

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 6 APRIL 2004

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

- 1) **LAND ADJACENT TO 122 BRODRICK ROAD. Formation of vehicular access and erection of two, two-storey houses (outline application). EB/2004/0123(OL). M3, HAMPDEN PARK**
- 2) **41 SOUTH STREET. Change of use from Class A1 (shops) to Class A2 (financial and professional services) use. EB/2004/0147, MAP G11. MEADS**
- 3) **BUSHY RUFF, THE COLLEGE,14 CARLISLE ROAD. Removal of shed, erection of 4.1m high galvanised chain link fence and replacement of grassed play area with multi-use hard surface play area. EB/2004/0152, MAP E12. MEADS**
- 4) **BELLE TOUT LIGHTHOUSE, BEACHY HEAD. Alterations to boundary wall to provide new access gates and layout of car parking spaces and new vehicular access road. EB/2003/0780, MEADS.**
- 5) **BELLE TOUT LIGHTHOUSE, BEACHY HEAD. Alterations to boundary to provide new access and gates, and layout of car parking spaces (Listed Building Consent). EB/2003/0700(LB), MEADS.**
- 6) **PUBLIC HIGHWAY IN CROSS LEVELS WAY (ADJACENT TO THE RODMILL ROUNDABOUT). Installation of a 12.5m high slimline telecommunications monopole mast and ancillary equipment cabins. EB/2004/0173(DET), MAP.I7. RATTON**
- 7) **11 KINGS DRIVE. New vehicular access and parking space at front. EB/2004/0142. I8, RATTON**
- 8) **LAND BETWEEN 59 & 65 ASTAIRE AVENUE. Erection of nine garages. EB/2004/0162, MAP L.10 ST. ANTHONYS**
- 9) **LAND ADJACENT TO 10 SPRING LODGE CLOSE. Erection of detached three bedroom dwelling together with provision of 7 no. car parking spaces in Spring Lodge Close. EB/2004/0160, MAP R.9 ST. ANTHONYS**
- 10) **13 PEYTON CLOSE. ERECTION OF A CONSERVATORY AT REAR. EB/2004/0161. MAP P12. SOVEREIGN.**
- 11) **21 QUEENS ROAD. Erection of porch at front. EB/2004/0130. O11. SOVEREIGN**
- 12) **2 RALEIGH CLOSE. Single storey extension at side, conservatory at rear and new boundary wall and new vehicular access. EB/2004/0047. O12, SOVEREIGN.**
- 13) **15 WATTS LANE. Retrospective application to erect 90cm high close board fence. EB/2004/0115, MAP G8. UPPERTON**
- 14) **5 OLD ORCHARD ROAD. Provision of a car park at rear. EB/2004/0119, MAP G11. UPPERTON**

T. C. E. Cookson

Head of Planning

29 March 2004

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

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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.

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REPORT OF THE HEAD OF PLANNING

HAMPDEN PARK WARD

1) LAND ADJACENT TO 122 BRODRICK ROAD. Formation of vehicular access and erection of two, two-storey houses (outline application). EB/2004/0123(OL). M3, HAMPDEN PARK

SITE LOCATION

The application site is an undeveloped plot of land on the eastern side of Brodrick Road, opposite the junction with Pulborough Road. The site is overgrown with brambles and hedgerow and there are several self-set trees. To the south of the site is the car park and grounds of Kingdom Hall Church. Along the northern boundary is a private road, which separates the site from the dwelling at 122 Brodrick Road. The private road provides access to the dwelling 120 Brodrick Road, which has garden space adjacent to the eastern boundary of the application site.

There are double yellow lines restricting parking on both sides of Brodrick Road and a bus stop is situated at the edge of the public pavement outside the application site. Between the back edge of the pavement and the site is a grass amenity area. The land level of the site is lower than the surrounding properties and the highway.

PLANNING HISTORY

An application for the development of a 3-storey block comprising 6 self-contained flats was refused planning permission in 1988 (background paper Ref: EB/88/282).

Two outline applications to erect 2no. two-storey houses were also refused planning in the early 1990s (background paper Ref EB/92/507 and EB/93/158).

Permission was granted in outline for one a single-storey house in 1993 (background paper Ref EB/93/0588).

CURRENT APPLICATION

Permission is sought in outline for the development of two houses and associated access. The application reserves all matters for further approval. An indicative site layout plan is included and shows a centralised access road from Brodrick Road, directly opposite the junction with Pulborough Avenue. The access road indicated would be next to an existing bus stop in Brodrick Road.

PLANNING POLICY

NE22 Wildlife Habitats

NE28 Environmental Amenity

UHT1 Design of New Development

UHT4 Visual Amenity

UHT8 Landscaping

HO1 Residential Development within the Existing Built-up Area

HO2 Predominantly Residential Areas

HO12 Residential Densities

HO20 Residential Amenity

TR11 Car Parking

CONSULTATION

Letters of notification were sent to occupiers of neighbouring properties in Brodrick Road and Pulborough Avenue and a site noticed displayed. No replies received.

Highways Manager: The Highway Authority wishes to restrict grant of consent to this application. The proposed is in an already busy section of Brodrick Road due to the close proximity of a school, two bus stops and the entrance to Kingdom Hall. It is also almost directly opposite the junction with Pulborough Avenue. The Highway Authority would therefore resist any development, which could increase potential hazards for both pedestrians and vehicles at this location.

The site would also appear to be of insufficient depth to support both an adequate turning space and the dwellings. (Internal memo dated 25 March 2004 – [background paper](#)).

Downland, Trees and Woodland Manager: The site is extensively overgrown and although the site has some wildlife value the specimens are not of a significant value. An Ash tree in the middle of the site provides some public visual amenity although it is not a significant value and retention can be classified as low. A mature Willow and an Elm on the southern boundary of the site can be classified as having moderate retention value.

If this site is developed, the loss of all trees is likely. Provision should be made at the design stage for tree planting. The soil in this area is gault with a medium to high plasticity index. Therefore, foundation design should be suitable to allow future tree planting and establishment. (Internal memo dated 12 March 2004 – [background paper](#)).

Environmental Health: No objections (Internal memo dated 24 2004 February – [background paper](#)).

APPRAISAL

In considering the principle of development for this site, the affect on residential amenity, highway safety and car parking provision, visual amenity and contribution to the Borough's housing stock need to be assessed.

The proposed development of this site would add to the housing stock within the Borough. Development of land within the urban boundary is encouraged by Planning Policy Guidance Note 3 (Housing) and is also re-iterated by Policy HO1 and HO2 of Eastbourne Borough Plan (2001 – 2011). Development of two houses at the site would meet the recommended density of 30 – 50 dwellings per hectare. In this respect, the proposal is considered to be a suitable use of land within the urban area.

The development of the site would entail the loss of this green space. It provides limited visual amenity and its overgrown condition does provide some wildlife habitat. However, it is not a protected wildlife area as defined by Policy NE22 and it is not open to public access. Development of this site would inevitably lead to loss of existing trees and bushes on this site, but conditions requiring landscaping would alleviate harm to visual amenity of the area.

It is proposed to have access opposite the junction of Brodrick Road and Pulborough Avenue. Brodrick Road is a busy thoroughfare, and the location of access at this junction and next to a bus stop raises highway safety implications. Highway's Manager has raised objection to the proposal, concerned about provision of suitable turning space within the site to allow vehicles to enter and leave in a forward gear. The parking area shown on the indicative plan would be inadequate to allow vehicles to manoeuvre on site. If vehicles had to reverse on to or off Brodrick Road, it would have serious implications for highway safety.

Development of two houses could affect the residential amenity of neighbouring dwellings. The siting and design of the houses would have to be carefully arranged to prevent the new houses adversely affecting neighbouring dwellings in terms of overshadowing, loss of light and loss of privacy. Careful design would also be needed to ensure that development would not harm the street scene and the visual amenity of the area. However, as this is an outline application, the specific design and appearance are not for consideration.

The principle of developing two houses is the main issue. Due to the restricted depth of the site, it is considered that development of two houses could not be satisfactorily achieved. Although the site has an area suitable for two houses, its orientation does not lend itself to development without implications for highway safety or residential amenity. Provision of private turning space at the site to meet adopted standards for access would place the houses to a part of the site that would be harmful to neighbouring residential amenity. Likewise, it is considered that if two houses are sited so prevent adverse impact to residential amenity, adequate turning and access could not be achieved.

HUMAN RIGHTS

It is considered that there are no Humans Rights issues.

RECOMMEND: Permission be refused for the following reason

The site is of insufficient depth to satisfactorily accommodate the two houses and adequate car parking and access without adversely affecting highway safety and the residential amenity of the neighbouring dwellings.

