

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 9 DECEMBER 2003

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

- 1) **22 CEYLON PLACE. Change of use from a single private dwelling to a guest house. EB/2003/0711, MAP I12. DEVONSHIRE**
- 2) **LAND ADJACENT TO 16 ASH CLOSE. Proposed erection of 2 no. three-bedroom two storey dwellings. EB/2003/0554, MAP N.2 HAMPDEN PARK**
- 3) **DUNCAN HOUSE, DISTRICT GENERAL HOSPITAL, KINGS DRIVE. Change of use of part of ground floor from residential to offices. EB/2003/0697, MAP.I6 HAMPDEN PARK**
- 4) **125 BRODRICK ROAD. Two-storey extension at rear. EB/2003/0659, MAP M3. HAMPDEN PARK.**
- 5) **WOOD WINTON, 63A SILVERDALE ROAD. Demolition of existing house and erection of three detached houses with garages. EB/2003/0255(OL), MAP D.12 MEADS**
- 6) **LYNWOOD HOTEL, 31-39 JEVINGTON GARDENS. Conversion of hotel into 24 self-contained flats together with 12 car parking spaces, 40 cycle parking spaces and refuse store, together with demolition of rear extensions and replacement of flat roof dormer window with discreet pitched roof units. EB/2003/0617, MAP F13. MEADS**
- 7) **55 COMPTON DRIVE. Single storey extension at rear with balcony over. EB/2003/0673, MAP.C8. OLD TOWN**
- 8) **16 BURROW DOWN. Single-storey front extension to enlarge kitchen and lounge. EB/2003/0568, MAP E4. OLD TOWN**
- 9) **2 RUTLAND CLOSE. New entrance lobby and first floor extension to create more living space. EB/2003/0689, MAP H6. RATTON**
- 10) **SOUTH COAST CATERING SPRING CLOSE. Demolition of workshop and stores, erection of 4no. terraced cottages and conversion of offices and store to 4no. 1 bedroom flats. EB/2003/0676, MAP I2. RATTON**
- 11) **LAND ON THE SOUTH WEST SIDE OF LOTTBRIDGE DROVE TO THE NORTH WEST OF REDWARD BUSINESS PARK. Erection of conveyor car wash centre and vacuum bays. EB/2003/0667, MAP N8. ST. ANTHONYS**
- 12) **32 PHOENIX DRIVE. Erection of garden boundary wall. EB/2003/0672, MAP S12. SOVEREIGN**
- 13) **49 UPPERTON ROAD. NEW ACCESS INCLUDING ALTERATION TO FRONT BOUNDARY WALL TO PROVIDE ON-SITE PARKING. EB/2003/0713, MAP G8, UPPERTON.**
- 14) **LAND OFF BEDFORDWELL ROAD TO REAR OF 9-21 UPPER AVENUE & 27-31**

BEDFORDWELL ROAD. Construction of ten two-bedroom bungalows and four two-bedroom cottages including extension to existing access and parking. EB/2003/0649, MAP I 10. UPPERTON

T. C. E. Cookson

Head of Planning

1 December 2003

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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.

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REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) 22 CEYLON PLACE. Change of use from a single private dwelling to a guest house. EB/2003/0711, MAP I12. DEVONSHIRE

SITE LOCATION

This three storey mid-terrace property is situated on the north west side of Ceylon Place, midway between the junctions with Bourne Street and Cavendish Place, in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

The property was used for many years as a guest house, and it appears that this use ceased in 1991; a Certificate of Lawful Use as a single private dwelling was granted in December 1999.

The Enforcement Officer visited the property in June 2003 and found that it was being used as a hostel providing accommodation for three families. This unauthorised use has ceased, and the building is currently empty.

CURRENT APPLICATION

Permission is now sought to change the use of the property to a guest house, with owners accommodation (one room) at the rear of the ground floor and seven bedrooms on the upper two floors.

PLANNING POLICY

The following policies are relevant to this application:

Policy TO5 - New tourist accommodation

Policy HO20 - Residential amenity

CONSULTATIONS

The Head of Tourism and Environmental Health have no observations to make on the application.

(Memos dated 20 and 24 November 2003 – [background papers](#))

At the time of writing this report one letter of objection has been received from the occupier of 31 Ceylon Place, who considers that it is unlikely that the property would be run as a guest house, and that it would become a hostel again; he cites difficulties experienced previously (noise, sleepless nights, damage to property) which resulted in environmental health being called out on a number of occasions. He considers that it would be a retrograde step to grant permission for such a use on the landlords previous track record.

(Letter dated 15 November 2003 – [background paper](#))

APPRAISAL

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

Members will be aware that Ceylon Place, along with Bourne Street and Pevensey Road, was formerly situated in a tourist accommodation area, and that the majority of properties were used as guest houses. The character of the area has completely changed in the last 15 years, and the predominant use is now single houses and flats; in this section of Ceylon Place there are two trading guest houses at nos. 19 and 27.

In principle, the use of the property as a guest house would be compatible with the existing mix of residential uses in this town centre location, since such a use would not give rise to unacceptable levels of noise, disturbance or parking over and above that which could be expected from a property of this size.

I note the objectors concerns, however, the current application must be assessed on its merits, and in land use terms, the application is considered to be acceptable. If the property does fall into an unauthorised use (as a hostel or a house in multiple occupation), then the Council would have the option of pursuing enforcement action.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the use of the property as a guest house would have an adverse impact on the amenities of adjoining or nearby residents.

SUMMARY

The development is considered acceptable for the following reason:

It would not result in any adverse impact on the character or appearance of the area, or on the amenities of nearby residents, and complies with policies TO5 and HO20 of the Eastbourne Borough Plan 2001-2011.

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

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

INFORMATIVE: A guest house provides accommodation to tourists who are

Defined as people whose occupation of the premises is transient and for a short stay only, and who do not use the accommodation as their home.

HAMPDEN PARK WARD

2) LAND ADJACENT TO 16 ASH CLOSE. Proposed erection of 2 no. three-bedroom two storey dwellings. EB/2003/0554, MAP N.2 HAMPDEN PARK

SITE LOCATION

The application site, which has an area of 0.0316 hectares, is currently in use as a communal car park for local residents and is situated adjacent to 16 and 18 Ash Close. The land is owned by Eastbourne Borough Council.

CURRENT APPLICATION

Originally Submitted Scheme

An application for planning permission for the erection of a terrace of three dwellings was originally submitted to the Council in August 2003. However as a result of objections received from a number of local residents and concerns expressed by Ward Councillors and Members of the Planning and Licensing Committee, at their meeting on 7 October 2003, regarding the loss of the parking area and the impact of the development on the amenities of surrounding residents, the scheme was amended.

Amended Scheme

Planning permission is now sought for the erection of a pair of semi-detached two-storey houses. The proposed dwellings are to be sited at the side of 16 Ash Close, some 3.5 metres back from the front of that property and separated by an existing 2-3 metre wide footpath and 3 metre wide garden. The dwellings would face the side elevation of 18 Ash Close and would be some 8 metres away from this elevation.

Each of the dwellings would measure 5.8 metres wide and would extend to a depth of 10 metres. They would have front, rear and side gardens of 3.2 metres, 5.8 metres and 3 metres respectively. The properties would be enclosed along their side boundaries with 1.5 metre high brick walls and along their rear boundaries with fencing.

The accommodation to be provided would comprise the following:

Ground Floor

Kitchen/dining room, w.c./shower room and living room.

First Floor

Three bedrooms and a bathroom.

The dwellings are to be constructed of facing brick and render with timber cladding.

As part of the application, the agents submitted a Parking Audit, which was carried out by East Sussex County Council over five days in July. The audit found that there were no vehicles parked in the car park over the period and the counts were taken throughout the day and night and at weekends.

PLANNING POLICY

The following policies of the Eastbourne Borough Plan (2001-2011) are considered relevant to the

determination of this application:

- Policy NE27 - Energy Efficiency
- Policy NE28 - Environmental Amenity
- Policy UHT1 - Design of New Development
- Policy UHT4 - Visual Amenity
- Policy HO2 - Predominantly Residential Areas
- Policy HO6 - Infill Development
- Policy HO7 - Redevelopment
- Policy HO20 - Residential Amenity
- Policy TR11 - Car Parking

CONSULTATIONS

Notification letters were sent to occupiers of surrounding residential properties. In respect of the originally submitted scheme, 8 letters of objection were received from the occupiers of 1, 4, 8, 16, 21, 41 and 43 Ash Close and the comments can be summarised as follows:

- Don't understand how the houses can be built in the space allocated and still be in keeping with the appearance of neighbouring properties.
- There will be an increase in traffic flow.
- Parking in Ash Close is tight. Where will parking go to serve the new dwellings?
- The application site is often used by local children for playing on.
- Concerned about building materials and plant being left on site and curious teenagers.
- Development will create yet another dark alleyway.
- Is this the start of a bigger picture whereby building will eventually take place on the big field adjacent to Ash Close?
- Proposal represents an over development.
- There is insufficient parking to accommodate the current situation let alone additional traffic that would be brought to the area with the new housing.
- The Borough Plan does not show the site for housing although it does mention support for the development of infill land and specifies criteria which have to be met to protect the amenities of local residents. From the drawings there is nothing to indicate that these have been taken into account.

- If no external lighting is proposed then security will be put at risk.
- Does the proposal comply with the principles of “Secure by Design”?
- No indication has been given to the type of use of the properties, whether it is for renting, shared ownership or temporary accommodation.
- The noise from a building site would cause a lot of disturbance.
- Development would result in loss of privacy.
- New homes would create blindspots for children and adults crossing the road.
- It would be better to build a safe play area on the site.

(Letters received between 26 September and 7 October 2003 – [background papers](#))

At the time of writing this report three letters of objection have been received from the occupiers of 1 and 16 Ash Close in respect of the amended plans and the comments made can be summarised as follows:

- Still maintain that do not understand how even two houses can be erected on the site and still be in keeping with the surrounding area and those of its neighbours.
- An increase in traffic is still likely and one less house will not change the fact that parking is already very tight in Ash Close.
- The site is used by local children for playing football and tennis.
- Concerned about building materials and plant being left on the site.
- Southern Horizon have already withdrawn one application for building on the Close. They have done this to make the remaining application that much harder to oppose.
- Understand the need for more houses in the region, but when residents are opposed to an application, it should not be approved.
- Site is not adequate.
- There is not enough parking.
- New houses would be out of style and character.
- New houses would result in reduced visibility for children and adults when crossing the road.
- New houses would cause overshadowing and result in loss of privacy.
- Extra disturbance from new families and extra cars would cause distress.

(Letters received on 5 November 2003 – [background papers](#))

Southern Water has confirmed that it does not wish to comment on the planning application. (Letter received on 11 September 2003 – [background paper](#))

The Environment Agency has no objections in principle to the proposed development but recommends that if planning permission is granted two planning conditions should be attached to prevent pollution of the water environment.

The Council's Housing Strategy and Development Manager has, in an Internal Memorandum dated 10 September 2003, confirmed the following:

“ Last year the Housing Management Division identified that a number of small sites within the Council's housing estates were attracting considerable health and safety problems to the households living nearby. In particular, the car parks were significantly underused and had become targets for vandalism and anti-social behaviour and were regularly littered with rubbish and broken glass.

