EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 17 JUNE 2003

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

1) BELLE VUE HOTEL, 4 GRAND PARADE. Replace windows of bay with doors and fanlight over. EB/2003/0275, MAP I13. DEVONSHIRE

2) BELLE VUE HOTEL, 4 GRAND PARADE. Replace windows of bay with doors and fanlight over. EB/2003/0276(LB), MAP I13. DEVONSHIRE

3) PARKER HOUSE, REDOUBT ROAD. Demolition of existing building and erection of 28 flats together with associated vehicular access and car and bicycle parking provision (AMENDED SCHEME) EB/2002/0769, MAP K12. DEVONSHIRE

4) LAND SOUTH OF ELM GROVE AND NORTH OF BROADWATER WAY. Erection of two-storey medical centre with doctors' surgery on the ground floor and ancillary associated health facilities and offices on the first floor, together with car parking. EB/2003/0149, MAP L5. HAMPDEN PARK

5) LAND NORTH OF WILLINGDON DROVE, WEST OF SHINEWATER ROUNDABOUT. Construction of hotel with associated infrastructure, parking, servicing and landscaping. EB/2003/0223, MAP N6. HAMPDEN PARK

6) 126 BRODRICK ROAD. DEMOLITION OF EXISTING HOUSE, CHANGE OF USE OF LAND TO EDUCATIONAL USE, FORMATION OF INFORMAL GRASS AREA FOR USE BY SCHOOL, AND ERECTION OF FENCE ON FRONT BOUNDARY. EB/2003/0325(CC), MAP M3. HAMPDEN PARK.

7) MOIRA HOUSE SCHOOL, UPPER CARLISLE ROAD. Relocation of modular classroom, for a period of three years, to site adjacent to the swimming pool. EB/2003/0297, MAP C11. MEADS

8) WISH TOWER BATHING BEACHES GRAND PARADE. Temporary permission to place children's inflatables and attractions on beach. EB/2003/0286(LA), MAP G.13 MEADS

9) BISHOP CAREY, GAUDICK ROAD. Erection of a pair of garages in front garden, involving excavation of bank. EB/2003/0268, MAP. C11. MEADS

10) SUNNYMEAD, GAUDICK ROAD. Erection of a three storey plus penthouse block of seven flats at rear. EB/2003/0269, MAP.C11. MEADS

11) SUNNYMEAD, GAUDICK ROAD. Demolition of existing stable building, removal of section of front boundary wall and removal of section of side boundary wall (To Bishop Carey). EB/2003/0270(CA), MAP C11. MEADS

12) 15-17 CHARLESTON ROAD. Erection of single storey rear extension. EB/2003/0250, MAP F7. OLD TOWN

13) 1 UPWICK ROAD. CONVERSION OF GARAGE TO FAMILY ROOM INCLUDING CREATION OF PITCHED ROOF AND ERECTION OF 1.8 METRE CLOSE-BOARDED FENCE.

EB/2003/0310, MAP E7. OLD TOWN.

14) LAND WITHIN THE CURTILAGE OF 32, 33 & 34 DOWNSIDE CLOSE. Erection of three detached houses with integral garage. EB/2003/0202, MAP D7. OLD TOWN

15) CHALK FARM HOTEL COOPERS HILL. Installation of a colinear antenna at rear. EB/2003/0289(LB), MAP.I1. RATTON

16) LAND BETWEEN 49 AND 61 BRIDGEMERE ROAD. Erection of four 2-storey dwellings (Outline application - amended description). EB/2003/0055(OL), MAP K9. ST. ANTHONYS

17) 39 WINDERMERE CRESCENT. Two storey side extension and single storey rear extension. (Amended scheme) EB/2003/0190, MAP L11. ST. ANTHONYS

9 June 2003

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 17 JUNE 2003

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 17 JUNE 2003

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) BELLE VUE HOTEL, 4 GRAND PARADE. Replace windows of bay with doors and fanlight over. EB/2003/0275, MAP I13. DEVONSHIRE

2) BELLE VUE HOTEL, 4 GRAND PARADE. Replace windows of bay with doors and fanlight over. EB/2003/0276(LB), MAP I13. DEVONSHIRE

The proposed works require planning permission as well as listed building consent and this report covers both applications.

SITE LOCATION

The Belle Vue Hotel is a Grade II listed building at the junction of Cavendish Place and Grand Parade. The section of the building under consideration is very plain and unobtrusive.

PLANNING HISTORY

The following recent planning history is relevant to this application:

Installation of sun blinds to the elevations fronting Grand Parade and Cavendish Place. Granted 1980.

Display of three illuminated box signs over bay window fronting Cavendish Place. Granted 1981.

Erection of single-storey extension to provide additional toilets. Granted 1987.

Erection of new entrance canopy, reinstatement of boundary railings, and new glass screen to conservatory. Granted 1999.

Display of externally illuminated fascia sign and Menu boards. Granted 1998.

Provision of a central apex to conservatory roof on front elevation. Refused 2000 (subsequent appeal

dismissed).

CURRENT APPLICATION

This application seeks permission to replace the side windows of the bay with doors and opening fanlights over. The windows of the front of the bay would be replaced by folding doors with fixed fanlights over.

Furthermore, the existing swan neck light fittings are to be removed, and a light box approximately 200mm deep x height to be formed of existing rendered band with fluorescent lighting to illuminate existing fascia.

In addition, alterations are proposed to the rendered band, the covering to the panel and an existing sign is to be removed.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

CT13 - Protection of Listed Buildings

CT11 - Standards for new developments in Conservation Areas

Revised Deposit Draft (2001-2011)

UHT1 - Design of New Development

UHT18 - Protection of Listed Buildings

UHT16 - Protection of Conservation Areas

HO20 - Residential Amenity

CONSULTATIONS

The Conservation Area Advisory Group felt that the design should be simplified in order not to detract from the other listed buildings in the surrounding area, and should be subject to further negotiation (Internal memo dated 27 May 2003 – background paper).

The observations of the Consultant Historic Buildings Advisor will be reported at the meeting.

The proprietor of the Afton Hotel objects to the application and wishes to address the committee (Letter dated 29 May 2003 – background paper).

APPRAISAL

The doors and fanlights match the existing entrance door in both style, mouldings and timber dimensions.

It is therefore concluded that the proposed alterations respect the architectural character, detailing, materials and setting of the building and complies with the above mentioned policies. It is considered that the doors present an appropriate feature for this use and would not cause any visual harm to the character of the conservation area, the listed building itself or adjoining buildings.

I would consider that the concerns expressed by the Conservation Area Advisory Group can be overcome by

conditions, so that the details of the doors do not detract from the other listed buildings. Cross section details of the doors will have to be submitted and approved by the Head of Planning.

If planning permission was granted, the proposed doors could be opened and give the site the appearance of a continental style café. The site is situated within the tourist accommodation area with the town's larger hotels, the sea front and the pier in the vicinity. This area is essentially a business area and the local plan states that different lifestyles and requirements of tourists should be recognised. As such it is considered that the proposal would not harm the area. It is considered that the current use within the normal licensing hours would not be detrimental to residential amenity or would cause unacceptable noise or disturbance.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: (A) Permission be granted in respect of EB/2003/0275 subject to the following conditions:-

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

2. That details of the proposed doors and alterations (1:5 scale) shall be submitted to and approved by the Head of Planning prior to the commencement of the development.

(B) Listed Building Consent be granted in respect of EB/2003/0276(LB) subject to the following conditions:-

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

2. That details of the proposed doors and alterations (1:5 scale) shall be submitted to and approved by the Head of Planning prior to the commencement of the development.

Informative: A licence is required from the Highways Authority to set out tables and chairs onto the pavement.

3) PARKER HOUSE, REDOUBT ROAD. Demolition of existing building and erection of 28 flats together with associated vehicular access and car and bicycle parking provision (AMENDED SCHEME) EB/2002/0769, MAP K12. DEVONSHIRE

INTRODUCTION

The application was deferred at the April meeting, at the request of the applicant, in order that density, design and car parking related issues, associated with the proposal, could be discussed further with officers with a view to revising the scheme accordingly.

SITE LOCATION

The site, occupying some 0.2 hectare (0.45 acre), is situated on the corner of Seaside and Redoubt Road and is surrounded mostly by 2-storey terraced dwellings and 3-storey flatted accommodation, in the adjoining Norfolk Court. Along the Seaside frontage there is a screen of mature trees and a landscaped garden bounded by a wall. Parker House is approximately one kilometre north of the town centre, some 300 metres from the sea front and diagonally opposite the Seaside Recreation Ground.

PLANNING HISTORY

During the early 1960s the following planning permissions were granted for:

· The erection of a three-storey block of 18 two-bedroom flats and ten domestic garages (EB/1960/0249 – background paper).

· The erection of a four-storey block of 14 flats facing Seaside, a two-storey block of 8 flats facing Redoubt Road, 12 domestic garages and a covered parking space for four cars (EB/1961/0437 – background paper).

· The erection of a home for ambulant aged persons – Approved 1962

· The erection of a home for old people – Approved 1964

Since then various planning applications of a minor nature have been approved by the County Council including for the change of use of conference room within the residential home to a public library facility and the change of use of a laundry room to an office for use by the general public availing themselves of social services functions (EB/1999/0333(CC) & EB/2000/0519(CC), respectively – background papers).

CURRENT APPLICATION

Following negotiations, the original application has been significantly amended so as to reduce the total number of proposed flats (originally 31), to increase the number of on-site car parking spaces from 24 to 26, and to the provide an L-shaped block rather than two separate buildings, together with a larger area of communal open space to serve future residents.

With regard to the above, planning permission is now sought, by the Raglan Housing Association, for the re-development of the existing building and its replacement with 28 flats, on mostly three floors but with some units in the roof space, on the corner of the building, together with a vehicular access (near to Norfolk Court), car parking and secure cycle parking.

The agent has confirmed, in a letter dated 18 December 2002 that the applicant's intention is that the proposed development will provide affordable housing.

PLANNING POLICY

Relevant policies in the adopted Borough Plan 1998

CT1 – New development to harmonise with existing

CT2 – Height of new development to be similar to existing

DA3 – Accessible housing

DA4 – Wheelchair housing

DA5 – Accessible surroundings to buildings and in streets

HT7 - Car and cycle parking standards

HO4 - Mix and high density of dwellings

HO5 – Affordable housing

HO18 – Design criteria for new residential development

LE2 - Standards for open space in new residential developments

Relevant policies in the Revised Deposit Draft Borough Plan 2001-2011

UHT1 – Design of new development

UHT2 – Height of buildings to be similar

TR6 – Facilities for cyclists

TR11 – Car parking standards

HO1 – Residential development within the existing built-up area

HO7 – Redevelopment in primarily residential areas

HO12 – Residential densities

HO14 – Affordable hosing

HO20 – Residential amenity

LCF4 – Outdoor playing space contribution

CONSULTATIONS

In respect of the **original** scheme.

The Principal Highway Engineer confirms that, on the basis of 32 parking spaces, the Highway Authority does not wish to restrict the grant of consent subject to adequate provision in order to prevent the discharge of water onto the highway and to ensure a suitable finished surface of the private drives/ hardstanding/forecourt (Memo dated 2 January 2003 – Background paper).

Following this response the applicant reduced the car parking to 24 spaces in order to re-position the footprint of the proposed buildings and to increase the amenity space available to future residents.

In response to the above noted reduction in car parking spaces, the Principal Highway Engineer (Planning) advised that this is too low bearing in mind the demand for on street parking in the general area. (Memo dated 11 April 2003 – Background paper).

The amended scheme shows an increase in car parking to 26 spaces.

The Council's Access Officer advises that the proposed development will need to show compliance with Approved Document M of the building regulations and to accord with policies DA3, DA4 and DA5 of the adopted Borough Plan. For example at least four parking spaces for disabled users should be provided (Memo dated 10 January 2003 – Background paper).

The Council's Housing Strategy & Development Manager states, inter alia, that:

This development represents the major scheme in the Council's housing development programme for 2003-2004. It will provide 31 units of affordable housing for local people.

- 19 flats for rent

- 12 flats for sale to local key workers. Flats will be sold with a Leasehold Resale Covenant which ensures they remain within the local affordable housing stock for perpetuity

These properties will be affordable to over 65% of the local working people who are unable to access unsubsidised market housing. This outcome supports a range of strategic objectives.

This Council and Raglan Housing Association have negotiated with East Sussex County Council to sell this site for the provision of affordable housing. This represents a considerable step forward in the co-operative relationship between the local authorities in support of joint objectives and paves the way for further successful collaboration in the future. This Council intends investing over £500,000 in this project, which will be matched by the Housing Corporation.

Parker House is situated in an area of high housing demand and is close to local transport, retail, employment, leisure and community facilities. The units will be managed by Raglan Housing association, which was selected as one of our Joint Commissioning Partners for its track record of high quality housing provision and commitment

(Memo dated 15 January 2003 – Background paper).

The Crime Prevention Design Adviser, on behalf of Sussex Police, expresses concern about the easy access to ground floor windows. A detailed landscaping plan should be provided to include in-fill fencing and perhaps to create a buffer zone around ground floor living and bedroom windows, as without such measures tenants will not enjoy privacy. In addition, incidents of nuisance will occur. Further, the various external stores will require a reasonable level of security if thefts are to be avoided and external and communal lighting and physical security specification should match the criteria of the police scheme "Secured by Design" (Letter dated 10 January 2003 – Background paper).

A copy of the above letter was sent to the applicant, who has agreed that a more clearly defined buffer zone, using barrier planting and/or knee rail, shall be provided outside the ground floor living and bedroom windows. Further, the external stores will be constructed of robust detailing as described and the lighting and physical security specification will meet the 'Secure by Design' criteria (Letter dated 22 January 2003 – Background paper).

The Council's Arboricultural Officer advises that there are three mature Huntingdon Elms on the Seaside road boundary and a further mature Wheatley Elm on Redoubt Road, all of which appear to be free from pest and disease problems and provide significant visual amenity to the surrounding area.

The close proximity of the proposed building, with living room windows, is likely to result in applications to reduce the trees. Consideration could be given to moving the footprint of the building back to increase clearance between the trees and flats. A landscaping plan is required (Memo dated 16 January 2003 – Background paper).

The scheme has been amended in order to move the building away from the identified trees on the Seaside frontage.

