

App.No: 170685 (VCO) 170885 (DOC)	Decision Due Date: 13 July 2017	Ward: Sovereign
Officer: Anna Clare	Site visit date: 29 June 2017	Type: Variation of Condition
Site Notice(s) Expiry date: 27 June 2017 Neighbour Con Expiry: 27 June 2017 Press Notice(s): n/a		
Over 8/13 week reason: To bring to planning committee		
Location: Site 8, Pacific Drive, Eastbourne		
Proposal: 170685 (VCO) Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space. 170885 (DOC) Application for approval of details reserved by condition 171 (SurfaceWater Drainage), 178 (Surface Water Drainage - Highways), 179 (Proposed Construction Details of Roads), 196 (Infiltration of SurfaceWater) and 198 (Foul Sewerage Disposal) of planning permission granted 2 December 2014 for the development of Site 8 for up to 8 dwellings, open space and berth holder facilities (Ref: 131002) (Previously approved 160092)		
Applicant: Port Moresby Homes Limited		
Recommendation: 1. 170685 (VCO) Grant the variation of condition amending the drawing numbers of the approved scheme subject to agreement over the surface water discharge details (in discussion with ESCC as the LLFA, SUDS Team) Informative: The applicant is reminded that other conditions of the original consent still apply unless discharged.		

2. 170885 (DOC)

Grant the discharge of conditions 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads) 196 (Infiltration of Surface Water) and 198 (Foul sewerage Disposal) subject to the confirmation from ESCC SUDS on the additional information requested.

Executive Summary:

Planning permission was granted for the development of Site 8 as part of the outline application in 2014 for the development of a number of sites across the Harbour.

Site 8 was granted permission for 4 pairs of semi-detached properties, 8 in total and on site these are nearing completion, with works immanent on the public open space to the rear of the site adjacent the Harbour.

The public open space element of the scheme was an important part of the overall design concept for the development and remains integral to the success of the development for all parties involved.

170685 (VCO) The Variation of Condition (VOC) application seeks to amend external landscaping features/aspects of the original approval. In the whole the amendments are considered acceptable with some improvements. Therefore it is recommended that this application is supported.

170885 (DOC) The Discharge of Conditions (DOC) application is reported here given the interrelated nature of the proposed details with the proposed changes (VOC application referred to above) and seeks to re-discharge conditions in relation to 178 (surface water drainage), 179 (proposed construction of Roads), 196 (infiltration of Surface Water) and 198 (foul sewerage disposal) of the original decision to grant outline permission for the site (ref: 131002).

The main element of the changes relate to alterations to the drainage strategy which supports the above ground changes which are subject to the VOC application.

The details are deemed to be acceptable.

Relevant Planning Policies:

National Planning Policy Framework

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

Eastbourne Core Strategy Local Plan Policies 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C14 Sovereign Harbour Neighbourhood Policy
- D5 Housing

Eastbourne Borough Plan Saved Policies 2007

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT4 Visual Amenity

UHT7 Landscaping

UHT10 Design of Public Areas

Site Description:

Site 8 refers to a plot on the harbour edge facing onto Pacific Drive. Planning permission was granted in 2014 for the development of site 8, among other sites within the harbour, for up to 8 residential properties. Reserved matters were later approved in 2015 for the design of the 8 properties. The properties are nearing completion and consist of 4 pairs of semi-detached dwellinghouse facing Pacific Drive, with public open space to the rear of the site at the edge of the Harbour.

Relevant Planning History:

141469

Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) relating to condition 1 of outline application ref: 131002 for the development of site 8 at Sovereign Harbour for up to 8 dwellings, open space and berth holder facilities and related discharge of conditions.

Approved conditionally

09 June 2015

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne, including Site 8 – Up to 8 dwellings, open space and berth holder facilities.

Approved conditionally

02 December 2014

160092

Application for approval of details reserved by condition 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads), 196 (infiltration of Surface Water) and 198 (foul Sewerage Disposal) of planning permission granted 2 December 2014 for the development of site 8 for up to 8 dwellings, open space and berth holders facilities (Ref: 131002).

Discharged

07 March 2016

Proposed development:

Variation of condition

The application proposes to vary condition 2 (development to be carried out in accordance with approved drawings) of the Reserved Matters for the development of the site as follows;

The variation of condition 2 in relation to approved drawings is to amend some elements of the approved scheme as set out below;

1. Amend the type of block paving originally approved to the public open space areas from Tegula Priora permeable block paving to a concrete block paving and header course to match the existing walkway/promenade adjoining the site.
2. Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.
3. Amend the public open space configuration of planters and seats to the public open space
4. Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of external parking spaces from 7 to 9.