In response to this, we commissioned an independent study to assess their suitability for developing additional much-needed affordable housing. The sites above (i.e. the application site and 5 other sites) were considered to be suitable for this purpose as they offered:

- Good access
- Sufficient space to enable good quality decent homes to be built
- In most cases, the opportunity to orientate the new units to maximise solar gain.

These sites will produce a total of 13 new affordable family homes...In July 2003, we published a new Housing strategy Update. This demonstrates that in order to meet the projected housing need to 2006, we must develop:

- 106 new affordable 2 and 3 bedroomed houses in the Hamden park and Willingdon Trees area, and
- 170 new affordable 2 and 3 bedroomed houses in Langney.

These units will therefore make an important contribution to meeting this significant housing need. We therefore fully support these applications, which form a key component of our Housing Development Programme for 2004-05. The successful development of these sites supports all our strategic housing objectives as well as the Corporate aims of A Place for Everyone, A Safe Place, A Healthy Place and A Place for the Future. It also meets our Corporate priority to achieve decent and affordable homes.

We have supported a bid to the Housing Corporation for Social Housing Grant to help meet the cost of these developments. If this bid is successful, it will attract over £2 million external investment into housing into the town.” ([background paper](#))

The Council's Local Plan Officer supports the planning application as the proposal makes use of land within the built-up area, provided it can be demonstrated that they comply with the criteria set out in Policy HO6 of the adopted Borough Plan (2001-2011). (Internal memorandum dated 23 September 2003 – [background paper](#))

APPRAISAL

The main issues to consider in the determination of this application are whether the principle of the proposed development is acceptable, having regard to Government guidance and adopted Borough Plan policy; whether the proposed development is acceptable in terms of its effect on the amenities of surrounding residents and finally, whether it is acceptable in terms of its effect on the visual amenities of the locality.

Planning Policy Guidance Note 3 (PPG) "Housing" is relevant to this application. The guidance recommends that local planning authorities should seek to make more efficient use of land for housing and to concentrate most additional housing within urban areas.

Furthermore, Policies HO6 and HO7 of the adopted replacement Borough Plan (2001-2011) support the redevelopment of land within predominantly residential areas for housing, subject to there being no significant harm to residential, visual or environmental amenity. The principle of the proposed residential development is therefore considered to accord with Government guidance and Borough Plan policy.

The application site is within a predominantly residential area and the locality is characterised primarily by two-storey terraced and semi-detached dwellings. The properties have been designed to reflect the appearance of the existing housings in the locality, with a single storey addition at the front and the use of sympathetic facing materials. The proposed development is therefore considered to be acceptable in terms of its effect on the character and appearance of the locality.

The application site is considered to be of a size more than adequate to accommodate the proposed dwellings. The proposed houses are similar in size to those immediately adjacent and whilst the rear garden areas are somewhat smaller at 5.7 metres (compared to between 7 and 10 metres), they are considered adequate, particularly bearing in mind that 3 metre wide side gardens are to be provided.

It is acknowledged that the development will result in the loss of a parking area and that the proposal fails to provide any on site parking to serve the proposed dwellings. However, it is considered that there is adequate parking within the immediate vicinity of the site to cater for the existing and proposed residential properties. Furthermore, the parking audit demonstrated that at various times of the day and night during a five-day period in July, the car park was never in use.

Finally, consideration should be given to the impact the new dwellings would have on the amenities of occupiers of surrounding residential properties. The submitted site layout plan shows that the properties are to be sited some 3.5 metres back from the front of the nearest dwelling at 16 Ash Close and some 8 metres away from the side elevation of the property at 18 Ash Close. It is therefore considered that there is adequate space within the application site to accommodate the two proposed dwellings, without causing any undue harm to the occupiers of surrounding residential properties.

HUMAN RIGHTS IMPLICATIONS

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

SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality; it would cause no undue harm to the amenities of occupiers of surrounding residential properties and would comply with Policies UHT1, HO2, HO6, HO7 and HO20 of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within five years.
2. C5.3 Building operations hours of operation.
3. A2 Submission of samples of facing materials.
4. Details of site drainage shall be submitted to and approved in writing by the Local Planning Authority

before the development commences.

5. That details of the provision to be made for the storage and collection of household waste (including materials for recycling) and for access thereto by the occupiers of the buildings shall be submitted to and approved by the Head of Planning, before the development hereby authorised is commenced.

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

Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

3) DUNCAN HOUSE, DISTRICT GENERAL HOSPITAL, KINGS DRIVE. Change of use of part of ground floor from residential to offices. EB/2003/0697, MAP.I6 HAMPDEN PARK

SITE LOCATION

Duncan House is one of the residential blocks on the south side of the hospital site. Built in 1976 as nurses accommodation, the building is three storeys high, and is arranged as three-bedroomed flatlets i.e. each flat comprises three bedrooms, kitchen, toilet and bathroom (no living room).

PLANNING HISTORY

Planning permission was refused in April 2000, June 2001 and December 2002 for identical applications for the following reason:

That the proposal would result in the loss of specialist nursing accommodation, which would conflict with Policy HO15 of the Eastbourne Borough Plan which states that:

the council will not give planning consent for the change of use of specialist student or nursing staff accommodation including halls of residence unless adequate replacement accommodation is provided or there is no longer a proven need within the borough

And that no evidence has been submitted to justify an exception being made.

(EB/2000/0083, EB/2001/0230 & EB/2002/0645 – background papers)

CURRENT APPLICATION

Permission is again sought to convert two of the flatlets to office accommodation. No external alterations are proposed. A supporting statement submitted with the application contains the following information:

- A specialist tracheotomy unit for high risk and high dependency patients is required in ENT (Glynde ward), which will displace an isolated IT office currently housed in this department
- The other flat on the ground floor of Duncan House has been occupied by Finance/IT offices since its

construction

- The hospital currently provides 41 married units and 322 single rooms, and the two flats in Duncan House have been vacant since 2000. Average occupancy rates over the last two years shows that there are 55 vacant units at any one time.
- This demonstrates that the supply of accommodation exceeds demand, and there is no proven need for the two flats in Duncan House.
- There would be benefits to both IT and more particularly patients from the consolidation of the offices and the provision of specialist care in a dedicated location with the resulting impact on the control of infection, immediate care for high risk patients and reduction in bedblocking

The statement concludes that there is no longer a proven need for the two surplus flats, and that the proposal would have no impact on recruitment or provision of accommodation, whilst it is considered essential that a specialist tracheotomy is provided in the ENT department.

PLANNING POLICY

The following policies are relevant to this application:

Policy HO15 - Dedicated student accommodation

CONSULTATIONS

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

APPRAISAL

On the basis of the information provided by the applicant, it is considered that an adequate case has been put forward to allow at least a trial period of five years, which will allow the take up of residential accommodation to be monitored over a reasonable period. The application involves the loss of only six bedspaces, and the issue of office accommodation (and indeed the storage of records) is becoming an increasingly difficult issue for the hospital.

HUMAN RIGHTS IMPLICATIONS

None.

SUMMARY

The development is considered acceptable for the following reason:

There would be no harmful impact on visual or residential amenity, or the character of the area, and sufficient information has been submitted to justify a temporary consent.

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

1. D5.2 Temporary consent until 31 December 2008

4) 125 BRODRICK ROAD. Two-storey extension at rear. EB/2003/0659, MAP M3. HAMPDEN PARK.

SITE LOCATION

The application site is a two-storey, semi-detached house on the western side of Brodrick Road. The house has not been previously extended. At ground floor, the adjoining dwelling to the north, No. 127 Brodrick Road, has a French window in the rear elevation, serving a habitable room. The window is situated toward the boundary with the application dwelling. The other neighbouring house, No. 123 Brodrick Road, is to the south, and separated from the application dwelling by driveways at the side of both houses.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Planning permission is sought to erect a two-storey extension at the rear of the house, enlarging the kitchen and dining room on the ground floor, and two bedrooms on the first floor. The flat roofed extension would project 2.1m and be across the full width of the house.

PLANNING POLICY

The following borough plan policies are relevant to this application:

UHT1 Design of New Development

HO20 Residential Amenity

CONSULTATIONS

Notification about the application was sent to occupiers of the two neighbouring properties.

Two letters have been received from the occupants of the adjoining dwelling, objecting to the grounds that the extension will cause a loss of daylight and sunlight (letters dated 20 and 30 October 2003 – [background papers](#)).

APPRAISAL

The erection of a two-storey extension up to the boundary with the adjoining house would be harmful to residential amenity. Although the depth of the extension is moderate, projecting 2.1m from the existing rear building line, together with the height, the extension would cause a loss of light to the adjoining dwelling.

The adjoining dwelling has a habitable room on the ground floor. The extension would be sited to the south of the French window serving the neighbouring habitable room, and would affect sunlight and daylight, in the

morning particularly. It is considered that the loss of light would cause be harmful to the residential amenity of the adjoining dwelling.

The neighbouring house to the south, No. 123 Brodrick Road, would not be adversely affected by the extension because of the distance between the two.

HUMAN RIGHTS IMPLICATIONS

It is considered that there may be adverse impact as a result of the intensification of the use and the loss of light to neighbouring property caused by the extension.

CONCLUSION

The two-storey extension would cause a loss of light that would be harmful to residential amenity, and therefore contrary to the Policy HO20.

RECOMMEND: Permission be refused on the following grounds:

The proposed two-storey extension would result in loss of light and be harmful to the amenity of the adjoining dwelling (No. 127 Brodrick Road) and would thereby conflict with Policy HO20 of the Eastbourne Borough Plan 2001 – 2011.

MEADS WARD

5) WOOD WINTON, 63A SILVERDALE ROAD. Demolition of existing house and erection of three detached houses with garages. EB/2003/0255(OL), MAP D.12 MEADS

SITE LOCATION

The application site which has an area of 0.29 hectares, is situated on the southern side of Silverdale Road, adjacent to Compton Grange. The site is occupied by a single private dwelling which is set back within the enclosed site, some 70 metres from the Silverdale Road frontage and is served by an existing 5 metre wide vehicular access. The existing dwelling is situated on a sloping site, well screened by trees and is within an Area of High Townscape Value. A Tree Preservation Order covers some of the trees on the site.

PLANNING HISTORY

Outline planning permission was granted in November 1970 for the proposed demolition of “Wood Winton” and the erection of five two-storey dwelling houses, each with a garage along with the improvement of the access road. (EB/70/620 – [background paper](#))

CURRENT APPLICATION

Originally Submitted Scheme

Outline planning permission was originally sought for the demolition of the existing dwelling on site and for the erection four detached houses with garages.

The proposed dwelling on Plot 1 was to be sited 2 metres from the boundary with Fairfield Lodge in Fairfield Road.

The house on Plot 2 was to be sited 2 metres from the boundary with Compton Grange, 63 Silverdale Road.

The dwellings on Plots 3 and 4 were to be sited 2.7 and 2 metres respectively from the rear boundaries of

properties in St. John's Road.

As a result of objections from local residents and concerns expressed by the Case Officer regarding the effects of the development on the amenities of occupiers of surrounding properties and the effects on a number of mature trees on the application site and adjoining land, the scheme was amended and additional information provided.

Amended Plans

Outline planning permission is now sought for the demolition of the existing dwelling and erection of three detached houses with garages.

