EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 10 SEPTEMBER 2002

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

1) 68 SUSANS ROAD. Continuation of use as a one bedroom ground floor flat without complying with condition 2 of planning permission EB/2001/0146, requiring discontinuance of use on or before 30 April 2006. EB/2002/0386, MAP H11. DEVONSHIRE

2) PEDESTRIAN PRECINCT, TERMINUS ROAD. Provision of a clock to existing banner pole. EB/2002/0441(LA), MAP H12. DEVONSHIRE

3) LAND AT REAR OF 46 BRAMPTON ROAD. Provision of a 15m high telecommunications mast supporting three antennae and four dishes together with ancillary equipment. EB/2002/0478(DET), MAP. HAMPDEN PARK

4) 28-30 BURLINGTON PLACE. Change of use from hotel staff accommodation (hostel) to ten two-bedroom self-contained flats, together with extensions to the third and fourth floors at rear. EB/2002/0378, MAP G13. MEADS

5) THE PENNINGS, UPPER DUKES DRIVE. Erection of RAILINGS above existing boundary wall along Baslow Road. EB/2002/0420, MAP A12. MEADS

6) 149 VICTORIA DRIVE. Provision of a vehicular crossover and hardstanding. EB/2002/0408, MAP. E.6 OLD TOWN

7) 31 PARK LANE. Erection of a two storey extension at side. EB/2002/0364, MAP I.3 RATTON

8) 10 WOODLAND AVENUE. Two storey extension at front and single storey extension at rear. EB/2002/0385, MAP J.3. RATTON

9) LAND WITHIN THE CURTILAGE OF 11 PARKWAY. Erection of a chalet bungalow and detached garage. EB/2002/0397, MAP H2. RATTON

10) 98/99 HOLLY PLACE. Installation of security shutters and housings on front elevation; automatic teller machine in side elevation, together with installation of new air conditioning units (two) and refrigeration plant in acoustic housing. EB/2002/0098, MAP M2. RATTON

11) LAND WITHIN THE CURTILAGE OF 1 WINDERMERE CRESCENT. Erection of a detached two-storey three bedroom dwelling with garaging, parking and access works. EB/2002/0354, MAP L11. ST. ANTHONYS

12) CAFFYNS, HAMMONDS DRIVE. Provision of a vehicular entrance from Lottbridge Drove. EB/2002/0373, MAP N9, ST. ANTHONYS

13) 136 WHITLEY ROAD. PROVISION OF CAR HARDSTANDING AND VEHICULAR CROSSOVER. EB/2002/0332.MAP.J.11. ST ANTHONYS.

14) 1 WALKER CLOSE. Erection of single storey extension and conservatory to form annexe. EB/2002/0423, MAP P12. SOVEREIGN

15) 26 VIAN AVENUE. Retention of 1.8 metre high fence. EB/2002/0443, MAP P13. SOVEREIGN

16) AREA N SOVEREIGN HARBOUR. Residential development comprising 53 three bedroom homes and 92 two bedroom homes (houses and flats) and associated roads, parking and sewers. EB/2002/0379(RM), MAP S.12 SOVEREIGN

17) 44 ENYS ROAD. Change of use from rest home (Class C2) to private single dwelling (Class C3). EB/2002/0396, MAP I9. UPPERTON

18) MAWHOOD HOUSE, 18 BEDFORDWELL ROAD. Erection of two four-bedroom town houses fronting Lewes Road. EB/2002/0301(OL), MAP I10. UPPERTON

19) 2 ROSSINGTON CLOSE. Retrospective application under Section 73A for retention of shed at side of property. EB/2002/0425, MAP G.7 UPPERTON

20) FORMER TAXI RESTROOM, THE AVENUE. Change of use to a sandwich bar. EB/2002/0464, MAP G.10 UPPERTON

21) FORMER GARAGE BLOCK AT THE REAR OF 7, 9, & 11 HARTFIELD ROAD AND PART OF THE REAR GARDEN OF 9 HARTFIELD ROAD. Erection of a first floor over garage block to provide a two bedroom flat, erection of an attached garage to plot 1 (approved under EB/2001/0677). EB/2002/0404, MAP.H.10. UPPERTON

22) 27 LE BRUN ROAD. SINGLE-STOREY REAR KITCHEN/UTILITY ROOM EXTENSION. EB/2002/0238, MAP. M.8. UPPERTON.

23) ELIM CHURCH AND CHURCH HALL, HARTFIELD ROAD. Approval of reserved matters for demolition of existing church and halls, and provision of new church and family centre, together with 11 flats for extended care and basement parking for 18 cars. EB/2002/0383(RM), MAP G10. UPPERTON

T. C. E. Cookson

Head of Planning

3 September 2002

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 10 SEPTEMBER 2002

REPORT OF THE HEAD OF PLANNING

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 Development Procedure) Order 1995

7. The Town and Country Planning (Use Classes) Order 1987 (as amended)

8. The Town and Country Planning (Control of Advertisements) Regulations 1992 and Amendment Regulations 1994

9. DoE Circulars

10. DoE Planning Policy Guidance Notes (PPGs)

11. East Sussex and Brighton & Hove Structure Plan 1991-2011

12. Eastbourne Borough Plan (Adopted Plan – 1998)

13. Eastbourne Borough Plan (Revised Deposit Draft 2001-2011)

14. Eastbourne Townscape Guide 1994

15. East Sussex County Council Manual for Estate Roads 1995 (as amended)

16. Statutory Instruments

17. Human Rights Act 1998

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 Planning, Regeneration and Amenities 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 AND LICENSING COMMITTEE

TUESDAY 10 SEPTEMBER 2002

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) 68 SUSANS ROAD. Continuation of use as a one bedroom ground floor flat without complying with condition 2 of planning permission EB/2001/0146, requiring discontinuance of use on or before 30 April 2006. EB/2002/0386, MAP H11. DEVONSHIRE

SITE LOCATION

The site comprising the "Secret Garden" restaurant, which can accommodate 34 covers, is situated on the ground floor of a three-storey terraced property on the south-western side of Susans Road, close to the junction with Ashford Road. The surrounding properties comprise a mix of retail and commercial units on the ground floor, with residential accommodation above.

PLANNING HISTORY

In 1950 planning permission was granted for the change of use of the ground floor of the property to that of a restaurant (EB/1950/0052 - Background paper). In March 1996 permission was granted for the installation of a fire escape and extraction duct at the rear of the building in order to enable the then vacant (for approximately

eight years) restaurant to comply with the relevant regulations (EB/1996/0030 - Background paper). However, in October 1996, a planning application was submitted for the temporary change of use of the Class A3 (restaurant) use to create a one bedroom ground floor flat (EB/1996/0357 - Background paper). The applicant had intended to refurbish the ground floor of the premises to create a viable business. However, the business had not been successful and the applicant also discovered that she had a serious medical condition, which meant that she could no longer run the restaurant.

Planning permission EB/2001/0146 was granted in April 2001 for the continuation of use as a one bedroom ground floor flat without complying with condition 2 of planning permission EB/1996/0357 (personal to Mrs Mayhew and expiring 8 October 2001).

CURRENT APPLICATION

The application seeks the continued use of the one-bedroom flat, approved on a temporary basis by EB/2001/0146, without complying with condition 2, which states:

"The residential use hereby permitted shall be discontinued and the former restaurant use reinstated on or before the 30 April 2006 to the satisfaction of the Head of Planning".

The reason for this condition is that "A temporary permission will enable the Council to review the position in the interests of the commercial activity of the locality".

The applicant has advised, by way of a letter, that she has been diagnosed as being in the latter stages of a terminal illness and that:

"I wish therefore to get my affairs in order - 68 Susans Road being one of them. I would like to be able to sell the property as a flat before the end of this year…"

(Letter dated 29 August 2002 - Background paper).

PLANNING POLICY

The following policy, contained in the adopted Borough Plan, is considered to be of particular relevance in the determination of the proposal

Policy SH1(E) - Shopping hierarchy - General retailing (S5 shopping areas on the Proposals Map) which consist of commercial, community and residential uses

The Revised Deposit Draft Eastbourne Borough Plan 2001-2011 does not designate the application site and adjoining area for a commercial purpose.

CONSULTATIONS

The Principal Engineer (Planning) advises that the Highway Authority does not wish to restrict the grant of consent

(Internal memo dated 10 July 2002 - Background paper).

REPRESENTATIONS

Letters of notification were sent to the surrounding properties above and to either the side of the application site. At the time this report was prepared (30 August 2002) no responses had been received.

HUMAN AND CONVENTION RIGHTS

The proposed continued use of the application premises for residential instead of restaurant use is unlikely to

adversely affect the above noted Rights of local residents.

APPRAISAL

The immediate locality is characterised as an area of mixed uses, where residential properties have been retained next to shops in Susans Road. As noted above, the application site and surrounding area are no longer designated for commercial uses. Therefore there is no policy objection to the proposed deletion of the condition, in question, and the use of the ground floor of the property as a permanent unit of residential accommodation. In addition, the existing general vitality and viability of the area would appear to be robust enough so as not to be adversely affected by the proposal.

With regard to the above, the permanent use of the premises as a unit of residential accommodation is considered to be acceptable.

RECOMMEND: Condition 2 of planning permission EB/2001/0146 be deleted so as to allow the ground floor flat of 68 Susans Road to be used on a permanent basis.

2) PEDESTRIAN PRECINCT, TERMINUS ROAD. Provision of a clock to existing banner pole. EB/2002/0441(LA), MAP H12. DEVONSHIRE

SITE LOCATION

Consent was granted in March 1998 for the three existing banner poles, situated in the centre of the pedestrian precinct in Terminus Road (between Bolton Road and Cornfield Road).

(EB/1998/94 (LA) – background paper)

Permission was also granted in February 2002 for the existing sun dial, which was to have a suspended clock above it.

(EB/1999/0611 – background paper)

CURRENT APPLICATION

Due to technical reasons, it is not possible to provide the clock in the manner originally intended, therefore, permission is now sought to alter the existing banner pole adjacent to Superdrug to accommodate the clock.

One of the fabric banners is to be shortened, and a 90cm diameter clock installed at the bottom, using the existing steel plate and ball supports.

In addition to this, a bronze plaque is proposed for the pole, identifying it as the Eastbourne Youth Council Jubilee Clock.

POLICIES

The following policy in the Eastbourne Borough Plan Revised Deposit Draft is relevant to this application:

UHT 11 – Design of Public Areas

CONSULTATIONS

No representations have been received as a result of a notice posted on site.

APPRAISAL

The proposed clock is an appropriate development for the centre of the towns shopping area, and will provide and interesting and welcome focal point. The scheme is worthy of support.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be granted subject to the following condition:-

D1.1 Commencement of development within five years.

HAMPDEN PARK WARD

3) LAND AT REAR OF 46 BRAMPTON ROAD. Provision of a 15m high telecommunications mast supporting three antennae and four dishes together with ancillary equipment. EB/2002/0478(DET), MAP. HAMPDEN PARK

SITE LOCATION

This item is not an application for planning permission, but for prior approval of the siting and appearance of telecommunications equipment submitted under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The application site is located at the rear of Trax Leisure Indoor Karting Centre in Brampton Road, adjacent to the railway line.

PLANNING HISTORY

There are three existing masts at the rear of the premises (servicing Vodafone, Dolphin and One2One); the siting and appearance of these masts were approved by the Planning and Licensing Committee in July 1999, August 2000 and October 2000.

(EB/1999/0239 – EB/2000/0392 – EB/2000/0573 – background papers)

CURRENT APPLICATION

It is proposed to install a fourth mast on the site (for Orange PCS) in the form of a single steel monopole column, supporting three 1.4m antennae and four 600mm diameter dishes. Instead of the usual equipment cabin, ten smaller cabinets are proposed, each approximately 770mm by 750mm and with a maximum height of 2m. All equipment would be contained within a secure compound 11m long by 5m surrounded by a 1.8m high green mesh fence, and located at the southern end of the site.

In a supporting letter the agent identifies the requirement for an installation to serve the urban area in Hampden Park, and that other sites were investigated, but that two owners were not interested (APS Berk and Railtrack) and that a third in Brassey Avenue was not suitable for site sharing.

The possibility of sharing one of the existing masts was considered, but this would have resulted in a taller, bulkier installation to the detriment of the visual amenities of the area.

POLICIES

The following policies are relevant to this application.

Eastbourne Borough Plan

POLICY US10 – Criteria for telecommunications development.

Eastbourne Borough Plan Revised Deposit Draft

POLICY US7 – Health Risk Considerations

POLICY US8 – Masts within the built up area.

CONSULTATIONS

No representations have been received as a result of a notice posted on site.

APPRAISAL

The existing masts have been in place for a considerable length of time and no complaints have been received in respect of siting or appearance.

The mast now proposed is to be sited at the rear of a commercial building on an industrial estate and backing onto a railway line; it would be some 120m away from the nearest residential property.

I agree that an additional slimline mast would be preferable to a replacement tower in terms of its impact on the visual amenities of the area.

In my opinion the siting and appearance of the proposal is acceptable and compatible with the appearance of the industrial estate, and further complies with Borough Plan policies.

HUMAN RIGHTS IMPLICATIONS

None

RECOMMEND: That no objections be raised to the siting or appearance of the proposed equipment.

MEADS WARD

4) 28-30 BURLINGTON PLACE. Change of use from hotel staff accommodation (hostel) to ten two-bedroom self-contained flats, together with extensions to the third and fourth floors at rear. EB/2002/0378, MAP G13. MEADS

SITE LOCATION

The site, comprising two end-of-terrace properties, is situated on the northern side of Burlington Place, immediately adjacent the Cavendish Hotel and Victoria Court. To the rear of the site there is a car park used in conjunction with the Cavendish Hotel. The site is within the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

Although there is no recorded planning history for 28 Burlington Place, in 1955 planning permission was granted for alterations to a guest house at 30 Burlington Place (EB/1955/0060 - Background paper). Since that time both properties have been used to provide staff accommodation for the Cavendish Hotel.

