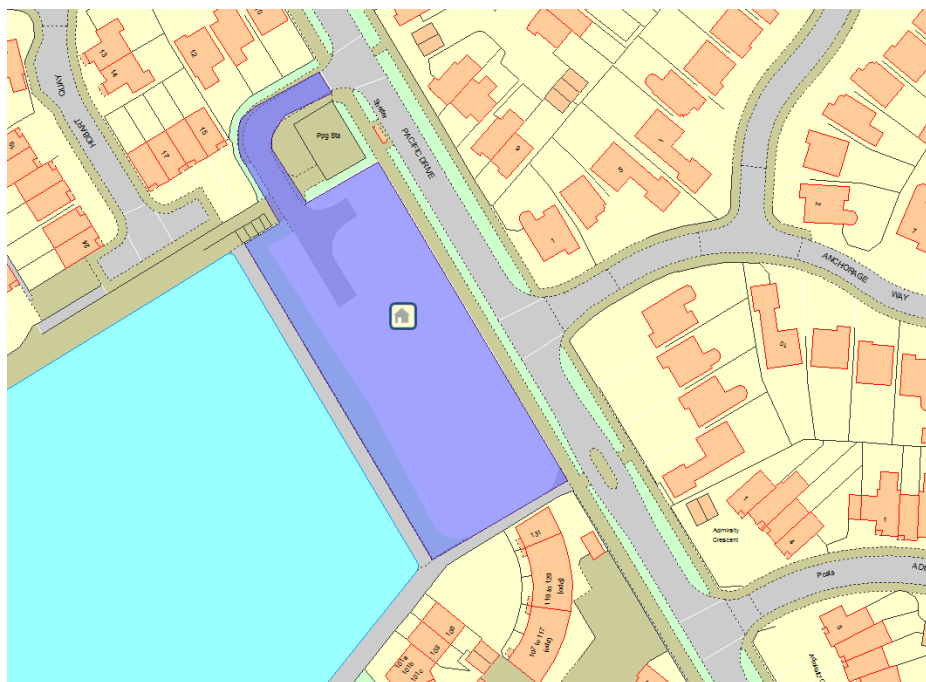


App.No: 180858	Decision Due Date: 25 October 2018	Ward: Sovereign
Officer: Anna Clare	Site visit date: 8 October 2018	Type: Variation of Condition
Site Notice(s) Expiry date: 1 October 2018		
Neighbour Con Expiry: 1 October 2018		
Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Site 8, Pacific Drive, Eastbourne		
Proposal: : Variation of conditions 2 (Approved Drawings) and 3 (Boundary Treatments) following grant of Reserved Matters dated 8 June 2015 for the development of Site 8, for up to 8 dwellings to provide vehicle access gates to the driveway, additional side access to No.1 Port Moresby Place (previously plot 8) amendments to the layout of the car parking area, and alterations to the landscaping plan with retaining wall to area for future berth holder facilities (Ref: 141469).		
Applicant: Port Moresby Homes Ltd		
Recommendation: Grant Planning Permission subject to conditions		

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1 Executive Summary

- 1.1 The application proposed changes to the approved plans of the original Reserved Matters permission for the development of this site for 8 residential properties. The application is brought to committee at the request of the Ward Councillor.
- 1.2 The proposals are considered acceptable for reasons set out in the report and as such it is recommended that the variation of consent is granted.

2 Relevant Planning Policies

- 2.1 National Planning Policy Framework
 - 4. Decision Making
 - 9. Promoting sustainable transport
 - 12. Achieving well-designed places
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013
 - B1 Spatial Development Strategy and Distribution
 - B2 Creating Sustainable Neighbourhoods
 - C14 Sovereign Harbour Neighbourhood Policy
 - D5 Housing
- 2.3 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

3 Site Description

- 3.1 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 now complete 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.
- 3.2 The public open space is now largely completed, the block paving, sleeper planters and planting are all installed. The railings to the harbour edge are outstanding, due for installation in early November.

4 Relevant Planning History

- 4.1 170685
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.

Refused 1 August 2017 for the following reasons;

1. By virtue of the increased ground levels and therefore additional steps between the walk-ways the public open space would be less inclusive/accessible to all members of the public, the retention of the tarmac areas would be out of keeping with the wider Harbour area within which all public footpaths are paved in similar finishing material contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013

2. The overall design of the public open space by virtue of the size and shape of the planters including the integral seating design is considered to be a downgrading from the original design concept and as such would be out of keeping with and detrimental to the character of the wider Harbour area contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013 and contrary to the original design concepts as outlined with the parameter plans of Outline Planning Permission for the development of the site for 8 dwellinghouses (Ref: 131002).