Matters of siting and means of access are to be considered as part of the application, with all other matters (design, landscaping and external appearance) reserved for subsequent approval.

In addition to the submission of amended plans a full tree survey and a levels survey showing existing and proposed finished floor levels were provided.

The proposed development is to be served by the existing vehicular access off Silverdale Road. However amendments are to be made to comply with the Highway Authority's requirements. Two existing piers are to be removed to provide a clear 5 metre wide access, a new pier is to be erected adjacent to the boundary with the flats at 65 Silverdale Road, cobbled deterrent paving is to be provided, to direct pedestrians to the centre of the footway and a new vehicular crossing is to be provided.

The proposed private drive to serve the proposed dwellings is to incorporate a vehicle turning area within the site, adjacent to the boundary with Fairfield Lodge.

The proposed house on Plot 1 is to have its side elevation sited 5 metres from the boundary with Compton Grange, 63 Silverdale Road. The proposed dwelling would have a maximum width of 10.8 metres and a maximum depth of 12 metres. It is proposed to use the difference in levels on this part of the site and accommodate a garage underneath the dwelling. The proposed rear garden of the property would extend to a maximum depth of 19 metres.

The proposed house on Plot 2 is to be sited some 7 metres from the side of the dwelling on Plot 1 and between 9 and 13 metres from the rear boundary of properties in St. John's Road. The proposed dwelling would have a maximum width of 12.2 metres and a maximum depth of 11.4 metres. A detached garage measuring 5.5 metres by 5.7 metres is to be sited 5.5 metres away from the dwelling and 3.4 metres from the boundary with properties in St. John's Road.

The proposed house on Plot 3 is to have its side elevations sited 4.5 metres from the boundaries with properties in Fairfield Road and St. John's Road. The submitted drawing indicates that vehicles will be able to drive under part of the dwelling in order to gain access to a turning area at the rear. The property would have a maximum width of 17.4 metres and a maximum depth of 11.6 metres. The proposed rear garden of the property would extend to a maximum depth of 34 metres.

The submitted drawing shows that two trees on site are proposed to be removed. One of the trees is a Sycamore sited within the access drive. However this has already been removed, as it was found as a result of the tree survey, to be suffering from major decay at the base and was considered to be liable to collapse. The other tree is a Flowering Cherry sited within Plot 3. The tree survey found the tree to have a low retention category and recommended felling and replanting.

PLANNING POLICY

The following policies of the Eastbourne Borough Plan (2001-2011) are considered relevant to this application:

Policy NE11	-	Energy Efficiency
Policy UHT4	-	Visual Amenity
Policy UHT5	-	Protecting Walls/Landscape Features
Policy UHT7	-	Landscaping
Policy UHT16	-	Protection of Areas of High Townscape Value
Policy HO2	-	Predominantly Residential Areas
Policy HO7	-	Redevelopment
Policy HO11	-	Residential Densities
Policy HO20	-	Residential Amenity

CONSULTATIONS

Originally Submitted Scheme

In respect of the originally submitted scheme for four detached dwellings, 47 letters of objection were received from the occupiers of properties in Silverdale Road, Fairfield Road and St. John's Road and the comments made can be summarised as follows:

- Width of driveway is inadequate to serve the development. Private drive will not allow cars to pass.
- There are safety implications associated with the drive as there will be inadequate access for fire engines, refuse collection vehicles, demolition vehicles and building supplies vehicles.
- Development will result in increased pressure on waste services (sewerage and drainage).
- Site is too small and there are existing flats close by on all three sides of the site.
- Vehicles using the drive will pass close to existing flats and will cause noise and disturbance for occupiers.
- No provision has been made for visitor parking.
- Victorian wall would be vulnerable to the heavy traffic.
- Silverdale Road often has parking on both sides of the road and any increase in traffic will make situation hazardous.
- Proposal represents an over-development.
- Development will cause considerable loss of privacy and will overshadow Fairfield Lodge.
- There will be increased noise for residents from four garages and private gardens.
- Development will not protect wildlife and will result in the loss of trees and hedgerows.
- Plot 2 should be moved away from the boundary further into the site.

- Require further information on existing and proposed site levels.
- Loss of any trees on site will result in loss of privacy.
- Concerned about overlooking and noise from demolition and building work.
- Must ensure protected trees are not damaged and boundary wall is protected during building work.
- Plans conflict with character of area.
- Proposed dwellings are not in keeping with surrounding area.
- Pitched roofs should not exceed the height of other buildings in the area.
- Development would adversely affect quality of life.
- Proposed houses would be sited on rising ground.
- Proposal is in breach of Article 8 of the Human Rights Act.
- If allowed precedent would be set to develop large gardens on the edge of Conservation Areas.
- Proposed development will restrict light to surrounding residential properties.
- Intensification of access will put pedestrians at risk.
- There is a badger sett on site.
- Perhaps the site could be preserved for the amenity benefit of Eastbourne. (Letters dated 8 May to 11 September 2003 – [background papers](#))

In respect of the originally submitted scheme the following comments were received from various Council Officers.

The Council's Consultant Historic Buildings Advisor was unable to gain access into the site, so instead viewed it from adjoining properties in Silverdale Road and Fairfield Road. On balance, she raised no objections to the proposed development, as the site is very well screened and the proposal for four new houses provides a reasonable spacious layout, which enables the trees and shrubbery to be retained or replanted. With reference to the existing property on site, she confirms that even if the building was a good example of an Edwardian house, it would be difficult to resist demolition, as it is not in a Conservation Area. (Internal memorandum dated 23 May 2003 – [background paper](#))

In June 2003 the Council's Arboricultural Officer stated that in order to comment fully on the proposed development, the applicant would need to undertake a full tree survey, as there are a number of significant trees on the application site and adjoining land. (Internal memorandum dated 3 June 2003 – [background paper](#))

Following examination of the submitted tree report the Arboricultural Officer confirmed the following:

Plot 1

The property is shown to be approximately 4 metres from three trees which are classified in the survey as having a high retention category. The trees on this boundary are subject to a TPO and construction this close to a mature tree will lead to future applications to undertake remedial works due to leaves in gutters and shading problems.

Plot 2

The property is shown to be 3-4 metres from three trees classified in the survey as having a high retention category. They will provide essential screening from the development and again construction this close will lead to future applications to undertake remedial works.

Plot 3

The property is shown to be 4 metres from a Macrocarpa tree classified as having a high retention category. This is not the distance outlined in BS 5837 "Trees in Relation to Construction".

No consideration has been given to future problems associated with this tree, as future residents will find it dominates that aspect of the property creating shading problems and unfounded safety worries.

Plot 4

The property is shown to be adjacent to four trees all with a low retention category. The removal of the trees would not be detrimental to the visual amenity of the area, but consideration should be given to replacement screen planting.

To conclude, the survey indicates that the site should be planned taking into consideration the importance of the trees in the neighbouring properties and in accordance with BS 5837 "Trees in Relation to Construction".

The proposed layout of the site will cause problems such as shading, due to the close proximity to mature trees and does not, in respect of Plot 3, conform to BS 5837, which often leads to future conflicts between the purchasers, the tree owners and the administration of the TPO. (Internal memorandum dated 11 September 2003 – background paper)

The Council's Principal Highway Engineer has confirmed that he had previously met with the applicant's agent and had discussed the proposed development with colleagues at East Sussex County Council. He had pointed out that the private driveway would be in excess of the minimum 4.5 metres width for the first 10 metres and that the development would be for four detached dwellings with adequate on site turning facilities.

The one issue of concern was the lack of pedestrian visibility on either side of the access. The County Council Highway Engineers are of the view that for a development of four units, this does not pose a particular problem, providing the access over the footway is formed as a roadway with radii kerbs and tactile paving instead of a level footway crossing. This will make it more obvious to pedestrians that an access exists and that pedestrians should give way.

The introduction of pedestrian deterrent paving against the wall on both sides of the access, will direct the public towards the centre of the footway.

The Highway Authority would not permit the discharge of surface water from the site into the highway surface water system.

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

The finished surface of the private drive should not result in loose material being deposited onto the public highway.

The vehicular crossing must be constructed in accordance with the Highway Authority's requirements. (Internal memorandum dated 23 May 2003 – background paper)

Following concerns expressed by a number of local residents about the presence of badgers on site, the Case Officer contacted the South Downs Badger Protection Group and a representative from the organisation visited the site and confirmed that there is no evidence of a badger sett on the application site.

Amended Plans

At the time of writing this report one letter of objection has been received from the occupier of a flat in Kesselville Court, 42 St. John's Road, in respect of the amended plans and the comments made can be summarised as follows:

- It still seems an unfortunate use of this odd shaped piece of land. A hospital, care home or leisure centre would be more appropriate.
- If application is approved, then the existing trees lining the perimeter should remain, not only for their beauty but also as they afford privacy to properties in Silverdale Road and St. John's Road. (Letter dated 12 November 2003 – background paper)

In respect of the amended plans the Council's Arboriculturist has confirmed that the proposals would result in the loss of a number of small ornamental specimens. However it is considered that this would not have a significant detrimental impact on the visual amenity of the area. The buildings are sited at a suitable distance from the boundary trees to enable retention. Protective chestnut pale fencing should be erected and maintained during development and a landscape plan should be submitted showing proposals for replanting. Finally, the Arboriculturist has requested details of the service runs to be submitted to the Council for approval, to enable a true assessment of the impact of the development on existing trees. (Internal memorandum dated 19 November 2003 – background paper)

APPRAISAL

The main issues to consider in the determination of this application are whether the principle of the proposed development is acceptable, having regard to Government guidance and adopted Borough Plan policy; whether the proposed access is adequate to serve the development and finally whether the siting of the proposed dwellings is acceptable in terms of their impact on the amenities of surrounding residents and the effect on existing trees on site.

Planning Policy Guidance Note 3 (PPG) "Housing" is relevant to this application. The guidance recommends that local planning authorities should seek to make more efficient use of land for housing and to concentrate most additional housing within urban areas.

Furthermore, Policies HO6 and HO7 of the adopted replacement Borough Plan (2001-2011) support the redevelopment of land within predominantly residential areas for housing, subject to there being no significant harm to residential, visual or environmental amenity. The principle of the proposed residential development is therefore considered to accord with Government guidance and Borough Plan policy.

The application site is within a predominantly residential area and the locality is characterised primarily by a mix of large detached properties in use as flats and purpose built three/four storey flats.

The properties are to be sited within spacious plots and whilst the detached dwellings are not typical of the locality, the number of residential units proposed for the site will be restricted by the existing vehicular access. The proposed dwellings will not be visible from the public domain. They will only be seen from surrounding flats in Fairfield Road Silverdale Road and St. John's Road. The proposed development is therefore considered to be acceptable in terms of its effect on the character and appearance of the locality.

The application site is considered to be of a size more than adequate to accommodate the proposed dwellings. Indeed the density of the proposed development with three houses on a 0.29 hectare site is significantly below the adopted standard of 30-50 dwellings per hectare.

Having regard to the means of access to serve the proposed dwellings, the Council's Principal Highway Engineer has confirmed that subject to the improvement works detailed above, the proposed development is acceptable in terms of its effects on highway and pedestrian safety.