CURRENT APPLICATION

Planning permission is sought to change the, at present vacant and boarded up, hotel staff accommodation into ten 2-bedroom self-contained flats, two on each of five floors, with the sleeping accommodation arranged at the rear of the building overlooking the existing car park that serves the adjoining Cavendish Hotel. To create the upper level bedrooms it is also proposed to extend the third and fourth floors at the rear of building. No additional car parking is proposed by the application.

PLANNING POLICY

Whilst the application site is situated within the Major Tourist Accommodation Area, as designated in the adopted Borough Plan, given the property's hostel related use, to provide staff accommodation, the tourism related policies, contained in the Borough Plan, are not considered to be relevant in this instance.

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the proposed conversion.

Policy CT1 - New development to harmonise with existing

Policy HO10 - Impact and design of residential conversions and changes of use

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development to harmonise

Policy HO10 - Conversions and changes of use

Policy TR11 - Car parking standards

CONSULTATIONS

The Principal Highway Engineer (Planning) advises that this type of residential development would require 13 car parking spaces. However, given the location of the site this number could be reduced to between seven and nine. However, there are no parking spaces proposed by the application. Such a shortfall could create a problem due to the limited on-street parking available (Internal memo dated 10 July 2002 - Background paper).

The Crime Prevention Design Adviser does not identify any major concern with the proposal. However it is recommended that the applicant's agent uses the "Secured by Design" standards as a guide to lighting and physical security (Letter dated 17 July 2002 - Background paper).

The Conservation Area Advisory Group raised no objections in principle, although the Assistant Historic Buildings Advisor was concerned that the lift shaft may puncture the roof and also the position of the extraction flues needed for the kitchens and bathrooms. The Group agreed that these concerns should be covered in any planning conditions (Minutes dated 9 April 2002 - Background paper).

The Council's Historic Buildings Advisor states that:

"The application is for a change of use and it appears that no significant alterations to the front elevation of the building are proposed. However, I note that the scheme involves the provision of a lift shaft. I would not be happy if this lift shaft breaks through the roofline, and I would, therefore, like written confirmation from the applicant that this will not be the case. (Written confirmation has been sought from the applicant).

A major extension is being proposed to the rear of the property, along with the removal of a large stack, but this

elevation faces onto an enclosed square, and is not visible from public areas of the Conservation Area.

I can confirm that I have no objection to the principle of development".

It is recommended that conditions, in respect of the position of extract flues and the front entrance step, are imposed on any grant of planning permission (Internal memo dated 23 July 2002 - Background paper).

Eastbourne Hotels' Association, the Director of Tourism and the Head of Housing were consulted on 3 July 2002. Any responses received will be reported to Members verbally.

REPRESENTATIONS

A notice was displayed at the front of the site and an advertisement placed in the local press. In addition, letters of notification were sent to surrounding residential properties. At the time this report was prepared (30 August 2002) one letter of objection had been received from a resident of Victoria Court in respect of the need for parking provision to serve the development as "Burlington Place is congested enough as it is. Ten more cars would only add to this problem" (Letter dated 23 July 2002 - Background paper).

HUMAN AND CONVENTION RIGHTS

Given the residential nature of the conversion scheme, it is unlikely that the above noted Rights would be adversely affected.

APPRAISAL

The main issues to consider in the determination of the proposed conversion are in respect of the proposed change in the type of residential accommodation, the visual impact of the scheme and the parking arrangements to serve the development.

The use of the application building to provide self contained 2-bedroom flats rather than a hostel for hotel staff with shared facilities is considered to both enhance the existing situation and to reflect the type of self-contained flats that already exist in the area. As such, given that there is no loss of any established hotel guest accommodation, the proposed change of use is considered to be acceptable.

The application site is situated within the Town Centre and Seafront Conservation Area. As indicated in the " Consultations" section of this report, both the Conservation Area Advisory Group and the Council's Assistant Historic Buildings Advisor consider that the proposal is generally acceptable. However, there are some points of detail, such as whether the lift shaft breaks through the roof line, the position of the extract flues and the front entrance step. These need to be clarified or can be covered by way of condition in order that the scheme is able to make a positive contribution to the appearance of the designated Conservation area.

A letter of objection has been received from a neighbour about the parking related congestion that occurs in Burlington Place. The lack parking provision to serve the proposed development is also referred to by the Highway Authority, which indicates that at least seven parking spaces should be provided. However, given the constrained nature of the application property, which is terraced with little open space at the front or rear, the conversion scheme does not propose any additional parking.

Nevertheless, the location of the site, convenient to the sea front, town centre, communal and public transport facilities, it is considered that future residents would not need their own private vehicles. On street parking in front of the application property would be available to visitors.

With regard to the above, it is considered that the proposed change of use and conversion scheme is acceptable in this town centre location.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within 5 years

2. A3 Use of matching materials

3. C5.3 Hours of building operations

4. Where it is not technically feasible to locate extract flues on the rear of the building, flues should be installed flush with the render on the front wall and painted in the same colour as the surrounding render.

5. Before the first occupation of the flats, hereby approved, the front entrance steps to the buildings shall be reinstated to their original profile.

5) THE PENNINGS, UPPER DUKES DRIVE. Erection of RAILINGS above existing boundary wall along Baslow Road. EB/2002/0420, MAP A12. MEADS

SITE LOCATION

This is a large detached dwelling, situated in substantial, secluded grounds located between the outer curve of Upper Duke's Drive, Baslow Road, and Beachy Head Road. There is a moderately steep slope from the dwelling down to the boundary with Baslow Road. The boundaries of the site are generally very well screened by trees and hedges. The Baslow Road frontage comprises a stone/flint wall with an average height of one metre, with a steep bank and shrubs behind. There is also a pedestrian gate and steps leading up to the garden from this frontage (although the main access is from Upper Dukes Drive).

PLANNING HISTORY

Consent was granted in 1936, for the erection of a detached house and garage.

Permission was granted, in 2000, for the erection of 2.75m high fencing to enclose the tennis court (EB/2000/0569 – background paper). However, no proposals for substantial changes in levels, or retaining walls were put forward at that time.

An application was submitted, in 2001, for the formation of a tennis court, with 4 metre high fencing and lighting together with an underground garage and gymnasium. However, this was withdrawn prior to being considered by Committee, following concerns raised by the case officer and the Sussex Downs Conservation Board (EB/2001/0171 – background paper).

Permission was granted at the meeting of this committee held on 12 February 2002 for the formation of a tennis court with 4 metre high perimeter fencing, together with the erection of a single-storey kitchen extension on the north east elevation, a conservatory on the south east elevation, a first floor extension to the existing detached garage to provide gymnasium and sauna, and an associated balcony (EB/2001/0616 - background paper).

CURRENT APPLICATION

The current application proposes the erection of railings on top of the existing stone/flint boundary wall along the Baslow Road frontage to provide greater security.

The proposed railings (with spiked tops) will be 1200mm above the boundary wall, giving a total height of 2.2 m. (on average). The existing vegetation behind the railings is to be retained and the railings will be painted dark green to blend in with the foliage.

PLANNING POLICIES

Adopted Borough Plan 1998

CT1 - Development expected to harmonise with local environment

NE21 - Protection of Trees.

Emerging Revised Deposit Draft Borough Plan

UHT1 - Design of new development

UHT4 - Visual amenity

CONSULTATIONS

The Council's Downland, Trees and Woodland Manager raises no objections and comments that effect of the railings on the existing shrubs will be minimal, requiring only minor cutting back and low branch removal to facilitate its placement (internal memorandum dated 6 August 2002 – background paper).

REPRESENTATIONS

Neighbouring residents in Baslow Road were notified of the application. In response, two letters of objection have been received, from the occupiers of Colonial House and 23 Baslow Road, on the grounds that the fence would be out of keeping with the character of the area and would not enhance the existing wall (letters dated 5 and 6 August 2002 - background papers).

The occupier of No. 23 understands the applicant's requirements for greater security and suggests that an acceptable solution would be to set the railings back from the wall inside the boundary where they would be largely hidden from view by the abundant foliage that exists.

APPRAISAL

The frontages to properties on this side of Baslow Road are a variety of materials and heights, all being higher than the boundary to the application property. In some cases boundary walls along this frontage rise as high as 3 to 4m. In this context an addition in height to the existing one metre wall would not in principle be out of character with the height of other boundaries along this frontage.

Whilst there are no other frontages with this type of boundary treatment, railings would be far less prominent and less imposing than a more solid means of enclosure such as a fence or wall. Furthermore, the railings are set back in line with the rear of the wall and have the backdrop of the vegetation on the bank behind the wall to further reduce their visual impact. In this context I consider that the proposed railings would not be an unduly prominent feature and would not be out of character with the area.

HUMAN RIGHTS ACT 1998

It is considered that the proposal would not infringe the rights conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within five years.

2. That details of the precise colour of the railings shall be submitted to and approved by the Head of Planning before the development is commenced. The railings shall be painted in the approved colour within three months of their erection and shall thereafter be maintained in the same colour unless prior written consent

is obtained from the Head of Planning to any variation.

3. (a) That none of the trees or shrubs on the site shall be lopped, topped, killed or otherwise damaged felled or removed without the prior consent of the Local Planning Authority.

(b) That any trees and/or shrubs which die or become dangerous or damaged or are otherwise removed within 5 years of the date of this permission shall be replaced by the owners, and maintained thereafter, unless prior written consent is obtained from the Head of Planning to any variation.

OLD TOWN WARD

6) 149 VICTORIA DRIVE. Provision of a vehicular crossover and hardstanding. EB/2002/0408, MAP. E.6 OLD TOWN

SITE LOCATION

The application site comprises a semi-detached dwelling on the west side of Victoria Drive, 15m from the junction with Victoria Gardens.

PLANNING HISTORY

Planning permission was refused in July 2001 for a vehicular crossover and hardstanding for the following reason:

That the lack of an adequate turning facility within the site would be likely to give rise to conditions of danger for pedestrians and other users of this classified road, particularly having regard to the proximity of the proposed access to a street tree, and the junction with Victoria Gardens. The proposal would thereby be contrary to Policy HT4 of the Eastbourne Borough Plan 1998.

(EB/2001/0308 – background paper).

CURRENT APPLICATION

Permission is sought again to provide a vehicular crossing to a car hardstanding in the front garden. In supporting letters, the applicant states that the proposed layout is identical to that at 147 Victoria Drive, which was approved by the Council immediately after the refusal of his previous application. He also states that he is willing to pay for the street tree outside the property to be removed, if the Council considers this is necessary for approval of the application, and to pay for the planting of a new tree at a more appropriate site.

(Letters dated 30 June and 5 July 2002 – background papers)

The submitted plan shows a ‘dog-leg’ arrangement for the hardstanding, with a depth of 9m, extending to a maximum of 12m. The width of the hardstanding is not noted on the plan, however, it shows the garden to be 10m wide, and that the hardstanding would be between two borders, one of which would be 1m wide. The crossover is shown to be 4m wide.

POLICIES

Policy HT4 of the Eastbourne Borough Plan is relevant to this application.

CONSULTATIONS

One letter of objection has been received from the occupiers of 151 Victoria Drive, who are concerned about the loss of privacy, an increase in noise and disturbance, the impact on the visual amenities of the area and a

hazard to pedestrians.

(Letter dated 3 August 2002 – background paper).

The Downland Trees and Woodland Manager states that the submitted plan is inaccurate and therefore he has had to estimate the proximity of the crossover to the tree.

He is of the opinion that the construction of the crossover would encroach on the tree roots, destabilising it, and therefore, requiring its removal. He confirms that the tree is healthy and it is not the Council's policy to remove healthy trees.

(Memo dated 31 July 2002 – background paper).

The Principal Highways Engineer considers that the plan is inaccurate, and also that it is doubtful whether a car could turn within the site on a hardstanding of the size and shape shown. The only possibility of providing an adequate hardstanding with a turning facility would be to remove the street tree and redesign the layout.

(Memo dated 30 July 2002 – background paper).

APPRAISAL

The case officer has measured the site with a Highways Engineer, and confirms that the submitted plan is indeed inaccurate. The maximum depth is 10.7m, whilst to the bay window it reduces to 7.05m, and the whole garden is 8.95m wide. From these measurements it is clear that the proposal would not meet current standards for a turning facility. The only option is to remove the street tree, to enable a workable turning facility. The tree is a healthy mature specimen, and I concur with the Highways Authority view that it should not be removed.

The Highways Authority has confirmed that the vehicular crossover at 147 Victoria Drive has been constructed in the wrong position, due to an error on their part. However, it is considered that this does not justify a grant of permission in this instance.

HUMAN RIGHT IMPLICATIONS

None

RECOMMEND: Permission be refused on the following grounds:-

That the lack of an adequate turning facility within the site would be likely to give rise to conditions of danger for pedestrians and other users of this classified road, particularly having regard to the proximity of the proposed access to a street tree, and the junction with Victoria Gardens. The proposal would thereby be contrary to Policy HT4 of the Eastbourne Borough Plan 1998.

RATTON WARD

7) 31 PARK LANE. Erection of a two storey extension at side. EB/2002/0364, MAP I.3 RATTON

SITE LOCATION

The application site currently forms the side garden of 31 Park Lane, an end of terrace dwelling, situated on the southern side of the road, some 150 metres from the junction with Willingdon Road.