The proposal would therefore be contrary to Policies UHT1, HO20 and TR11 of the Eastbourne Borough Plan (2001 – 2011).

MEADS WARD

2) 41 SOUTH STREET. Change of use from Class A1 (shops) to Class A2 (financial and professional services) use. EB/2004/0147, MAP G11. MEADS

SITE LOCATION

The application site comprises a corner unit on South Street and Calverley Walk, some half way along the northern side of South Street. The unit was recently occupied as a shop. The Dew Drop Inn immediately adjoins the site.

PLANNING HISTORY

In 1988 planning permission was granted for the change of use of the ground floor of the application premises to form a retail unit, with office on the first floor and flat on second floor (EB/1988/0381 – [Background paper](#)). A change of use from retail shop to architect's reception and showroom was refused in 1990 (EB/1990/0131 – [Background paper](#)). A year later, a change of use application for the change of use from retail shop to shop for the sale of fish and chips was dismissed on appeal (EB/1991/0129 – [Background paper](#)). In 1992, a change of use from Class A1 (Shops) to Class A2 (Financial and professional services) use was approved (EB/1992/0188 – [Background paper](#)).

CURRENT APPLICATION

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

In a letter submitted with the application, the applicant advises that, following the grant of permission in 1992, the premises had been used as an estate agent for almost ten years. However, in the last couple of years the unit had been occupied for eighteen months as a shop. More recently the premises have been vacant.

(Letter dated 27 February 2004 – Background paper).

PLANNING POLICY

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

TC6 - Town Centre Shopping Areas

CONSULTATIONS

The Local Plan Officer advises that as non-A1 uses in this area account for about 40% of the frontage of South Street there remains scope for additional non-A1 uses. Therefore there is no objection to this proposal from a planning policy point of view (Letter dated 19 March 2004 – Background paper).

The Eastbourne Access Group advise that the premises should be accessible to disabled people to comply with the Disability Discrimination Act (E-mail sent 23 March 2004 – Background paper).

REPRESENTATIONS

Site notices were displayed around the site and letters of notification sent to adjoining properties. At the time this report was prepared (25 March) no representations had been received.

APPRAISAL

The main issue to consider in the determination of this application is the percentage of premises not in A1 (Shops) use along South Street. Policy TC6 of the Eastbourne Borough Plan relates to the proportion of non-A1 uses in the town centre shopping areas. South Street is included 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 60.9%. The stretch of South Street where the premises are located has a variety of "A Class" related uses, such as the adjoining the public house (Class A3) or the funeral directors (Class A1) on the opposite corner of Calverley Walk. The change to an A2 use is therefore acceptable in relation to the number and distribution of uses in close proximity to the premises.

Further to the above, 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.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not adversely affect the above noted Rights of nearby residents.

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

3) BUSHY RUFF, THE COLLEGE, 14 CARLISLE ROAD. Removal of shed, erection of 4.1m high galvanised chain link fence and replacement of grassed play area with multi-use hard surface play area. EB/2004/0152, MAP E12. MEADS

SITE LOCATION

The application site is a rectangular grassed area at the rear of Bushy Ruff, 14 Carlisle Road. The property is used by Eastbourne College as a residential unit for students. The site is adjoined by a care home at 12 Carlisle Road, residential properties on Granville Road and another building in use by Eastbourne College at 16 Carlisle Road.

The site measures approximately 27.4 metres by 18.5 metres and is laid to lawn. A chain link fence is currently located on the north boundary of the site, with a galvanised fence on the southern boundary of the play area. There are a number of trees on neighbouring sites in close proximity to the boundary of the site that are the subject of a Tree Preservation Order.

The site is located in the College Conservation Area.

PLANNING HISTORY

The following applications are considered relevant to this application:

The property was granted a change of use from a private dwelling house to a school boarding house in 1958 (EB/1958/0027 - [Background paper](#))

CURRENT APPLICATION

It is proposed to provide a multi-use hard surfaced play area in place of the existing lawned area immediately to the rear of the premises. The play area will measure 27m x 17.5m. The proposal also includes the erection of a 1.2m high concrete block wall, with a galvanised chainlink fence set on top to a combined height of 4.1m. It is intended to retain the trees on the neighbouring sites that are the subject of Tree Preservation Orders.

The application has been submitted with a supporting letter (Letter dated 20 February 2004 - [Background paper](#)). This states that the "...area under question has, for many years, been used as a general 'play area' by the boys of Gonville House." and that "...it is used in all weathers....and often turns into an unpleasant quagmire after rain." The proposal is submitted to "...improve the playing surface for the boys by providing an all weather surface rather than expect them to continue playing on grass/mud." It goes on to say the fence is proposed to

reduce the balls going astray into neighbouring properties and causing damage. This is seen as of increased importance due to the extension that is currently being constructed at Ingham House, 12 Carlisle Road. The letter states that “We do not anticipate a noticeable increase in use or noise as a result of this application.”

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

HO20 - Residential Amenity

UHT4 - Visual Amenity

UHT15 - Conservation Areas

CONSULTATIONS

The application was advertised by two site notices, one displayed outside 14 Carlisle Road and the second on Granville Road. Occupiers of residential properties surrounding the site have also been notified of the application. 3 letters of objection have been received from occupiers of residential properties in Granville Road (letters dated between 11 and 13 March 2004 – background papers). The comments made can be summarised as follows:

- Potential for increased activity associated with a hard, all weather surface creating a significant increase in noise levels in contrast to the existing grassed area.
- Increased noise caused by activity on a hard surface rather than grass.

The Council’s Arboricultural Officer has confirmed that there are two mature Pine trees at the rear of the site that are the subject of a Tree Preservation Order (number 89). He considers them to provide significant visual amenity to the surrounding area. He states that there is the potential, due to the age of the boundary wall, that substantial root material may extend into the development area. The main issues with regard to this are:

- The potential for the hard surface to reduce the moisture available to the trees leading to stress of the specimens.
- Possibility of future conflict with direct root damage to the new surface leading to requests to remove the trees.

There is also a group of Horse Chestnut and Sycamore in the adjacent property (12 Carlisle Road). He states that these do not provide significant visual amenity and that no objection could be raised to the removal of lateral branches to allow the erection of the fence.

For further comment on the impact to the trees details of the proposed surface levels, excavations and drainage would be required (Internal memorandum dated 18 March 2004 - Background paper).

APPRAISAL

The two main issues to consider in the determination of this application are the effects of the development on residential amenity and the effects on the visual amenities of the locality and Conservation Area.

The application site is adjacent to a care home (12 Carlisle Road) and a number of residential properties in Granville Road. The rear gardens of all these properties abut the boundary with the application site.

The care home is currently being extended to the rear and the extension will be in close proximity to the proposed play area. The rear elevations of the properties in Granville Road are between 12m and 25m from the proposal site.

The property at 16 Carlisle Road is currently in use by the college and has a hard surfaced play area fronting Granville Road.

The existing grassed area at the rear of the application site is essentially a amenity space for the residential students at 14 Carlisle Road and is not currently suitable for intensive use as a sports facility. The college have stated that the reason for requesting a hard surface is to make it multi-purpose and optimise its use for many sports, including football, hockey and other minor sports (Letter from Eastbourne College dated 20 February 2004 - [Background Paper](#)). It is therefore considered that the proposal would create a sports facility above the needs of the occupiers of 14 Carlisle Road, and that a substantial increase in the intensity and extent of activity at the site can be expected from the installation of an all weather hard surface. This will lead to a significant increase in noise levels generated by increased activity at the site.

The erection of the chainlink fences will not overshadow the adjoining properties and are not considered to create a significant impact on the residential amenity of them.

For the above reasons, I consider that the increased noise and disturbance likely to be associated with such a play area, in use in such close proximity to the residential properties would be unduly harmful to the amenities of those occupiers, creating a detrimental effect on their living conditions and their ability to enjoy their private gardens. It is also considered that to allow one such hard surface will set a precedent for future applications on other similar college properties. With regard to this issue it is noted that previous refusals have been made for residential amenity reasons on hard surfaced play areas, though on a larger scale for properties in Grange Road (Planning application EB/2000/277 - [Background paper](#))

The proposal has the potential to effect the visual amenity of the area. The Arboricultural officer has stated if this development be allowed there is the potential for future requests to remove the mature Pine trees due to conflict with the installed surface. Further to this there is the potential the specimens to be subjected to stress caused by a reduction in the moisture available to the trees. It is therefore considered inappropriate to allow this development in view of the need to preserve the trees in question.

The concrete block wall will not be highly visible from the road although the chainlink fence, due to its height will. The most highly visible part of the fence will be on the boundary with 16 Carlisle Road and will be running at 90 degrees to Carlisle Road.

