# **Eastbourne Borough Council**

# **Planning Committee**

**5 January 2010** 

# Report of the Head of Planning

## **List of Planning Applications for Consideration**

# 1) LAND ADJOINING, SOUTH LODGE, ALL SAINTS, KING EDWARDS PARADE, EASTBOURNE

Erection of single storey detached 2 bedroom dwelling and driveway on land adjoining South Lodge, All Saints.

EB/2009/0643(FP), MEADS Page 5

**RECOMMEND:** Approval subject to conditions

# 2) LAND ADJOINING, SOUTH LODGE, ALL SAINTS, KING EDWARDS PARADE, EASTBOURNE

Erection of single storey detached 2 bedroom dwelling and driveway on land adjoining South Lodge, All Saints (Listed Building application). EB/2009/0644(LB), MEADS Page 5

**RECOMMEND: Approval subject to conditions** 

# 3) LAND ADJACENT TO, 1 OAK TREE COTTAGE, OAK TREE LANE, EASTBOURNE

Erection of a detached dwelling with parking at the front. EB/2009/0718(FP), LANGNEY Page 17

**RECOMMEND: Refusal** 

## 4) LAND AT THE REAR OF, 18-34 RANGEMORE DRIVE, EASTBOURNE

Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application)..

EB/2009/0722(OL), RATTON Page 25

**RECOMMEND: Approval subject to conditions and legal agreement** 

## 5) LAND ADJACENT TO:, 17 VENTNOR CLOSE, EASTBOURNE

Construction of new four bedroom dwelling.

EB/2009/0743(FP), LANGNEY Page 35

**RECOMMEND: Refusal** 

## 6) LANGNEY VILLAS, 168 LANGNEY RISE, EASTBOURNE

Demolition of the existing building and erection of two-storey building comprising 4 affordable self-contained flats.

EB/2009/0744(FP), LANGNEY Page 41

**RECOMMEND: Approval subject to conditions** 

# 7) 38 UPPER AVENUE, EASTBOURNE

Demolition of existing two storey building and erection of a three storey block of 12 apartments, together with associated parking, refuse and cycle stores.

EB/2009/0753(FP), UPPERTON Page 49

**RECOMMEND: Approval subject to conditions** 

# 8) SOVEREIGN SKATE PARK, LAND ADJACENT TO SOVEREIGN CENTRE, PRINCE WILLIAM PARADE, EASTBOURNE

Continued use of land as a skate park and re-arrangement and installation of new equipment..

EB/2009/0775(FP), SOVEREIGN Page 57

**RECOMMEND: Approval subject to conditions** 

J. F. Collard Head of Planning

21 December 2009

# **Planning Committee**

# **5 January 2010**

# 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.

# **Eastbourne Borough Council**

**Planning Committee** 

**5 January 2010** 

**Report of the Planning Manager** 

**List of Planning Applications for Consideration** 

# **PLANNING COMMITTEE 5 JANUARY 2010**

## Item 1 & 2

APPLICATION SITE: LAND ADJOINING SOUTH LODGE, ALL SAINTS, KING EDWARDS PARADE			
App.No.:	Decision Due Date:	Ward:	
EB/2009/0643(FP) &	18 November 2009	MEADS	
EB/2009/0644(LB)			
Officer:	Site visit date:	Type: Minor	
Lisa Rawlinson	7 October 2009		
Site Notice(s) Expiry date: 26 October 2009			
Neigh. Con Expiry:	Neigh. Con Expiry: 22 October 2009		
Weekly list Expiry:	22 October 2009		
Press Notice(s):	28 October 2009		
Over 8/13 week reason	: Negotiations to secure revisio	ns	
<b>Proposal:</b> Erection of single storey detached two bedroom dwelling and driveway			
Applicant: Berkeley Homes (Southern) Limited			
RECOMMENDATION: Approve subject to conditions			

**Reason for referral to Committee:** More than six letters of objection received and a request to speak.

# **Executive Summary:**

The proposed development would not be detrimental to the setting of the adjacent Grade II\* listed buildings or the character and appearance of this part of the Meads Conservation Area.

In addition, the development will have no harmful effects on the visual amenities of the locality or the amenities of occupiers of surrounding residential properties.

## **Planning Status:**

- · Predominantly residential area
- Meads Conservation Area
- Grade II\* listed former hospital and chapel

# **Relevant Planning Policies:**

The following national planning policy guidance, regional and local planning policies are considered relevant to the determination of this application.

# National Planning Policy Guidance

PPG 3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment

# South East Plan (2009)

CC1	Sustainable development
CC4	Sustainable design and construction
CC6	Sustainable communities and character of the environment
H1	Regional housing provision 2006-2026
H2	Managing the delivery of the regional housing provision
H5	Housing design and density
T4	Parking
M1	Sustainable construction
NRM11	Development design for energy efficiency and renewable energy
BE1	Management for urban renaissance
BE6	Management of the historic environment
SCT6	Housing distribution

# Eastbourne Borough Plan 2001-2011 (2003)

NE11	Energy efficiency
NE28	Environmental amenity
UHT1	Design of new development
UHT2	Height of buildings
UHT4	Visual amenity
UHT7	Landscaping
UHT15	Protection of Conservation Areas
UHT16	Protection of listed buildings and their settings
HO20	Residential amenity
TR11	Car parking

# **Site Description:**

The former All Saints Hospital site occupies a prominent position on the seafront and is within the Meads Conservation Area. The site is bounded by King Edwards Parade to the south east and has boundaries with Darley Road and Chesterfield Road, to the north and the north east respectively.

The application site is a rectangular piece of land currently laid to grass. It is situated behind a brick and flint wall which forms the south eastern boundary of the former hospital site. On its northern side, the site abuts the landscaped open space of the All Saints development and the canopy of a protected blue cedar tree slightly overhangs the site. The eastern end of the site is enclosed by a brick and flint wall and to the west is the entrance driveway and South Lodge.

# **Relevant Planning History:**

App Ref: EB/2006/0418 & EB/2006/0419(LB)	Description: Refurbishment and conversion of the former hospital to create 53 residential apartments; erection of 52 new residential apartments, conversion of lodge to a dwelling and erection of a new dwelling; restoration of the chapel for community use; creation of an area of landscaped public open space, together with associated parking and access
<b>Decision:</b> Approved conditionally	Date: 27 November 2006
<b>App Ref:</b> EB/2007/0523	<b>Description:</b> Temporary sales and marketing suite (two years), pedestrian access and landscaping (retrospective application)
<b>Decision:</b> Approved conditionally	Date: 2 October 2007
App Ref: EB/2009/0104 & EB/2009/0105(LB)	Description: erection of a single storey building comprising two garages and adjoining parking area on a vacant piece of land adjacent to the entrance to the former All Saints Hospital site, off King Edwards Parade and behind the existing boundary wall
<b>Decision</b> : Approved conditionally	Date: 3 April 2009

### **Proposed development:**

Planning permission and listed building consent are sought for a proposed single storey flat roofed modern detached dwelling on land adjacent to South Lodge.

The dwelling would measure 15.5 metres in width where it would be adjacent to the existing brick and flint boundary wall, would have a maximum depth of 8.7 metres and would extend to a maximum height of 2.9 metres.

The dwelling would comprise an open plan living/kitchen/dining room, two bedrooms (one with en-suite), a utility room and bathroom.

The property would face out onto the landscaped open space and its frontage is proposed to be curved to have regard to the form of an adjacent mature Blue Cedar tree.

One on-site parking space is to be provided to serve the proposed development which is to be sited on the south western side of the site and an area of private garden is to be provided on the north eastern side of the site.

The elevations of the proposed building are to be clad with a combination of vertical and horizontal natural cedar panels and the proposed timber windows and preformed eaves are to be clad with light grey aluminium.

The originally submitted plans indicated that 300mm of the building would be visible above a 4.3 metre wide section of boundary wall and that 3.5 metres back from the wall, a section of the roof would also have been visible. Whilst it was considered that this would not affect the setting of the adjacent listed buildings and would not have a seriously detrimental impact on the character and appearance of the Conservation Area when viewed from King Edwards Parade, negotiations took place with applicants to see if the building could be lowered to reduce the amount of building and roof that would be visible above the wall.

Revised plans were thereafter submitted which show the building sited at a lower level and reduced in height so that only 300mm of the eaves of the building would be visible above a 4.6 metre wide section of boundary wall.

# **Applicant's Points:**

- There was originally a garage on the application site;
- Consent was granted in 2009 for the erection of a single storey building on the application site comprising two garages and adjoining parking area;
- The need to respect the protected Blue Cedar tree and minimise the height of the building has led to a high quality contemporary design and a development that incorporates the tree as a central feature around which the building is formed with views out over the park from the principal rooms through feature corner windows under a bespoke flat roof;
- The scheme has been developed in conjunction with Arboricultural Consultants to ensure that the layout respects the root protection area of the Blue Cedar and maintains its future longevity.

By not having any development within the tree's root protection area, as previously approved as part of the garage and parking approval, this will prevent the need for any canopy lifting and also assist in maintaining a continuous water percolation to the roots;

- The single storey building would generally be set below the height of the boundary wall;
- The existing ivy on the wall will be removed as part of the enabling works and the existing brick & flint repaired, where necessary, ahead of the erection of the new dwelling. Foundations will be designed in accordance with structural engineer's recommendations to maintain the integrity of the listed structure;
- The slit windows fronting onto the Blue Cedar are secondary windows to the principal rooms, and also serve the en-suite bathroom. These are intended to solely provide borrowed light and ventilation to these rooms, with the main focus being placed upon the corner feature glazing, providing views of the adjoining park and refurbished gothic hospital building beyond;
- The materials are key to ensuring that the contemporary design blends seamlessly into the landscaped setting of the listed buildings. The successful integration of the temporary marketing suite on a neighbouring site into the established landscape has illustrated the use of cedar cladding to be a proven material in this location;
- With the building focused around the Blue Cedar, natural cedar cladding
  is proposed to clad the elevations with a combination of both vertical and
  horizontal panels which will weather naturally. Light grey aluminium clad
  timber windows with matching posts and bespoke preformed eaves
  detailing in light grey incorporating the rainwater guttering will cap the
  building;
- In order to comply with Part M of the current Building Regulations, the single storey dwelling will be built to provide full accessibility. This includes a level threshold to the main entrance, compliant internal door widths and wheelchair accessible bathrooms;
- The site is located in a highly accessible location within the Meads village area of Eastbourne. The centre of the village, with its extensive range of facilities, is within easy walking distance. Frequent bus services also operate on King Edwards Parade & neighbouring roads to central Eastbourne with its large shopping area and mainline railway station, as well neighbouring towns & villages;
- Planning permission and listed building consent granted in 2009 reduced the number of apartments in the Mother Superior wing from five to three which means that the proposed dwelling will result in the net loss of one unit using the existing vehicular access off King Edwards Parade;
- The design approach will ensure the building will be less intrusive than a traditional pastiche building;
- Small ancillary buildings are already a feature of the hospital site and this part of the Conservation area;
- The proposed design approach is consistent with the guidance given in PPG15 and relevant Borough Plan policies.

