

<b>App.No:</b> 180362	<b>Decision Due Date:</b> 7 June 2018	<b>Ward:</b> Meads
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 15 June 2018	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 14 May 2018		
<b>Neighbour Con Expiry:</b> 14 May 2018		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> To seek amendments to the scheme.		
<b>Location:</b> Meads Hollow, 15 Upper Carlisle Road, Eastbourne		
<b>Proposal:</b> : Proposed Erection of a detached 5bedroom dwelling with a detached double garage		
<b>Applicant:</b> Mr & Mrs Garner		
<b>Recommendation:</b> Grant planning permission subject to conditions		

**Contact Officer(s):**      **Name:** Anna Clare  
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### Map location



- 1.1 The application is brought to committee at the discretion of the Senior Specialist Advisor following the level of objection and given the previous application for a dwelling at the site was determined at Planning Committee.
- 1.2 The principle of the erection of a dwelling on the site has been agreed by the previous application. This proposal amends the design of the dwelling with a more modern design concept. The proposal given the mix of character in Upper Carlisle Road is considered acceptable.
- 1.3 The bulk and scale of the property, the footprint and location within the site is in line with the previous approval. Details submitted in relation to the rear raised patio assure limited overlooking and privacy impacts on existing residential properties. Therefore it is recommended that planning permission is granted subject to conditions.

## **2 Relevant Planning Policies**

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013  
B1: Spatial Development Strategy and Distribution  
B2: Creating Sustainable Neighbourhoods  
C11: Meads Neighbourhood Policy  
D5: Housing  
D10A: Design
- 2.3 Eastbourne Borough Plan Saved Policies 2007  
NE14: Source Protection Zone  
NE28: Environmental Amenity  
UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT5: Protecting Walls/Landscape Features  
HO2: Predominantly Residential Areas  
HO6: Infill Development  
HO20: Residential Amenity  
TR11: Car Parking

## **3 Site Description**

- 3.1 Upper Carlisle Road lies within a predominantly residential area, primarily characterised by large detached dwellings on generously sized plots. There is a wide range of styles and ages of the properties. The plot of land to which this application relates currently forms part of the side and rear garden of 15 Upper Carlisle Road, a large detached dwelling set within an extensive plot on the southern side of Upper Carlisle Road. The plot extends the full depth of the curtilage, backing onto Lordslaine Close, and flanking No.19 to the west.

The site slopes down from the public highway (from north to south) and up from

3.2 no.15 towards no.19 (from east to west).

3.3 The site contains a number of trees, some mature, along the front side and rear boundaries. Three large Holm oaks on the south west boundary adjoining 19 Upper Carlisle Road are protected by a tree preservation order.

3.4 The site is not listed, nor is it situated within a conservation area or an Area of High Townscape Value.

#### **4 Relevant Planning History**

4.1 120503

Erection of a detached house with integral garage to the side of 15 Upper Carlisle Road (outline application).  
Outline (some reserved)  
Approved conditionally  
05/11/2012

131052

Lateral reduction of three Holm oaks (adjacent to 9 Upper Carlisle Road) by 30% to good growth points.  
Tree Works - Tree Preservation Orders  
Approved conditionally

16/12/2013

141184

Holm oak (T1) - reduce height by 3m and lateral spread by 2m & shape to balance; Holm oak (T2) - reduce height by 2m and crown to east by 3m & shape to balance; Holm oak (T3) - reduce height by 3m and lateral spread by 1m to north to avoid failure; felling of two Holm oaks (T4 & T6).  
Tree Works - Tree Preservation Orders  
Approved conditionally  
20/10/2014

150080

Erection of a detached 4 bedroom dwelling with a detached double garage at the front on land within the curtilage of 15 Upper Carlisle Road.  
Planning Permission  
Approved conditionally  
02/09/2015

180075

2no.Holm Oak - Reduce crown by 2-3m to suitable growth points.  
1no.Holm Oak - Reduce lowest easterly limb back to main stem and reduce crown to suitable growth points by 1m.  
1no. Monterey Cypress - Reduce crown to suitable growth points by 25% due to wind damage.  
Tree Works - Tree Preservation Orders  
Approved conditionally

## 5 Proposed development

- 5.1 The application proposes the erection of a 5 bedroom detached dwelling with a detached garage.

## 6 Consultations

### 6.1 Specialist Advisor (Arboriculture)

The development appears to be just located outside the root protection zone for the TPO trees, so planning conditions should suffice in this case.

I have no adverse comments to make with regards the proposed landscaping scheme.

### 6.2 Specialist Advisor (Planning Policy)

The site is located within the 'Meads Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C11 is the 'Meads Neighbourhood' policy, which sets out the vision for this area as the following; *'Meads will strengthen its position as one of the most sustainable neighbourhoods in the town. It will make an important contribution to the delivery of housing and increasing its importance to the tourism industry, whilst conserving and enhancing its heritage and historic areas.'* This vision will be promoted through a number of factors, including 'Providing new housing through redevelopments and conversions in a mix of types and styles'. It has been identified in the Core Strategy as the second most sustainable neighbourhood in the borough.

The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas. Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This application will result in a net gain of 1 dwelling and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.

