

Eastbourne Borough Council

Planning Committee

12 July 2011

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 45 - 47 GREEN STREET, EASTBOURNE**
Re-installation of air conditioning/ventilation system for ground floor retail unit and retrospective application under section 73a for the retention of a close boarded fence on rear boundary wall.
EB/2011/0180(FP), OLD TOWN Page 5
RECOMMENDATION: APPROVE CONDITIONALLY
- 2) LAND TO THE REAR OF 2-8 UPWICK ROAD, EASTBOURNE**
Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front
EB/2011/0193(FP), OLD TOWN Page 9
RECOMMENDATION: APPROVE CONDITIONALLY
- 3) 2 PARK LANE, EASTBOURNE**
Erection of a two storey extension at the side to form a granny annexe.
EB/2011/0209(HH), RATTON Page 17
RECOMMENDATION: APPROVE CONDITIONALLY
- 4) 202 TERMINUS ROAD, EASTBOURNE**
Application for the extension of time for the implementation of permission EB/2007/0377(FP) for the demolition of the existing building and redevelopment to comprise a part five/part six storey building (including basement) with Class A1 (retail) on the ground floor, ancillary storage/retail in the basement and 44 residential units above, with disabled car parking and cycle parking.
EB/2011/0220(RPP), MEADS Page 21
RECOMMENDATION: APPROVE CONDITIONALLY

5) 20 ERIDGE ROAD, EASTBOURNE

Retention of rear conservatory.

EB/2011/0259(HH), RATTON

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RECOMMENDATION: APPROVE CONDITIONALLY

**6) SOVEREIGN CENTRE ROUNDABOUT, ROYAL PARADE,
EASTBOURNE**

Siting of four lion statues on the roundabout.

EB/2011/0353(FP), SOVEREIGN

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RECOMMENDATION: APPROVE CONDITIONALLY

J. F. Collard
Head of Planning

04 July 2011

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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

12 July 2011

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report 12 July 2011

Item 1

| | | |
|--|--|-----------------------|
| APPLICATION SITE: 45-47 GREEN STREET | | |
| App.No.: EB/2011/0180 | Decision Due Date: 21 May 2011 | Ward: Old Town |
| Officer: Jane Sabin | Site visit date: 28 June 2011 | Type: Minor |
| Site Notice(s) Expiry date: 30 May 2011 | | |
| Neigh. Con Expiry: 29 May 2011 | | |
| Weekly list Expiry: 1 June 2011 | | |
| Press Notice(s)-: N/A | | |
| Over 8/13 week reason: Delays in sending out notifications during switchover of software systems and consequent heavy workloads | | |
| Proposal: Re-installation of air conditioning/ventilation system for ground floor retail unit and retrospective application under section 73a for the retention of a close boarded fence on rear boundary wall. | | |
| Applicant: Mr. D. Photiou | | |
| RECOMMENDATION: Approve | | |

Reason for referral to Committee:

Interest from Ward councillors.

Executive Summary:

The proposal aims to resolve the current unacceptable situation, and it is considered that a conditional approval will enable residential amenity to be safeguarded.

Planning Status:

Neighbourhood Shopping Centre

Relevant Planning Policies:

UHT1 - Design of development
 HO20 - Residential amenity

Site Description:

This mid-terrace commercial unit is located in a parade of shops on the west side of Green Street, between the junctions with Salehurst Road and Dacre Road. It traded for many years as "Joe's Corkscrew", but has been extended and refurbished as a "Premier" grocery store.

Relevant Planning History:

App Ref:EB/2008/0083 Description: Erection of single storey rear extension to provide additional retail area including alterations to first floor residential accommodation

Decision: Approved Date: 25 March 2008

| | |
|----------------------|---|
| App Ref:EB/2009/0283 | Description: Installation of new shopfront with external security shutters. |
| Decision: Approved | Date: 19 July 2009 |

| | |
|----------------------|---|
| App Ref:EB/2009/0284 | Description: Display of an internally illuminated fascia sign |
| Decision: Approved | Date: 19 July 2009 |

| | |
|----------------------|---|
| App Ref:EB/2009/0407 | Description: Provision of flat roof to enclose refuse area at rear. |
| Decision: Approved | Date: 31 July 2009 |

Proposed development:

A number of air conditioning/ventilation units were installed on the side wall of the approved extension prior to the opening of the store (ca July 2009) without obtaining planning permission. Following complaints about the noise emanating from the units, repeated attempts have been made by the Enforcement Officer and Environmental Health to resolve the issue satisfactorily. The applicant has erected a 900mm close boarded fence on top of the 2m high rear boundary wall (with a timber "canopy" behind the gate) presumably to act as a baffle; however this has not been successful. This has resulted in the service of an enforcement notice on the advice of the Council's Legal Services department. Action in respect of the enforcement notice has been held in abeyance following the submission of the current application.