Consideration should also be given to the impact the new dwellings would have on the amenities of occupiers of surrounding residential properties. The proposed dwellings are to be sited between 4.6 and 11 metres from the rear boundaries of flats in Fairfield Road, Silverdale Road and St. John's Road and between 11.6 and 40 metres from the rear elevations of these properties. It is therefore considered that there is adequate space within the application site to accommodate the proposed dwellings, without causing any undue harm to the occupiers of surrounding residential properties. Furthermore, it is considered that the siting of the dwellings will not be harmful to the amenities of surrounding occupiers in terms of overlooking and loss of privacy. The dwelling sited nearest to existing properties is on Plot 3 and this property is to face down the site with only its side elevations facing Fairfield Lodge and St. John's Road properties. This is also the case for Plot 1 as only its side elevation will face the rear elevation of the adjacent flats at Compton Grange in Silverdale Road.

Finally consideration should be given to the effects of the development on existing mature trees on site. Only one tree is proposed to be removed from the site in order to accommodate the three dwellings and this was identified within the tree survey as having low retention value. In addition, the amended plans sited the proposed dwellings significantly further away from the boundaries of the site and therefore further away from mature trees on the application site and adjoining land.

It is therefore considered that subject to satisfactory tree protection during the course of construction, the proposed development will have no harmful effect on the existing trees on site.

HUMAN RIGHTS IMPLICATIONS

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

SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties. Furthermore, it would have no detrimental effect on highway and pedestrian safety and existing mature trees on site and would comply with Policies UHT4, UHT5, UHT7, UHT16, HO2, HO7 and HO20 of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: That permission in outline be granted subject to the following conditions:

1. Approval of the details of the design, landscaping and external appearance 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. Details of site drainage shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BA 5911:1982

with an overall capacity compatible with the site being drained.

9. A10.2 Retention of trees.

10. A10.3 Tree protection.

11. A10.4 No bonfires near trees

12. That details of the provision to be made for the storage and collection of household waste (including materials for recycling) and for access thereto by the occupiers of the building, shall be submitted to and approved by the Head of Planning, before the development hereby authorised is commenced.

13. That further details of the access over the footway to include radii kerbs and tactile paving shall be submitted to and approved by the Head of Planning and thereafter provided to the satisfaction of the Council.

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

15. The finished surface of the private drive should not result in loose material being deposited onto the public highway.

16. Prior to commencement of development on site, full details of the routing of all services shall be submitted to and approved by the Council.

6) LYNWOOD HOTEL, 31-39 JEVINGTON GARDENS. Conversion of hotel into 24 self-contained flats together with 12 car parking spaces, 40 cycle parking spaces and refuse store, together with demolition of rear extensions and replacement of flat roof dormer window with discreet pitched roof units. EB/2003/0617, MAP F13. MEADS

INTRODUCTION

An application for the conversion of the “Lynwood Hotel” to create 24 self-contained flats served by 14 car-parking spaces was refused planning permission in April of this year.

That application is now the subject of an appeal, which is being held in abeyance (until 10 December) to enable this application to be determined. If the current application is approved the appeal would be withdrawn.

The previous application has been amended slightly to take account of the changes to policies contained in the recently adopted replacement Borough Plan 2001-2011, including the various factors which will be taken into account when determining viability. Such factors include the physical condition and cost of repair of the premises by way of a structural survey.

SITE LOCATION

The Lynwood Hotel, a substantial building, converted from a terrace of houses, is situated on the corner of Jevington Gardens and Compton Street. The hotel is located within an Area of High Townscape Value and the Tourist Accommodation Area.

PLANNING HISTORY

Since the late 1940s the building has been used as a hotel and has been the subject of numerous planning applications, including the following:

- Provision of covered verandah at rear – Approved EB/1955/0376

- Erection of sun lounge on front of hotel – Approved EB/1960/0427
- Building over space between 33 & 35 and extension to rear together with provision of vehicular access and car parking space - Approved EB/1962/566
- Second floor addition to front of building – Approved EB/1979/0368
- Change of use of parts of the lower ground, ground and first floors from hotel 20 self-contained flats associated with the hotel – Refused EB/1984/0537 and dismissed on appeal
- Change of use of parts of the lower ground and ground floors into 11 self-contained flats associated with the hotel – Approved EB/1985/0166
- Change of use from hotel to 11 self-contained flats – Refused EB/1986/0382
- Single-storey rear extension to provide dining room – Approved EB/1989/366
- Conversion of hotel into 24 self-contained flats together with 14 car parking spaces, 40 cycle parking spaces and refuse store together with demolition of rear extensions and replacement of flat roof dormer window with pitched roof units – Refused EB/2003/0012)

(The above identified applications are background papers)

In recent years various planning applications have also been made in respect of two other hotels on the same, i.e. northern, side of Jevington Gardens.

In September 2001 the Jevington Hotel was refused permission (EB/2001/0434 – Background paper) for the building to be converted into 19 self-contained flats. This decision was upheld on appeal in February 2002 on the basis of that the issue of open space provision had not been addressed sufficiently to ensure compliance with Policy LE2 of the Borough Plan. A re-submission (EB/2002/0121 – Background paper), with a financial contribution for the provision of open space in the vicinity of the application site, was approved in July 2002.

In October 2002 the New Alwyn Hotel was refused permission (EB/2002/0337 – Background paper) for the conversion of the hotel into nine self-contained flats. The appeal, determined by way of an informal hearing, was allowed in late June.

CURRENT APPLICATION

Permission is sought by Shearings Hotels Limited to convert the 56-bedroom hotel (large enough to support two guest coaches) into 24 self-contained flats, with a total of 51 bedrooms, over five floors, together with associated car and cycle parking, refuse storage and various alterations to the front and rear elevations of the building.

The application proposes 2 one-bedroom and 3 two-bedroom flats on the lower ground floor; 4 two-bedroom and 1 three-bedroom flats on the ground floor; 3 two-bedroom and 2 three-bedroom flats on the first floor; 3 two-bedroom and 2 three-bedroom flats on the second floor, and 1 one-bedroom, 2 two-bedroom and 1 three-bedroom flats on the third floor (in the roof space) of the building.

In addition, it is proposed to demolish various extensions on the rear of the property and to install five double-pitched roof dormers in order to replace the two existing large box dormers on the front of the building.

In a “Supporting Statement” submitted by the applicant’s agent it is stated, inter alia, that:

“The application arises as the hotel is experiencing significantly reduced income together with rising operating costs as a result of the introduction of the minimum wage. The changes to revenue and costs mean that the

owners can no longer justify further investment in the maintenance or enhancement of the hotel. Financial projections indicate that, in the near future, the hotel will no longer operate at a profit and, owing to its secondary location away from the seafront, there is no reasonable chance of an alternative operator wishing to take over such an operation. A financial analysis carried out by a local firm of accountants has shown that it is no longer possible to run the hotel on a profitable basis and that this situation would not change even with further investment into the fabric of the building.

There has been a material change in circumstances since the last application was refused:

- Information has come to light regarding the structural condition of the building. This has resulted in alterations to the financial assessment
- The car parking layout has been revised to make the spaces more accessible
- The new Eastbourne Borough Plan has been adopted – this has implications for the assessment of viability and the provision of affordable housing
- An appeal relating to the conversion of the New Alwyn Hotel, also in Jevington Gardens, has recently been allowed on appeal”.

(Supporting Statement received 26 September 2003 – Background paper).

With regard to the existing business, the “Viability Report”, submitted with the application, shows the current and projected trading performance between 1999 and 2003 as

Year	Profit	%age Return
1999	£119748	18.42
2000	£ 85964	13.23
2001	£ 68627	10.56
2002	£ 48131	7.40
2003	£ 12351	1.90

and reaches the conclusion that:

“The trends demonstrated by the last three years accounts and future budgets mean that there is virtually no likelihood of the hotel continuing to operate in the longer term. The accommodation offered is no longer of the type demanded by today’s guests.

The resulting static turnover and increasing costs mean that there is the real prospect in the foreseeable future of the business turning into losses before interest charges. Clearly the existing business is no longer financially viable”

(Viability Report received 26 September 2003 – Background paper).

The applicant has also submitted a Structural Report with regard to the exterior of the building, which provides an assessment of the condition and state of repair of the building fabric (chimneys, roofs, external walls and joinery) and external services (pipework) installations. The inspection was carried out on 30 September 2003. The summary of the report states:

“The Lynwood Hotel is in a neglected condition and requires early attention to put the premises into sound condition. The main and some of the subsidiary roofs require recovering. There are extensive external

brickwork repairs required. The external joinery requires repair. The external pipework requires rationalisation and renewal and redecoration of the exterior of the building is essential.

Budget Costings

Scaffolding	£ 19,000
Renewal of main roof coverings	£ 85,000
Renewal of subsidiary roof coverings	£ 14,000
External pointing and brick repairs to chimneys	£ 6,500
External pointing and brick repairs to main walls	£ 18,000
External redecoration	£ 18,500
External joinery repairs	£ 17,500
Replacement and rationalisation of external pipework	£ 25,000
Rebuilding of rear boundary wall	£ 12,000
Total building costs (excluding VAT or professional fees)	£215,000

(Structural Report dated 30 September 2003 – Background paper).

A Chartered Surveyor, on behalf of the Council, has checked the above Structural Report and states that “the property is adequately and substantially correctly described” in his report. In connection with the budget costings the figures are realistic, although the estimates for scaffolding, external pointing and brick repairs to chimneys and main walls, and external redecoration are considered to be on the low side. Therefore on the identified budget figures an additional sum of £27,000 should be allowed (Letter dated 19 November 2003 – Background paper).

With regard to the internal condition of the Lynwood Hotel, Shearings have confirmed that the existing heating and electrical systems in the hotel, whilst obviously not new, are maintained, serviced and checked on an annual basis and are in satisfactory working order. However internal rooms and communal areas will definitely need refurbishing within the next three/four years.

(E-mail sent 27 October 2003 – Background paper).

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan (2001-2011).

UHT1 – Design of new development

UHT17 - Protection of areas of high townscape value

TR6 – Facilities for cyclists

TR11 – Car parking standards

HO13 - Affordable housing

LCF4 – Outdoor playing space contribution

HO20 – Residential amenity

TO2 – Retention of Tourist Accommodation, which states:

Within the tourist accommodation area identified on the Proposals Map planning permission will not be granted for the development or change of use of tourist accommodation to any other use. In this Policy “tourist accommodation” means serviced tourist accommodation (Class C1) and unserviced tourist accommodation.

Only in exceptional circumstances will planning permission be granted for any other use. This means that the applicant must demonstrate that the continuing use of the land as tourist accommodation is not viable.

In determining viability the following factors will be taken into account:

- a) the location of the premises;
- b) the physical condition and cost of repair of the premises;
- c) the potential for refurbishment, including the cost of works;
- d) the potential for conversion to other tourist uses, including the cost of works;
- e) the market valuation of the property reflecting the above factors;
- f) whether the direct costs of running the business can be covered, and
- g) whether a commercial rate of return on investment can be achieved.

However, factor g) above will be excluded from the viability analysis in all instances where the operator has private accommodation on the premises comprising at least 10% of the building (defined in terms of the proportion of the total habitable floor area, excluding hallways and landings).

