyard garden mostly taken up with the spiral staircase access to first floor. The terraces are not shown with any privacy screening between, therefore affording little privacy for occupiers.

Design issues:

The dwellings comprise a gabled front elevation with pitched roof, and are laid out within the site as three blocks of three dwellings.

The proposed elevations have elements of timber boarding and render. The design and access statement states the layout has been designed to break up the elevations. The properties are designed with a vertical emphasis, narrow in width with steeply pitched roofs.

The adjacent nursery building is a single storey brick building. The properties opposite on Larkspur Drive and Erica Close are all two storey dwellings of a similar design/character. Whilst of no particular architectural merit they have a sense of uniformity. It is not considered that the proposal relates to any of the surrounding buildings. However there are more modern dwellings similar to this proposed design further up Willingdon Drive at the corner with Milfoil Drive, which are part render part timber clad.

There is a significant change in ground level on this part of Larkspur Drive. Therefore the first floor and roof pitches will be level with Willingdon Drive and are therefore highly visible. The much higher profile of the proposed properties than the existing nursery adjacent which is only just visible from Willingdon Drive will affect views of Eastbourne Park.

Given its prominence to both the long and short range views across the park it is considered that the proposed rear elevation needs to be handled sensitively and appropriately. In this regard the rear elevation of the properties are considered not to promote a form of development that integrates with the immediate and wider landscape and moreover not of sufficient design quality (in NPPF terms) to justify building outside of the built up area and within Eastbourne Park. In addition the domestication of the balconies and rear gardens by the likely paraphernalia associated with residential living (tables and chairs, rotary washing lines, children's play equipment) is considered harmful to the wider character of the area.

In isolation there are no material harmful impacts with the design and appearance of the dwellings however it is considered that the proposed buildings are not site specific and as such do not relate to the open undeveloped character of the immediate and wider surrounding area.

Impacts on highway network or access:

As shown in ESCC Highways response, the access to the site would be considered acceptable with some minor amendments which could be controlled by condition.

In terms of parking, whilst the layout plan shows below their requirement for this number of dwellings in this area it is considered that additional parking could be incorporated within the scheme.

Therefore it is not considered that a reason for refusal based on additional traffic movements or the level of parking could be substantiated.

**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 site is designated in the Eastbourne Core Strategy Local Plan as being within the boundary of Eastbourne Park (Policy D11, Eastbourne Core Strategy Local Plan) and outside the built up area boundary. As such in the Eastbourne context this site is a wholly greenfield site.

The main issue in relation to the application is the environmental importance of the site's location within Eastbourne Park. This has been a key reason for refusal for previous planning applications, which have resulted in safeguarding the site as an important land feature within Eastbourne Park.

The Council is currently unable to demonstrate A full 5 Year Housing Land Supply, therefore this puts pressure on alternative available land to come forward for residential development within the planning period to 2026. However it is considered the environmental and landscape constraints with the site are strong policy reasons to not support this application and therefore it is recommended that planning permission is refused.

**Recommendation:** Refuse planning permission for the following reason;

The proposed development is situated within the boundary of Eastbourne Park and outside the built up area boundary and the design and appearance of the proposed dwellings/buildings is not of sufficient quality to offset the

harm by way of an in principle policy objection the development. It is therefore considered contrary to policy D11 of the Core Strategy Local Plan 2013 and paragraph 55 of the National Planning Policy Framework.

**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**.