CURRENT APPLICATION

Permission is sought for the erection of a two storey, bay fronted, pitched roofed extension at the side of the property. The extension which would measure 3.6 metres by 6.8 metres is proposed to be set back 2 metres from the front of the dwelling and would comprise a living room at ground floor level and bedroom, dressing room and en-suite bathroom at first floor level. The extension is to be constructed of facing brick and plain roof tiles to match the existing property.

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan (1998)

Policy CT1 – New Development to Harmonise with Existing

Policy HO19 - Criteria for Extensions

Revised Deposit Draft of Borough Plan (2001-2011)

Policy HO20 - Residential Amenity

CONSULTATIONS

One letter of objection has been received as a result of neighbour notifications. The occupier of the property opposite the application site at 29 Park Lane has raised the following concerns:

· There is a covenant which states that the design of all properties should be similar

· Adding an extension to one end of the terrace would disrupt the symmetry

· Vehicular access to the site is alongside the dwelling. Parking area at end of row of garages is already congested

· Vehicles turning within the garage forecourt area could damage wall running alongside 29 Park Lane. (Letter dated 23 July 2002 – background paper)

APPRAISAL

The main issues to consider in determining this application are the design and appearance of the proposed extension and its relationship with the surrounding area.

It is acknowledged that the proposed extension would have some impact on the appearance of the existing and adjoining properties. However, the original terrace of dwellings has already been altered with the erection of a dwelling at the opposite end of the terrace at 41 Park Lane in 2000 (EB/99/0505(OL) and EB/2000/0575(RM) – background papers).

Furthermore, it is considered that careful consideration has been given to the design and appearance of the extension by setting it back two metres from the front of the property and by having a ridge height some 750mm lower than the ridge of the existing dwelling.

The extension is also to be constructed of facing brick and plain roof tiles to match the exsting dwelling and is to have bay windows at ground and first floor levels. It is therefore considered that the proposed extension reflects the design and appearance of the adjoining and surrounding residential properties and will not detract from the character of the surrounding locality.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would not have any impact on the rights of adjoining and nearby residents to the peaceful enjoyment of possessions and protection of property.

For the above reasons I consider that the proposed development is acceptable.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. A3 Use of matching materials.

3. A5 No windows or other openings in side elevation.

8) 10 WOODLAND AVENUE. Two storey extension at front and single storey extension at rear. EB/2002/0385, MAP J.3. RATTON

SITE LOCATION

The application property is situated on the south–east side of Woodland Avenue, adjacent to a vehicular access serving The Coppice at 5A Loxwood Close; built in 1958, it remains unaltered.

CURRENT APPLICATION

It is proposed to extend the front of the property by 2.25m, enclosing an existing ground floor lobby/wc, at both ground and first floor levels, for a width of 7.4m. The extension would have a hipped and pitched roof, which would take the form of a cat-slide roof on the north-west side to join onto the garage roof (this sits entirely forward of the main part of the dwelling). The materials would be brick, tile hanging and plain roof tiles, all to match the existing dwelling.

At the rear, an existing raised patio and steps approximately 1.7m high is to be replaced by a garden room 3.6m deep and 5.7m wide, under a flat roof 2.6m above ground level. As the ground falls away steeply at the rear of the house, this extension would almost be at basement level, although there would be no access to it from the house. Access steps would be constructed from a new kitchen door down to garden level. The extension would be constructed from brick, again to match the existing dwelling.

The plans, as originally submitted, indicated a double-pitched roof over the front extension, and patio/balcony over the rear extension. The plans have been amended at the case officers request after concerns were expressed regarding visual amenity and overlooking.

POLICIES

The following policies are relevant to this application:-

Eastbourne Borough Plan

POLICY HO19 – Design criteria for extensions/additions.

Eastbourne Borough Plan Revised Deposit Draft

POLICY HO20 – Residential amenity

POLICY UHT1 - Design of new development

CONSULTATIONS

The County Archaeologist does not consider that any archaeological remains are likely to be affected by the proposal, and does not require conditions to be imposed on any consent.

(Letter dated 1 August 2002 – background paper)

The occupier of 12 Woodland Avenue considers that the proposal would block out light from her side windows and adding another storey onto the rear would take away her privacy.

(Letter dated 15 July 2002 – background paper)

The occupier of 14 Woodland Avenue has not had sight of the plans but is saddened that such an extension is proposed and is concerned for the general appearance of the area.

(Letter dated 12 July 2002 – background paper)

APPRAISAL

Woodland Avenue is characterised by detached houses of varying designs, and covers a wide range of architectural styles. The application property is of a relatively modern design, and I consider that the proposed front extension would blend in reasonably well with the existing plain front elevation.

The forward projection of 2.25m would still be 2m back from the front of the integral garage, and would not affect the window in the side elevation of the adjoining property at 12 Woodland Avenue.

The rear extension would be concealed almost entirely below the existing boundary fence, and would have no impact on adjoining properties, provided that it is not used as a balcony and conditions will be needed to secure this.

HUMAN RIGHT IMPLICATIONS

It is considered that the amended scheme would not adversely affect adjoining residential properties.

CONCLUSION

I consider that the proposed scheme, in its amended form, would have no adverse impact on visual or residential amenity.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. That the development hereby approved shall only be carried out in accordance with the revised plan no 21602/1 Rev A received on 2 August 2002.

3. That samples of the facing materials to be used in the external elevations of the proposed extensions shall be submitted to and approved by the Head of Planning prior to the commencement of the development.

4. That no railings, balustrading or other means of enclosure shall be erected on any part of the garden room approved by this permission, nor shall the roof of the garden room be used as a balcony, patio or sitting out area at any time.

9) LAND WITHIN THE CURTILAGE OF 11 PARKWAY. Erection of a chalet bungalow and detached garage. EB/2002/0397, MAP H2. RATTON

SITE LOCATION

The application site is situated on the south side of Parkway, on the corner with Babylon Way; it is formed from part of the garden of 11 Parkway, and has a width of 23m and an average depth of 27m. There are two substantial pine trees on the site, one close to the boundary with Babylon Way, the other in the centre of the existing garden, close to the "new" boundary with no 11: both trees are protected by a Tree Preservation Order. Other trees on the boundary are not covered by the order, but are generally of poor form and health.

PLANNING HISTORY

Permission in outline was refused in February 2002 for the erection of a chalet bungalow on the grounds of the loss of the preserved trees and its impact on the visual amenities of the area.

(EB/2001/0589 (OL) – background papers)

Permission in outline was granted on 17 July 2002 for the erection of a chalet bungalow with integral garage (subject to a section 106 agreement to secure a compensatory flood storage contribution which has now been paid) and subject to a number of conditions; the amended scheme retained the largest pine in the centre of the garden.

(EB/2002/0137 (OL) - background papers)

CURRENT APPLICATION

The current application is submitted in full, and seeks permission for a detached chalet bungalow with a conservatory, and a detached garage. The dwelling is attractively designed with a number of traditional features, and constructed of brick, plain tiles and decorative tile hanging. It would be sited 7.5m from the boundary with Parkway and 5m from the boundary with Babylon Way; the front of the garage has been moved forward by 1.2m in front of the dwelling (and 11 Parkway) in order to maintain a distance of 8m from the trunk of the large pine tree, which is to be retained. The vehicular access would be 14m from the junction with Babylon Way.

POLICIES

The following policies are relevant to this application:-

Eastbourne Borough Plan

CT1 - New development to harmonise with existing.

CT4 - Protection of trees covered by a Tree Preservation Order

NE21 - Protection of trees

HO18 - Design criteria for new residential development

Eastbourne Borough Plan Revised Deposit Draft

UHT1 - Design of new development

UHT4 - Visual amenity

NE27 - Environmental amenity

HO6 - Infill Development

HO20 - Residential amenity

CONSULTATIONS

The Principal Highways Engineer has no objections to the proposed vehicular access.

(Memo dated 19 July 2002 – background paper)

The Councils Arboricultural Officer refers to his comments on the previous application; These were that the larger pine provides significant visual amenity to the area and is in fair health and that no development should take place within 12m of the trunk, otherwise damage is likely to occur to the rootplate leading to the decline in the health, vitality and safety of the tree; if the development goes ahead, applications for reduction works would be likely to be submitted. He concludes that as permission has already been granted, it is imperative that the protection zone is adequately fenced off.

(Memo dated 30 July 2002 – background paper)

The occupiers of 77 Parkway object to the loss of trees and an additional vehicular access; they consider that the area should remain unchanged and that the application should be refused.

(Letter dated 29 July 2002 – background paper)

APPRAISAL

The application site is adequate in size and comparable to other plots in the vicinity. The proposed dwelling is attractively designed, and would be in harmony

with dwellings on the estate.

I am mindful that Members resolved to approve the previous outline application despite officer recommendation that it should be refused on the grounds of the potential loss of the tree due to construction works. Bearing in mind that Members have previously accepted a distance of 8m between the tree and the dwelling, there is no further reason to refuse the scheme.

HUMAN RIGHTS IMPLICATIONS

The proposal would have no impact on adjoining residents rights to peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. That samples of the facing materials to be used in the external elevations of the proposed building shall be submitted to and approved by the Head of Planning prior to the commencement of the development.

3. That no demolition, site clearance or building works (including trenches, pipelines for services or drains) shall be undertaken until Chestnut Pale fencing not less than 1.2 metres in height on a scaffold framework has been erected around trees TR1 and group TR3 at a minimum radius of eight metres from the trunk of each tree and approved on site by the Head of Planning. The fence shall be placed so as to exclude the site of the said development but otherwise as far as possible from the trees. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored, driven over or positioned within these areas. Such fencing shall be maintained during the course of building work to the satisfaction of the Head of Planning, and all protection works shall be in accordance with Sections 5 and 6 of British Standard 5837 : 1991 "Trees in relation to construction" or the relevant sections of any subsequent British Standard which supersedes it.

4. That no trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the previous written consent of the Council.

5. That three replacement trees shall be planted on the application site in accordance with details to be submitted to and approved by the Head of Planning. The approved planting shall be carried out in the first planting season following the occupation of the building and any of the trees which die or become seriously damaged or diseased shall be replaced with others of a similar size and species during the first available planting season.

6. That any trenches or excavations for the foundations or services required for the construction of the south and west elevations of the building shall be hand dug, and no roots shall be cut until they have been inspected by the Head of Planning; the foundations shall be designed to accord with the recommendations of BS 5837:1991 “Trees in relation to construction”.

7. That no bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group shown to be retained in the approved drawings.

8. That prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings shall be passed through trapped gullies to BS5911:1982 with an overall capacity compatible with the site being drained.

9. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, structures, walls or fences of any kind shall be erected within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.

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10. That there shall be no hard landscaping (including patios) or disturbance of the topsoil in the rear (southern) garden or the side (west) garden without the written approval of the Head of Planning.

10) 98/99 HOLLY PLACE. Installation of security shutters and housings on front elevation; automatic teller machine in side elevation, together with installation of new air conditioning units (two) and refrigeration plant in acoustic housing. EB/2002/0098, MAP M2. RATTON

BACKGROUND

This application was first deferred at the meeting held on 16 April 2002 for further consideration by the Head of Environmental Health with regard to noise levels from the air conditioning units. Amended plans were submitted providing more details of the air conditioning and refrigeration units, which overcame the concerns of Environmental Health and the application was reported back to your meeting on 18 June. However, the proposal was again deferred as Members were concerned about the appearance of the security shutters.

SITE LOCATION

This modern, stand-alone building, dating from the early 1980's, situated adjacent to the rebuilt Community Centre, is occupied on the ground floor by a convenience store and a newsagent, with flats at first floor level. This application for planning permission and other recent applications have been reported to this Committee, as the Borough Council owns the application property.

PLANNING HISTORY

An application for the replacement of the existing tile hanging at ground floor level was reported to this Committee on 12 March 2002, and was approved, subject to conditions (EB/2002/0067– background paper).

Other recent applications include advertising consent granted with conditions on 16 April 2002 for the display of aluminium internally illuminated box signage above the shop windows and entrance, together with two internally illuminated projecting signs (EB/2002/0099– background paper).

Planning permission was granted subject to conditions for the installation of a cash machine (ATM) in the south elevation on 23 May 2002 (EB/2002/0221– background paper). At the same meeting advertisement consent was also granted for the display of an internally illuminated sign associated with the proposed ATM (EB/2002/0222– background paper).

CURRENT APPLICATION

This application is for the installation of security shutters and housings on the front elevation; automatic teller machine in the side elevation, together with the installation of two new air conditioning units and refrigeration plant in an acoustic housing.

The roller shutters, air conditioning units, and advertisements have already been installed, but not the Automatic Teller Machine.

PLANNING POLICIES

The following policies are considered relevant to this proposal:-

Adopted Plan

CT1 – New development to harmonise with character and appearance of local area

Revised Deposit Draft Plan Deposit Draft Plan

UHT1 - Design of new development

CONSULTATIONS

The Council's Environmental Health Technician has visited the site and advises that he does not believe that the installation of an air conditioning unit will cause any noise nuisance to neighbouring residents at this time particularly as they have already been installed and have not prompted any complaints of noise to the Environmental Health. However, with time and use there may be issues in the future if the appliances are not properly maintained or replaced.

REPRESENTATIONS

No representations have been received, as a result of notifications sent to the flats above the application premises, and the display of three site notices.

HUMAN RIGHTS ACT 1998

It is considered that the proposal would not infringe the rights conferred by the above legislation, in respect of right to peaceful enjoyment of possessions and protection of property, and right to respect for private and family life, home and correspondence.