The application seeks consent to reinstall the five fan units to just below the top of the flat roof of the extension (thus allowing access to the staff flat above the store), and the relocation of the compressor unit to the interior of the building within a purpose built store.

Applicant's Points:

- Having taken advice from air conditioning engineers, the best way to reduce current noise levels is to relocate the compressors, which are the noisy elements of the equipment, to an internal, purpose built blockwork store
- This will allow the existing extract fans to be relocated at the higher level, providing a 2m high clear access height to the entrance to the staff accommodation at the rear of the premises

Consultations:

Environmental Health has requested that a condition restricting noise levels be attached to any approval.

(E-mail 2 June 2011)

Neighbour Representations:

Two representations have been received as a result of neighbour notifications. Both express concerns about the length of time involved in dealing with the unauthorised development and commenting that they would like their concerns taken seriously as they have been patient for a long time. One writer indicates that the reduction in noise would be welcome, provided that it is regularly monitored and no further equipment installed, (particularly on the roof). The other considers that the relocation of the units is not acceptable and that they (and the fence) should be removed completely.

(Letters date 25 & 26 May 2011)

Appraisal:

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

The rear extension to the shop is only visible obliquely from Salehurst Road through the rear alleyway that serves the terrace, although the fence can be seen more readily because of its height. Nevertheless the fence is not a particularly strident feature in this back land location given the limited view of it. The main residents affected by the fence are those in the flats above the adjoining premises, and the occupants of the dwelling in Salehurst Road adjacent to the rear boundary of the application site. As the fence is the same height as the shop extension it is concluded that the impact on the occupiers of the flats is negligible, whilst the dwelling in Salehurst Road is separated by the alleyway and its own wall and fence (approximately 2m in height) and therefore the impact on the occupiers of that dwelling is not considered to be overbearing. The repositioning of the fan units to the same height as the extension would be unnoticeable from any public viewpoint, although it has to be said that they would be visible from the flat above the premises to the south (2 Salehurst Road) and the upper floors of properties on the opposite side of Salehurst Road, albeit at a distance of 25m. As such it is considered that the impact of the repositioned fans would not be so severe as to warrant a refusal.

The principal issue of the development is that of noise and the impact on residential amenity. There can be no doubt that the existing noise levels are completely unacceptable. The current application has been submitted in an effort to address this issue by relocating the noisiest element of the equipment to the interior of the shop extension. No evidence from an engineer has been

submitted to support the proposal, but it is considered that placing the compressor within the envelope of the building must have a beneficial impact on noise levels, although there is some concern that if the doors to the enclosure and rear access are left open, then noise levels will increase. No details have been submitted in respect of the mountings to the fans which will remain on the outside of the building, however it is considered that these should be rubber to further reduce the potential impact. Notwithstanding the lack of technical evidence that the current proposal will adequately address the existing unacceptable noise levels, it is considered that the applicant should be given the opportunity to resolve the problem. In any case, a condition to restrict the noise levels would be required.

Human Rights Implications:

The proposed development has been submitted in order to resolve the existing unacceptable impact on nearby residents.

Conclusion:

There are some reservations that the proposal will adequately resolve the current unacceptable situation, however it is considered that a conditional approval will enable residential amenity to be safeguarded.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Completion of proposed works within eight weeks of issue of decision
- (2) Provision of rubber mountings for external fan units
- (3) Noise levels (dBA)
- (4) Doors to remain closed

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason: The relocation of the equipment together with the imposition of restrictive conditions will ensure that the amenities of nearby residents are adequately safeguarded, thereby complying with the relevant policies in 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 12 July 2011

Item 2

| | | |
|--|---------------------------------------|-----------------------|
| APPLICATION SITE: 2-8 Upwick Road | | |
| App.No.: EB/2011/0193 | Decision Due Date: 25/05/11 | Ward: Old Town |
| Officer: Chris Cave | Site visit date: 18/05/11 | Type: Minor |
| Site Notice(s) Expiry date: 01/06/11 Neigh. Con Expiry: 02/06/11 Weekly list Expiry: 01/06/11 Press Notice(s)- : n/a | | |
| Over 8/13 week reason: | | |
| Proposal: Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 6 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front. | | |
| Applicant: Mr Henry Goacher | | |
| RECOMMENDATION: Approve | | |

Reason for referral to Committee:

More than six letters of objections have been received.

Executive Summary:

The proposed development would provide new housing that would make more efficient use of urban land. The proposed form and design of the development would be in character with the surroundings and the impact on visual amenity and neighbouring residential amenity is considered to be acceptable.