The Core Strategy states that the Meads Neighbourhood is the town's second most sustainable neighbourhood. It also states that "Meads will make an important contribution to the delivery of new housing and this should be provided in a mix of types and styles". Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods. The site is within the curtilage of an existing dwelling, which means that it is classed as 'greenfield' land. However, the National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs.

The NPPF requires local planning authorities to identify and update annually, a

supply of specific deliverable sites sufficient to provide five years worth of housing. As of 1 April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals.

It is important to note that this application would be liable for CIL under Eastbourne's current charging schedule.

To Summarise, this is within a predominantly residential area as identified through Policy HO2, as well as being a windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. The site is within the curtilage of an existing dwelling, which means that it is classed as 'greenfield' land and the NPPF supports sustainable residential development in order to meet local and national housing needs. There will be a net gain of 1 dwelling and this will contribute to Eastbourne's Five Year Housing Land supply. Therefore, policy would recommend this application is granted.

### 6.3 CIL

The development would be liable for a CIL payment. The necessary forms have been submitted.

### 6.4 ESCC Highways

On this occasion it is not considered necessary to provide a formal Highway Authority comment and advise you to consult the minor planning application guidance (2017)

## 7 **Neighbour Representations).**

7.1 3 Objections have been received and cover the following points:

- Loss of the trees to the front boundary
- Objection to prozed laurel on front boundary in place of mature trees

15 Meads Road - Impact of side elevation windows on the adjacent property and impact on loss of light from the location of the dwelling.

## 8 **Appraisal**

### 8.1 Principle of development:

As of 1 April 2018, Eastbourne is only able to demonstrate a 3.26 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. Therefore in accordance with para 14 of the NPPF, permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

- 8.1.1 This is within a predominantly residential area as identified through Policy HO2, as well as being a windfall site which the council rely on as part of its Spatial Development Strategy Policy B1. Therefore in principle the development which will be a net gain of 1 dwelling and this will contribute to Eastbourne's Five Year Housing Land supply is supported in principle.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
- 8.2.1 The actual position of the dwelling is the same as previously approved. The preserved trees have dictated the siting of the building close to the boundary of 15 Upper Carlisle Road. The site is situated to the west of no.15 and therefore will have limited impacts in terms of the bulk of the property. Given the previous consent the location, and bulk is considered acceptable.
- 8.2.2 The neighbouring property at No.15 has commented on the number of windows in the side elevation, stating these should be obscurely glazed to prevent overlooking. The windows at first floor level on this side elevation serve two en-suite bathrooms these can therefore be controlled by condition to be obscure.
- 8.2.3 The first floor has been set back to reduce the impact on adjoining properties, whilst allowing the living space on the ground floor to be enlarged as a result of having to reduce the footprint on the west side of the site. No balustrade is proposed to the glass roof, the door at first floor level has restricted access to the flat roof by way of a Juliette balcony.
- 8.2.4 The feature staircase to the side elevation facing 19 Upper Carlisle Road is to be fully glazed, the dwelling is set away from the boundary by approximately 8m and the location of the protected trees on the boundary prevents some overlooking towards the adjacent property. The reduction in size of the windows in line with the previous consent was discussed with the Agent however they wish to retain the full glazing. On balance whilst the windows are extensive they serve a stairwell and therefore on balance would not result in significant levels of overlooking to the neighbouring property.
- 8.2.5 Due to the slope of the land from front to rear, the proposed dwelling would require a patio to the rear to provide level access from the ground floor, and this is the case with all the existing properties on this side of the street. This was also included on the originally approved dwelling, subject to a condition regarding further details of levels and a privacy screen, which have been submitted with this application. The proposal includes a rear raised section 2m in depth, which steps down to a lower section of patio. A 2.1m high obscure glazed screen is proposed to the upper section to reduce overlooking towards the neighbouring property which is situated on lower ground level. This would be level with the height of the door and therefore is acceptable. The bulk of the rear addition and the obscure screen is not considered detrimental to the adjacent residential property and is in line with that previously approved.
- 8.2.6 Given all of the above and the distance between the adjoining properties (and a rear garden depth of 30m), it is considered that there would no adverse impact on the amenities of adjoining residents.

### 8.3 Design issues:

- 8.3.1 The proposed dwelling is situated in the same location as the previously approved dwelling and is much the same shape (ref: 150080). However the detailed design is altered to provide a more modern design approach. The previous dwelling was proposed to be brick and a more traditional design. This dwelling is proposed to be rendered in a 'light grey' colour with grey aluminium windows and natural slate tiled roof.
- 8.3.2 There are a mixture of designs of property in the immediately surrounding area, therefore the modern design approach is considered reasonable and without harm to the existing street scene.
- 8.3.3 To the front of the site a new access is proposed within the existing wall and the blocking up of the existing pedestrian gate. The majority of the wall will be retained and therefore the impact on the street scene will be limited. The access is in line with the previous approval.