Southern Water advise that the proposed development would increase the flows to the public sewerage system, which is currently overloaded, and existing properties and land would be subject to a greater risk of flooding as a result. With regard to surface water, discharge to the existing surface water sewer should be limited to the discharge from the existing site. This should be achieved by means of attenuation and storage on site, prior to discharge to the sewer (Letter dated 11 February 2003 – Background paper).

The applicant was made aware of the above situation and their civil engineers are confident that any potential problems can be satisfactorily resolved and advise:

· Foul sewerage – We are currently investigating the existing foul sewer system and will be able to propose a solution on completion of these works

· Surface Water Sewerage – We are currently investigating the relationship between the

existing and proposed impermeable areas. The surface water discharge will be limited to the existing level of discharge.

We anticipate that we will be able to produce some positive investigations in the next seven days (Any further response will be reported to Members verbally).

(Letter dated 3 June 2003 – Background paper).

The application was advertised in the local press and three notices displayed along the front of the site. In addition letters of notification were sent to the occupiers of surrounding residential properties. In response, at the time this report was prepared, two letters of objection have been received the contents of which can be summarised as follows:

- We would prefer retired to young people living in the development

- If there are not enough parking spaces, the road would be swamped by extra vehicles: parking is already often difficult

- We also object to the demolition of the existing building because of the inevitable noise, disruption, airborne dust and dirt particles

(Letters dated 23 December and 12 January 2003 – Background papers).

APPRAISAL

The main issues to consider in the determination of the application are: the loss of the existing building; the massing and design of the proposed development; the scale of the proposed scheme; the parking arrangements to serve the development; the provision of open space to serve the proposal; the provision of affordable housing and the effect of the development on the established residential amenity of the surrounding area.

As indicated in the "Planning History" section of this report, Parker House was built in the mid-1960s The building was used for many years by the County Council as an Old Peoples' Home, until it was closed last year and the residents moved elsewhere. The design of the 3-storey building, with its flat roof, is not considered to be of any particular merit and is not in keeping with much of the surrounding built environment, characterised by two-storey Victorian terraced dwelling houses, under pitched roofs. As such, the removal of Parker House and the re-development of the site should give the opportunity for this prominent corner site to make a positive contribution, especially in terms of the townscape of the area.

Concern was expressed to the applicant that the massing and design of the original scheme did not respect the Victorian character of the surrounding area. In response, the applicant has, in recent weeks, continued to amend the proposal so as to create a mainly three-floored structure, with brick and rendered walls under a slate roof, with a turret feature on the corner of Seaside and Redoubt Road. Detailed amended drawings are awaited, which are to be displayed at the Committee Meeting. Also, from the corner with Seaside/Redoubt Road, the development will repeatedly step down on either side of the dorner, so that at the boundaries of the site the proposed development is compatible in height with the existing two-storey housing fronting Seaside and Redoubt Road. The mature trees along the Seaside frontage will soften the profile of the building.

As indicated in the "Current Application" section of this report, it is now proposed to develop the site in order to provide 28 affordable flats. Although, given the residential nature of Parker House and the surrounding area, the use of the application site to provide residential units is acceptable in principle, the reduction by three units is in response to the concern expressed by your officers in respect of the excessive density of the original scheme.

Southern Water advise that the public sewerage system serving the area is currently overloaded and that the proposed development could result in the greater risk of flooding of existing properties and land. However, the applicant is confident that any drainage problems can be satisfactorily resolved. The imposition of an

appropriately worded condition would ensure that adequate measures are undertaken as part of any re-development scheme.

The original application proposed a significant shortfall in the provision of on-site car parking to serve residents and their visitors. However, the current scheme, with 28 flats served by 26 unallocated car parking spaces, together with a cycle store for each unit of accommodation and the close proximity of a main bus route along Seaside, at the front of the site, is now considered to provide a satisfactory level of car parking so as to avoid parking in surrounding streets.

Policy LE2 of the adopted Borough Plan requires new residential development of 15 or more dwellings to provide open space in order to meet the needs generated by the development at a level which would satisfy the standards set out in Appendix 5 of the Plan, together with a commuted sum for maintenance. As such provision is not feasible for the application site, a contribution will need to be secured as part of this proposal towards the cost of providing or upgrading such facilities within the vicinity. Such a contribution would need to be subject to a legal agreement.

As the proposed development would provide 28 self-contained flats, the policies in the adopted and replacement Borough Plans in respect of affordable dwellings are relevant. In the light of the provisions of policy HO1 of the adopted Borough Plan, the applicants are willing to offer all of the proposed units for occupation as affordable housing, rather than, as required by the relevant Borough Plan policy, a maximum of 25-30% of the total. According to the applicant this number would be split between affordable housing for rent and low-cost home ownership, either shared ownership or discounted sale for accommodation for key workers.

In order to ensure that the 28 affordable flats, as described above, are provided, the applicant Raglan Housing Association is willing to comply with the imposition of an appropriate condition. Another possibility is for the applicant to enter into a legal agreement. Your officers consider that if the application is approved the proposed 28 affordable units would need to be secured by way of a legal agreement.

As indicated in the “Consultations” section of this report, local residents have expressed concern about particular aspects of the development scheme including the demolition of the existing building, the car parking provision and the age of future residents of the proposed development.

The times and days of demolition, site clearance and building operations can be dealt with by way of a condition. With regard to on-site car parking, the Highway Authority considers that given the close proximity of a main bus route (along Seaside) to the town centre and that secure cycle storage is to be provided, the proposed 26 car parking spaces are sufficient to serve a development of 28 units. With regard to the age of future residents, as the development is intended to provide affordable accommodation for a range of people, including those of working age, it is not considered appropriate to impose an age restriction on future residents.

HUMAN RIGHTS IMPLICATIONS

The residential re-development of the site is unlikely to adversely infringe upon the above noted Rights of local residents.

CONCLUSION

As indicated in the “Appraisal” section above, many aspects of the proposed re-development scheme of the Parker House site have been amended to reflect the previous concerns of your officers. Whilst a slightly lower number of residential units would still be preferred, other revisions to the scheme, including an increase in the number of on-site car parking spaces, a larger communal amenity area and improvements to the design and massing of the proposed building, are considered to make the amended scheme acceptable. Therefore, on balance, the application is considered to be an acceptable re-development of the Parker House site.

RECOMMEND: Permission be granted subject to the prior conclusion of a Section 106 legal agreement, with the Borough Council, in respect of a financial contribution for the provision and maintenance of public open space in the vicinity and to secure affordable housing as part of the overall re-development scheme, together with the following conditions:

1. D1.1 Commencement of development within 5 years

2. A2 Submission of details of facing materials

3. A9.3 Submission and approval of landscaping scheme

4. B8.1 Proper construction of car and cycle parking spaces

5. C5.3 Hours of demolition and building operations

6. Before the commencement of the development, hereby approved, details of site drainage shall be submitted to and approved by the Local Planning Authority

7. That the development, hereby approved, shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water Services.

8. Prior to being discharged into any system, 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

9. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

10. A10.1 Retention of Trees

Together with such conditions, in respect of the above noted detailed amended drawings, as considered appropriate by the Head of Planning.

HAMPDEN PARK WARD

4) LAND SOUTH OF ELM GROVE AND NORTH OF BROADWATER WAY. Erection of two-storey medical centre with doctors' surgery on the ground floor and ancillary associated health facilities and offices on the first floor, together with car parking. EB/2003/0149, MAP L5. HAMPDEN PARK

SITE LOCATION

The application site is located at the northern end of the open land between the David Lloyd Club to the west and the footpath/cycleway which runs from Sainsburys to Elm Grove to the east. An existing footpath/cycleway linking Elm Grove/Mallard Close with the David Lloyd Club. The site has an area of 1.6 acres and occupies approximately one third of the available land.

PLANNING HISTORY

Permission was granted in 1970 for the use of the land for controlled tipping (ref. 70/88).

CURRENT APPLICATION

It is proposed to erect a two-storey health centre building, comprising seven consulting rooms, treatment rooms, reception, waiting area, administration/ records office and other ancillary facilities on the ground floor, with parent craft room/conference room and a separate reception serving various rooms used for clinic, district nurse and health visitor on the first floor.

The footprint of the building is in the shape of a cross, measuring some 47 metres

along the longer length, by 11 metres in width, and 33 metres along the shorter length, also by 11 metres wide.

The building is to be constructed in brick with pitched tiled roofs.

Vehicular access to a proposed car park at the front of the building is via the David Lloyd access road. The car park has spaces for 51 cars, including four spaces for disabled drivers, plus 16 spaces for staff. A new pedestrian access is to be provided from the northern footpath/cycleway.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map (1998) identifies an allocation as secondary open space and a children's play area on the application site and surrounding area. The site is also within the Willingdon Levels catchment area. The following policies are considered relevant to this application:

Policy CT1 - New development to harmonise with existing

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

Policy CT6 - Criteria for proposals affecting secondary open space

Policy HT7 - Car and cycle parking standards

Policy DA1 - Access for the disabled in non-residential buildings

Policy US3 - Flood storage provision

Policy US6 - Compensatory drainage provision in Willingdon Levels

Policy US22 - Favourable consideration of proposals for surgeries, etc (subject to criteria)

The Revised Deposit Draft of the Eastbourne Borough Plan Proposals Map (2001-2011) identifies the application site as the proposed site for the Hampden Park Health Centre. The following policies are considered relevant to this application:

Policy UCF21 - Site for Hampden Park Health Centre

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

Policy UHT8 - Landscaping

Policy HO20 - Residential Amenity

Policy TR6 - Facilities for Cyclists

Policy TR11 - Car Parking

Policy US3 - Flood Protection and Surface Water Disposal

CONSULTATIONS

Neighbouring residents in Elm Grove, Mallard Close and Rosebery Avenue were notified of the application and further publicity was given by an advertisement in the local press and by site notices. In response, six letters have been received containing the following comments:-

27 Elm Grove (originally signed by 28 other local residents, with a further letter signed by 7 local residents) – refer to problems besetting Elm Grove at present, including litter, a route for vandals, increased non-resident parking and turning, problems with the repair garage, Sainsbury's trolleys and rubbish dumped in the Decoy Stream and trolleys left in the street. The residents are concerned that these problems will be exacerbated if permission is granted for the proposed Health Centre and therefore the current problems should be resolved first.

28 Elm Grove – not opposed to the principle of the proposal but has concerns relating to increased noise and disturbance, vandalism, additional car parking in Elm Grove and loss of green space, and also wonders why the existing surgery, with its good transport links, cannot be fully developed.

32 Elm Grove – objects to the proposal on grounds of loss of recreational space, large building not in keeping with the surrounding area, loss of privacy, increase in noise nuisance, increased parking in Elm Grove, land contamination and lack of adequate screening.

37 Elm Grove – considers that the application should be refused because of existing parking problems in Elm Grove and the likelihood that visitors to the Health Centre will be tempted to park in Elm Grove.

26c Rosebery Avenue – objects to the proposal as it will undermine their quality of life. They refer to the current problems of noise, disturbance and vandalism, and express concern at the loss of an area of open space, with further noise, litter and loss of privacy, together with additional parking in the lane leading from Rosebery Avenue to the David Lloyd Club

(Letters/e-mail received between 2 and 25 April 2003 – background papers).

Southern Water raises no objection to the discharge of foul sewage from the site to the public foul sewer close to the site and, in respect of surface water drainage, comments that the Environment Agency or the Council's own technical staff should comment on land drainage, the adequacy of the local watercourse and the need for stormwater storage. It is requested that a condition be imposed requiring the submission and approval of the propose means of foul and surface water disposal in consultation with Southern Water Services (letter dated 11 April 2003 – background paper).

The Environment Agency has no objections in principle subject to conditions being imposed, relating to compensatory flood storage works, the provision of surface water drainage works, minimum floor levels, and an investigation of the presence of landfill gas (letter dated 14 April 2003 – background paper).

The Crime Prevention Design Adviser at Sussex Police is aware of existing problems of vandalism in the area and is concerned that the new building will be vulnerable to burglary, criminal damage and associated vehicle crime. He recommends that quality security fencing be erected around the whole site, inside the proposed landscaping, and that the car park is equipped with lighting. He also recommends that the gates that control the vehicular access route to the site will need to be managed in co-operation with the adjacent David Lloyd Club (letter dated 22 April 2003 – background paper). These comments have been copied to the applicant's architect.

The Highway Manager states that, in principle, the Highway Authority would not wish to restrict grant of consent for the application, although he identifies a number of issues that require attention/amendment (internal memorandum dated 24 April 2003 – background paper).

In respect of amended plans submitted in response to the above observations, the Highway Manger comments as follows:-

· that, having considered the additional information supplied by the developer with respect to staffing number and composition, the on-site parking provisions is in accordance with current standards;

· further details of items such as tactile paving units for the visually impaired, street lighting provision, drainage details and visibility splays on access from car park on to vehicular access road (2.4m x 45m requirement) are required and these matters can be secured by appropriate conditions;

· with respect to the adjacent cycleway/footway, the site boundary should not be delineated by any fence type that will restrict visibility at the north east corner of the site. Details to be submitted to the Eastbourne Highway manager for approval. In addition, visibility splays should be provided at the proposed entrance at the northern boundary. Details to be submitted to the Eastbourne Highway manager for approval;

· The submitted Travel Plan specifically refers to access by pedestrians. This presumably will be predominantly via the existing sub-standard wooden footbridge at the Elm Grove access to the site area. The Highway Authority would wish the footbridge to be replaced with a combined cycle/footbridge that could be then adopted to complete the network from Elm Grove to Broadwater Way. This condition would need to be secured by a legal agreement with the County Council.

(Internal memorandum dated 5 June 2003 – background paper).

The Downland, Trees and Woodlands Manager would prefer the control of the existing tree screening to remain with the Council and has passed this comment to the Council's Estates Manager. He would also like to see a detailed planting/landscaping scheme as soon as possible to allow comment and any amendment before work commences and conditions imposed requiring protective fencing to ensure that no damage is caused to existing trees during construction. He also considers that pedestrian desire lines should be catered for, by providing perimeter paths to deter the public from wandering through the site and trampling perimeter planting (internal memo dated 9 April 2003 – background paper).

Environmental Health's Pollution Services Team comments that the site is on a former landfill site and also express concern about the impact of noise and air pollution during construction. A number of conditions are requested relating to land contamination, on-site noise and hours of operation during construction (internal memo dated 8 April 2003 – background paper).