Planning Status:

Predominantly Residential Area

- Source Protection Zone 3
- Public Sewer

Relevant Planning Policies:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing

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 comprises a semi-detached building containing two flats (2 and 4 Upwick Road) and the service road, garages and land at the rear of the building. There are twenty-three garages arranged in two rows and the access is from Upwick Road. The northern part of the site is un-made ground and with grass and shrubs. All four sides of the application are bounded by two-storey detached and semi-detached dwellings in Upwick Road, Longland Road, Dacre Road and Dillingburgh Road (the properties in Upwick Road and Dacre Road divided into flats).

Relevant Planning History:

| | |
|--------------------------|---|
| App Ref: EB/2010/0176 | Description: Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front. |
| Decision: Refuse | Date: 20/05/10 |
| App Ref: EB/1964/0011 | Description: Erection of 43 lock-up concrete garages with access from Upwick Road. |
| Decision: Granted | Date: 05/02/1964 |
| App Ref: EB/2002/0199 | Description: Erection of a detached dwellinghouse. |
| Decision: Refused | Date: 12/12/2002 |

Proposed development:

Planning permission is sought to develop the site, which currently contains garages, with the construction of six houses. Access to the site would be from Upwick Road. The existing access to the garages would be altered, making it wider by using a strip of land that is currently part of the garden space of the flats at 2 and 4 Upwick Road. An entrance door at the side of the flats, which provides access to the first floor, would be bricked in and relocated to the front of the building. The access road for the new houses would run the length of the eastern boundary of the site adjoining the gardens of Dillingburgh Road properties.

The proposed six houses would be arranged in 2 pairs of semis and two detached properties along a new access road that runs the length of the site. The internal layout of each house would be as follows:

Semi Detached Plots 3 and 4

Ground Floor – dining room, kitchen, living room and hall

First Floor – four bedrooms and one bathroom

Semi Detached Plots 1 and 2

Ground Floor - dining room, kitchen, living room and hall

First Floor - four bedrooms and one bathroom

Detached Plot 5

Ground Floor – kitchen, dining room, living room and toilet

First Floor – three bedrooms, bathroom and a shower room

Detached Plot 6

Ground Floor - kitchen, dining room, living room and toilet

First Floor - three bedrooms, bathroom and a shower room

Each of the proposed houses are to have one car parking space.

Consultations:**Planning Policy**

The application site is located within the Old Town neighbourhood, in the 'Predominantly Residential Area' outlined in Policy HO2 of the Borough Plan. The site has not been identified in the Strategic Housing Land Availability Assessment (SHLAA), although there is merit in the provision of residential development at this location.

Planning Policy supports in principle such sites coming forward for development subject to other planning considerations. Policies HO6 'Infill Development' and HO8 'Redevelopment of Garage Courts' in the Eastbourne Borough Plan (2001-2011) exemplify this, ensuring the development is well designed and in keeping with the surrounding area.

The Council is required to maximise the provision of housing on all suitable 'windfall' sites across the Borough to meet the Council's challenging local housing target up to 2027. In the emerging Core Strategy Old Town has been identified as one of the most sustainable neighbourhood in the Borough, and as such can support an increased provision of housing. As such, planning policy would support such windfall sites coming forward for development in the most sustainable locations.

The residential density of the site, (not including 2/4 Upwick Road) is approximately 38 dph, which is comparable with the surrounding area. Also, there are no environmental constraints on the site or important biodiversity issues which would need to be mitigated, which is favourable for this application.

In summary, Planning Policy support the application as an important windfall site for future housing delivery as Old Town is a sustainable neighbourhood with good access to services and facilities.

Downland, Woods and Trees Manager

There are no trees on the site with conservation, landscape or arboricultural value. Adjacent to the site, in the rear garden of the existing properties there are a number of specimens, with the Yew tree in the rear garden of 21 Dillingburgh Road being the most notable.

Although all the trees presently have limited Landscape value, their value as screen trees increases if any development occurs.

Therefore, to prevent damage if the application is approved, it is recommended that a condition regarding excavations and tree protection would be applicable and a 'no-dig' solution would be required adjacent to the Yew tree.

Highways

The site is within Zone 4 of the East Sussex County Council, Parking Standards at Developments, Supplementary Planning Guidance. The parking standard is two spaces per dwelling plus one space per three dwellings for visitors, a 25% reduction can be applied to the total. In this case this equates to eleven to fourteen spaces being required.

The proposal is for six garages and six parking spaces which is therefore acceptable. The provision of one garage per dwelling also allows for cycle parking within the development.

Vehicular visibility for the site is adequate. Standards for pedestrian visibility have been relaxed in recent years following the publication of the Manual for Streets and to refuse the application on these grounds would be open to appeal and the outcome uncertain.