# **Summary Information:**

Site Area: 235 square metres

No. Existing units: 0 No. Proposed units: 1

Net gain of residential units: 1 No. bedrooms per unit: 2

Previous land use: vacant piece of grass

Existing parking spaces: 0
Proposed parking spaces: 1

Building Techniques: focus on using materials from a sustainable source and will

source local materials where possible

Heating and Energy Initiatives: fabric of building will be insulated to level of new Building Regulations Part L1A; the building has been designed to maximise the use of natural light through large windows and bays to habitable rooms

#### **Consultations:**

The Government Office for the South East has confirmed that the Secretary of State does not intend the application to be referred to him and that it is for the Council to determine the application. (Letter dated 19 October 2009)

English Heritage have confirmed that their specialist staff have no comments to make regarding the proposed development and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of our own specialist advice. (Letter dated 13 October 2009)

The Ancient Monuments Society has confirmed the following:

'unequivocally modern design can be a cruel neighbour to some historic buildings but the location of the new house means that it would be virtually invisible in views from the street. Once within the former hospital complex it would be detectable in views from the latter but the Woodyer buildings would clearly remain dominant. Moreover its location beneath a splendid tree would shield much of it in the spring and summer.

The Committee felt this was a legitimate Modernist excursion into the territory of what is otherwise a significant conservation triumph." (e-mail received 6 November 2009)

The Planning Advisor of the Eastbourne Society has confirmed the following:

- The property has been 'shoe horned' onto a site that previously had permission for a two car garage;
- The style of the building has been dictated by the need to keep the roof lower than the top of the boundary wall, the restricted site area and the existing trees but does this modern design with a flat roof fit in with the overall design concept for the site?

 The building seems to be very exposed to the public on three sides with only metal railings on the site boundaries and future owners may feel exposed because of the proximity to the public footpaths and may apply to have the site fenced in, thereby detracting from the pleasant open appearance of the park. (Letter dated 10 November 2009)

At a meeting of the Conservation Area Advisory Group on 13 October 2009, members expressed concern about the oblique views, the height of the wall and the visibility of the site and the potential effect on the listed building and asked that their concerns be included in this report. The Group also requested that a photomontage should be produced to show the new dwelling when viewed from the west of South Lodge in King Edwards Parade and that it be circulated to members for consideration.

At a meeting of the Conservation Area Advisory Group on 24 November 2009, members noted that the development had been lowered into the site further, making it less visible from the street. However, the Group were concerned about the oblique view from the highway across to the old hospital.

The Council's Conservation Consultant has confirmed that the proposal is within the setting of the adjoining listed boundary wall, the listed South Lodge and the main listed buildings of the former All Saints Hospital. It is also within the Meads Conservation Area.

An existing garage on the application site was proposed to be replaced with a new garage and parking area, a scheme that was approved. The current proposal substitutes a new dwelling. This is designed in a contemporary manner, with light grey aluminium windows, eaves detail and columns, with the walls clad in natural cedar. The Consultant considers that the advantages of a contemporary design is that the height can be kept down, minimising the impact on the listed wall and when viewed from the park, the new building will not compete with South Lodge, but will appear as a discrete and discreet modern addition to the Conservation Area and setting of the listed buildings. The use of cedar cladding is redolent of garden buildings. The roof will be flat, and although part of it slightly exceeds the height of the boundary wall, this element is well set back and will not impact on views from King Edwards Parade.

Finally, the Conservation Consultant has confirmed that in his opinion the proposed dwelling is a better scheme than the approved garage development. It proposes a good modern building which will have no adverse impact on the listed buildings or the Meads Conservation Area (e-mail received 23 October 2009).

The Highway Authority has no objections to the proposed development.

The Council's Planning Policy Officer has confirmed that the proposed development would bring forward a new residential unit and providing the proposals preserve and enhance the character of the Meads Conservation Area and do not harm the character and appearance of the adjacent listed building, the applications should be recommended for approval. (Memo dated 19 October 2009)

The Council's Arboricultural Officer has confirmed that his main concern about the application is an early mature Cedar tree listed as T34 on the Tree Preservation Order 112 adjacent to the proposed development. An Arboricultural Report and Method Statement have been submitted with the application and the design of the proposed building takes into consideration the tree related constraints highlighted in the report. The design has the tree as a central feature around which the building is formed. The Arboricultural Officer therefore concurs that the proposed development is in accordance with the recommendations of BS5837 'Trees in relation to Construction' 2005 and it is his opinion that with the use of appropriate conditions on any approval, the tree can be adequately protected during construction and retained for the future (e-mail received 11 December 2009).

### **Neighbour Representations:**

Letters of notification were sent to the occupiers of the surrounding properties, site notices were placed around the All Saints site and an advertisement was placed in the local press. As a result, 11 letters of objection have been received. The objections can be summarised as follows:

- Proposal is sympathetic to the view from the seafront but not from the gardens;
- The design of the bungalow does not blend in with any of the surrounding properties or the area;
- · The proposed building would be outside of the stated building line;
- The building will dominate and overshadow the public parkland;
- Surrounding residents will suffer a loss of privacy;
- The development will result in the loss of trees;
- There will be the unsightly view of the new owners patio area from the public park;
- Proposal will increase traffic using Gate House Drive onto King Edwards Parade;
- Dwelling will be out of keeping with the Meads Conservation Area;
- It would be the most abysmal example of philistine destruction of one of the most valuable visible assets of the Town;
- There is no pressing need for accommodation in Meads;
- Modern architecture must not be in a Conservation Area;
- · Previous approval for garages on the site is no precedent for a dwelling;
- The tree can best be preserved and enjoyed if there is no development.

At the time of writing this report (11 December), three additional e-mails had been received in respect of the amended plans and the comments made can be summarised as follows:

- The amended plans have done nothing to alter/address the several objections to the initial submission. The proposed new development is totally out of keeping with the sympathetically restored/new built properties and the existing buildings in the Meads area;
- The development is not within the agreed building lines;
- The design and materials are not in keeping with the surrounding area and buildings;

 The building will detract from the appearance of the site from Darley Road and from the public park.

# Appraisal:

The main issues to consider in the determination of these applications are the impact of the proposed building on the setting of the adjacent Grade II\* listed buildings; the impact on the character and appearance of the Conservation Area; the impact on the visual amenities of the site and the surrounding locality and the effects on residential amenity.

There is no objection to the principle of the proposed development as there used to be a double garage on the site which was demolished by Berkeley Homes during the initial redevelopment work on site and planning permission was granted in April 2009 for the erection of a single storey building comprising two garages and adjoining parking area on the current application site. Whilst it is acknowledged that the proposed development will prevent these parking spaces from being provided, they did not form part of the original development and will not result in the displacement of parking elsewhere within the All Saints site.

The proposed dwelling is to be of a contemporary design and it is acknowledged that objections have been received from local residents who consider that the development will be out of keeping with the other buildings on site and the wider Conservation Area. However the Government Office for the South East, English Heritage, The Ancient Monuments Society and the Council's Conservation Consultant have raised no objections to the proposed development. In fact, the Conservation Consultant has confirmed that in his opinion the proposed dwelling is a better scheme than the previously approved garage development and will have no adverse impact on the listed buildings or the Meads Conservation Area.

Furthermore, it is considered that the development of a modern building on this part of the All Saints site complements the other modern building on the Darley Road side of the site which is also sited behind the existing boundary wall and was granted planning permission and listed building consent in 2006 as part of the original applications to refurbish and develop the former hospital site.

The proposed use of cedar cladding is considered to be acceptable for the contemporary building. The temporary marketing suite sited adjacent to the current application site is clad in natural cedar boarding and the chosen material will allow the building to blend into the established landscape setting.

The provision of a single storey flat roofed building means that it can generally be set below the existing boundary wall fronting King Edwards Parade. Furthermore, whilst the originally submitted plans were not considered to have a detrimental effect on either the setting of the listed buildings or the character and appearance of the Conservation Area, the applicants agreed to lower the building further and to reduce its height in order to 'conceal' it further.

The comments made by the Conservation Area Advisory Group are noted, however by reason of the amendments that have been made and as the view of the proposed building when looking west from King Edwards Parade will be further screened by a return section of wall into the site it is considered that the proposed development will have no detrimental effect on the visual amenities of the locality.

The protected Blue Cedar tree is to be retained as part of the proposed development. Indeed it is to become a central feature around which the building is formed and the Council's Arboricultural Officer has confirmed that having regard to the submitted Arboricultural Report and Method Statement and subject to appropriate conditions, the tree can be adequately protected during construction and retained for the future.

It is acknowledged that local residents have objected to the proposed development on the grounds that it will result in a loss of privacy. Residential properties in Darley Road would be in excess of 120 metres from the proposed single storey dwelling and occupiers of the nearest new apartment block on the All Saints site would be more than 30 metres away. It is therefore considered that by reason of these separation distances there will be no detrimental impact on residential amenity. The nearest property is South Lodge which is sited approximately 8.5 metres west of the proposed dwelling. However, it is considered that the proposed development will have no harmful effects on the living conditions of the occupiers of this property. The proposed private amenity space is to be sited on the opposite side of the application site, some 26 metres from South Lodge and would be screened by the new building itself. Furthermore, it is considered that the proposed dwelling will have far less of an impact that the activity likely to be associated with the previously approved single storey building comprising two garages and adjoining parking area.

For the above reasons, it is considered that the proposed development will have no detrimental impact on the setting of the adjacent listed buildings, will have no harmful effects on the character and appearance of this part of the Meads Conservation Area or the visual amenities of the site and its surroundings and will not be detrimental to the amenities of occupiers of surrounding residential properties. The proposed development therefore accords with relevant Government guidance, regional and local planning policies.

# **Human Rights Implications:**

It is considered that the proposed development will not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property.

#### **Conclusion:**

It is considered that the proposed development will have no detrimental impact on the setting of the adjacent listed buildings, will have no harmful effects on the character and appearance of this part of the Meads Conservation Area or the visual amenities of the site and its surroundings. In addition, the proposal will have no detrimental impact on the amenities of occupiers of surrounding residential properties. The proposal therefore accords with Government guidance, regional and local planning policy.

#### **Recommendation:**

- **(A)** In respect of EB/2009/0634(FP), planning permission be granted subject to the following conditions:
  - (1) Commencement of development within three years
  - (2) Drawing Nos. of approved plans
  - (3) Samples of materials to be submitted (++)
  - (4) Restriction of times for building operations
  - (5) Submission of details of foul and surface water drainage
  - (6) No occupation until on-site parking provided
  - (7) Submission of details of storage compound
  - (8) Tree protection (general)
  - (9) Tree protection (weldmesh fence) (++)
  - (10) Tree protection (excavations) (++)
  - (11) Removal of permitted development rights (extensions)
  - (12) Removal of permitted development rights (windows)
  - (13) Submission of details of boundary treatment (++)
  - (14) Submission of details of refuse storage (++)
  - **(B)** In respect of EB/2009/0644(LB), listed building consent be granted subject to the following conditions:
  - (1) Commencement of development within three years
  - (2) Drawing Nos. of approved plans
  - (3) Samples of materials to be submitted (++)

#### Informatives:

- Reason for granting
- ++ pre-commencement conditions consequence of not complying

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

# **Planning Committee 5 January 2010**

#### Item 3

APPLICATION SITE: Land adjacent to 1 Oak Tree Cottage, Oak Tree Lane			
App.No.: EB/2009/0718	Decision Due Date: 23 December 2009	Ward: Langney	
Officer: Jane Sabin	Site visit date: 16 November 2009	Type: Minor	
Site Notice(s) Expiry date: 26 November 2009			
Neigh. Con Expiry: 25 November 2009			
Weekly list Expiry: 2 December 2009			
Press Notice(s):	N/A		
Over 8/13 week reason: Request to speak received too late for previous committee			
Proposal: Erection of a detached dwelling with parking at the front			
Applicant: Mr. D. Thatcher			
RECOMMENDATION: Refuse			

#### **Reason for referral to Committee:**

Request to speak by objector

## **Executive Summary:**

The proposed development, by reason of the topography of the site and its juxtaposition with surrounding development, would have an adverse impact on the outlook of the occupiers of the adjacent dwelling at 22 Helvellyn Drive.

