

<b>App.No:</b> 130468 (RMT)	<b>Decision Due Date:</b> 18 September 2013	<b>Ward:</b> Ratton
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 11 September 2013	<b>Type:</b> Reserved Matters
<b>Site Notice(s) Expiry date:</b> N/A <b>Neigh. Con Expiry:</b> 6 September 2013 <b>Weekly list Expiry:</b> 6 September 2013 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Brought to Planning Committee within Statutory Expiry Date.		
<b>Location:</b> Land East Of Kings Drive, Kings Drive, Eastbourne		
<b>Proposal:</b> Application for approval of reserved matters (Details of the appearance and scale of buildings and landscaping of the site) following outline approval. (EB/2010/0003- Outline Planning Permission for 119 new Dwellings)		
<b>Applicant:</b> Bovis Homes Limited		
<b>Recommendation:</b> Grant permission subject to conditions and prior conclusion of a deed of variation to the Unilateral Undertaking in relation to the original outline planning permission granted on appeal.		

## Executive Summary

The application concerns the reserved matters in relation to the grant of Outline planning permission for the development of the site granted on appeal dated 27 October 2010; namely the appearance and scale of buildings, and landscaping of the site.

The proposed design of the buildings and materials proposed are considered acceptable and in keeping with the surrounding area; and the scale of the dwellings and the landscaping proposed respect the topography of the site and the important vista's towards Eastbourne Park.

## Relevant Planning Policies:

### Core Strategy Local Plan 2013 Policies

B2: Creating Sustainable Neighbourhoods  
C5: Ocklynge and Rodmill Neighbourhood Policy  
D1: Sustainable Development  
D5: Housing

## Eastbourne Borough Plan Saved Policies

UHT1: Design of New Development  
UHT2: Height of Buildings  
UHT4: Visual Amenity  
UHT6: Tree Planting  
UHT7: Landscaping  
UHT8: Protection of Amenity Space  
UHT10: Design of Public Areas  
HO20: Residential Amenity  
TR5: Contributions to the Cycle Network  
TR6: Facilities for Cyclists

## National Planning Policy Framework 2011

4. Promoting Sustainable Transport  
7. Requiring Good Design  
11. Conserving and Enhancing the Natural Environment

### **Site Description:**

The application site, covering approximately 3.24 hectares, is a greenfield site within the boundary of Eastbourne Park. It is bounded to the north and west by main routes into and out of the town, Kings Drive and Cross Levels Way and to the east by low lying open fields that form Eastbourne Park. It is broadly triangular in shape and comprises grazed grassland interspersed with trees and shrubs.

The topography of the site is such that it slopes from north west to south east and west to east, with the southern tip being approximately 4.5 metres below Kings Drive.

Beyond its immediate boundaries, the site lies at the edge of an established residential area which is characterised by a mix of building heights and varying house types, most set within spacious plots. Within this development the houses step down towards Kings Drive with groups of houses served by cul-de-sacs being interspersed by areas of open space which are locally known as 'green fingers'.

Although the area is predominantly residential to the south and west and open parkland to the east, other uses and facilities form part of the context of the area. For example Eastbourne District General Hospital (DGH) is to the north of the site and a parade of shops is located to the north west of the site in Framfield Way. There are existing bus stops adjacent to the site providing direct access into the town centre which is located some 1.5 kilometres south of the site.

### **Relevant Planning History:**

There is extensive planning history relating to this site. This report will outline only the relevant history to this application.

An application for outline planning permission dated 24 December 2009 related to the development of the site for 140 dwellings of which 42 would be affordable units (EB/2010/0003). This application was revised and dated 5 February 2010, following a requirement by the Environment Agency to provide an 8 metre wide buffer along the

Lottbridge Sewer. This resulted in amendments to the layout in the southern part of the site and the loss of three dwellings and therefore relates to 137 dwellings of which 41 would be affordable units, plus associated access and parking, open space, play areas and allotments (Option A).

Following concerns expressed by the Case Officer and local residents, regarding the scale, impact and massing of the proposed four storey blocks of apartments in the northern part of the site, an alternative option for the northern part of the site was submitted with alternative drawings dated 7 April 2010, known as option B. This option reduced the apartment buildings 1 and 2 from 4 to 3 storeys thereby reducing the number of apartments and the total number of dwellings was reduced to 119.