Having checked the Police accidents records back to the 1st January 2000 there have been no recorded incidents in the vicinity of the site entrance. Bearing in mind that the site is currently arranged as twenty three garages, and the proposal is for six dwellings with two parking spaces each, there are no grounds for a refusal on traffic hazard grounds associated with the use of the site.

I recommend that any consent shall include the following attached conditions:

Controlling highway infrastructure (installation of dropped kerbs in the vicinity of the site)

- Road layout and safety audit
- Wheel washing facilities during construction
- Details of vehicle turning areas
- Details of Surface Water Discharge
- Details of surface finishes to hard areas
- Details of gradients to all driveways
- Details of vehicle crossing

Environment Agency

No reply had been received at the time of preparing this report. Comments that are received will be reported verbally at the Committee meeting.

Southern Water

No reply had been received at the time of preparing this report. Comments that are received will be reported verbally at the Committee meeting.

South East Water

No reply had been received at the time of preparing this report. Comments that are received will be reported verbally at the Committee meeting.

Neighbour Representations:

An extensive number of letters of objections were received commenting in the main on the following issues:

- The previous application failed and six is too many for the site.
- Six houses would be overcrowding and create noise pollution for neighbouring residents.
- Site would be grossly over built and encroach on our privacy as the proposed houses will overlook our properties.
- One parking space per house is not enough as there are generally two cars per household.
- The access road could be blocked by parked cars and overflow parking and congestion would spill into Upwick Road which is already full of parked cars overnight.

- Access for emergency vehicles was a major concern with the previous proposals and we are not convinced with the redrawn plans. A development with one route in and limited parking is asking for disaster.
- Even with the access road made wider it is still not suitable for this area as surrounding roads are congested with cars and vans day and night.
- The proposed buildings are interesting but totally out of keeping – what is needed is houses that blend in with the surrounding buildings and the plans in no way meet this simple requirement.
- Four houses would be more appropriate for the conditions, situated in the centre of the site.

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, and car parking and highway safety.

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. In this respect it is considered that the proposal does achieve the aim of making more efficient use of brownfield land in an urban area rather than using greenfield sites.

This position is supported by the Councils Planning Policy Department whose comments are outlined above.

Character of surrounding area

This area of Old Town is a suburban development dating from the 1930s. The buildings in the vicinity are typically semi-detached and detached houses, with pitched and hipped roofs.

This site is enclosed on all sides by residential development and its borders the rear gardens of Upwick Road, Dare Road, Dillingburgh Road and Longland Road properties.

The principle of residential development is compatible with the surrounding land use. With regard to density, the application site (37.5 DPH) matches that of the surroundings and therefore reflects the character of the existing area.

Visual amenity and design

The proposed residential development would be located behind existing houses. However, there would be views of the proposed houses along the access road and also from Dacre Road (through the space between 25 Dacre Road and 31 Dillingburgh Road).

Given that the views into the site are modest it is considered that the proposed development would not adversely affect the visual character and amenity of the wider area.

The massing of the buildings is comparable to the surrounding houses and it is considered that the design of proposed houses would not be out of character with predominant pattern of development in the wider area.

Neighbouring residential amenity

As outlined above the application site is bounded on all sides by residential rear gardens. These gardens vary in length however that all of the back to back distances exceed T21.5m.

It is considered therefore any issues of overshadowing, privacy and overlooking are negated to an appropriate level by the proposed layout and that a refusal based on this issue when the scheme is acceptable on all other accounts could not be substantiated.

Accessibility, car parking and highway safety

The Highways Department raises no objections subject to the sum of £6250 being paid for a Local Sustainable Accessibility Contribution.

Human Rights Implications:

None

Conclusion:

The proposed development of the garage site would contribute to meeting targets for the development of new housing within the Borough.

It is considered that the proposed amount of development, due to the form and design of proposed houses, would not result in any material and substantive detrimental impacts upon the site or the surrounding area

The proposed development of six houses on this site would not appear out of character with the general pattern of development in the vicinity.

The scale of the development and the massing and arrangement of the proposed dwellings would not adversely affect the amenity, currently enjoyed by occupants of adjoining dwellings.

