

Eastbourne Borough Council

Planning Committee

31 March 2009

Report of the Head of Planning

List of Planning Applications for Consideration

1) 4 AND 6 FRIDAY STREET, EASTBOURNE

Residential development to provide six 2 and 3 bed bungalows and dormer bungalows with associated parking (amendment to approved planning application Ref: EB/2007/0723 to provide an additional dwelling at Plots 6 and 7)..

EB/2009/0012(FP), LANGNEY

J. F. Collard
Head of Planning

23 March 2009

Planning Committee

31 March 2009

Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

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- 1) 4 AND 6 FRIDAY STREET, EASTBOURNE**
Residential development to provide six 2 and 3 bed bungalows and dormer bungalows with associated parking (amendment to approved planning application Ref: EB/2007/0723 to provide an additional dwelling at Plots 6 and 7).
EB/2009/0012(FP),LANGNEY

RECOMMENDATION: Permission be granted subject to conditions.

EXECUTIVE SUMMARY

The application site fronting Friday Street is an infill site surrounded by existing residential properties as well as being occupied by one bungalow. The proposed additional dwelling at Plots 6 and 7, in respect of the residential development to provide six 2 and 3 bedroom bungalows and dormer bungalows located in the rear gardens of 4 and 6 Friday Street, would not harm the area's established residential amenity or the visual amenity of the surrounding area.

SITE LOCATION

The application site is an infill 'L-shaped' site that comprises the rear of 6 Friday Street and part of the rear garden to 4 Friday Street on the north-east side of Friday Street, (opposite the junction with the Old Drove). The site boundary also runs along properties in Cleveland Close, Tweedsmuir Close and part of the northern boundary with 2 Friday Street. The surrounding area is characterised by a mix of semi-detached houses and bungalows.

PLANNING HISTORY

Planning permission EB/1982/0263 was granted for the continued use as a nursery for garden produce and construction of parking space area for six cars.

In February 2007 outline application EB/2006/0461 was withdrawn for the demolition of existing bungalow and erection of seven dwelling houses together with car parking provision.

In October 2007 planning permission EB/2007/0559 was granted for the retention of the existing dwelling (6 Friday Street) and the residential redevelopment to provide 4 two and three bedroom bungalows and dormer bungalows with associated car parking, all

accessed off Friday Street

In December 2007 planning permission EB/2007/0723 was granted for the retention of existing dwelling (6 Friday Street) and residential redevelopment to provide 5 two and three bedroom bungalows and dormer bungalows, with associated parking accessed off Friday Street.

CURRENT APPLICATION

Following the grant of planning permission (EB/2007/0723) in December 2007, the applicant seeks to amend this scheme to provide a pair of semi-detached bungalows (Plots 6 and 7) to the east of the proposed development site. The previous grant of planning permission (EB/2007/0723) provided a single detached bungalow within this location. The remainder of the site layout would be as previously approved under planning application EB/2007/0723.

The Design and Access Statement that accompanies the application states in part that:

"The application site is essentially on a level plateau and benefits from mature screening along all of its boundaries, which are intended to be retained and strengthened where required. Providing the opportunity for the redevelopment to be unobtrusive and placed comfortably within its environment.

The application would provide for the retention of 6 Friday Street within a more appropriate curtilages and the provision of six 2 and 3 bed bungalows and dormer bungalows with associated parking. Level thresholds would be provided to all dwellings to ensure disabled access could be achieved.

The proposed housing layout would be in keeping with the mixed character of housing in the locality which includes not only dwellings along road frontages but also cul-de-sac development. The proposed dwellings will be of a form and design which will be compatible and would not give rise to any harmful impact upon the amenity of neighbouring properties.

Local Plan Policy HO11 states that within predominantly residential areas net residential densities of 30-50 dwellings per hectare will be sort, but higher densities will be encouraged at places with good public transport accessibility.

The proposal to retain an existing dwelling and construct 6 additional dwellings in its curtilage would increase the density to 33 dwellings per hectare.