# **Planning Status:**

- Willingdon Levels Catchment Area
- Tree Preservation Order

# **Relevant Planning Policies:**

South East Plan

H1 - Regional Housing Provision

H2 - Managing the Delivery of the Regional Housing Provision

H5 - Housing Design and Density

CC4 - Sustainable Design and Construction

CC6 - Sustainable Communities and Character of the Environment

Borough Plan Policies

NE28 - Environmental amenity
UHT1 - Design of development
UHT2 - Height of buildings
UHT4 - Visual amenity

HO2 - Predominantly residential areas

HO6 - Infill development
HO20 - Residential amenity
TR2 - Travel demands
TR11 - Car parking

US4 - Flood protection and surface water drainage

# **Site Description:**

The application site comprises the side garden of a semi-detached cottage, formerly a farm workers dwelling, located on an unadopted section of Oak Tree Lane which lies within Rookery Farm, and just inside the borough boundary. The site measures 11.8m in width and 26m in depth; there is an oak tree just inside the front boundary, and a larger oak abutting the eastern corner occupying part of a grass verge in the lane. The majority of the site is laid to grass with some climbing plants growing against the boundary fences; the front part of the site is a mixture of rough grass and compacted gravel, and is used for parking.

# **Relevant Planning History:**

App Ref: Description: Erection of two semi detached dwellings

EB/2007/0853 with parking spaces at the front

Decision: Withdrawn Date: 15 January 2008

App Ref: Description: Erection of two semi detached dwellings

EB/2008/0137 with parking spaces at the front

Decision: Refused Date: 1 April 2008

Reason: That the proposal would be an overdevelopment of the site, by reason of the number of dwellings proposed and the resulting proxmity with adjacent properties, leading to overlooking and loss of outlook. The proposal would also result in the loss in two preserved trees, to the detriment of the visual amenities of the area. Therefore the proposed development would have an adverse impact on visual, residential and environmental amenity, and on highway safety, and would conflict with policies UHT1, UHT4, HO6, HO20 and NE28 of the Eastbourne

Borough Plan 2001-2011.

App Ref: EB/2008/0853	Description: Erection of a chalet style dwelling with parking at the front
Decision: Withdrawn	Date: 16 June 2008

# **Proposed development:**

It is proposed to erect a two storey dwelling on the north-west boundary of the site, measuring 5.8m wide and 7.3m deep, with a porch/cloakroom at the front, and a conservatory of brick and glass at the rear (having a maximum width of 4.6m and depth of 2.6m). The dwelling would be constructed of brick on the ground floor and render on the upper floor, under a hipped and pitched tiled roof. One parking space is proposed at the front of the site, and another at the front of the existing dwelling. The dwelling would provide a kitchen, living room and conservatory on the ground floor, and two bedrooms and a bathroom on the first floor (all the first floor rooms would have skeilings, as they are partially constructed in the roof).

# **Applicant's Points:**

- The proposal maintains the use of the land as residential by providing a new detached two storey dwelling in keeping with the surrounding area
- The site will be subdivided to form two separate residences with adequate gardens and formalised parking
- The proposal provides a compact dwelling sited further south-west than the existing dwelling to minimise the impact on existing properties in both Oak Tree Lane and Helvellyn Drive; the conservatory to the rear provides valuable accommodation with minimal visual impact as glass is transparent and not of solid appearance
- The dwelling is located to keep a clear perpendicular line of sight from the closest dwelling in Helvellyn Drive (which has previously been extended), and is located as close to 1 Oak Tree Cottages as is comfortable and practical, and to be as far away as possible from Helvellyn Drive
- The scale of the dwelling has been reduced as much as possible, following the previous refusal, and the materials have been selected to reflect the surrounding dwellings, and in the case of the render on the first floor, to reflect the finish of the adjoining cottage and to have a smoother, less busy appearance
- The eaves height of the roof matches that on the existing cottage, and with barn hips at each end to reduce its impact; the roof could not be any lower than shown with the design incorporating skeilings at first floor (which also give a cottage like feel), and a ridge height lower than 1 Oak Tree Cottages
- It is proposed to fell the smaller of the two preserved oaks to facilitate and formalise parking to each dwelling; the tree is clearly not as superior as the tree located in the corner of the site. This will provide a 9m root protection area for the remaining tree, which can be laid to grass (or wood chippings) with no parking over the protected zone, and fully protected during construction works
- The remainder of the site would provide a garden for the new dwelling, with a 1.8m timber fence to ensure privacy and security

#### **Consultations:**

The Highway Authority raises no objections to the scheme, although the provision of an additional dwelling would give rise to a financial contribution to the Local Sustainable Accessibility Improvement Contribution scheme. (Memo dated 17 November 2009)

Wealden District Council raise no objections to the application. (Letter dated 19 November 2009)

The Council's Arboriculturist disagrees with the applicants statement that the tree to be removed is a category "R" tree on the basis that its retention could seriously affect the development of the site; category R applies to trees that should be removed for sound arboricultural reasons, such as those that are dead or in such a condition that they should be removed whatever happens on a development site. He goes on to state that the two trees can be classified as having moderate landscape and conservational value in such a condition to make a significant contribution for a minimum of 20 years, which classifies them as category B 2/3 specimens. He considers that the loss of the tree on the front would be to the detriment to the street scene but would not result in severe harm to the character of the area if the other specimen is retained. Given the classification of the trees a judgement needs to be made if the merits of the development, if only in terms of making effective use of land suitable for housing as encouraged by PPS3, out weigh the retention of the tree classified as having moderate quality and value. The proposed site layout, with construction outside the Root Protection Area will provide an improved root environment for the retained Oak, which is the better specimen on site, The loss of the Oak could be mitigated with replacement planting in the front garden. (E-mail dated 15 December 2009)

# **Neighbour Representations:**

Three objections have been received from nearby properties, which are summarised thus:

- The area is not suitable for development, being too close to existing houses in Helvellyn Drive
- Access will be exacerbated by another dwelling; Buttermere Way and Helvellyn Drive have become much more congested since the closure of the Oak Tree Lane/Friday Street junction. Wealden Council has recently agreed to allow more caravans onto the Rookery site, which will make even more congestion
- One parking space for each dwelling is not enough; the owners of the existing house have two cars, and many other houses have as well. If second cars are parked in Oak Tree Lane, this will make access even worse
- Despite the revised plan, the proposed dwelling would still be 9m from the kitchen/breakfast room at 22 Helvellyn Drive, and 4m from the boundary fence, resulting in an outlook straight into the conservatory and the side brick wall. It would significantly affect the light into the garden and house, due to the lie of the land (sloping down to no.22) and the northern aspect and triangular shape of the garden; most of the year it is in shade and relies on the open aspect of the adjacent garden at 1 Oak Tree Cottage for natural light. The top of the boundary fence was removed and replaced with trellis to maximize light into the garden, and the proposed development will reduce light and overshadow the garden
- The development is too high and too close to the boundaries of 22 and 24 Helvellyn Drive, resulting in an imposing building and loss of privacy, with the conservatory and rear bedroom overlooking the kitchen/breakfast room, upstairs bedroom and garden of no.22 and a downstairs toilet and kitchen of no.24.

- Additional noise and disturbance from the additional traffic associated with the dwelling
- The felling of a preserved tree would make a mockery of the process of Tree Preservation Orders; felling of just one tree would have a devastating impact on local wildlife and the environment, with 25% of the oaks in Oak Tree Lane being lost, just to provide a parking space for a small house
- Concern that the roots of the remaining tree would be adversely affected; would the developer take expert advice on the impact on the tree, and how would it be policed. The removal of the hedgerow in 2007 without permission or consideration for wildlife does not instil faith
- Strongly suggest that a visit by the Planning Committee to 22 Helvellyn
  Drive is crucial, as none of the pictures provided provide a true aspect of
  the site

(Letters dated 15 to 25 November 2009)

A further letter has been received from a resident of the nearby caravan park expressing grave concerns that the lane which provides the only access for the 30 properties on the site would become blocked during the building works, although there is no objection to the dwelling itself. (Letter dated 18 November 2009)

#### **Appraisal:**

The main issues to take into account in determining this application are the impact on visual, residential and environmental amenity, and highway safety.

#### Visual amenity

The proposed dwelling is comparable in scale to the existing cottages, and would sit comfortably on the site, with adequate space around it. The use of traditional materials would assist in blending it in with surrounding properties. The area is very mixed, with the existing Victorian cottages, the mobile home park to the west and east, and the 1990's estate to the south; it is considered that there is no particular character predominant in the area, and that the proposed dwelling would not, in itself, have any adverse impact on the visual amenities of the area.

#### Residential amenity

Having regard to the siting of the proposed dwelling on the site, it is clear that the only property affected by the proposal is 22 Helvellyn Drive, which abuts the south east boundary of the application site at a 45° angle, and at a lower ground level to the application site. The current scheme has been amended to reduce the impact on this property as much as possible, by keeping the proposed dwelling to a modest size (including the roof height and the use of skeilings at first floor level), and a reasonable gap from the boundary of 5.4m; the dwelling has also been sited slightly back from the boundary with Oak Tree Lane, so that the first floor windows do not look directly into the garden or rear rooms of 22 Helvellyn Drive, and that there is a clear line of sight from the rear extension of that property. The principal point of conflict is considered to be the difference in ground levels between the two properties; the application site slopes from front to back by approximately 1m over the entire length and from the existing cottage towards Helvellyn Drive by approximately 0.5m, and 22 Helvellyn Drive sits approximately 0.5m below that.

There is concern that the proposed dwelling could have an adverse impact on the outlook of the residents of the lower property, and to some extent, their privacy, although without a section through this part of the site, it is difficult to ascertain.

# **Environmental amenity**

The development would result in the loss of one oak tree at the front of the site. The tree is the subject of a tree preservation order; the order was made as a result of the earlier applications, to prevent removal of either of the trees prior to determination, which is often the case during the planning process, as it permits negotiation without the risk of sites being cleared. The Council's Arboriculturist advises that the loss of the smaller tree only would not result in severe harm to the character of the area, if the merits of the development in terms of making effective use of land for housing outweighs its retention; furthermore, that the proposed site layout could provide a better root environment for the retained oak, and replacement planting could mitigate its loss. On this basis, it is considered that, whilst regrettable, it would be difficult to resist the loss of the tree, as the site could not be developed for housing without an on-site parking space, given the narrowness of Oak Tree Lane and the lack of any other available parking on land within the applicants control.

### Highway safety

This part of Oak Tree Lane is unadopted, although it has recently been resurfaced by the owner of the adjacent mobile home park to improve the access to that site, and is quite narrow. However it is not a through road and serves only the cottages and the smaller part of the mobile home park, and as such has low usage and low speed. It is considered that the proposed development would not have an adverse impact on highway safety. It is not agreed that the provision of one additional dwelling would have any impact on Buttermere Way and Helvellyn Drive.

#### Other issues

The proposed development would attract financial contributions towards compensatory flood storage on Willingdon Levels and the Local Sustainable Accessibility Improvement Contribution scheme. Neither of these payments has been made in advance, nor has a legal agreement been prepared/completed.

# **Human Rights Implications:**

There may be some adverse impact on the amenities of the occupiers of 22 Helvellyn Drive.