Recommendation:

A. Subject to all parties entering into a satisfactory legal agreement then it is recommended to GRANT subject to the following conditions

- (1) Time limit
- (2) Sample of Materials
- (3) Construction demolition times
- (4) PD rights for garden structures including
- (5) PD windows right removed
- (6) Tree protection
- (7) No excavations or changes of levels near trees
- (8) Tree Planting
- (9) Road layout
- (10) Wheel washing facilities during construction
- (11) Details of turning of vehicles
- (12) Surface water discharge
- (13) Hard surfacing details
- (14) Details of gradient to driveways
- (15) Vehicular crossing details
- (16) Approved

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It does not adversely impact on the character of the area, visual amenity, residential amenity, highway safety and is acceptable in terms of design, siting and layout and therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

RECOMMEND:

B. If a satisfactory legal agreement is not received by the 30th September 2011 then the application be Refused for the following reason:

That no payment to the Local Sustainable Accessibility Improvement Contribution has been secured to offset the impact on the local highway network which therefore is contrary to Policy TR2 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 12 July 2011

Item 3

| | | |
|--|---|---------------------|
| APPLICATION SITE: 2 PARK LANE | | |
| App.No.: EB/2011/0209 | Decision Due Date: 10 June 2011 | Ward: Ratton |
| Officer: Jane Sabin | Site visit date: 1 June 2011 | Type: Minor |
| Site Notice(s) Expiry date: 1 June 2011 | | |
| Neigh. Con Expiry: 2 June 2011 | | |
| Weekly list Expiry: 3 June 2011 | | |
| Press Notice(s)-: N/A | | |
| Over 8/13 week reason: N/A | | |
| Proposal: Erection of a two storey extension at the side to form a granny annexe. | | |
| Applicant: Mr. J. Gibbons | | |
| RECOMMENDATION: Approve | | |

Reason for referral to Committee:

Referred by Chair in view of decision to refuse the previous application.

Executive summary:

There would be no adverse impact on visual or residential amenity as a result of the development and it therefore complies with the relevant borough plan policies.

Planning Status:

- Archaeologically Sensitive Area

Relevant Planning Policies:

UHT1 - Design of development
HO20 - Residential amenity

Site Description:

The application site comprises a large detached dwelling situated centrally on a substantial triangular plot, located on the corner of Park Lane and Kings Drive. The dwelling is angled away from Park Lane to face the corner, creating a pleasant visual setting.

Relevant Planning History:

App Ref:EB/2010/0604 Description: Proposed two storey side extension
Decision: Appeal Date: 16 February 2011
dismissed

The application was refused for the following reason:

The applicant has failed to demonstrate that the proposed extension is needed for/as a residential annex to the main dwelling and in the absence of this supporting information it is considered that the proposals would result in a self contained and independent dwelling without sufficient provision of dedicated off street parking and garden space. It is considered that the lack of provision would be detrimental to the amenities enjoyed by prospective occupants of this development as well as be out of character with the prevailing pattern of the development in the surrounding area and would also conflict with Policies UHT1, TR11, HO20 of the Eastbourne Borough Plan 2001-2011.

Proposed development:

Permission is sought to construct a two storey extension on the south west side of the dwelling to form an attached annexe for an elderly relative.

The extension would measure 5m wide and 5.5m deep under a pitched roof (albeit with a concealed central flat roof) 7m high. Matching materials are to be used throughout. The accommodation would comprise an open plan living room and kitchen on the ground floor with access through to the main dwelling via a door, and one bedroom and a bathroom on the first floor.

Applicant's Points:

- The proposal has been reduced in size from the appeal submission so that the front is set back by 300mm and the rear is in line with the existing dwelling; the height has also been reduced by 360mm, and the second guest bedroom has been deleted
- The extension is for the applicants 87 year old mother who is very active for her age, but wishes to live nearer her family; a single storey extension would be too small for all her possessions, as she is having to downsize from a family home in Old Town; a specific request is for a dressing room to accommodate her large wardrobe collection
- No part of the garden would be separated, although a parking space would be provided outside the annexe for visitors (although it is considered that the existing area is large enough)
- The provision of an internal access will allow free movement between the main dwelling and the annexe, and therefore it will only be used as ancillary accommodation

Consultations:

The County Archaeologist states that the proposed development is situated within an Archaeological Notification Area, defining an area of prehistoric, Roman and medieval activity. Recent archaeological evaluation excavation in advance of development at 8 Park Lane identified Roman ditches and associated finds.

To the north of the site at 290 Kings Drive two rare Neolithic axes were found, and archaeological excavation in advance of housing development at the rear of 268 Kings Drive identified medieval ditches and finds. A condition requiring a programme of archaeological works should be imposed on any consent. (Letter dated 16 May 2011)

Neighbour Representations:

None received.

Appraisal:

The main issues to take into account in determining this application are the impact on the character and appearance of the area and the impact on residential amenity.

The proposed extension is subservient to the main dwelling and would not have the appearance of a separate dwelling, as there are no "principal" windows (in terms of scale) on the front elevation, and the access is located on the side elevation. The appeal Inspector had no objections to the impact of the larger extension on the character and appearance of the building, noting that "with the extension's design reflecting that of the main building, the proposal would consolidate the appearance of a sizeable dwelling".