This will minimise the impact of the fence. The fence on the rear boundary will also be visible and runs parallel with Carlisle Road. The fence is not considered to enhance the character of the Conservation Area but due to its form and distance from the road is considered to have a minimal impact on the appearance of the Conservation Area.

HUMAN RIGHTS IMPLICATIONS

It is considered that this proposal will impact on the above rights of the adjoining properties to the peaceful enjoyment of their properties and possessions.

RECOMMEND: Permission be refused on the following grounds:-

1. That by reason of the increased extent and intensity of activity associated with the creation of a hard surface play area at this location, and the noise and disturbance associated with this increased activity, it is considered that the development will have a detrimental effect on the amenities of occupiers of the surrounding residential properties.

2. That the development is likely to result in damage and/or requests for removal of the preserved trees, which would have a detrimental impact on the visual amenities of the area; in addition insufficient details have been submitted to demonstrate that the proposed development would not have a detrimental impact on the long term health and retention of the adjacent preserved trees.

4) BELLE TOUT LIGHTHOUSE, BEACHY HEAD. Alterations to boundary wall to provide new access gates and layout of car parking spaces and new vehicular access road. EB/2003/0780, MEADS.

5) BELLE TOUT LIGHTHOUSE, BEACHY HEAD. Alterations to boundary to provide new access and gates, and layout of car parking spaces (Listed Building Consent). EB/2003/0700(LB), MEADS.

SITE LOCATION

The Belle Tout Lighthouse is a Listed Building at the cliff edge, between Beachy Head and Birling Gap. It is situated within an Area of Outstanding Natural Beauty (AONB), a Site of Special Scientific Interest (SSSI) and the grounds of the lighthouse are border enclosed by the boundary of the Belle Tout Camp Ancient Scheduled Monument. The Lighthouse is used as a single-private dwelling.

The existing vehicular access is tarmac road that leads up from the public highway, along the steeply sloping cliff edge to the lighthouse. Sections of the access road are about 1 metre from the edge of cliff.

The access road is closed to public use by a gate at the junction with the public highway.

At the lighthouse, the access gates to the grounds are located in the eastern boundary wall, approximately 13 metres from the cliff edge. The boundary wall is built from flint, with coping stone on top. Within the boundary wall, there is a garden area to the rear (north) of the lighthouse tower.

PLANNING HISTORY

Planning permission and Listed Building Consent was granted in 1998 to move the Belle Tout Lighthouse (tower and house) 17m north of its original position, plus an additional storey at lower ground level (background paper ref EB/97/0629 & EB/97/0630(LB)).

A temporary permission was also granted for the use of two double bedrooms for bed and breakfast accommodation (background paper EB/98/0347).

CURRENT APPLICATION

Permission is sought for the formation of a new, private access road up to the lighthouse. It is proposed to use grass blocks for the surface of the access road. Grass blocks are concrete slabs with an open grid like pattern, allowing grass to grow up through the gaps. The access road would be laid as two 450mm-width tracks with an overall driveway span of 3 metres. There would be grass mounding to the northern side of the access road, to demarcate it and to prevent vehicles straying onto the Downland where it slopes away. A new access point would be cut into the banking at the side of the public highway and a vehicular bellmouth formed. The existing egress would be closed by extending the banking across. Part of the existing tarmac access road would be broken up, encouraging re-growth of the Downland. The remainder of the existing road would be untouched and left to disintegrate with future cliff erosion.

The proposed new entry gate in the boundary wall of the lighthouse would be some 15 metres further north of the existing. The existing entry point would be disused. A new parking area is proposed, with space for 6 vehicles, behind the lighthouse tower.

PLANNING POLICY

NE27 Environmental Amenity

D1 Area of Outstanding Natural Beauty

D3 Sites of Special Scientific Interest

UHT1 Design of New Development

UHT18 Protection of Listed Buildings

UHT21 Archaeological sites and Scheduled Monuments

CONSULTATIONS

Conservation Area Advisory Committee: No objection

Historic Buildings Advisor: No objection; brick type should be approved before commencement. No objection to the proposed [grass] blocks. (Internal memos dated 12th November and 16th December 2003 – background paper).

English Heritage: The works proposed are not considered to have a significant detrimental impact on the visual amenity or setting of the monument. As the road extends beyond the boundary of the Scheduled Monument, it may be appropriate to extend archaeological supervision of these works by planning condition.

To apply such a condition, the Borough Council would normally be advised by the County Archaeologist. (Letter dated 6th January 2004 – background paper).

Sussex Downs Conservation Board: The Board has no objection to the application in terms of impact on the AONB and no objection to the alterations to the boundary wall and formation of car parking area within the grounds of the Belle Tout Lighthouse. (Letter dated 5th March 2004 – background paper).

English Nature: English Nature has no objection in principle to the planning application. Satisfied with the method statement. The turfs to be stored in the Belle Tout car park during construction will need to be regularly watered to ensure that they do not dry out completely in storage which would damage chalk grassland plants within them. Excess turfs could be laid out over the lower section of the old driveway to facilitate regeneration.

The turfs at the lower end of the proposed new driveway contain one of the main early purple orchard colonies in the SSSI. It is essential that these turfs are adequately cared for in storage and preferably replaced close to their original location. Removal of scrub closest to the Beachy Head coast road should be done with care as it houses the main part of the early purple colony and disturbance to the ground must be minimised. The bird-nesting season (April – July) should be avoided if possible. Care must be taken to ensure that there are no birds nesting in the scrub prior to removal. Scrub clearance should be carried out or supervised by the Downland Ranger.

If grass seed is to be planted on the new track, English Nature should be consulted. Ideally, natural re-vegetation should take place but in some cases it is better to sow a low vigour Downland grass seed mix. (Letters dated 13th January 2004 and 3rd March 2004 – background papers)

County Archaeologist: Application is of archaeological interest as it affects both the Scheduled Ancient Monument of Belle Tout and an area immediately adjacent to it. A condition requiring a programme of archaeological works should be attached to any planning permission. (Letter dated 27th January 2004 – background paper).

Downland, Trees and Woodland Manager: The method statement details the method of construction, storage of materials and areas for reinstatement. It is essential that a named, accountable person is present on site during

the whole duration of the works, to liaise with Council officers to ensure compliance with the method statement.

The applicants should provide samples to ensure that the correct materials are to be used in the AONB and SSSI. (Internal memos dated 24th December 2003 and March 2004 – background papers).

Highways: No wish to restrict grant of consent, subject to the following:

- access drive should be 4.5m wide at for the first 10 metres.
- Gates should open inwards to allow a clear 10 metres of space off highway to allow delivery/refuse vehicles to park whilst gates are opened. If it is not possible to locate gates further into site due to gradient of the existing ground, they could be set further into the site.
- Provision must be made to prevent discharge of water from the site onto the public highway and vice versa. Details to be submitted for approval.
- Maximum gradient of driveways should not exceed 1:9 for the first 10 metres. If the property is used for anything other than single private dwelling, the driveway should be constructed with a 'landing gradient' of 1 in 40 for the first 5 metres back from the edge of the road.

(Internal memo dated 6th January – background paper).

Site notices were displayed on the gate at the foot of the existing driveway. One representation received 20 November, requesting that roadside gates be set far enough from road to allow vehicles to pull clear of highway when gates being opened or closed and that the existing access road should be made inaccessible to vehicles.

APPRAISAL

The main considerations are the impact the development would have on the Schedule Monument, SSSI and AONB and the appearance of the Listed Building.

The proposed access road would be in two laid as two lines, using concrete grass blocks. Although use of concrete grass blocks would mean introducing a hard surface material to the soft landscape of the Downland, it is considered an acceptable long-term solution. The concrete grass blocks provide a suitable hard surface for vehicles to cross, whilst having a minimal visual impact. The grid pattern of the concrete grass blocks would allow grass to grow up through and around the blocks. Screening of the blocks with the natural grass of the Downland would reduce the impact that a hardsurface could have in the Area of Outstanding Natural Beauty. Laying the concrete blocks as two lines, rather than as a one full width road, would mean using a minimum amount of hard material to achieve a usable access road.

The method statement supplied by the applicant says that any excess soil left over from the necessary excavations would be distributed over the concrete blocks to aid re-growth of turf. Also, 'tree sand' is to be used as the base for the concrete. It is structured sand, designed to have a texture providing space for air, water and root growth. This type of base would aid re-growth and health of the grass growing up through the concrete blocks. There is a possibility that grass within the margins of the access road could die. A condition requiring re-seeding could be imposed to rectify any such occurrence, to protect the appearance of the AONB.