#### **Conclusion:**

The current scheme has been designed to reduce the impact of the development as far as possible on adjoining properties, and to overcome the reason for the previous refusal; to a very significant degree, this has been achieved. Nevertheless, there are still concerns that the site can adequately accommodate even this modest dwelling, given the awkward relationship with the adjacent dwelling and the preserved trees. On balance, it is considered that the proposed development would have an adverse impact on the outlook of the occupiers of 22 Helvellyn Drive.

#### Recommendation:

# **REFUSE** for the following reasons:

- (1)The proposed development, by reason of the topography of the site and its juxtaposition with surrounding development, would have an adverse impact on the outlook of the occupiers of the adjacent dwelling at 22 Helvellyn Drive, and would therefore conflict with policies UHT1, HO6 and HO20 of the Eastbourne Borough Plan2001-2011.
- (2) No legal agreement to secure financial contributions to compensatory flood storage on Willingdon Levels and the Local Sustainable Accessibility Improvement Contribution scheme has been completed, and therefore the proposal conflicts with policies TR2 and US4 of the Eastbourne Borough Plan 2001-2011.

#### Informatives:

For the avoidance of doubt, the plan hereby refused is:

DEM0309-02 Proposed Block Plan, Site Layout Plan, Proposed Layout Plans and Elevations received on 27 October 2009

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

# **Planning Committee 5 January 2010**

#### Item 4

APPLICATION SITE: Land at the rear of 18-34 Rangemore Drive		
App.No.:EB/2009/0722(OL)	Decision Due Date: 24/12/09	Ward: Ratton
Officer: Andrew Battams	Site visit date:	Type: Minor

Site Notice(s) Expiry date: 25 November 2009

Neigh. Con Expiry: 27 November 2009 Weekly list Expiry: 2 December 2009

Press Notice(s): N/A

Over 8/13 week reason: Availability of committee dates.

Proposal: Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application).

Applicant: R R Developments Ltd

**RECOMMENDATION**: Approve conditionally, subject to prior conclusion of legal agreement.

**Reason for referral to Committee**: More than six objections and a request to speak at Committee.

#### **Executive Summary:**

The proposed residential development would provide additional housing within the urban the area, in a sustainable location and at a density that is within the acceptable density range. The indicative layout demonstrates that houses could be arranged to maintain established levels of neighbouring residential amenity and not adversely affect the visual amenity of the area or cause the loss of trees covered by a Tree Preservation Order. Car parking could also be accommodated within the site and use of the existing access point is not considered to be detrimental to highway safety.

# **Planning Status:**

- Tree Preservation Order No. 100
- Willingdon Levels Catchment area

# **Relevant Planning Policies:**

South East Plan:-

H5 Housing Design and Density

Eastbourne Borough Plan:-

NE27 Environmental Amenity

UHT1 Design of New Development

**UHT2** Height of Buildings

**UHT4 Visual Amenity** 

**UHT8** Landscaping

HO1 Residential Development within the Existing Built-Up Area

**HO2** Predominantly Residential Areas

**HO6** Infill Development

**HO8** Redevelopment of Garage Courts

**HO20** Residential Amenity

TR2 Travel Demands

TR11 Car Parking

# **Site Description:**

The application site is located on the east side of Rangemore Drive. It comprises a block of three garages (which are accessed by a driveway between 22 and 26 Rangemore Drive) and parts of the rear gardens of 18 - 22 and 26 - 32 Rangemore Drive. The rear gardens of Kings Drive dwellings back onto the East boundary of the site. There is a line of trees, mostly Pines, on the East boundary, a number of which are covered by Tree Preservation Order 100. The West side of the site is bordered by the rear gardens of Rangemore Drive dwellings. There is a gentle gradient to the site, rising from East to West and South to North.

#### **Relevant Planning History:**

App Ref: Description: Use of land for residential purposes (one

EB/1981/0665 detached dwelling).
Decision: Objections Date: 16 March 1982

raised

App Ref: Description: Erection of a block of three domestic

EB/1996/0508 garages.

Decision: No Date: 18 December 1996

objections

App Ref: Description: Demolition of garages of a pair of two-EB/2003/0762(OL) storey three-bedroom houses, with detached garages

and alterations to vehicular access.

Decision: Approved Date: 12 February 2004.

# **Proposed development:**

Planning permission is sought to develop the garage block and the rear most part of gardens at back of 18, 20, 22, 32 and 34 Rangemore Drive with five houses. The application is in outline with all matters reserved (layout, scale, appearance, access and landscaping) and thus it is the principle of developing five houses on this site that is for consideration.

Indicative plans have been submitted with the application to demonstrate a layout. This shows a pair houses behind to the rear of 20/22 Rangemore Drive, and second pair to the rear of 28/30 Rangemore Drive and a detached house to the rear of 34 Rangemore Drive. The indicative site layout plan shows the existing access road between 22 and 26 Rangemore Drive to be used, albeit upgraded to have a single lane with passing and parking bays.

# **Applicant's Points:**

- It is understood that garden areas to the rear of 18, 20, 22, 32 and 34 Rangemore Drive were not originally part of the curtilages of these properties, but were sold to the individual house owners by the Ministry of Defence.
- The proposals accords with Planning Policy Statement 3: Housing, which aims to allow more efficient use of 'windfall' brownfiled sites.
- The indicative drawings demonstrate a layout, scale and form which would harmonise with the appearance and character of the local environment respecting local distinctiveness.
- The large majority of trees would be retained.
- Retention of tree screening, and the design of the proposed dwellings, would ensure that neighbouring properties would not suffer loss of privacy.
- In terms of access to the proposed properties for fire-fighting purposes, the travel distances from the emergency services standing bay to the semi-detached properties complies with prescribed travel distances. In the case of the proposed detached dwelling, where the prescribed standards be exceeded, it is proposed that a proprietary fire sprinkler system would be installed which is an acceptable alternative.
- The neighbouring properties to the South-East are at a distance of approximately 32 metres, and the properties to the West are at an average distance of approximately 18.5 metres and at a higher ground level.
- The neighbouring properties to the East, in Kings Drive, are at a distance of approximately 37 metres and beyond a tree screen and fence.
- Sunlight or daylight to neighbouring properties would not be reduced.

# **Summary Information:**

Site Area: 0.176 hectare No. Existing units: 0 No. Proposed units: 5

Net gain/loss of residential units: +5

Proposed density - dwellings/hectare: 28 d.p.h. Existing density of area - dwellings/hectare: 20 d.p.h.

Number of affordable units proposed: 0

Previous land use: Garages and residential gardens

Existing parking spaces: 3

Proposed parking spaces: 9 (indicated)

#### **Consultations:**

<u>Planning Policy Manager</u>: The application site is identified on the Eastbourne Borough Plan proposals map as being within a predominantly residential area.

The site is within the Willingdon Levels Drainage Catchment Area and would require a contribution towards flood storage compensation. The cost of this contribution would be £4508.00.

The density of the development would be just under 30 dwellings per hectare, which is considered appropriate for this area.

In order to meet our housing requirements, this site is identified for potential residential development within the Strategic Housing Land Availability Assessment, and therefore development of this site is welcomed. (Memo dated 26<sup>th</sup> November 2009).

<u>Highway Authority</u>: The site lies within Zone 4 of the ESCC parking standards at developments and as such should provide 75 – 100% of the required parking provision. This level of parking has been provided on site. The Highway Authority therefore does not wish to restrict grant of consent subject to the following conditions:

The proposed development would give rise to needs for a contribution of finance towards the costs of implementing the Local Transport Plan's Local Area Transport Strategies (LATS) to reduce traffic congestion and widen the choice of transport.

In accordance with the County Council's adopted supplementary planning guidance 'A New Approach to Developer Contributions' the contribution would amount to £11,050 (5  $\times$  £2210) which should be secured by legal agreement.

A Transport Report needs to be submitted as part of this application. This will need to recommend realistic proposals for providing for and improving non-car modes of travel through walking, cycling and public transport and assess the residual impact of the development on the surrounding highway network with ameliorative measures as necessary.

Provision must be made to prevent the discharge of water/loose material from the site onto the public highway and vice versa.

The maximum gradient of driveway shall not exceed 1:40 for the first 10m into the site from the channel line and no more than 1:9 of the remainder.

The vehicular crossing must be constructed in accordance with the Highway Authority's requirements. (Memo dated 18 November 2009).

**Neighbour Representations:** Letters and emails have been from 25 households in objection to the proposed development, summarised below:-

- The area is already extremely built up and Rangemore Drive has seen a dramatic rise in the volume of traffic, largely since parking charges were brought in at the hospital. Hospital staff and visitors park along the road.
- Building five houses would exacerbate the problem of car parking and risk of an accident; driving along Rangemore Drive can be extremely hazardous.

- Yellow lines for the access would reduce further the already limited parking in Rangemore Drive; the new houses have plenty of parking allocated in garages and the private road, which local residents won't be able to use yet visitors will be free to overspill park onto Rangemore Drive.
- Rangemore Drive and the area cannot sustain any more increase in its population along with the added transport this would bring; current problems need to be addressed, not added to.
- It would be a blatant overdevelopment of an already over populated area.
- The increased activity associated with five new family dwellings and the resulting additional noise and general disturbance would be detrimental to the residential amenity of the occupiers of the existing properties.
- There would be a severe loss of outlook and privacy for neighbouring residents in Kings Drive and Rangemore Drive.
- Families occupying neighbouring properties do not just reside in their properties but live active lives in their gardens as well.
- The proposed cutting down of nine trees and pruning of 15 others would result in a loss of outlook and impact on the visual amenity of the area.
- Why should trees be prematurely aged [by pruning] just to accommodate this development?
- Construction of the houses may damage the roots and ultimately the trees which assist in the seclusion/privacy of neighbouring King Drive dwellings.
- Pruning and clearing of trees will disturb the habitat and nesting of the many species of birds and wildlife that this wooded area accommodates.
- We believe that there isn't enough room for a fire engine to go down the access road to the houses.

One reply received did not object in principle to the development, but asked that a restriction on construction hours be imposed on any consent.

Two letters received in support of the application:-

- The existing site with empty garages has been an eyesore and dumping ground for rubbish for many years.
- To see the site developed with houses and garages would a great improvement and welcome change to what has been neglected land.

(Emails and letters received 12 November – 14 December 2009).

#### Appraisal:

The main issues to consider in the determination of this application are the provision of new housing, the character of the surrounding area and visual amenity, neighbouring residential amenity, car parking and highway safety, and the Willingdon Levels drainage area.

## Provision of new housing

The development of new housing in urban areas is supported by Local Plan policies and national guidance – Planning Policy Statement 3: Housing. The proposed development site comprises previously developed land within the built-up borough boundary.

Outline planning permission has also previously been granted for the redevelopment of the existing domestic garages for residential purposes (which form part of the current application site). It is considered that the proposals do achieve the aims of making more efficient use of brownfield land in an urban rather than using greenfield sites. The principle of residential redevelopment is therefore acceptable.

# Character of surrounding area

The Rodmill area in which the site is located is a suburban development of houses. The site is enclosed on all sides by residential development and is considered backland as it borders the rear gardens of Rangemore Drive and Kings Drive properties. Rangemore Drive is mostly semi-detached, three-bedroom dwellings, with the properties in Kings Drive being larger, detached houses. The proposed development of houses would conform to the neighbouring uses. The density of development proposed for the site equates to 28 dwellings per hectare. This is greater than the surroundings. The existing density of housing in Rangemore Drive equates to 20 dwellings per hectare. A higher density would make more efficient use of land. Although the proposed density is higher than the immediate surroundings, it still falls within the generally accepted range of 30 – 50 dwellings per hectare.