CONSULTATIONS

The Council’s Housing Strategy and Development Manager states that the proposed development would attract an affordable housing contribution of 7.2 units. Further, the provision of affordable rented flats in this popular area will offer a valuable incentive to ‘empty nesters’ to vacate family sized houses and thereby meet a number of key objectives in the Council’s Housing Strategy. Therefore there is strong support for the provision of on-site units within this development. (Memo received October 2003 – Background paper).

Eastbourne Hotels Association opposes this application as the property falls within the Tourist Accommodation Area. The Association supports the Borough Council policy to protect and retain its use as such (Letter dated 15 October 2003 – Background paper).

The Head of Tourism Development has visited the hotel and states that:

Clearly the loss of any accommodation to the tourism trade is of great concern to me at a time when the holiday trade in Eastbourne is considerable and far from the declining market presented by consultants in some recent planning applications. Equally the erosion of a specified accommodation area as identified in the local plan requires a pragmatic approach between viability and the current planning policy and there needs to be acceptance from all sides that applying for a change of use for financial gain is not acceptable at a time when discussions are taking place with potential new developers for accommodation provision.

With respect to the Lynwood an important piece of information not included in the planning application is Shearings' broader vision. Whilst claiming a lack of viability it is the intention of the owners to use the capital receipt from any future sale to finance the purchase of a new establishment which would allow Shearings to maintain its current two hotels in the resort - a clear vote of confidence in the town's tourism future.

In response it will no doubt be argued that the issues for change of use pertain to the location of the Lynwood and its viability due to fabric condition, both of which are fair comment if taken at face value.

However, the Lynwood when purchased by Shearings in 1989 and was deemed as a viable business location at the time. During that period the refurbishment of the five star Grand Hotel and the Lansdowne Hotel have ensured the retention of the area as one for footfall with visitors seeking accommodation options. The coach market, whilst facing future challenges has remained static over their period of ownership. Indeed at the time of my site visit (on 28 January 2003 in connection with the previous application EB/2003/0012) the hotel was busy and we were informed the Lynwood was operational 49 weeks of the year.

What is not clear is the information provided so far, nor evident in the hotel, is the level of investment undertaken during Shearings' period of ownership and an explanation of the business principle which drove the initial purchase and why it has been allowed to become so run-down. At the very least the image of the hotel must adversely affect the brand strengths of Shearings as a business.

In addition we clearly, as a Council must consider the current situation with respect to recent appeal decisions and give considerations as to whether Jevington Gardens is now predominately private accommodation area which when coupled with the viability issues for the Lynwood preclude us trying to object to the application which we could lose on appeal.

In my view each case must be taken as a separate item and on balance the viability and renovation cost issues involved with the Lynwood Hotel do require some responses from the applicant clarifying why the business is where it is now compared with its potential for business growth through phased development.

(Memo dated 30 October 2003 – Background paper).

The Principal Highway Engineer (Planning) advises that the applicant has removed two spaces to improve manoeuvrability in the car park area at the rear of the building. This now leaves a parking shortfall of 4 spaces. There is a balance between number of spaces and ease of use and in this instance I am prepared to accept the reduction in spaces to improve the car park layout bearing in the location of the site and ease of access to public transport.

However the applicant has not taken account of vehicular access issues, which were also raised in relation to application EB/2003/0012, that is:-

- a) The vehicular access will need to be widened to 4.5m for the first 10m
- b) Access ramp to be no steeper than 1 in 40 for the first 5 metres

c) Pedestrian visibility splays of 2m x 2m to be provided on both sides of access way.

(Memo received 27 November 2003 – Background paper).

An advertisement was placed in the local press, a site notice was displayed at the front of the premises and letters of notification sent to the occupiers of surrounding residential and commercial units. In response, at the time this report was prepared (27 November), one letter of objection had been received, from the Eastbourne Ratepayers Association, stating that the proposal is in conflict with the Borough Plan (Letters dated 2 October 2003 – Background paper).

APPRAISAL

The main issues to consider in the determination of the application are: the conversion of the existing hotel to form self-contained residential units in the Tourist Accommodation Area; the parking and access arrangement to serve the development; the provision of open space to serve the proposal; the provision of affordable housing and the visual impact of the conversion on the building and surrounding area.

As indicated in the “Planning History” section of this report, the “Lynwood Hotel” has been used to provide tourist accommodation for many years. The present owners, Sheerings Hotels Limited, have operated the hotel since 1989 (The company also operate a second hotel in Eastbourne, “The Majestic” on Royal Parade, which recently underwent substantial refurbishment and has a good demand). However, in recent years the company has found it difficult to maintain the profitability of the establishment.

The report prepared by the applicant’s accountant on the financial viability of the Lynwood Hotel states, inter alia, that:

“The present hotel is producing steeply declining returns despite being operated by an efficient, professional and experienced tour operator... The hotel does not and cannot realistically offer the type of accommodation being sought by today’s guests... The reasons for the decline of the hotel are outside the control of the owners and operators being a combination of change of guests tastes, change in the nature of the area where the hotel is situated and increased payroll costs caused by government action... The nature of Jevington Gardens has changed... the street is in decline as the remaining hotel businesses founder and the area becomes more residential... We conclude that the Lynwood Hotel is no longer able to demonstrate financial viability”.

In a supplementary report, the accountant also states, inter alia, that:

“The drastically declining performance of the Lynwood Hotel has meant that Sheerings have not been taking any bookings for 2004... Given that a budget loss is forecast for the Lynwood in 2003 without taking into account the cost of essential external repairs it can be shown that the hotel is making a loss in the current trading year and the situation would only worsen should trading continue”.

As indicated in the “Consultations” section of this report, the Council’s Head of Tourism Development is concerned about the loss of tourist accommodation when the holiday trade in Eastbourne is considerable. In particular, an important piece of information not included in the planning application is Sheering’s broader vision. Further, the Head of Tourism Development states:

“What is not clear from the information provided, nor evident in the hotel, is the level of investment undertaken during Sheering’s period of ownership and an explanation of the business principle which drove the initial purchase and why it has been allowed to become so run-down. At the very least the image of the hotel must adversely affect the brand strengths of Sheerings as a business”.

With regard to the above, it would appear that in recent years the Lynwood Hotel has suffered from under-investment, with the effect that the business has diminished, as reflected by a reduction in the hotel’s profits in recent years, which are projected to continue to decline.

However, an analysis of this situation by the Council’s Head of Tourism Development raises the question “Why the business is where it is now compared with its potential for business growth through phased

development” especially in an area which is conveniently located for a number of tourist attractions, such as the seafront, the theatres and the Downs. On such a basis, it is considered that the present use of the building should remain.

As indicated in the “Current Application” section of this report, the proposed re-development of the site would provide 12 car-parking and 40 cycle-parking spaces. The car parking, to be situated at the rear of the building, is accessed via a ramp under the central part of the building off Jevington Gardens. Covered cycle parking, for 40 bicycles, is proposed to the front and side of the site, under a pitched roof store.

However, concern has been expressed by the Highway Authority in respect of the practical difficulties of using the proposed vehicle access ramp, which if un-resolved could result in congestion at the entrance to the site.

Policy LCF4 of the adopted Borough Plan requires new residential development of 15 or more dwellings to provide outdoor playing space in order to meet the needs generated by the development at a level which would satisfy adopted standards. As such provision is not feasible on 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. The applicant has confirmed their willingness to provide a financial contribution towards the provision of play space in accordance with the provisions of policy LCF4. Such a contribution would need to be subject to a legal agreement.

As the proposed development would provide 24 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 HO13 of the adopted Borough Plan, the applicants are willing to offer seven units for occupation as affordable housing, which represents over 29% of the total number of units. If the application were to be approved the number of affordable units to be provided would have to be pursued further by way of a legal agreement.

As noted elsewhere in this report the fabric of the building is very run down. The proposed conversion scheme would, as outlined in the “Current Application” section of this report, result in the removal of various extensions and additions, which have been added to the building in recent years. Their demolition, together with the removal of two large box dormers on the front elevation and their replacement with five appropriately designed double-pitched dormers would enhance the appearance of the property in an Area of High Townscape Value.

With regard to the above, it is considered that whilst the physical works and alterations associated with the conversion scheme are satisfactory and the issues of open space and affordable housing units can both be dealt with by way of appropriate legal agreements, the change of use of the building, from that of Class C1 (Hotel) to residential, together with the vehicular access arrangements, as proposed, are not acceptable.

HUMAN RIGHTS IMPLICATIONS

The proposed change of use is unlikely to adversely affect the above noted Rights of local residents.

CONCLUSION

The proposed development is in conflict with the tourism-related policy of the Borough Plan. However, the applicant has failed to provide sufficient evidence to show that an exception to policy would be appropriate. In addition, the proposed vehicular access arrangement to serve the conversion scheme is not acceptable. On such a basis, I

RECOMMEND: Permission be refused for the following reasons:

1. The proposed change of use does not accord with Policy TO2 of the adopted Eastbourne Borough Plan which states, inter alia, that within the town's Tourist Accommodation Area the re-development or change of use from Class C1 properties to any other use except other forms of tourist accommodation will not be permitted.

2. The proposed development does not provide adequate access for motor vehicles attracted to the site and would therefore exacerbate the existing on-street parking problem in this central location. As such, the proposal is in conflict with Policy TR11 of the adopted Eastbourne Borough Plan (2001-2011).

OLD TOWN WARD

_ 7) 55 COMPTON DRIVE. Single storey extension at rear with balcony over. EB/2003/0673, MAP.C8. OLD TOWN

SITE LOCATION

This large detached two storey dwelling is situated on the west side of Compton Drive, close to the junction with Pashley Road, and backs onto the Royal Eastbourne Golf Course.

PLANNING HISTORY

The property was constructed in 1972, and permission was granted in 1974 for a first floor addition.

CURRENT APPLICATION

Permission is now sought to construct a single storey extension at the rear of the garage (adjacent to 57 Compton Drive) 6.7m wide, 2.9m deep and 3.1m high. It is proposed to use the flat roof of the extension as a balcony enclosed principally by railings, with a decorative screen wall adjacent to 57 Compton Drive, measuring 1.5m high for 900mm, sloping down to 300mm. The gap to the boundary would be 1.8m, and the submitted plans show trees and shrubs within the application site and in the garden of the adjacent property all to remain.

PLANNING POLICY

The following policies are relevant to this application:

Policy UHT4 - Visual amenity

Policy HO20 - Residential amenity

CONSULTATIONS

The occupiers of 44 Pashley Road have no objection to the extension, but state their very strong objections to the provision of the balcony, which they consider would permit a direct view into their lounge, dining room and kitchen (which are on the top floor of this split level house). Furthermore they state that the new owners of 57 Compton Drive have indicated their dislike of the existing screen trees (leylandi) and that if these trees are reduced by as little as 3 feet, then anyone standing on the balcony would look into their bedroom windows.

(Letter dated 29 October 2003 – [background papers](#))

APPRAISAL

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

The extension would have no impact on any adjoining properties due to its orientation and the difference in ground levels between this and the neighbouring property. The balcony, however, would result in the potential for an unacceptable degree of overlooking into the living rooms of 57 Compton Drive, because of the angle of that property in relation to the application site. It is not considered that the objection from 44 Pashley Road is sustainable, since the distance between the two properties is 40m. The issue of overlooking could be resolved simply by the provision of an obscure glazed screen on the balcony adjacent to the boundary with no.57. This has been suggested to the occupier of that property, and he has indicated that he would view this as satisfactory. I anticipate the submission of revised plans in time for your meeting.