Whilst this density would be at the lower end of the national minimum advocated in PPS3 and in the Development Plan policies, there are other overriding factors to be taken into account so as to ensure that the new housing can be satisfactorily accommodated on the site."

A Daylight and Sunlight Assessment has been undertaken and concludes:

"The proposed development will not significantly impact upon levels of sunlight and daylight reaching the windows of the surrounding residential properties and should not be considered a constraint on the development of this site".

The applicant has confirmed in writing (letter dated 16th March 2009) that they have resolved the boundary position and alignment to the north western boundary and that the application drawings include the amended position of this boundary. In addition, the applicant has confirmed (e-mail dated 11 March 2009) that the strip of land along the boundary with Friday Street is within the ownership of East Sussex County Council and that the scheme has been designed so as not to encroach onto this land.

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT5	Protecting Walls/Landscape Features
HO2	Predominantly Residential Areas
HO6	Infill Development
HO11	Residential Densities
HO20	Residential Amenity
TR11	Car Parking

CONSULTATIONS

The Highway Authority has raised no objection to the proposal and has stated:

- The visibility splays are shown to be 2.4m x 43m and that in reality a distance exceeding 43m can be achieved due to the layout of the road.
- A strip of land along the boundary with Friday Street is in the corporate ownership of East Sussex County Council and the developer would need to negotiate with them over this area of land.

The Arboricultural Officer has not raised any objection to the proposal subject to the imposition of a landscape condition to protect existing trees.

REPRESENTATIONS

Notices were displayed at the front of the site (Friday Street) and rear of the site (Mendip Avenue), letters of notification have been sent to the occupiers of surrounding residential properties. In response at the time of writing the report (18 March 2009) five letters/e-mails of objections has been received from

residents in Friday Street, Tweedsmuir Close and Cleveland Close the contents of which can be summarised as follows:

- Increased parking and traffic entering onto Friday Street. Possibly 14 cars plus visitors parking.
- The proposal would result in additional inhabitants with more noise and disturbance.
- With reference to the conditions imposed on the previously approved planning application (EB/2007/0599) it is considered that the amended scheme does not meet these highway requirements in terms of; maximum gradient of the access ramp to be 1 in 9; the width of the access drive shall be no less than 4.5 metres wide for the first 10 metres into the site; pedestrian visibility splays of 2 x 2 metres provided on both sides of the access ramp (to the back of footway); a vehicular access ramp to have a holding platform where it meets the footway with a gradient of 1 in 40 for the first 5 metres into the site.
- Removal of the chimney from the northern side of the site by the developer. This was brought into question on a previous application that was withdrawn because of the possibilities of bats using the chimney as a roost. A bat survey was carried out (EB/2007/0461) that was not conclusive and recommended to dismantle the top (2 metres) of the chimney to establish if bats were present. The applicant was advised even if bats were not present that it should be retained as a structure, which would be an interesting feature for the redevelopment.
- Overlooking from the dormer windows from dormer windows at the rear of the bungalows [Plots 3, 4, and 5] into bathroom windows resulting in loss of privacy.
- A terrace building of 60 feet long by 20 feet high would be close to the back fences of properties in Cleveland Close obliterating a previous view of green grass.
- Concern with regard to service water run off from paved areas into back gardens of neighbouring properties in Cleveland Close and additional input into the sewage system.
- The disabled access to Plot 1 will not be possible given that steps are proposed to the front door.
- Concerns with overlooking and loss of light to properties in Tweedsmuir Close.
- The development site has now been excavated and surface water has flowed through the retaining wall (side and back entrance to 6 and 7 Tweedsmuir Close) making this area hazardous and causing damage to the retaining wall.
- The proposal would result in the over development of the site.
- This is not good planning and more consideration should be given to existing property owners
- No objection raised provided that as per the grant of the previous planning application EB/2007/0723 the existing boundary fences are re-positioned.

APPRAISAL

The main issues to consider in the determination of the application are; the principle of residential development, the form and number of units proposed; the impact on the residential and visual amenity of the surrounding area

together with the access and car parking arrangements to serve the development.