#### Visual amenity

The proposed residential development would be located behind houses that front Rangemore Drive. Views of the development would be limited, with visibility being restricted to the gaps between existing houses and along the private driveway. From Kings Drive, the existing detached houses, length of rear gardens and tree screen would obscure views. The Kings Drive street scene would not be affected.

The houses indicated on the plans have an appearance that does not conform to the style of housing on neighbouring properties. It is considered that the style and massing of proposed houses indicated on current plans would not be a suitable form of development for the site. However, the appearance of houses is one of the details for consideration as a reserved matter. The existing and any proposed changes to the levels across the site would also have to be taken into account in respect of the massing of buildings as the indicative site section drawing is not sufficiently detailed.

The existing line of trees along Eastern boundary of the site includes specimens covered by a tree preservation order. Although the trees are at the rear and not fully open to public views, they do provide a positive addition to the visual amenity for residents as the number of trees in the public domain is not significant in the vicinity. An arboricultural report supplied with the application asserts that the indicative layout of five houses would not adversely affect the protected trees. The indicative layout would put some development within the root protection areas of some trees and trees would also require pruning to facility to development.

Based on the indicative layout, there could be added pressure to prune or remove trees for both development and after first occupation of the dwellings. However, the layout is indicative only and it considered that a different layout could be achieved, together with construction methods, to safeguard the trees and the amenity they provide in the area. Again, additional details on existing and proposed levels would be required. This level of detail would be assessed at reserved matters stage.

## Neighbouring residential amenity

The indicative drawings illustrate an arrangement of two-storey houses at the proposed development site. It is considered that spaces between proposed houses and the existing houses in Rangemore Drive and Kings Drive could be achieved to prevent loss of light or overshadowing.

An orientation of houses could also be achieved to prevent direct overlooking of neighbouring dwellings and gardens from upper floor windows of proposed houses. The existing tree line on the Eastern boundary of the site protects the outlook from the neighbouring Kings Drive dwellings. The existing Rangemore Drive dwellings would be closest to the proposed houses. Development within the garden spaces at the rear of 18, 20, 22, 32 and 34 would provide the most marked difference in terms of outlook as there are only a few sheds in these gardens. The illustrative drawings show two-storey houses with the upper floor partly contained within the roof space to demonstrate a reduced height. The site is also slightly lower than the ground level of the Rangemore Drive houses. It is therefore considered two-storey buildings could be achieved without a harmful impact on the neighbouring outlook, privacy or daylight.

The addition of five dwellings to the rear of Rangemore Drive dwellings would increase the activity currently associated with the site. At present, the site is not actively used, but could accommodate 3 garaged vehicles, plus use of the hardstanding. The proposed development of five houses, with garages, parking and internal access road would generate more activity with the coming and going of vehicles. However, it is considered that the number of houses proposed for the site would not materially affect the established level of amenity enjoyed by occupants of neighbouring properties. The proposed residential development conforms to the use of neighbouring land.

# Car parking and highway safety

The proposals shown on the indicative plans show five garages plus parking spaces for the proposed houses as well as visitor spaces. The total number of parking spaces could be confirmed at reserved matters stage so that maximum number of parking spaces is not exceeded. A Local Sustainable Accessibility Improvement Contribution (LSAIC) is required for the proposed housing development. This contribution would be used to aid the provision of transport options in the area and realistic alternatives to the private car use.

The access road indicated has a width of 4.5 metres for the section closest to the public highway and vehicle passing bay. The Highway Authority has not raised objection to the indicated means of access, which would be an upgrade of the existing driveway and a slight widening of the dropped kerb. It is considered that the principle of a residential development and additional vehicles using this access point would not adversely affect existing highway safety.

# Willingdon Levels

The site is within the Willingdon Levels drainage catchment area. Developments resulting in more areas of hardsurface require a contribution to be made to the Eastbourne Park scheme to provide additional capacity in the lakes for storing surface run-off water. Although the part of the proposed development site has an existing hardsurface, the remainder of the site could be development with hardsurface. A legal agreement would be required to secure to relevant financial contribution to the Eastbourne Park scheme.

# **Human Rights Implications:**

It is considered that the development of five houses may adversely affect the peaceful enjoyment of property and possessions currently enjoyed by the neighbouring residents.

#### **Conclusion:**

The proposed residential development would provide additional housing within the urban the area and in a sustainable location. It is considered that the proposed density of development being higher than the surrounding houses is within the acceptable range and would not have an adverse impact. The indicative layout demonstrates that the proposed number of houses can be accommodated at the site. The site is constrained by trees which contribute positively to the visual amenity of the area and the detailed design at the reserved matters stage would need to take this into account.

#### Recommendation:

**(A)** Permission be **GRANTED** subject to the prior conclusion of a section 106 legal agreement to secure LSAIC and flood storage contributions, and subject to conditions to include:

- Approval of the details of the layout, scale and appearance of the buildings, the access and the landscaping of the site
- Period for submission of reserved matters
- Commencement of development
- Approved plan refs
- Samples of materials
- Existing and proposed levels of the site to be submitted
- Details of landscaping, planting scheme and maintenance
- Details of design of foundations
- · Hours of construction
- Tree protection measures
- Tree survey
- Retention of trees and replacements where necessary
- No bonfires within 6 metres of protected trees
- No retention of ground levels around trees

#### Informatives:

- Reason for granting: Developing the site with five houses conforms to the surrounding land use, would make efficient use of previously developed land and is within the acceptable density range; would not be harmful to the visual amenity of the area, and the indicative layout demonstrates that buildings could be arranged to protect neighbouring residential amenity. The development would contribute towards transport options within the area and the Willingdon Levels Flood Storage scheme. The proposal therefore complies with policies NE27, UHT1, UHT2, UHT4, UHT8, HO1, HO2, HO6, HO8, HO20, TR2 and TR11 of the Eastbourne Borough Plan 2001 2011.
- ++ Pre- commencement conditions consequence of not complying
- Contribution secured by S.106 to offset travel additional travel demands created by development and flood water storage.
- **(B)** In the event that the section 106 legal agreement is not singed by 12 February 2010, that delegated authority be given to the Head of Planning to **REFUSE** planning permission for the following reason, or if discussions are on going, to agree a reasonable extension of time for the S.106 to be signed:

The proposed residential development would fail to secure the provision of a Local Sustainable Accessibility Improvement Contribution and a contribution to the Willingdon Levels flood storage scheme. The development is thereby contrary to East Sussex County Council's Supplementary Planning Guidance "A New Approach to Developer Contributions" and policies TR2 and US4 of the Eastbourne Borough Plan 2001 – 2011.

#### Informatives:

 For the avoidance of doubt, the plans refused hereby are drawings numbered:

1026/03 Rev A - Block and Site Plans

1026/02 – Floor Plans and Elevations for Proposed Detached House 1026/01 Rev B – Floor Plans and Elevations for Proposed Semi-Detached Houses and Site Section

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

# **Committee Report 05 January 2010**

#### Item 5

APPLICATION SITE: Land adjacent to 17 Ventnor Close, Eastbourne			
App.No.: EB/2009/0743	Decision Due Date: 02/01/10	Ward: Langney	
Officer: Suzanne West	Site visit date: 19/11/09	Type: Minor	
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 04/12/09 Weekly list Expiry: 17/12/09 Press Notice(s) Expiry: N/A Over 8/13 week reason: Committee item			
Proposal: Construction of new four bedroom dwelling			
Applicant: Mr Andrew Benn			
RECOMMENDATION: Refuse			

## **Reason for referral to Committee:**

- 1 petition with 10 signatures
- 7 letters of objection

## **Executive Summary:**

The proposed development would, by reason of its scale and siting on a plot of land that contributes to the open character of the area, result in the overdevelopment of the site to the detriment of the visual amenities of the area. Furthermore, the development will result in the loss of trees protected by Tree Preservation Orders. As such, the proposal would not comply with policies UHT1, HO20, TR2, TR11 and US4 of the Eastbourne Borough Plan 2001-2011.

## **Planning Status:**

- Tree Preservation Order 33
- Flood zone 2 & 3

# **Relevant Planning Policies:**

Eastbourne Borough Plan 2001-2011

UHT1 Design of development HO2 Predominantly residential use

HO20 Residential amenity
TR2 Travel demands
TR11 Car parking

US4 Flood protection and surface water disposal

### South East Plan 2009

H2 Managing the delivery of regional housing provision

H5 Housing design and density CC7 Infrastructure implementation

# **Site Description:**

The subject plot of land is located to the west of 17 Ventnor Close and is currently used as its garden. Closeboard fencing has been erected to mark the existing boundary of the site, to the front of which is an open area comprising a protected oak tree with another protected oak sited to the rear. The site is positioned to the north of Ventnor Close, off Sorrel Drive. To the west of the site, a public footpath runs between Ventnor Close and Larkspur Drive. Ventnor Close comprises a mix of modern detached and semi-detached dwellings.

# Relevant Planning History: None

#### **Proposed development:**

Permission is sought for a new four bedroom end of terrace dwelling to abut 17 Ventnor Close, measuring 8.4m in depth, 8.4m in width and 7.1m in height. The dwelling will replace the existing garage at 17 Ventnor Close, providing a kitchen, lounge, WC and garage at ground floor with 4 bedrooms and a bathroom at first floor level. The unit will be set back 1.5m from existing front building line at No. 17 and continue in a staggered form to break the front façade, extending a further 2m to the rear. The dwelling will stand 0.4m lower than the existing ridge height at No. 17, with the garage and bedroom over stepping down a further 0.6m. External materials will include brick work, render, tile hanging and UPVC units in keeping with other properties within the close. The proposal includes provision for 2 off street parking spaces.

A flood risk assessment and aboricultural implication assessment have been submitted with the application.

**Applicant's Points: N/A** 

# **Summary Information:**

No. Existing units: 0
No. Proposed units: 1

Net gain/loss of residential units: 1

No. bedrooms per unit: 4

Previous land use: Residential garden

Existing parking spaces: 2 Proposed parking spaces: 2

#### **Consultations:**

**Environment Agency**: No objection.

(Letter, 11 December 2009)

<u>Borough Aboriculturalist</u>: Objects to the proposal, commenting that the proposed development is within the root protection area of both protected oak trees and, as such, will lead to the loss of both trees.

(Email, 15 December 2009)

<u>Highways Manager</u>: 'The proposal provides parking for the proposed dwelling but does remove the off street parking for the existing dwelling. As the site is within Zone 4 of the East Sussex County Council Parking Standards at Developments each dwelling should be provided with 2 off street parking spaces which the application in its current form does not provide.' (Memo, 9 December 2009)

# **Neighbour Representations:**

Letters of notification were sent to the occupiers of surrounding properties. 1 petition comprising 10 signatures from residents within Ventnor Close, 1 letter of support and 7 letters of objection have been received, comments are summarised as follows:

- Insufficient parking space;
- Inconvenience caused by building works;
- Proximity of new dwelling to walkway between Ventnor Close and Larkspur Drive will create an enclosed and shadowed area reducing safety and security;
- Loss of privacy and overlooking;
- Loss of protected oak trees;
- Overdevelopment; and
- Creation of terrace out of keeping with existing properties within close.

1 request to speak at committee was received, subsequently withdrawn following confirmation of refusal recommendation.

#### **Appraisal:**

The main issues to consider in the determination of this application concern the impact of the proposal on visual and residential amenity, protected trees and parking.