APPRAISAL

The two new air conditioning units and two refrigeration units are positioned at the rear of the building, at floor level, and are not visible from public view, owing to the close boarded fence enclosing the rear yard. Some noise from the units was noted, but this was intermittent, as the units automatically switch on and off as required, and at a fairly low volume. Such noise would probably be more noticeable at night time, however, it was observed that the flats above have double glazing. No objections have been received from the occupiers of the flats, despite the equipment having been installed, which, had there been a serious noise impact, would be unlikely to be the case. As such, I consider that the proposed air conditioning/refrigeration units are acceptable, subject to the comments of no adverse impacts being noted by the Environmental Health section.

The Automatic Telling Machine is to be inserted in the side elevation of the building facing the road/car park, which, although not the main commercial frontage, is very visible, which should benefit the security of those using the new facility. Visually, it will have a relatively minor impact on what is essentially a featureless elevation.

I can appreciate why security shutters are sought in this location, given the damage done to the hanging tiles on the building in the past, and general evidence of vandalism in the area, and also as it is an isolated commercial unit within a residential area. In response to Members' concerns about the appearance of the security shutters, the applicant's agent has confirmed that the opening hours of the shop are from 6.00 am to 10.00 pm seven days a week and the security shutters are only in use outside these hours. I would therefore accept that the visual impact of the shutters during this eight hour period when few people would see them would be extremely limited. I also noted that the shutter housing, which is visible at all times, blends well with the fascia signage to which it abuts. As such, I consider the visual impact of the proposals, on this simply designed, modern building, to be acceptable.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. The development hereby approved shall be maintained permanently in accordance with the details shown on amended drawing 9392.002 revision F, received by the Local Planning Authority on 12 April 2002, unless

prior written consent is given by the Head of Planning to any variation.

ST. ANTHONY'S WARD

11) LAND WITHIN THE CURTILAGE OF 1 WINDERMERE CRESCENT. Erection of a detached two-storey three bedroom dwelling with garaging, parking and access works. EB/2002/0354, MAP L11. ST. ANTHONYS

SITE LOCATION

The application site occupies the rear part of the back garden of 1 Windermere Crescent, a semi-detached 2-storey dwelling at the south-eastern end of a row of similar residential properties. To the east of the site is an un-surfaced track giving vehicular access to the back garden of 1 Windermere Crescent and to the rear of properties fronting Seaside. To the rear of the site is a row of garages, accessed from Roselands Avenue.

PLANNING HISTORY

In 1952 an addition to the kitchen and the provision of a verandah to living room were built under permitted development rights. There have been no further extensions to the property since that date.

CURRENT APPLICATION

Permission is sought for the erection of a detached 2-storey dwellinghouse, measuring some 10.7 metres by 6.3 metres, sited at the end of the rear garden. The new dwelling would have three bedrooms, on the first floor, and a detached double garage. One of the proposed garage spaces is to serve the proposed house and the other is for the existing dwelling.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance in the determination of the proposal.

Policy CT1 - New development to harmonise with existing

Policy HO18 - Design criteria for new residential development

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy HO20 - Residential amenity

Policy TR11 - Car parking standards

CONSULTATIONS

The Principal Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict the grant of consent to this application (Internal memo dated 9 July 2002 - Background paper).

The Council's Arboricultural Officer advises that the only tree on site is a pear tree located on the south-eastern boundary. It is in poor condition and the retention category can only be classified as low. The removal of this specimen will have no impact on the visual amenity of the area (Internal memo dated 16 July 2002 - Background paper)

REPRESENTATIONS

Two notices were displayed at the front and along the side of the application site. In addition, letters of notification were sent to the occupants of the surrounding residential properties. In response, at the time this report was prepared (30 August 2002) seven letters of objection, one letter of representation and two letters of support had been received, the contents of which can summarised as follows:

Objections

· The position of the house and garage would cause light and noise disturbance

· The access lane is often blocked which would be a problem for emergency vehicles

· Loss of privacy as the adjoining rear garden would be open to view, especially as there is only a low fence between the two properties

· A new house in the existing garden would be both cramping and unsightly

· The size and positioning of the house is not in keeping with the surroundings

· My garden will be affected by overshadowing, overlooking and loss of privacy

· There will be loss of trees from the property

· The development would contribute towards overcrowding in the street

· The height of the dwelling would obstruct my views

Representation

· Whilst I have no objection to the development I am concerned about the access, which is down the narrow lane and could become blocked

Support

· The new building would not obscure the view, incur any loss of light or loss of privacy (From Seaside)

· At present the area in question is untended and could be put to better use

· With shortages and prices of local properties this is a good idea

(Letters dated 9 - 30 July 2002 - Background paper)

HUMAN AND CONVENTION RIGHTS

Given the position of the proposed dwelling it is likely that above noted Rights of local residents would be adversely infringed.

APPRAISAL

The main issues to consider in the determination of the application are the effect of the proposed development on the character and appearance of the surrounding locality, and secondly the effect on the living conditions of nearby residents.

The application proposes a detached 2-storey dwelling, with double garage, in the rear garden of 1 Windermere

Crescent, a semi-detached dwelling in a row of similar residential properties. In addition, the proposed dwelling would be accessed via a narrow (2.7 metre wide) track way rather than fronting a public highway as is the case with the surrounding residential properties.

Planning Policy Guidance No 3 "Housing" states that "New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality". The proposal site and nearby gardens have a spacious and uncluttered ambience. However, the erection of a dwelling would introduce a discordant form of development, which would result in a significant loss of the open character and appearance of the surrounding area.

In respect of the second issue, several residents of Windermere Crescent have expressed concern that the proposed development will, by reason of an increase in disturbance, loss of privacy, over looking and over shadowing, reduce the established amenity of the area. I share such concerns, which would have a significant effect on the living conditions of surrounding residents.

With regard to the above, the proposed development comprising a three-bedroom detached dwelling and double garage would appear to be a visually intrusive and incongruous feature within the established development layout for the area which is not considered to harmonise with the appearance and character of the surrounding residential development. Further, the proposed development will be harmful to the established residential amenities of the area. Therefore I

RECOMMEND: Planning permission be refused for the following reason:

That the proposed dwellinghouse will comprise an alien and intrusive form of backland development, which would, by reason of over looking and loss of privacy, detract from the amenities enjoyed by occupiers of nearby residential properties.

As such, the proposed development is contrary to Policies CT1 and HO18 of the adopted Borough Plan (Policies UHT1 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

12) CAFFYNS, HAMMONDS DRIVE. Provision of a vehicular entrance from Lottbridge Drove. EB/2002/0373, MAP N9, ST. ANTHONYS

SITE LOCATION

The Caffyns VW dealership and MOT garage is located between Hammonds Drive and Lottbridge Drove with vehicular access from Hammonds Drive. Lottbridge Drove (A2290) is a busy dual carriageway which forms one of the major routes into Eastbourne.

PLANNING HISTORY

EB/1997/0072 - renewal of 1986 original planning permission for erection of a single storey extension to provide a body/spray shop and additional storage area.

EB/1999/0514 - extensions and alterations to form new offices, valeting bay and workshop, including re-cladding and enclosures of display area at front.

CURRENT APPLICATION

Permission is sought for the provision of a vehicular entrance from Lottbridge Drove in conjunction with a deceleration lane. This application is associated with a separate Caffyns application for an extension to the workshop and store.

In the covering letter submitted with the application it is stated, inter alia, that it is intended that the proposal is for an access only, and exit from the site would be via Hammonds Drive. To ensure that this proposal is specifically maintained, it is intended to utilise a buried system of plates called 'Alligators', which would restrict vehicles exiting on to Lottbridge Drove and would automatically allow vehicles entering the site to drive over these grids, which would depress from one direction only. The applicants, Caffyns plc., request that the application presently submitted for the development of the site and the proposal for this access is viewed concurrently.

In addition, the agent states that his Clients have taken over the Volvo Dealership on the opposite carriageway which has a direct entrance and exit onto Lottbridge Drove and there are numerous other facilities along that roadway which have direct access and egress on to Lottbridge Drove.

(Letter dated 14 June 2002 - background paper).

PLANNING POLICIES

Adopted Borough Plan

HT4 - Restriction of new accesses onto primary routes

IC10 - Standards for new commercial development

Revised Deposit Draft Borough Plan

BI7 - Design Criteria

CONSULTATIONS

The Principal Highway Engineer (Planning) states that this application should be refused in the interest of users of the highway. Lottbridge Drove is a very busy Class A road especially now that it forms one of the major routes into Eastbourne. The principle of operation of this road is that accesses to individual businesses are not permitted but that they are served by service roads from a limited number of junctions off the road. Hammonds Drive is one of the junctions and should continue to provide the access to Caffyns. (Internal Memo dated 10 July 2002 - background paper).

REPRESENTATIONS

None received as result of neighbour notifications of the surrounding buildings and site notice displayed on 5 July 2002.

HUMAN RIGHTS ACT 1998

It is not considered that the proposal would adversely affect the above rights, with regard to the occupiers of either the application property, or those surrounding.

APPRAISAL

The main issue to consider in the determination of the proposed access is that of public safety for road users of Lottbridge Drove.

I share the view of the Highway Authority that the vehicular entrance from Lottbridge Drove would compromise highway safety of this important link road and would set a dangerous precedent. Traffic on Lottbridge Drove is moving fast on this busy dual-carriageway and it is considered that an additional deceleration lane would jeopardise highway safety. Businesses are served by service roads from a limited number of junctions to support the flow of traffic.

The agent claims that a precedent has been set by the Volvo access onto Lottbridge Drove. However, this access has been in existence for some years and does not necessarily comply with current highway standards, whereas the proposed access must be considered in the light of current standards. It is considered that the proposal does not comply with these standards as it would clearly have an adverse effect on highway safety.

RECOMMEND: Permission be refused on the following grounds:-

1. In the opinion of the Local Planning Authority the proposed development would by virtue of slowing, stopping and turning traffic, approaching and using the deceleration lane, give rise to traffic hazards which are likely to adversely affect road safety of users of Lottbridge Drove, a dual-carriageway characterised by fast and busy traffic conditions.

2. For the above reason the proposed development is in conflict with Policy HT4 of the adopted Eastbourne Borough Plan.

13) 136 WHITLEY ROAD. PROVISION OF CAR HARDSTANDING AND VEHICULAR CROSSOVER. EB/2002/0332.MAP.J.11. ST ANTHONYS.

SITE LOCATION

This terraced dwelling is situated on the west side of Whitley Road, 17m from the junction with Waterworks Road.

CURRENT APPLICATION

Permission is sought to provide a car hardstanding at the front of the property with a vehicular crossing onto Whitley Road. The hardstanding is 3.5m wide and 4.6m deep, and the front wall would be demolished with the exception of a small section in front of a flower border on the right hand side of the hardstanding.

CONSULTATIONS

No representations have been received as a result of neighbour notification.

The Principal Highways Engineer states that as the access would be on a classified road, a turning facility would be required to enable vehicles to enter the highway when being driven forwards. The application does not include a turning facility, and, as there is insufficient space to provide one, the application should be refused.

(Memo dated 30 July 2002 – background paper).

APPRAISAL

There are five properties in this terrace and the application site is in the centre; it is also the only property that does not have a vehicular crossing and hardstanding.

Whilst the policy of the Highways Authority not to permit crossovers onto classified roads unless turning facilities are provided is accepted, I consider that in this particular instance, a refusal would be unreasonable.

HUMAN RIGHTS IMPLICATIONS

None

CONCLUSION

I understand that permission would not be granted by the Highway Authority to provide the vehicular crossover, however, in planning terms, I do not consider that this is a sufficient reason for a refusal.

RECOMMEND: Permission be granted subject to the following condition:-

D1.1 Commencement of development within five years.

SOVEREIGN WARD

14) 1 WALKER CLOSE. Erection of single storey extension and conservatory to form annexe. EB/2002/0423, MAP P12. SOVEREIGN

SITE LOCATION

The application site comprises a narrow, two-storey dwellinghouse with a front garden and a driveway leading to the garage in a residential area of detached and semi-detached dwellings.

PLANNING HISTORY

Planning permission was granted in 1978 for the erection of 67 detached and semi-detached one or two-storey dwellings and garages.

CURRENT APPLICATION

The application seeks planning permission for the demolition of the existing garage, the erection of a single storey side extension forming an annex as well as a rear conservatory. Provision would be made within the curtilage for two parking spaces utilising the existing crossover. The annex is to provide accommodation for the applicants' parents and comprises a bedroom, shower, kitchen/living room and conservatory.

The side extension would project a further 1.8 metres forward of the front elevation of the dwelling. With an overall length of 13.75 metres it would cover the whole depth of the house and project a further 3.3 metres out beyond the rear building line. The lean-to roof will be 4.5 metres at its highest point beneath the cill of the first floor window and the extension will project outwards by 4 metres.

The conservatory has a width of 4.5 metres and projects out by 3.7 metres, with a height of 3.5 metres.

The proposed increase of the annexe in habitable floorspace amounts to approximately 74%.

PLANNING POLICY

Adopted Borough Plan (1998)

HO19 - Criteria for extensions

CT1 - New development to harmonise with existing

Revised Deposit Draft (2001-2011)

HO20 - Residential Amenity

UHT1 - Design of New Development

CONSULTATIONS

Three letters have been received in response to neighbour notifications.

14 Peyton Close: The neighbours, whose garden backs onto the side of the proposed extension, feel that the proposal is a very large extension which would not only alter their outlook but would not be in keeping with the rest of the properties in the Close.

The occupiers of 14 Peyton Close also express their concern regarding the boundary wall. The existing garage at 1 Walker Close has been built on the boundary which has to be maintained by them and they do not want the wall removed. (Letter dated 10 August 2002 – background paper).