The applicant's method statement says that materials would be stored at the existing lay-by adjacent to the existing entrance, with turfs excavated for the new access road being stored within the grounds of the lighthouse. Storage of materials off the Downland is essential to prevent damage and negative impact to SSSI. Turfs cut from the Downland to lay the road would be re-laid on the re-graded mounds to the north side of the access road. Any excess soil and turf would be laid over the concrete grass blocks, to facilitate re-growth, and over the lower section of the old access road. The first 10 metres (from the public highway) of the existing access road would be broken up, to encourage reintegration into the Downland.

The access road would be partly routed across the Scheduled Monument. English Heritage does not object to

the route of the access road, which would avoid the outer earthworks. A programme of archaeological works can be imposed as part of any Scheduled Monument Consent to mitigate any impact. English Heritage recommended an archaeological programme land beyond the boundary to protect any remains.

The proposed route of the access road would cross the public right of way. Where it crosses, the mounds to the side of the road would be reduced in height ease access for walkers.

The new access off the public highway is considered satisfactory and not detrimental to highway safety. Visibility splays of 90 metres either side of the entry are to be provided. The landing area by the gates is big enough to allow large vehicles to stand clear of the public highway whilst the entrance gates are opened/closed. The gates have been revised to open inward only. The edging of the bellmouth at the foot of the access road would be grass, matching the soft road edge in the rest of the Downland.

The alterations to the boundary wall of the lighthouse to form a new entrance, together with car parking spaces, would not be harmful to the character or appearance of the Listed Building. The new access point would utilise the existing gates and the brick piers would match those found elsewhere in the boundary wall. The existing access would be filled in to match the rest of boundary wall, which is a flint wall with half round brick coping.

The formation of a new car parking area to the rear (north) of the lighthouse tower would not be detrimental to the Listed Building. Formation of the new parking area would entail altering the banking as the land slopes steeply. Reclaimed/stored stone paviers are proposed for the hardstanding. The parking layout would be shielded behind the boundary wall and is not considered harmful to the Listed Building's appearance.

HUMAN RIGHTS

It is considered that there are no human rights implications.

SUMMARY

The proposed access road, parking area and alterations to the boundary wall would not adversely affect the Site of Scientific Interest, Area of Outstanding Beauty, Scheduled Monument nor harm the appearance of the Listed Building, and complies with all relevant policies of the Eastbourne Borough Plan (2001 - 2011).

RECOMMEND: A) Listed Building consent be granted in respect of EB/03/0700(LB), subject to the following conditions:

1. D1.2 Commencement of development within five years.
2. That details of the materials to be used in the boundary wall shall be submitted to and approved in writing by the Head of Planning, prior to the commencement of the development.
3. That details of the materials to be used in surface of the hardstanding for the car parking area, be submitted to and approved in writing by the Head of Planning prior to the commencement of the development.
4. That, before the development hereby approved is commenced, details of the alterations to the ground levels for the construction of parking area, shall be submitted to and approved in writing by the Head of Planning.
5. That, before the development hereby approved is commenced, a programme of archaeological works shall be implemented in accordance with details to be submitted to and approved by the Head of Planning, in consultation with the County Archaeologist.

B) Planning permission be granted in respect of EB/03/0780, subject to the following conditions:

1. D1.1 Commencement of development within five years.
2. That the development be carried out in accordance with the submitted method statement.

3. That details of the materials to be used in the boundary wall shall be submitted to and approved in writing by the Head of Planning, prior to the commencement of the development.

4. That details and sample of the materials, including the base sand, to be used for the access road and surfacing of the entrance bellmouth at the foot of the access road, shall be submitted to and approved in writing by the Head of Planning prior to the commencement of development.

5. That, before the development hereby approved is commenced, details of the alterations to the ground levels for the construction of the parking area, shall be submitted to and approved in writing by the Head of Planning.

6. That details of the materials to be used for surfacing of the car parking area be submitted to and approved in writing by the Head of Planning prior to the commencement of the development.

7. Prior to the development commencing, details of a named, accountable person in charge of the construction works shall be supplied to the Head of Planning. The named, accountable person shall be present on site for the duration of the works hereby approved, and liaise daily with Eastbourne Borough Council's Downland, Trees and Woodland Manager and the Downland Ranger on the progress of the works.

8. That, before the development hereby approved is commenced, a programme of archaeological works shall be implemented in accordance with details to be submitted to and approved by the Head of Planning, in consultation with the County Archaeologist.

9. Details of drainage to prevent discharge of water from the site on to the public highway shall be submitted to and approved by the Head of Planning prior to the commencement of development.

10. Turfs cut from the Downland for the construction of the access road shall be stored on a base layer of sand or soil and shall be watered daily, before replanting. Turfs shall be watered daily for a minimum of one week after replanting.

11. Details of grass seed shall be submitted to and approved by the Head of Planning before any planting commences. The approved seed shall be planted before the access road hereby approved in first brought into use.

12. The access road shall be maintained to the satisfaction of the Head of Planning and any grass within the access road that dies shall be re-seeded, with approved grass seed, in the next available season.

13. The visibility splays, as shown on the approved plans, shall be kept clear of any obstructions.

RATTON WARD

6) PUBLIC HIGHWAY IN CROSS LEVELS WAY (ADJACENT TO THE RODMILL ROUNDABOUT). Installation of a 12.5m high slimline telecommunications monopole mast and ancillary equipment cabins. EB/2004/0173(DET), MAP.I7. RATTON

SITE LOCATION

The application site forms part of the grass verge in Cross Levels Way, 20m north-east of the Rodmill roundabout.

PLANNING HISTORY

Prior approval was granted in November 2001 for a 12m high monopole mast on the same stretch of highway verge, approximately 70m to the east of the current application site; this has been implemented.

CURRENT APPLICATION

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

It is proposed to erect a 12.5m high slimline monopole mast on the grass verge on the north side of Cross Levels Way, 20m from the junction with Rodmill roundabout. The mast is proposed to be sited in front of the 1.8m close boarded fence which screens the landscaped area between the road and the student accommodation on the hospital site; it would be finished in natural galvanised steel and would support three antennas concealed within a GRP shroud. Three cabinets of varying sizes are also to be sited adjacent to the mast, and it is proposed that these would be finished in grey.

The nearest residential properties in Kings Drive are 60m away, whilst the accommodation blocks are 20m away.

The necessary ICNIRP certificate has been submitted with the application.

PLANNING POLICY

The following policies are relevant to this application:

US8 - Prior approval of telecommunications development

US9 - Telecommunications development

CONSULTATIONS

At the time of writing this report no representations had been received as a result of the statutory advertisements and neighbour notifications.

APPRAISAL

The only issues to take into account are the siting and appearance of the proposed equipment.

This is an extremely busy section of road, and there are eight 10m high streetlights (all bare galvanised steel) within a 120m stretch of highway, in addition to the existing telecommunications installation; there is also a significant length of Armco and timber fencing. A slimline monopole would blend in well with the existing street furniture. It is considered, therefore, that the siting and appearance of the proposed equipment would have little impact on the visual amenities of the area, although in my opinion the equipment at ground level should be finished in dark green to minimise its impact.

Site sharing of monopoles is technically feasible, but it does present problems with visual amenity, in that the height would have to increase by at least 4m (2m for the extra antennas and 2m for the physical separation

between operators) and the diameter of the monopole would have to be doubled (to support the extra height and weight). It is considered that two installations of a similar scale to existing street lights is a preferable option.

HUMAN RIGHTS IMPLICATIONS

None.

CONCLUSION

It is considered that the proposal is acceptable (subject to the finish of the cabinets) and complies with borough plan policies and government guidance set out in PPG3.

RECOMMEND: That the siting and appearance be approved, subject to the following condition:

That the three ancillary equipment cabins are finished in dark green (BS 12 C 39) before the installation is first brought into use.

7) 11 KINGS DRIVE. New vehicular access and parking space at front. EB/2004/0142. I8, RATTON

SITE LOCATION

The application site is a detached dwellinghouse on the south-western side of Kings Drive. The ground of the front garden is not level and slopes steeply down from the house to the back edge of the public pavement. A wall is erected along the front boundary, approximately 1.5m high. The wall on the side boundary with No.13 Kings Drive is approximately 2m where it abuts the public pavement.

There is a garage at the front of the site, situated toward the side boundary with No. 9 Kings Drive. The garage is set back 1.86m from the back edge of the pavement.

PLANNING HISTORY

Planning permission for the erection of a domestic garage was granted planning permission in 1957 (background paper Ref EB/57/347).

CURRENT APPLICATION

Permission is sought for construction of a dropped kerb to provide a second vehicular access point to the front of the property. The proposed access would entail removal of the part of the existing front wall to open access to the front garden space. The front garden would require reducing in height and to make it level with the highway. A hardstanding 9.87m wide and depth of between 6 – 6.8m would be laid. The entrance in the front wall would be 3.67m wide.

PLANNING POLICY

UHT1 Design of New Development

CONSULTATION

Letters of notification were sent to occupiers of neighbouring dwellings in Kings Drive and a site notice displayed. No replies received.