4.2 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

4.3 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

5 **Proposed development**

5.1 The application proposes changes to the approved plans of the Reserved Matters permission. The amendments consist of the following;

- Retention of side access to Plot 8, No.1 Port Moresby Place
- Alterations to lighting to the public open space
- Retention of retaining wall to the northern end of the public open space, block paving to the berth holder facilities area previously identified and relocation of cycle racks to this location
- Retention of amended parking layout
- Installation of vehicular access gates to the northern driveway
- Amendments to the planting within the public open space

The application originally proposed the retention of the tarmac to the southern pathway, however following advise that this will not be supported this has been amended, and the pathway will be block paved to match the public open space as per the original approval.

6 Consultations

6.1 Specialist Advisor (Arboriculture)

6.1.1 No objection raised to the proposed planting. The species and size are appropriate for the setting. The primary function of the planting is screening rather than security.

6.2 Sovereign Harbour Residents Association

- 6.2.1
- Raise concerns regarding any amendments to the scheme which weaken the public access to the site.
 - Access between the upper and lower walkway should be wheelchair friendly.
 - Object to any decrease in car parking on the site.

6.3 Southern Water

6.3.1 The proposed construction of vehicle gates within the access road restricts Southern Water's granted access rights to the public Pacific Drive Eastbourne Wastewater pumping station site. Southern Water requires existing access arrangements to the pumping station to be maintained with regards to unhindered 24 hour/7 days a week access.

6.4 Highways ESCC

6.4.1 No objections raised to this application. However the following should be noted:

- Parking – The parking spaces are only 4.8m in length rather than the recommended 5m. In the row of 3 parking spaces two of the spaces are only 2.4m in width rather than the recommended 2.5m. These reduced dimensions will make use of the spaces more difficult. Also the layout of the parking rows (at 90 degrees) will mean some drivers will need to reverse the length of the parking area or make several movements to turn. These points could lead to parking in other areas of Moresby Place. However this is not a reason for an objection as the car park is private and the need for additional turning movements will not affect highway safety.

Gate – The gate is set back at a satisfactory distance from the highway. However its use may mean access to the pumping station will be obstructed.

7 Neighbour Representations

- 7.1 Comments from residents of Port Moresby Place NO.s 2, 3, 5, 7, and 8
- Support moving of cycle racks away from No.8 PMP

- Support the installation of access gates
- Concerned that lack of gates will lead to issues as no deviation between the path and driveway
- Necessary to control access to the site
- Object to the lack of railings shown to the entirety of the car park walls
- Amendments to the planting should be in line with the original and agreed by the Council Arboriculturalist

7.2 Comments from 7 Longbeach View and 6 Eugene Way

- Construction has taken in excess of acceptable time
- Inconvenience to residents preventing access
- Until the existing obligations are met no further actions should be approved.

7.3 10 Hobart Quay which is located to the north of the site object to the installation of gates on the access road given the close proximity to their garden and the noise associated with the gates, concerns regarding emergency access or Southern Water Access feel barrier further into the site would be more appropriate.

Appraisal

8.1 Retention of side access to Plot 8, No.1 Port Moresby Place

8.1.1 The original layout of the property provided access to the basement parking/bin stores etc between each set of semi-detached properties. Therefore plot 8/No.1 PMP was left without a rear access. The side access was constructed to provide this rear access to this property. The area was shown as planted adjacent the walkway. The access is considered acceptable, the materials used match elsewhere on the development and the public pathway adjacent is not impeded. Therefore no objections are raised to the retention of these works.

8.2 Alterations to lighting to the public open space

8.2.1 The original scheme for the public open space proposed 3no. street lamp columns to the edge of the Harbour, with 1no. low level bollard light each side of the three sets of steps between the upper and lower walkway. This is rather excessive and cluttering. One street light was proposed to the southern corner of the Harbour, which is immediately adjacent to an existing street lamp therefore this has been removed from the scheme. The two other lamp columns have been installed as per the approved plan. This application proposes to alter the low level bollard lights to spot lights within the steps themselves, these have been installed into the sleeper sides and illuminate only the steps. This amendment is considered acceptable given it removes clutter and it results in lighting provision to the steps themselves.

8.3 Retention of retaining wall to the northern end of the public open space, block paving to the berth holder facilities area previously identified and relocation of cycle racks to this location

8.3.1 This part of the public open space was originally shown as ramped, though there

was a difference in ground level shown as 1m and therefore the ramp would be steep. Future berth holder facilities were shown in this location. As the berth holder facilities are not forthcoming at this time the developer has block paved the entire area to match the adjacent open space. The retaining wall has been built in a grey brick to match the properties and a railing to match the railing to the front boundary of the properties is proposed atop the retaining wall as a safety precaution given the height. The proposed materials are considered acceptable and relate to the rest of the development. The resulting raised area gives a standing point at a raised level to view over the harbour. This is considered acceptable given the previously approved scheme would have been a steep incline between the lower and upper walkway. Level access is still provided between the walkways to the north, using the existing ramp and to the south where the land slopes between the upper and lower walkways.