APPRAISAL

As mentioned in the "Policies" section, above, the site is allocated for the new Hampden Park Heath Centre and therefore there is no objection in principle to the proposal. The relevant policy in the Revised Deposit Draft

Borough Plan (LCF21) requires that any detailed proposal complies with the following criteria:-

(a) the development is appropriate in terms of siting, scale and materials and includes appropriate landscaping;

(b) appropriate provision is made for access by people with disabilities and with mobility problems;

(c) the development has good, safe access for pedestrians and cyclists;

(d) the development has no adverse impact on residential or visual amenity;

(e) provision of adequate short term parking facilities is made.

In respect of siting, the building and associated car parking are well located, and take full account of existing planting, which is retained around the car park areas, with. The building, which has a spacious grassed and landscaped setting on three sides, is a significant distance from nearby residential properties, being some 45m., 75m. and 70m. from the nearest dwellings in Mallard Close, Elm Grove and Rosebery Avenue, respectively. The site is also largely screened from Elm Grove and Rosebery Avenue by the existing scout hut and established planting.

The proposed external materials for the building are traditional and, subject to control over precise details by condition, will be in keeping with the local area. A substantial amount of planting is indicated around the boundary of the site, along the pedestrian walkway into the site and within the car parking area and subject to control over precise details of planting, again by condition, the development should enhance the appearance of the area.

Parking provision is made for the disabled near to the entrance of the building and level access will be provided into the building and a lift will give access to the first floor.

The development is well located for pedestrians and cyclists, with direct access via the existing footway/cycleway network adjacent to the site to Mallard Close, Elm Grove and Rosebery Avenue. The existing footbridge over the Decoy Stream from Elm Grove is, however, in a poor condition, and will need to be replaced. This will be secured through a legal agreement.

As mentioned above, the proposed Health Centre is located a reasonable distance from nearby residential properties so that activity within the site will have little if any impact on the amenities of the residents. Concern has been expressed by some residents of Elm Grove that the proposal will lead to increased pedestrian and vehicular movements in the road, the latter leading to additional pressures on the already difficult parking situation. However, I do not find any evidence to suggest that the likely increases in pedestrian movements will have a harmful effect on or detract in any way from the quality of life for residents of Elm Grove. With regard to vehicle movements and parking, all available on-street parking in Elm Grove is already fully occupied and therefore it is unlikely that, given these existing constraints, the road would provide an attraction for visitors to the Health Centre arriving by car, when adequate on-site parking facilities exist.

As mentioned above, the Highway Manager confirms that the proposed car parking provision for this development is adequate.

Having regard to all the above considerations, I am satisfied that the proposal complies both with the criteria set out in Policy LCF21 and with the other policies listed above.

As the site was once part of a former tip, a condition will be required to ensure that any contamination is properly dealt with.

As the site is within the Willingdon Levels catchment area a commuted sum for compensatory flood storage will be required which will need to be secured through a legal agreement.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposal would 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 prior conclusion of a Section 106 legal agreement in respect of flood storage contributions and the replacement of the bridge over the Decoy Stream, and to the following conditions:-

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

2. A2 Submission of samples of facing materials.

3. A9.3 Submission and approval of landscaping scheme.

4. That any car parking, loading and unloading area and access thereto, shown on the approved plan shall be properly constructed with a permanent hard-wearing impervious surface and marked out to the satisfaction of the Head of Planning and shall be available for use before the building hereby approved is first brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users and visitors to the premises and shall not be used for any other purpose.

5. That the development hereby approved shall include access for disabled people in the form of dropped kerbs (or ramps where appropriate) both to buildings and the communal car parking areas, including the use of tactile paving where appropriate, in accordance with details to be submitted to and approved in writing by the Head of Planning, prior to the commencement of the development.

6. That no development approved by this permission shall be commenced until a scheme for the disposal of surface water and foul sewage has been submitted to and approved by the Head of Planning in consultation with Southern Water Services Ltd.

7. Before any development commences on site:

(a) A desktop study shall be carried out which shall include the identification of previous uses, type and location of waste received, potential contaminants that might be expected (including landfill gas and leachate) and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) shall be submitted to and approved in writing by the Head of Planning.

(b) An intrusive investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to and approved in writing by the Head of Planning prior to that investigation being carried out on site.

The investigation must be comprehensive enough to enable:-

- A risk assessment to be undertaken;
- Refinement of the Conceptual Model, and;
- The development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report,

to the Head of Planning. If the risk assessment and refined Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Head of Planning.

(c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the intrusive investigation, and post-remedial monitoring shall be submitted to and approved in writing by the Head of Planning prior to that remediation being carried out on site. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Head of Planning that provides verification that the remedial works have been carried out in accordance with the approved Method Statement. Construction shall not commence until the report has been approved in writing by the Head of Planning.

8. No development shall commence until the applicant has undertaken a comprehensive subsurface site investigation of the land on which the development is taking place, to identify the presence or absence of landfill gas, the details of which should be agreed in writing by the Head of Planning. Where required, details of the number and location of gas monitoring points, and monitoring procedures shall be submitted to and approved in writing by the Head of Planning, together with the building construction techniques to be incorporated into the development. No development shall take place until it can be demonstrated that either landfill gas is not present or the potential threat from landfill gas has been adequately covered in the proposal.

9. That only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic materials shall be permitted as infill material.

10. That no ancillary plant or air conditioning plant serving the development shall be installed and operated until a scheme has been submitted to and approved in writing by the Head of Planning. The scheme shall be designed so that noise does not exceed 40dB Laeq (5 minutes) at the site boundary between 11.00 pm and 7.00 am.

11. That the finished ground floor level of the proposed building shall be at least 600mm above the 1 in 100 fluvial flood level of 2.3 metres above Ordnance Datum.

12. That, before the development hereby approved is first brought into use, car park/street lighting shall be provided in accordance with details to be submitted to and approved in writing by the Head of Planning before any such lighting is installed.

13. That, before the development is commenced, full details of all means of enclosure of the site shall be submitted to and approved in writing by the Head of Planning.

14. C5.3 Hours of operation (during construction).

15. That details of any external lighting for the building shall be submitted to and approved in writing by the Head of Planning, before the development hereby approved is commenced.

16. B4.3 Provision of visibility splays (2.4m x 45m).

5) LAND NORTH OF WILLINGDON DROVE, WEST OF SHINEWATER ROUNDABOUT. Construction of hotel with associated infrastructure, parking, servicing and landscaping. EB/2003/0223, MAP N6. HAMPDEN PARK

SITE LOCATION

The application site, which has an area of 0.15 hectare, faces onto the north side of Willingdon Drove, approximately 50 metres to the west of the Shinewater roundabout (where Willingdon Drove meets the A22 New Route) and is adjacent to the new Toby public house/restaurant, which is currently under construction..

PLANNING HISTORY

In 1993 outline planning permission was sought for the construction of a 120 bed, four storey motel and restaurant (54,000 sq ft); a fitness/squash club (15,000 sq ft); petrol filling station; associated access roads and parking for 300 cars; alterations to existing levels for flood compensation on land north and south of Willingdon Drove, adjacent to the proposed A22 New Route (EB/93/0349 – background paper). The application site had an area of 3.5 hectares (8.6 acres). Outline planning permission was granted for the development in April 1997, subject to conditions and a Section 106 agreement to secure flood storage and surface water drainage contributions and highway works to provide a cycletrack/footway within the application site and along the northern side of Willingdon Drove. A condition attached to the planning permission stated that application for approval of reserved matters shall be made before the expiration of 7 years from the date of the permission. Therefore this outline planning permission remains extant.

In 1998 outline planning permission was sought for a mixed development comprising “drive-through” restaurant, petrol filling station/car wash, motel, health and fitness centre, two car showrooms, offices, extension to existing industrial premises together with new access roads and car parking. The application site had an area of 5.4 hectares (13.3 acres) and was bounded by Willingdon Drove, Hargreaves Road, Dallington Road and the A22 New Route (EB/98/0637(OL) – background paper).

All matters were reserved, with the exception of siting and means of access, which were to be determined at the outline planning stage. The plan accompanying the application was for illustrative purposes only, however it did show the proposed highway improvements. The plan indicated a potential site for an extension to Anglo Dutch meats off Hargreaves Road. On the southern side of Dallington Road, a site was allocated for business purposes with two car showrooms on adjacent land. A motel and health and fitness use were proposed adjacent to the Shinewater roundabout. On part of the site abutting the A22 New Route, a petrol filling station was proposed and a “drive-through” restaurant.

Access to the potential site for Anglo Dutch Meats was from Hargreaves Road. It was proposed to access the remainder of the site off a new roundabout at the junction of Willingdon Drove and Whittle Drive or by an “in only” access off the A22 New Route.

A 9 metre wide (approximate) landscaping buffer strip was proposed alongside the boundaries of the application site, which were adjacent to residential properties in Dallington Road and Lakelands Close.

Outline planning permission was granted for the siting of the proposed development described above and for the proposed highway improvement works in February 2001. This consent was subject to a Section 106 agreement to secure flood storage contributions, the provision of cycleways/footpaths, all off-site highway works and subject to conditions.

Thereafter in March 2002, full planning permission was granted for a mixed use development comprising car wash, two “drive-through” restaurants, a health and fitness club and a nursery on part of the site for which outline planning permission was granted in February 2001. (EB/2001/0211 – background paper)

In October 2002, permission was granted for the Toby public house/restaurant, together with associated infrastructure, parking, servicing and landscaping (EB/2002/0340 – background paper).

CURRENT APPLICATION

Planning permission is sought for the erection of a three-storey, 42 bedroom hotel with associated infrastructure, parking, servicing and landscaping. The hotel building has a rectangular footprint measuring

30m. in length by 16m. wide and is sited with the end elevation adjacent to Willingdon Drove and the front elevation facing the internal car park.

The design of the building is relatively simple with a uniform window arrangement and pitched roof. Proposed external materials are brickwork at ground floor level with render on the face of the two upper floors, apart from the area above the entrance and one of side elevations which are entirely brick apart from a render course at the top. The roof would be clad in concrete interlocking tiles. The precise details of all materials are to be reserved by condition.

In a letter accompanying the planning application, the applicant's agents have confirmed that the proposed hotel (known as "Innkeepers Lodge") "will complement the recently permitted Toby Carvery/public house/restaurant that is adjacent. The uses are complementary in that staying guests at the hotel can use the facilities at the proposed Toby, offering a strong potential for linked trips between the two facilities. This represents a sustainable mixing of uses, and enables a lower land take by allowing the car parking to be shared."

The agents state that the building has been sited in the proposed location for the following reasons:

- It maximises site frontage and presence onto the roundabout;
- It maximises the distance between the proposed building and its activities and residential properties to the north;
- Overlooking from the hotel bedrooms will be towards the A22 and there will be no direct overlooking of the adjacent residential properties.

(Letter dated 14 March 2003 - background paper).

It is proposed to provide a total of 84 on-site car parking spaces to serve both the Toby and hotel developments, along with the provision of secure cycle parking close to the building. The precise number of parking spaces may be subject to slight change as a result of subsequent amendments sought by the Principal Highway Engineer.

Access for pedestrians, cyclists and vehicles is to be gained via the new internal access road, currently being built.

The applicants also agree to pay the necessary flood compensation contributions as already agreed for the approved mixed use development site to the east.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map (1998) identifies an allocation for a motel on land adjacent to the application site (the site now occupied by the Toby pub/restaurant). The site is also within Eastbourne Park, an Archaeologically Sensitive Area and the Willingdon Levels. The following policies are considered relevant to this application:

Policy TO13 - Site for new motel

Policy CT1 - New development to harmonise with existing

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

Policy CT16 - Archaeologically Sensitive Areas

Policy NE24 - Criteria for landscaping schemes and design

Policy NE25 - Landscaping conditions

Policy HT7 - Car and cycle parking standards

Policy HT16 - Footpath and cycleway network in Eastbourne Park

Policy HT17 - Links to footpath and cycle routes outside Eastbourne Park

Policy DA1 - Access for the disabled in non-residential buildings

Policy US3 - Flood storage provision

Policy US6 - Compensatory drainage provision in Willingdon Levels

The Revised Deposit Draft of the Eastbourne Borough Plan Proposals Map (2001-2011) identifies the application site as being a Preferred Area for Tourist Attractions and Facilities and as an archaeological site. The following policies are considered relevant to this application:

Policy NE23 - New Development in Eastbourne Park

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

Policy UHT8 - Landscaping

Policy UHT21 - Archaeological Sites/Scheduled Monuments

Policy HO20 - Residential Amenity

Policy TR6 - Facilities for Cyclists

Policy TR11 - Car Parking

Policy TO7 - Preferred Area for Tourist Attractions and Facilities

Policy US3 - Flood Protection and Surface Water Disposal

CONSULTATIONS

The application was advertised in the local newspaper and a site notice was displayed adjacent to the site. In addition, letters were sent to more than 100 local residents. In response, one letter has been received from a residents of Lakelands Close, expressing concerns, not about the current application, but about possible noise and disturbance generated by the “drive-through” restaurants approved in March 2002 (letter dated 8 May 2003 - background paper).

The Environment Agency has no objections in principle, but requests that, if permission is granted, a number of conditions be imposed, in respect of ground levels, surface water disposal, landfill gas and prevention of pollution of the water environment (letter dated 21 May 2003 - background paper).

Southern Water has no objections to the proposal (letter dated 21 May 2003 - background paper).

The County Archaeologist confirms that, although this application is situated within an Archaeologically Sensitive Area, the area in question has been thoroughly evaluated in the field and, as a result, he does not believe that any archaeological remains are likely to be affected by these proposals (letter dated 21 May 2003 - background paper).

The Council's Principal Highway Engineer has no objection to the proposal in principle subject to some minor amendments to the parking and access layout. Revised drawings have been received and any further Highway comments will be reported verbally at the meeting.

Environmental Health do not raise any specific objections to the proposal but request that conditions be imposed in respect of hours of working during construction, potential on-site noise and land contamination (internal memorandum dated 30 May 2003 – background paper).

APPRAISAL

The main issues to consider in the determination of this application are the principle of the proposed development having regard to Borough Plan Policy, the general suitability of the development, including its effects on the amenities of surrounding residents, the locality in general, the appearance of the development and the effects on flood storage and highway safety.

Principle of Development

The application site forms part of a much larger development site for which planning permission was granted for a mixed use development in 1998 and 2002, the former of which included the construction of a motel. The principle of development has therefore been established by the above permission and by other earlier planning consents.

Borough Plan Policy

The adopted Borough Plan (1998) allocates the adjacent site for a motel and the Revised Deposit Draft Plan allocates both the application site and the adjacent site (the Toby pub/restaurant) for preferred areas for tourist attractions. The proposal therefore complies with the revised policy allocation for this area.