Highways Manager: The Highway Authority wishes to restrict grant of consent. East Sussex County Council – Manual for Estate Roads states that for roads of Kings Drive category, a private turning area must be provided clear of the highway. The minimum dimensions for a private turning space cannot be met at this address and therefore the Highway Authority recommends refusal. If planning permission were granted, the Highway Authority would not give consent for the crossover (Internal memo dated 25th March 2004 – background paper).

APPRAISAL

The main issue to consider regarding is whether the proposal meets the required standard for parking and access from classified roads. East Sussex County Council Manual for Estate Roads requires turning space so that vehicles can enter and leave a site in a forward gear. The parking area proposed would not provide adequate turning space and vehicles would have to manoeuvre in reverse to enter or leave the site. This would be detrimental to highway safety of Kings Drive, a classified road.

HUMAN RIGHTS

It is considered that there are no Human Rights Implications.

RECOMMEND: Permission be refused for the following reason:

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 Council Manual for Estate Roads.

The proposal would therefore be detrimental to highway safety, as vehicles would be unable to enter and leave the site in a forward gear.

ST. ANTHONY'S WARD

8) LAND BETWEEN 59 & 65 ASTAIRE AVENUE. Erection of nine garages. EB/2004/0162, MAP L.10 ST. ANTHONYS

_SITE LOCATION

This triangular shaped site is located between 59 and 65 Astaire Avenue and has an area of 0.24 hectares. There is an electricity substation close to the frontage of the site and an existing gated vehicular access which serves the existing garage blocks comprising a total of 35 garages.

PLANNING HISTORY

Planning permission was granted in July 1954 for the erection of 26 lock-up garages on the current application site (54/206 – [background paper](#)). This development comprised three blocks of garages, sited along the three boundaries of the site.

In December 1998, planning permission was granted for the erection of an additional lock-up garage on the end of the block on the northern boundary of the site and for the erection of 2.6 metre high gates and a brick wall (EB/98/0574 – [background paper](#)).

Thereafter in April 2000, planning permission was granted for the erection of an additional block of six garages and two single garages (EB/2000/0071 – [background paper](#)).

CURRENT APPLICATION

Permission is now sought for the erection of a further nine garages on land between 59 and 65 Astaire Avenue. A block of three garages is to be sited at the rear of the electricity substation, a block of four garages is to be sited adjacent to the rear boundaries of 53, 55 and 57 Astaire Avenue and a further two garages are to be sited in tandem at the rear of an existing block of eight garages. In order to accommodate the pair of garages it will be necessary to remove an existing garage and this is to be re-sited at the rear of 47 Astaire Avenue.

Each of the garages will measure 2.75 metres in width by 5.55 metres in length and will have a maximum height of 2.3 metres. They are to be constructed of precast concrete panels with white chipping finish, painted bargeboards and fascias with corrugated fibrous-cement sheet roofing.

PLANNING POLICY

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

Policy UHT4 - Visual Amenity

Policy HO20 - Residential Amenity

CONSULTATIONS

Notification letters were sent to occupiers of neighbouring properties and a notice was posted at the front of the site. At the time of writing this report, three letters have been received from the occupiers of 53 and 55 Astaire Avenue and 52 Hunloke Avenue and the comments made can be summarised as follows:

- People who rent the existing garages do not live in the area and do not therefore have any regard or respect for local residents;
- Existing problems associated with the site include use of foul language, loud music, repetitive revving of engines, cars performing hand-brake turns and trial bikes spinning on gravel at high speed;
- Cannot enjoy home and garden during summer evenings and weekends;
- Existing garages are not just being used for private use they are also being used for business purposes;
- Last year two garages were being used for building stock cars;
- If planning permission is granted, special planning restrictions should be made so that the garages can only be used for the storage of private vehicles;

- There will be an increase in pollution and noise from engines;
- Male owners of garages often urinate against walls and fences;
- Suffer noise from metal cutting equipment;
- Site is otherwise known as Astaire Avenue Industrial Site;
- Unless the Council has the resources to inspect the garages to check they are used for domestic use only, we cannot condone any further changes to the site and it is hoped the site is inspected and the necessary action taken against commercial use. (Letters dated 15 and 17 March 2004 – background papers)

Transco has provided an extract from their mains records of the application site and has confirmed that a Low/Medium/Intermediate Pressure gas main is located close to the site. The applicant is advised that no mechanical excavations are to take place above or within 0.5 metres of the low pressure system, within 2 metres of the medium pressure system, or within 3 metres of the intermediate pressure system and where required, the applicant should confirm the position of the main using hand dug trial holes. (Letter dated 10 March 2004 – background paper)

APPRAISAL

It is considered that the site is large enough to accommodate nine additional garages. The buildings are considered to be of a size, type and design in keeping with the other garages on site.

The structures are not visible from any public view and are to be sited in excess of 30 metres from the nearest residential property in Astaire Avenue.

The concerns of the neighbouring residents are noted and the comments made have been referred to the Planning Enforcement Officer.

In light of the concerns expressed by the residents and in accordance with other planning permissions relating to the site, it is recommended that any grant of consent should be subject to a condition restricting the use of the garages for the parking of private vehicles and domestic storage purposes only.

HUMAN RIGHTS IMPLICATIONS

It is considered that subject to a condition, to restrict the use of the garages, the proposed development would not affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property.

ARTICLE 5 SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the visual amenities of the locality or on the amenities of occupiers of surrounding 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. D1.1 Commencement of development within five years.
2. That the garages hereby permitted shall be used for the parking of private vehicles and for domestic storage purposes only.

9) LAND ADJACENT TO 10 SPRING LODGE CLOSE. Erection of detached three bedroom

dwelling together with provision of 7 no. car parking spaces in Spring Lodge Close. EB/2004/0160, MAP R.9 ST. ANTHONYS

SITE LOCATION

The application site which has an area of 0.029 hectares is currently used as private amenity space for the existing property at 10 Spring Lodge Close. The site measures 12.3 metres in width and extends to a maximum depth of 23.3 metres. In addition, the application also relates to a piece of open space adjoining the access road in Spring Lodge Close, where it is proposed to provide parking to serve the development

PLANNING HISTORY

In December 2003, planning permission was sought for the erection of a detached dwelling on land within the curtilage of 10 Spring Lodge Close.

However as a result of concerns expressed by the Case Officer and objections received from local residents regarding the lack of parking to serve the development and the effects of the proposal on the amenities of occupiers of surrounding properties, the application was withdrawn. (EB/2003/0754 – background paper).

CURRENT APPLICATION

Planning permission is now once again sought for the erection of a detached three bedroom dwelling on land within the curtilage of 10 Spring Lodge Close. However additional information has been submitted with the application, in an attempt to overcome the above noted concerns.

The proposed property is to be sited some 6.6 metres from the side of the existing house at 10 Spring Lodge Close and set back 1.6 metres from the front of the adjacent terraced dwellings.

The dwelling would measure 6.6 metres wide and would extend to a maximum depth of 9.05 metres. The dwelling would be sited 7.25 metres from the side boundary fence of the property at 9 Spring Lodge Close and some 9.7 metres from the side boundary with 27 Keymer Close. It is proposed that the dwelling would be enclosed along its front and side boundaries by an existing hedge.

The proposed property would have front, rear and side gardens extending to 4.4 metres, 8.5 metres, 2.3 metres and 3.7 metres respectively.

The accommodation to be provided would comprise the following:

Ground Floor

Lounge, kitchen, dining room and w.c.

First Floor

Three bedrooms and a bathroom.

The dwelling is to be constructed of facing brick with a concrete tiled roof. The submitted drawings indicate that the windows in the first floor front elevation serving a bedroom and bathroom are to be glazed with obscure glass. An additional window with clear glass serving the bedroom is proposed to be sited in the side elevation overlooking the adjoining school.

In order to overcome the objections received from local residents as part of the previous planning application about the lack of parking to serve the development, the applicant now proposes to provide an area of parking alongside the existing access road, on part of the large area of open space in Spring Lodge Close. The proposed parking area would provide seven spaces, which is a net increase of three on-street parking spaces for this stretch of Spring Lodge Close.

As part of the development it will be necessary to realign part of the existing footpath. All of the proposed works would be carried out at the developer's expense.

Finally, in order to address concerns expressed by local residents regarding access to the site for delivery vehicles and the siting of materials and plant during the construction period, the agent has provided a Site Safety Plan. He has identified the potential risks involved with the unloading and manoeuvring of delivery vehicles, particularly with regard to the narrow estate road and the need to ensure the safety of children playing on the open space adjacent to the application site and has confirmed the following:

- Piled foundations will be used and the dwelling will be timber framed in order to reduce deliveries to the site;
- A trained banksman will be appointed;
- Keymer Close will be used for deliveries to site;
- The grass verge at the end of Keymer Close will be used for the storage of goods and each delivery to the site will be in small quantities on a need to use basis;
- Heras fencing will be erected around the application site which will be locked and made safe when the site is vacant.