The extension would occupy part of a large area of side garden and because of the orientation between the application site and the adjacent dwelling; the extension would face towards that property. At first floor level, there would be one window in the extension serving a bedroom, however there are other similar windows across the rear of the existing dwelling which share the same outlook, and it is considered that an additional window would not exacerbate the existing situation. There are a number of boundary trees and shrubs on the site which provide screening from both roads and these will need protection during construction works; it would also be prudent to omit the parking space in front of the extension and keep the area as grass (there is more than enough parking on site), and this would accord with the applicants wishes (who thought that the Council would insist on additional parking).

With respect to the previous concerns regarding the provision of a separate dwelling, it is considered that the extension has been amended sufficiently to allay those concerns.

Human Rights Implications:

It is considered that there would be no adverse impact on residential amenity as a result of the development.

Conclusion:

There would be no adverse impact on visual or residential amenity as a result of the development and it therefore complies with the relevant borough plan policies.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement of development within three years
- (2) Development carried out in accordance with approved
- (3) Submission and approval of archaeological works
- (4) Use of matching materials
- (5) Hours of operation
- (6) & (7) Retention and protection of trees
- (8) Deletion of parking space

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:
There would be no adverse impact on visual or residential amenity as a result of the development, and it therefore complies with the relevant policies in 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.**

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Item 4

| | | |
|--|------------------------------------|--------------------|
| APPLICATION SITE: 202 TERMINUS ROAD, EASTBOURNE | | |
| App.No.: EB/2011/0220 | Decision Due: 08/06/2011 | Ward: Meads |
| Officer: Leigh Palmer | Site visit date: 13/04/2011 | Type: Major |
| Site Notice(s) Expiry date: | 13 February 2011 | |
| Neigh. Con Expiry: | 29 May 2011 | |
| Weekly list Expiry: | 29 May 2011 | |
| Press Notice(s)-: | 1 June 2011 | |
| Over 8/13 week reason: N/A | | |
| Proposal: Application for the extension of time for the implementation of permission EB/2007/0377(FP) for the demolition of the existing building and redevelopment to comprise a part five/part six storey building (including basement) with Class A1 (retail) on the ground floor, ancillary storage/retail in the basement and 44 residential units above, with disabled car parking and cycle parking. | | |
| Applicant: THE CO-OPERATIVE GROUP | | |
| RECOMMENDATION: Approve Subject to Legal Agreement | | |

Executive Summary:

This application has been referred to Planning Committee by the Chair as it was felt important that Members of Planning Committee should be kept aware of the events associated with this important empty building within the Town Centre.

This application seeks the approval to extend the life of an extant permission; in order to allow a further 3 years to implement the scheme. The original scheme was allowed on appeal under reference EB/2007/0377.

The application EB/2007/0377 proposed the re-development of the former Co-op department store, on the corner of Terminus Road and Seaside Road, would provide a modern retail unit on the ground floor, with 44 self-contained one- and two-bedroom on the upper floors, accessed from either Terminus Road or Trinity Trees and served by three car parking spaces for disabled users, is considered to be acceptable in terms of visual, environmental and residential amenity.

Planning Status:

- Adjacent Town Centre & Seafront Conservation Area and also adjacent to Listed Buildings

Site Location:

The former Co-op Store, which closed in February 2007, is situated on the southern corner of the crossroads formed by Terminus Road and Seaside Road. The site is surrounded on two sides by the Town Centre and Seafront Conservation Area, within which the Holy Trinity Church, a grade B (II*) listed building, is situated. The site measures approximately 1,160 sq. metres, forms part of the Primary Shopping Area and is some 225 metres from the seafront to the south and a similar distance to the Arndale Shopping Centre to the north.

Planning History:

There have been a number of applications relating to this site the most relevant being EB/2007/0377 Allowed on appeal 14/05/2008:-

EB/2007/0377 proposed the re-development of the former Co-op department store, on the corner of Terminus Road and Seaside Road, would provide a modern retail unit on the ground floor, with 44 self-contained one- and two-bedroom on the upper floors, accessed from either Terminus Road or Trinity Trees and served by three car parking spaces for disabled users.

This application was allowed on appeal with Inspector concluding that “...*the redevelopment would make good use of land for retail and residential use close to transport, jobs and services and an undertaking and agreement would secure such benefits. Conditions would ensure compliance with Local Plan policy on neighbours’ amenity and the setting of a conservation area and a listed building would be preserved. Hence the proposal accord with the Development Plan policies and Central Government guidance identified, and for the reasons given above I conclude that the appeal should be allowed...*”

Relevant Planning Policies:Eastbourne Borough Plan 2001 – 2011.

