EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 9 MARCH 2004

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

1) LAND ADJACENT TO 12 BELTRING TERRACE. Erection of detached two bedroom dwelling. EB/2004/0069, MAP J11. DEVONSHIRE

2) LAND AT REAR OF WILLINGDON TREES COMMUNITY CENTRE, HOLLY PLACE. EXTENSION TO EXISTING BASKETBALL FACILITY TO PROVIDE A MULTI-COURT YOUTH FACILITY TO INCLUDE ENLARGED TARMAC AREA WITHIN HEAVY DUTY PANELLED FENCING. EB/2004/0033(LA), MAP K.17, HAMPDEN PARK

3) LAND WITHIN THE CURTILAGE OF 29 FRIDAY STREET. Erection of a chalet bungalow together with provision of two semi-detached garages and two parking spaces at the rear. EB/2004/0077(RM), MAP R5. LANGNEY

4) 39 FRIDAY STREET. Erection of pitch roof garage at front. EB/2004/0003. MAP R6. LANGNEY

5) 20 GRANVILLE ROAD. Demolition of existing property and erection of four storey block of flats including underground access to car parking at rear (10 units). (Amended Plans). EB/2003/0759(OL), MAP D12. MEADS

6) 10 LISMORE ROAD. Vehicle crossover and parking bay. EB/2004/0007, MAP H12. MEADS

7) 10/12 GRANGE ROAD. Change of use to allow conversion of two flats (C3) to pupil studies (D1). EB/2004/0041, MAP F12. MEADS

8) 34 MEADS STREET. Display of externally illuminated fascia signs and two externally illuminated projecting signs. EB/2004/0048(ADV), MAP B12. MEADS

9) 40 SOUTH STREET. Change of use from retail (A1) to estate agents (A2). EB/2004/0051, MAP G11. MEADS

10) 15 FRISTON AVENUE. Erection of detached double garage and extension at side and rear. EB/2004/0098, MAP J2. RATTON

11) CROSSWAYS SERVICE STATION, 199 WILLINGDON ROAD. Installation of a jet wash car bay. EB/2004/0061, MAP I2. RATTON

12) 10 HORSYE ROAD. Two storey side extension and rear conservatory. EB/2004/0071, MAP L9. ST. ANTHONYS

13) CAFFYNS VW SITE, HAMMONDS DRIVE. Provision of vehicular access (inwards only) from Lottbridge Drove. EB/2004/0034, MAP N9. ST. ANTHONYS

14) LAND ADJACENT TO KEY WEST, PHASE 6 SOVEREIGN HARBOUR. Residential development of 6 no. 2 bedroom flats, associated parking, promenade extension and parking for 41 no. cars. EB/2004/0096, MAP R12. SOVEREIGN

15) 11 LALEHAM CLOSE. Single storey extensions at side and rear. EB/2004/0067, MAP G8. UPPERTON

T. C. E. Cookson

Head of Planning

1 MARCH 2004

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 9 MARCH 2004

REPORT OF THE HEAD OF PLANNING

BACKGROUND PAPERS

1. Town and Country Planning Act 1990

2. Planning (Listed Buildings and Conservation Areas) Act 1990

3. The Planning and Compensation Act 1991

4. The Town and Country Planning General Regulations 1992

5. The Town and Country Planning (General Permitted Development) Order 1995

6. The Town and Country Planning (General Development Procedure) Order 1995

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

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

9. DoE Circulars

10. DoE Planning Policy Guidance Notes (PPGs)

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

12. Eastbourne Borough Plan (Adopted Plan – 1998)

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

14. Eastbourne Townscape Guide 1994

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

16. Statutory Instruments

17. Human Rights Act 1998

Note: The documents listed above and the papers referred to in each application report as "background papers"

are available for inspection at the offices of the Planning, Regeneration and Amenities Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 9 MARCH 2004

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) LAND ADJACENT TO 12 BELTRING TERRACE. Erection of detached two bedroom dwelling. EB/2004/0069, MAP J11. DEVONSHIRE

SITE LOCATION

The site is located at the end of a row of terrace houses and adjoins a rear access way to 64 Firle Road. It is presently occupied by a low double garage with forecourt.

PLANNING PERMISSION

Planning permission was granted for the erection of an attached two-bedroom dwelling in February 1993 (EB/92/0512 - Background paper). The permission was renewed in February 1998 (EB/1997/0650 - Background paper).

Planning permission was refused for the erection of a detached two-bedroom dwelling in 2003 (EB/2002/0508 - Background paper). The reason for refusal was:

"That the proposed detached dwelling would, by reason of its incompatible design and form, result in a discordant and incongruous building in the established street scene, which would be out of character with the properties in Beltring Terrace and adversely affect the visual amenity of the area. As such the proposal is in conflict with policy CT1 of the Adopted Borough Plan (1998) and policy UHT1 of the revised deposit draft Borough Plan (2001-2011)."

CURRENT APPLICATION

This application seeks permission to erect a 4.5m wide, two-storey dwelling with a plain tile pitched roof, brick walls and timber sash windows. It also proposes a new flat topped roof on the detached garage that is to be retained adjoining the proposed dwelling. The ground floor will have an open plan lounge/diner and kitchen. The first floor will be occupied by two bedrooms and a bathroom. The existing double garage is to be demolished to provide a 6m by 5m garden.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

HO6 - Infill Development

UHT1 - Design of new development

UHT2 - Height of buildings

HO20 - Residential amenity

TR11 - Car parking

CONSULTATIONS

At the time of writing 5 letters of objection and one petition with 9 names (five of which have sent in separate objection letters) had been received from letters of notification and 2 site notices. There main concerns can be summarised as follows:-

· Increased traffic problems with regard to parking and increased use of unmade road in Beltring Terrace causing damage to surface.

· Potential for damage to the road and terrace during construction especially with regard to subsidence.

· Affect on historical value of existing terrace by building not being in keeping with terrace.

· Loss of residential amenity from overlooking and overshadowing.

· Affect on value of the end terrace property.

(Letters dated 9-16 February 2004 – Background papers).

The Principal Highway Engineer was consulted and his comments will be reported at the meeting. It has been confirmed verbally that the application does not provide adequate parking provision.

The Environment Agency had been consulted but no reply has been received at time of writing. Previous consultations suggest that they have no objections in principle to a residential dwelling on this site.

APPRAISAL

The main issues to consider when determining this application is the design of the new development, its effect on the street scene and the amenities of neighbouring residents. The principle of a new residential unit has already been accepted by the previous applications noted in the "Planning History" section. These applications have established that a dwelling that links with the existing terrace is preferable to a detached dwelling, a form of dwelling that is seen to be incongruous with the predominant street scene.

The proposed building will be erected with a 300mm gap from the end property of the terrace. This gap will be infilled with bricks extending from the front and rear wall of the proposed dwelling up to first floor level,

linking the dwelling to the existing terrace.

Not only would this make maintenance of the walls of both properties impossible, the design element is not inkeeping with the existing housing in the immediate vicinity of the proposal site. It has already been established by previous applications that any new residential unit should form a continuation of the existing terrace.

The design of the proposed dwelling has been amended from the previous application (EB/2002/0508 – Background paper) to attempt to harmonise with the existing terrace. The size and form of the windows have been changed to match those in the terrace properties and the front canopy has been removed. However, the offset pattern of the windows on the proposed dwelling does not conform with the aligned pattern seen in the windows in the terrace. Further to this the ridge height of the proposed dwelling is noticeably lower than that on the terrace with the ridgeline running at 90 degrees to the ridgeline of the terrace. The proposed dwelling for the reasons above does not harmonise with the character and appearance of the local environment and is in conflict with policies UHT1, UHT2 and HO6 of the Eastbourne Borough Plan (2001-2011).

The impact on the residential amenity of neighbouring properties is now assessed. The proposed dwelling has no windows in the side elevations and will restrict the overlooking into 60 and 64 Firle Road. The rear windows will overlook the garden of 12 Beltring Terrace but not to a level over and above that currently experienced from 11 Beltring Terrace. The distance to the rear of the properties in Avondale Road, and the existing overlooking from the rear windows of 12 Beltring Terrace make the level of overlooking with respect of the rear windows of the proposed dwelling acceptable. The proximity of the proposed dwelling to the rear gardens of 60 and 64 Firle Road gives the potential for a limited amount of overshadowing in respect of these properties, though this will be limited to the early morning sun due to the location of the proposed dwelling to the east of these properties. The degree of overshadowing and overlooking is not considered to warrant a refusal.

HUMAN RIGHTS

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 refused for the following reason:

That the proposed detached dwelling would, by reason of its incompatible design and form, result in a discordant and incongruous building in the established street scene, which would be out of character with the properties in Beltring Terrace and adversely affect the visual amenity of the local environment. As such the proposal is in conflict with policy UHT1 of the Eastbourne Borough Plan (2001-2011).

HAMPDEN PARK WARD

2) LAND AT REAR OF WILLINGDON TREES COMMUNITY CENTRE, HOLLY PLACE. EXTENSION TO EXISTING BASKETBALL FACILITY TO PROVIDE A MULTI-COURT YOUTH FACILITY TO INCLUDE ENLARGED TARMAC AREA WITHIN HEAVY DUTY PANELLED FENCING. EB/2004/0033(LA), MAP K.17, HAMPDEN PARK

SITE LOCATION

The application site currently comprises an area of grass, adjacent to an existing basketball court, situated at the rear of the Willingdon Trees Community Centre. The site into which the extended court is to be constructed measures 5 metres in width and 20 metres in depth.

PLANNING HISTORY

Planning permission was granted for the construction of the existing outdoor basketball facility on land at the rear of the Willingdon Trees Community Centre in May 1996. The development comprised an asphalt

basketball court measuring 8 metres by 17.5 metres and 3.05 metre high basketball nets at each end of the court with galvanised steel backboards measuring 1.2 metres wide and 1 metre high. (EB/96/0166(LA)).