This application was not determined within the statutory timeframe, and the Applicant chose to appeal to the Secretary of State on non-determination of the application. It was however noted that had the Council been able to determine the application, permission would have been refused on Option A on the grounds that the proposed development is contrary to the emerging Local Development Framework, Core Spatial Development Strategy; and that the height, scale, form and massing of the proposed two four-storey block of apartments on the northern part of the site would harm the appearance and character of the area and views towards Eastbourne Park, contrary to Policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan 2001-11. The Council would also have refused Option B for the sole reason that the proposed development is contrary to the emerging Local Development Framework, Core Spatial Development Strategy.

The appeal was determined following a Public Inquiry; the Inspector in his decision dated 27 October 2010 granted outline planning permission for Option B, for 119 dwellings, associated access and parking, open space, play areas and allotments with 35% affordable housing secured through a unilateral undertaking which also secured contributions towards archaeological display, bus stops, cycleway, household waste, pedestrian crossing, primary school places, real-time bus information, transport and a travel plan audit fee. Further contributions were required to be made to flood storage and flood mitigation.

A further application was submitted in 2012 (EB/2012/0823) to amend the layout of the proposed development, and altered the proposal to include slightly more houses, introduced the Flats Over Garages to the proposal and moved the pumping station further from residential properties to the south of the site. This application was approved at Planning Committee on 21 May 2013.

**Proposed development:**

This application follows the previous granting on appeal of the outline planning permission and relates to the matters reserved by the previous consent, namely the details of the appearance and scale of the buildings and landscaping of the site.

Further to the previous consent for material amendments to the layout plan, a revised proposed site layout plan has been submitted in support of this application to incorporate two technical amendments which relate to minor alterations to the highways to take into account technical requirements for example parking standards and appropriate turning heads, and amendments to the pumping station size whilst the

location remains as approved. These are very minor and have little if any impact on the overall development.

A further addition is a cycle path which runs along the eastern boundary of the site adjacent to Eastbourne Park and was included in response to a representation received from Bespoke.

As the application is for the reserved matters following the grant of outline permission, the application can only be considered with regard to the appearance and scale of the buildings and the landscaping of the site. Whilst it is acknowledged that there remains some opposition to the residential development on the site, the debate into the planning merits or otherwise of the principle of development cannot be reopened.

### **Consultations:**

A number of consultations were undertaken. Where responses were received comments are outlined below. Given the application is for reserved matters most consultees will have no further comments to make on the proposed development.

#### Internal:

Downland, Trees and Woodland Manager

*'The site contains 18 trees predominantly Ash, Sycamore and Elm, of which half are indicated on the tree protection plan as removed. The loss of the existing trees will in the long terms be compensated for by the new tree planting scheme. The applicant indicates the retention of nine trees on the eastern boundary, but without the root protection area of each tree being calculated and the close proximity of the new cycle path I can only conclude that the application may lead to the loss of all trees on site. The application will also lead to the loss of the four young highway street trees on Kings Drive which the applicant's tree protection plan does not mention. It is expected that the applicant will pay the costs associated with the removal and replacement of these four trees should the application be approved. Conditions recommended in relation to tree protection, landscape design, screening, planting and landscape management and maintenance.'*

Housing Services Manager

*'Overall, the development of this site is to be supported as it will help provide homes to meet the needs of Eastbourne's growing population. The location of this site, at a critical transport hub, needs to pay heed to maintaining a proportionate and sensitive view for those arriving in and travelling around Eastbourne. This should reflect the arguably 'evolutionary' rather than 'revolutionary' nature of Eastbourne's built environment. There are however some aspects of the proposal that do not concur with this approach. The appearance of the flatted blocks with flat roof structures is not in keeping with the appearance of Kings Drive, where the prevailing style is for pitched roofs and detailing undertaken with brick, render and other similar treatments. The use of flat roof structures, which arguably are not as long lasting as pitched roofs, may present maintenance and repair costs for leaseholders. There is a high proportion of terraced development with little relief in terms of appearance along the blocks.'*

Local Highway Manager

*'The outline planning consent granted for this site included permission for the number of dwellings, access arrangements, number of parking spaces, and traffic movements and therefore these have not been considered as part of the response as they have already been approved. A revised layout plan has been submitted which contains a few minor amendments. The main change from a highways perspective is the cycle route at the rear of the site. This alteration is welcomed as it will be able to be linked to the existing cycle route that runs along Cross Levels Way and will allow for future expansion of the network towards the Town Centre.'*

ESCC are currently assessing an application for highway works to Kings Drive in relation to the development which include a pelican crossing and bus stop improvements in line with the previous outline permission for the development of the site.