HUMAN RIGHTS IMPLICATIONS

If a screen is provided as indicated above, then it is considered that there would be no adverse impact on the amenities of adjoining residents.

SUMMARY

The development, as amended, is considered acceptable for the following reason:

There would be no harmful impact on visual or residential amenity, and therefore the proposal complies with policies UHT4 and HO20 of the Eastbourne Borough Plan 2001-2011.

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

1. D1.1 Commencement of development within five years.
2. That the development hereby approved shall only be carried out in accordance with revised plan no. ... received on
3. That the privacy screen on the balcony adjacent to 57 Compton Drive shall be permanently maintained to the satisfaction of the Head of Planning.

8) 16 BURROW DOWN. Single-storey front extension to enlarge kitchen and lounge. EB/2003/0568, MAP E4. OLD TOWN

INTRODUCTION

The application was deferred at the last meeting of the Planning & Licensing Committee in order to enable a Members' Site Visit to be undertaken, which took place on Friday 14 November.

SITE LOCATION

The three-bedroom bungalow, with integral garage, is situated on the western side of Burrow Down, some 50

metres south of the road's junction with Priory

Heights. The surrounding residential area is characterised by a mix of single and two-storey dwellings, either detached, semi-detached or terraced.

PLANNING HISTORY

In 1973 planning permission was granted for the erection of part one and part two-storey extension at the side and rear of the bungalow to form an integral garage with room over and conservatory at rear (EB/1975/0249 – Background paper).

In 1981 planning permission was granted for a single-storey extension at rear in order to re-site kitchen and to provide a laundry room (EB/1981/0564 – Background paper).

CURRENT APPLICATION

Permission is sought to enlarge the existing kitchen and lounge by way of a 2.1 metre deep and 8.7 metre wide extension, under a shallow mono-pitched roof. The extension would bring the front of the bungalow closer to the public highway. The footprint of the existing bungalow is some 11 metres by 12 metres. Some of the proposed works, such as a sidewall, have already been undertaken.

PLANNING POLICY

Relevant policies in the adopted Eastbourne Borough Plan (2001-2011)

UHT1 – New development to harmonise

HO20 – Residential amenity

REPRESENTATIONS

A site notice was displayed at the front of the site and letters of notification sent to the occupants of surrounding residential properties. In response, four letters of representation have been received, the contents of which can be summarised as follows:

- The submitted drawings are not accurate and bear little resemblance to reality
- The proposed development has already partially taken place
- The building works to the property, which have been on-going incessantly for many years, blight the whole area, are an eyesore and have a negative effect
- The proposed extension would create dangers to road users by bringing the building closer to the pavement, situated on a curve
- The local residents can do without the un-pleasantries, intimidation, threats and continuous building work that never gets finished
- The proposed extension would spoil the whole area of this road
- Scaffolding and screening have been in place for at least 3 years
- For the benefit of surrounding residents please tidy up the current mess

· I would like to see some improvement to the property after many years

(Letters dated 13 September – 3 October 2003 – Background paper).

APPRAISAL

The main land-use planning related issues to consider in the determination of the application are the visual impact of the proposed extension and its effect on the established amenities of occupants of surrounding residential properties.

The proposed extension, to enlarge both the existing kitchen and lounge at the front of the host building, would extend the slope of the existing roof towards the public highway by some 2.1 metres. The extension is to be rendered to match the existing bungalow. Given this size, position and finish, it is considered that the proposed extension is appropriate in scale, form, materials and layout, and would harmonise, in accordance with Policy UHT1 of the adopted Borough Plan, with both the appearance of the existing bungalow and character of the surrounding built situation.

As indicated in the “Representations” section of this report, four letters of representation have been received from local residents. From the contents of these letters, which have been summarised above, it would appear that there are several wider issues associated with the on-going works, of many years, to the application site rather than to the application itself. However, with particular regard to Policy HO20 of the adopted Borough Plan, in respect of residential amenity, the proposed extension would not result in a loss of outlook, a loss of privacy, a loss of light or overshadowing. As such, the proposed extension respects the established residential amenity of the locality and therefore is in accordance with the relevant policy.

HUMAN RIGHTS IMPLICATIONS

As noted above, the application property has been in a state of continuous rebuild for the last several years, with adverse consequences mainly in respect of the visual amenities of the area. However, the provision of a modest extension on the front of the bungalow, the subject of this application, is in itself unlikely to infringe the above noted Rights of local residents.

CONCLUSION

Works to rebuild the host building have been on-going for several years and are still continuing at the present time. Such activity has resulted in the bungalow being surrounded by scaffolding/fencing and covered in tarpaulins during most of this period much to the disquiet of some local residents.

However, with regard to the planning merits of the application, the proposed extension is considered to be acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of the occupiers of surrounding residential properties.

As such, the proposed development is considered to accord with policies UHT1 and HO20 of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following conditions:

1. C5.2 Hours of operation
2. The extension, hereby approved, shall be completed to the satisfaction of the Head of Planning within 12 months from the date of this permission

3. A3 Use of matching materials

RATTON WARD

9) 2 RUTLAND CLOSE. New entrance lobby and first floor extension to create more living space. EB/2003/0689, MAP H6. RATTON

SITE LOCATION

The application site of 2 Rutland Close sits on the corner of Rutland Close and Rodmill Drive. The site comprises a two storey detached house with porch extension and garage conversion. The house has an asymmetrical roof, which is characteristic for this estate. It has an open-plan front garden and a fenced rear garden.

PLANNING HISTORY

Erection of a porch on the east side of property, granted in 1977 (EB/77/183 – background paper).

Increase in height of wall on Rodmill Drive by 12 inches, granted in 1991 (EB/90/615 – background paper).

CURRENT APPLICATION

This application seeks permission to construct a new entrance porch to the south-west corner of the dwelling, fitting between the front door and garage conversion. In addition the application seeks to create a first floor extension above the new porch and existing garage conversion to create more living space in the property. The first floor extension will be of a flat roof form and be built to a height of 5.3 metres. The existing dwelling has a ridge height of approximately 7 metres. The porch extension will increase the footprint of the building by 4.75 square metres. The gap between the external walls of the site and neighbouring property is 2 metres and due to the parallel alignment of the two properties this will be maintained along the full length of the extension.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

HO20 – Residential Amenity

UHT1 – Design of new development

CONSULTATIONS

One letter of objection has been received from the occupier of the adjoining

property 4 Rutland Close (Letter dated 21 November 2003 – background paper). The occupier expresses the following concerns:

- that the proposed development is not in keeping with the surrounding area
- that overshadowing will occur
- treatment of the elevations is not in keeping with the host dwelling
- loss of outlook
- loss of 'right to light'

APPRAISAL

The main issues to consider in the determination of this application relate to visual amenity and the effect the development would have on the amenities enjoyed by the neighbouring property.

4 Rutland Close has a secondary lounge window and a glassed porch leading to the kitchen on the east elevation at a distance of 2 metres to the proposal. The extension will result in a substantial loss of light to these windows. In addition, it is considered that the proposed straight brick wall at such a close distance would deny the outlook that the neighbouring residents could reasonably expect to enjoy.

Further to this, the flat roof first floor extension with its angular appearance does not harmonise adequately with its surroundings and would constitute a prominent feature when seen from the public highway. It is concluded that the proposal would be detrimental to the visual appearance of the building, the surrounding area and the streetscene.

RECOMMEND: Permission be refused on the following grounds:-

1. That the proposed first floor extension due to its close proximity to the neighbour's property would create a harmful impact on the neighbouring property in the form of loss of light and outlook. Therefore the proposal would detract from the neighbour's residential amenity and would conflict with Policy HO20 of the Eastbourne Borough Plan (2001-2011).

2. That the proposed extension by reason of its size, design and position would be harmful to the appearance of the building, the surrounding area and the streetscene. Therefore, the proposal would conflict with Policy UHT1 of the Eastbourne Borough Plan (2001-2011).

10) SOUTH COAST CATERING SPRING CLOSE. Demolition of workshop and stores, erection of 4no. terraced cottages and conversion of offices and store to 4no. 1 bedroom flats. EB/2003/0676, MAP I2. RATTON

SITE LOCATION

The application site is situated to the rear of Spring Close and currently occupied by South Coast Catering Ltd who use the front building as storage and as office. The rear single storey building is used for storage, maintenance and cleaning of appliances. There is also an open sided covered area. Access to the rear is via a narrow road between the side of the front building and the adjacent garages.

To the rear of the proposed dwellings there is a watercourse and trees, the site is further surrounded by a mixture of garages, flats, bungalows and terraced houses.

PLANNING HISTORY

Planning permission was granted in 1964 for the erection of a 2-storey building providing a lock-up shop with store under (EB/1964/0350 – background paper).

Permission was granted for the retention of covered lean-to at rear (EB/1992/0352 – background paper).

Permission was granted for the provision of pitched roof and vertical tile hanging (EB/1994/0585 – background paper).

Installation of open sided canopy granted in 1999 (EB/99/0367 – background paper).

Installation of open sided canopy granted in 2003 (EB/02/0712 – background paper).

CURRENT APPLICATION

_The application seeks to convert the front building into four 1-bedroom flats and to reduce its width in order to provide a wider access to the rear.

To the rear of the site it is proposed to demolish the single storey workshop/storage building and the open sided covered area to make way for four terraced 2-storey dwellings.

A total of six parking spaces are proposed.

PLANNING POLICY

EASTBOURNE BOROUGH PLAN (2001-2011)

- _UHT1 - Design of New Development
- UHT4 - Visual Amenity
- HO20 - Residential Amenity
- BI1 - Retention of Class B1, B2 and B8 Sites and Premises

CONSULTATIONS

_The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted, planning conditions are imposed relating to surface water drainage works. In addition, a desktop study as well as a site investigation and a risk assessment are to be carried out to prevent pollution of controlled waters (Letter dated 19 November 2003 – background paper).

_The Regeneration Officer comments that from the information submitted, the actual redundancy of this area for business use has not yet been established (Internal email dated 31 October 2003 – background paper).

_The Local Plan Officer states that the applicant needs to provide evidence that these premises are genuinely redundant under the terms of policy BI1 of the adopted Borough Plan 2001-2011 before this proposal can be determined (Internal Memo dated 13 November 2003 – background paper).

The Contaminated Land Officer comments that the redevelopment of the above site will generate noise that may adversely affect adjacent residential properties. It is unclear whether adequate refuse storage capacity is included in the proposed development.

The site has had a previous history of light industrial and warehousing that has the potential to create land contamination issues. In developing the site it will be necessary to ensure that the site is fit for use. He recommends appropriate conditions (Internal Memo dated 25 November 2003 – background paper).

Southern Water does not wish to comment on this application (Letter received 6 November 2003 – background paper).

_The Principal Highway Engineer states that the parking standard for this development should be 8 spaces. 'The application drawings show 6 spaces however the 4 spaces at the entrance to the site will be required to provide an adequate width of access drive i.e. 4.5m for the first 10m with a safe space for pedestrians. This will reduce the parking provision to 2 spaces which is far from adequate bearing in mind the demand for parking in Spring Close.

There will also be a requirement for pedestrian visibility, which will require the access drive to be centrally

located.