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|-------|---|
| NE3 | Conserving Water Resources |
| NE5 | Minimisation of Construction Industry Waste |
| NE11 | Energy Efficiency |
| NE28 | Environmental Amenity |
| UHT1 | Design of New Development |
| UHT2 | Height of Buildings |
| UHT4 | Visual Amenity |
| UHT5 | Protecting Walls/Landscape Features |
| UHT7 | Landscaping |
| UHT15 | Protection of Conservation Area |
| UHT16 | Protection of Areas of High Townscape Value |
| HO1 | Residential Development in Existing Built-Up Area |
| HO2 | Predominantly Residential Areas |
| HO7 | Redevelopment |

| | |
|-------|-------------------------------------|
| HO13 | Affordable Housing |
| HO18 | Wheelchair Housing |
| HO20 | Residential Amenity |
| LCF4 | Outdoor Playing Space Contributions |
| TR2 | Travel Demands |
| TR6 | Facilities for Cyclists |
| TR11 | Car Parking |
| IR2 I | Infrastructure Requirements |

Proposed development:

Permission is sought to extend the time for commencing the development given planning permission on appeal in 2008.

The extant planning permission EB/2007/0377 proposed the re-development of the former Co-op department store, on the corner of Terminus Road and Seaside Road, would provide a modern retail unit on the ground floor, with 44 self-contained one- and two-bedroom on the upper floors, accessed from either Terminus Road and Trinity Trees and served by three car parking spaces for disabled users.

In support of their application the applicant comments that there have not been any significant changes to National Planning Advice nor any change to local circumstance including the local plan and as such it a replacement planning permission should be issued.

Consultations:

Two representations have been received commenting on the 'in principle' suitability of the scheme. All matters relating to residential amenity, character of the area and impacts on infrastructure were debated at the original planning stage. These issues can not be given much weight in the assessment of this scheme.

Appraisal:

The main issues to consider in determining this application are whether there have been changes in circumstances and planning policies since permission EB/2007/0377 was granted in May 2008.

The re-development of the site with the 44 flats would contribute to the Borough's housing needs and similarly the retention of commercial space on the ground floor would help to maintain the vibrancy of this part of the town centre.

The scale of the development and the relationship of the site with the neighbouring properties have not changed. There are no significant changes in planning policies which affect the re-development proposal for this site as it is a brownfield site and complies with the updated Planning Policy Statement 3: Housing.

Financial contributions, were secured with the original permission, and the S106 needs to be varied in order to take account of the new planning permission.

The applicant's agent has indicated willingness to enter into negotiations to vary the legal agreement and has already provided information on ownership for a deed a variation.

Human Rights Implications:

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

Conclusion: The renewal of planning permission EB/2007/0377 is considered acceptable in principle provided the legal agreement securing the developer contributions is updated.

Recommendation A:

Approve subject to the prior conclusion (by 12 July 2011) of an amendment to the s106 legal agreement to make relevant updates to the new application number to be made by the developer. The following conditions to be attached to the permission:-

- (1) Time Limit
- (2) Materials to be supplied
- (3) Construction and demolition times
- (4) Foul and surface water details
- (5) Site Contamination
- (6) Surface water trapped gully details
- (7) Details of Hoarding
- (8) Foundation design
- (9) Details of Cycle and buggy store
- (10) Details of Bird deterrent
- (11) Details of any roof railing
- (12) Details of wall adjoining Victoria Mansions
- (13) Shopfront details
- (14) Details of Flue

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

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

Recommendation B:

If by 12 July 2011 the updates to the legal agreement have not been secured then **refuse** planning permission for the following reason:

An updated s106 legal agreement has not been executed to secure contributions towards affordable housing, and the additional burdens on local. The application for renewal therefore does meet the requirements of policies IR2, TR2, LCF4 and HO13 of the Eastbourne Borough Plan 2001 – 2011 and East Sussex County Council's Supplementary Planning Guidance "A New Approach to Developer Contributions".

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 12 July 2011

Item 5

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| App.No.: EB/2011/0259 | Decision Due Date: 07/06/11 | Ward: Ratton |
| Officer: Suzanne West | Site visit date: 09/05/11 | Type: Minor |
| Site Notice(s) Expiry date: N/A | | |
| Neigh. Con Expiry: 05/06/11 | | |
| Weekly list Expiry: 03/06/11 | | |
| Press Notice(s): N/A | | |
| Over 8/13 week reason: N/A | | |
| Location: 20 Eridge Road | | |
| Proposal: Retention of rear conservatory | | |
| Applicant: Mr & Mrs Mani | | |
| Recommendation: Approve | | |

Reason for referral to Committee:

Request to speak

Executive Summary:

The rear conservatory, by reason of its scale and design, is considered to cause no significant harm to neighbouring residential occupiers. Approval is recommended.

Planning Status: N/A

Relevant Planning Policies:

The following policies from the Eastbourne Borough Plan 2001-2011 are considered relevant:

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| UHT1 | Design of New Development |
| HO20 | Residential Amenity |

Site Description:

The application site comprises a semi-detached dwelling situated on the southern side of Eridge Road. The site is located within a predominantly residential area.