The application site is within the Willingdon Levels Drainage Catchment Area and the applicants have agreed to provide a financial contribution to the Council towards compensatory flood storage, which would be secured with a new Section 106 legal agreement.

Suitability of Development and Effect on Amenity

The proposed hotel is unlikely to generate any significant levels of noise which would cause disturbance to nearby residents, but conditions are recommended to to deal with any potential problems that may arise in respect of residential amenity. Bearing in mind that the nearest residential property in Dallington Road is in excess of 40 metres away from the proposed hotel, such conditions are considered adequate.

The building has been carefully designed to avoid any direct overlooking of nearby properties and I am mindful of the fact that no objections to the development have been received despite the fact that over 100 residents were notified of the application.

The design and appearance of building, although simple, are traditional in style and materials and it is considered that the proposed development would be visually acceptable in this location.

Highway Considerations

Vehicular access to the development site was approved under outline planning permission EB/98/0637(OL). A new roundabout, recently constructed at the junction of Willingdon Drove and Whittle Drive and an “in only” access to be provided off the New A22 Route, will provide two means of vehicular access to the site. In addition, a new 3 metre wide footpath/cycleway was secured under the outline permission which will be part of the National Cycle Network.

The approved highway improvement works currently being carried out can satisfactorily accommodate the proposed development along with the other uses proposed as part of EB/2001/0211.

Finally, the Principal Highway Engineer has confirmed verbally that in principle the on-site car parking provision indicated, as a shared arrangement is acceptable to serve the proposed development.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposal would 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 prior conclusion of a Section 106 legal agreement, relating to flood storage contributions, and to the following conditions:-

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

2. A9.3 Submission and approval of landscaping scheme.

3. A2 Submission of samples of facing materials.

4. The new car park shall be designed and constructed to a standard approved by the Head of Planning in consultation with the Highway Authority, to include materials, lighting, signing and lining.

5. Prior to the commencement of development on site, detailed drawings including levels, sections and constructional details of the car park, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Head of Planning and be subject to his approval, in consultation with the Highway Authority.

6. Before the development hereby approved is first brought into use, the car park shall be completed together with the surface water and foul sewers and main services to the approval of the Head of Planning, in consultation with the Highway Authority.

7. That any car parking, loading and unloading area and access thereto, shown on the approved plan shall be properly constructed with a permanent hard-wearing impervious surface and marked out to the satisfaction of the Head of Planning and shall be available for use before the building hereby approved is first brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users and visitors to the premises and shall not be used for any other purpose.

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

9. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

10. That the development hereby approved shall include access for disabled people in the form of dropped kerbs (or ramps where appropriate) both to buildings and the communal car parking areas, in accordance with details to be submitted to and approved by the Head of Planning, prior to the commencement of the development.

11. That deliveries shall be carried out only between the hours of 7.00 am and 7.00 pm on Mondays to Fridays and 8.00 am and 6.00 pm on Saturdays, with no deliveries (except those which may be first agreed in writing by the Head of Planning) on Sundays or Bank Holidays.

12. C5.3 Hours of operation (during construction).

13. That details of any external lighting shall be submitted to and approved by the Head of Planning, before the development hereby approved is commenced.

14. Finished floor levels should be set at least 600mm above the 1 in 100 flood level of 2.3 metres above Ordnance Datum.

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

16. That no development approved by this permission shall be commenced until a scheme for the disposal of foul sewage has been submitted to and approved by the Head of Planning in consultation with Southern Water Services Ltd.

17. That full details of a proposed cycle route from the new estate road through the proposed car park to the front of the hotel, at a point to be agreed, shall be submitted to and approved by the Head of Planning, in consultation with the Highway Authority and shall be supported by a safety audit.

18. That details of the provision to be made for the storage of refuse and for access thereto by collection vehicles, shall be submitted to and approved by the Head of Planning, before the development hereby authorised is commenced.

19. That prior to commencement of development on site, full details of the proposed cycle parking areas which shall be covered and secure, shall be submitted to and approved by the Head of Planning and thereafter provided and maintained to the satisfaction of the Council.

20. That while the development hereby permitted is being carried out, a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles.

21. That prior to the commencement of any development on site, full details of the methods of screening the boundaries of the site shall be submitted to and approved by the Head of Planning and thereafter implemented and maintained to the satisfaction of the Council.

22. That no plant, ancillary plant or air conditioning plant serving the development shall be installed and operated until a scheme has been submitted to and approved in writing by the Head of Planning. The scheme shall be designed so that noise does not exceed 40dB LAeq (15 minutes) at the site boundary between the hours of 11.00 pm and 7.00 am.

23. Before any development commences on site:

(a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected and other relevant information, with the adjacent brickfield and area of madeground. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors, shall be submitted to and approved in writing by the Head of Planning.

(b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to and approved in writing by the Head of Planning prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

· A risk assessment to be undertaken;

· Refinement of the Conceptual Model, and;

· The development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Head of Planning. If the risk assessment and refined Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Head of Planning.

(c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the intrusive investigation, and post-remedial monitoring shall be submitted to and approved in writing by the Head of Planning prior to that remediation being carried out on site. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Head of Planning that provides verification that the remedial works have been carried out in accordance with the approved Method Statement. Post remediation, sampling and monitoring shall be included in the report to demonstrate that the required remediation has been fully met. Construction shall not commence until the report has been approved in writing by the Head of Planning.

24. The proposed foul water storage and pumping station shall not be installed and operated until a scheme has been submitted to and approved in writing by the Head of Planning. The scheme shall be designed so as to include anti-vibration measures and to minimise the generation of low frequency noise. It shall also be designed so that noise does not exceed 40dB LAeq (15 minutes) at the site boundary between the hours of 11.00 pm and 7.00 am.

25. 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.

6) 126 BRODRICK ROAD. DEMOLITION OF EXISTING HOUSE, CHANGE OF USE OF LAND TO EDUCATIONAL USE, FORMATION OF INFORMAL GRASS AREA FOR USE BY SCHOOL, AND ERECTION OF FENCE ON FRONT BOUNDARY. EB/2003/0325(CC), MAP M3. HAMPDEN PARK.

SITE LOCATION

The Borough Council has been consulted by the County Council in respect of this application, which relates to a two storey, detached dwelling located on the northern side of Brodrick Road. It abuts Hampden Park County Infants' School to the south-east, and has historically been used as accommodation for the school's caretaker.

The road in front of the site slopes uphill towards the north-west, so the school sits on slightly lower ground than the subject site. The dwelling is the last in a row of detached dwellings, and is opposite a row of

semi-detached dwellings. The school breaks this line with a single storey, flat-roofed, modern building. Dwellings abut the school to the south.

PLANNING HISTORY

None

CURRENT APPLICATION

The County Council seeks to demolish the existing dwelling, and to include the site as part of the school, for use as an informal grassed play area. It is also proposed to erect a 1.8 metre high chain link fence to the front and rear of the site.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 New Development (Adopted Plan)

Revised Deposit Draft

UHT4 Visual Amenity

UHT5 Protecting Walls/ Landscape Features

HO3 Retaining Residential Use

LCF17 Extension of Educational Establishments

HO20 Residential Amenity

CONSULTATIONS

Although the Council is acting as a consultee for a County Council application, the Aboricultural Officer was consulted regarding the felling of trees along the northern boundary of the site. Any response will be reported verbally at the meeting.

APPRAISAL

This proposal is contrary to planning policy HO3 of the Emerging Plan which relates to 'retaining residential use'. This policy states that:

"planning permission will not be granted for developments:

(a) which would involve a net loss in the number of existing dwelling units".

The applicant seeks to remove a dwelling which is one of a row of dwellings in a predominantly residential area. This would be contrary to this policy, and contrary to Planning Policy Guidance Note 3 (Housing) which requires that local authorities "provide sufficient housing land but give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites (paragraph 2)".

To accord with policy and guidance, this site should be retained for residential purposes, and no overriding case has been made which could justify an exception to policy. Therefore it is recommended that the Council does not support this application.

RECOMMEND: That objections be raised in response to this application on the following ground:-

That the loss of a dwelling unit would be contrary to policy HO3 of the Emerging Eastbourne Borough Plan 2001 – 2011, which states that:-

"Planning permission will not be granted for developments:

(a) which would involve a net loss in the number of existing dwelling units."

MEADS WARD

7) MOIRA HOUSE SCHOOL, UPPER CARLISLE ROAD. Relocation of modular classroom, for a period of three years, to site adjacent to the swimming pool. EB/2003/0297, MAP C11. MEADS

SITE LOCATION

This application relates to an area on the westerly edge of the large Moira House School site on Upper Carlisle Road, within the Meads Conservation Area. The area concerned is currently used as a play area and contains some non-permanent play equipment. The subject site abuts the boundary of number 6 Upper Carlisle Road to the south-west, and Upper Carlisle Road itself is at the bottom of a bank on the south-eastern frontage. The school swimming pool building abuts the site to the north-east.

PLANNING HISTORY

The building concerned has been located on the Moira House Girls' School site since 1990 under temporary permissions:

· EB/90/0242 Erection of single-storey purpose-built classroom unit.

· EB/94/0173 Retention of a single-storey purpose-built classroom unit for a further temporary period (to 31 May 1997).

· EB/97/0303 Retention of single-storey purpose-built classroom unit for a further temporary period (to 31 July 2000).

· EB/00/0313 Retention of single storey purpose-built classroom unit for a further temporary period (to 31 July 2003).

CURRENT APPLICATION

The applicant seeks to relocate an existing modular classroom used at the school, to an area on the western boundary of the site, for a period of three years. The classroom would extend 7.2 metres along the road boundary, with a depth of 6 metres and a height of 3.1 metres. It has a flat roof, and is brown in colour.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

CT11 - Conservation Areas

Revised Deposit Draft

UHT4 - Visual Amenity

UHT16 - Protection of Conservation Areas

HO20 - Residential Amenity

CONSULTATIONS

The Conservation Area Advisory Group expressed concerns about this proposal as they consider the site is 'too close to the boundary and that an alternative location should be found' (Minutes dated 27 May 2003 - Background Paper).

The Consultant Historic Buildings Advisor is concerned that although the classroom is located behind existing shrubs, these will not provide adequate screening, particularly in winter. She considers the site is not suitable and would prefer another location 'further from the public viewpoint'. She is also concerned at 'yet another application for a temporary classroom' on this site (Memo dated 27 May 2003 – Background Paper).

The Aboricultural Officer has expressed concern over the removal of two trees on the site, and suggests an alternative location be found. The formal report will be given verbally at the meeting.

The residents of the neighbouring property Boston Cottage, 6 Upper Carlisle Road raise concerns that a building of this type 'does not fit in with the conservation area in which it is to be resited'. They are also concerned at the 'temporary' nature of the building, considering that it has been on the site since 1991 (letter dated 2 June 2003 – Background Paper).

APPRAISAL

The area in which the building would be located is well screened from both the road and the adjacent site. There are steep banks on both sides, and screening by way of trees and hedges. Although it is acknowledged the deciduous plants will lose foliage in winter, the high proportion of evergreen plants is considered sufficient to provide adequate screening. The building would be visible through the foliage from some points immediately adjacent to the site on Upper Carlisle Road, but this would have an insignificant effect on the overall appearance of the Conservation Area.

The building would have minimal impact upon the neighbouring dwelling. Between the subject site and the dwelling there is a large bank, with a hedge on top so that although the dwelling sits on higher ground, the outlook from this property would be largely unaffected. Noise impacts would be reduced as a result of this proposal because it would be enclosed where the existing play area is open.

Despite the views to the contrary, on balance I consider that this proposal is acceptable in planning terms, and would have minimal off-site impact. Taking these factors into account, and subject to a condition requiring that the building remain on the site for only a temporary period, the proposal is considered consistent with planning policy. It is therefore recommended that planning permission be granted.

HUMAN RIGHTS IMPLICATIONS

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

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

D5.1 Temporary permission until 31 July 2006.

8) WISH TOWER BATHING BEACHES GRAND PARADE. Temporary permission to place children's inflatables and attractions on beach. EB/2003/0286(LA), MAP G.13 MEADS

SITE LOCATION

The application site comprises a section of beach between the refreshment kiosk at the bottom of the Wish Tower slope and the Lifeguard Station. The site which has a maximum width of 50 metres and a maximum depth of 30 metres is within the Town Centre and Seafront Conservation Area.

CURRENT APPLICATION

Temporary planning permission is sought by the Borough Council under Regulation 3 of the Town and Country Planning General Regulations 1992, to place children's inflatables and attractions (including a "Bungie Bounce") on part of the Wish Tower bathing beaches during the summer season, until the end of September.

The attractions which would have a maximum height of 10 metres do not require any trackway or base. The inflatables would be deflated at the end of every day and security of the equipment would be the responsibility of the operators.

Similar attractions to those now proposed were sited on this part of the beach on a number of occasions last year. Planning permission was not required in these instances as the Town and Country Planning (General Permitted Development) Order 1995 (Part 4, Class B) permits "the use of land for any purpose for not more than 28 days in total in any calendar year….and the provision on the land of any moveable structure for the purpose of the permitted use.

PLANNING POLICY

The Eastbourne Borough Plan Proposals Map (1998) identifies the application site as being within a Tourist Enhancement Area and the following policies are considered relevant to this planning application:

Policy TO14 - Protection of Conservation Areas

Policy TO16 - Tourist Enhancement Areas

Policy TO17 - Improvements in Tourist Enhancement Areas

Policy CT1 - New development to harmonise with existing

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

The Proposals Map of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011) identifies the application site as being within a Preferred Area for Tourist Attractions and Facilities and the following policies are considered relevant to this application:

Policy TO7 - Preferred Area for Tourist Attractions and Facilities

Policy UHT1 - Design of New Development

Policy UHT4 - Visual Amenity

Policy UHT16 - Protection of Conservation Areas

Policy LCF7 - Small Scale Sport and Recreation Facilities

The Eastbourne Seafront Strategy (2001) identifies the application site as being within Character Area 4. The Strategy includes a section entitled "beach-based recreation area" and states that "of the potential sites, the beach adjacent to the Bathing and Lifeguard Station would be the most suitable. There is a considerable depth of shingle from the promenade edge to the high water mark. It is easily accessible and can be administered from the Bathing Station" (paragraph 4.2). In addition to this, Cabinet approved a new draft Seafront Strategy at their meeting on 5 December 2002, which includes new proposals.