## Principal of Development

Planning Policy Statement 3: Housing (PPS3) (2006) seeks to "promote more sustainable patterns of development" and advises that Local Planning Authorities should "give priority to re-using previously-developed land." This is reiterated in policy H2 of the South East Plan where it states "local planning authorities will also take into account ... the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites...".

Policy HO2 of the Borough Plan supports schemes for residential development in predominantly residential areas. In addition, Policies HO6 and HO7 support infill development and redevelopment of land for housing within primarily residential areas.

For the above reasons, it is therefore considered that the proposed residential development accords with Government guidance and Borough Plan Policy and the principle of residential development in this location is considered acceptable. The acceptability of the development itself however, will be assessed against local plan policies.

## Design/Visual Amenity

The new dwelling will be of a modern design, with materials to match existing properties within the close. The subject plot of land currently comprises a private garden with an open area to the front which, in addition to the communal green to the south east of the close and detached/semi-detached built form, helps to create an open and spacious character within the streetscene. The proposed unit would create a terrace effect which would be incongruous within the close and would erode the open character of the streetscene to the detriment of visual amenity.

### Residential Amenity

The scale and layout of the proposed dwelling provides an acceptable standard of accommodation with adequate garden space. By virtue of its siting, fenestration pattern and distance from neighbouring properties, the development will have no adverse impact on adjoining residential occupiers with regard to loss of privacy, sunlight and overshadowing.

# **Protected Trees**

There are two protected oak trees on the site to the front and rear of the plot. The applicant seeks to retain the oak to the front and remove the oak to the rear, replacing it with a younger oak to better accommodate the new dwelling. The oak trees are an important landscape feature within the close, particularly the largest oak to the front of the site. The Council would wish to see both retained. The proposed development falls within the root protection zone of both trees and, as such, would result in their loss. Notwithstanding the issue of the root protection zone, the loss of light and potential danger caused by the trees proximity to the new unit would undoubtedly lead to their removal. For the above reasons, the new dwelling is considered to be an overdevelopment of the site. A modest extension may be acceptable, perhaps with an additional storey; however, due to the site's aboricultural restrictions, it is suggested that any development should extend no further than the existing garage.

## <u>Parking</u>

Provision for two off street parking spaces has been provided for the new dwelling, including 1 garage space and 1 off road space. Whilst the proposal provides sufficient parking for the new dwelling, by replacing the attached side garage at 17 Ventnor Close, the existing parking at No. 17 has been removed. This has resulted in an unacceptable loss of parking and which further demonstrates an overdevelopment of the site.

# **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.

#### **Conclusion:**

In conclusion, whilst there is no objection in principal to the proposed development, the constraints of the site are such that a new dwelling on this site would by reason of its scale and siting on a plot of land that contributes to the open character of the area, result in the overdevelopment of the site to the detriment of the visual amenities of the local area. Furthermore, the development will result in the loss of trees protected by Tree Preservation Orders.

**RECOMMEND**: Permission be refused for the following reasons:

- (1) The proposed development would, by reason of its scale and siting on a plot of land that contributes to the open character of the area, result in the overdevelopment of the site to the detriment of the visual amenities of the area. Furthermore, the development will result in the loss of trees protected by Tree Preservation Orders. As such, the proposal would not comply with policies UHT1, HO20, TR2, TR11 and US4 of the Eastbourne Borough Plan 2001-2011.
- (2) No legal agreement to secure financial contributions to compensatory flood storage on Willingdon Levels and the Local Sustainable Accessibility Improvement Contribution scheme has been completed, and therefore the proposal conflicts with policies TR2 and US4 of the Eastbourne Borough Plan 2001-2011.

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

# **Committee Report 5 January 2010**

#### Item 6

APPLICATION SITE: LANGNEY VILLAS, 168 LANGNEY RISE, EASTBOURNE			
App.No.: EB/2009/0744	Decision Due Date: 8 January 2010	Ward: LANGNEY	
Officer: Bethan Smith	Site visit date: 1 December 2009	Type: Minor	
Site Notice(s) Expiry date: 17 December 2009			
Neigh. Con Expiry: 16 December 2009			
Weekly list Expiry: 17 December 2009			
Press Notice(s): 23 December 2009			

Over 8/13 week reason: N/A

Proposal: Demolition of the existing building and erection of two-storey

building comprising 4 affordable self-contained flats

Applicant: Eastbourne Borough Council

**RECOMMENDATION**: Permission be granted subject to conditions

# **Reason for referral to Committee:**

Eastbourne Borough Council is the applicant.

#### **Executive Summary:**

The application is for the redevelopment of the site including the demolition of the existing building and the erection of a two storey property comprising four flats. The design of the new building takes its cue from the existing property and retains some reference to the history of the area. It is visually appealing and helps to enhance the character of the area. Due to the orientation of the proposed building and the position of the surrounding neighbourhood, little overlooking or overshadowing will occur to surrounding residents. The flats provide for a decent standard of accommodation and there are many local facilities in the immediate vicinity. No on site parking is to be provide which is acceptable in this instance as there is a public highway directly outside of the site which serves only the site and is currently used, informally as a taxi waiting area. For these reasons it is considered that the proposed development is acceptable in the form proposed.

### **Planning Status:**

Adjacent to a predominantly residential area

# **Relevant Planning Policies:**

The following national, regional and local policies are considered relevant to the determination of this application:

# National policies

PPS3 Housing PPG13 Transport

## South East Plan

H1	Regional Housing Provision
H2	Managing the Delivery of the Regional Housing Provision
H3	Affordable Housing
H5	Housing Design and Density
CC4	Sustainable Design and Construction
CC6	Sustainable Communities and Character of the Environment
T4	Parking

## Eastbourne Borough Plan 2001-2011

	<del></del>
UHT1	Design of development
UHT2	Height of buildings
UHT4	Visual amenity
UHT5	Protecting walls/landscape features
HO2	Predominantly residential areas
HO7	Redevelopment
HO20	Residential amenity
TR11	Car parking

## **Site Description:**

The application site is a detached, two storey property situated in a prominent corner position at the junction of Langney Rise and The Rising. The property was built between 1870 and 1899 and is a traditionally designed brick building with tile hanging to the first floor. Until 2006 the property was leased to East Sussex County Council for use as a youth club. Now the youth facilities are provided at the Shinewater Community Centre and the application site has fallen into a state of disrepair.

# **Relevant Planning History:**

App Ref:	Description: SINGLE STOREY EXTENSION AND
EB/1991/0339	ENLARGEMENT OF CAR PARK
Decision: Council	Date: 24/09/1991
Approved	
App Ref:	Description: S/ST DET BLDG AT REAR
EB/1977/0512	
Decision: Approved	Date: 13/12/1977
Conditional	
App Ref:	Description: EXT FIRE ESCAPE AT SIDE
EB/1975/0392	
Decision: Council	Date: 14/10/1975
Approved	

App Ref: EB/1972/0886	Description: USE AS YOUTH CENTRE WITH LIVING ACCOM FOR YOUTH LEADER IN ACCORDANCE WITH REG 11
Decision: Approved Unconditional	Date: 16/11/1972

### **Proposed development:**

The current application seeks permission to redevelop the site to include the demolition of the building and the provision of a replacement two storey building that will accommodate four flats. The building will be 'L-shaped' and measure 18.2 metres at its longest point and 11.2 at its widest. Internally the building will be arranged as two flats per floor, one 2-bedroom and one 1-bedroom on the ground floor which will be repeated at first floor level. The two bedroom unit on the ground floor will be suitable for a person or persons living with disabilities.

The building will have amenity space on all sides which will provide a garden for the residents and space for cycle stores and bin storage. Each flat will have its own entrance and although there will be no off street parking eight spaces will be marked on the public highway to the front of the building.

### **Applicant's Points:**

- The site is located in a highly sustainable location being close to shopping facilities and GP and dental surgeries;
- Since 2006, when the youth club vacated the site, the building has fallen into a state of disrepair;
- Many of the hanging tiles at first floor level have fallen off and a net has been fixed to the outside of the property to prevent damage and injury in the event of further tiles being dislodeged;
- The area is largely residential in character with a variety on the form of development;
- The site slopes upwards to the north with a change in level of approximately 2.5m;
- The site is well connected via a number of bus routes that pass along Langney Rise and The Rising;
- There is currently no on site parking provision but there is informal parking available on street to the front of the development site;
- There are a number of mature trees on the site which where possible will be incorporated into the landscaping scheme;
- All of the proposed units are to be classed as affordable and will remain within the ownership of Eastbourne Borough Council;
- The proposed development shares a similar orientation to the existing building and benefits from a southerly aspect;
- A portion of the existing boundary wall will be reatined;
- Internally the flats have been designed in accordance with HQI standards:
- All of the proposed units have a dual aspect;
- The plan of the building and the internal layout of the flats have been designed, where possible, to avoid any direct overlooking, kitchen/dining/living rooms have been located at the front of the site where they also benefit from the southerly aspect and expansive views;

- Cycle and refuse storage are provided within the amenity space;
- The proposals draw on the palette of materials and period design of the existing building;
- The design accents the points of entry with the taller central element to create focus to the street elevation and indicate entrances;
- Gable features help to break the visual weight of the roof;
- The scheme has been desinged to Lifetime Homes Standards and there is one fully disabled flat;
- The proposed scheme will achieve Code for Sustainable Homes Level 3.

# **Summary Information:**

Site Area: 523 sq m No. Existing units: 0 No. Proposed units: 4

Net gain/loss of residential units: +4

No. bedrooms per unit: two 2 bedroom unit and two 1 bedroom unit

Proposed density - dwellings/hectare: 76 dwellings per hectare

Existing density – dwellings/hectare : 0 Number of affordable units proposed: 4

Previous land use: D1

Existing parking spaces: 0 off street Proposed parking spaces: 0 off street

#### **Consultations:**

The Local Highways Authority has stated that they do not wish to restrict grant of consent to the application providing that a contribution is paid towards Local Sustainable Accessibility Improvement. The required contribution would be £5040.

### **Neighbour Representations:**

Letters of notification were sent to the occupiers of the surrounding properties, a site notice was displayed to the front of the application site and a notice was published in the press. No representations have been received.

#### Appraisal:

The main issues to consider in the determination of this application are:

- The suitability of the site for residential development;
- The design of the proposed building and the impact it will have on the street scene;
- The impact the new building will have on the residential amenities of the occupiers of the surrounding properties;
- Parking provision;
- The impact on the highway network.

The application site is situated adjacent to a predominantly residential area, close to local shopping facilities at Pembury Road and Langney Shopping Centre and additional services, such as doctor and dentist surgeries, in Milfoil Drive. The site is also well connected via a number of bus routes passing along Langney Rise and The Rising.

Planning Policy Statement 3: Housing (PPS3) (2006) seeks to "promote more sustainable patterns of development" and advises that Local Planning Authorities should "give priority to re-using previously-developed land." This is reiterated in policy H2 of the South East Plan where it states "local planning authorities will also take into account ... the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites...".

Policy HO2 of the Borough Plan supports schemes for residential development in predominantly residential areas. In addition, Policies HO6 and HO7 support infill development and redevelopment of land for housing within primarily residential areas.

Policy HO11 of the Borough Plan seeks to secure net residential densities of between 30 and 50 dwellings per hectare. The proposed development comprising an additional 4 dwellings, in the form of a flatted development, would have a density of approximately 76 dwellings per hectare. As such this is significantly more than the policy provides for. However, the surrounding area is comprised of differing styles of properties and as such varying densities. In an area such as this, with good access to public transport facilities and close to shopping facilities, it is considered that the proposed density would be acceptable and not out of keeping with the surrounding area.