CURRENT APPLICATION

Permission is sought by the Borough Council under Regulation 3 of the Town and Country Planning General Regulations 1992 to upgrade and enlarge the existing basketball facility to provide a multi-court youth facility. The proposal involves extending the court to provide a hard surfaced playing space measuring 14 metres in width by 20 metres in depth. At each end of the court it is proposed to erect 3.5 metre high basketball nets and enclose the whole site with blue/purple coloured heavy-duty mesh panelled galvanised steel fencing supported by yellow galvanised steel uprights at 1.8 metre intervals.

PLANNING POLICY

The application site is identified on the Eastbourne Borough Plan Proposals Map (2001-2011) as amenity space and the following policies of the Plan are considered relevant to this application:

Policy HO20 - Residential Amenity

Policy UHT8 - Protection of Amenity Space

Policy LCF3 - Criteria for Children's Playspace

CONSULTATIONS

Letters were sent to occupiers of residential properties which overlook the application site and a notice was displayed outside the Willingdon Trees Community Centre.

At the time of writing this report, two letters of objection had been received from the occupiers of 56 and 57 Byland Close and one from the Manager of Winchester House, Holly Place which included a petition containing 11 signatures and the comments made can be summarised as follows:

· In recent years the residents have had to endure a large amount of noise, litter, drugs, alcohol and property destruction by local youths that use the area at night;

· If the development goes ahead, why enclose the area, why not leave it open, as it could encourage under age drinking and drug abuse;

· Instead of doing things for the youths, why not do something for other people in the area, like widening the paths and putting more seats in for the elderly and having better lighting;

· If the heavy duty panelling is going to be the same as around the Community Centre, then it will be susceptible to vandalism and will require regular repairing.

· Already get a lot of disturbance late evening/early morning. (Letters dated 2, 3 and 4 February 2004 – background paper)

APPRAISAL

The main issues to consider in the determination of this application are the principle of the development, having regard to Borough Plan Policy and the effects of the development on the amenities of occupiers of nearby residential properties.

It is considered that the principle of the development was established by the granting of planning consent in 1996 for the original basketball facility and bearing in mind that the application site is identified on the Borough Plan Proposals Map as amenity space, the proposed development is considered acceptable. Furthermore, Policy LCF3 of the adopted Borough Plan provides criteria for children's play space and recommends that when considering the provision of new playgrounds or the upgrading of old ones the following should be taken into account:

· Safety and security, including suitable surfacing and provision of appropriate lighting and visibility measures;

· The need to provide playground facilities which are both conveniently located for all residential areas and in locations which provide natural surveillance from a number of dwellings;

· The need to provide a range of equipment to cater for the needs of different age groups;

· The impact on the amenity of adjoining residential areas;

· Provision of appropriate ancillary facilities;

· The convenience and accessibility to the playground of the children and adults who will be using it;

· The views of adjoining residents and playground users.

Having regard to the above criteria it is considered that the upgraded and extended multi-court youth facility is to be safe and secure as it is to be enclosed with a galvanised steel mesh heavy duty fencing.

Furthermore, it is considered that the play facility is conveniently located, being at the rear of the Community Centre, within an area of open space, which is surrounded by residential development.

The idea behind providing a multi-court facility is that it can be used for a variety of games and used by both children and adults.

In terms of providing appropriate ancillary facilities, it is proposed to provide a shelter to replace the existing one on site and the provision of floodlighting may be considered at a later date.

The siting of the facility is considered to be convenient for surrounding residents and is accessible by a series of footpaths across the open space.

Finally, the views of the community were taken into consideration in the drawing up of the proposals.

It is considered that the proposed development will not result in any significant loss of amenity to surrounding residents. The proposal relates to an existing youth facility and just proposes improvements to it and whilst it is proposed to extend the facility, the nearest residential properties in Byland Close and Holly Place will still be in excess of 30 metres away.

In light of the above, it is therefore considered that the proposed development complies with the relevant planning policies and will not have any detrimental effect on the amenities of occupiers of surrounding residential properties.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposed development will affect the rights of occupiers of surrounding residential

properties to the peaceful enjoyment of possessions and protection of property.

ARTICLE 5 SUMMARY

The development is considered acceptable for the following reasons:

It would cause no undue harm to the amenities of occupiers of surrounding residential properties and complies with all relevant policies of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following condition:

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

2. That, before the development hereby approved is commenced, details of the proposed fencing shall be submitted to and approved by the Local Planning Authority.

LANGNEY WARD

3) LAND WITHIN THE CURTILAGE OF 29 FRIDAY STREET. Erection of a chalet bungalow together with provision of two semi-detached garages and two parking spaces at the rear. EB/2004/0077(RM), MAP R5. LANGNEY

SITE LOCATION

The application site which has an area of approximately 360 square metres, is situated on the western side of Friday Street, some 20 metres opposite the junction with Pennine Way. The site comprises a detached dormer bungalow and single garage, with vehicular access onto Friday Street. The rear boundary of the site abuts residential properties in Sorrel Drive.

PLANNING HISTORY

In May 2002 outline planning permission was granted for the proposed erection of a chalet bungalow with the provision of two garages and two parking spaces on land within the curtilage of 29 Friday Street. Matters of siting and means of access were approved as part of the application, with all other matters reserved for subsequent approval. (EB/2002/00088(OL) – background paper)

Thereafter in September 2003, planning permission was granted for the demolition of the existing bungalow on site and for the erection of two pairs of two-storey semi-detached houses. Each of the dwellings had three bedrooms and a garage and were accessed via a private drive off Sorrel Drive to the rear of the application site. (EB/2003/0471 – background paper)

CURRENT APPLICATION

Approval is now sought for the outstanding matters of design, landscaping and external appearance pursuant to the outline planning permission granted in 2002. The drawings accompanying the application show a 7.2 metre high chalet bungalow comprising the following accommodation:

Ground Floor

Living room, dining room, kitchen, utility room, w.c/shower room and bedroom/study/

First Floor

3 No. bedrooms (one with en-suite) and bathroom.

At the rear of the site it is proposed to erect a pair of semi-detached brick built garages and provide four on-site car parking spaces to serve the existing bungalow and the proposed dwelling.

The proposed chalet bungalow is to be constructed of facing brick, with a pitched tiled roof. The dwelling is to have one dormer window in its front roofslope and three in its rear.

PLANNING POLICY

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

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

Policy HO20 - Residential Amenity

Policy TR11 - Car Parking

CONSULTATIONS

Notification letters were sent to occupiers of properties surrounding the site and two notices were displayed outside the application site. At the time of writing this report three letters had been received from the occupiers of 25 Friday Street, 96 and 98 Sorrel Drive and the comments made can be summarised as follows:

· Strongly oppose plans to allow main access to the new property across land at the rear of my house. Access was designed for use by four dwellings, it is not suitable for use in excess of this.

· Do not want construction traffic passing my back garden causing noise and disturbance.

· No reason why existing access off Friday Street cannot be used.

· Have no objection to proposed bungalow however increased use of access off Sorrel Drive will further reduce privacy and will make access from our gate very hazardous.

· Access road is totally unsuitable for lorries and diggers etc.

· Access from Sorrel Drive is inadequate and unsafe for pedestrians.

(Letters dated 16 February 2004 – background paper)

Southern Water has confirmed that it does not wish to comment on this application. (Letter received 18 February 2004 – background paper)

APPRAISAL

The principle of erecting a detached chalet bungalow on land within the curtilage of 29 Friday Street has already been established by the granting of outline planning permission in May 2002. As part of this outline approval, matters of siting and means of access were approved.

Therefore the only issues to consider as part of this reserved matters application are the design and external

appearance of the proposed dwelling and the landscaping of the site and the impact of the development on the visual amenities of the locality and the amenities of occupiers of adjacent properties.

The proposed chalet bungalow is approximately 1 metre higher than the existing dormer bungalow at 29 Friday Street and does not reflect the design and appearance of either this dwelling or the adjacent semi-detached properties at 25 and 27 Friday Street. However, bearing in mind that the surrounding area is characterised by a whole range of dwelling types and designs, it is considered that the design and external appearance of the proposed bungalow is acceptable and that it will have no detrimental impact on the visual amenities of the locality.

Furthermore, it is considered that the design of the proposed dwelling will not cause any harm to the amenities of occupiers of adjacent properties, as the proposed dormer windows in the rear of the new bungalow would be positioned in line with the existing bungalow next door and would be in excess of 28 metres from the rear elevations of properties in Sorrel Drive.

The concerns expressed by local residents regarding access off Sorrel Drive are noted. However the means of access to serve the development site is not to be considered as part of this application as it was approved at the outline planning stage.

Whilst matters relating to the landscaping of the site were to be considered as part of this reserved matters application, no details have been submitted. A condition requiring the submission and approval of such details prior to commencement of any development on site will therefore need to be attached to any grant of permission.

HUMAN RIGHTS IMPLICATIONS

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

ARTICLE 5 SUMMARY

The 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 complies with all relevant policies of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following conditions:

1. The conditions attached to outline planning permission EB/2002/0088(OL), granted on 1 May 2002, are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with to ensure the validity of the planning permission.

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

4) 39 FRIDAY STREET. Erection of pitch roof garage at front. EB/2004/0003. MAP R6. LANGNEY

SITE LOCATION

The application site is an end terrace dwelling, on the western side of Friday Street. The terrace in which the application is located is a distinctive feature in Friday Street because of the long front gardens. The front gardens are approximately 40 metres in length and the building line is set a substantial distance from the highway. There are no buildings erected in the front gardens of neighbouring dwellings. There are four semi-detached dwellings to the south, with gardens of similar length. No. 29 Friday Street is a bungalow at its building line is much closer to the highway, with a distance of about 15 metres.

Within the front garden of the application site a children's play frame has been constructed. There is also an Oak tree in the front garden and a fence, approximately 2 metres high, on the side boundary adjacent to a private road. At the very front of garden is a hardstanding and parking space for up to 3 vehicles.