Relevant Planning History:

None

Proposed development:

Permission is sought for the retention of a rear UPVC conservatory comprising a glazed pitched roof. The conservatory, by reason of the stepped layout of the original building, has been designed to project 4.5m in depth along the eastern flank abutting No.22 Eridge Road, 2.6m along the western side elevation and 4.6m in width. The structure measures 2.9m in height (2.3m to eaves). Obscure glazing has been installed in the eastern flank, with opening clear glass windows to the rear and French doors in the western side elevation.

Consultations:

N/A

Neighbour Representations:

Letters of notification were sent to the occupiers of adjacent properties. One letter of objection has been received from the occupier of No.22 Eridge Road raising the following concerns:

- Loss of outlook from lounge; and
- Inability to carry out maintenance without access to No.22.

Appraisal:

The main issues to consider in the determination of this application concern the impact of the development on residential amenity, with particular regard to loss of outlook, privacy and light.

Whilst the concerns raised by the occupier of No.22 Eridge Road are acknowledged, it should be noted that issues of maintenance are not a material planning consideration but rather a civil matter, such issues cannot therefore be assessed as part of this application. Although the conservatory directly abuts No.22 to the east, the application site is well screened by close board fencing with only the roof of the single storey extension projecting above the boundary screening. Any resultant loss of outlook is therefore considered minimal and would not warrant the refusal of this application. By reason of the scale and design of the conservatory, there will be no loss of privacy or light upon adjoining residents. It should be noted that similar conservatories have been constructed within the local area, including No.22 (albeit flat roofed). Approval is recommended.

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:

The rear conservatory, by reason of its scale and design, is considered to cause no significant harm to neighbouring residential occupiers. The development accords with the relevant Borough Plan policies and approval is therefore recommended.

Recommendation: Conditional approval

GRANT subject to conditions

Conditions to include:

- (1) Approved plans

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties and would therefore be in accordance with the relevant policies 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 12 July 2011

Item: 6

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| App.No.: EB/2011/0353 | Decision Due Date: 12 August 2011 | Ward: Sovereign |
| Officer: Jane Sabin | Site visit date: 29 July 2011 | Type: Minor |
| Site Notice(s) Expiry date: 20 July 2011 | | |
| Neigh. Con Expiry: 21 July 2011 | | |
| Weekly list Expiry: N/A | | |
| Press Notice(s)-: N/A | | |
| Over 8/13 week reason: N/A | | |
| Location: Sovereign Centre Roundabout | | |
| Proposal: Siting of four lion statues on the roundabout | | |
| Applicant: Mr. Abid Gulzar | | |
| Recommendation: Approve | | |

Reason for referral to Planning Committee:

The roundabout is owned by the Council, and does not form part of the adopted highway.

Planning Status:

- Classified Road

Relevant Planning Policies:

UHT1 - Design of development
 UHT4 - Visual amenity

Site Description:

Members will be aware of the location of the roundabout adjacent to the Sovereign Centre at the junction of Royal Parade, Prince William Parade, Princes Road, Wartling Road and Lottbridge Drove. The roundabout has a diameter of approximately 70-75m and is laid to grass around the edge with some tropical beds, and a raised planted copse in the centre.

Relevant Planning History:

None.

Proposed development:

Permission is sought to site four lion statues on the edge of the copse approximately in line with the main approach roads, but not equidistant, so as to avoid the existing planting.

Each lion is 127cm high and 102cm in length, and is to be mounted on a plinth 110cm long, 60cm wide and 30cm high.

In association with the statues, five standard sponsor signs are to be sited in the tropical beds (one in each bed), measuring 80cm wide and 25cm high, although they do not form part of this application.

Consultations:

The Council's Assistant Arboricultural Officer advises that the minimum required root protection area from the centre of each tree is 5m based on the BS 5837:2005 recommendations.

Neighbour Representations:

None received at the time of writing this report.

Appraisal:

The application is submitted as part of the long-running sponsorship scheme for roundabouts in the town, although this particular roundabout is owned by the Council rather than the Highway Authority.

The statues are of such a size, in comparison to the overall size of the roundabout and the scale of the central copse that they would not stand out as strident or obtrusive features and it is therefore considered that they would not have an adverse impact on visual amenity.

Human Rights Implications:

None.

Conclusion:

The visual amenities of the area would not be adversely affected by the proposed development.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement of development within five years
- (2) No foundations or plinths within 5m of any trees

Informatives:

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reason:
There would be no adverse impact on the visual amenities of the area as a result of the size and siting of the statues, and it therefore complies with the relevant policies in 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.**