The borough has a continuing and demonstrable need for affordable housing, particularly for the disabled, and the proposed scheme will make a valuable contribution to the towns' stock. Moreover the development is designed to comply with Lifetime Homes Standards and Code for Sustainable Homes Level 3, which is also welcomed.

For the above reasons, it is therefore considered that the proposed residential development accords with Government guidance and Borough Plan Policy and residential development in this location is considered acceptable.

The surrounding area is made up of properties that date from the late 1960's and early 1970's and are typical suburban developments of their era, in terms of design. The traditional building that currently occupies the application site provides architectural interest in the street scene but may appear somewhat incongruous if the site was not visually detached from the neighbouring properties. The proposed building has taken its design cues from the existing building in terms of the palette of materials to be used, accentuating the entry points, gable features above windows and the proportions of the windows. It is considered that a traditional approach to the design of the new building will help retain a reference to the original and will enhance the character of the

The application site has neighbouring properties to its northern and eastern side. The site is an awkward shape in which the proposed building will sit approximately centrally. It will be closer to the boundary with 11 The Rising but there will still be a distance of some nine metres. This separating distance combined with the mature vegetation running along this boundary will, it is considered, limit any overbearing impact the new building may have.

The main outlook of the new flats will be to the front/south elevation and side/western elevation, where the site does not have a boundary adjoining other residential properties. In the northern elevation, facing 3 and 3A Pensford Drive, there will be bedroom and bathroom windows and in the eastern elevation there will not be any windows at all. There is a separation distance of approximately 20 metres which is considered sufficient to ensure that any overlooking is minimal. Due to the positioning of the surrounding neighbours any overshadowing will be minimal.

The application does not propose any off street parking spaces. The public highway to the front of the application is a dead end and serves only the application site. The applicants propose to formally mark eight spaces, including a space for the disabled, on this highway in the knowledge that it the spaces can not be reserved for the occupants of the development as it is a public highway and open for anyone to park there. This area is outside of the red line and therefore these proposed arrangements are not for consideration. The application is for four new flats with no parking. In this particular instance this considered acceptable because there is ample on street parking and the site is within easy access to local facilities and public transport. Consequently the proposed dwelling would be suitable for non car-owning occupiers.

In April of this year, the Council approved the removal of the interim threshold for when East Sussex County Council seek to secure Local Sustainable Accessibility Improvement Contributions (LSAICs) to mitigate the impact of new development traffic. LSAICs are therefore now applicable to all residential development that results in the net gain of one or more dwelling. As such, the recommendation given below, to grant outline planning permission subject to conditions also needs to be subject to the prior payment of financial contributions towards Local Sustainable Accessibility Improvements.

## **Human Rights Implications:**

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

#### **Conclusion:**

It is considered that the proposed development is acceptable in terms of its design and, in this instance, the lack of off street parking spaces. The impacts on the residential amenities of the occupiers of the surrounding properties would be minimal and the development would provide for much needed affordable housing.

**Recommendation:** Permission be granted subject to the following:

# Conditions:

- · Commencement within three years
- Approved plan refs
- Samples of materials ++
- Restriction of hours of operation
- Details of landscaping++
- Tree protection ++
- Details of cycle and bin stores ++

# **Informatives:**

- Reason for granting
- ++ Pre- commencement conditions consequence of not complying
- Contribution secured to offset impact on highway network

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

# **Committee Report 5 January 2009**

## Item 7

APPLICATION SITE: 38 Upper Avenue		
App.No.: EB/2009/0753(FP)	Decision Due Date: 11 February 2009	Ward: Upperton
Officer: Jane Sabin	Site visit date: 10 November 2009	Type: Major
Site Notice(s) Expiry date:	16 December 2009	
Neigh. Con Expiry:	16 December 2009	
Weekly list Expiry:	17 December 2009	
Press Notice(s)-:	16 December 2009	
Over 8/13 week reason: N/A		
Proposal: Demolition of existing two storey building and erection of a three storey block of 12 apartments, together with associated parking, refuse and cycle stores.		
Applicant: Eastbourne Borough Council		
RECOMMENDATION: Approve		

# **Reason for referral to Committee:**

Request by member of public to address Committee, and the applicant and owner is Eastbourne Borough Council.

## **Executive Summary:**

It is considered that the proposed development represents a scheme that is acceptable in terms of its impact on visual, residential and environmental amenity, and on highway safety, and makes a valuable contribution to the towns' affordable housing stock.

# **Planning Status:**

- · Classified road
- Source protection zone (aquifer)

# **Relevant Planning Policies:**

South East Plan

H1 - Regional Housing Provision

H2 - Managing the Delivery of the Regional Housing Provision

H3 - Affordable Housing

H5 - Housing Design and Density

CC4 - Sustainable Design and Construction

CC6 - Sustainable Communities and Character of the Environment

T4 - Parking

# Eastbourne Borough Plan

UHT1 - Design of development
UHT2 - Height of buildings
UHT4 - Visual amenity

UHT5 - Protecting walls/landscape featuresHO2 - Predominantly residential areas

HO7 - Redevelopment HO20 - Residential amenity

TR11 - Car parking

# **Site Description:**

The application site is located on the southern tip of a triangle of land bounded by Upper Avenue on the east and west sides and Bedfordwell Road to the north. The other corners of the triangle are occupied by two 1960's four storey, flat roof blocks of flats, each containing 12 flats. The existing late Victorian property takes the form of a traditional pitched roof, two storey dwelling, which is now in a poor condition, set in an unkempt garden that would be regarded as large by modern standards.

### **Relevant Planning History:**

App Ref: EB/1996/0463	Description: Conversion of building from two flats to four self-contained one bedroom flats
Decision: Approved	Date: 28 November 1996

### **Proposed development:**

It is now proposed to demolish the existing building and construct a new three storey block of 12 flats (six one-bedroom, 6 two-bedroom), together with nine parking spaces, 12 cycle spaces and a refuse store.

The new building has been designed with a broadly symmetrical footprint to sit squarely on the south corner, but with an added "wing" on the rear adjacent to the west boundary. The design is modern, but with a firm vertical emphasis, as is the use of vertical elements of brick and white render, grey aluminium windows, galvanised steel/glazed balconies and yellow glazed panels. The roof is flat to match the adjacent two blocks of flats, and is to have photo-voltaic arrays and a sedum covering. The front section of the building is 9.9m high which steps down to 9.1m in the middle and 8.7m at the rear.

Vehicular access is on the east boundary to Upper Avenue, to the rear of the site, where nine parking spaces, including a disabled space, are located; the disabled space is adjacent to a fully disabled/wheelchair ready flat on the ground floor. Further along the rear boundary are cycle and refuse stores.

Landscaping is proposed all around the building, and a "public art installation" in the southern corner of the garden. The existing boundary wall is to be demolished and replaced by a dwarf brick wall surmounted by railings with a combined height of 1.8m.

# **Applicant's Points:**

- The proposal will replace the current sub-standard accommodation with new-build affordable accommodation; the existing building is in need of extensive repair and modernisation, but this is not viable
- The site is located close to the town centre, 500m from the railway staion and well connected via bus routes
- The proposed level of parking complies with guidance and there is adequate on street parking immediately outside the site
- The trees and hedges on the site are poor specimens; it is proposed to remove all of these to facilitate the development and provide new landscaping
- Following discussion with EBC Development Control officers it was agreed that a contemporary approach was appropriate for the site, given the predominance of the remaining two flat roofed buildings on the "island", and the mix of architectural styles in the surrounding area
- The proposed development has been designed at three storeys throughout and creates a "cruciform" plan type arrangement with a central access core. Four simple but elegant boxes are created around the site that rise gently in scale from north to south to address the focal point at the southern tip of the site. The step up is created by increasing the height of the parapets, rather than increasing the height of the blocks. The two end blocks are rendered and anchor the building with the brick element flowing between them. The elevation onto the street has been articulated by varying the heights and staggering the the built form, breaking the frontage down to create the visual appearance of separate blocks. The balconies are integral parts of the building and emerge from slots carved within the mass of the blocks, creating interest and depth. Yellow spandrel panels have been introduced within the white rendered parts to enliven the elevation and provide a complimentary element of colour.
- The palette of colours has been limited to three; a contemproary approach is ideal for this location.
- The scheme has been designed to Lifetime Homes Standards, with level access across the site and to the property, and with an ambulant staircase. In addition, a fully disabled two bedroom flat is provided at ground floor level, with its own entrance and dedicated parking space directly adjacent to the property.

- It is intended to provide landscaping for residents with stepping stone
  walkways through planted gardens. Robust planting is proposed directly
  adjacent to windows to prevent residents wandering up to ground floor
  windows and terraces; a range of hardy low maintenance plants and
  shrubs provide visual interest to the garden and creates buffers to private
  garden areas to enable privacy for residents.
- The scheme will achieve Code for Sustainable Homes Level 4. This will be achieved through the use of photo-voltaic arrays on the flat roof (which may need to be boosted with the use of solar thermal hot water). The roof will have a sedum covering to improve biodiversity and reduce water run off; water butts will be provided to enable some rainwater harvesting.
- Secure storage is provided for 12 bicycles (there is currently none on site), and there is ample space for refuse/recycling containers.

### **Summary Information:**

Site Area: 0.09ha
No. Existing units: 4
No. Proposed units: 12

Net gain of residential units: 8

No. bedrooms per unit:  $6 \times 1$  bed,  $6 \times 2$  bed Proposed density - dwellings/hectare: 132Existing density - dwellings/hectare: 44

Existing density of area – dwellings/hectare: Variable

Number of affordable units proposed: 12

Existing parking spaces: 2
Proposed parking spaces: 9
Building Techniques: Traditional

Heating and Energy Initiatives which reduce CO2 emissions: Photo-voltaics

#### **Consultations:**

The Arboricultural Officer confirms that the trees on the site are classified as having a short safe useful life expectancy, and have no conservational, landscape or arboricultural value. As such they should not be retained if they impose a significant constraint on development. (E-mail dated 10 December 2009)

The Highway Authority has no objections to the scheme, subject to conditions to ensure the provision of the parking and cycle spaces, visibility splays, a Transport Report and a financial contribution to the Local Sustainable Accessibility Impact scheme.

(Memo dated 11 December 2009)

The Environment Agency has no objections to the proposal, subject to conditions (in view of the proximity of the site to the towns' major borehole and Bedfordwell Road Depot).

(Letter dated 16 December 2009)

### **Neighbour Representations:**

Seven objections have been received from nearby residents. The objections are summarised thus:

- The modern blocks are totally out of keeping with this Edwardian area; horrible; terrible; a carbuncle; no character; more suited to the harbour.
   It looks like the two ugliest buildings in the area "Kinross" and "Perth" – why design a building like this – it will only show up how ugly they are.
- The design of the new block opposite is very sympathetic and should be used as an example of future developments.
- The roof, whilst "green" with good intentions, will attract seagulls and so destroy the biodiversity of the area
- The development as affordable housing will increase the number of families in the area, and put pressure on schools, electricity and water supplies.
- The area is saturated with flats for sale or to rent more are not needed.
   Provide allotments or a garden, and turn the water tower into a swimming pool.
- Massive overdevelopment the building is too large and too close to the boundaries, resulting in loss of open space and trees.
- The density is too high for the area and the resultant increase in traffic, combined with the redevelopment of Bedfordwell Road Depot, will increase congestion to an unacceptable degree, and will increase pollution with consequences for children and the elderly. There is a very real death risk from even low emissions. The road is gridlocked three times per day how will emergency vehicles get through? Additional safety measures such as a crossing would be needed. The development may bring as many as 36 cars into the area; there are no bus stops and no bus routes.
- The recent development of flats opposite the site already causes a build up of traffic, as does the East Sussex County Council offices; it is believed that the next phase of parking charges will be the area around Commercial Road, pushing more cars into Upper Avenue. What evaluation of traffic movements now and in the future has been considered?
- The building is too high, and will result in loss of light and overlooking of surrounding properties. If plans for the existing flats were made today, they would not be permitted as they would be higher than the existing building line; it is only because of prior lack of concern of building lines that those flats exist and hence allow these plans to be considered. The building should be restricted to two storeys and the balconies removed.
- The demolition of a beautiful Victorian house, owned by the Council and allowed to go beyond repair is quite extraordinary. There are builders who specialise in renovating and extending old properties perhaps six dwellings?