The revised Strategy states that "in addition to existing proposals for a volleyball/sandpit area, trampolining and children's fun and games area, it is proposed that the potential for a water-based fun area is investigated." Furthermore, a proposed Action Point of the revised Strategy seeks to investigate the introduction of a privately operated trampoline/mini bungee jump operation within the beach-based recreational area.

CONSULTATIONS

At the time of writing this report, no representations have been received as a result of a site notice displayed adjacent to the site and an advert in the local newspaper.

The Eastbourne Access Group has stated that the Jan Gould Way located on these beaches should not be obstructed by the attractions (e-mail received on 21 May 2003 – background paper).

At a meeting of the Conservation Area Advisory Group on 27 May 2003, Members raised no objections to the proposal.

The Council's Consultant Historic Buildings Advisor has confirmed that she has no objections to the proposals providing the equipment is temporary ie. for the summer season only. (Internal memorandum dated 23 May 2003 - background paper)

APPRAISAL

The main issue to consider in determining this application is the effect the proposed inflatables and attractions will have on the visual amenities of the area and the character and appearance of this part of the Town Centre and Seafront Conservation Area.

Whilst the proposed equipment will be sited on the beach at the bottom of the Wish Tower slope, it will by reason of its height, be visible from Grand Parade. However bearing in mind that the attractions are only temporary and as the area has been identified as being suitable for beach-based recreation, I do not consider that the proposals will have an unduly harmful effect on the visual amenities of the area. Furthermore, as neither the Conservation Area Advisory Group or the Council's Consultant Historic Buildings Advisor have raised any objections to the application, it is not considered that the proposals will be detrimental to the character and appearance of this part of the Town Centre and Seafront Conservation Area.

HUMAN RIGHTS IMPLICATIONS

None

RECOMMEND: Permission be granted subject to the following condition:

That the proposed development hereby approved, shall be removed on or before 30 September 2003 and the land reinstated to its former condition.

9) BISHOP CAREY, GAUDICK ROAD. Erection of a pair of garages in front garden, involving excavation of bank. EB/2003/0268, MAP. C11. MEADS

SITE LOCATION

Bishop Carey is a large detached period property on the west side of Gaudick Road, situated between Meads Place and Sunnymead, in the Meads conservation area.

PLANNING HISTORY

Planning permission was granted in 1955 for the change of use from a single dwellinghouse to a school boarding house (for Eastbourne College) and the construction of a garage at the rear.

Permission was granted in 1970 for a change of use to a teaching centre for Chelsea College, and this use continued until two or three years ago.

Planning permission was granted on the 2 May 2003 under delegated powers for the conversion of the property into two single dwellinghouses, subject to conditions which included, inter alia, the submission of details of a parking scheme and the retention of the existing front boundary hedge.

(EB 2003/0173 – background paper)

CURRENT APPLICATION

Planning permission is now sought to construct a pair of garages, back to back, behind the front boundary wall. Each garage would be 5m wide and 5.5m long (making an overall length of 11m), constructed of brick with a flat roof finished with a small brick on edge parapet and a finished height of 2.8m. Whilst the application form states that the roof would be finished in felt and chippings, the agent has confirmed in writing that it is proposed to use rolled lead. The garages would be sited 0.4m inside the existing boundary wall and parallel to it, which would involve the removal of an extensive area of banking approximately 1m high and the removal of a cherry tree (T3 of TPO 88). The garages are to be dug into the ground to bring them to pavement level, and the flank wall would act as a retaining wall to allow the existing privet hedge to remain, and, it is stated, to enable it to grow another 300mm in height to screen the top of the garage. It is intended to regrade the remainder of the garden between the garage and the dwelling, to include the planting of a dividing hedge and mature flowering cherry. The existing vehicular access on the north side of the site is to be blocked up, and a new access provided into Sunnymead (see the next item on this report EB/2003/0270).

A large section of the bank has recently been removed.

PLANNING POLICY

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT1 - New development to harmonise with existing

Policy CT3 - Retention of existing features

Policy CT4 - Protection of trees covered by tree preservation orders

Policy CT11 - Standards for development in conservation areas

Revised Deposit Draft

Policy UHT1 - Design of new development

Policy UHT4 - Visual amenity

Policy UHT5 - Protecting wall/landscape features

Policy UHT16 - Protection of conservation areas

CONSULTATIONS

The Consultant Historic Buildings Adviser considers that the garages will be visible over the wall, and that to rely on a hedge is to admit that they are not acceptable without screening. She is also concerned that the hedge will not survive the recent removal of the bank, and that alternative locations on the site are considered. She recommends that the application is refused on the grounds of unsympathetic design(flat roof), bulk, effect on the hedge, and the precedent for garaging in the front garden in the Meads conservation area.

(Memo dated 3 June 2003 - background paper).

The Meads Community Association objects to the proposal on the grounds that it would interrupt the existing wall, and to rely on vegetation is not a strong enough guarantee, as this can prove temporary. The garages should be located at the rear.

(Letter dated 28 May 2003 – background paper).

The Principal Highways Engineer has no objections to the proposal, although he notes that some internal manoevring may be awkward.

The Arboricultural Officer considers that the loss of the tree would be detrimental to the visual amenities if the area, however due to the recent removal of banking, it has a short future life expectancy; any replacement planting should be on the boundary rather than beyond the garage. Furthermore, the removal of the bank has reduced the roots and nutrients to the hedge, which is now unlikely to be able to provide sufficient screening for the garages

.

Objections have been received from the occupiers of 18 & 36 Gaudick Close, 6 & 10 Gaudick Road and 62 Meads Road; the objections are the loss of the tree, the visual impact of the garages in the front garden, and an increase in vehicular noise and movements.

(Letters dated 13 May 2003 to 28 May 2003 - background papers)

APPRAISAL

The main issue to take into consideration is the impact of the proposal on the character and appearance of the conservation area.

The cherry tree has suffered damage as a result of the recent excavations around it, and it could be argued that it should be replaced in any case, and indeed the agent has specified a mature replacement specimen on the submitted plan. Further to this, the agent has also submitted a letter stating that the applicant is prepared to embark on a full planting scheme to the embark on a full tree planting scheme to the entire site as directed by the Council's Arboriculturist in terms of numbers, species, size and location. In addition, it is likely that the privet hedge will go into decline as a result of the removal of the bank, and its long term retention is uncertain. The hedges at the front of both properties are currently protected by planning conditions, requiring their retention at 1m above wall level and replacement should they die.

The boundary wall, which is constructed of flint with brick banding and coping, varies in height from 1.5m to 2m with the slope of the road, and I have sought clarification from the agent regarding the relationship of the finished height of the garage to the wall, which I hope to have in time for your meeting. At this stage I am not convinced that the top of the garages can be successfully concealed from public view, and I do have concerns regarding the impact on the streetscene. I do not consider that a pitched roof would be an acceptable design solution, as it would be overbearing and would dominate the front of the site; similarly it would not be possible to locate a garage at the rear of the left hand unit because of the preserved trees, although it may be possible to site a garage towards the back of the right hand unit.

The agent does not share the view that the garages would be visible from outside the site, and considers that the wall and hedge are of a sufficient height to screen the garages successfully. He also considers that the gardens at the front are large enough to accommodate the garages, which would be of traditional construction in keeping with the period of the building, without impacting on the setting, taking into account the additional raised lawn area to be provided.

(Letter dated 1 June 2003 - background paper)

Whilst I acknowledge the concerns of the Historic Buildings Adviser regarding the principle of setting a precedent of providing garages in the front of the property, I consider that each case should be judged on its merits, and in this particular instance I remain to be convinced that garages of this size can be successfully hidden from public view.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed garages, by reason of their height, bulk, design and location, would be detrimental to the visual amenities of the conservation area, and therefore would not comply with policies CT1, CT3, CT4 and CT11 of the Eastbourne Borough Plan (1998) and policies UHT1, UHT4, UHT5 and UHT16 of the Eastbourne Borough Plan Revised Deposit Draft (2001-2011).

10) SUNNYMEAD, GAUDICK ROAD. Erection of a three storey plus penthouse block of seven flats at rear. EB/2003/0269, MAP.C11. MEADS

SITE LOCATION

Sunnymead is a large detached period property on the west side of Gaudick Road adjacent to the University of Brighton sports complex, in the Meads conservation area.

PLANNING HISTORY

Planning permission was granted in 1962 and again in 1969 for the erection of a six-storey block of flats on the site (before the designation of the extension to the Meads conservation area).

Permission was granted in 1970 for the change of use of the property from a single private dwelling to a teaching centre for Chelsea College, and this use continued until two or three years ago.

Planning permission was granted on the 2 May 2003 under delegated powers for the conversion of the property into three flats, subject to a number of conditions which included, inter alia, the submission of details of a parking scheme.

(EB/2003/0174 – background paper)

CURRENT APPLICATION

Permission is sought to erect a three-storey extension at the rear of Sunnymead with a fourth floor penthouse contained within the roofspace, together with an access road into the site, and parking spaces at the side of the extension and to the front of Sunnymead. A total of seven flats are proposed (two per floor and one in the roofspace).

The extension would comprise an essentially rectangular block 14m wide and 13m deep with a link to the rear of the existing building comprising a staircase and lift. The footprint and height mirror those of the existing building.

Externally, the extension would reflect many of the features of Sunnymead, with bay windows, steeply pitched gables, crested ridge tiles, clay roof tiles, birds mouth eaves detailing, fishtail clay vertical tile hanging, handmade bricks, and dentil courses. Additional features include rear balconies (Victorian styling) and Masterframe UPVC vertical sliding sash windows.

A new central access to both sites is proposed, formed from an existing access to Sunnymead (widened to 9m from 3.5m) and involving the closure of the other access and the adjacent access to Bishop Carey. (See also the following report EB/2003/0270.) The front boundary wall is constructed of brick with greensand panels, and it is proposed to demolish two of the panels and reconstruct the pier to form a central access 9m wide, to provide a two-way access for vehicles and a safe pedestrian footpath through the site. The other two accesses would be closed up with matching materials (brick and greensand for Sunnymead, and brick and flint for Bishop Carey) together with the re-use of the carved stone copings taking from the Sunnymead piers. The scheme also involves the removal of the raised bank behind the front boundary wall (already partially carried out) to allow for the parking of seven cars, together with an additional three spaces at the side of the new extension. The removal of the bank would result in the loss of a holly tree, whilst the construction of the extension would result in the loss of a walnut (trees T14 and T22 of TPO88). The road would be finished in a bonded resin gravel, with granite setts to mark out parking areas and entrances, and Staffordshire blue/black bricks to form the entrance onto Gaudick Road. It is also proposed to construct a wall to the right hand side of the new access, beyond the visibility splay and pedestrian footpath, to screen the front parking area from Gaudick Road and to provide security gates 13m into the site. The layout of the access has been amended to its present form at the request of the Principal Highways Engineer.

The plans indicate the retention and extension of the hedge behind the front boundary wall, together with the retention of the other preserved trees; a number of new trees are also proposed, but the number and type are not specified.

POLICIES

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT1 - New development to harmonise with existing

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

Policy CT3 - Retention of existing features

Policy CT11 - Standards for development in conservation areas

Policy CT4 - Protection of trees covered by tree preservation orders

Policy NE21 - Protection of trees

Policy HT4 - Restriction of new accesses

Policy HO18 - Design criteria for new residential development

Policy HO4 - Density

Revised Deposit Draft

Policy UHT1 - Design of new development

Policy UHT2 - Height of buildings

Policy UHT4 - Visual amenity

Policy UHT5 - Protecting walls/landscape features

Policy UHT16 - Protection of conservation areas

Policy HO2 - Predominantly residential areas

Policy HO6 - Infill development

Policy HO20 - Residential amenity

Policy NE27 - Environmental amenity

Policy HO12 - Residential densities

Eastbourne Townscape Guide (Draft)

Guidelines FWCP1, FWCP2, FWCP7, FWCP8, FWCP9, T1, T2, T3, T4

CONSULTATIONS

The Consultant Historic Buildings Adviser objects strongly to the proposal on the grounds that the extension would be equal in size and bulk to the original building, whereas it should be lower and less bulky. She considers that it would be too dominant, visible from the street and as such would set a precedent for unsympathetic development in the rear gardens of any building in Meads; she considers that three storeys, not four, and a smaller footprint could be acceptable, subject to detail. Furthermore, she would like to see the number of parking spaces reduced at the front of Sunnymead (this could be achieved if the number of flats proposed were correspondingly reduced), but is concerned that the hedge may not survive the recent removal of the bank. (Memos dated 6 and 23 May and 3 June 2003 - background papers.)

The Principal Highways Engineer confirms that the general access arrangements are acceptable (subject to conditions); he has also stated verbally that the number of parking spaces provided is acceptable. (Memo dated 5 June 2003 - background paper)

The Council's Arboricultural Officer has the following comments, which are based on the plans supplied, but, he states, consideration has to be given to the recent damage to trees on the site:

"The proposed building is shown to be 7 metres from T18 and 3.5 metres from T19 and T20. These trees are Elms with a significantly high visual amenity value and a high retention category, providing essential screening for the adjacent sports hall.

"Section 7.5 of BS 5837 'Trees in relation to construction' gives guidance on the minimal distances of undisturbed ground that should be specified to ensure retention of a tree. This is based on the age, trunk diameter and crown vigour of the individual specimens. It should be noted that root damage occurred to these specimens resulting in rectification works being specified as part of a recent court injunction.

"In my opinion this damage will result in a loss of vigour and therefore it is imperative soil conditions are maintained to the British standard to promote regrowth of the roots. Therefore there should be no works within 6 metres of the trunk of T20 and 8 metres from T18 and T19, if retention is desired. This distance is also the recommended distance for protective fencing as indicated by the applicant's Arboricultural consultant. In my opinion it could be further argued the reduced vigour of the trees means under BS 5837 they could be classified as being of low vigour and this distance could be increased to 9 metres.

"Section 7.5.5 of BS5837 states 'if it is deemed acceptable for construction works to occur closer than the minimum distance, the distance can be reduced by one third on one side only. It is my opinion, if retention is desired, it is not acceptable to reduce the distance, due to the root damage that has occurred. Trial pits were originally dug at 5.4 metres from the trunk with a large amount of roots damaged. This indicates that there is a requirement, for the amount of undisturbed soil area, as outlined in BS5837, to ensure the continuation of the trees. This will allow a suitable area to promote the regrowth of the new roots, especially given the shallow nature of the topsoil in this area.