8.3.2 The cycle racks which were previously to the centre of this area are proposed moved to the edge of the site and have already been installed. These are hooped metal stands which are appropriate for the setting. Therefore no objection is raised to this minor amendment to their location.

8.4 Retention of amended parking layout

8.4.1 The car parking layout was originally approved with 7 car parking spaces arranged to the northern side of the car park area measuring 2.4m in width each. The car parking layout as already implemented results in an increase in the number of spaces to 8 useable spaces. It is noted the plans shows 9 but the one space to the western edge of the car park is smaller than the rest and unsuitable for a standard size car. The spaces are laid out with 3 to the eastern edge and 5 to the northern edge of the car park with landscaping to the corner adjacent Pacific Drive.

8.4.2 The layout is considered to improve the appearance of the car parking area by incorporating an element of landscaping. Whilst the car parking spaces are marginally smaller than ESCC Highways would recommend they are in line with that previously approved and the layout is workable without impacting on highway safety whilst providing an additional space.

8.4.3 No objections are raised to the amended layout of the parking area. It is noted that objections have been raised to the location of railings to the car park area. The original scheme saw the wall bordering the car parks northern boundary set away from the Pumping Station Wall. Therefore railings were shown atop the low level grey brick wall to the Pacific Drive frontage and to this northern boundary wall. As the car park now abuts the wall of the Pumping Station there is no boundary wall in this location for the railings to site, or need given the location of the wall. Residents have requested that the railings are restarted to the rear of the wall towards the west of the car park boundary. No railings are proposed in this location primarily given that the entrance is open so there is little need for railings here. Railings to the front will restrict members of the public climbing over the low level wall as a short cut. Further railings are considered to spoil the visual appearance of this open area and are considered unnecessary clutter, therefore their installation has not been requested by Officers.

8.5 Installation of vehicular access gates to the northern driveway

- 8.5.1 No gates or other infrastructure to prevent unauthorised access to the driveway or public open space within the site were shown on the previously approved landscaping drawings. The gates now proposed are a simple metal gate design, 1.35m high to the vehicular access only. A pedestrian access is kept clear to the northern side of the driveway. The gates are proposed to be electronically operated and 5m back from the edge of the pavement into the site.
- 8.5.2 The installation of gates will assist with security/preventing unauthorised access to the car park. This driveway does not form part of the public open space which will be offered for adoption to Eastbourne Borough Council, it is understood that the maintenance and management will be by the management company for the development.
- 8.5.3 The gates are considered to give the appearance of a private development, this is not unusual throughout the harbour, where there are many private gated developments. The public open space is to the rear of the site adjacent the harbour edge and not visible from this part of Pacific Drive given the Pumping Station location. It is also considered that the majority of people using the public open space and walkways are local and would be approaching from the harbour side and therefore would not be given the appearance of private estate or put off from entering the public open space. Therefore on balance considering the residents want for a way to restrict access by vehicles the gates are considered a reasonable addition. The design is a modest modern electric gate which is considered in keeping with the modern appearance of the properties. As such no objection is raised in principle to this amendment to the scheme.
- 8.5.4 Southern Waters comments regarding the need for access are noted. The Applicant has confirmed that they would be given access details so the gates would not impede their access. The access rights are also considered a private matter between the landowner and Southern Water.
- 8.6 Amendments to the planting within the public open space
- 8.6.1 The planting within the beds of the public open space is largely in line with the previous approval (bar three species). The Council's Arboriculturalist has confirmed that this type of planting is suitable for the setting. The original planting concept is that of screening not of security but it is noted that additional plants have been incorporated in specific locations to assist with security. No objection is raised to the type of planting and consideration has been given to the depth of soil and room for the plants to grow. Therefore no objection is raised to the amended planting scheme to the public open space.
- 8.6.2 Planting was originally shown within the front gardens of the properties. Individual owners have carried out their own planting/landscaping to the front which is considered acceptable given these are private front gardens with boundary treatments to the road. No objection is raised to the individual planting which has no detrimental impacts on the street scene or the amenity of the area.
- 8.7 Other matters
- 8.7.1 Residents have raised concerns over the lack of demarcation of pavement

adjacent to the driveway. It is considered that the driveway has been block paved in accordance with the approved drawings of the original permission. No demarcation in terms of height of either was shown on the approved drawings and it is not considered that this application can request alterations to the driveway or pathway to demark the walkway. The access is for a limited number of vehicles, and especially with the gates installed cars would be going slowly around this corner therefore reducing and likely conflict between vehicles and pedestrians.

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 variation of condition application for the amendments set out in the application.

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

- Case File