(Letters and e-mails dated 26 November – 14 December 2009)

### **Appraisal:**

The main issues to take into account in determining this application are the impact of the proposal on visual, residential and environmental amenity, and on highway safety.

### Visual amenity

The existing Victorian building has a dilapidated appearance, and was subject of a fire some years ago, which resulted in a long period of vacancy.

Whilst it would have had, at one time, an attractive appearance, it is not of the same quality as the larger houses on the west side of Upper Avenue; most of the original dwellings on the east side have been redeveloped – Roborough Close, Oaklands, and the recently completed Preston Court. It is considered that there could be no objection to the loss of the existing building in terms of the impact on visual amenity, nor a requirement that any replacement building should be a Victorian/Edwardian pastiche.

The replacement building takes it cue from the adjoining blocks of flats (Perth Court and Kinross Court) on the triangle, and is a modern design, based on a series of squares under a flat roof. It sits centrally facing the tip of the triangle to present a symmetrical development with Perth and Kinross Courts from the approach from the south, with parking and cycle storage to the rear. The footprint is larger than the adjacent flats, although the overall bulk is comparable, since there are three floors (Perth and Kinross Courts have four), but the same number of flats. The building is well articulated, and the windows proportioned to provide a strong vertical emphasis; the use of brick and render on the various squares reinforces these elements, so that the building does not appear as an unrelieved rectangular block. The overall appearance of the building will be one of a crisp, modern design with clean lines and sufficient verticality and interest to provide a development which sits comfortably on the site, and within the surrounding area. It is considered that there would be no adverse impact as a result of the development.

# **Environmental amenity**

As confirmed by the Council's Arboricultural Officer, none of the trees and shrubs on the site are worthy of retention. It is their collective value that adds to the amenity of the area. Given their condition, none would successfully survive the physical works associated with the development in a way that would benefit the scheme and it is therefore considered that a better end result would be achieved by clearing the site and securing new landscaping by way of a planning condition.

Most of the roof would be taken up by photo-voltaic arrays. It is not clear what evidence there is that sedum roofs attract seagulls, however it is not considered that this would constitute a reason for refusal, nor that it might attract more seagulls than any other flat roof in the vicinity.

# Residential amenity

The separation distances between the new development and existing dwellings in Upper Avenue is a minimum of 27m (window to window) across the main road. This distance is considered to be more than adequate to prevent any loss of privacy, overlooking, or daylight. The distance between the development and Perth and Kinross Courts is much less (between 8m and 18m), but these buildings are sideways on, and there would be no impact on any habitable rooms of those properties. It is not considered that the development would have any adverse impact on residential amenity in terms of loss of light, loss of privacy, overlooking or noise and disturbance.

## Highway safety

The Highway Authority has no concerns in respect of safety (subject to conditions in respect of visibility splays) or the number of parking spaces to be provided. The overall increase in the number of units on the site is eight, and it is unlikely that this would have any noticeable impact on traffic levels in the area, which are already high. The adopted standard for parking levels would require between eight and twelve spaces; the proposed nine spaces comply with this standard. Whilst Upper Avenue is not on a bus route, there are bus stops within walking distances.

## Other matters

The need for the development has been questioned by objectors; the borough has a continuing and demonstrable need for affordable housing, particularly for the disabled, and the proposed scheme will make a valuable contribution to the towns' stock. Moreover the development is designed to comply with Lifetime Homes Standards and Code for Sustainable Homes Level 4, which is also welcomed.

The development attracts a financial contribution to the Local Sustainable Accessibility Improvement contribution scheme, which has already been paid.

# **Human Rights Implications:**

It is considered that there would not be any impact on residential amenity as a result of the scheme.

#### **Conclusion:**

It is considered that the proposed development represents a scheme that is acceptable in terms of its impact on visual, residential and environmental amenity, and on highway safety, and makes a valuable contribution to the towns' affordable housing stock.

#### Recommendation:

**GRANT** subject to conditions

#### Conditions:

- Commencement within three years
- Site investigation for contamination++
- Unsuspected contamination
- Foundations ++
- Drainage ++
- Samples of materials ++
- Restriction of hours of operation
- Details of landscaping++
- Details of access and visibility splays++
- Details of cycle and bin stores ++
- Provision of parking spaces before occupation ++
- Approved plan refs

#### Informatives:

- Reason for granting
- ++ Pre- commencement conditions consequence of not complying
- Contribution paid to offset LSAIC

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

# **Planning Committee 5 January 2010**

### Item 8

APPLICATION SITE: Sovereign Skate Park, Land adjacent to Sovereign Centre, Prince William Parade			
App.No.: EB/2009/0775	Decision Due Date: 19 January 2010	Ward: Sovereign	
Officer: Andrew Battams	Site visit date:	Type: Minor	
Site Notice(s) Expiry date: 23 December 2009			
Neigh. Con Expiry:	25 December 2009		
Weekly list Expiry:	06 January		
Press Notice(s)-:	N/A		
Over 8/13 week reason: N/A			
Proposal: Continued use of land as a skate park and re-arrangement and installation of new equipment.			
Applicant: Eastbourne Borough Council (Parks and Gardens Manager).			
RECOMMENDATION: Approve			

Reason for referral to Committee: Application by Council department.

### **Executive Summary:**

The skate park has been in place since 2000 and temporary planning permission has been granted three times in total. It is considered that permanent use of the land for a skate park is acceptable and would not adversely affect potential leisure development of land adjacent to the Sovereign Centre.

## **Planning Status:**

- Within 250m of former landfill site.
- Flood zone 1 sited on bank that forms part of flood defence
- Adjacent to Sovereign Centre

# **Relevant Planning Policies:**

Borough Plan policies:-

UHT1 - Design of New Development

LCF12 - Site adjacent to the Sovereign Centre

HO20 - Residential Amenity

# **Site Description:**

The application site comprises an existing skateboard park, measuring some 62 metres by 31 metres, and occupies a prominent position on the seafront promenade. It is approximately 40 from the Sovereign Centre and its car park.

# **Relevant Planning History:**

App Ref: Description: Formation of a skateboard and

EB/1999/0501 (LA) rollerblade park on an existing area of public open

space.

Decision: Approved Date: 17/02/2000

App Ref: Description: Retention of the Sovereign Park Skate

EB/2006/0033 (LA) facility (for a further three years)

Decision: Approved Date: 27/02/2006

# **Proposed development:**

Planning permission is sought to retain the skateboard park on a permanent basis (previous permissions have been for temporary periods). The proposal also includes the installation of new equipment at the skateboard park. The proposed equipment includes:

- a set of five ramps arranged a T-layout in the centre of the park;
- three ramps to the Eastern side in a linear arrangement;
- three ramps and a half-pipe on the Western side of the park, with a maximum height of 4 metres.

# **Applicant's Points:**

- The current ramps, rails and other appartus have been subject to renovation and repair on several occassions and are now in need of total renewal and updating.
- The application is to enable the continued use of the site as a skate park within the existing boundaries.
- The existing equipment has a maximum height of 2.8 metres. Some parts of the proposed new equipment have a maximum height of 4 metres.
- Although parts of the new apparatus will create larger silhouette than the existing it will not restrict views East or West along the promenade, nor views from the residential properties.
- New equipment will be mainly timber contruction and designed by a specialist company.

## **Summary Information:**

Site Area: 0.158 hectare

Previous Land use (prior to skateboard park): public open space.

### **Consultations:**

<u>Planning Policy Team</u>: The application site is identified on the Eastbourne Borough Plan Proposals Map 2001 – 2011, as being within an area of at risk to tidal flooding and within 250m of a former landfill site.

As the land where the skate park is situated is in an area at risk from tidal flooding, there will be no development permitted here in the future.

Thus, the existing use is deemed entirely suitable and there would be no objections from a policy perspective of the skate park being made permanent. (Memo dated 15 December 2009).

<u>Local Highway Manager</u>: Does not wish to restrict grant of consent as the site has been operating for sometime with no apparent problem. (Memo dated 7 December 2009).

<u>Economic Development</u>: The proposal involves refurbishment of the Skate/BMX site, in addition to the continued authorised use of the site. I thoroughly recommend approval, as this facility is essential recreation space, development of which should be encouraged for the town. (Memo dated 8 December 2009).

# **Neighbour Representations:**

Residents of Monarch House and Collingwood Close were notified in writing, as well as the manager of the Sovereign Centre, and three notices were displayed around the site. The consultation period expires on the 25<sup>th</sup> December 2009. At the time of preparing this report (15 December 2009) no replies had been received. Also, the application is on the Weekly List with a consultation expiry date of 6<sup>th</sup> January 2010. Any comments received will be reported verbally at the meeting.

### **Appraisal:**

The main issues to consider in determining the proposal for continued use of the land as a skate park are impacts on the potential development of the site adjacent to the Sovereign Centre, residential amenity and the visual amenity of the area.

Policy LCF12 identifies land adjacent to the Sovereign Centre for an additional major leisure facility. A Planning Brief published in 2002 (and updated in 2005) identifies an indicative area for an indoor leisure development – the area is adjacent to the current application site. The Planning Brief states that "as part of any development proposals for the site the Council will seek to ensure the retention of a skateboard and rollerblade park within the larger development site. It is therefore considered that a permanent permission for the existing skate park would not adversely affect the potential wider development identified by Borough Plan policy LCF12. The Council owns the land on which the skate park is situated and could move the skate park if necessary to facilitate development the larger development site adjacent to the Sovereign Centre.

In respect of residential amenity, it is considered that the skate park is a sufficient distance from the nearest dwellings (Monarch House is at a distance of some 120 metres; Collingwood Close is approximately 170 metres distance) to cause prevent demonstrable harm to residential amenity. The retention of the skate park would benefit a significant number of people across the town, as well as visitors.

The proposed equipment for the skate park would include some taller ramps. However, it is considered that the overall size and bulk of the apparatus would not be significantly different to the existing ramps. Vistas along the promenade would not be harmed and the established visual amenity of the area would be maintained.

# **Human Rights Implications:**

It is considered that the continued use of the skate park, on a permanent basis, would be beneficial to users of the facility without infringing the above noted Rights of local residents.

#### **Conclusion:**

The continued use of the land as a skate park on a permanent basis would not adversely affect the potential development of land adjacent to the Sovereign Centre and have no harmful effects on the character and appearance of the locality or the amenities of occupiers of surrounding residential properties. The proposal therefore complies with policies LCF12, UHT1 and HO20 of the Eastbourne Borough Plan 2001 - 2011.

#### **Recommendation:**

**GRANT** subject to conditions.

### **Conditions** to include:

- Development to commence within three years
- Approved plan refs

# Informatives:

· Reasons for granting

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