In addition, the agent has identified the risks associated with the connection to services off site and has confirmed the following:

- Where excavations are taking place, suitable fencing will be erected with a qualified banksman appointed to safeguard the public at all times during working hours;
- Any excavations left open outside working hours will be covered with steel plates together and hazard lights put in place;
- Finally, a method statement will be required from the contractor in order to satisfy the Health and Safety Executive, prior to commencement of development on site. (Letter received on 10 March 2004 – background paper)

PLANNING POLICY

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

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

Policy HO20 - Residential Amenity

Policy TR11 - Car Parking

CONSULTATIONS

Notification letters were sent to occupiers of surrounding residential properties. At the time of writing this report three letters of objection had been received from the occupiers of 2 and 9 Spring Lodge Close and from the Spring Lodge Area Residents' Association. The comments made can be summarised as follows:

- Provision of 7 no. car parking spaces will result in the loss of 4-5 existing spaces, giving absolutely no benefit to the residents;
- Situation regarding access and egress to the site has not changed;
- Dwelling will cut off most of the sunshine/light to rear garden from around mid-day and will curtail enjoyment of garden in summer months;
- Upstairs windows will overlook garden and invade privacy;
- There is a lack of parking spaces in the Close and proposed development would further compound the traffic problems;
- Health and safety concerns should be given close and urgent consideration;
- There is a complete lack of access and egress to the site from either Spring Lodge Close or Keymer Close;
- Severe disruption and hardship would be caused to residents whilst the building works are carried out;
- Any access for construction traffic via Keymer Close would involve closing off a public right of way;
- Plant, machinery and delivery vehicles will cause danger to residents and children;
- Damage would be caused to grass area in front of Spring Lodge Close houses;
- The application is misleading as it states "provision of 7no. car parking spaces". The plans show that the proposed works will indeed result in the loss of three or four existing car parking spaces. (Letters dated between 12 and 22 March 2004 – background papers)

Southern Water has confirmed that it does not wish to comment on the application. (Letter received 15 March 2004 – background paper)

The Council's Arboricultural Officer has referred to his memo of 13 January 2004, written in respect of the previous planning application which recommends that service plans should be submitted to confirm the effect of the proposed development. He has confirmed that there is a Leylandii hedge shown on the submitted plans which is proposed to be retained. At the narrowest point, the proposed building is approximately 1.5 metres from this hedge. To facilitate the construction of the foundations, it is likely that excavations will occur closer than this distance.

To ensure retention of this hedge it will be necessary to undertake initial investigations in the top 600mm of soil by hand, to ensure correct root pruning and protect the hedgerow at the periphery of the crown with chestnut pale fencing.

Failure to undertake these measures will result in the loss of the screening from the adjacent footpath.

Furthermore, he has suggested that if the scheme is to proceed, then bearing in mind the constraint of space and the possible future conflict regarding the proximity of the property to the hedgerow, it may be better to remove the existing hedge and replant. This in his opinion would provide a more successful screening of the site.

In addition, he has confirmed that foundation design should take into consideration existing planting, future planting and the soil conditions prevalent in the area.

Finally he has referred to the mature Whitebeam which is on Council owned land, adjacent to the proposed parking area and new footpath. He considers retention of this specimen is essential and therefore it would be necessary to erect Chestnut pale fencing at the periphery of the crown and undertake initial excavations in the vicinity of the tree by hand. (e-mail received 24 March 2004 – [background paper](#)).

The Council's Senior Enforcement and Monitoring Officer in the Amenities Division has suggested that a handstanding should be provided for a wheelie bin at the rear of the property, with access to the back walkway (e-mail received 16 March 2004).

The Council's Contaminated Land Officer has confirmed that the comments made in his memo dated 8 January 2004 in respect of the previous planning application still stand and they are as follows:

The application site is within a residential area, with housing to the west, north and east. Bishop Bell School is situated immediately to the south. It is considered that the development will generate noise that may adversely affect adjacent residential properties and as such he has recommended that a condition should be attached to any grant of planning permission to restrict the hours of construction.

He has also confirmed that the site is 60 metres from Bishop Bell School, a closed former landfill site and 130 metres from Priory Road Playing Field, which is also a closed former landfill site. It is therefore considered that there is the potential for the migration of landfill gas to the application site and in developing the site it will be necessary to ensure that there is no adverse impact upon the proposed dwelling. In light of this, it is recommended that any grant of planning permission should be subject to conditions requiring site investigations to be carried out. (e-mail received 24 March 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; whether the proposed development is acceptable in terms of its effect on the amenities of surrounding residents and finally, whether it is acceptable in terms of its effect on the visual amenities of the locality.

Planning Policy Guidance Note 3 (PPG) "Housing" is relevant to this application. The guidance recommends that local planning authorities should seek to make more efficient use of land for housing and to concentrate most additional housing within urban areas. Furthermore, Policies HO6 and HO7 of the adopted Borough Plan (2001-2011) support the redevelopment of land within predominantly residential areas for housing, subject to there being no significant harm to residential, visual or environmental amenity. The principle of the proposed residential development is therefore considered to accord with Government guidance and Borough Plan policy.

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

The application site is considered to be of a size more than adequate to accommodate the proposed dwelling. The size of the proposed property is similar to those immediately adjacent and the front, side and rear gardens are comparable with the private amenity space associated with surrounding residential properties.

Consideration should also be given to the impact the new dwelling would have on the amenities of occupiers of surrounding residential properties. The proposed property is to be sited some 7.4 metres from the side boundary of the adjacent dwelling at 9 Spring Lodge Close and the drawings accompanying the original submission illustrated that two bedrooms at first floor level had the potential to cause overlooking of the adjacent dwelling. However as a result of concerns expressed by the Case Officer and objections received from local residents, the applicant has as part of the current application, amended the layout of the proposed dwelling and obscure glazed the windows in the first floor front elevation. This revision therefore eliminates the possibility of undue overlooking of the private amenity space of 9 Spring Lodge Close and ensures the privacy of the occupiers is maintained.

I am mindful of the concerns expressed by local residents as part of the previous planning application, regarding the effects of the development on the residents of the property directly at the rear of the application site, at 27 Keymer Close.

However the proposed dwelling would be sited some 13 metres from this property and the proposed windows at first floor level would only look out onto the small front garden of the adjacent dwelling. It is therefore considered that the proposed development would not cause undue harm to the amenities of residents in Keymer Close, which would warrant a reason for refusal on this element alone.

For the above reasons, it is considered that there is adequate space within the application site to accommodate the proposed dwelling, without causing any undue harm to the occupiers of surrounding residential properties.

The previous planning application failed to provide any parking to serve the proposed development. However as a result of concerns expressed by the Council's Principal Highway Engineer and surrounding residents, the applicant now proposes to provide a new parking area on part of the open space adjoining Spring Lodge Close. This will provide an additional three parking spaces in the Close. The parking spaces would not be dedicated to any particular dwelling, they would instead be available for residents to use on a "first come first served" basis. However they will ensure that the proposed development does not exacerbate the problems associated with the apparent shortfall of parking in the locality.

Furthermore, as a result of concerns expressed by the Council's Principal Highway Engineer and local residents as part of the earlier planning application, regarding the health and safety issues likely to be associated with the construction of a dwelling within the curtilage of 10 Spring Lodge Close, the applicant's agent has submitted a Site Safety Plan as detailed above. The content of the Plan is considered acceptable and providing the developer complies with the recommendations, it is considered that the proposed development will not cause any undue harm to the safety of surrounding residents.

HUMAN RIGHTS IMPLICATIONS

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

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 would comply with the relevant policies of the adopted Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to following conditions:

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

2. That prior to commencement of any construction work on the dwelling hereby approved, the proposed car parking area in Spring Lodge Close shall be provided in accordance with the details shown on drawing no. 83700/02 and completed to the satisfaction of the Head of Planning, in consultation with the Highways Manager.

3. That the recommendations contained within the Site Safety Plan shall be complied with for the duration of the construction period to the satisfaction of the Head of Planning.

4. C5.3 Building operations hours of operation.

5. A2 Submission of samples of facing materials.

6. Details of site drainage including the provision of on-site rainwater storage shall be submitted to and approved in writing by the Local Planning Authority.

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. A11 Retention of hedge.

9. Prior to commencement of development on site, 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 such remediation measures are undertaken, successful completion shall be confirmed in writing to the Head of Planning by a suitable qualified person, prior to the dwelling being occupied.

