EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 25 MAY 2004

REPORT OF THE HEAD OF PLANNING

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

1) 76-78 PEVENSEY ROAD. CHANGE OF USE FROM 20 BEDSITS WITH ANCILLARY ACCOMMODATION INTO 8 SELF-CONTAINED FLATS. EB/2004/0282, MAP I.12 DEVONSHIRE

2) LAND ADJACENT TO 20 MIDHURST ROAD. Change of use from amenity land to private garden and enclosure by means of a brick wall. EB/2004/0211, MAP N4. HAMPDEN PARK

3) GARDEN HOUSE, 11 MILNTHORPE ROAD. CHANGE OF USE FROM A DWELLINGHOUSE TO A CARE HOME FOR 8 ADULTS WITH LEARNING DISABILITIES. EB/2004/0306, MAP C12. MEADS.

4) 41 SOUTH STREET. Change of use from Class A1 (shops) to Class A2 (financial and professional services) use. EB/2004/0147, MAP G11. MEADS

5) 12-20 STATION STREET. Alterations and change of use from Class B1/B8 and A1 to three self-contained A3 (restaurant and bar) units. EB/2004/0267, MAP G11. MEADS

6) THE LOFT, LITTLECOTE, 41A BLACKWATER ROAD. Installation of two dormers on front of property and four dormers at rear of property. EB/2004/0203, MAP F12. MEADS

7) WILLOW COTTAGE, 24 SPRING CLOSE. SINGLE STOREY DETACHED GARAGE. EB/2004/0304, MAP I.2. RATTON

8) 145 BURTON ROAD. First floor extension to side. EB/2004/0248, MAP G7. RATTON

9) SOUTH COAST CATERING, SPRING CLOSE. Demolition of workshop and stores, erection of four terraced cottages and conversion of offices and store to two two-bedroom live/work units. EB/2004/0199, MAP I2. RATTON

10) 7 WILLINGDON CLOSE. Single storey extension to side and rear involving demolition of existing garage, and extension to roof to provide accommodation in roof space. EB/2004/0223, MAP I2. RATTON

11) CHALK FARM HOTEL COOPERS HILL. Renewal of temporary permission for opening hours and use of horticultural sales display area and change of use of part of glass house from horticultural use to a pet shop sales area (A1), erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths. EB/2004/0268, MAP I1. RATTON

12) CHALK FARM HOTEL COOPERS HILL. Erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths. EB/2004/0269(LB), MAP I1. RATTON

13) WENHAMS SITE, REAR OF 63-75 ROTUNDA ROAD. Erection of eight three-storey houses and

a six-storey building comprised of six one-bedroom flats and two two-bedroom flats, with car parking and access from Leeds Avenue. EB/2004/0177, MAP O10. ST. ANTHONYS

14) LAND BETWEEN 150 AND 152 NORTHBOURNE ROAD. Erection of twelve flats with parking bays. (Amended description). EB/2003/0201, MAP M10. ST. ANTHONYS

15) 27 SELWYN ROAD. Demolition of existing building and erection of 12 flats in a single block. EB/2004/0185, MAP G9. UPPERTON

16) THE MOUNT SELWYN ROAD. Change of use from dwelling to administrative offices for St WilfrId's Hospice. EB/2004/0151, MAP G9. UPPERTON

T. C. E. Cookson

Head of Planning

14 May 2004

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 25 MAY 2004

REPORT OF THE HEAD OF PLANNING

BACKGROUND PAPERS

1. Town and Country Planning Act 1990

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

3. The Planning and Compensation Act 1991

4. The Town and Country Planning General Regulations 1992

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

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

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

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

9. DoE Circulars

10. DoE Planning Policy Guidance Notes (PPGs)

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

12. Eastbourne Borough Plan (Adopted Plan – 1998)

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

14. Eastbourne Townscape Guide 1994

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

16. Statutory Instruments

17. Human Rights Act 1998

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment 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.

REPORT OF THE HEAD OF PLANNING

DEVONSHIRE WARD

1) 76-78 PEVENSEY ROAD. CHANGE OF USE FROM 20 BEDSITS WITH ANCILLARY ACCOMMODATION INTO 8 SELF-CONTAINED FLATS. EB/2004/0282, MAP I.12 DEVONSHIRE

SITE LOCATION

These four-storey terraced properties are situated on the north-western side of Pevensey Road, adjacent to The Bourne Inn Public House, some 25 metres from the junction with Bourne Street.

PLANNING HISTORY

An application for the separation of an existing hostel to form two individual blocks of shared residential accommodation, one at 72 and 74 Pevensey Road and the other at 76 Pevensey Road, was withdrawn in July 2000 as a material change of use was not involved (EB/2000/0348 – Background paper).