PLANNING HISTORY

There is no planning history for this site.

Neighbouring premises have planning history of interest. No. 29 Friday has planning permission for the demolition of the existing bungalow and the erection of four 2-storey dwellings (background paper EB/200/0471).

Planning permission has been granted for the erection of a garage in the front garden of 31 Friday Street (EB/2003/0708).

CURRENT APPLICATION

Permission is sought for the erection of a garage in the front garden. It would be set 13 metres from the front boundary, and would measure 4.1 metres wide, 7.2 metres long. It would have a barn-hipped roof that would have a height of 4.6 metres from ground level to roof ridge. Construction of the garage would require removal of a juvenile Oak tree.

PLANNING POLICY

UHT1 Design of New Development

UHT4 Visual Amenity

HO20 Residential Amenity

CONSULTATIONS

Occupiers in Friday Street and Cotswold Close were notified and a site noticed displayed. Representations have been received from occupiers of three neighbouring properties, with the following comments:

· The garage would look out of place

· It would result in the loss of a tree

· The garage would mean more vehicles parking at the site

· The first floor might be used in connection with business

Highways Manager: Does not wish to restrict grant of consent

Downland, Trees and Woodland Manager: There is an Oak of intermediate age, which provides limited visual amenity. It has good future life expectancy with increased visual amenity. Its removal would be detrimental to the future visual amenity of the area although, given the age of the tree, replacement planting could be undertaken.

APPRAISAL

The main points to for consideration are the impact on visual amenity, residential amenity and highway safety.

The terrace properties at 39 – 53 Friday Street, with long front gardens and building line set a considerable distance from the highway, are a distinct feature in the street scene. The development of a garage in the front garden would introduce a structure out of keeping with the appearance of these terrace properties. Its position would be significantly forward of the front building line of the terrace dwellings. There is insufficient screening at the site to prevent the scale and massing of the garage being an obtrusive feature. A garage has been approved for the front garden of 31 Friday Street. However, the approved garage would be in line with the existing bungalow at No. 29 and the proposed replacement houses, and have less impact on the street scene.

It is considered that the garage does not pose a hazard to highway safety, and the Council's Highways Manager has not raised objection.

The garage's appearance forward of the established building line, would appear prominent in the street scene and the adversely affect the visual amenity of the area.

HUMAN RIGHTS

It is considered that there are no Human Rights implications.

RECOMMEND: Permission be refused on the following grounds:-

The garage, by virtue of its prominent location well forward of the established building line, would be out of character with the appearance of the street and detrimental to the visual amenity of the area, contrary to the policies, UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (2001 – 2011).

MEADS WARD

5) 20 GRANVILLE ROAD. Demolition of existing property and erection of four storey block of flats including underground access to car parking at rear (10 units). (Amended Plans). EB/2003/0759(OL), MAP D12. MEADS

SITE LOCATION

The application site which has an area of 0.1 of a hectare is situated on the northern side of Granville Road. The site is occupied by a two storey Victorian property (with rooms in the roof) which until being seriously damaged by fire last year, was in use as flats.

CURRENT APPLICATION

Originally Submitted Scheme

Outline planning permission was originally sought for the demolition of the existing property and erection of a four storey block of flats comprising 14 units with underground access to on-site car parking at the rear of the site. The application only sought consent for the principle of the development, with all matters, including siting, design, landscaping, external appearance and means of access reserved for subsequent approval.

The submitted drawings which were for illustrative purposes only, proposed to provide the residential accommodation on four floors. Vehicular access to twelve parking spaces at the rear of the site was to be gained by driving underneath the building. A further three parking spaces were shown under the building.

The illustrative sketch design indicated a modern rectangular shaped building comprising the following accommodation:

Levels 1, 2 and 3

1 No. two bedroom flat (65 square metres)

3 No. one bedroom flats (45 square metres)

Level 4

2 No. two bedroom flats (82 and 90 square metres)

As a result of objections from local residents and concerns expressed by the Case Officer regarding the scale of the development and the effects it would be likely to have on the amenities of surrounding residents and the character and appearance of the locality, the applicant's agent was asked to amend the application. It was suggested by the Case Officer that the proposed building should be reduced to a maximum of three storeys, with three flats on each floor and an additional unit in the roofspace.

It was considered that such revisions would provide a scale of development more in keeping with the locality, would reduce the need to provide so much hardsurfaced car parking at the rear of the site and would reduce the impact on the amenities of occupiers of surrounding residential properties.

In addition, whilst it was appreciated that the submitted elevational drawings were for illustrative purposes only and as such were not to be considered at the outline stage, concern was expressed about the chosen design for the building as it was felt it would be out of character with the general appearance of the area.

Amended Plans

Outline planning permission is now sought for the demolition of the existing property and erection of a four storey block of flats (including underground access to car parking) comprising 10 units of residential accommodation. Again all matters, including siting, design, landscaping, external appearance and means of access have been reserved for subsequent approval.

In a letter accompanying the amended plans the applicant's agent has confirmed that the proposed building has been reduced by one level and that the number of flats has been reduced to ten. In addition, the rear car park has been reduced accordingly and the access revised to comply with the recommendations of the Council's Principal Engineer. Finally, the amendments include reduced amounts of hard surfacing and additional soft planting areas.

The applicant also reviewed the elevational treatment of the building, however, he maintains that " the proposed appearance of the building shown, is in keeping and most suitable for the site and it's location. The reduction in bulk improves the proportions and overall aesthetics. I have therefore retained the original style of the proposal without major modifications." (Letter dated 26 January 2004 – background paper)

However in a subsequent letter from the applicant's Group Architect it is stated that the Company is committed to site specific architectural solutions and that each proposal is informed by the context in which the development site sits and not just by the immediate surroundings. This results in designs that not only respect the character of an area, but positively improve it. As such, the applicant has asked for the submitted indicative elevations to be accepted as just that – elevations indicative of the scale of the apartment block being proposed. (Letter dated 5 February 2004 – background paper)

The amended indicative layout now proposes to provide the following accommodation:

Levels 1 and 2

1 No. two bedroom flat (65 square metres)

3 No. one bedroom flats (45 square metres)

Level 3

2 No. two bedroom flats (90 and 82 square metres)

Vehicular access to seven parking spaces at the rear of the site is still to be gained by driving under the building. A further three parking spaces are shown under the building.

PLANNING POLICY

The application site is identified on the Borough Plan Proposals Map (2001-2011) as being within an Area of High Townscape Value and the following policies of the Plan are considered relevant to this application:

Policy NE11 - Energy Efficiency

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

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

Policy TR11 - Car Parking

CONSULTATIONS

Originally Submitted Scheme

In respect of the originally submitted scheme for 14 flats, 9 letters were received from the occupiers of properties in Granville Road, Fitzgerald Close and Silverdale Road and the comments made can be summarised as follows:

· No objection in principle to demolishing 20 Granville Road and erecting of four storey block of flats.

· Happy that the site is to be redeveloped rather than being left to deteriorate.

· Existing property is an eyesore.

· Parking on the ground floor level would result in a five storey building which would be out of keeping with its neighbours and of an unsuitable size for the area.

· Development will lead to a deleterious effect on the landscape due to loss of trees and hedgerows.

· Development would lead to increased noise and disturbance.

· Development will result in overlooking of living and sleeping quarters and private garden area.

· Development will result in an unacceptable loss of privacy and overshadowing.

· No amenity space is to be provided as the garden is proposed to be used for parking

· Anxious that proposed units are not intended for students or similar short leased accommodation.

· It is a great shame that single storey extension to side of property (20A) is not included in overall development.

· Concerned about the height of the development and loss of sunlight.

· Prefer to see a design more in keeping with properties in Meads.

· It is good to see off road parking is included.

· Height of existing building should not be exceeded. There is a large building (Avonmore) next to 22 Granville Road and would not wish to be hemmed in by another large building.

· Submitted sketch shows a pretty bland building.

· New building should fit as sympathetically as possible into the surroundings.

· Something should be done to avoid the rear car parking area looking like a large area of hardstanding, possibly with more planting.

· To change a Victorian dwelling with three dwellings on three floors to a modern 14 residence 4 storey block of flats cannot be considered to be in keeping.

· There will be increased noise and traffic with the increase in dwellings.

· Whilst it could be argued that proposed building is in keeping with “Avonmore” it is not in keeping with any other building within the immediate area or within the Meads area in general.

· A much more imaginative scheme should be sought for the site.

· Height of building should be restricted to height of existing building (3 storeys) to ensure minimal negative impact on the skyline (Borough Plan Policy UHT2).

· Style of building is inappropriate for this prominent site in an Area of High Townscape Value.

· Consideration should be given to preserving the mature trees at the rear of the site.

(Letters dated between 9 December 2003 and 2 February 2004 – background papers)

The Environment Agency has no objections in principle to the proposed development but recommends that if planning permission is granted then conditions should be attached to prevent pollution of the water environment. (Letter dated 17 December 2003 – background paper)

Southern Water has no objections to the proposed method of foul sewage disposal. However a hydraulic assessment of the existing surface water system indicates that there is insufficient capacity to accommodate any additional surface water flows. Nevertheless, a surface water runoff no greater than the existing contributing can be accommodated. Southern Water therefore advises that the developer will be required to provide a topographical site survey and/or CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flows will be no greater than the existing flows. Any excess surface water should be disposed of by alternative means i.e. soakaways or local drainage watercourses. For the above reasons Southern Water has asked for a condition to be attached to any grant of planning permission requiring details of the proposed means of foul and surface water disposal to be submitted to and approved by the Council in consultation with their company, prior to the commencement of development. (Letter dated 30 December 2003 – background paper)

The Crime Prevention Design Adviser at Sussex Police does not identify any major concerns with the proposal, but recommends that the detailed design should include a full height gate to prevent unauthorised access under the building and to the rear car park. In addition, fencing should be erected to inhibit trespass to the rear of the building. Finally, it is recommended that hard landscaping should be provided adjacent to any ground floor windows that are vulnerable to direct access, to provide an element of defensible space. (Letter dated 13 January 2004 – background paper)

The Council's Local Plan Officer has no objections to the proposed development. However she notes that the development of 14 units is just below the threshold for the provision of affordable housing and outdoor playing space and is concerned that even a minor variation at the reserved matters stage could mean that the developer contributions would apply. (Internal memorandum dated 17 December 2003 – background paper)

The Senior Enforcement and Monitoring Officer in the Council's Amenities Division has confirmed that a bin store should be provided which will hold three 1100 Euro-bins and that the bins should be supplied by the developer at the time of occupation (e-mail received 24 December 2003).