10. That the finished floor levels of the building shall be a minimum of 2.9 metres above Ordnance Datum and finished garden level shall be a minimum of 2.3 metres above Ordnance Datum.

11. That prior to commencement of development on site, full details of on-site services shall be submitted to the Council for consideration.

12. That excavations adjacent to the hedge and the mature Whitebeam in the top 600mm of soil shall be carried out by hand.

13. A10.3 Retention of trees.

SOVEREIGN WARD

**10) 13 PEYTON CLOSE. ERECTION OF A CONSERVATORY AT REAR.
EB/2004/0161. MAP P12. SOVEREIGN.**

SITE LOCATION

This detached two storey dwelling is located on the west side of Peyton Close.

PLANNING HISTORY

The property was constructed in the late 1970's and remains as built.

CURRENT APPLICATION

The current application is submitted by a member of the Development Control section, and is therefore excluded from the Scheme of Delegation approved by Members.

Permission is sought to erect a brick and UPVC conservatory at the rear of the property, measuring 4.25m wide and 3.3m deep under a sloping polycarbonate roof with a central ridge 3.4m high. Planning permission is required because an adopted footpath abuts the rear boundary.

PLANNING POLICY

The following policies are relevant to this application:

UHT4 - Visual amenity

HO20 - Residential amenity

CONSULTATIONS

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

APPRAISAL

The conservatory is appropriate in scale and design to the host building. Such structures are indeed common features at the rear of properties on estates with informal layouts such as this. The conservatory would be 5m from the boundary with the adjacent property, and 10m from the dwelling itself, therefore there would be no impact on residential amenity.

HUMAN RIGHTS IMPLICATIONS

None.

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

D1.1 Commencement of development within five years.

11) 21 QUEENS ROAD. Erection of porch at front. EB/2004/0130. O11. SOVEREIGN

SITE LOCATION

The application site is located in the southern side of Queens Road. Queens Road is residential and comprised of dwellings in terraces of four. The application dwelling is a mid-terrace property.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Permission is sought for the erection of a porch to the front entrance. The porch would measure 2.28 metres long and 2.28 metres wide. Its height would be 2.2 metres to eaves and 3 metres to the ridge of the hipped roof. The external walls would have a render to match the existing front elevation of the house.

PLANNING POLICY

UHT1 Design of New Development

UHT4 Visual Amenity

HO20 Residential Amenity

CONSULTATIONS

Notification was sent to occupiers of dwellings adjoining and opposite the application site. No replies have been received.

APPRAISAL

The main points for consideration are the impact on visual amenity and residential amenity.

The size of the porch would be bigger than others built in Queens Road. The distance the porch would project would make it a prominent feature in the street scene. Many of the porches already built extend just beyond the line of the canopies over the front doors and bay windows. The porch proposed would extend significantly beyond the front canopy and its appearance would be bulky and out of character with the neighbouring dwellings.

The size and position of the porch would not cause overshadowing of, or loss of light to windows of neighbouring living rooms. In this respect, it would not be harmful to the neighbouring residential amenity.

HUMAN RIGHTS

It is considered that there are no Human Rights implications.

RECOMMEND: Permission be refused for the following reason:

The porch, by reason of its size and scale, would be out of character and detrimental to the visual amenity of the street scene, contrary to the policies, UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (2001 – 2011).

12) 2 RALEIGH CLOSE. Single storey extension at side, conservatory at rear and new boundary wall and new vehicular access. EB/2004/0047. O12, SOVEREIGN.

SITE LOCATION

The application site is a bungalow located at a corner plot with a return frontage to Beatty Road. There is a low brick wall fronting Raleigh Close and Beatty Road enclosing the front and side garden area, which is covered with a hard surface. A wall approximately 1.8 m high encloses the rear garden.

A detached garage is situated to the rear of the dwelling, toward the side with 4 Raleigh Close, which is has a timber fence along the boundary.

PLANNING HISTORY

Planning permission for a sun lounge at the side of the bungalow was refused planning permission in 1980 (background paper Ref: EB/80/642).

CURRENT APPLICATION

Planning permission is sought for an extension to the side of the bungalow facing Beatty Road, together with new boundary walls and a conservatory at the rear. The side extension would have a width of 6.8m fronting Raleigh Close, tapering to 4.3m at the rear, and would have a mock pitch roof. The foremost part of the extension would be a garage, with a bedroom at the rear. The plans also include the provision of a vehicular access, re-positioned 10 metres closer to the corner junction of Raleigh Close and Beatty Road

The rear conservatory would extend out from the kitchen and project 4.2 metres and have a height of 2.4 metres to eaves and 3.2 metres to the apex of the pitch roof.

PLANNING POLICY

UHT1 Design of New Development

UHT4 Visual Amenity

HO20 Residential Amenity

CONSULTATIONS

Occupiers of neighbouring dwellings in Raleigh Close, Benbow Avenue and Beatty Road notified. No replies received.

Highways Manager: "No wish to restrict grant of consent subject to the following: Section 4.3.4.7 of the East Sussex County Council Manual for Estate Roads states that vehicle crossing should be laid out so that no conflict will take place between vehicles and pedestrians. Allowing the crossover to be moved to the proposed location would result in this conflict. The minimum acceptable distance that the vehicle crossover would have to be from the pedestrian crossing would be 2.3m to allow for 2no. 900 ramp kerbs and a 500mm standard height section. This would locate the crossing centrally to the property and with adequate turning space would be acceptable. Without adequate turning it would be difficult to manoeuvre in and out of the property.

"It is noted from the application that there is an existing garage served by an existing crossing, I would prefer the crossing to remain in its current location. Another option would be to access the property from Beatty Road."

(Internal memo dated 24th March 2004 – background paper).

APPRAISAL

The main issues for consideration are the impact the development would have on the appearance of the street, neighbouring residential amenity and highway safety.

The dwelling occupies a corner site, which is highly visible in Raleigh Close, and Beatty Road, a moderately busy thoroughfare linking Princes Road and Ramsay Way. The site, therefore, has quite a prominent position in the street.

The side extension would have mock pitch roof. This design would not adequately match the gable roof of the bungalow and it would appear awkward and out of character with the existing dwelling. The side extension would be level with the front building line and would almost double the width of the building at the front. Although the mock pitch roof would be lower than the roof of the bungalow, it is considered that it would not be sufficiently subordinate to the main dwelling. The size of the extension and the poor design would result in an unsightly development out of character with the rest of the street scene.

The proposed brick wall along the rear boundary and part of the frontage facing Beatty Road would be marginally taller than what is allowed without planning permission, under the provisions of the General Permitted Development Order. Its appearance would not be detrimental to the street scene nor affect neighbouring residential amenity.

The rear conservatory would be set 3.4 metres from the side boundary with 4 Raleigh Close. Its size and position would not result in loss of light to the neighbouring dwelling or loss of privacy.

It is proposed to close off the existing vehicular access and form a new access nearer to the junction of Raleigh Close and Beatty Road. It would be located next to a dropped kerb for pedestrians. Observations from the Highway Manager states that the position of the new access would result in conflict between vehicles and pedestrians. It would not meet the standards of the East Sussex County Council Manual for Estate Roads.

Movement of vehicles on and off the highway in such close proximity to a pedestrian crossing at this T-junction would endanger pedestrian safety.

HUMAN RIGHTS

It is considered that there are no human rights implications.

RECOMMEND: Permission be refused for the following reasons:

1. The design of the side extension would be inharmonious with the existing dwelling. Together with its size and scale, the extension would be unduly prominent and out of character with the street scene, detrimental to the visual amenity of the area, contrary to Policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (2001 – 2011).
2. The vehicular access would give rise to conflict between vehicles and pedestrians, endangering pedestrian safety, and would be contrary to the provisions of Policies UHT1 and TR11 of the Eastbourne Borough Plan (2001 – 2011).

UPPERTON WARD

13) 15 WATTS LANE. Retrospective application to erect 90cm high close board fence. EB/2004/0115, MAP G8. UPPERTON

SITE LOCATION

The application site is at the end of a row of terraced dwellings which front the western side of Watts Lane. The dwellings to the south of the site (7 to 13 Watts Lane) and the subject dwelling itself have been identified as 'Buildings of Local Interest'. However the dwelling matches the rest of the terrace (on 17 onwards) in appearance, and follows the same building line which is 5m forwards of nos. 7 to 13.

The application site is irregular in shape, including a garden area at the side in addition to small paved areas at the front and rear. This side garden measures approximately 6m by 7m and is sited in front of 11 and 13 Watts Lane; the street rises very sharply from Upperton Road, and consequently the garden is enclosed by a retaining wall measuring between 0.5m and 1.8m high where it fronts Watts Lane and between 1.6m and 1.8m where it abuts the front garden of 9 Watts Lane.