3 Walker Close: The neighbour strongly opposes this application on the following grounds:

- The huge size of this single storey extension and conservatory and its general unsuitability to the surrounding area.

- The appearance and size of this new building is not in keeping with its neighbours and will stand out like a sore thumb

- Loss of the front garden of No.1 Walker Close

- Long construction time

(Letter dated 1 August 2002 – background paper).

4 Walker Close: The occupier voices concerns with regard to the construction phase. (Letter dated 1 August 2002 – background paper)

APPRAISAL

The main issues to be taken into consideration in the determination of this planning application relate to siting, design, impact on neighbours and visual impact on the street scene.

Design/Streetscene

Viewed from the street facing the front elevation, the extension projects a further 1.8 metres than the original building line and with a width of 4 metres appears to be out of scale. The host dwelling with the width of 5 metres has a narrow, vertical appearance and the proposal would have an adverse effect on the street scene.

Given the extension's length and forward projection it is considered that the proposal appears to be both inharmonious and over dominant in relation to the host dwelling. It does not seem to bear any resemblance with the original building but rather gives the impression of a separate, attached entity. An extension should appear to be a subservient part of the original building and not out of scale. The habitable floor space would be increased by 74 % and it is considered that the proposal by virtue of its scale and form constitutes an overdevelopment of the site.

A letter expressing these concerns was sent to the applicant and suggestions were made to amend the scheme in order to achieve an application which could be supported. A reply accompanied by a supporting statement was received from the agent stating that his clients wish to have their application determined on the original drawings submitted. (Letter dated 20 August 2002 – background paper).

In his supporting statement the agent stresses the fact that the annex is intended for the parents of one of the applicants in order to provide adequate accommodation.

The agent has enclosed photos of other extensions in the surrounding area in support of the application. However, the extensions appear to be mainly two- storey extensions in keeping with the style of the houses. None is directly comparable to the proposed annex extension and it is not considered that any of the submitted examples could serve as proof of a precedent.

Neighbours' amenity

The side extension will be clearly visible from 14 Peyton Close. However, the single storey extension would not harm the neighbours' amenity in terms of privacy. Even though some overshadowing might occur this does not present a material detraction from the neighbours' amenity especially as the proposed annex borders the far end of their rear garden.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not seriously affect the rights of adjoining residents to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed extension by reason of the siting, design, size, scale and appearance would be detrimental to the visual amenities of the area and would be in conflict with Policy CT1 and HO19 in the Adopted Local Plan (1998) and Policy UHT1 in the Revised Deposit Draft (2001-2011). Policy HO19 states (in part) that:

EXTENSIONS OR ADDITIONS TO HOUSES WILL NORMALLY BE REQUIRED TO MEET ACCEPTABLE STANDARDS IN RELATION TO THE FOLLOWING:

E: SCALE, MATERIALS AND ARCHITECTURAL DETAILS

F: SYMPATHETIC DESIGN IN RELATION TO THE ORIGINAL HOUSE.

15) 26 VIAN AVENUE. Retention of 1.8 metre high fence. EB/2002/0443, MAP P13. SOVEREIGN

SITE LOCATION

The site comprises a detached dwellinghouse situated on a corner plot, facing Vian Avenue and bordering on Mountbatten Drive at the side boundary.

PLANNING HISTORY

Planning permission was granted for the erection of seventy-six houses in 1972.

That permission included a condition that no fences, hedges, gates or walls shall be erected or grown between the front footway accesses and the front building lines of the proposed dwellings.

CURRENT APPLICATION

The application seeks permission for the retention of a 1.8 metre high close boarded fence running along Mountbatten Drive (west elevation) for approximately 20 metres, and facing Vian Avenue for about 5 metres.

The following policies are relevant to this application:

Eastbourne Borough Plan (1998)

Policy CT1 - New development to harmonise with existing

Eastbourne Borough Plan Revised Deposit Draft (2001-2011)

Policy UHT1 - Design of New Development

Policy HO20 - Residential Amenity

CONSULTATIONS

The Highway Authority has no objection to the proposal to retain the fence.

REPRESENTATIONS

4 letters have been received as a result of neighbour notifications: 3 letters of objection and one letter of support, endorsed by a further neighbour.

Letters of objection have been received from 52 and 50 Mountbatten Drive and 3 Vian Avenue. A letter of support has been received from the immediate neighbour at 24 Vian Avenue, endorsed by the occupiers of 22 Vian Avenue.

50 Mountbatten Drive: The neighbour comments on the open plan condition for the estate. While there have been conifer trees along the Mountbatten Drive frontage of the garden, there has never been any structure on the Vian Avenue frontage. The neighbour states that the fence is ugly and totally out of character with the street scene and also bad for traffic safety. The occupier of 50 Mountbatten Drive would accept a good quality brick wall. (Letter dated 2 August 2002 – background paper).

52 Mountbatton Drive: The neighbour mentions the open plan condition and perceives the fence to be totally out of character with the rest of the street and being quite ugly. (Letter dated 7 August 2002 – background paper).

3 Vian Avenue: The occupier objects to the fence as the fence is not in keeping with the open plan approach of similar properties and conditions when the estate was established. He also voices concerns regarding highway safety and fears that a precedent would be set spoiling the attractiveness of the estate. (Letter received 14 August 2002 – background paper).

24 Vian Avenue: The neighbour states that the piece of land fronting on to Mountbatten Drive, has always been bounded by a Fir tree hedge since he has lived there (1994), with a varying height of 2 to 3 metres. The occupier states when part of the garden was separated by a wall, there were problems of maintenance and the side garden was used as a dumping ground and in addition, there were attempted break-ins. The neighbours welcome the fence as an substantial improvement to the plot and support the application. They also mention that the fence is not visible from Mountbatton Drive as it is screened by the hedge. (Letter dated 8 August 2002 – background paper).

22 Vian Avenue: The occupiers endorse the above comments of 24 Vian

Avenue.

APPRAISAL

The main issue to take into account in determining this application is the impact on the street scene and the visual amenities of the neighbours as well as highway safety.

The original planning permission for the estate states that no fences, hedges, gates or walls shall be erected or grown between the proposed front footway accesses and the front building lines of the proposed dwellings.

The fence runs along the garden boundary at Vian Avenue and Mountbatten Drive, set back from the pavement by one metre. There is a mature conifer hedge on the west boundary which screens the fence which is hardly visible from this side.

New conifers have been planted in front of the smaller section along the boundary with Vian Avenue.

There are open plan gardens and driveways all along Mountbatten Drive, however, there are properties along Vian Avenue which have their side boundaries enclosed by brick walls.

The condition restricting the erection of fences and other means of enclosure in the original planning application relates only to the front footway accesses and the front building lines. Furthermore, the conifers on the western boundary have been in situ for more than four years, therefore a precedent has been established with regard to the open plan character on the boundary facing Mountbatten Drive.

In view of this, the main issue under consideration is the section of the fence fronting Vian Avenue. While the neighbours' concerns are acknowledged, it is necessary to balance the applicant's need for privacy and security with the neighbours' visual amenity.

It is not considered that the retention of this fence would harm the street scene to any degree or have any significant adverse effect on the amenity enjoyed by the neighbours as a result of the development.

I agree with the Principal Highway Engineer that the fence does not cause any highway safety concerns as it is set back sufficiently from the highway.

HUMAN RIGHTS IMPLICATIONS

For the reasons given above, it is not considered that the proposal would have any adverse impact on adjacent properties.

DECISION: Permission be granted.

16) AREA N SOVEREIGN HARBOUR. Residential development comprising 53 three bedroom homes and 92 two bedroom homes (houses and flats) and associated roads, parking and sewers. EB/2002/0379(RM), MAP S.12 SOVEREIGN

SITE LOCATION

This 3.55 hectare (8.77 acre) site, referred to as Area N is located on the south eastern side of Pacific Drive. It has a frontage of 225 metres to the English Channel. Martello Tower 64 is situated between 5 and 20 metres from the development site.

PLANNING HISTORY

The application site is part of the area covered by the original outline planning permission for the comprehensive development of Sovereign Harbour (EB/1986/0431(OL) – background paper). This permission was issued on 20 May 1988 although the period for submission of reserved matters was extended to May 2001, under application EB/1992/0048, which was approved in April 1992 (background paper). The period for the commencement of the development was extended to 2003 (or within two years of the final approval of the last of the reserved matters, whichever is the longer).

Changes to the configuration of the North Harbour led to a further outline application, relating to the "Proposed use of land for residential development comprising houses and flats and the construction of North Harbour", which was approved in August 1997 (EB/1995/0267(OL) – background paper). This permission was the subject of a Section 106 Agreement, which included a contribution towards off-site open space provision. It also allowed 10 years for the submission of reserved matters, with commencement 15 years from the date of the permission or 5 years from the final approval of the reserved matters, whichever is the later.

In October 2000, a reserved matters application for the erection of 60 three and four bedroom dwellings on Area N was approved in principle. This development site (3.058 hectares) was slightly smaller than the current application site. (EB/2000/0370(RM) – background paper)

CURRENT APPLICATION

This application submitted by George Wimpey South London Ltd seeks approval of the reserved matters (siting, design, external appearance, accommodation to be provided, means of access etc.) pursuant to the outline planning permission granted under EB/1995/0267(OL), in respect of Area N. The proposal is for 28 three bedroom, three storey houses (terraced and semi-detached), 27No. three bedroom flats and 92No. two bedroom flats. The layout has been designed to take full advantage of the seafront setting with 36No. two and three bedroom flats arranged in 3No. four storey blocks.

It is proposed to serve the site with a single vehicular access off Pacific Drive. The access which is to be sited adjacent to the existing pumping station, leads to a central landscaped square. A margin of 1.5 metres is to be left between the back edge of the footpath and the pumping station to allow some landscape screening around the facility.

The access road extends to a length of 60 metres into the site and thereafter proceeds in a north-south direction, leading to two formal landscaped squares. A circular block paved centre is proposed at each end of these areas, to reflect the Martello Tower situated at the top of the beach adjacent to proposed plots 33-62. Whilst the Martello Tower is outside the application site and outside the control of the applicants, the developers are obliged by Sovereign Harbour to allow for a future access to the Tower and have therefore included a 2 metre wide public pedestrian route.

The proposed layout acknowledges that the Martello Tower is a significant structure on the beach frontage and its circular walls have been mirrored in the patio areas located at the end of the blocks of flats fronting the beach and in the curved terrace walls that separate the flats from the Tower itself.

The boundary treatment along the Pacific Drive frontage comprises 1.8 metre high brick screen walls and 1.2 metre high railings which provide views through the site.

A total of 247 on-site car parking spaces are to be provided to serve the proposed development. In order to minimise the impact of the parking, the lowest floor of the majority of the flats has been utilised for garaging. Each of the main blocks facing the beach have lower level undercroft parking. Many of the spaces have been located in rear parking courts sited between or beneath buildings.

The development exhibits a high standard of design in the external features and finishes of the residential units, not only those enjoying a seafront location but throughout the whole site. The external finishes are to be in the main facing brick, render and concrete interlocking roof tiles, the details of which are to be agreed by way of a condition.

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan (1998)

Policy HO4 - Mix and Density of Dwellings

Policy HO18- Design Criteria for New Residential Development

Policy DA3 - Accessible Housing

Policy DA4 - Wheelchair Housing

Policy DA5 - Accessible Surroundings to Buildings and in Streets

Policy HT7 - Car and Cycle Parking Standards

Revised Deposit Draft of Borough Plan (2001-2011)

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy TR11 - Car Parking

Policy HO5 - Other Housing Commitments

Policy HO12 - Residential Densities

Policy HO19 - Wheelchair Housing

Policy HO20 - Residential Amenity

Policy HO21 - Sustainable Residential Development

The Borough Plan both in its adopted and revised forms show the application site as being allocated for residential development.

CONSULTATIONS

The Council's Strategy and Development Manager acknowledges that the proposed properties will make a negligible contribution to meeting local housing need but may well make an economic impact by attracting people with significant disposable incomes into Eastbourne. It is also possible that a small number of the apartments may be accessible to some of the 8% of newly formed local households with incomes above the national average. (Internal memorandum dated 17 July 2002 – background paper)

The Director of Tourism and Leisure has no objection to the proposed development. (Internal memorandum dated 17 July 2002 – background paper)

Southern Water has no objection to the application. (Letter dated 15 July 2002 – background paper)

The Crime Prevention Design Adviser on behalf of Sussex Police is pleased to note that in general terms the layout is crime resistant. However he considers that whilst most of the parking areas are reasonably well overlooked from adjacent dwellings, one particular parking area (adjacent to the garages serving plots 16 and 17) requires additional supervision. Furthermore, it is considered that the public open spaces are well integrated into the design and are unlikely to cause a problem and that the boundary fencing at the northern and southern flanks of the development will deter casual trespass through the site and the parking areas. (Letter dated 24 July 2002 – background paper)

English Heritage has confirmed that the proposed development will have a significant impact on the setting of the adjacent Martello Tower. "The Tower once stood in isolation on the beach separated from the nearest modern building by a wide expanse of shingle and its most obvious neighbours were the linked towers on the beach to the west and east. The new buildings which are a storey higher than the tower, irrevocably change its setting, intruding into the empty shingle zone behind the tower, changing its relationship with the land and usurping the role of its closest neighbour." In addition, English Heritage note from the submitted drawings that vehicular access to the Martello Tower is to be subject to the conversion of the tower by Sovereign Harbour Ltd, however there are no details or timetable provided for the proposed conversion. Finally, English Heritage has confirmed that the impact on the setting of the Tower should be mitigated by the repair of its fabric and provision for its sympathetic management or use, if necessary as a condition of planning permission. (Letter dated 1 August 2002 – background paper)

The Environment Agency has written in respect of the planning application following receipt of additional information from the applicant regarding beach access, modification to the public footpath, removal of formalised footpath to Martello Tower, confirmation of finished floor levels and identified flood flow routes. The Agency has confirmed that providing these amendments are made as shown on drawing no. 1238/01A they would raise no objection in principle to the proposed development, but recommends that conditions relating to the investigation of landfill gas and protection of the water environment be attached to any grant of planning permission. (Letter dated 19 August 2002 – background paper)

APPRAISAL

The application seeks approval of the detailed design matters reserved by the outline application. The principle of the proposed development has therefore already been establishd by this outline consent and the previous reserved matters approval in principle.