Recently 72, 74, 76 and 78 Pevensey Road have formed a series of action under Section 215 of the Town and Country Planning Act 1990. This action followed complaints by local residents that were made to Environmental Health. 76 and 78 Pevensey Road have been identified as requiring remedial work as both properties have had a detrimental effect upon the surrounding area. Notices were served, in February of this year, on the owners of the identified properties, with a compliance period of 6 calendar months.

CURRENT APPLICATION

Planning permission is sought to change the use of the premises from 20 bedsits to 8 self-contained flats. The drawings accompanying the application show that the proposed accommodation would comprise the following:

Lower Ground Floor

2 No. one bedroom flats with living room, bathroom, store, kitchen/dining room.

Ground Floor

1 No. two bedroom flat with bathroom, lounge/dining room/kitchen.

1 No. one bedroom flat with kitchen/dining room, bathroom and lounge.

First Floor

2 No. two bedroom flats with lounge/dining room/kitchen, bathroom and store.

Second Floor

2 No. two bedroom flats with lounge/dining room/kitchen, bathroom and stores.

PLANNING POLICY

The Borough Plan Proposals Map (2001-2011) identifies the application site as being within a Predominantly Residential Area and the Town Centre and Seafront Conservation Area. The following policies of the Plan are considered relevant to the determination of this application:

Policy HO3 - Retaining Residential Use

Policy HO20 - Residential Amenity

Policy TR11 - Car Parking

CONSULTATIONS

Notification letters were sent to occupiers of surrounding properties and a notice was displayed at the front of the site. At the time of writing this report (13 May) no representations had been received.

APPRAISAL

The main issues to consider in the determination of this application are whether the proposed conversion is acceptable having regard to adopted Borough Plan policy and whether the proposal will have any harmful effects on the amenities of occupiers of surrounding properties.

It is acknowledged that the proposed conversion of the application properties from 20 bedsits to 8 self-contained flats is contrary to Policy HO3 of the adopted Borough Plan (2001-2011), as it will result in a net loss in the number of existing dwelling units. However this Policy does allow for an exception to be made " *where it can be demonstrated that a scheme would result in a significant improvement in the quality of residential accommodation provided*."

Bearing in mind the problems that have been experienced over the years by local residents regarding the use of the bedsits (as mentioned above in the Planning History section of this report) and having regard to the fact that the proposed flats represent a good standard of accommodation, and would provide much needed one and two bedroom units of accommodation close to the Town Centre, it is considered that the benefits of the proposed conversion outweigh the policy requirements in this instance.

Having regard to the impact of the proposed conversion on the amenities of occupiers of surrounding residential properties, it is considered that the proposed reduction in the number of residential units from 20 to 8, is likely to result in significantly less activity and noise and disturbance associated with the properties. Therefore it is considered that the proposed development would be likely to have a positive impact on residential amenity.

HUMAN RIGHTS IMPLICATIONS

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

ARTICLE 5 SUMMARY

The proposed development is considered acceptable for the following reasons:

It would provide a good standard of one and two bedroom self-contained flats close to the Town Centre and would have no harmful effects on the amenities of occupiers of surrounding residential properties. The development therefore complies with Policy HO20 of the adopted Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following conditions

1. D1.1 Commencement of development within 5 years

2. D6.1 Submission of details of storage and collection of refuse.

HAMPDEN PARK WARD

2) LAND ADJACENT TO 20 MIDHURST ROAD. Change of use from amenity land to private garden and enclosure by means of a brick wall. EB/2004/0211, MAP N4. HAMPDEN PARK

SITE LOCATION

The application site comprises an area of amenity land currently owned by the Council adjacent to the end of terrace property of 20 Midhurst Road. The amenity land is 14.2 metres long and covers approximately 23 square metres. It is currently grassed and has a small tree located on it.

CURRENT APPLICATION

The current application seeks a change of use of the amenity land to private garden in association with the moving of the boundary wall from its current position to enclose the garden space. The proposed wall will reuse the existing brickwork. The wall will be erected to three different heights being 900mm at its lowest point, rising to 1300mm in the middle section and 1500mm in the highest section. These are the same heights of the existing wall. The boundary wall to the rear garden will remain as existing and is 2300mm high. The prospective purchaser wishes to retain the tree.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

UHT14 - Visual Amenity

HO20 - Residential Amenity

CONSULTATIONS

The Housing Manager has no objections to the proposal. It is also stated that "*As part of the process for determining if a sale should be agreed, we have carried out consultation with neighbouring residents……..No objections have been received.*" (Internal Memorandum dated 30 March 2004 – Background Paper).

The Highway Authority does not wish to restrict the grant of consent provided that a condition is attached to the permission "*That the new position of the street nameplate must be agreed with the Eastbourne Borough Council Parking Co-Ordinater.*" (Internal Memorandum dated 14 April 2004 – Background Paper).