The application originally also proposed an amendment to the front boundary treatment of the properties, from a brick plinth with railing above to only a railing. This was objected to by members of the public and prospective purchasers, and following consideration by the developer has been removed from the scheme.

Discharge of Conditions

The application seeks to re-discharge conditions in relation to the surface water drainage strategy for the site following the proposed above ground amendments as considered under the Variation of Condition application above.

Consultations variation of condition:

Neighbour comments/objections

16 objections have been received from local residents, in the main their objections can be summarised as:

- Will the seating be accessible for older and disabled residents?
- No justification for the proposed changes
- Impact of use of non-permeable paving on standing water and therefore users of the site
- Retention of tarmac areas does not reflect the current built environment
- Unless the proposals enhance the current scheme, increase the sustainability of the neighbourhood and provide additional public amenity the application should be rejected.
- The plans differ from the originally approved plans
- The proposed changes do not improve the appearance or amenity of the original design.
- The site is high profile, the changes do nothing to improve the appearance or amenity of the original scheme.
- Developer is proposing these changes on the grounds of reduced costs/improved profit.

- The positioning of the seating area was determined through public consultation and was considered to be the most advantageous for users of the area.

Sovereign Harbour Residents Association

- Change to non-permeable surface runs contrary to the NPPF regarding sustainable drainage. The use of non-permeable paving will increase the quantity of run-off and is also more likely to result in 'ponding' in parts. There should be no further run-off into the harbour waterways.
- No drainage strategy available, it is not acceptable for a developer to propose a drainage condition change without explaining how it would comply with policy.
- Object to the developers seeking to weaken or remove conditions and change plans already approved following lengthy consultation and negotiation. Such continuous attempts, not in line with the Sovereign Harbour SPD should be resisted.

Prospective Purchasers: Three purchasers of the properties objected to the amendment to the front boundary treatment of the property on grounds of security, privacy and aesthetics.

Consultations discharge of conditions:

Environment agency

Recommend discharge of conditions. Pleased to see the proposed scheme to use bio-retention area/rain gardens to provide pollution prevention and control on surface water quality prior to the discharge to the harbour.

Southern Water

No objections raised.

East Sussex County Council Highways

The information provided is suitable to allow the conditions to be discharged.

East Sussex County Council – SuDS Team

We note that the proposals have been amended with the surface water now discharging at an unrestricted rate to the Marina immediately adjacent to the development. This is acceptable in principle. However, we request that the applicant provides written confirmation from the operator of the Marine that they are will to accept this discharge.

We note that condition 171 of the outline planning permission requires that proposed discharge rates should be no more than the existing runoff rates. However, given the water will be discharged to the marina, adjoining the sea we agree that the runoff rate would not need to be controlled.

Requested further information regarding the water level within the marina and any variation of this level as a result of the tide. If the marina water level varies with the tide then the calculations should consider the Mean High Water Springs level for the submerged outfall.

Sovereign Harbour Residents Association

Object to the proposal on the following grounds;

- The effectiveness of the revised drainage scheme depends on all of the component parts working, all of which are liable to become blocked with silt and debris
- The drainage strategy is almost entirely situated within the public areas which are likely to flood when the system fails
- The normal rise and fall of groundwater levels and tides will introduce silt and dirt into the system
- The proposed maintenance schedule shows a frequent need for maintenance, intended to be carried out by a maintenance company. When will this be set up, will the home owners be aware of the liability?
- The drainage strategy is fraught with risks which seem to be borne entirely by the Local Authorities and local residents.
- Public walkways are now proposed to laid at a significant fall due to the type of block which makes public access more difficult.

Appraisal:

Principle of development:

In principle there is no reason to refuse the variation of condition unless the details of the variation are not considered acceptable in their own right.

There is no reason to refuse the discharge of condition application if all expert consulted bodies have confirmed the strategy is acceptable in principle.

Appraisal

Amendment 1 Block Paving - Amend the type of block paving originally approved to the public open space areas from Tegula Piora permeable block paving to a concrete block paving and header course to match the existing walkway/promenade adjoining the site.

In principle there is no objection to the use of a non-permeable brick instead of the permeable brick providing it is shown that the overall drainage strategy is not jeopardised. The design and appearance of the brick will match the existing harbour walkways which will maintain continuity of finishes around the harbour, this will be visually more attractive and more practical for on-going maintenance of the public area.