Support for the principle of a residential development at the site has been provided with the grant of planning permission in October 2007, for the retention of the existing dwelling at 6 Friday Street and a residential development to provide four 2 and 3 bedroom bungalows (EB/2007/0559). In December 2007, planning permission was granted for the redevelopment of the site to provide five 2 and 3 bedroom bungalows and dormer bungalow (EB/2007/0723) on an enlarged application site that included part of the rear garden to 4 Friday Street, which is within the applicant's ownership.

The current proposal seeks to make amendments to the previously approved scheme EB/2007/0723, by creating two new bungalows within Plot 6, which previously had approval for a three bedroom bungalow. The new bungalows would be located within two new plots, 6 and 7.

It is considered that the site is within a sustainable location and the development would result in the more efficient use of the site providing a total of six dwellings at a density of approximately 33 dwellings per hectare. This is above the minimum threshold of 30 dwellings per hectare as set out in PPS3 (Housing) and Local Plan Policy H011, which seeks to achieve a net residential density of between 30-50 dwellings per hectare. However, the increase in the number of dwellings on the site would need to ensure that there would be no significant impact to residential or visual amenity.

It is noted that the applicant does not propose to undertake any changes to the design, scale and layout of the previously approved scheme (EB/2007/0723), which would provide three units (2 bedroom bungalows) sited at right angles behind the existing dwelling at 6 Friday Street and the proposed two storey dwelling fronting Friday Street.

The proposed two bungalows would result in an inverted 'L' shape built form. The design, scale and layout for the proposed bungalows would be in-keeping with bungalows previously approved under EB/2007/0723, being single storey with steep pitched tiled roof, brick facades and secondary rendering (tile hanging to porches).

The proposal would harmonise with the appearance and character of the surrounding area that exhibits a variety of architectural styles (detached and semi-detached 2 storey houses and bungalows) that have predominately red brick facades and tiled pitched roofs.

In addition, the applicant has taken into consideration the needs of people with disabilities by ensuring that the bungalows are designed to incorporate level thresholds to each of the dwellings.

In terms of the impact of the proposal on the residential amenity to neighbouring properties, the proposed footprint for the two bungalows would be increased, providing a depth of 11 metres and a width of 17.5 metres (compared with a depth of 10 metres and a width of 12.8 metres that was allowed with the previous grant of planning permission for the 3 bedroom bungalow within this plot). This enlarged footprint would result in the proposed development being sited slightly nearer (by 400mm) to the boundary with 2 Friday Street, whilst retaining a 1 metre distance between the proposed development and the rear boundary with 4 Friday Street.

Clearly, this is a sensitive site being an infill development, it is considered that the most sensitive relationship as a result of the proposal, would be between the rear elevations to the proposed new dwellings and the western flank wall to 6 Tweedsmuir Close and, within the site itself, the proposed distances between the north elevation to the proposed dwellings and that of the southern elevation to the bungalow located within Block 4 (approved under planning permission EB/2007/0723).

The distance between the proposed rear elevation to the bungalows and the flank wall of 6 Tweedsmuir Close would be approximately 7.5 metres. It is noted that this distance would be approximately 1.5 metres less than distance previously approved between the bungalow and 6 Tweedsmuir Close. However, given that there are no window openings within the flank wall to 6 Tweedsmuir Close and taking into account the single storey height of the proposed bungalow development it is considered that the proposal would not result in any significant loss of privacy, outlook, light or overshadowing to warrant a refusal of planning permission in this instance.

In addition, taking into consideration the impact of the proposal on future occupiers of the application site, the proposal would result in a shorter distance of 9 metres between the proposed development and the bungalow opposite within Plot 4 (approved under EB/2007/0723). This distance would be less than the 14 metre distance that was previously approved under planning application EB/2007/0723. However, it is not considered that there would be any significant loss of amenity in terms of privacy, outlook and light to these properties given the flank wall to the proposed bungalow (Plot 6), which would not include any window openings.

Furthermore, the proposal is to provide one additional residential unit on the application site (approved under EB/2007/0723) therefore, given the scale, form and position of the proposed development, as amended, it is considered that there would not be any unacceptable levels of noise and general disturbance to neighbouring properties.