I appreciate the access drive is used to access the existing commercial unit however this is considered to be inadequate and historical (Internal Memo dated 10 November 2003 – background paper).

Five objections, one letter of support and one letter expressing concerns have been received from local residents.

The neighbours at 84 Wish Hill are concerned about a loss of privacy to their rear garden by the proposed flats. The proposed rear window will be at a distance of 2 metres from their boundary. They are also concerned about the lack of parking spaces and potential problems with drainage (Letters dated 5 and 17 November 2003 – background paper).

The occupier of 1A Willingdon Close is also concerned about overlooking and loss of privacy (Letter received 10 November 2003 – background paper).

A resident of 3 Dorchester Court comments on the insufficient car parking provision while the occupier of the ground floor flat of 2 Dorchester Court is concerned about loss of privacy and overshadowing (Letters received 10 and 12 November 2003 – background paper).

Further concerns with regard to car parking have been received from the occupier at 13 Spring Close. He also comments that one-bedroom flats do not seem to be an appropriate development for this area (Letter dated 19 November 2003 – background paper).

The occupants of 5 Spring Close are concerned with regard to overshadowing, loss of privacy, car parking and the narrow access to the site (Letter dated 20 November 2003 – background paper).

The owner of the workshop adjoining South Coast Catering supports the application in principle. He comments on parking issues, residential amenity and the proximity of the spring and stream (Letter received 20 November 2003 – background paper).

APPRAISAL

The applicant states that the Spring Close premises are at present used in conjunction with the head office in Seaside, Eastbourne. The Spring Close site is surplus to requirements following reorganisation of the site and more 'direct to site' deliveries.

Planning Policy BI1 states that planning approval for the conversion or redevelopment of land or buildings currently or last in class B1, B2 or B8 use for non-employment use will not be granted unless it can be satisfactorily demonstrated that

- a) the site or premises are genuinely redundant and are unlikely to be re-used or redevelopment for industrial or commercial use within the Plan period.
- b) continued use of the premises would cause undue disturbance to residential neighbours;
or
- c) access to the premises does not meet acceptable highway safety standards and cannot be reasonably improved.

At the time of writing this report, no material has been submitted providing any information with regard to the actual redundancy of these premises for business use.

The proposed flats with bedroom windows to the rear would overlook the rear garden of 84 Wish Hill, and at a distance of 2 metres they would be harmful the residential amenity of adjoining residents.

It is considered that the proposed car parking provision is not sufficient. This should be 8 car parking spaces. The current plans show 6 spaces, however four are placed along the driveway, which does not meet the Highway Authority's standards.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would adversely affect the rights of adjoining residents to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

1. That the proposal does not meet the requirements set out in Policy BI1 of the Eastbourne Borough Plan 2001-2011. No proof has been submitted that the premises are genuinely redundant and therefore the proposal conflicts with Policy BI1 of the Borough Plan.

2. That the proposal would be detrimental to residential amenity by virtue of overlooking the rear garden of 84 Wish Hill and as such would conflict with Policy HO20 of the Eastbourne Borough Plan.

That the proposed development does not meet the car parking standards as set out in the Supplementary Planning Guidance for East Sussex February 2002 and represents an overdevelopment of the site and as such would conflict with Policy UHT1 of the Eastbourne Borough Plan.

ST. ANTHONY'S WARD

11) LAND ON THE SOUTH WEST SIDE OF LOTTBRIDGE DROVE TO THE NORTH WEST OF REDWARD BUSINESS PARK. Erection of conveyor car wash centre and vacuum bays. EB/2003/0667, MAP N8. ST. ANTHONYS

SITE LOCATION

The site is situated on the eastern side of Lottbridge Drive, north-west of Hammonds Drive and diagonally opposite the Volvo car showrooms, on the other side of the A2290 main road. The application site forms part of Eastbourne Park.

PLANNING HISTORY

There is no formal planning history covering the site. However, the site forms part of the land that could be used to construct a section of the proposed Southbourne Link road between Lottbridge Drive to Kings Drive (A2021).

CURRENT APPLICATION

Permission is sought to construct a conveyor car wash hall and two vacuum bays, together with plant building, staff parking space and vehicle circulation area, on a near rectangular shaped piece of land, measuring some 21 metres by 56 metres, fronting Lottbridge Drive.

PLANNING POLICY

Relevant policies contained in the Eastbourne Borough Plan (2001-2011)

- NE1 – Development Outside the Built-up Area Boundary
- TR16 – Safeguarding A22 New Route

CONSULTATIONS

The Health & Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case (Letter dated 27 October 2003 – Background paper).

The Local Plan Officer advises that the proposed development is contrary to Policy NE1 of the adopted Borough Plan as it is development outside the built-up area and does not have a need for a non-urban location. Therefore planning permission should be refused (Memo dated 13 November 2003 – Background paper).

Southern Water has no objection to the discharge of foul sewage from the development to the public foul sewer or to the discharge of surface water run-off from the development site to the public surface water sewer. It is recommended that a condition be imposed requiring details of the proposed means of foul and surface water disposal (Letter dated 12 November 2003 – Background paper).

The Senior Highway Authority advises that the development is located in the band of interest for the proposed St Anthony's and Southbourne link roads, which have been identified in the Borough Plans for a number of years. No development should be allowed that could jeopardise or alter these plans and, as such, the Highway Authority strongly recommends that the application be turned down (Memo dated 13 November 2003 – Background Paper).

The Environment Agency was consulted on 23 October 2003. Any response will be reported to Members verbally.

REPRESENTATIONS

No representations have been received in response to a notice displayed at the front of the site.

APPRAISAL

The main issues to consider in the determination of the application relate to the land use and highway implications of building on this part of Eastbourne Park.

As indicated in the "Consultations" section of this report, the proposed development would be sited outside the built-up area. Policy NE1 of the adopted Borough Plan 2001-2011 states that, in general, development will not be permitted outside the built-up boundary as defined on the Proposals Map. Exceptions will only be made in a limited number of cases, such as, for a proposal that is specifically identified in the Borough Plan or for a proposal that needs a non-urban location. However, the proposed car wash centre, which is more suited to an established urban area, is not considered to be an exception and is therefore contrary to policy NE1.

The Highway Authority objects to the proposed development as the site of the car wash would be located in the band of interest for the proposed St Anthony's and Southbourne link roads, which could include the provision of a roundabout on Lottbridge Drove. The construction of the proposed car wash centre would jeopardise the planned situation.

HUMAN RIGHTS IMPLICATIONS

The proposed development would not adversely infringe the above noted Rights.

CONCLUSION

The principle of developing the application site is, given its intended function and location, not acceptable.

RECOMMEND: Planning permission be refused for the following reasons:

1. The proposal constitutes an undesirable extension of inappropriate development in a sensitive area, outside the designated Built-Up Area Boundary of the town, which, in the

absence of any overriding need, is contrary to the Local Planning Authority's recognised policy of locating such development within the established urban area. As such, the proposed development is considered to be contrary to Policy NE1 of the adopted Eastbourne Borough Plan 2001-2011.

2. The proposal is located within the band of interest for the A22 New Route link roads; such land should be safeguarded from inappropriate development. Therefore, the proposed development is considered to be contrary to Policy TR16 of the adopted Eastbourne Borough Plan 2001-2011.

SOVEREIGN WARD

12) 32 PHOENIX DRIVE. Erection of garden boundary wall. EB/2003/0672, MAP S12.

SOVEREIGN

SITE LOCATION

The application site comprises a rectangular strip of grassed land to the side of 32 Phoenix Drive, which is an end-of-terrace house. The site measures 15.2 metres along Phoenix Drive and projects 2.76 at the front and 3.85 at the rear.

PLANNING HISTORY

Proposed use of land for residential development comprising houses and flats and construction of North Harbour (EB/1995/269 (OL) – background paper).

Erection of 91 dwellings and associated works (EB/1999/539 (RM) – background paper).

CURRENT APPLICATION

The application seeks permission for the erection of a side garden boundary wall by relocating the existing boundary wall nearer Phoenix Drive and enclosing a grassed area to the side of the application site. The proposed wall is between 1.8 metres and 2 metres high.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

UHT1 - Design of New Development

UHT4 - Visual Amenity

CONSULTATIONS

The Highway Authority does not wish to restrict grant of consent to this application.

Three letters of objection have been received in response to neighbour notifications and a site notice. One of the letters was signed by a further two residents.

The comments of the occupier of 1 Malden Reach, 40 Phoenix Drives relate to ownership and consent from builders only, while the occupier of 4 Malden Reach, 40 Phoenix Drive also expresses concerns regarding the openness and pleasantness of the whole estate.

A third letter has been received from the Secretary of the Monterey Wharf Residents association. He states that 'the land on which the wall is to be built and the area inside the extension is listed on our deeds as being common land for the benefit of all residents of Phoenix Drive...'. He is also concerned about the visual effect that the loss of the open space land will have when entering Phoenix Drive.

(Letters dated between 10 and 13 November 2003 – background papers).

APPRAISAL

A similar application on a slightly smaller scale has recently been granted at 33 Phoenix Drive, which is located at the opposite site of the square.

This application encloses 15.2 metres of the side boundary and transfers the wall between 2.76 metres and 3.85 metres further towards Phoenix Drive. It is considered that no visual harm would result from the boundary wall, which is between 1.8 metres and 2 metres in height and in keeping with similar walls in the surrounding area.

It is further considered that no significant area of amenity land will be lost by this proposal. This part of the estate will still appear to be open with the central square of amenity space, 'The Piazza', to the rear of the application site.

There are no highway issues with regard to this application. Issues relating to land ownership mentioned in neighbour representations are outside the control of planning and cannot be considered.

SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality or highway and pedestrian safety. The proposal complies with Policy UHT1 and UHT4 of the adopted Eastbourne Borough Plan (2001-2011).

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: Permission be granted subject to the following condition:-

D1.1 Commencement of development within five years

UPPERTON WARD

13) 49 UPPERTON ROAD. NEW ACCESS INCLUDING ALTERATION TO FRONT BOUNDARY WALL TO PROVIDE ON-SITE PARKING. EB/2003/0713, MAP G8, UPPERTON.

SITE LOCATION

The application site is located on the corner of Upperton Road and Ocklynge Road and comprises a large detached dwelling. A wall and 3 metre high shrubs screen the grounds surrounding the dwelling. Upperton Road is a classified road (A2270).

CURRENT APPLICATION

_ The current application seeks to create a new 3.6 metre wide access to Upperton Road in association with providing a brick paved surface on the property to allow a parking and turning facility. The proposal will involve the demolition of a section of the wall fronting Upperton Road between the existing gate for 49 Upperton Road and the neighbouring property of 47 Upperton Road. The replacement wall will be built in the same style as the existing wall, to a height of approximately 60cm bounding the drive rising to 1.3m by the gate. The hard surface will total 48 square metres and part of the area it will cover is currently occupied by a lean-to shelter.

CONSULTATIONS

_ The Senior Highway Engineer objects to this application due to the inadequacy of the turning space provided by the proposal. He states that the turning space “..appears to be smaller than the minimum dimensions required by the ESCC Manual for Estate Roads....” and that “...it would not be possible to meet these minimum dimensions at this property....”. (Internal memo dated 24 November 2003 – background paper).