The Council's Principal Engineer has confirmed that he has no objections to the principle of the development, however consideration needs to be given to the following issues:

· The vehicular access leading to the rear car park should be 4.5 metres wide for the first 10 metres (and not 3 metres as shown on the drawing).

· Pedestrian visibility splays of 2 metres by 2 metres must be provided on both sides of the entrance.

· The access drive should be no steeper than 1 in 40 for the first 5 metres to prevent vehicles from racing up to the back of the footway. A long section should therefore be submitted for approval, as this requirement may be difficult to achieve without raising the building.

· 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 drive should not result in loose material being deposited onto the public highway.

· The new vehicular access onto the public highway must be constructed in accordance with the Highway

Authority's requirements. (Internal memorandum dated 18 December 2003 – background paper)

The Council's Arboricultural Officer has confirmed that the development will lead to the loss of trees on site. The Cherry trees on the southern boundary presently give amenity to the adjacent flats, but none of the trees on site give significant public visual amenity to the surrounding area. Given the condition of the trees, the retention category can be classified as low. It is therefore recommended that consideration should be given at the design stage, to suitable replanting to screen the development and provide visual amenity to the surrounding area. (Internal memorandum dated 26 January 2004 – background paper)

Amended Plans

At the time of writing this report no representations have been received in respect of the amended plans.

The Crime Prevention Design Adviser at Sussex Police has confirmed that the amended plans do not affect the comments made in his letter of 13 January 2004. (Letter dated 12 February 2004 – background paper)

The Environment Agency has no further comments to add to their previous letter dated 17 December 2004. (Letter dated 10 February 2004 background paper)

The Council's Principal Engineer has confirmed that as requested, the revised drawing does show the internal access drive at 4.5 metres wide for 10 metres and at a gradient of 1 in 40. However it does not show the requested 2 metre by 2 metre pedestrian visibility splays on both sides of the driveway, nor does it show the vehicular access over the footway to the correct width of 4.5 metres. Whilst it is accepted that the means of access are not being considered at this outline stage, the Engineer has recommended that the applicant should be advised of the requirements to avoid confusion at a later date. (Internal memorandum dated 11 February 2004 – background paper)

The Council's Arboricultural Officer has once again stated that it is imperative that consideration is given at the design stage, to a replanting scheme for the site that will benefit the visual amenity of the area. (Internal memorandum dated 18 February 2004 – 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 and whether the proposal to erect a four storey building on the site is acceptable in terms of its effect on the amenities of surrounding residents and 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 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 and five storey blocks of flats.

The principle of the proposed development is therefore considered to be acceptable in purely land use terms.

Whilst it is acknowledged that the submitted layout is for illustrative purposes only, it is considered that if siting was to be dealt with as part of this outline application it would be considered acceptable. The proposed building would be sited within a spacious plot. Indeed the footprint of the new building is very similar to the existing property, measuring approximately 20 metres by 14 metres compared to the existing 18 metres by 16 metres. Furthermore, the building line of adjacent development has been respected and the new building is shown to be set back 10 metres from the front boundary of the site. This is some 2 metres further back than the existing property.

As the application specifically seeks consent for a four storey building containing 10 flats it is considered appropriate to have regard to the scale, massing and bulk of the proposed development and the likely effects on the amenities of occupiers of surrounding residential properties and the character and appearance of the locality as part of this outline application.

The proposed vehicular access and parking underneath the building are shown on the indicative layout to be approximately one metre below pavement level and the three levels of accommodation above are shown at three metre intervals. Having regard to the height of the existing building on site, and the surrounding development, the provision of a four storey building (including underground access and car parking) on this site is considered to be in keeping with the character and appearance of the locality and would not have any seriously detrimental effect on the amenities of occupiers of surrounding residential properties. Furthermore Granville Road slopes down to Silverdale Road and the application site is lower than the adjacent property at 22 Granville Road, the impact of the development on the occupiers of this property and the general streetscene would therefore be less than if the site and surroundings were on level ground. In terms of the effects on the occupiers of the adjoining property at 20a Granville Road, it is acknowledged that this property already has a large two storey building with accommodation in the roof directly adjoining it. It is therefore considered that the proposed development would not be seriously harmful to the amenities of these residents.

It is noted that a number of residents have expressed concerns about possible overlooking and loss of privacy. However such matters cannot be considered at this outline stage and will of course be carefully assessed as part of any detailed reserved matters submission.

Whilst it is also accepted that the submitted sketch design is for illustrative purposes only, it is recommended that any grant of outline planning permission should contain an informative advising the applicant that the indicative elevational details are not considered appropriate for the area.

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.

ARTICLE 5 SUMMARY

The 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 complies with all relevant policies 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 siting, design, landscaping, external appearance of the site and means of access (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 Hours of operation (during demolition and construction)

6. A2 Submission of samples of facing materials.

7. 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.

8. 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.

9. Vehicular access to the site over the footway should be 4.5 metres wide and 2 metre by 2 metre pedestrian visibility splays shall be provided on both sides of the driveway.

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

11. 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.

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

13. Prior to commencement of development on site full details of the proposed means of foul and surface water disposal shall be submitted to and approved by the Head of Planning in consultation with Southern Water Services.

14.That before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Head of Planning. The approved measures shall be implemented before the building is first occupied.

INFORMATIVE: For the avoidance of doubt, the applicant is advised that the indicative sketch designs of the proposed block of flats submitted with the application are not considered appropriate for the area.

6) 10 LISMORE ROAD. Vehicle crossover and parking bay. EB/2004/0007, MAP H12. MEADS

SITE LOCATION

This three-storey Victorian property is located on the north side of Lismore Road, about 40 metres to the east of the junction with Bolton Road. The site is located within the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

Permission for the erection of a two-storey extension at the rear, the enlargement of existing dormer windows at the rear and conversion of the premises to form four one-bedroom flats and one two-bedroom maisonette was granted in June 2003 (ref. EB/2003/0272).

CURRENT APPLICATION

It is proposed to construct a small hardstanding at the front of the property to provide a parking space for a single car. The proposal includes the formation of a new vehicular access from Lismore Road and the removal of a small section (just over 2m) of dwarf boundary wall at the front of the property. Work has recently commenced on the hardstanding and the section of wall in question has already been removed.

PLANNING POLICY

The following Borough Plan policies are considered to be relevant to the proposal:-

UHT4 - Visual amenity

UHT5 - Protecting walls/landscape features

UHT15 - Protection of conservation areas

CONSULTATIONS

The application was advertised by means of a site notice, but no representations have been received.

The Senior Highway Engineer states that the Highway Authority would wish to restrict the grant of consent on the grounds that Lismore Road forms part of the Town Centre ring road and a turning space must be provided within the site, but insufficient space exists to enable this to be provided. He also adds that a two hour parking bay is positioned directly opposite and the Highway Authority would not alter this bay to accommodate off-road parking. For these reasons the Highway Authority requests that the application be refused (internal memo dated 30 January 2004 - background paper).

The Council's Consultant Historic Buildings Advisor comments that, as the opening in the wall will be contained between two existing piers, he would raise no objections (internal memo dated 13 January 2004 - background paper).

At the meeting of the Conservation Area Advisory Group on 6 January 2004, Members raised no objections to the proposal.

APPRAISAL

The main issues to consider in this case are the effect of the proposal on the character of the Town Centre and Seafront Conservation Area and 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.

The section of boundary wall removed to allow access into the site is relatively insignificant as it was a relatively short length of dwarf wall located between two existing piers (which are to be retained). The proposal would not therefore have any negative impact on the conservation area.

With regard to the highway implications, the Highway Authority has stated that, because of the status of Lismore Road, a turning space must be provided to enable a vehicle to enter and leave the site in a forward gear, but this clearly cannot be achieved given the restricted size of the site. The proposal would thereby be seriously detrimental to highway safety.

Furthermore, the Highway Authority would not give consent for the proposed access or for the displacement of the existing parking bay outside the site.

HUMAN RIGHTS IMPLICATIONS

None.

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.

7) 10/12 GRANGE ROAD. Change of use to allow conversion of two flats (C3) to pupil studies (D1). EB/2004/0041, MAP F12. MEADS

SITE LOCATION

The application site comprises a large 4-storey semi-detached house in a predominately residential area. It is situated in an area of High Townscape Value as designated in the Eastbourne Borough Plan (2001-2011). Of the surrounding properties owned by Eastbourne College many are in use as educational facilities.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was granted in 1947 for the conversion of 10 Grange Road into a flat and maisonette (background paper).

Permission was granted in 1959 for the conversion of 10 Grange Road into 4 no. self contained flats (EB/1959/0013 – background paper).

Permission was granted in 1959 for the conversion of 10 Grange Road into 4 no. self contained flats (EB/1959/0207 – background paper).

Permission was granted in 1974 for the conversion of ground and first floor maisonette at 10 Grange Road into 2 no. two bedroom self contained flats (EB/1974/0531 – background paper). Permission was granted in 1947 for the conversion of 10 Grange Road into a flat and maisonette (1a 706 – background paper).

Permission was granted in 1959 for the conversion of 10 Grange Road into 4 no. self contained flats (EB/1959/0013 – background paper).

Permission was granted in 1959 for the conversion of 10 Grange Road into 4 no. self contained flats (EB/1959/0207 – background paper).