#### External:

County Archaeologist

*'Recommendations from the previous application remain, namely that the site be subject to a comprehensive program of archaeological mitigation including excavation, recording, publication of the results and local curation and display of the artefacts.'*  
*Recommendation to add standard conditions in relation to archaeological.*

Natural England

Make no specific comments on the proposals, stating;

*'The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designed sites, landscapes or species.'*

*This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework'.*

#### Neighbour Representations:

20 Objections have been received from surrounding residents which cover the following points:

- Increased traffic to Kings Drive and surrounding area
- Lack of parking and therefore impacts on surrounding areas
- Flooding
- Impact on the view
- Effect on social infrastructure (such as schools and drains)
- Energy and Climate change
- Biodiversity
- Density of housing not in keeping with area
- High density/low quality estate

Only objections based on the three issues to be assessed as part of this application can be taken into consideration. The principle of the development of the land for housing was assessed under the outline planning application which was approved on appeal by the Planning Inspectorate. Some of those neighbouring residents objecting did so on the grounds that the design is out of keeping with the area, and on landscaping issues requesting that railings to the boundary with Kings Drive be retained and/or replaced. These issues are assessed below.

Bespoke Cycle Group made an objection to the application on the grounds that the plans did not show a cycle route through the development and therefore does not fulfil the Eastbourne Cycling Strategy.

### **Appraisal:**

This appraisal will look at each of the three issues to be assessed as part of the application in turn.

#### Design

The scheme is made up of apartment blocks, terraced houses and town houses. The most recurring house type is the town houses to the centre of the site, the composition of which have been designed to be simple and modern but with interesting elevational detailing.

The town houses are three storeys in height and are composed primarily of red brick and white rendering interspersed with dark grey coloured weatherboard cladding to relieve the brickwork and add texture. The roofs are hipped and made of reconstituted slate.

The flats above garages consist of living accommodation above open fronted garages. The appearance will be similar in style to the two storey terraced properties to the south of the site, mainly red brick in construction with orange detailing and some weatherboarding at prominent positions and row ends. The roofs are hipped and tiles in a Tuscan Colour.

The apartment blocks to the north of the site are a modern flat roof design. The exterior walls will be finished in white render and interspersed by dark grey panelling.

The quality of the overall design of the buildings will come from the variation and colour of the key materials and the finer detailing. The rows of terraces are long so the design creates a balance of compositions that have an interesting and controlled rhythm in the dispersion of projections and key facing materials.

Saved Policy UHT1 of the Eastbourne Borough Plan states that development proposals will be required to harmonise with the appearance and character of the local environment. The Rodmill Estate to the west of the site whilst being fairly uniform is of no particular character, and is set back from Kings Drive. The site is visible from Kings Drive a major vehicular route into Eastbourne and the Rodmill roundabout and therefore the design of the proposed buildings is of great importance.

The Government attaches great importance to the design of the built environment. Paragraphs 56- 58 of the NPPF state good design is a key aspect of sustainable development; and that planning decisions should aim to ensure that developments will

function well and add to the overall quality of the area and will establish a strong sense of place.

The use of a variety of materials and controlled symmetry in the design of the facades of the buildings as they step down through the site gives a sense of uniformity and structure whilst maintaining important views through the site. The modern design of the apartment blocks and the proposed materials are considered acceptable and will harmonise with the appearance and character of the local area.

Given the design of the development is structured and has a sense of uniformity; it is proposed that the permitted development rights of the dwellings will be removed by condition. This would mean the Local Planning Authority would have more control over the type of development and alterations that could be undertaken to the properties after completion.

### Scale

The dwelling tenure is a mix of flats, terraced and end of terrace housing and flats over garages. Generally the scale is agreed within the outline permission. Given the topography of the site, whereby the north is higher than the south there is a need for the proposed development to respect and take account of the change in ground levels.