The main issues to consider in determining this application are how the proposal accords with the provisions of the outline planning permission EB/1995/0267(OL); the design and layout of the development; its relationship with the surrounding area and highway safety. The statutory reserved matters are siting, design, landscaping, external appearance and means of access.

The layout takes full advantage of the sea frontage. The submitted drawing indicates a high standard of design throughout the scheme which in my opinion will make a positive contribution to this part of the Sovereign Harbour development.

The proposed development provides a generous area of public open space, both within the development and on the seaward side of the layout.

The proposed vehicular access and internal road layout have been designed in full consultation with the Council's Principal Highway Engineer and the level of on-site parking accords with the approved standards for residential development.

The comments of English Heritage are noted however the site of Martello Tower 64 is outside the application site. Sovereign Harbour are responsible for the Tower and it is understood that the Company has its own intentions in respect of future repairs and use. The applicants therefore have no control over the condition of the building. I also note their concerns about the height of the new buildings.

However the dwellings along the seafront have been purposely designed so as to make a bold statement and to reflect the scale of the adjacent development on Site P. Therefore whilst the concerns of English Heritage have been properly considered, I am of the opinion that the site of the new buildings between 5 and 20 metres away from the Tower, will not harm the setting of the Scheduled Monument.

It is acknowledged that the density of the proposed development (41.4 dwellings per hectare) is significantly greater than that previously approved in principle on the majority of the site in October 2000 (19.6 per hectare). However the current density accords current Government Guidance and emerging Borough Plan Policy HO12 which recommends net residential densities of 30-50 dwellings per hectare will be sought.

The application site includes the whole of the foreshore above high water mark and this area will remain as an informal area of beach. It is however important to ensure public access to the beach is retained and the applicants have included a 2 metre wide public pedestrian access to the beach within the layout. It is therefore recommended that any approval of reserved matters is subject to the prior conclusion of a Section 106 Agreement to secure future access through the site to the beach area and along the beach (ie. across the entire frontage of the site abutting the sea), for the public, emergency services and the Environment Agency, similar to that achieved for the other sites with a beach frontage.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would not have any impact on the rights of nearby residents to the peaceful enjoyment of possesions and protection of property.

RECOMMEND: Permission be granted subject to the prior conclusion of a Section 106 legal agreement to secure a pedestrian route through the site from Pacific Drive and along the beach and subject to the following conditions:-

1. That conditions attached to outline planning permission EB/1995/0267(OL), granted on 13 August 1997 are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with to ensure the validity of the planning permission.

2. The new estate roads and footways shall be designed and constructed to a standard approved by the Local Planning Authority fully in accordance with the East Sussex County Council Manual for Estate Roads with a view towards their subsequent adoption as publicly maintained highways.

3. Prior to the commencement of the development on site, detailed drawings including levels, sections and constructional details of the proposed roads, access to the beach, footpaths, surface water drainage and street lighting to be provided shall be submitted to the Local Planning Authority and be subject to the approval with the Highway Authority.

4. A2 Submission of samples of facing materials.

5. That the 2 metre wide public pedestrian access to the beach indicated on drawing 1238/01B received by the Local Planning Authority on 23 August 2002, shall be maintained at all times.

6. Should any boundary treatment not abut the footway across the frontage of the site with Pacific Drive, the area will be made good with exposed cobbles set on a concrete bed, details of which shall be submitted to and approved by the Head of Planning.

7. No development shall commence until the applicant has demonstrated to the satisfaction of the Local Planning Authority that either landfill gas is not present on the land being developed or that the development will proceed in such a way as to minimise the possibility of landfill gas entering any enclosed structures on the site.

8. No development approved by this permission shall be commenced until the applicant can demonstrate, to the satisfaction of the Local Planning Authority and the Environment Agency, that the existing sewerage system and sewage treatment works can accommodate the likely increase in sewage volumes as a result of this

development.

9. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

UPPERTON WARD

17) 44 ENYS ROAD. Change of use from rest home (Class C2) to private single dwelling (Class C3). EB/2002/0396, MAP I9. UPPERTON

SITE LOCATION

The former rest home occupies the triangular piece of land situated on the southern side of the corner of Enys Road and Lewes Road. Whilst two sides of the site front the identified public highways the third side adjoins Lewes House, a comparatively modern block of 19 flats. Although there is a limited amount of on-street car parking in Enys Road, there are parking restrictions (double yellow lines) near the junction as well as along Lewes Road, a busy highway. There is a bus stop immediately outside the application site.

PLANNING HISTORY

In 1962 planning permission was granted for the change of use of a dwelling house to rest home for elderly people (EB/1962/327 - Background paper), since when the following planning applications have been approved (Background papers):

EB/1963/042 - Provision of a glazed canopy

EB/1964/626 - Erection of 2-storey extension to provide additional bedrooms

EB/1975/137 - Second floor addition including formation of dormer windows

EB/1981/518 - Single storey extension to provide two additional bedrooms

EB/1988/101 - Erection of first floor addition at side and sun lounge at front

In March of this year planning application EB/2002/0043 for the proposed conversion of a vacant residential care home to form 11 bedroom hostel, together with warden's rooms, to provide temporary accommodation with 24 hour support for young people, was refused permission for the following reason:-

In the opinion of the Local Planning Authority the location of the application site is unsuitable for the proposed hostel because such a form of development would be incompatible with the character of the existing residential development in the vicinity and would be remote from shops and other facilities, as well as the town centre. As such the proposed development is contrary to Policy HO13 of the adopted Eastbourne Borough Plan

(Decision Notice dated 27 March 2002 - Background paper)

CURRENT APPLICATION

Planning permission is sought for the change of use from rest home (Class C2) to private single dwelling (Class C3).

It is intended to have a living room, dining room, breakfast room, games room, library, study and bedroom on

the ground floor on the ground floor. On the first floor there are five bedrooms, two bath- rooms and a computer room, with a further two bedrooms of the second floor of the building.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of the proposed conversion.

Policy HO10 - Impact and design of residential conversions and changes of use

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001-2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy HO10 - Conversions and changes of use

Policy HO20 - Residential amenity

Policy TR6 - Facilities for cyclists

Policy TR11 - Car parking standards

CONSULTATIONS

The Highway Principal Engineer (Planning), on behalf of the Highway Authority, states that:

"The Supplementary Primary Guidance for parking requires three parking spaces but a seven bedroom house could generate a bigger demand. As parking in the road now is extensive an additional large demand for spaces could create problems in the road for the present residents. Could additional spaces be provided in the garden?".

(Internal memo dated 10 July 2002 - Background paper).

REPRESENTATIONS

Over 60 letters of notification were sent to the surrounding residential properties and to the people who made representations in respect of the proposed hostel application submitted earlier in the year. At the time this report was prepared (30 August 2002) one letter of representation had been received, the contents of which can be summarised as follows:

· Whilst we have no objection to the building becoming a private single dwelling, we do have reservations as to what the actual number of occupants will be in the future.

· The problems we encountered when the "party" of students were in occupation (April to June) are documented. The problems were regarding car parking of many extra cars in the road and blocking the pavement, rubbish being an eyesore and potential health hazard in the driveway …, noise of cars and people in the early hours waking nearby residents.

· We would like your assurances that planning regulations will be enforced in future and any breaches will not be allowed to drag on for months as has recently been the case

(Letter dated 26 July 2002 - Background paper).

HUMAN AND CONVENTION RIGHTS

The use of the property as a single private dwelling is unlikely to have any adverse impact upon the residential

amenities enjoyed by the occupiers of surrounding properties.

APPRAISAL

The main issue to consider in the determination of the application is the possible impact that the proposed use is likely to have upon the established amenity of surrounding residential properties.

As indicated in the "Planning History" section of this report, before the application property received planning permission in 1962 as a rest home, it was in use as a dwellinghouse. Further, the surrounding area is characterised by a mix of detached dwellings and converted or purpose built flats. As such, there is no objection, in principle, to the building being used as a single private dwelling. Notwithstanding, the Highway Authority has raised concerns about the lack of parking available to serve a dwellinghouse of this size. However, there is sufficient parking on-site for three vehicles, utilising a detached garage with double parking bay at the front. In addition, there is a bus stop immediately outside the application property, with regular bus services to the town centre.

Although the application property was originally built and used as a dwelling, since it was used as a rest home it has been extended on several occasions in order to provide additional rooms and a sun lounge. This has resulted in the creation of a substantial building, which has raised concern that the building would not be occupied by a single family but more likely by several people. Such concern is based on the occupation of the building by students between April and July of this year following the refusal of planning permission for the creation of an eleven bedroom hostel. Indeed, the applicant has indicated that in the short-term his intention is to let the property to students but that in the longer term the property is likely to be re-developed to provide several units of self-contained accommodation. The applicant has been made aware that up to six people living as a single household should occupy the property as a single private dwelling.

If planning permission is granted for use as a dwelling the situation would be monitored and if necessary enforcement action could be instigated to rectify any breach of planning control that might occur.

With regard to the above, the proposed change of use is considered to be acceptable.

RECOMMEND Permission should be granted subject to the following conditions

1) D1.1 Commencement of development within 5 years

INFORMATIVE The Use Classes Order (1987) states that uses falling within Class C3 Dwellinghouses are those where the use is as a dwellinghouse (whether or not as a sole or main residence) -

a) by a single person or by people living together as a family, or

b) by not more than six residents living together as a single household (including a household where care is provided for residents).

18) MAWHOOD HOUSE, 18 BEDFORDWELL ROAD. Erection of two four-bedroom town houses fronting Lewes Road. EB/2002/0301(OL), MAP I10. UPPERTON

INTRODUCTION

Two applications were originally submitted for development at Hawhood House. This outline application, for the erection of two town houses, and application EB/2002/0300 for a pitched roof extension to the existing three-storey building, which has a flat roof, to form two 2-bedroom self-contained flats. The applicant has indicated that the latter application is to be withdrawn.

SITE LOCATION

The application site occupies the rear part of Mawhood House, a 3-storey block comprising six flats fronting

Bedfordwell Road, with a concrete car parking area that backs onto the A2021 Lewes Road, a main road into the town centre.

PLANNING HISTORY

In 1959 planning permission was sought for the following forms of development

· Erection of a three-storey block of 12 two-bedroom flats with 6 domestic garages - Refused in August 1959 (EB/1959/0360 - Background paper)

· Erection of a three-storey block of 9 self-contained flats with 6 domestic garages - Refused in September 1959 (EB/1959/0433 - Background paper)

· Erection of a three-storey block of 6 self-contained flats and 6 domestic garages - Approved in October 1959 (EB/ 1959/0502 - Background paper)

Another application, submitted in 1961, also for the erection of a three-storey block of six self-contained flats and six domestic garages was approved (EB/1961/0436 - Background paper)

In 1994 a change of use of Flat 2 from residential to a general practitioner's out of hours on call medical base was refused (EB/1994/0137 - Background paper)

CURRENT APPLICATION

Outline Consent is sought, (siting and means of access to be considered at this time, with design, landscaping and external appearance reserved for subsequent approval) for the erection of a pair of semi-detached 4-bedroom town houses, fronting Lewes Road, each with a garden to the side and an integral garaging. In addition, car parking for four cars for use by residents of the flats is to be created from a grassed area situated close to the back of the existing block of flats, with three parking spaces at the front of the building.

In a supporting statement submitted with the application, it is stated, inter alia, that:

"The site is currently occupied by Mawhood House. Within the rear garden area there is currently a concrete hardstanding area, which is used for car parking by the tenants.

It is proposed that the existing vehicular access will be retained along with provision of three off road car parking spaces within the existing paved front garden and four further spaces to the rear. Each townhouse will incorporate an integral garage.

The elevational treatment for the proposed town houses compliment the existing architecture in Lewes Road comprising plain tiled roofs with bonnet hips, plain clay vertical tile hanging and stock facing brickwork external wall finishes.

It is felt that our design for the development of the site incorporates and satisfies the Government's objectives set out in PPG3, in promoting sustainable patterns of development and making better use of previously-developed land by increasing the residential density of the site, without being over-imposing.

With a well planned environment, the development will add considerably to the area and will enhance and reinforce the area by its sympathetic design and detailing. This will provide a more balanced street scene to Lewes Road.

(Letter dated 2 February 2002 - Background paper)

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be of particular relevance to the current proposal.

Policy CT1 - New development to harmonise with existing

Policy HO18 - Design criteria for new residential development

Policy HT7 - Car and cycle parking standards

Attention is drawn to the following policies, contained in the emerging Borough Plan 2001 - 2011, as such draft policies carry some weight in the determination of a planning application and any subsequent appeal.

Policy UHT1 - Design of new development

Policy HO20 - Residential amenity

Policy UHT4 - Visual amenity

Policy TR6 - Facilities for cyclists

Policy TR11 - Car parking standards

CONSULTATIONS

The Principal Highway Engineer (Planning) advises that this application should be considered at the same time as planning application EB/2002/0300 (subsequently been withdrawn) as the same proposed parking spaces are quoted to support each application.