Permission was granted in 1974 for the conversion of ground and first floor maisonette at 10 Grange Road into 2 no. two bedroom self contained flats (EB/1974/0531 – background paper).

Permission was granted in 1985 for the change of use of 12 Grange Road from school dormitory accommodation to three self-contained flats (EB/1985/0631 – background paper).

Permission was granted in 1990 for the part demolition and erection of new extension to existing school house at 12 Grange Road to provide additional studies, changing and bedroom facilities (EB/1990/0211 – background paper).

Temporary permission was granted in 1995 for the erection of a mobile classroom building at rear of 12 Grange

Road (EB/1995/0141 – background paper).

CURRENT APPLICATION

The application seeks permission for a change of use of two of the flats (C3) in 10 Grange Road to pupil study rooms (D1). This would result in the loss of two residential units on the first and second floors but retention of the residential unit on the ground floor. The property is a day school and there will be no overnight occupancy. The hours of use are estimated to be 8:00 to 20:30 which is the times that the current study facilities in the property are occupied.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

HO20 - Residential Amenity

LCF20 - Community Facilities

HO3 - Retaining Residential Use

UHT16 - Area of high Townscape Value

CONSULTATIONS

One letter of objection was received from letters of notification and a site notice. The main concerns can be summarised as followed:

· Loss of residential amenity from noise disturbance, especially in the summer months if the property is used by language schools.

· Noise at anti-sociable hours, defined as outside 9am to 5pm.

APPRAISAL

The main issue with regard to this application is the loss of residential units. Policy HO3 of the Eastbourne Borough Plan (2001-2011) states that permission should be refused for proposals that would involve a net loss in the number of existing dwelling units. The only exceptions to this are where the proposal would result in a significant improvement of the residential accommodation provided. As this proposal would not involve an improvement to the existing flat on the ground floor of 10 Grange Road the loss of the residential units will contravene policy H03. It is considered that as the majority of the surrounding properties are owned by Eastbourne College, with many in use as educational facilities, it is acceptable to allow the loss of residential units in this circumstance to keep the needed growth of the establishment within an area that is predominantly used for these purposes.

Policy LCF20 (Community Facilities) states that extensions to existing D1 use premises will be permitted provided that they comply with certain criteria. Criteria (d) of policy LCF20 (Eastbourne Borough Plan 2001-2011) requires that "..where the proposal would include conversion of a residential property the external appearance of the property is retained." This proposal will not involve any alteration to the external appearance of the building and is acceptable under this criteria.

The issue of residential amenity of neighbouring properties also needs to be addressed under policy LCF20 (Eastbourne Borough Plan 2001-2011).

The occupier of an adjoining property has raised the issue of noise as a potential problem. Although the number of study rooms will increase from 22 to 28 this increase is not seen to create a significant negative impact on the residential amenity of the surrounding properties. This is partly due to the small increase in the number of studies as part of this proposal but also the large amount of properties in use as educational establishments in the immediate area. As the existing study areas are not conditioned for hours of occupation, access to the property's grounds or use by language schools, it is not possible or reasonable to condition these additional rooms in respect of these. The occupiers of the ground floor flat at 10 Grange Road have not raised objections to the proposal. Their flat currently adjoins the common room and existing study rooms and the conversion of the flat above is not deemed to create an impact over and above that which is currently experienced. Although they have not written a letter it is understood that they wish the staircase used to access the upper floors of 10 Grange Road be used for emergency purposes only. The applicant has made it clear that the staircase will only be used as an emergency fire exit and the internal alterations will facilitate access to upper floors of 10 Grange Road from the staircase in 12 Grange Road. It is proposed that a condition be used to ensure this. The proposal does not involve the insertion of any new windows so any overlooking will not be over and above that currently experienced.

There are no external alterations to the property so there will be no impact on the Area of High Townscape Value.

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.

ARTICLE 5 SUMMARY

The proposed development is considered acceptable for the following reasons:

The proposal will allow the needed growth of the establishment to be met in an appropriate location and will not harm the residential amenity of surrounding properties and therefore complies with all relevant policies 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 staircase located in 10 Grange Road shall be used as an emergency means of escape and not for general access to the study rooms located in 10 and 12 Grange Road.

8) 34 MEADS STREET. Display of externally illuminated fascia signs and two externally illuminated projecting signs. EB/2004/0048(ADV), MAP B12. MEADS

SITE LOCATION

This retail shop, formerly Alldays but now trading as the Co-op, is located on the northern corner of Matlock Road and Meads Street, in the Meads conservation area.

PLANNING HISTORY

The existing shopfront dates from 1989. Consent was granted in 2001 for the installation of an ATM with an internally illuminated display on the Meads Street frontage. The other signs on the building are not illuminated and are displayed with deemed consent, including two projecting signs to the right of the entrance door.

CURRENT APPLICATION

Consent is now sought to display three externally illuminated fascia signs and two externally illuminated projecting signs.

The fascia signs are constructed of aluminium with applied pvc lettering and panels, covering the full depth (530mm) between the integral stone cornices which continue through both frontages (Matlock Road and Meads Street) and the splayed entrance. They are partially illuminated by 2m long white trough lights fixed above the fascias and centrally located over the main lettering.

The projecting signs are constructed of marine ply and measure 540mm by 540mm, fixed at each end of the shopfront on both frontages. Illumination is from white trough lights fixed to the top of the supporting bracket. The signs are anchored by anti-swing chains at the bottom edge.

Since the submission of the application, the fascias and one of the projecting signs have been installed. The fascias have been fixed onto some sort of backboards and the projecting sign has been fixed onto a wall mounted bracket (rather than the proposed projecting bracket).

PLANNING POLICY

The following policies are relevant to this application:

UHT12 - Advertisements

UHT15 - Conservation areas

Guideline SA14 - Projecting and hanging signs

Guideline SA15 - External illumination

CONSULTATIONS

No representations have been received as a result of statutory advertisements.

The Consultant Historic Buildings Adviser has stated verbally that the application would result in clutter on the building, as a result of four projecting signs, and that the corporate standard fascias are very thick.

APPRAISAL

The main issue to take into account in determining this application is whether the new signage preserves or enhances the character and appearance of the conservation area.

It is considered that the fascias project too far from the face of the building, detracting from its character and appearance. The provision of a further two projecting signs on the building, making four in total, would result in an undesirable amount of clutter. It is also considered that the illumination of any signs on the Matlock Road

frontage is unacceptable, as this is a purely residential street, which only has a return frontage of a commercial frontage.

The agent has agreed to delete the illumination from both the fascia sign and the projecting sign on the Matlock Road frontage, and to remove both the existing projecting signs. The agent has also suggested that the backboards behind the fascias are removed, and that the fascias are refixed onto the face of the building, resulting in a projection of 40mm.

The above amendments are welcomed, although I still have some concerns regarding the metal trim on the fascia signs (which I am advised holds the sign together) and the size of the trough lights on site. However, on balance, I consider that the application, with the proposed amendments, is acceptable on the basis that it would be no worse than the previous signage.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Express consent be granted subject to the following condition:-

That within 12 weeks of the date of this consent the following changes will be actioned:

- the backboards on the fascias shall be removed and the fascias refixed to the face of the building with a projection of no more than 40mm.

- the illumination to the fascia and projecting signs on the Matlock Road frontage shall be permanently removed.

- The “Post Office” and “National Lottery” projecting signs adjacent to the front entrance door shall be permanently removed.

9) 40 SOUTH STREET. Change of use from retail (A1) to estate agents (A2). EB/2004/0051, MAP G11. MEADS

SITE LOCATION

The application site is a shop unit on South Street. It is currently occupied by a bridal wear shop. The ground floors of the neighbouring properties are both in A1 use.

CURRENT APPLICATION

The current application seeks a change of use for the ground floor of the premises from retail use (A1) to an estate agents (A2).

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

- TC6 - Town Centre Shopping Areas

HO20 - Residential Amenity

CONSULTATIONS

Five letters of objection were received from a site notice and letters of notification to surrounding properties. Their main concerns can be summarised as follows:

· The potential impact on the viability of the Little Chelsea area for existing retail operations if this retail outlet is lost to an office based use.

· The increase in car use associated with the coming and goings of an estate agent.

· The lack of footfall generated by an Estate Agents in comparison with a retail outlet.

The Eastbourne Access Group states that "The premises should be accessible to disabled people."

APPRAISAL

The main issue to determine in this application is the percentage of premises not in A1 use. Policy TC6 of the Eastbourne Borough Plan relates to the limits for non-A1 uses in the town centre shopping areas. South Street is incorporated in Secondary Shopping Area 6 under this policy. This states that an acceptable minimum limit for premises in A1 use is 50%. The current percentage of units in A1 use, calculated from the percentage of shop frontage, is 62.8%. The stretch of South Street that the premises is located on is dominated by A1 uses, with at least two properties either side in A1 use. The change to an A2 use is therefore acceptable in relation to the distribution of A2 and A3 uses in close proximity to the premises.

Further to this the Secondary Shopping areas are specified as preferential locations for A2 and A3 uses. This change of use from A1 to A2 cannot therefore be refused under policy.

The change from an A1 to an A2 use is not deemed to create detrimental impacts on the residential amenity of the surrounding properties in the form of noise or odour over and above that which could be expected in a town centre location such as this.

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.

ARTICLE 5 SUMMARY

The proposed change of use will not cause the number of A1 units to fall below the established acceptable limit and will not cause negative impacts on the residential amenity of neighbouring properties and therefore complies with all relevant policies of the Eastbourne Borough Plan (2001-2011).

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

1. D1.1 Commencement of development within 5 years

2. A12 Provision of appropriate window display

RATTON WARD

10) 15 FRISTON AVENUE. Erection of detached double garage and extension at side and rear. EB/2004/0098, MAP J2. RATTON

SITE LOCATION

The application site is situated on the corner of Friston Avenue and Amberley Road. The site is occupied by a bungalow with a detached single garage. The bungalow has 4 rooms, a kitchen and a bathroom. The bungalow is in a state of disrepair with boarded windows and what is essentially an unkempt garden. The rear garden is bounded by a 1.7m to 2m high fence with respect to the adjoining properties, and a low wall with respect to the highway boundary.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was granted for the erection of 31 bungalows with domestic garages in 1956 (EB/1956/0112 – Background paper).