The scale of the proposed dwellings responds to the lie of the land by positioning the taller buildings towards Kings Drive and the hospital and stepping them down to towards Eastbourne Park. The houses to the south of the site are two storeys in height responding to the lower levels of this part; these houses would be predominantly hidden as the site is approximately 4 metres lower than Kings Drive at this point.

Saved Local Plan Policy UHT1 requires the design of new development to be appropriate in scale and form, with the highest density appropriate to the locality, UHT2 requires the height of buildings to conform to most of the surroundings. The Inspector in his Decision dated 27 October 2010 in paragraph 52 stated;

*'This sloping site leads down to flat marshland; and the proposed two-storey development is most appropriate at the bottom end of the site. Three -storey development would occupy the middle and higher parts of the site, so it would follow the lie of the land.'*

### Landscaping

The landscaping treatment aims to reflect the urban-fringe character of the site, whilst helping to integrate the site with the surroundings. The 'green fingers' onto which the town house terraces face follow through from the Rodmill Estate which has similar green corridors to the west of Kings Drive. The layout of the dwellings means the green fingers and open spaces are overlooked to maximise their potential with natural surveillance. The 'green fingers' also allow the continued view through to Eastbourne Park from Kings Drive which is in accordance with Saved Policy UHT4 which states development proposals will be judged having regard to their effect on visual amenity, specifically the effect on an important vista.

The Councils Specialist Advisor for Arboriculture has commented on the landscaping proposals. The applicant indicates the removal of nine trees in the interest of safety and

the retention of nine trees, the plans do not indicate the root protection area required to ensure the protection of the trees during development; however this will form a condition to ensure the trees proposed to be retained survive. The loss of the existing trees will in the long term be compensated for by the new tree planting scheme. The indicative landscaping scheme does not provide location of species and numbers of trees to be planted, however this also can be controlled by condition. The landscaping plan seeks to ensure a sufficient amount of tree and hedge planting for visual amenity whilst retaining important vistas across the site and western boundary over to Eastbourne Park.

**Human Rights Implications:**

It is considered that the proposed development would not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property. Furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the proposed design and scale of the dwellings whilst respecting the topography of the site and the important vista towards Eastbourne Park will make a positive contribution to the area and the proposed design and scale is therefore considered to comply with saved policies UHT1, UHT2 and UHT4 of the Eastbourne Borough Plan and Policies B2 and C5 of the Core Strategy Local Plan 2013.

The proposal incorporates a cycle path to the east of the site, this path will make a positive contribution to the cycle network in accordance with Saved Policy TR5 of the Eastbourne Borough Plan and Policies C5 and B2 of the Core Strategy 2013 which state that development should encourage sustainable modes of transport and create good connections between neighbourhoods.

In addition, when outline planning permission was granted it was subject to a Unilateral Undertaking. This agreement provides for the provision of 35% of affordable housing units, contributions to archaeological display, bus stops, household waste, pedestrian crossing, primary school places, real-time bus information, transport and a travel plan audit fee. With further contributions towards flood storage and flood mitigation, and a commuted sum towards public open space.

The Council are currently in the process of undertaking a deed of variation to this agreement. The Applicant has also agreed to a contribution to secure the proposed cycle way to the eastern boundary of the site. It is therefore recommended that the application is granted subject to the required deed of variation to the unilateral undertaking.

**Recommendation:**

Grant permission subject to conditions and the prior conclusion of a deed of variation to the Unilateral Undertaking in relation to the previous outline planning permission.

**Conditions:**



- (1) Time commencement (two years from the date of this decision in line with the previous commencement condition of the Outline Planning permission).
- (2) That the conditions attached to outline planning permission EB/2010/0003 are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with.
- (3) In accordance with approved plans of this permission.
- (4) Removal of permitted development rights – no buildings, structures, walls or fences.
- (5) Removal of permitted development rights – no roof extensions.
- (6) Submission of details of boundary treatment to Kings Drive.
- (7) Submission of details in relation to cycle parking to the outdoor play area.
- (8) Submission of method statement in relation to root protection of retained trees.
- (9) Details of the installation of the cycle path within the root protection areas.

**Appeal:** Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**