PLANNING HISTORY

Planning permission was refused in July 2003 for the retention of a 1.55m high close boarded fence which had been erected on the existing retaining walls; a subsequent application to retain the fence at a reduced height of 1m was refused in October 2003. The reason for refusal for both applications was the adverse impact of the fence on the character and appearance of the area and the buildings of local interest, together with the loss of outlook from neighbouring properties.

(EB/2003 0373 and EB/2004/0534 – [background papers](#))

CURRENT APPLICATION

Permission is now sought to retain the fence at a height of 90cm on the Watts Lane frontage and the return frontage adjoining the front garden of 9 Watts Lane. It is also proposed to stain the fence dark brown and to affix trellis on the Watts Lane frontage to support climbing plants. The applicant also states that once the fence

is finished, he will be able to continue a planting scheme within the garden to include trees and shrubs which will grow above the fence. He considers that the finished scheme will greatly enhance the appearance of the proposal.

PLANNING POLICY

The following policies are relevant to this application:

UHT1 - Design of new development

UHT4 - Visual amenity

UHT19 - Buildings of local interest

HO20 - Residential amenity

CONSULTATIONS

Two letters of objection have been received from the occupier of 45 Selwyn Road and the owner of 11 Watts Lane (who resides in Kent), and a telephone objection from the occupier of 43 Watts Lane. The objections are concerned with the visual impact of the fence in the streetscene and on the occupiers of the adjacent property; the fence is considered to be too high, intrusive and out of character, and contrary to the provisions of the local plan.

(Letters dated 4 and 9 March 2004 – background papers)

One letter has been received from the occupier of 7 Watts Lane stating that there is no objection to the revised scheme providing that the stated alterations are carried out.

(Letter dated 11 March 2004 – background paper)

APPRAISAL

The main issues to take into consideration in determining this application are the impact of the proposal on visual and residential amenity, and the buildings of local interest.

The fence was erected to replace a dilapidated wall, which was almost totally obscured by ivy and other vegetation. As the level of the garden is just below the top of the retaining wall, it is likely that there has always been some means of enclosure around the garden as a matter of safety. The previous wall was constructed of decorative concrete blocks (of the sort often found in gardens) which, it has to be said, is just as an incongruous feature as the present fence; since the wall was almost totally obliterated by dense vegetation, it would have appeared to be nothing but a “natural” barrier. Taking this into account, the applicants proposal to reduce the height of the fence to 90cm (which would be lower than the recently removed wall), to stain it and to erect trellises with climbing plants is considered to be an acceptable compromise, and would improve the outlook considerably from adjoining properties.

Members should note that the fence sited in front of 11 and 13 Watts Lane is not included in this application since it does not exceed 2m above the ground on which it is erected, and is therefore outside the scope of planning control.

HUMAN RIGHTS IMPLICATIONS

The development would have some impact on the outlook from adjacent residential properties, however, it is not considered to be so serious as to warrant a refusal, and would be an improvement on the existing situation.

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

1. D1.1 Commencement of development within five years.
2. That within six months of the date of this permission, the following shall take place:
 - the fence shall be lowered to a height of 90cm as indicated on the approved plan;
 - the fence shall be stained dark brown on the outward facing elevations;
 - trellis panels shall be erected on the outward facing elevations of the fence and permanently maintained as such thereafter; the number and position of the trellises shall be submitted to and approved by the Head of Planning before they are erected;
 - that a planting scheme shall be submitted to and approved by the Head of Planning and thereafter implemented within the prescribed time period, and any plants that die or are removed shall be replaced in the next planting season.

14) 5 OLD ORCHARD ROAD. Provision of a car park at rear. EB/2004/0119, MAP G11. UPPERTON

SITE LOCATION

This semi-detached period property is located on the south east side of Old Orchard Road, approximately 30m from the library building.

PLANNING HISTORY

Permission was granted in 1962 for the conversion of the building into three flats. An application to change the use of the ground floor flat into a clinic for a chiropractor was granted on appeal in 1990; the permission included the provision of a parking area at the front, but this element was not implemented.

(EB/1990/0056 – [background paper](#))

CURRENT APPLICATION

Planning permission is now sought to provide a parking area at the rear of the building, accessed off a narrow service lane which runs along the side of 1 Old Orchard Road and then turns right to halfway along the rear of the buildings in Old Orchard Road and Grove Road.

The parking area would measure 7.2m wide and 7.6m deep and would be surfaced in gravel; it would be separated from the remainder of the garden by a 1.8m high close boarded fence. The development would result in the loss of the entire length of the brick boundary wall fronting the lane and a mature leylandii hedge behind it, together with a flowering cherry; it is proposed to retain a fig tree within a planted area along the side of the hardstanding. The proposed development would take up approximately 50% of the rear garden.

PLANNING POLICY

The following policies are relevant to this proposal:

NE28 - Environmental amenity

UHT4 - Visual amenity

HO20 - Residential amenity

CONSULTATIONS

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

The Council's Arboriculturist states that none of the trees provide any significant public amenity and therefore no objection is made to their removal. He states that care should be taken to ensure no bird nests are disturbed during March to September (the nesting season).

(Memo dated 11 March 2004 - [background paper](#))

The Highways Engineer objects to the proposal on the grounds that the access does not meet the required width of 4.5m for a vehicular access (it is 3m wide and this cannot be increased), and there is inadequate vehicular restraint to protect the substantial drop onto the adjacent property (the access at the rear of 1 Grove Road). The Highway Authority would not wish to see any more traffic using the access. Furthermore the manoeuvring space is very limited due to the narrowness of the access and the lack of turning space on site.

(Memo dated 24 March 2004 - [background paper](#)).

APPRAISAL

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

The loss of the trees would be regrettable, but I agree that the trees (mainly Leylandii) offer little public amenity and are not worthy of a preservation order. The rear garden has a depth of 15.5m and approximately half of this would be lost to parking; the remaining garden depth of 7.5m would not be commensurate with properties of this size, and would be out of character with other properties in Old Orchard Road, albeit at the rear.

The intensification of the use of the access would result in additional noise and disturbance (and possibly fumes) to the occupiers of the adjacent residential flats, in particular those at 1 Old Orchard Road; it is likely that at least some of the time vehicles must reverse out of the access, which is 40m long just at the side of 1 Old Orchard Road, onto the public highway, and the possibility of further conflict with pedestrians and other vehicles would only increase if consent is given for additional parking.

Given the narrowness of the access at only 3m, and the height of the boundary wall on one side (1.2m) and the drop onto the access road at 1 Grove Road, it is considered that any further vehicle use should not be permitted; the steel railings between the access and 1 Grove Road have already been damaged by vehicle(s). In addition, there is no turning space on the application site or in the access road, resulting in further potential traffic hazard.

I am mindful that there are two other parking areas in the vicinity, one at the rear of 29-31 Grove Road (which

has no consent) and at the rear of 3 Old Orchard Road, which gained consent in 1994.

It is clear that these areas (which lie opposite each other), rely to some extent on the others existence, by encroaching over their land when turning in and out; this is clearly unsatisfactory and presumably does not always work, as evidenced by lengths of carpet nailed to the piers on either side of number 3. In addition, the sharp right turn into the access parallel to the rear boundaries of the properties in Old Orchard Road is only negotiated by driving over the concreted forecourt of an electricity substation behind number 1. The application site could not benefit from the space afforded by the other parking areas, as only part of it lies opposite the opening, thus making it very difficult to manoeuvre in and out of some of the spaces if all of them are occupied.

Whilst acknowledging that there are two existing parking areas, and that the permission for number 3, in retrospect, should have been refused, I am mindful that if this application is granted, then it would be difficult to resist further similar proposals; as there are 20 properties which back onto the access, most of which are either in use as flats or in commercial use, the potential for vehicle use is huge and, in my opinion, could result in a serious hazard.

HUMAN RIGHTS IMPLICATIONS

The proposal could result in an unacceptable impact on the amenities of residents adjacent to the application site and the access road from noise, disturbance and fumes.

RECOMMEND: Permission be refused on the following grounds:-

1. That the intensification of the use of the access would have an adverse impact on the amenities of nearby residential occupiers by reason of noise, disturbance and fumes.
2. That the proposal does not comply with highway authority requirements for on site turning facilities and minimum width of the access thereto, and therefore would result in conflict with other vehicles and pedestrians, to the detriment of highway safety.
3. That the proposal would set an undesirable precedent and would make similar proposals difficult to resist, to the detriment of visual and residential amenity and highway safety.
4. That further to Reasons 1 and 3 above, the proposal would not comply with policies UHT4 and HO20 of the Eastbourne Borough Plan 2001-2011.

T. C. E. Cookson

Head of Planning

29 March 2004