One letter of objection has been received from the occupier of Flat 8 Sherbourne Court in which they express concerns on the impact on visual amenity and environmental effects of the proposal (letter received on 17 November 2003 – background paper).

APPRAISAL

_The main issue with regard to the determination of the application is the failure of the proposal to meet the requirements for turning space set out by East Sussex County Council’s policy for accesses onto classified roads. This is further emphasised by the fact that the turning space required under these policies can not be provided on this property, as a result of which cars would be unable to enter and leave the site in a forward gear. The proposal would thereby be seriously detrimental to highway safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development’s location on a busy classified road, and the scale of the proposal would not infringe the rights conferred by the above legislation in respect of the right to peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

That the proposal fails to comply with the Highway Authority’s standards in respect of turning areas for accesses onto classified roads, as set out in the East Sussex County Manual for Estate Roads. The proposal would thereby be seriously detrimental to highway safety as vehicles would be unable to enter and leave the site in a forward gear.

14) LAND OFF BEDFORDWELL ROAD TO REAR OF 9-21 UPPER AVENUE & 27-31 BEDFORDWELL ROAD. Construction of ten two-bedroom bungalows and four two-bedroom cottages including extension to existing access and parking. EB/2003/0649, MAP I 10. UPPERTON

SITE LOCATION

The application site is located at the rear of the Hawthorns retirement residence and shares common boundaries with a number of properties in Bedfordwell Road, Upper Avenue and Carew Road. These adjacent properties are a mixture of residential and institutional uses.

The site has an area of 1.23 acres and contains a number of trees, some of which are protected by a tree preservation order (TPO.55).

PLANNING HISTORY

Permission for the adjacent “Hawthorns” development, which comprised the erection of 105 retirement rooms and suites, manager’s and co-manager’s flats and various communal rooms, following demolition of the former Princes Alice Hospital, was granted in March 1997 (ref. EB/1996/0551). The scheme has 24 parking spaces at the rear with access from Bedfordwell Road and over 30 spaces at the front with access from Carew Road.

There is no relevant planning history in respect of the application site.

CURRENT APPLICATION

It is proposed to erect 10 two-bedroom bungalows and four two-bedroom cottages arranged around a central green landscaped space and accessed via a footpath network which leads from a parking area for seven cars, which in turn is accessed through the Hawthorns parking area.

The dwellings are intended for the elderly in association with the existing retirement development at the Hawthorns and the application is submitted by the owners of the main block.

The dwellings are designed in a simple style, constructed in brick with stained timber porches and plain tiles roofs. The rear gardens of the properties are small, with depths ranging from 5m. to 8m.

The submitted drawings indicate the removal of a small group Birch trees and a group of saplings.

The following extracts taken from a design statement submitted by the applicant’s architects provide useful background information in connection with the proposed development:-

“The brief for this project was to design a low-rise residential retirement residence incorporating sheltered housing design features appropriate for this profile of the elderly population.

It is intended that this scheme will be managed by the existing management structure already established in the Hawthorns retirement residence and that this scheme will represent a feeder for the main facility. This proposal should therefore be regarded as a supporting facility associated with the existing Hawthorns retirement residence.

As the proposals are for retirement accommodation the car ownership level is very low, the need for car parking is decreased, and the associated vehicular activity is also predictably low.

If the proposals are designed as predominantly single-storey in proximity to the site boundaries this will create minimal impact to the adjoining properties, thus maintaining the character and amenities of these properties.

The proposals have been designed to create minimal visual impact and nuisance through increased traffic and the proposals have also been designed to protect the amenities of both the existing properties and the occupants of the new development.”

(Design Statement dated October 2003 – background paper; a full copy of the Design Statement can be inspected on the planning application file).

PLANNING POLICY

Policy UHT1 - Design of New Development

Policy UHT4 - Visual Amenity

Policy HO20 - Residential Amenity

CONSULTATIONS

The occupiers of all surrounding properties, including the residents at the Hawthorns, were notified of the application. In response two individual letters have been received, from the owners of two flats at Roborough Court (19 Upper Avenue), which backs onto the application site. One of the residents states that the overall proposed development would appear to be reasonable, but they have concerns in respect of finished ground levels, particularly in relation to the low height of the existing boundary wall, and the close proximity of the development to their rear boundary. Similar comments were made by the occupiers of another flat in Roborough Court (letters dated 27 October and 12 November 2003 - [background papers](#)).

Two petitions against the proposal have been received from the Hawthorns, one signed by 12 residents and the other signed by 77 residents. The grounds of objection are summarised as follows:-

- A thoroughfare across the Hawthorns would reduce its size and facility
- Their 'water garden' will border on the new access and will lose its tranquillity
- Noise, dust and fumes from additional traffic will reduce their quality of life
- Security will be seriously impaired
- Danger to pedestrians
- Entrance from Bedfordwell Road has no separate footpath
- Loss of privacy

Petitions dated 8 and 18 November 2003 – [background papers](#)).

The Environment Agency has no objections in principle to the proposed development, although as the site is within Groundwater Protection Zone 1, a number of conditions are requested to prevent the pollution of ground water (letter dated 30 October 2003 - [background paper](#)).

The Crime Prevention Design Advisor at Sussex Police comments that the inward facing housing layout offers the opportunity to create excellent community interaction. He recommends that lighting is installed to illuminate the car park and the route to the dwellings. (Letter dated 4 November 2003 - [background paper](#)).

The Southdowns Badger Protection Group states that its records show evidence of foraging by badgers in gardens of properties in Upper Avenue near to the proposed development, and it is believed a badger sett exists to the rear of the remaining buildings associated with the former Princess Alice Hospital (letter dated 5 November 2003 - [background paper](#)).

The Principal Highway Engineer has the following comments:-

It is accepted that this type of development does not generate large numbers of traffic movements consequently the existing access arrangements off Bedfordwell Road are acceptable.

It would be beneficial to introduce some localised widening of the access drive to create a vehicle passing bay.

The parking provision for this type of development is considered adequate.

Consequently I am able to confirm the Highway Authority does not wish to restrict Grant of Consent.

(Internal e-mail dated 28 November 2003 – background paper).

The Council's Arboricultural Officer comments that the plans indicate the removal of a group of Birch and a group of saplings, but he considers that, if replacement planting were undertaken the loss of these trees would not have a significant detrimental impact on the visual amenity of the area. He confirms that the retention category of the trees can be classified as low. He also refers to a group of trees on the boundary shown for retention, which in his opinion provide good screening and should be protected. Details of proposed underground services are required to ensure the protection of the tree roots from excavations. The close proximity of a mature Acer in the neighbouring garden and a mature Horse Chestnut within the application site are noted and there is some concern that these trees may dominate the proposed buildings nearest to them. (Internal memorandum dated 10 November 2003 – background paper).

APPRAISAL

The main issues to consider in this case are the general suitability of the site for the proposed development and its impact on adjacent properties in respect of visual amenity, overlooking and parking.

As mentioned earlier in the report, the development is aimed at retired persons and will provide sheltered housing accommodation, linked with the facilities in the Hawthorns (such as emergency attendance, meals provided where required and general housekeeping). As the development will be operated in conjunction with the Hawthorns, and the applicant is happy to accept a condition imposing a minimum age restriction, the development is considered to be appropriate for the site in principle.

The proposed dwellings are situated a considerable distance from the Hawthorns (about 60 metres at the closest point) and therefore will have little direct effect on the occupiers of the existing retirement apartments in respect of either visual impact or overlooking.

The development is, however, much closer to the site boundaries shared with adjacent properties in Bedfordwell Road and Upper Avenue, but as these properties have long rear gardens (ranging from 35m to 50m in length) the proposed buildings will be a considerable distance away. Coupled with the fact that the majority of the scheme is single-storey, the development will have very little impact on these adjacent properties provided the finished ground levels are similar to those of the adjacent gardens, and a condition is recommended to cover this point.

The rear boundary walls, which currently have a height of about 1.2m. will need to be raised to at least 1.8m to safeguard the privacy enjoyed by existing residents in the surrounding area and this is also suggested as a condition. A restriction on permitted development rights is also recommended in view of the close proximity of the dwellings to the rear boundary.

One pair of the four two-storey dwellings proposed would back onto properties in Bedfordwell Road (No.29), but views from first floor windows into the rear garden of this property would be partially obscured by a large mature tree close to boundary and there would remain a generous distance of some 46m. between the backs of the proposed and existing properties, which in my opinion is sufficient to overcome any serious loss of privacy.

The proposed access through the Hawthorns rear car park will result in the loss of only two existing parking spaces, leaving 22 spaces in this area. There is a further parking area for 32 spaces at the front of the Hawthorns which is unaffected by the proposed scheme. Seven spaces are to be provided for the proposed scheme which is considered adequate for sheltered accommodation of this type.

The size and scale of the development would appear very subservient to the main block which, in my opinion is an entirely appropriate approach having regard to the site's backland setting. As a result the visual impact on the surrounding area would be minimised and it would not appear intrusive when viewed from neighbouring properties.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposed development would infringe the rights of neighbouring occupiers 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.

SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties. Furthermore, it would have no detrimental effect on highway and pedestrian safety and would comply with Policies UHT1, UHT4, HO20 and TR11 of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject 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 residential development hereby approved shall at all times remain as warden-assisted sheltered accommodation for the elderly and none of the units shall be let or sold as any other type of residential accommodation.
6. 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 area, in accordance with details to be submitted to and approved by the Head of Planning, prior to the commencement of the development.
7. 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 by the Local Planning Authority in consultation with Southern Water Services.
8. 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 reasonably be expected given those uses and other relevant information. 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) 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 relating to ground water and surface waters associated on and off the site that may be affected, and;
- Refinement of the Conceptual Model, and;

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

(c) The site investigation shall be undertaken in accordance with details approved by the Head of Planning and the risk assessment shall be undertaken;

(d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the site investigation, shall be submitted to and approved in writing by the Head of Planning prior to that remediation being carried out on site.

The development hereby approved shall be carried out in accordance with approved Method Statement.

9. Clean, uncontaminated rock, subsoil, rubble, crushed concrete and ceramic only shall be permitted as infill material.

10. B.14 Details of finished floor levels.

11. That the height of the existing boundary walls to the rear of plots 1 to 9 inclusive shall be raised to a minimum of 1.8 metres above the natural site levels or finished site levels, whichever is higher.

12. That the trees shown to be removed on the submitted drawing shall be replaced by the same number of trees in accordance with details to be submitted to and approved in writing by the Head of Planning before the development hereby approved is commenced. The approved planting shall be carried out in the first planting season following completion of the development and any trees which subsequently die or become damaged or diseased shall be replaced with similar species in the same position.

13. A10.3 Protection of trees during construction

14. That, prior to the commencement of development, a site survey shall be carried out to establish whether or not a badgers sett exists on the site. In the event of a sett being found measures for its protection shall be submitted to and approved by the Head of Planning, in consultation with English Nature. The approved scheme shall be implemented prior to the commencement of the development and maintained until all equipment, machinery and surplus materials have been removed from the site.

15. D9 Restriction of permitted development rights.

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

17. 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.

18. That before the development hereby approved is commenced, details of the proposed refuse storage facilities shall be submitted to and approved by the Head of Planning.

T. C. E. Cookson

Head of Planning

1 December 2003