Changes to the Drainage Strategy

The submitted surface water drainage statement states that the presence of the gravel layer at the site with a high groundwater tables is such that the groundwater is in continuity with the water level within the Harbour. With groundwater measured at 1.4m below ground level, discharging surface water through traditional soakaways would not be appropriate as they would not function (unable to percolate into surround ground given high water table).

Given the soakaway issue as outlined above the applicants have submitted a designed/engineered drainage solution. The amended scheme proposes to discharge runoff from the houses, driveways and parking areas through overland flows, channel drainage and pipework directed to the planters for infiltration and water quality improvements before discharging into the harbour. The landscaped planters act as natural filtration and bio retention areas that will help to support the planting and

manage water flows, the applicants submitted documents state this will provide an environmentally sound response to drainage management for the site. The maintenance and management of the future drainage system will fall to the Management Company of the properties.

ESCC Highways have confirmed that the adopted harbour walkways are impermeable and surface water drains into the Harbour. They have also confirmed no objection to the proposal.

The recommendation for the scheme currently before members is on the basis that consultees (ESCC SUDs) are satisfied that the designed drainage details subject of the DOC application are acceptable.

Amendment 2 Retention of Tarmac - Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.

The existing tarmac drive to the north and the footpath to the south are in good condition. The proposal reduces waste from the site, and reduces the impact on surrounding residential properties from the works required to remove the tarmac.

The proposal will result in a clear definition/demarcation of the driveway and the public open space at the point they merge by changes in material.

The existing tarmac footpath to the north is not in a good state of repair and should be replaced with the block paving for continuity with the wider area.

Amendment 3 Public Open Space Configuration - Amend the configuration of planters and seats to the public open space

The number of planting beds is not changing from the previously approved scheme, however their configuration is changing in that they are enlarged and shape altered to be more angular. The number of benches has increased from 4 – 6, although their design/form has changed.

The development of the houses has resulted in some shingle being excavated, some spoil is needed to create the permitted scheme but some would be 'waste' which would need to be transported off site. This proposal seeks to retain that spoil on site to minimise construction waste by raising the upper walkway, increasing the number of steps between the walkways but retaining full accessibility from both ends of the public open space via re-modelled ramps.

The planters shape is altered to a more angular shape, their size is increased, this assists with the designed drainage strategy as outlined above. In principle there is no objection to the angular planters in replacement of the slimmer curved approved planters. The additional soft landscaping is considered to improve the scheme overall. The planters are created by railway sleepers as previously agreed.

The amended scheme also proposes the alteration to seating provision from 4 heritage seats all on the lower open space area, to 4 timber seats built into the planters at lower level and 2 heritage seats at the upper level. It is considered that the increase in seating is acceptable, heritage seating is still provided by way of two benches.

Amendment 4 Car park boundary and planting layout - Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of parking spaces from 7 to 9.

The moving closer of the parking area to the substation would remove the unofficial access through, however this is considered acceptable and it has not as part of the applications to develop the site ever been an official pathway.

The increase in space allows the reconfiguration of the parking bays and the increase in numbers which is considered an improvement. The area also sees an increase in soft landscaping which is an improvement visually for the area.

The parking area is to be laid out in a contrasting concrete paver to define the public and semi - private space which is also demarked by 600mm galvanised railings surrounding and a barrier to the entrance to prevent unauthorised use.

Discharge of Conditions

The discharge of conditions has been confirmed as acceptable by the Environment Agency, Southern Water and Highways. ESCC SUDs Team have confirmed no objection in principle but request further details regarding water levels and the tide of the Marina and written confirmation from Premier Marina's to accept the discharge to the Marina. Therefore it is recommended that the conditions are discharged subject to the confirmation from SUDs that the strategy is acceptable.

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 above ground amendments are not in and of themselves unacceptable and some are considered will improve the public open space.

The amendments to the drainage strategy to facilitate the above ground changes are also considered acceptable.

It is acknowledged that the public open space is an important part of the development as it is for the wider benefit of the community. It is considered that the proposals are acceptable and therefore the variation of condition application should be approved and the conditions discharged.

Recommendation:

3. 170685 (VCO)

Grant the variation of condition amending the drawing numbers of the approved scheme subject to agreement over the surface water discharge details subject to the confirmation from ESCC SUDS on the additional information requested.

Informative: The applicant is reminded that other conditions of the original consent still apply unless discharged.

4. 170885 (DOC)

Grant the discharge of conditions 171 (Surface Water Drainage), 178 (Surface Water Drainage – Highways), 179 (Proposed Construction Details of Roads) 196 (Infiltration of Surface Water) and 198 (Foul sewerage Disposal) subject to the confirmation from ESCC SUDS on the additional information requested.