"There are further concerns regarding the positioning of this building in close proximity to the trees, which will be detrimental to the retention of the specimens.

· To obtain a final distance of 3.5 metres from the T20, it is likely construction techniques for the foundations will result in root damage occurring a further one metre closer to the trunk.

· The plans indicate a lounge is planned with bay windows on all floors 3.5 metres from the trunk of T20 and balcony 5 metres from T19. In my opinion this will lead to future applications to undertake crown reductions on the trees as purchasers of the properties will find these trees dominate that aspect of the flat. Crown reductions will result in a loss of natural form and amenity provided by the trees.

· The position of services is not indicated and therefore these may have a further detrimental impact on the root plates of the trees.

"The proposal will also result in the loss of T14 Walnut. Although an unusual specimen in this area, this tree has been extensively reduced in the past, with a loss of natural form. Therefore it is my opinion replacement planting would ensure future visual amenity. Landscaping plans would be required before any further comment can be made.

"To facilitate the parking it would be necessary to remove T22 Holly. It is my opinion, due to the root damage that has occurred in this area, this specimen has a short future life expectancy and therefore removal and replacement would be required. The presence of parking spaces under the periphery of the crown may lead to future applications for works to be undertaken to T21 Elm, leading to a loss in natural form. Landscaping plans would be required before any further comment can be made.

"To conclude, the position of this proposed building is likely to have a significant detrimental impact on the health, stability, natural form and visual amenity of the Elms on the northern boundary. I would like to draw your attention to section 7.1.1 and 7.1.2 of BS5837 that states;

'Trees that are growing satisfactorily have achieved equilibrium with their surroundings. Any construction work, which affects this equilibrium, could be detrimental to the health, future growth and safety of the trees. Planning and subsequent site management should aim to minimise disturbance. This is particularly important with trees with reduced vigour. Such trees will be very vulnerable to any change in site conditions.

The part of the tree most susceptible to damage is the root system, which, because it is not immediately visible is frequently ignored. Damage or death of the root system will affect the health growth, life expectancy and safety of the rest of the tree. The effects of such damage may only become evident several years later.'"

(Memo dated 19 May 2003 - background paper)

The Environment Agency has no objection to the proposal, subject to a condition regarding surface water drainage. (Letter dated 8 May 2003 - background paper)

A total of five letters of objection has been received as a result of statutory notifications from the occupiers of 10 Gaudick Road, 18 and 36 Gaudick Close, 62 Meads Road and the Meads Community Association. The objections are summarised below:

- gross overdevelopment of the site

- loss of trees

- loss of 8.5m of boundary wall; would the access road be tantamount to the approval of further applications for development at the rear?

- the number of residential units proposed would result in up to 20-25 vehicles using Gaudick Road; parking is already a problem because of the University, and the proposal is likely to result in a demand for on-street parking; the access is too close to the junction with Gaudick Close, and would present a traffic hazard and result in noise and disturbance

- the occupier points out that he has already lost light/view from the sports hall, and this would be exacerbated by the proposed development, which is on higher ground; any development over one storey would result in loss of privacy to his kitchen.

(Letters dated 13 to 28 May 2003 - background papers)

APPRAISAL

The main issues to take into account in determining this application are residential amenity, highway safety, loss of trees and the impact of the proposal on the character and appearance of the conservation area.

Residential amenity

As Hillbrow (University of Brighton) is situated to the north-west of the application site, and Bishop Carey (within the applicants' ownership) to the south-east, the only residential property adjacent to the site is 62

Meads Road at the rear (south-west). Given that the distance of the proposed extension from the site boundary is 35m, and that the objector is situated to the south-west of the site, it is considered that there would not be any direct overlooking or overshadowing as a result of the development.

Highway safety

The scheme has been amended to meet the requirements of the Highway Authority, and has satisfied all issues regarding highway safety.

The scheme does have a shortfall in numbers of parking spaces in accordance with the East Sussex County Council Parking Standards documents, however, the manual does state the standard is a maximum, and that a reduction in this area (Zone 1) of 25% is acceptable. This reduction would result in a requirement for eleven spaces, and ten are proposed. A total of ten flats are proposed, which represents one space per flat. I am mindful that since the University vacated Bishop Carey and Sunnymead, there is plenty of onstreet parking available at this end of Gaudick Road, and that in the evenings, at weekends and out of term time there is very little on street parking at all in the road. The Highways Authority have confirmed this view, and have no objection to the scheme in terms of parking provision.

It is considered, therefore, that there would be no adverse impact on highway safety as a result of the development.

Loss of trees

The proposed development would lead to the direct loss of two preserved trees, and given the position and condition of these trees, it is considered that their removal and replacement is acceptable.

I am very concerned about the impact of the development on the four elms adjacent to the boundary with Hillbrow. As indicated by the Arboriculturist, there are severe implications for the three elms (T18, T19 and T20 of TPO 88) from the construction of the extension and the impact on the roof systems, and for the long term retention of these trees and the elm at the side of Sunnymead (T21) given their proximity to main habitable rooms and balconies, and the location of a parking space under the crown periphery. In my opinion, there would be constant pressure for the removal or severe lopping of these trees from future occupiers of the flats.

It is considered, therefore, that the development would be likely to result in the unacceptable loss of some of the preserved trees because of its proximity to them. The agent has confirmed in writing that the applicant is prepared to undertake a full tree planting scheme for the entire site as directed by the Council, in terms of numbers, species, maturity and location.

(Letter dated 6 June 2003 – background paper)

Impact on the conservation area

Walls – there would be no overall loss of boundary wall on the Gaudick Road frontage, since the two accesses to be infilled would compensate for the widening of the existing one. It is considered that, subject to conditions, the proposed alterations to the boundary wall are acceptable, and would not have an adverse impact on the character and appearance of the conservation area.

Extension – the proposed extension would be exactly the same height as the existing building, and would have almost an identical footprint. The proposed use of traditional materials and detailing gives much credit to the scheme and in this respect would help the extension blend in with Sunnymead.

However, the extension would not appear subservient to the main building, but, because of its alignment and

form (a regular, rectangular mass, albeit with bays, on all three floors) it may appear as bulkier than the more irregularly shaped original building. Although it is acknowledged that the extension would be set a considerable distance from the front boundary and would be screened to a significant degree from public view, it is considered that the view from Gaudick Road between the two existing buildings could be adversely affected by an inappropriate form of development, to the detriment of the character and appearance of the conservation area.

Parking – the parking area at the front of Sunnymead would be totally hidden from public view by a new wall and the existing wall, which is 1.5m high, and supports an evergreen (enonymous) hedge. Whilst the future of the hedge is uncertain, because of the removal of some of the banking, there is already a condition in place requiring its retention, or replanting if it dies. It is considered that the use of the front garden for parking is acceptable in this instance and would have no impact on the appearance of the conservation area.

The agents response

I have sought amendments to the scheme, in order to reduce its impact. Inevitably this would have resulted in a reduction in the number of residential units. The agent has given consideration to requests to reduce the overall size of the extension, and has made the following response:-

· it is considered that the proposed extension would have no impact on Gaudick Road; it would have only one elevation visible from an oblique angle, and has been designed to provide a varying façade of interest and character, with varying projections and recesses to resemble the style and period of the time; the recess will give the appearance of a separate building without detracting from the Gaudick Road elevation; it is considered that the proposal conforms with policy UHT 1 (design, scale, form, materials, setting, alignment);

· it is also considered that the proposal will improve visual amenity, as it will provide a building of character to screen the adjacent university gymnasium (Policy UHT 4);

· it is not considered that the extension would be too dominant when compared to the gymnasium which itself dominates this part of the conservation area; Eastbourne Borough Council has set a precedent in relation to the conservation area for mass, size and design, even though the gymnasium failed to comply with policy it was recommended for approval (the agent has requested that drawings showing the relationship between the gymnasium and the proposed extension are displayed at your meeting); the agent also points out that the applicants previous project at 18 Grassington Road was refused on the grounds of mass and bulk, but subsequently overturned at appeal, and states that this building is externally complete and provides a classic example of the standard of design and workmanship which would be repeated at Gaudick Road. He also refers to previous permissions for the erection of a six storey plus penthouse block of flats;

· tree considerations are of the utmost importance and whilst the arboricultual officer may object to the close proximity of T20, this should not be the single grounds for refusal; an experts report on the condition and validity of all the trees on the site is awaited, but BS5837 “Trees in relation to construction” would be adhered to. (NB an objection to the order has subsequently been lodged);

· the parking has been amended to meet officers concerns, and will be totally hidden behind walls; a planting scheme will be implemented to compensate for the loss of trees; this compares very favourable when compared to The Links (72 Meads Road) where a car park has been permitted in the front entrance area in full view of Meads

Road with no screening whatsoever.

(Letters dated 23 May and 1 June 2003 – background papers)

HUMAN RIGHTS IMPLICATIONS

None

CONCLUSION

It is considered that the provision of an extension to Sunnymead is acceptable in principle, and that the application complies with some of the Council's policies. However, I am not convinced that the scheme is acceptable in terms of its massing and bulk in juxtaposition to Sunnymead. I acknowledge the agents comments regarding the University of Brighton's gymnasium, but I am not persuaded that the Council's decision in 1998 to make an exception to policy is a satisfactory argument in this instance to effect a recommendation for approval of the current scheme. I also remain concerned in respect of the impact of the proposal on the preserved trees, now and for their future retention.

In conclusion, I consider that the application fails on the above grounds.

The agent is concerned that, as the site is currently not visible from Gaudick Road, the Members of the Planning Committee would not be able to view the site properly, and he has therefore requested that you consider a deferral of the decision of this application to allow for a site visit by Members of the Committee.

RECOMMEND: Permission be refused for the following reasons:-

1. That the proposed extension, by reason of its bulk, height and massing, would be detrimental to the visual amenities of the area and would therefore have an adverse impact on the character and appearance of the conservation area.

2. That the construction of the proposed extension would have a seriously adverse impact on the adjacent preserved trees, and would be likely to compromise their long term health and retention.

3. That further to Reasons 1 and 2 above, the development fails to comply with policies CT1, CT2, CT3, CT4 and CT11 of the Eastbourne Borough Plan (1998) and policies UHT1, UHT2, UHT4 and UHT16 of the Eastbourne Borough Plan Revised Deposit Draft (2001-2011).

11) SUNNYMEAD, GAUDICK ROAD. Demolition of existing stable building, removal of section of front boundary wall and removal of section of side boundary wall (To Bishop Carey). EB/2003/0270(CA), MAP C11. MEADS

SITE LOCATION

Sunnymead is a large detached period property on the west side of Gaudick Road adjacent to the University of Brighton sports complex, in the Meads conservation area.

PLANNING HISTORY

Planning permission was granted in 1962 and again in 1969 for the erection of a six storey block of flats on the site (before the designation of the extension to the Meads conservation area).

Permission was granted in 1970 for the change of use of the property from a single private dwelling to a teaching centre for Chelsea College, and this use continued until two or three years ago.

Planning permission was granted on 2 May 2003 under delegated powers for the conversion of the property into three flats, subject to a number of conditions which included, inter alia, the submission of details of a parking scheme.

(EB/2003/0174 – background paper)

CURRENT APPLICATION

Conservation area consent is now sought to demolish the stable building at the side of Sunnymead and two sections of boundary wall, one at the front and one at the side.

The stable building is 8m wide and 20m deep, constructed of brick under a pitched tiled roof, set approximately 35m back from the existing vehicular entrance. There are double doors at the front and has the general appearance of a garage.

The front boundary wall is constructed of brick with greensand panels, topped with decorative brick copings at a height of 1.5m, and it is proposed to remove approximately 5m of the wall i.e. the first two panels adjacent to the existing access; the application also involves the removal of a plain brick pier with a carved stone coping, at a height of 2m , and to rebuild it at the side of the widened access. The hedge behind the wall would be cut back to match.

The side boundary wall is constructed of brick topped greensand and it is proposed to remove a 4m wide section 10m back into the site in order to provide access into Bishop Carey .

The aim of the demolition is to provide a central access for both Sunnymead and Bishop Carey, and this involves the closing of two other accesses (one on each site), and these are to be reinstated to match.

PLANNING POLICY

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT3 - Retention of existing features

Policy HT4 - Restriction of new accesses

Revised Deposit Draft

Policy UHT4 - Visual amenity

Policy UHT5 - Protecting walls/landscape features

Eastbourne Townscape Guide (draft)

Guidelines FWCP2, FWCP4, FWCP5, FWCP6, FWCP9

CONSULTATIONS

The Consultant Historic Buildings Adviser considers that the loss of the stable is regrettable, but accepts that the principle has already been agreed; she also considers that it would be premature to determine the application until the applications for the rear of the site are agreed.

Memos dated 23 May and 3 June 2003 - background papers)

Objections have been received from the occupiers of 10 Gaudick Road,18 & 36 Gaudick Close and 62 Meads Road regarding the application, however none of the letters refer specifically to the demolition of the stable building or the walls, only to the increased number of vehicles potentially associated with the site.

(Letters dated13 to 22 May 2003 - background papers)

APPRAISAL

The main issue to take into account is the impact of the proposal on the character and appearance conservation area.

Whilst the stable building is contemporary with Sunnymead, it is nevertheless dwarfed by the scale of both Sunnymead and Bishop Carey. I am mindful that is set a significant distance back from the front boundary, and that its contribution to the setting of the conservation area is therefore minimal.

The provision of a vehicular access into Bishop Carey through the side boundary is set so far back that there would be no impact on the conservation area at all.

The alteration to the front boundary wall would have the most visual impact. The number of vehicular accesses to both sites is currently four (two to each, arranged as in & out) , and it proposed to reduce this to two. The overall length of the walls would not change, since the section to be removed would be compensated by the infilling of the two redundant accesses; it could be argued that this might be regarded as an improvement, as the continuous length of wall would actually be increased. The existing piers have suffered some damage, probably as a result of the narrowness of the access, and would benefit from some reconstruction; they also have attractive carved stone copings which it is intended to reuse.

The agent is aware of the Consultant Historic Buildings Adviser's view that the application should not be determined at this stage, however he states that the Council are aware of all further applications for the rear of the site and as this application will allow for the new access for either or both schemes, it should fall to be determined on its own merits.

