

APPEALS RECEIVED

- 1. Application no.:** EB/2009/0099
- Appeal Ref.:** APP/T1410/A/09/2107859
- Site:** 26 Hawthorn Road, Eastbourne
- Proposal:** Proposed siting of stillage storage racks on current forecourt/parking areas for a temporary period (amended description).
- Reasons for refusal:** (1) The stillage storage units result in visual clutter to the detriment of the appearance of the area, contrary to policies UHT1 and BI7 of the Eastbourne Borough Plan 2001 - 2011.
- (2) The siting of the stillages would result in the loss of car parking spaces, and is likely to add to parking on the estate roadways, to the detriment of access and movement of vehicles and obstructing accessibility to neighbouring industrial units and as such is contrary to policy TR11 of the Eastbourne Borough Plan 2001 - 2011.
- Appeal start date:** 06.07.09
- Appeal procedure:** Written representations
- Officer Rec:** Refused under delegated powers
- 2. Application no.:** EB/2009/0280
- Appeal Ref.:** APP/T1410/X/09/2107436
- Site:** 29 Ascham Place, Eastbourne
- Proposal:** Application for Lawful Development Certificate for the erection of a 1.7m high garden wall behind existing boundary wall facing Ascham Place/Carlisle Roa
- Reason for refusal:** The proposed wall would be over 1 metre in height adjacent to a highway used by vehicular traffic, and would not comply with Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- Appeal start date:** 06.07.09
- Appeal procedure:** Written representations
- Officer Rec:** Refused under delegated powers

APPEAL DECISIONS

3. Application no.: EB/2008/0253

Site: Land at Kings Drive, Eastbourne

Proposal: **Erection of 140 dwellings including 30% affordable housing, associated landscaping, public open space and parking provision, together with a new vehicle and pedestrian access.**

Decision: **Appeal Dismissed**

The principle of development did not form part of the Council's case as the site is allocated for housing in the Borough Plan.

The Inspector considered that the Council resolution (September 2008) to de-designate the site for residential development and consider its designation as a nature reserve and/or a protected archaeology site was a material consideration, however the weight he could afford it was very limited as the proposal to de-designate is at such an early stage.

The Inspector considered that the main issues were:

- The impact of the proposal on the character and appearance of the area; and
- The impact of the proposal on highway safety and the free flow of traffic.

Impact on the character and appearance of the area

The Inspector concluded that:

- The proposal would have a significant adverse impact on the character and appearance of the area;
- The layout did not take the opportunity available to provide meaningful views through the site towards Eastbourne Park;
- The proposal would result in the loss of existing views of Eastbourne Park which are such an important component of the existing context and would fail to ensure that the proposed development responds properly to the local context and is therefore contrary to Borough Plan Policy UHT1;
- The proposed location of the public open space would not be appropriate. It would be disconnected from the rest of the site and subject to significant traffic noise;
- The scheme did not take adequate account of the sloping site and did not respect local distinctiveness and is therefore contrary to Policy UHT1;
- The use of generic house and block types would result in a bland design;
- The site requires a high standard of design.

Impact on highway safety and the free flow of traffic

The Inspector concluded that:

- The proposed priority junction in Kings Drive would enable vehicles to enter and exit the site safely;
- The proposed development would not have an unacceptable impact on pedestrian safety;
- The proposal would have an impact on an already heavily trafficked area but the impact could be acceptably mitigated by an appropriate package of measures (contributions towards a Quality Bus Corridor (QBC) centred around the Rodmill roundabout, a pedestrian crossing, real time bus information and the implementation of a Travel Plan;

Other Matters

Flooding – no part of the development would be constructed below 2.3m AOD and any small risk from fluvial and tidal flooding could be satisfactorily mitigated and the slight increase in flood risk from the development itself could be mitigated by the use of a Sustainable Drainage System (SuDS) and a contribution to the Flood Storage Compensation Scheme.

Impact on wildlife – protected species are unlikely to be affected by the development and a number of features that would be beneficial to wildlife were welcomed.

Archaeology – an appropriately worded condition could be imposed to ensure that archaeological remains would be preserved by record.

Flood storage contribution – this figure would need to be re-calculated in the event that the appellant submits a new application.

Public Open Space Commuted Sum – it would be necessary to re-visit the matter of whether the proposed areas of open space could be used for outdoor play as part of any new planning application.

Costs Decision

An application for a partial award of costs was made by George Wimpey (South East) Ltd against East Sussex County Council at the Inquiry. The appellant claimed that the County Council had acted unreasonably during the negotiations on the highway objection which had resulted in them incurring additional costs.