In terms of the impact of the proposal on the visual amenity of the surrounding area, the proposed new dwellings have been designed to take account of the scale, form, layout and materials of the surrounding area and it is considered that the proposed dwellings would harmonise with the local environment and would not result in any significant visual impact on the character and appearance of the area. Therefore, it is considered that the proposal is acceptable and would accord with the Local Plan Policies UHT1, UHT4, HO6 and H020.

Access to the proposed bungalows would be via the existing vehicular access, between 4 and 6 Friday Street with a shared surface drive for both pedestrian and car use. The proposed parking space for the two bungalows would be sited to the west of the bungalows alongside the rear boundary to 4 Friday Street and is considered to comply with Local Plan Policy TR11. In addition cycle storage being provided within the rear gardens proposed for the each of the dwellings. The Highway Authority have re-accessed the application following the previous grant of planning permission and are of the opinion that the proposal is acceptable subject to the imposition of various conditions as detailed above.

It is noted that the "Representations" section of this report has raised a number of concerns that have now been addressed in the report. However, concerns raised with regard to overlooking and loss of privacy (Plots 3 and 5), surface water run-off and access arrangements have previously been addressed with the imposition of conditions attached to the planning permission approved under EB/2007/0723. Therefore, for the avoidance of doubt all conditions pertaining to EB/2007/0723 are once again to be imposed with the grant of planning for this application.

In terms of the concern raised with regard to the chimney on site and the bat survey, the chimney has been demolished and it is noted that there was no reference to bats being present at the site with the grant of planning permission for the previous schemes (EB/07/0559 and EB/07/0723). Therefore, in light of these previous planning decisions it is not possible to re-address these concerns in this instance.

HUMAN RIGHTS IMPLICATIONS

It is considered that there are no adverse Human Rights implications.

RECOMMEND: Permission be granted subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

Cont/d...

(2) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To secure that the development is in harmony with the locality...

(3) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);
- (viii) retained historic landscape features and proposals for restoration, where relevant;
- (ix) planting plans;
- (x) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (xii) implementation timetables.

b) All hard and soft landscape works shall be carried out 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.

(4) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (BS 5837: 1991). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be

replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

(5) That 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.

(6) That any car parking area shown on the approved plan shall be properly constructed with a permanent hard-wearing impervious surface and marked out to the satisfaction of the Local Planning Authority and shall be available for use before the building hereby authorised is brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose.

Reason: To avoid the obstruction of surrounding streets by waiting vehicles.

(7) No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority. No occupation of the dwellings should be undertaken prior to the implementation of those agreed foul drainage works. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development should be undertaken prior to acceptance of the development's foul sewage.

Reason: To prevent pollution of the water environment by ensuring the appropriate infrastructure is in place prior to occupation of dwellings. It is known that there are foul sewer capacity issues in Eastbourne and therefore it is recommended that the sewerage undertaker (Southern Water Services) should be consulted regarding the availability of capacity in the foul water sewer

(8) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of controlled waters and to prevent increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

(9) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

(10) That, 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, walls or fences of any kind shall be erected within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To prevent over-development of the site.

(11) That, notwithstanding the provisions of Class B, Schedule 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that order with or without modification), no addition or alteration, of any kind shall be undertaken within the roof of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To prevent over-development of the site.

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

There would be no harmful effects on the character and appearance of the locality or the amenities of occupiers of surrounding residential properties and would therefore be in accordance with relevant policies as set out in the Eastbourne Borough Plan 2001-2011.

INFORMATIVE:

For the avoidance of doubt, the plans hereby approved are: 1978/B, LLD190/01, C.131.07.020A, C.131.07.021A, C.131.07.022, C.131.07.024 C.131.07.026A, C.131.07.027, C.131.07.025, C.131.07.028, C.131.07.029A

INFORMATIVE:

Please note that a separate application must be submitted to the Highway Authority for the vehicle crossing fronting Friday Street

INFORMATIVE:

For the avoidance of doubt all of the conditions pertaining to EB/2007/0723 are hereby repeated with this permission and should be similarly discharged.