(Letter dated 1 June 2003 – background paper)

The two properties constitute a large site, and some form of development is likely to gain consent. In this respect, I accept the agents view that the application should be determined on its own merits. I am of the opinion that, subject to suitable conditions, the proposal complies with approved Borough Plan policies and would not be detrimental to the appearance or character of the conservation area.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Conservation Area Consent be granted subject to the following conditions:-

1. D1.2 Commencement of development within five years.

2. That the two existing accesses shall be infilled to match the adjoining walls exactly, including the reinstatement of the footpath and kerb, to the satisfaction of the Head of Planning before any of the residential units are first occupied.

3. That the existing stone coping shall be reused in the construction of the new pier.

4. That the new pier shall be constructed by reusing the bricks from the existing pier in a matching bond.

OLD TOWN WARD

12) 15-17 CHARLESTON ROAD. Erection of single storey rear extension. EB/2003/0250, MAP F7. OLD TOWN

SITE LOCATION

This application relates to a residential home for the elderly, which occupies a converted pair of semi-detached dwellings halfway along Charleston Road. It abuts large, semi-detached dwellings on either side, with similar dwellings opposite on Charleston Road. The site has a long garden to the rear, abutting the rear gardens of dwellings on Mountney Road.

The site slopes downwards from the north-west, so that 19 Charleston Road sits slightly higher than the subject site, and 13 Charleston Road slightly lower. There are brick walls on either side of the site, measuring approximately 2 metres in height between the buildings, dropping to around 1 metre in height towards the rear, between the gardens.

PLANNING HISTORY

EB/63/50 - Change of use from a private dwellinghouse to a hostel for five elderly persons occupying separate bed-sitting rooms, with a resident full-time house keeper providing residents with two hot meals a day (17 Charleston Road only).

EB/64/501 - Change of use of No. 15 from a private dwellinghouse to an old people's hostel, installation of sanitary fittings, provision of opening in party wall on ground floor, and erection of conservatory at rear.

EB/97/0352 - First floor extension to rear plus internal alterations to residential home.

CURRENT APPLICATION

The applicant seeks to add a single storey extension to the rear of the building, to provide a warden's lounge, residents' lounge, and extended kitchen. The extension would be set in 0.3 metres from either side of the building, and would measure 4.2 metres in depth at the sides, and 5.15 metres in depth in the centre. It would have a flat roof with a small pitched feature at the front and sides.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

HO18 - Design criteria for new residential development

Revised Deposit Draft

UHT1 - Design of New Development

UHT4 - Visual Amenity

HO20 - Residential Amenity

CONSULTATIONS

Four objections to the proposal have been received from neighbouring residents.

The immediate neighbours (13 and 19 Charleston Road) have both raised concerns regarding the loss of light to their properties: to the kitchen, passageway, and rear patio area of number 19, and to the kitchen and study of 13 Charleston Road. The residents of the latter are also concerned at the loss of privacy caused by the side-facing window proposed.

Broader issues were raised regarding the extension, including:

· That the size, character and appearance of the proposed extension would be out of keeping with the neighbourhood;

· That it would represent over-development of the site;

· That the ‘warden’s lounge’ would be used for an extra resident, creating extra traffic from off-site wardens;

· The extension would detract from the ‘open’ aspect at the rear of the dwellings;

· The proposal would ‘bring residents closer’ to the occupants of Mountney Road properties, to the rear of the subject site.

(Letters dated 15 to 21 May 2003 - Background Papers).

APPRAISAL

The extension would be flat-roofed, at single storey height, and set in 0.3 metres on either side of the building. These factors would minimise potential impacts on the neighbouring properties on either side. The extension would not cause any loss of light to habitable rooms, and only minimal loss of light to other rooms, particularly as it would face north-east. The issue of overlooking can been addressed through the imposition of condition 2, requiring that the side window facing 13 Charleston Road be semi-obscure glazed and fixed. This would also minimise possible noise or odour impacts from the extended kitchen area.

The main impact the proposed extension would have on the abutting dwellings is to affect their outlook through additional building bulk. However this is not considered sufficient to warrant refusal, particularly as it is comparable to that of an extension which could be erected under 'permitted development’ rights if the property had remained as a dwelling. The impact on the properties to the rear of the site would be minimal as the dwellings are more than twenty metres away.

In response to other issues raised, I do not consider the extension represents over-development of the site because it extends only 4.2 metres into a 20 metre long garden. The character and appearance of the extension

would be in keeping with the existing building, with materials matching in type and colour, and a tiled edge to the roof.

The 'open aspect' of the rear of the dwellings is acknowledged, but because the extension would be of single storey height, I do not consider it would detract from this. Properties abutting and near to the subject site have extensive rear gardens, so this extension would not protrude to such an extent as to affect the 'open' aspect of the sites.

The extension is not considered to be contrary to planning policy, and I do not consider that it would detract from the residential amenity of the neighbouring properties – and certainly not to a greater degree than if their residential neighbours extended under 'permitted development' rights. For this reason and those given above it is recommended that planning permission be granted.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposed development would affect the rights of adjoining residents to the 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. A4.1 Semi-obscure glazing in south-eastern elevation.

13) 1 UPWICK ROAD. CONVERSION OF GARAGE TO FAMILY ROOM INCLUDING CREATION OF PITCHED ROOF AND ERECTION OF 1.8 METRE CLOSE-BOARDED FENCE. EB/2003/0310, MAP E7. OLD TOWN.

SITE LOCATION

This application relates to a flat-roofed, double garage located at the end of the rear garden of a semi-detached dwelling in Upwick Road. The garage fronts St Leonards Place, with approximately 16 metres between the rear of the dwelling and the garage. The site slopes upwards towards St Leonards Place. A driveway from Upwick Road to St Leonards Place abuts the site to the north-east.

PLANNING HISTORY

Planning permission was granted to erect the garage in 1958 (ref. EB/58/86). The applicant sought to demolish the double garage, and erect a new office building in 2002 (ref. EB/2002/0745). Twenty submissions were received opposing the application, and it was subsequently withdrawn before being heard by the Planning and Licensing Committee.

CURRENT APPLICATION

The applicant seeks to convert the existing garage to a family room through the creation of a pitched roof to replace the existing flat roof, and to erect a 1.8 metre close-boarded fence along the front and side boundaries. The existing flat-roofed garage measures 2.8 metres in height. The pitched roof would give a building height of 3.9 metres (measured from the St Leonards Place elevation – 4.9 metres when measured from the subject site garden), 1.7 metres of this height being the pitched roof. The garage doors would be removed, and new windows and a doorway would face the road. There would be no windows facing the south-west, and a single window facing north-east, towards the driveway beside the site. Slate is to be used on the roof, and brick on the walls, to match the existing dwelling.

It should be noted that the planning permission relates only to the building works. The use of the building as a family room does not constitute 'development': Section 55(2)(d) of the Town and Country Planning Act 1990

states that “the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such” does not constitute development of the land.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

HO18 - Design criteria for new residential development

Revised Deposit Draft

UHT1 - Design of New Development

UHT4 - Visual Amenity

HO20 - Residential Amenity

CONSULTATIONS

Fourteen objections to the proposal have been received at the time of this report (6 June 2003). The main planning issues raised are:

- It would be out of keeping with the existing Victorian houses and the character of the area;
- It would require the removal of trees, including an elm tree on the road and a horse chestnut next door;
- The pitched roof may enable subsequent development of the roof cavity;
- The building may be used in the future as a separate residence, or for business purposes;
- That this would set a precedent for other Upwick Road residents to make garage conversions;
- Concern at the removal of the garage without indicating the provision of on-site car parking.

Several non-planning matters were also raised, including concerns over the disruption from traffic during the demolition and construction, and the adequacy of the foundations (background papers).

The Arboricultural Officer’s comments will be presented verbally at the committee meeting, but he has requested that a condition be imposed on the permission to protect the trees near the site. He considers this would adequately protect the trees from potential impacts.

APPRAISAL

The main issues to consider in assessing the application are the effect on the visual amenity of the area, and the impact on neighbouring properties.

The street scene in St Leonards Place is characterised by properties of varying appearance, but generally from the Victorian era. However, the property immediately neighbouring to the east (20 St Leonards Place) is a

modern residential conversion (ref. EB/97/0237) with a cedar wood frontage. The proposed alterations would not therefore disrupt an established building pattern or appearance.

It is also important to consider the condition and appearance of the existing building: a flat-roofed, double garage with an asbestos cement sheeting roof. I consider that the proposed pitched roof would be more in keeping with the surrounding area than the existing flat roof.

Addressing the matter of possible future use of the building, planning permission would be required to use it as a separate dwelling. It could be used for business purposes without planning permission, provided this was strictly incidental to the enjoyment of the dwellinghouse. It should also be considered that the garage as it is, or for that matter a small part the dwelling, could be used for business purposes without planning permission (again, as a purely incidental use).

The proposal is unlikely to impact upon the trees near the site, as the building area would not be increased, only its height. It is recommended that a condition be imposed on the planning permission if granted, to protect the trees from adverse effects during the erection of the fence. The Arboricultural Officer's comments, along with those from the Highway Department, will be reported verbally at the meeting.

The building would not be of sufficient height for the roof to be used as additional living accommodation as the building will only measure 4 metres in height.

Taking these matters into account, I consider that the proposed alterations are acceptable, would have minimal off-site impacts, and would improve the appearance of this part of the site. This application is therefore considered to be acceptable in planning terms, and is consistent with planning policy and guidance.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposed development would affect the rights of adjoining residents to the 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 any foundations required for fence shall be dug by hand, and no mechanised digging equipment shall be used under the canopies of trees on or near the site.

14) LAND WITHIN THE CURTILAGE OF 32, 33 & 34 DOWNSIDE CLOSE. Erection of three detached houses with integral garage. EB/2003/0202, MAP D7. OLD TOWN

SITE LOCATION

The application site comprises part of the rear gardens of three properties on the south side of Downside Close which back onto Cherry Garden Road. The site is broadly rectangular in shape with an average width of 51m, and depth varying from 23m to 36m; the total area is 0.14ha. The site rises very steeply from north to south, i.e. from the rear of the existing dwellings to the boundary with Cherry Garden Road, and to a lesser extent from west to east. The site originally formed a woodland area of part of the former Downside Hospital; at present 29 trees remain and these are contiguous with the tree belt in the Old Town Recreation Ground. A tree preservation order has recently been made to cover 24 of these trees.

PLANNING HISTORY

Planning permission was granted in 1981 for the construction of all the properties in Downside Close. The application site was shown on the approved plan as a separate wooded area, and a condition was imposed requiring the retention of the trees; it appears that the land has subsequently been incorporated into the curtilages of numbers 32, 33 and 34 Downside Close.

(EB/81/127 – background paper)

CURRENT APPLICATION

Permission is sought to construct three detached houses with integral garages and vehicular access to Cherry Garden Road. Each dwelling would have accommodation arranged on three floors, incorporating a garage, kitchen, utility room, two lounges, a bathroom, study and four bedrooms (two en-suite), totalling a floor area of $219m^2$. The elevations fronting Cherry Garden Road would appear as single storey, with the floor level of the top floor (which would accommodate the front door and garage) being approximately 1m below the pavement level of Cherry Garden Road.

It is proposed to construct three bridges of brick and timber to provide access to the public highway, 9m deep and extending the full width of each property; this would require the removal of three sections of the existing substantial brick and flint wall fronting Cherry Garden Road. At the rear the dwellings would appear as three storeys, with the top floor in the roof (with rooflights), and 3m deep raised decks projecting into the garden well below the lower ground floor level (but still a significant height above the natural ground level). The dwellings would be constructed of facing bricks and blue/grey fibre slates.

The development would result in the removal of all the trees on the site. A tree condition report submitted in support of the application indicates that four of the trees are diseased and eight are in poor condition; it further states that many of the trees are of low retention value, and that nine are of medium or high value.

PLANNING POLICY

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT1 - New development to harmonise with existing

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

Policy CT3 - Retention of existing features

Policy CT4 - Protection of trees covered by tree preservation orders

Policy NE21 - Protection of trees

Policy HT4 - Restriction of new accesses

Policy HO18 - Design criteria for new residential development

Revised Deposit Draft

Policy UHT1 - Design of new development

Policy UHT2 - Height of buildings

Policy UHT4 - Visual amenity

Policy UHT5 - Protecting walls/landscape features

Policy HO2 - Predominantly residential areas

Policy HO6 - Infill development

Policy HO20 - Residential amenity

Policy NE27 - Environmental amenity

CONSULTATIONS

The Highway Authority has no objection in principle to the proposal, however they would require 2m x 2m visibility splays either side of each access, and that the ramps/bridges must not be steeper than 1 in 9; furthermore the junction of East Dean Road and Cherry Garden Road would require alteration to slow down traffic entering Cherry Garden Road, to avoid the risk of vehicle conflict, and the cost should be borne by the applicant.

(Memo dated 7 May 2003 – background paper)

The Council's Arboricultural Officer is of the opinion that the proposed development would result in the loss of all the mature trees on the site. The arboricultural report submitted with the application states that "there are six or seven trees wanting of retention". It is standard practice, in accordance with BS 5837 Trees in Relation to Construction, to ascertain the condition of trees and base development proposals o around trees worthy of retention. It is noted that only three trees are recommended for removal. He considers that seen as a group, a significant number of trees are worthy of retention, and therefore a Tree Preservation Order has been made to cover the trees on the site, with the exception of those in poor condition. The group of trees on the Cherry Garden Road boundary and those on the boundary with 66 East Dean Road have significantly high visual amenity value and their loss would have a severe impact on the area, altering the existing Downland Woodland aspect. The proposed plans indicate that there would be insufficient space to undertake replanting in this location to compensate for those lost.

(Memo dated 7 May 2003 – background papers)

Letters of objection have been received from the occupiers of 8, 27, 28, 31, 35, 36, 37, 38, 39, 42 and 47 Downside Close, and agents acting for the occupiers of 66 East Dean Road; the objections are summarised thus:

· Loss of trees, natural habitat and a long established rookery

· Visual impact on the landscape and character of the area, particularly when seen against the backdrop of the Downs

· Over-development of the site which would dwarf the existing houses and dominate the landscape

· Bad development, too many houses are being crammed into nooks and crannies

· Disruption of a historic and attractive flint wall

- Traffic hazard and road safety
- Loss of privacy, loss of light, overshadowing and overlooking
- May set a precedent to build on the adjacent recreation ground

(Letters dated 20 April 2003 to 10 May 2003 - background papers)

APPRAISAL

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

Highway safety

Whilst it is noted that the highway authority has no objections in principle to the provision of vehicular accesses to Cherry Garden Road, the plans, in their current form, are not acceptable. There are no visibility splays, and the ramps/bridges are too steep, both of which would present a hazard to highway and pedestrian safety. In addition, it is considered that the proposal would result in a potential hazard at the East Dean Road/Cherry Garden Road junction, due to the wide angle of the junction and the speed of vehicles entering it; a Section 106 agreement would be required to secure a financial payment to realign the junction.