CURRENT APPLICATION

The current application seeks to construct a single storey, pitch and hipped roofed extension to the side and rear of the bungalow. The extension will create an additional 48 sq. metres of floor space to the property, providing an additional bedroom with en-suite bathroom and a lounge. It will extend for 11.2 metres along the side of the house fronting Amberley Road, adding 3 metres to the length of the property. It will also extend 7.9 metres along the rear of the property.

In addition to this it seeks permission for a double garage and new vehicular crossover at the northern boundary of the site. At the time of writing verbal confirmation has been given that a double pitched roof will be an acceptable amendment to the garage and the plans should be submitted in due course. The proposal also involves minor alterations to the roof of the existing garage and porch and replacement of the existing windows, many of which are currently boarded up.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

UHT1 - Design of New Development

UHT4 - Visual Amenity

HO20 - Residential Amenity

CONSULTATIONS

The arboricultural officer raises no objections to the removal of the leylandii in the rear garden as there is "…a risk of indirect damage to the property due to moisture extraction from the roots." Their retention category is low. No objection is made to the removal of any other trees. He recommends that "To prevent damage to retained specimens, Chestnut pale fencing should be erected at the periphery of the crown."

The Principal Highway Engineer does not wish to restrict the grant of consent to this application provided that:

· Relocation of the lamp column is agreed with East Sussex County Council prior to commencement of works with cost borne by applicant.

· Provision is made to prevent the discharge of water from the proposed site onto the public highway and similarly to prevent the discharge of surface water from the highway onto the site.

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

Four letters of objection has been received at the time of writing from letters of notification. The main concerns expressed can be summarised as followed:

· Size of the proposed extension.

· Its affect on the appearance of the area being out of keeping with other buildings due to the extra size, garage and bedroom.

· The proximity of the access to the double garage to the driveway opposite, the junction of Amberley Road and Friston Avenue and position on the bend giving rise to highway safety concerns.

· Affect of loss of trees in the garden on local wildlife.

· Increased traffic noise from extra 2 garages.

APPRAISAL

The main issues to determine for this application are the appropriateness of the development for the area in terms of scale and form, the affect it has on the visual amenity of the area and amenity of neighbouring properties.

The design of the proposed extension and its effect on the visual amenity of the area is considered first.

The main design element that will change the appearance of the bungalow is the roof. A 3.5m long ridge is proposed running at 90 degrees to the existing ridge line and parallel with Amberley Road. This will create a hipped and pitched roof in place of the gable end that fronts Amberley Road. It will not involve the raising of the roof height and will maintain the eaves height of the main building. Although the new design will cause a change to the appearance of the dwelling with respect to the elevation fronting Amberley Road, the design is not considered to create such an over bearing impact as to make the building appear out of character with the area. There are many variations in the forms of the bungalows in the area and the location of the property on a corner plot can be reasonably expected to allow for a variation in form to that of similar dwellings in mid-road plots. The roof of the main dwelling is to be re-tiled so the new addition will be identical in appearance to that of the main dwelling.

The design for the roof associated with the extension minimises the size and impact of the extension and for the reasons noted above the design of the roof of the extension is not considered to be out of harmony with the area and does not create a significant negative impact on the visual amenity of the area and property.

The extension will create a balanced appearance to the front elevation of the property. The small pitched roof will match that on the main dwelling in form, but will be subservient as it is slightly lower and narrower, as well as being set back. The replacement of the windows in the main dwelling will match those to be used in the extension and will harmonise the two elements, as the consistent use of the roof tiles will. The creation of the pitched roof porch and replacement of the brick pillar with an oak post will not harm the visual amenity of the area. The interruption of the eaves on the side elevation with a small dormer construction is a design element

that can be expected on single storey buildings such as this and is not considered to be out of character with similar elements seen in other properties in the area, as well as the front elevation of the property in question.

The addition of a pitched roof to the existing single garage is a design element that harmonises with the pitched roof seen on the front elevation of the property and will improve the appearance of the garage.

The proposed double garage will measure 5m by 5.4m with a maximum height of 3.5m. The amendment to change the roof to a dual pitch considerably lessens the bulk of the roof and minimises the impact it has on the visual amenity of the area. Although there are no double garages that serve individual properties in the immediate area, there are double driveways that lead to linked single garages that serve two properties. The appearance of a double garage is not therefore considered to be significantly out of character with the surrounding area and the pitched roof and face brick work is deemed to make the garage visually attractive. Further to this, if it were set back from the road to behind the western extremity of the main building it could be erected as permitted development. The design is therefore considered appropriate for the area.

The development will involve the loss of a number of trees, including a large leylandii hedge. Although this will result in the loss of screening for the rear of the property no objection can be raised to their removal for the reasons stated by the Arboricultural Officer. The tree to be retained on the western boundary of the site will provide a limited amount of screening to the extension as viewed from Amberley Road. The area is generally open and a high level of screening of buildings is not a common feature. The loss of the large Leylandii is therefore not considered to create a significant negative impact on the visual amenity of the area.

The scale of the extension in relation to the main dwelling and size of the corner plot is considered to be acceptable. The appearance of the building will only be 3 metres wider when viewed from the front or side which is considered an acceptable increase. The plot as a whole will still have a significant amount of amenity space to the front, rear and side of the property. The increase from 2 bedrooms to 3 bedrooms is not seen to create a unit that would be significantly out of character with other properties in the area.

The property will have a total of three garage spaces with the addition of the double garage. This is more than may be expected for such a property. However, the small size of the existing garage is unsuitable for modern cars and as noted above the double garage could be built as permitted development if it was set back further from the road. This factor does not therefore warrant a refusal.

The design proposal as a whole for the reasons discussed above is deemed to create a neutral or positive impact on the visual amenity of the area, especially when the current condition of the building and its garden is considered and is not seen to be significantly out of keeping with the surrounding area. It is therefore acceptable under policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001-2011).

The potential of the proposal to impact on the residential amenity is now considered. The extension to the main dwelling due to its location and distance from neighbouring properties will not cause any overshadowing or overlooking to the neighbouring properties. The increase in the height of the roof on the existing single garage to approximately 4 metres will not cause significant overshadowing of 17 Friston Avenue.

The double garage at the northern boundary of the site can only affect 17 Amberley Road with respect of overshadowing. The side of 17 Amberley Road has no side windows that will be affected by overshadowing. The only potential exists with the front window of the property. The lowering in height of the garage roof by creating a double pitch has reduced the overshadowing potential of the garage. A 2m high fence currently separates the properties and as the garage will be set back approximately 1m from this and the property of 17 Amberley Road is set back 3m from this fence and in an elevated position it is considered that there would be no significant overshadowing. It is also noted that none of the letters of objection have raised overshadowing as concern over the development.

The addition of an extra bedroom and additional double garage is not deemed to create an unacceptable rise in noise levels associated with increased traffic.

The Highway Authority does not wish to restrict the grant of permission. It is noted that the lamppost will have to be moved at the applicants cost in agreement with East Sussex County Council. A separate Highways application will be required.

HUMAN RIGHTS IMPLICATIONS

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

ARTICLE 5 SUMMARY

The proposed extension and associated development is considered to have a neutral effect on the visual amenity of the area, the residential amenity of neighbouring properties and is not seen to create a dwelling significantly out of character for the area and is therefore acceptable under all relevant policies of the Eastbourne Borough Plan (2001-2011).

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

1. D1.1 Commencement of development within 5 years.

2. A3 Use of matching materials.

3. That, before the garage is first brought into use, provision shall be made within the site for the disposal of surface water so as to restrict its discharge onto the highway, to the satisfaction of the Highway Authority.

4. The finished surface of the forecourt surrounding the garages shall be of a material that does not result in loose material being deposited on the public highway.

5. That no development work shall commence on the site before the relocation of the lamp column is agreed with East Sussex County Council.

11) CROSSWAYS SERVICE STATION, 199 WILLINGDON ROAD. Installation of a jet wash car bay. EB/2004/0061, MAP I2. RATTON

SITE LOCATION

This petrol filling station is located on the west side of Willingdon Road adjacent to Willingdon Garden Centre.

PLANNING HISTORY

Crossways Service Station has been on this site for very many years and has a long planning history. The site was modernised in 1981 when the tiled canopy was introduced, and in 1988 the car wash facility was provided.

CURRENT APPLICATION

Planning permission is now sought to install a jet wash car bay adjacent to the kiosk building. The bay would take the form of a three sided open roofed building constructed of light grey profiled metal sheeting, measuring 3.7m wide by 7.5m long, and 2.6m high.

PLANNING POLICY

The following policies are relevant to this application:

NE13 - Pollution mitigation measures

NE28 - Environmental amenity

UHT4 - Visual amenity

CONSULTATIONS

A letter has been received from the occupier of 280 Willingdon Road, who objects to the proposal on the grounds that it would present a hazard to users of the pumps, would result in additional noise and spray, would result in the loss of parking for staff and that it would be ugly.

(Letter dated 15 February 2004 – background paper)

Southern Water confirm that consent will be required from them for the discharge of the effluent into the public sewer.

(Letter dated 17 February 2004 – background paper)

The Environment Agency suggest a number of conditions to prevent pollution of the water environment.

(Letter dated 24 February 2004 – background papers)

APPRAISAL

The main issues to take into account are the impact of the proposal on the amenities of adjacent residents and the visual amenities of the area.

I am mindful that this is one of the busiest roads in the town where the noise levels from traffic are already quite high, and, in addition, an automatic car wash is located adjacent to the boundary with the nearest residential property. I conclude therefore that the proposal would not result in any adverse impact on residential amenity.