"This application for the present six flats plus the proposed two town houses would require 11 parking spaces…The proposal would provide 7 spaces and two garages; that is 9 spaces. From the highway point of view, it would be undesirable if full parking is not provided; problems could arise, as the demand for parking in the road is already extensive.

When considered with EB/2002/0300 (Withdrawn), the number of standard parking spaces that would be required for the six existing and two proposed flats plus two town houses would be 16. The provision of 9 spaces, two garages plus seven spaces, would be unacceptable to the Highway Authority.

The proposal does not include parking for cycles.

The access width, scaled from the plan is 3.15m, but a shared access should be 4.5 metres.

Provision must be made to prevent the discharge of water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site

(Internal memo dated 11 June 2002 - Background paper)

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted that conditions should be imposed in respect of site drainage and in order to prevent pollution of the water environment (Letter dated 14 June 2002 - Background paper)

The Council's Downland, Trees & Woodland Manager advises that there is little greenery within the site, apart from an Elder in the northern corner, which provides little visual amenity.

"However, on the western boundary, growing just within the adjacent property there is a mature sycamore and

several Leyland Cypress tress which overhang the boundary and are likely to restrict light to one of the proposed townhouse gardens.

As with the other application on this site, more detail on proposed planting would allow me to comment on suitability".

(Internal memo dated 3 July 2002 - Background paper)

REPRESENTATIONS

A notice was displayed at the Lewes Road frontage of the site and letters of notification sent to the occupants of surrounding residential properties. At the time this report was prepared (2 September 2002) no representations had been received.

HUMAN AND CONVENTION RIGHTS

Given the residential nature of the proposed development, it is unlikely that the above noted Rights of existing residents would be adversely affected.

APPRAISAL

The main issues to consider in the determination of the application are the visual impact of the scheme on the existing street scene, the effect of the new town houses on the established residential amenity and the car parking provision proposed.

The rear of the Mawhood House block of six flats is characterised by an expanse of concrete used for car parking behind a 1.2 metre high brick built boundary wall along the Lewes Road frontage. On either side of the application site, fronting Lewes Road, there is an existing residential unit. As such, in terms of the street scene, the two proposed town houses would fill an existing gap, thereby complementing the built situation of the row of several dwellinghouses on the opposite side of Lewes Road.

The proposed town houses would be built next to the garage (with two windows facing the application site) of a 2-storey house adjacent to Lewes Road. On the other side of the site is an established row of Cypress trees. Mawhood House is, at its closet point, some 16 metres from the corner of the proposed development. However, the new houses are set at an angle to Mawhood House, which would reduce any direct overlooking. Illustrative drawings of the proposed town houses indicate that there will not be any windows in the side, or flank, walls of the town houses. On such a basis, there would be no direct overlooking of adjoining properties. As such, it is unlikely that the proposed development would have a harmful effect upon the amenity of surrounding residential properties.

Concern has been raised by the Highway Authority in respect of the proposed car parking. At present the existing six flats utilise the concrete area for parking, much of which would be lost if the two townhouses were built. However, the intention is to create four new car parking spaces by excavating into an existing grassed bank at the rear of the flats, together with the creation of three spaces at the front of the property. Whilst the latter parking provision is considered to be inappropriate in terms of both the appearance and potential use, the four spaces at the rear of the block of flats, together with the integral garages in the town houses are likely to be sufficient to serve the residents of both the existing flats and the proposed development, with visitors parking in Bedfordwell Road. An amended parking layout is required to take account of this situation.

With regard to the above, it is considered that the proposal is acceptable.

RECOMMEND: Outline consent be granted subject to the receipt of amended drawings, which delete the proposed provision of 3 car-parking spaces at the front of Mawhood House, together with the following conditions

1. Approval of the details of the design, external appearance and landscaping of the site (hereinafter called " the reserved matters") shall be obtained from the Local Planning Authority by application before any

development is commenced.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. That, before the development authorised by this permission is commenced, a detailed landscaping scheme showing the treatment of all parts of the site to remain unbuilt upon shall be submitted to and agreed with the Borough Council as Local Planning Authority, or be as determined by the Secretary of State on appeal.

This scheme shall include details of:

(a) any existing trees and shrubs to be retained;

(b) new tree and shrub planting, including plant type, size, quantities and locations;

(c) other surface treatments;

(d) fencing and boundary treatments;

(e) any changes in levels.

5. C5.3 Hours of construction.

6. A2 Submission of samples of facing materials.

7. D9 Restriction of Permitted Development

8. Details of site drainage shall be submitted to and approved by the Local Planning Authority.

9. Prior to being discharged into any surface water sewer all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

10. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall constructed and completed in accordance with plans approved by the Local Planning Authority.

11. Provision shall be made within the site for the disposal of surface water so as to restrict its discharge onto the highway to the satisfaction of the Head of Planning.

12. B8.1 Proper construction of car parking spaces

Together with such conditions as recommended by the Highway Authority in respect of access and parking arrangements to serve the site and considered appropriate by the Head of Planning.

19) 2 ROSSINGTON CLOSE. Retrospective application under Section 73A for retention of shed at side of property. EB/2002/0425, MAP G.7 UPPERTON

SITE LOCATION

Rossington Close is the recently completed residential development situated between Selby Road and properties in Burton Road. The application site is located adjacent to the entrance to Rossington Close and comprises a grassed bank alongside the semi-detached garage which serves 2 Rossington Close.

PLANNING HISTORY

Planning permission was granted for the residential development of which 2 Rossington Close forms part in April 2000 (EB/99/0351 - background paper).

CURRENT APPLICATION

Retrospective planning permission is sought for a wooden shed which has recently been erected on the privately owned grassed bank adjacent to the entrance to Rossington Close. The shed which measures 1.98 metres by 2.05 metres and has a maximum height of 2.14 metres, is screened from Selby Road by a close boarded fence and boundary wall.

Planning permission is required for the shed as it is sited adjacent to Selby Road which is a highway.

PLANNING POLICY

The following policies are relevant to this application:

Eastbourne Borough Plan (1998)

Policy CT1 - New Development to Harmonise with Existing.

Policy HO19 - Criteria for Extensions.

Revised Deposit Draft of Borough Plan (2001-2011)

Policy HO20 - Residential Amenity

CONSULTATIONS

One letter which has been signed by the occupiers of 1, 3, 4, 5 and 6 Rossington Close, has been received as a result of neighbour notifications. The objections raised can be summarised as follows:

· Shed is not in keeping with the appearance of other properties in the Close.

· Shed is situated in a very prominent position and is clearly visible to every resident who walks or drives by.

· Shed is unattractive and has a detrimental effect on the landscape.

· Application includes the planting of a Rose and Veronica hedge and concern is expressed about whether the hedge will spread out and cause damage to the block paved road.

· Furthermore, the hedge would not be in keeping with other properties.

· If area of land where shed is sited is also to be used for recreational purposes it could have an adverse effect in terms of noise and disturbance. (Letter dated 4 August 2002 – background paper)

Transco has confirmed that although there is a gas pipeline within the vicinity of the site, its safety and integrity will not be affected by the proposal. (Letter dated 9 August 2002 – background paper)

APPRAISAL

The main issues to consider in determining this application are the siting, design and appearance of the shed and its effect on the visual amenities of the locality.

The wooden shed has been erected on a grassed piece of land alongside the garage of 2 Rossington Close. The shed is screened from Selby Road by a close boarded fence at the rear and boundary wall at the side. It is therefore considered that in terms of its siting, the structure has no detrimental effect on the visual amenities of the surrounding area.

The shed which measures only 1.98 metres by 2.05 metres, is traditionally designed, constructed of wood and has a shallow pitched roof. The structure which is domestic in scale, is considered to be acceptable in terms of its size, design and appearance and has no detrimental effect on the visual amenities of the locality.

HUMAN RIGHTS IMPLICATIONS

It is considered that the shed has no impact on the rights of adjacent and nearby residents to the peaceful enjoyment of possessions and protection of property. I therefore:

RECOMMEND: Permission be granted.

20) FORMER TAXI RESTROOM, THE AVENUE. Change of use to a sandwich bar. EB/2002/0464, MAP G.10 UPPERTON

SITE LOCATION

The application site comprises a single storey, half timbered building situated at the south eastern end of Upperton Gardens, which is a Conservation Area. The building has apparently remained vacant for the last thirty years, however prior to this it was used as a taxi restroom.

CURRENT APPLICATION

Planning permission is sought for the change of use of the building to a sandwich bar. In a letter accompanying the planning application, the applicant has confirmed that there will be no structural changes and that the

sandwich bar will only be serving cold food, the majority of which will be pre-prepared.

The proposed opening hours will be 10.00am until 3.00pm in the winter and 8.30am until 6.00pm in the summer. (Letter dated 25 July 2002 – background paper)

PLANNING POLICY

The Proposals Map of the Eastbourne Borough Plan (1998) identifies the application site as being Primary Open Space and within a Conservation Area.

The Proposals Map of the Revised Deposit Draft of the Plan (2001-2011) identifies the application site as Amenity Space and a Conservation Area.

The following policies are considered relevant to this application:

Eastbourne Borough Plan(1998)

Policy CT1 - New Development to Harmonise with Existing

Policy CT5 - Protection of Primary Open Space

Revised Deposit Draft (2001-2011)

Policy UHT9 - Protection of Amenity Space

Policy UHT16 - Protection of Conservation Areas

Policy HO20 - Residential Amenity

CONSULTATIONS

At the time of writing this report, no representations had been received as a result of neighbour notifications or a notice posted at the front of the site.

The Council's Historic Buildings Advisor has no objection in principle to the proposal. He has confirmed that there would appear to be no external alterations proposed as part of the development, however he has noted that the windows are currently boarded up and suspects that the prospective tenant would want a sign. He has therefore suggested that a single finger type hanging sign centred on the front gable would be acceptable. Finally as part of any approval he recommends that the building should be redecorated to the satisfaction of the Head of Planning. (Internal memorandum dated 23 August 2002 – background paper)

APPRAISAL

The main issues to consider in determining this application are the effects of the proposal on the character of the Upperton Gardens Conservation Area, the amenities of occupiers of nearby residential properties and highway safety.

The property is situated on the south eastern edge of Upperton Gardens which is a Conservation Area and it is considered that the introduction of a retail use and its associated activity along with the potential for the introduction of inappropriate signage in this location, would be likely to have a detrimental effect on the character and appearance of the Conservation Area.

The property is within 30 metres of residential properties in The Avenue and Upperton Gardens and it is considered that the proposed change of use would be likely to be detrimental to the amenities of nearby residents, particularly by reason of the litter and general disturbance likely to be associated with the use.

The Avenue and Upperton Gardens are heavily parked throughout the day with the vehicles of people working in town and local residents. Immediately outside the application premises there are double yellow lines and only enough space to park two vehicles. For the above reasons it is considered that people spotting the facility whilst driving along The Avenue would be forced to park on the already busy public highway or within the congested residential streets, to the detriment of highway safety and the amenities of occupiers of nearby residents.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal is likely to have an impact on the rights of adjacent and nearby residents to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

1. That in the Council's opinion the proposed use would be inappropriate in this location and would result in the unacceptable introduction of a retail use in Upperton Gardens, to the detriment of the character of the Conservation Area and the amenities of occupiers of nearby residential properties and would therefore conflict with Policies CT1 of the adopted Eastbourne Borough Plan (1998) and Policy HO20 of the Revised Deposit Draft (2001-2011).

2. That in the Council's opinion the proposed use would be likely to result in the stopping off of vehicles along an already busy stretch of public highway and within the heavily parked surrounding residential streets to the detriment of highway safety.

21) FORMER GARAGE BLOCK AT THE REAR OF 7, 9, & 11 HARTFIELD ROAD AND PART OF THE REAR GARDEN OF 9 HARTFIELD ROAD. Erection of a first floor over garage block to provide a two bedroom flat, erection of an attached garage to plot 1 (approved under EB/2001/0677). EB/2002/0404, MAP.H.10. UPPERTON

SITE LOCATION

The application site comprises a former block of 56 garages on an area of land 37m deep and 40m wide, bounded by Hartfield Road, Eversfield Road and Enys Road. It is accessed by an unadopted road at the rear of Enys Road, with exits to Eversfield Road and St Annes Road. Also included is the rear half of the garden, which formerly belonged to 9 Hartfield Road.

PLANNING HISTORY

Planning permission was granted in 1960 for the erection of 56 garages; these were demolished last year.

Permission was granted in June 2001 for the erection of five houses and four flats on the site, subject to a legal agreement to secure highway improvement works to the service road. The permission was not issued, as a revised scheme was submitted and the legal agreement not concluded.

Planning permission was granted at the meeting of the Planning and Licensing Committee on 15 January 2002 for a terrace of five houses and two flats and a pair of semi-detached houses, together with a block of six garages, subject to the prior conclusion of a legal agreement to secure highway improvements to the service road. The scheme is well advanced on site.

(EB/2001/0677 – background paper).

CURRENT APPLICATION

The site now includes half of the rear garden of 9 Hartfield Road, which was purchased by the applicant to obtain the necessary drainage connections to the site. A tree preservation order has been made on the fine walnut tree in this garden area.

Permission is now sought to construct a first floor over the previously approved garage block (which is substantially complete), to provide a two bedroom flat. This would be achieved by raising the walls of the garage block by 1.7m and providing a pitched roof for its entire length, giving a maximum ridge height of 6.9m. Only velux windows would be used in the rear roof slope (facing St Annes Road properties) and two obscure glazed windows on the flank elevation (facing Hartfield Road properties). The first floor would be finished in a mixture of brick and tile hanging, with a feature gable of vertical boarding. It would be accessed via an external staircase leading to a small decked area; it is proposed to screen this from properties in St Annes Road by means of a brick wall extended from the rear elevation.