### 8.4 Impacts on trees:

- 8.4.1 The dwelling is situated within the same location as previously approved, which was informed by the position of the protected trees to the western boundary. The application includes tree protection measures and conditions are proposed to ensure the trees are protected during the course of the application.
- 8.4.2 The landscaping plans show the removal of the existing vegetation to the front boundary with the planting of Laurel, the trees shown removed have already been removed. Mixed planting within the site and lawn to the side rear, apart from under the tree canopy which is to be mulch.
- 8.4.3 No objection in principle is raised to the removal of what was a neglected boundary treatment to facilitate a more formal residential boundary treatment by way of a laurel hedge. Whilst residents objections are noted the landscaping plans are considered acceptable.

### 8.5 Impacts on highway network or access:

- 8.5.1 The proposed access is situated in the same position as the previously approved access. Therefore no objections are raised. The property is provided with off street parking as are the other properties on the road, therefore there is no concern raised about the impact on the highway network of additional on street parking demand.

## **9 Human Rights Implications**

- 9.1 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.

## 10 Recommendation

10.1 Grant planning permission subject to the following conditions;

10.2 Conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.  
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2) The proposed development shall be carried out in strict accordance with the following plans:  
2018-16-02 – Proposed Ground and First Floor Plans  
2018-16-03a - Proposed Second Floor and Roof Plans  
2018-16-04 – Proposed Elevations  
2018-16-05 – Patio Plan & Site Section  
2018-16-06a – Patio Rear Sectional Elevation & Side Elevation  
2018-16-07 – Wheel Wash Area Plan  
2018-16-08 - Hard Surface Finishes  
2018-16-10 – Proposed Foul Drainage  
2018-16-11 – Service Intake & Tree Protection Plan  
2018-16-12 – Proposed Street Scene Elevation  
2018-16-13a – Site Layout Plan and Section  
2018-16-14 – Landscaping Plan  
2018-16-15 – Existing and Proposed Front Boundary  
2018-16-31 – Propose Garage Plan & Elevations  
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the plans to which the permission relates.
- 3) The external facing materials shall be as submitted within the approved Materials Schedule unless agreed otherwise in writing by the Local Planning Authority;  
Roof Tile: Forna Especial Spanish Natural Slate  
Windows and Doors: Aluminium Framed double glazed Grey (RAL 7016)  
External Walls: Smooth Render (Grey)  
Eaves and Rainwater: Upvc Graphite Coloured  
Reason: To secure that the development has a satisfactory appearance.
- 4) No demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.  
Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

- 5) No works shall commence on site until the two street trees in Upper Carlisle Road either side of the proposed access are protected with timber hoarding and chestnut pale fencing in accordance with approved drawing 2018-16-32. Such hoarding shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of soils, goods, fuels or chemicals or other material shall take place inside the fenced area.  
Reason: To ensure that the trees are adequately protected from damage to the health and stability throughout the construction period in the interest of amenity.
- 6) All existing trees and shrubs (including the street trees) not scheduled for removal shall be fully safeguarded during the course of the site works and building operations in accordance with the local planning authorities Supplementary Planning Guidance and relevant British Standards (BS 5837: 2012). No work shall commence on site until all trees and shrubs to be protected are fenced with 2.4m minimum height heavy-duty hoardings securely mounted on scaffold poles, and the temporary chestnut paling is installed in accordance with approved drawing 2018-16-11. Such fencing shall be inspected and approved by the Local Planning Authority before any works commence on site, and maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.  
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.
- 7) No bonfires or burning of materials shall take place anywhere on the site.  
Reason: In the interests of the health and retention of the preserved trees and residential amenity.
- 8) The landscaping shown on approved drawing 2018-16-14 shall be implemented in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no

services shall be dug or laid into the ground other than in accordance with the approved drawing 2018-16-11.

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

- 10) The development shall not be occupied until the obscure glass screen to the rear patio has been implemented in accordance with drawing 2016-16-06. The screen shall be permanently retained thereafter.

Reason: To safeguard the amenities of the adjoining occupiers.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, hard surfaces, walls or fences of any kind shall be erected within the curtilage of the approved dwelling, between its flank wall and the boundary with 19 Upper Carlisle Road or within 9m of any of the preserved trees without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the root protection areas of the preserved trees are safeguarded from disturbance/damage.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties.

- 13) No part of the first flat roof at the rear of the dwelling hereby permitted shall be used as a balcony, nor shall the railings enclosing it be raised or any first floor windows altered to form doors.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

- 14) No works or development shall commence until the new vehicular access has been provided in the position shown on the approved plan and the existing pedestrian access has been blocked up in matching brickwork.

Reason: To ensure that the street tree and the trees on the site are adequately protected during construction works.

- 15) No development shall take place until vehicle wheel washing equipment has been provided within the site in accordance with drawing 2018-16-07 Wheel Washing Area Plan. The equipment shall be retained for the duration of the construction in accordance with the approved details to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and to prevent damage to and contamination of adjacent roads.

16) No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by, an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

17) Following completion of the works a statement by an accredited person, someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the suds scheme approved under condition 15 has been fully implemented shall be submitted to the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity.

18) No changes in soil levels shall occur within the root protection area of all trees indicated as retained

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

## **11 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.

## **12 Background papers**

The background papers used in compiling this report were as follows:

- Case file