All the existing buildings on the site have pitched and tiled roofs, even the car wash and canopy, which blend in very well with the surrounding residential properties. Notwithstanding the presence of the ubiquitous corporate signage, Crossways is the most attractive service station in the town. It is considered that the proposed jet wash structure would stand out as an incongruous feature on the forecourt, and I have requested that a tiled roof or tiled upstand be provided in order to blend it in with the adjacent buildings. The applicant has declined to provide a roof, but has verbally agreed to a partial upstand. At the time of writing this report, no plans were available, but pending receipt of acceptable plans I consider that the scheme is acceptable.

Finally, I have consulted the Highways Manager regarding the objection on safety grounds, and he has stated verbally that he would not wish to comment on the application as it is a minor issue on a private forecourt. In

my opinion, the visibility on the forecourt is more than adequate for vehicles moving at such slow speeds. I would agree that it may well be awkward to use, particularly at busy times, but this would be self limiting.

HUMAN RIGHTS IMPLICATIONS

None.

SUMMARY

The development is considered acceptable for the following reason:

There would be no adverse impact on visual or residential amenity, nor on the water environment and therefore the proposal would comply with Borough Plan policies.

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

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

2. That before the development hereby approved is commenced a scheme for the discharge of effluent from the jet wash shall be submitted to and approved by the Head of Planning in conjunction with Southern Water and the Environment Agency. The approved scheme shall be completed before the jet wash is first brought into use.

3. That samples of the tiles shall be submitted to and approved by the Head of Planning before the development is commenced.

ST. ANTHONY'S WARD

12) 10 HORSYE ROAD. Two storey side extension and rear conservatory. EB/2004/0071, MAP L9. ST. ANTHONYS

SITE LOCATION

The application site comprises an end-of-terrace house in a row of 3 terraced houses. There is a side garage set back from the building. This garage adjoins another garage which is owned by 8 Horsye Road, the middlle building in the row of terraces.

There is a footpath to the left of the neighbour's garage serving the rear garden of 10 Horsye Road.

PLANNING HISTORY

Planning permission for Horsye Road was granted in 1974 (EB/74/0425 – background paper).

A previous application for a two-storey side extension and rear conservatory was withdrawn in January to facilitate negotiations with the Highway Authority and address the neighbours' concerns relating to vehicular access (EB/03/0818 – background paper).

CURRENT APPLICATION

This application seeks to demolish the existing garage and to erect a two-storey side extension as well as a conservatory to the rear.

The extension would provide a dining room and lounge extension at ground floor level and two bedrooms at first floor level.

Two car parking spaces are proposed at the front of the property and would be subject to the Highway Authority's requirements.

PLANNING POLICY

- Eastbourne Borough Plan (2001-2011)

- UHT1 - Design of New Development

HO20 - Residential Amenity

TR11 - Car parking

- CONSULTATIONS

- At the time of writing no objections have been received in response to neighbour notifications.

The Highway Authority does not wish to restrict grant of consent to the application subject to conditions relating to discharge of water and the finished surface of the private drive/hardstanding.

The Principal Highway Engineer further states that the vehicular crossing to the new parking spaces at the front of the property must be constructed in accordance with the Highway Authority's requirements.

The same applies to the repositioning of the tapered kerb and the extension of the dropped kerb to assist access to the garage of 8 Horsye Close as shown on the application drawing No. 85500/02.

The Contaminated Land Officer recommends a site investigation to determine the landfill gas regime present on site.

APPRAISAL

The main issues to be considered in the determination of the application relate to visual amenity, to the effect on neighbours' amenity and in particular to the impact the extension would have on the neighbours' access to their garage.

The proposed two-storey extension has a width of 2.65 metres, covers the full depth of the dwelling and has the same height as the existing host building (7.2 metres). The proposed conservatory would be sited to the rear of the proposed extension and has a width of 3.2 metres and projects by 3.5 metres.

Given the location and distance to the neighbouring property it is considered that the proposal will have no detrimental effect on neighbouring properties in terms of daylight and privacy.

The design is acceptable and even though a set back would have led to a more subservient appearance, there are precedents within the estate of similar extensions.

The loss of the garage is also acceptable as two car parking spaces can be provided in front of the dwelling.

At present there is a dropped kerb in front of the application site's driveway. It is acknowledged that in the past the neighbours have driven over the application site's front driveway to access their garage. However, there is no legal basis for this. It is considered that by re-postioning the tapered kerb and extending the dropped kerb, the neighbours would be able to turn into their driveway and access their garage without any significant problems.

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.

SUMMARY

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

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

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

2. A3 Use of matching materials.

3. Before the development commences, the tapered kerb to the front of 8 Horsye Road is to be re-positioned and the dropped kerb to be extended to assist access to the garage of 8 Horsye Road at the applicant's expense.

4. Before development or construction commences a site investigation to determine the landfill gas regime present on site shall be conducted. Details of the proposed investigation shall be submitted to, and approved in writing by, the Head of Planning prior to that investigation being undertaken.

Following the approved investigation the results and conclusions shall be submitted to the Head of Planning for written agreement. If the investigation results indicate that the gas regime poses no risk of harm, development shall not commence until approved in writing by the Head of Planning.

If the investigation results indicate that the gas regime does pose a risk of harm, remediation measures shall be incorporated into the development to prevent the adverse impact of any landfill gas. Details of the proposed remediation measures shall be submitted to, and approved in writing by, the Head of Planning prior to those remediation measures being undertaken.

If any such remediation measures are undertaken, successful completion shall be confirmed in writing to the Head of Planning by a suitable qualified person prior to any part of the development being occupied.

13) CAFFYNS VW SITE, HAMMONDS DRIVE. Provision of vehicular access (inwards only) from Lottbridge Drove. EB/2004/0034, MAP N9. ST. ANTHONYS

SITE LOCATION

The Caffyns VW dealership is located between Hammonds Drive and Lottbridge Drove. The site is currently accessed from Hammonds Drive. Lottbridge Drove (A2290) is a busy dual carriageway which forms one of the major routes into Eastbourne.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was refused in 2002 for the provision of a vehicular access from Lottbridge Drove (EB/2002/0373 background paper). The reasons for refusal were:

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

2. For the above reason the proposed development is in conflict with Policy HT4 of the Adopted Eastbourne Borough Plan (1998)

CURRENT APPLICATION

The application seeks permission for the provision of a vehicular access from Lottbridge Drove.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

TR16 - A22 New Route

CONSULTATIONS

None received from letters of notification and two site notices.

The Senior Highway Engineer "..strongly recommends that this application be turned down." The main reasons for this are:

· The principle of access to businesses from Lottbridge Drove is that they are served by a limited number of service roads, Hammonds Drive being one of these, and not from individual accesses from Lottbridge Drove.

· In the interests of highway safety.

· To prevent jeopardising the St. Anthony's and Southbourne link roads and associated roundabout, identified in the Eastbourne Borough Plan (2001-2011).

APPRAISAL

The main issue to determine for this application is the desirability of a new access from Lottbridge Drove to the Caffyns showroom. There are two main issues with regard to this question, highway safety and the transport strategy for the area.

The Senior Highway Engineer has stated that the creation of the new access will affect highway safety and would set a dangerous precedent for future accesses to other premises on Lottbridge Drove.

The second issue of the transport strategy is considered under two areas. The first is the proposed road link clearly designated in policy TR16 and the proposals map of the Eastbourne Borough Plan (2001-2011). The Senior Highway Engineer has stated that this access could jeopardise the St Anthony's and Southbourne Road links and the roundabout on Lottbridge Drove associated with these. Secondly the new access would contravene the accepted strategy for the provision of accesses to premises on Lottbridge Drive from a limited number of service roads, not through individual accesses from Lottbridge Drove. To allow this application

would set a precedent for other applications in the future.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reasons:-

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

2. That the proposed development contravenes the transport strategy for access roads from Lottbridge Drove and could jeopardise the St. Anthony's and Southbourne road link designated under policy TR16 of the Eastbourne Borough Plan (2001-2011).

SOVEREIGN WARD

14) LAND ADJACENT TO KEY WEST, PHASE 6 SOVEREIGN HARBOUR. Residential development of 6 no. 2 bedroom flats, associated parking, promenade extension and parking for 41 no. cars. EB/2004/0096, MAP R12. SOVEREIGN

SITE LOCATION

The application covers two separate yet connected parcels of land; a triangular shaped area bounded by the Key West road, the Inner Harbour and The Piazza, and an almost rectangular area located between the locks and Bermuda place. The proposed residential element of the development relates to the former area, and the car parking and associated works to the latter area.

PLANNING HISTORY

In March 1994, outline consent EB/1993/0439(OL) was granted for residential and moorings related development of this part of Sovereign Harbour. The following year, planning permission was given for the construction of marina basin (87 berths) and the erection of 240 dwellings (116 houses and 124 flats) and associated garages and parking areas (EB/1004/0426 – Background papers).

CURRENT APPLICATION

In the "Design Statement" submitted on behalf of the applicant, the agent states:

"An opportunity has arisen to develop a small parcel of land adjacent to the already developed Phase 6 known as Little Venice.

This small fillet of land has until now, been considered for its landscape potential, however with its sought after inner harbour frontage and current Government guidance striving to maximise the potential of developable land, it provides an exciting opportunity to create a special landmark building within the existing framework of Sovereign Harbour.

The proposals comprise six 2-bedroom apartments in a single block of four storeys. The block is of a contemporary design in keeping with its harbour-side setting and has been designed to minimise any impact on nearby existing buildings. It is a full storey lower than its nearest neighbour and its impact has been further reduced with the use of flat roofs.

The southern half of the building is supported on piloti which allow views through the building whilst providing covered cycle and refuse storage and access to a private car parking area providing 8 parking spaces.

A rotunda has been included to maximise harbour views whilst creating an exciting feature and balconies have been provided for private amenity that again help to break up the elevations thereby reducing the visual impact. This impact has been further reduced by stepping the building down away from the harbour thereby creating a south facing roof terrace for the penthouse apartment.