Visual and residential amenity

As indicated earlier in this report, the application site slopes very steeply away from the existing dwellings, with the result that the proposed buildings would be constructed almost entirely above existing eaves level; from street level the rear elevations would have a height of approximately 13m. All the trees would have to be felled to accommodate the proposed dwellings. It is considered that the loss of the trees and the construction of the dwellings would have a severely detrimental impact on the visual amenities of the area when viewed from Downside Close.

The proposed development would also result in the loss of substantial sections of the attractive brick and flint wall on the Cherry Garden Road frontage. The wall is approximately 50m long, and each of the accesses, as proposed, is 5m wide; taking into account the requirement for visibility splays, each access would effectively be 9m wide, resulting in the loss of half of the overall length of the wall. The Consultant Historic Buildings Adviser has visited the site and has advised that the wall would not be a candidate for listing as it dates only from the mid 19th century. Nevertheless, I am mindful of policies CT3 and UHT5 which require the retention of such features. Most of the trees on the site are located towards the Cherry Garden Road boundary and make a very valuable contribution to the visual amenity of this section of the road, which, together with the Cherry Garden Plantation and the tree belt in Old Town Recreation Ground, has a semi-rural appearance. It is therefore considered that the loss of the trees and an extensive section of the wall would have a severely detrimental impact on the visual amenities of the area when viewed from Cherry Garden Road.

As indicated above, the proposed dwellings would be constructed at a significantly higher level than the properties in Downside Close, for example the highway in Downside Close averages 51m AGL and that in Cherry Garden Road averages 66m AGL, and the majority of the windows would be located on the rear elevations; in addition there are substantial decks proposed at the rear, which would be above the eaves level of 32,33 and 34 Downside Close. Furthermore, the flank elevation of Plot 3 would be directly in front of the dwelling and private garden of 66 East Dean Road, only 9m from the boundary wall. It is considered that the proposed development would result in an unacceptable degree of overlooking, loss of privacy, loss of outlook and overshadowing in respect of adjoining properties. Whilst it is acknowledged that three of the properties are within the ownership of the applicants, it is considered that the relationship between the existing and proposed

dwellings is extremely poor, and would be detrimental to the living conditions of future occupiers. It is considered, therefore, that the proposal would be detrimental to the residential amenities of adjoining residents.

Impact on the environment

As noted above, the proposed development would have a detrimental impact on the environment as a result of the loss of all 29 trees on the site, and the effect of removing a large section of the tree belt.

HUMAN RIGHTS IMPLICATIONS

For the reasons given above, it is considered that the proposal would have a seriously adverse impact on the rights of adjoining residents.

CONCLUSION

In conclusion it is considered that the proposal would represent an unacceptable form of backland development which would be seriously detrimental to the visual and residential amenities of the area.

RECOMMEND: Permission be refused on the following grounds:-

1. That the proposed development would be seriously detrimental to the residential amenities of adjoining and nearby residents by reason of overlooking, overshadowing, loss of privacy and loss of outlook.

2. That the proposed development would be seriously detrimental to the visual amenities of the area by reason of the loss of preserved trees, the loss of substantial sections of the boundary wall and the overbearing and dominant impact of the dwellings on a steeply sloping site.

3. That, further to Reasons 1 and 2 above, the proposal would result in an over-development of a restricted site and would not accord with policies in the Adopted Borough Plan (Policies CT1, CT2, CT3, CT4, NE21, HT4, & HO18) and the Revised Deposit Draft Borough Plan (Policies UHT1, UHT2, UHT4, UHT5, HO2, HO6, HO20 & NE27).

RATTON WARD

15) CHALK FARM HOTEL COOPERS HILL. Installation of a colinear antenna at rear. EB/2003/0289(LB), MAP.I1. RATTON

SITE LOCATION

Members will be aware of the location of the hotel on the east side of Coopers Hill adjacent to Chalk Farm. It is a Grade II listed building.

PLANNING HISTORY

Planning permission was approved at your meeting on 23 April 2003 for this proposal.

CURRENT APPLICATION

Listed building consent is now sought to install a colinear antenna adjacent to the rear stack of the hotel building. The antenna itself is 2.7m long and made of glassfibre, and it would be attached to a 2m long pole which would then be fixed to the end gable of the building. The final height of the antenna would be 9.5m above ground level, which is 3m above the ridge of the roof. The antenna has been positioned so that it would appear to be attached to the stack when seen from most viewpoints; the stack already supports a domestic (although large) television aerial.

The equipment box would measure 255mm by 315mm by 110mm (about the size of a cereal packet) and would be located inside the building. No details have been submitted regarding cabling, but the agent has stated that this would be carried out in accordance with the Council's requirements.

The application is submitted by the RNLI for use of the emergency callout system (paging).

PLANNING POLICY

The following policies are relevant to this application:

Adopted Borough Plan

Policy CT13 - Protection of listed buildings

Revised Deposit Draft

Policy UHT18 - Protection of listed buildings

CONSULTATIONS

No response has been received as a result of the statutory advertisements.

The Consultant Historic Buildings Adviser states that her previous recommendation for refusal still stands, and considers it is regrettable that an alternative location cannot be found without positioning the antenna on a listed building.

(Memo dated 23 May 2003 – background paper)

APPRAISAL

The main issue to take into account is the impact of the proposal on the character and appearance of the listed building.

The hotel dates from the early 18th century and has a very domestic appearance. I agree with the Consultant Historic Buildings Adviser that the aerial now proposed would be an alien feature.

The agent requests that special consideration be given to the application in view of the status of the RNLI, and the fact that the aerial is not a permanent fixture to the listed building.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

In conclusion, I remain of the opinion that the application should not be supported, however I am mindful that Members did not concur with this view on the application for planning permission.

RECOMMEND: Listed building consent be refused on the following grounds:-

That the proposed aerial, by reason of its type, material, position and height, would represent an alien and discordant feature, which would have a seriously adverse impact on the character and appearance of the listed building.

ST. ANTHONY'S WARD

16) LAND BETWEEN 49 AND 61 BRIDGEMERE ROAD. Erection of four 2-storey dwellings (Outline application - amended description). EB/2003/0055(OL), MAP K9. ST. ANTHONYS

SITE LOCATION

The rectangular shaped site, covering some 1,300 square metres and measuring approximately 33 metres deep (with Fidler Close footpath) and 41 metres wide (fronting Bridgemere Road), is surrounded by semi-detached dwellings on two sides, with the identified footpath and vehicular highway on the other two sides. The site is within the Willingdon Levels catchment area.

PLANNING HISTORY

Between1979 and 1985 planning permission was granted, on three separate occasions, for the erection of 3 detached houses, with integral garages, and shop with flat over, plus a garage for the flat (EB/1979/0697, EB/1980/0153 and EB/1985/0158 – Background papers).

CURRENT APPLICATION

Outline consent was originally sought for the erection of four detached 2-storey dwellings, together with garages and vehicular accesses off Bridgemere Road. The application seeks the principle of residential development, with siting, design, landscaping, external appearance and means of access reserved for subsequent approval. The application has subsequently been amended to delete reference to "detached" dwellings, as both the design and siting of the four dwellings will be considered at the 'reserved matters' stage.

PLANNING POLICY

Relevant policies in the Adopted Borough Plan 1998

CT1 – New development to harmonise with existing

CT2 – Height of new development to be similar to existing

HO18 – Design criteria for new residential development

HT7 – Car and cycle parking standards

US6 – Compensatory drainage provision in Willingdon Levels

Relevant policies in the Revised Deposit Borough Plan 2001 – 2011

UHT1 – Design of new development

UHT2 – Height of buildings

HO20 – Residential amenity

TR6 – Facilities for cyclists

TR11 – Car parking provision

US3 – Flood protection and surface water

CONSULTATIONS

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted conditions are imposed: to alleviate the increased risk of flooding, to protect the development from flooding and to prevent pollution of the water environment (Letter dated 14 February 2003 – Background paper).

The Council's Contaminated Land Officer advises that as the site is 90 metres from a closed historic landfill site and there is the potential for the migration of landfill gas, it will be necessary to ensure that there is no adverse impact upon the proposed dwellings and their occupants. As such conditions are recommended (Memo dated 18 February 2003 – Background paper).

The Principal Highway Engineer (Planning) advises that the Highway Authority does not wish to restrict the grant of consent subject to pedestrian visibility, drainage and finished surface related conditions (Memo dated 4 March 2003 – Background paper).

Two notices were displayed around the site and the occupants of nearby houses were sent notification letters. In response three letters of representation were received, the contents of which can be summarised as follows:

· We are concerned about the problems of flooding since the estate was built about 30 years ago as the land has sunk and become a natural sump

· Some form of land drainage should be included in the development. It is a local resource which could and should be realised by the Borough Council for both the young and old sections of the local community

· We object to the loss of this potentially valuable piece of open space. Four detached houses with associated parking may be an over-development of the site, especially if a feel of openness is to be maintained

· Although four 2-storey dwellings is acceptable, plot 2 is misplaced as it is set back from the others and is incongruous to the pattern of existing roadside dwellings in Bridgemere Road

· Four semi-detached dwellings in line with the existing homes would provide a continuity of design and give the new dwellings more substantial gardens

(Letters dated 19 and 20 February 2003 – Background papers)

APPRAISAL

The main issues to consider in the determination of the outline application are the principle of residential development, together with land drainage and the open space use associated with the site.

As indicated in the "Planning History" section of this report, planning permission was granted on three separate occasions, in the late 1970s and early 1980s, for the residential development of the current application site. As none of these permissions were implemented the land, in question, has been left un-developed and provides an informal open space, which suffers from drainage problems. However, the site, as currently exists, is considered to comprise an inefficient use of urban land, which is characterised by the surrounding 2-storey semi-detached or terraced residential development. Given this situation, together with the previous grants of planning permission, the principle of residential development, for four 2-storey dwellings, is considered to be acceptable.

Concern has been raised by some local residents about problems associated with flooding of the application site as, over the past 30 years, the land has sunk and become a natural sump. The Environment Agency advises that a condition will alleviate the increased risk of flooding. Further, as the site lies within the Willingdon Levels catchment area it will be necessary for the applicant to enter into an appropriate legal agreement in order to provide a financial contribution towards the Eastbourne Park Scheme drainage proposals.

Some residents also object to the loss of the existing open space, which would be lost if four dwellings are built. However, the application site is not designated for an open use, such as a play area, as there are other open spaces in the locality.

HUMAN RIGHTS IMPLICATIONS

The residential development of the application site is unlikely to infringe the above noted Rights of local residents.

CONCLUSION

The use of the identified land, set within an existing housing estate, for residential purposes accords with the planning history of the site and the relevant planning policy, at both central government and borough council levels. Therefore outline consent for four dwellings is considered to be acceptable.

RECOMMEND: Permission in outline be granted subject to the prior conclusion of a Section 106 legal agreement to secure a financial contribution towards the Eastbourne Park Scheme drainage proposals together with the following conditions:

1. Approval of the details of the siting, design, landscaping, external appearance and means of access 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. A9.3 Submission and approval of landscaping scheme

5. C5.3 Building operations hours of operation

6. A2 Submission of samples of facing materials

7. D9 Restriction of permitted development

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been approved by and implemented to be reasonable satisfaction of the Local Planning Authority.

9. Floor levels should be set at least 600 mm above the 1 in 100 flood level of 2.3 metres above Ordnance Datum

10. 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

11. No material shall be deposited at the other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only

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

17) 39 WINDERMERE CRESCENT. Two storey side extension and single storey rear extension. (Amended scheme) EB/2003/0190, MAP L11. ST. ANTHONYS

SITE LOCATION

The application site comprises a semi-detached 2-storey dwellinghouse in this residential crescent of predominantly similar houses. There is a block of flats adjacent to the application site (south-west).

PLANNING HISTORY

No relevant planning history.

CURRENT APPLICATION

The application seeks permission for a two-storey side extension and a single storey rear extension.

The two-storey element has a width of 2.2 metres and covers the full depth of the house. Following negotiations the design of the roof has been changed from a full gable to a hipped roof.

The single storey element projects 3 metres under a lean-to roof of 4 metres at its highest point and covers the full width of the dwelling.

PLANNING POLICY

Adopted Borough Plan (1998)

CT1 - New development to harmonise with existing

HO19 - Criteria for extension

Revised Deposit Draft

UHT1 - Design of New Development

HO20 - Residential Amenity

CONSULTATIONS

Two letters were received from the occupiers of 41 Windermere Crescent in response to the original plans. They state that:

· as their property is built at a lower level the proposed extension would block out any light to their side stair window

· there would not be enough room left to put ladders or scaffolding up

· the proposed roof would be higher than theirs and could have an effect on the gas flue vent.

· The construction is not in keeping with the other houses in the road.

(Letters dated 4 April 2003 and 17 April 2003 – background papers).

A further letter following the amended drawings has been received in which the objector stated his wish to speak at committee and included a list of other residents, he claims who also object to the development. The list is undated and has not been signed by any of the residents and therefore cannot be regarded as a separate objection. (Letter dated 27 May 2003 – background paper).

APPRAISAL

The main issues to consider in the determination of the planning application relate to the impact on neighbours' amenity as well as the design and the visual impact on the neighbouring area and the streetscene.

The adjoining block of flats to the south-west projects approximately 3.8 metres further to the rear than the existing application site. Therefore, no overshadowing and overlooking will occur by the erection of these extensions apart from the impact on a side landing window. It is considered that the privacy and the living conditions of the occupiers of these flats will not be harmed. The flats are set some 0.8 metres from the boundary line.

The single-storey extension to the rear will have no impact on the adjoining neighbour to the north-east due to an existing conservatory at this site.

The original plans showed a two-storey extension with a full gable which appeared to be incongruous within the streetscene and over dominant in relation to the host dwelling. The amended scheme with a hipped roof has overcome these reservations. Even though the proposal could have been improved further by a slight setback and reduction in width, it is considered that the proposal is acceptable on balance.

HUMAN RIGHT IMPLICATIONS

It is considered that the proposed development would not adversely affect the rights of adjoining residents to the 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. A3 Use of matching materials

T. C. E. Cookson

Head of Planning

9 June 2003