It is also proposed to construct an attached garage at the side of Plot 1, 5.3m deep and 3m wide under a flat parapetted roof; approximately half the width of the garage would be within the former garden of 9 Hartfield Road. The remainder of the garden area is to be a private garden for Plot 1.

The plans as originally submitted showed the garden area hard surfaced and given over to parking. This has been deleted from the scheme following concerns expressed by the case officer regarding the adverse impact of this particular aspect on adjoining residents and the preserved tree.

POLICIES

The following policies are relevant to this application:

Eastbourne Borough Plan

HO18 – Criteria for residential development.

CT1 - New development to harmonize with existing.

CT2 - Height of new development.

CT3 - Protection of TPO trees.

Eastbourne Borough Plan Revised Deposit Draft

UHT1 – Design of new development

UHT2 – Height of buildings.

HO20 - Residential amenity.

UHT4 - Visual amenity.

CONSULTATIONS

Extensive neighbour notification has resulted in receipt of six letters of objection from the occupiers of Flats 1A,2,3 and 3A Hartfield Road and Flat 4 15 Hartfield Road.

One of the objectors appears to disapprove of any development in the area that would increase the number of dwellings and cites the impact on utilities and traffic. The other letters are proformas and refer to an objection to the recently constructed dwellings, however they do refer to use of the garden as a parking area and the adverse impact this would have on their amenities in respect of noise, disturbance and pollution, and also the impact on the preserved walnut tree.

(Letters dated 25-29 July 2002 – background papers).

The Council's Arboricultural Officer considered that the originally submitted scheme would have resulted in the loss of the walnut tree; he has no objection to the revised scheme, subject to the positioning of the access/drive.

APPRAISAL

The objectors to the previously proposed parking area in the garden of 9 Hartfield Road are entirely appropriate, in my view, and I am pleased to report that this element of the scheme was readily withdrawn by the applicant.

I do not consider that the proposed garage would have any adverse impact on adjoining residential properties, given its position, orientation and the previous use of the main part of the site as a garage block. Access to the garage will have to be given careful attention, given the proximity of the walnut tree, but this is achievable.

The provision of a flat over the garage block would not result in any loss of outlook from adjacent residential properties, given the distances between them, 23m to 4 St Annes Road and 20m to 7 Hartfield Road; the latter would only view the gable end of the flat, and this would be over an area of parking at the rear of their garden (which is not in their ownership). The design and materials of the proposed development are appropriate to the area, and will harmonise with its surroundings.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not have any adverse impact on the rights of nearby residents to the peaceful enjoyment of possessions and protection of property.

CONCLUSION

In conclusion, I consider that the proposed development, as amended, is acceptable in terms of its impact on visual and residential amenity, and the impact on the preserved tree.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. That samples of the facing materials to be used in the external elevations of the proposed development shall be submitted to and approved by the Head of Planning prior to the commencement of the development.

3. That the proposed windows in the south east (flank) elevation shall be glazed in semi-obscure glass and incapable of being opened and shall subsequently be maintained as such to the satisfaction of the Head of Planning.

4. That a solid screen at a height of 4m above ground level shall be erected along the rear of the decked area as shown on the approved drawings prior to the occupation of the dwelling and shall be permanently maintained herefore to the satisfaction of the Head of Planning.

5. That the retaining wall to the garden area to the south of Plot 1 shall be permanently retained in the

position shown on the approved drawings, and there shall be no hard landscaping (including patios) or disturbance of the topsoil in the garden area without the prior approval in writing of the Head of Planning.

22) 27 LE BRUN ROAD. SINGLE-STOREY REAR KITCHEN/UTILITY ROOM EXTENSION. EB/2002/0238, MAP. M.8. UPPERTON.

SITE LOCATION

This detached dwelling is situated halfway along Le Brun Road on the northern side.

PLANNING HISTORY

The property was built in the 1930's and has been extended by means of an attached garage and lobby at the side and a conservatory at the rear.

CURRENT APPLICATION

Permission is now sought to construct an extension at the rear of the existing garage and lobby 5.7m wide and 4.3m deep under a flat roof 3.1m high.

The extension would be between 500mm and one metre away from the boundary with 26 Le Brun Road (as the properties are not at right angles to the boundary fence), and would be constructed of brickwork to match the existing dwelling.

The extension would provide a new kitchen and a utility room, with the existing kitchen becoming an additional reception room.

The plans originally submitted indicated a deeper extension with a pitched roof situated on the boundary. Negotiations with the applicant have resulted in the extension being shortened by one metre and moved away from the boundary, and with the removal of the pitched roof; the roof is now proposed to be a continuation of the parapet around the exsting garage and lobby.

POLICIES

The following policies are relevant to this application:

Eastbourne Borough Plan

POLICY HO19 – Design criteria for extensions.

Eastbourne Borough Plan Revised Deposit Draft

POLICY HO20 – Residential amenity

POLICY UHT1 – Design of new development

CONSULTATIONS

The occupiers of 26 Le Brun Road have submitted two letters of objection and a photograph in response to neighbour notification.

The objectors wish to see the extension moved a further 0.5m away from their boundary, and consider that the extension is still too large (they suggest that the existing kitchen should become a utility room). They also consider that a condition be imposed restricting window openings, boiler flues or extract fans being inserted in the elevation. The provision of a parapet roof is welcomed. Finally, a request is made that Members of the Planning Committee visit their property in order that a fair assessment of the situation can be made.

(Letters and e-mails dated 17 May 2002, 30 July 2002 and 21 August 2002 – background papers)

APPRAISAL

The main issue to take into consideration in determining this application is the impact of the proposal on the amenities of the adjacent residents.

The application property is on a higher ground level than the adjacent property at 26 Le Brun Road, the difference being approximately 0.9m. The objectors are concerned that the proposed extension would overshadow part of their patio or would prevent them building an extension or conservatory, and therefore wish to see the proposal moved a further 0.5m away from the boundary. However given the height of the existing fence and vegetation on the objectors side, I cannot agree that moving the extension a further 0.5m away would make any difference to the overshadowing of a corner of their patio; I am also mindful that the patio in question is of a very considerable size.

I consider that the scale of the extension is not excessive, taking into account the size of the host building and the plot which it occupies, and is acceptable in its current form.

HUMAN RIGHTS IMPLICATIONS

Whilst it is acknowledged that the proposal would have some impact on the adjacent property, it is considered that it would not be so severe as to warrant refusal.

CONCLUSION

In conclusion, it is considered that the size, massing and position of the proposed extension is acceptable in terms of its impact on the adjacent property.

RECOMMEND: Permission be granted subject to the following conditions:-

1. D1.1 Commencement of development within five years.

2. That all external materials shall be of the same type, texture and colour as that used on the existing building.

3. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows, doors or openings of any kind including extract fans or boiler flues (other than those shown on the approved plan) shall be inserted in the east elevation of the development, unless the Local Planning Authority agrees otherwise in writing.

23) ELIM CHURCH AND CHURCH HALL, HARTFIELD ROAD. Approval of reserved matters for demolition of existing church and halls, and provision of new church and family centre, together with 11

flats for extended care and basement parking for 18 cars. EB/2002/0383(RM), MAP G10. UPPERTON

THE SITE AND ITS LOCATION

The existing church is located at the junction of Hartfield Road and Upperton Lane and comprises a single-storey building with a portable building at the rear. The site adjoins Cuckmere House, a six-storey block of flats at the side and the former PPP House, a seven-storey office building at the rear. Adjacent properties in Upperton Gardens, which back onto the lane, are four storeys in height.

PLANNING HISTORY

Permission in outline for the erection of a five-storey building comprising new church with associated facilities, 14 flats plus warden's flat and basement parking was refused in 1988 on grounds of over-development, absence of sufficient car parking, poor outlook from and loss of privacy to the proposed flats from the adjacent office block and overlooking of the private amenity area of the adjacent flats (EB/87/760).

An appeal against this refusal was dismissed in July 1989, the Inspector considering that the development would have an intrusive and overbearing effect on Upperton Lane and the residents living to the north of it in Upperton Gardens. In conclusion the Inspector stated that he could see no reason why a satisfactory compromise should not be reached at a lower density (decision letter dated 5 July 1989 - background paper).

A revised scheme, also in outline, involving the erection of a four-storey building, comprising new church with associated facilities, 10 sheltered flats plus warden's flat and basement parking for 18 cars was approved in 1989 subject to a legal agreement to ensure that the flats were occupied only as sheltered accommodation as the parking provision was considered inadequate for any other form of residential occupation.

The legal agreement was not concluded and the application was reported back to the Planning Committee in 1991, when permission was refused for the following reason:-

"That the proposal fails to comply with the council's approved car parking standards for residential flats and the applicants have failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the residential element of the development remains as sheltered accommodation, in respect of which a reduced standard is applicable."

(EB/89/476).

A further application for the demolition of the existing church and the erection of new flats was granted in 1994 subject to a legal agreement (EB/92/503 – background paper). Like the previous proposals this application was submitted in outline, supported by detailed drawings indicating 22 flats on four floors with basement parking for 18 cars.

Permission in outline for the current scheme was granted in April 2001 (EB/2000/0432(OL))

CURRENT APPLICATION

The present application seeks approval of the matters reserved by outline application EB/2000/0432(OL). As indicated at the outline stage, it is proposed to replace the existing church and hall with a new church and family centre, together with 11 flats for extended care and basement parking for 18 cars.

The submitted drawings show the main hall, an overflow hall, foyer and ancillary facilities on the ground floor, youth hall, incidental office accommodation and five teaching rooms on the first floor, five flats on the second floor, four flats, a garden room and roof garden on the third floor and two flats on the fourth floor. The second, third and fourth floors include laundry rooms, a treatment room, assisted bath facilities and a guest room.

In a supporting letter accompanying the outline application the applicant's agent confirms that:

"The church is already an active centre as the list of current activities shows, although these are curtailed by the inadequacies of the existing plant. The church has always had a desire to provide good quality extended care to elderly people and has a variety of qualified care staff within its existing membership who would be able to oversee the kind of scheme envisaged." (Letter dated 2 August 2000 – background paper).

In a recent letter the agent states that:-

"It is my client's intention to offer an extended care service tailored to match individual requirements which will include help with general housekeeping, meals and laundry, special treatment from visiting practitioners eg., chiropody, and assisted bathing where required.

It is the church's intention to offer more support to those who purchase the flats than is normally envisaged in a traditional sheltered flat environment, which is in addition to the church/community accommodation also being planned, which will offer day centre activities and respite for carers." (Letter dated 12 August 2002 – background paper).

The external materials will be brickwork and rendered blockwork walls with a curved roof clad in profiled metal sheets. The precise details are to be submitted subsequently.

CONSULTATIONS AND REPRESENTATIONS

Neighbouring residents, including the occupiers of Cuckmere House and adjacent flats in Upperton Gardens and Hartfield Road were notified of the application (a total of almost 60 letters) and the proposal was advertised as a "major development" in the local press and on site. However, no responses have been received.

The Crime Prevention Design Adviser at Sussex Police comments that he is very pleased to note that observations made at the outline stage and have been covered in the design. He has also spoken to the agent and been assured that an effective access control system will be installed (letter dated 9 July 2002 – background paper).

Southern Water services Ltd raises no objections to the, discharge of surface water run-off from the site to the public surface water sewer, but requests that a condition be imposed requiring that the means of surface water disposal be to the satisfaction of the Local Planning Authority (letter dated 13 August 2002 - background paper). This matter is already covered by a condition imposed on the outline permission.

The Environment Agency raises no objections to the proposal (letter dated 12 July 2002 – background paper).

POLICIES

The following Borough Plan Policies are considered relevant to this application:-

Adopted Borough Plan:

CT1 - New development to harmonise with existing.

CT2 - Height of new development to be similar to existing.

HT7 - Compliance with parking standards.

HO18 - Design criteria for new residential development.

Revised Deposit Draft Borough Plan

UHT1 - Design of new development

UHT2 - Height of buildings

HO20 - Residential amenity

TR11 - Car parking

APPRAISAL

As there is currently an outline planning permission for this scheme the principle of the development has been established. At the outline stage the applicant requested that some of the detailed aspects of the development, such as siting, external appearance and means of access be determined as part of the application and therefore these elements of the proposal have already been approved. The current submission provides more detail of the design and external appearance, but is almost identical to the approved outline proposal.

The current scheme indicates a marginal increase in the height of the building by about 270mm but this would not be noticeable in relation to the overall size and mass of the building and will not have a significantly greater impact on adjacent occupiers.

The design of the proposed development was also considered at the outline stage and was considered to be acceptable.

A copy of my appraisal in respect of the outline application (which was effectively a detailed application) is attached to this report. All the material considerations were covered in that appraisal and these are relevant to the current proposal as there have been no significant changes to the proposed development.

HUMAN RIGHTS IMPLICATION

The proposed development will have some effect on the amenities of adjacent occupiers and therefore, to a degree, will impact on their rights to enjoy their properties. This was fully considered at the outline stage when it was considered that the effect will not be so serious as to warrant a refusal of planning permission.

RECOMMEND: Permission be granted subject to the following condition:-

That any outstanding matters reserved by conditions attached to outline planning consent reference EB/2000/0432(OL) shall be submitted to and approved by the Head of Planning within the timescale specified in the relevant condition.

T. C. E. Cookson

Head of Planning

3 September 2002