Careful consideration has been given to the internal layout of the apartments in order to avoid any potential privacy concerns. As a result all habitable rooms have either north, south or easterly orientations whilst the sensitive west elevations contains only non-habitable accommodation or secondary windows which could contain obscured glazing.

In conclusion these proposals are an appropriate form of development providing six luxury apartments in an area with an established residential use whilst causing no demonstrable harm to the surrounding area".

(Design statement dated 11 February 2004 – Background paper).

In addition, the application also proposes the provision of a parking area for 41 cars, arranged in two rows, and the construction of a section of promenade adjacent the Outer Harbour, together with a turning area, next to the locks, for the resort's "Dotto Train". Further, ramped sections are to be proposed between the locks and Inner Harbour promenade.

PLANNING POLICY

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

· UHT1 – Design of new development

· UHT2 - Height of buildings

· UHT4 – Visual amenity

· UHT7 - Landscaping

· UHT8 – Protection of amenity space

· HO2 – Predominately residential areas

· HO20 – Residential amenity

· TR6 – facilities for cyclists

· TR11 – Car parking arrangements

CONSULTATIONS

The Principal Highway Engineer (Planning) advises that as the development is for 6 flats 8 parking spaces is sufficient on the basis that the current standards require 1 space per flat, plus 1 per 3 for visitors i.e. 8 spaces. It should be noted that planning consent was granted for a parking area on this site for residents of the block of flats adjacent to the proposed car park. It is believed this was for 3 spaces. The applicant should be expected to indicate where these spaces would be relocated.

The applicant may argue that the existing lay-by, which is close to the site, could be used for visitor parking

and that the provision on site parking provision is acceptable. This would be difficult to defend especially in an appeal situation.

As you are aware we were hopeful to secure access over the lock gates when the car park site was developed. As this application is being made by Westbury and not Sovereign Harbour Ltd this may be an unreasonable request.

If the application was to be approved then the applicant should be expected to submit for approval the following:-

a) Levels between car park, promenade and train turning area should be submitted to assertion whether any form of restraint is required.

b) Details of ramps including structural design/calculations associated with retaining walls together with surfacing materials.

c) Construction details of extended promenade and Train Turning Area to be submitted for approval.

d) A Section 106 Agreement will be required to secure public access between the outer harbour and inner harbour promenades. This looks restricted on the northern side of the car park adjacent to locks and earth bank. I would like to see at least 3m of clear walkway as this will be a strategic link if access over the locks does not materialise.

e) Construction details of car park together with lighting to be submitted for approval.

In summary there are no major highway reasons to recommend refusal subject to the above issues being clarified (Memo dated 26 February 2004 – Background paper).

The Council's Contaminated Land Officer and the Environment Agency were contacted on 13 February 2004. At the time this report was prepared (26 February) no replies had been received. Any responses will be reported to Members verbally.

REPRESENTATIONS

Two notices were displayed at the site and letters of notification sent to the occupants of surrounding residential properties. At the time this report was prepared 35 letters of objection had been received, the contents of which can be summarised as follows:

The water and sewage infrastructure in the area is already struggling

The proposal would severely effect the privacy, light, air and reasonable enjoyment of existing properties

The car park area would increase noise and disturbance as it is very close

The development would add to the excess of traffic on Santa Cruz Drive

The land is designated as a landscaped feature by The Piazza, which is awaiting completion. The requirement should be complied with

The appearance and size of the development is not in keeping with its neighbours

This tapering plot was only ever intended for a planted/landscaped area

There are already far too few open spaces or amenity land in the area

The original landscape plans should be enforced

We will be completely overshadowed and there will be a loss of privacy

The proposed development breaches the Council's planning policy

The open shingle space (which should be landscaped) creates a welcome break in the landscape

Our property would be completely overshadowed, leading to loss of natural light and loss of privacy

41 additional cars would increase noise and pollution

Residents have been pressing the builders to do the landscaping for some time

The lock area should have proper landscaping, seating and a general vantage-point from which the public could enjoy the view of the water activity

The entire character of the area would change from one of charm to one of overcrowded claustrophobia

The occupants of Sovereign Harbour will lose another potentially green space

Further buildings would detract from the amenity value of the area

The density of housing at this side of the harbour is already excessive

The proposed design of the building is inappropriate

(Letters dated 16 – 25 February 2004 – Background papers).

APPRAISAL

The main issues to consider in the determination of the application are: the visual impact of the proposed residential development on the area, the effect of the block of flats on the residential amenity of nearby properties, and the parking and access arrangements near to the locks.

The triangular shaped part of the application site has, as part of the earlier planning permission for the adjoining Piazza development, received approval as a landscape feature. The approved scheme comprised low structures, a pathway and planting. The current application, however, proposes that most of this area would be built upon to provide a three and four-floored apartment building with a distinctive sloping circular roof feature and car parking area, for eight vehicles. As such, rather than an open landscaped area, as approved, offering significant visual relief amongst the surrounding residential blocks, the proposed development would be at variance to the existing situation, introducing a discordant feature in what is an otherwise comprehensively planned built environment.

The proposed residential building would also have an adverse impact upon the amenity of nearby residential properties. Whilst the loss of a harbour or locks view is not a material planning consideration, the position of the proposed three and four-storey building with an overall height of approximately 14.5 metres, yet only some 13 metres from The Piazza, is likely to give rise to overshadowing. Further, although the western elevation of the proposed building has been designed to have secondary windows facing The Piazza, there is a Rotunda, which as well as maximising harbour views, has living/dining room windows at first, second and third floors looking directly across only 12 metres to the flats in The Piazza. In addition, the penthouse apartment, on the third floor of the building, has a roof garden with a 10-metre side fronting The Piazza.

This private amenity area will result in direct overlooking and loss of privacy for the users of the balconies serving both apartments and town houses on the eastern side of The Piazza.

As indicated in the “Consultations” section of this report, the Highway Authority advises that the proposed parking arrangements to serve both the block of six apartments and the locks area are sufficient. However, before the proposed development could be implemented further details would be required, which could be achieved by way of conditions and a legal agreement.

HUMAN RIGHTS IMPLICATIONS

The proposed development is likely to infringe the above noted Rights of local residents, particularly the Rights currently enjoyed by occupiers of the adjacent flats in The Piazza.

CONCLUSION

Whilst the proposed car parking and training turning facilities near the locks are considered to be acceptable, the residential development of the triangular piece of land, approved as a landscaped area, would conflict with the relevant policies contained in the adopted Borough Plan.

RECOMMEND: Permission be refused for the following reasons:

The proposal constitutes an undesirable form of residential development, which by reason of its position, massing and design would result in over-shadowing, loss of privacy and increased general disturbance to the detriment of nearby residential properties, as well as adversely affecting the visual amenities of the area. As such, the proposed development is considered to be contrary to Policies UHT1, UHT4, UHT 7,UHT8 and HO20 of the adopted Eastbourne Borough Plan 2011-2011.

UPPERTON WARD

15) 11 LALEHAM CLOSE. Single storey extensions at side and rear. EB/2004/0067, MAP G8. UPPERTON

SITE LOCATION

This two storey detached house is located on the corner of Laleham Close and Selwyn Road.

PLANNING HISTORY

The property was constructed in the mid 1950’s and has the benefit of a conservatory at the rear constructed under permitted development rights. Planning permission was granted in 1976 to raise the height of the side boundary fence (which faces Laleham Close) from 5 ft to 7 ft, which has been achieved by the addition of extra panels.

CURRENT APPLICATION

Planning permission is now sought to construct two single storey extensions on the side and rear of the property. Although it is addressed in Laleham Close, the front elevation faces Selwyn Road, and therefore the proposed extensions would project into the garden facing Laleham Close and will be between 1 and 1.2m from

the boundary.

The side/rear extension, which would replace the existing conservatory, would measure 6.8m wide by 3.8m deep and would project 2.7m beyond the flank wall of the property into the garden facing Laleham Close. The other extension would be located to the side of the front door and would measure 2.3m wide by 4.4m deep. Both extensions would be constructed of brick under false pitched roofs with a maximum height of 3.3m and an eaves height of 2.5m. The existing boundary fence is 2.1m high and therefore the roofs and some of the brickwork would be visible above the top of the fence.

PLANNING POLICY

The following borough plan policies are relevant to this proposal:

UHT1 - Design of new development

UHT4 - Visual amenity

UHT20 - Archaeologically sensitive areas

HO20 - Residential amenity

CONSULTATIONS

At the time of writing this report one response to consultations has been received from the County Archaeologist, who confirms that the application site lies within an area of Prehistoric, Romano-British and Anglo-Saxon settlement and cemetery sites. He recommends that conditions be imposed on any grant of permission to secure a watching brief.

(Letter dated 18 February 2004 – background paper)

APPRAISAL

The proposed extensions are a sufficient distance away from adjacent residential properties to obviate any adverse impact on the amenities of the occupants. The application therefore falls to be determined on its impact on the visual amenities of the area.

The proposed extensions, by reason of their design, height, bulk and projection forward of the building line in Laleham Close, would, in my opinion, be seriously detrimental to the visual amenities of the area. Even though the fence would partially obscure the extensions from public view from Laleham Close, the overall height and proximity to the boundary, between 1m and 1.2m, would result in very dominant and incongruous features in the streetscene, and would also be prominent from Selwyn Road. This would be further exacerbated by the slope of the highway in Laleham Close (which falls away from Selwyn Road) and the difference in levels between the dwelling and the pavement (the dwelling is approximately 0.5m above pavement level).

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused on the following grounds:-

1. That the proposed extensions would, by reason of their design, height, bulk and projection forward of the building line in Laleham Close, result in dominant and incongruous features in the streetscene to the detriment of the visual amenities of the area.

2. That further to reason 1 above, the proposal would not comply with policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

T. C. E. Cookson

Head of Planning

9 MARCH 2004