The Arboricultural Officer states that the proposal "…*would have no detrimental impact on the tree*…" It is

also confirmed that a replacement tree will be agreed as part of the sale and will be planted on the adjacent area of amenity space. (Internal Memorandum dated 20 April 2004 – Background Paper).

REPRESENTATIONS

Letters of notification were sent to adjoining properties and a site notice was displayed on a lamppost opposite the site. As a result a letter of objection has been received with five undersigned names. Their main concerns can be summarised as follows:

· The property in question already has sufficient garden space

· Loss of visual amenity caused by the new position of the brick wall

APPRAISAL

The main issues to consider when determining this application are the impact on the visual amenity of the area and the loss of the amenity space.

The tree is the main element of the amenity space that contributes to the visual amenity of the area. As the prospective owner intends to retain the tree after the land has been transferred and the wall at the point where it is adjacent to the tree will be only 900mm high the proposal is not deemed to significantly impact on the visual amenity of the area as the tree will still be visible enough to contribute to the visual amenity of the area. Further to this as part of the sale of the land a new tree will be paid for and provided on the adjacent amenity space. The additional tree to be planted in the area will contribute to the visual amenity of the area.

The wall will be erected to the same proportions as it is currently and will reuse the existing bricks. It is also noted that the lowest section could be erected under permitted development rights should the land be transferred to a private garden. The 1300mm and 1500mm high sections of wall are deemed to be low enough to have a minimal impact on the visual amenity of the area, especially as the existing wall is built to these heights. Further to this the new position of the wall will be relatively close, especially at the southern end to the existing position of the wall. No part of the wall will be located in a position closer to the highway than the existing wall that bounds the rear garden of 20 Midhurst Road.

For the above reasons the proposal is deemed to be acceptable with regard to its impact on the visual amenity of the area.

The proposed wall will not overshadow any adjoining property or cause a loss of outlook from these due to its location on a corner plot away from adjoining residential properties. The area of amenity space is too small to be used for recreational purposes and such areas are not a dominant feature of the surrounding area. The enclosing of the land will not be out of character for the area, especially as the wall will essentially be the same as the existing wall. The proposal is therefore considered acceptable with regard to the impact on the residential amenity of the adjoining properties.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed change of use of the amenity land and moving of the existing boundary wall will not affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property.

SUMMARY

The change of use of the amenity land and movement of the boundary wall would not be harmful to the visual amenity of the area or residential amenity of surrounding properties and therefore complies with all relevant policies of the Eastbourne Borough Plan (2001-2011).

RECOMMEND: Permission be granted subject to the following conditions:

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

2. That the new position of the street nameplate shall be agreed with the Eastbourne Borough Council Parking Co-Ordinater and approved by the Head of Planning prior to the erection of the new boundary wall and shall be maintained as such thereafter.

3. That the new boundary wall shall use the bricks from the existing wall and any additional bricks required shall be of the same type, size, colour and texture as the existing bricks.

MEADS WARD

3) GARDEN HOUSE, 11 MILNTHORPE ROAD. CHANGE OF USE FROM A DWELLINGHOUSE TO A CARE HOME FOR 8 ADULTS WITH LEARNING DISABILITIES. EB/2004/0306, MAP C12. MEADS.

SITE LOCATION

This large detached period property is located on the eastern corner of Milnthorpe Road and Darley Road, with vehicular access from Darley Road.

PLANNING HISTORY

The property has been used as two flats in the past, but is currently a single dwelling. Externally the building remains unaltered .

CURRENT APPLICATION

Permission is now sought to change the use of the property to a care home, in this case for 8 adults with learning disabilities. A supporting letter submitted with the application states the following:

" We currently own a residential care home Eastbourne (St. Margaret's, 99 Carlisle Road) and have seen a need within Eastbourne for a learning disabilities home. We have viewed a number of premises and believe that 11 Milnthorpe Road would be ideal for this purpose.

It is our intention to have 8 service users in the home with 4 bedrooms on the top floor and 4 bedrooms on the first floor. It is envisaged that the service users would be in the lower dependency bracket and need a level of staffing of 1 member of staff per 2 service users. We would not accept service users who would need wheelchair access or a shaft lift, as we believe this would not be viable for these premises.

If this application were successful, this would create 10 full time jobs within the local area."

(Letter dated 20 April 2004 – background papers)

The letter also confirms that no structural alterations are proposed.

PLANNING POLICY

The following policies are relevant to this application:

HO17 - Supported and Special Needs Housing

HO20 - Residential amenity

CONSULTATIONS

The Commission for Social Care Inspection confirms that the proposal would have to meet the Care Homes for Younger Adults National Minimum Standards, and reach an agreement with the Social Services Learning Disabilities Team for their input into the service.

(Letter dated 11 May 2004 – background paper)

At the time of writing this report, one letter had been received from the occupier of 13 Darley Road seeking additional information and expressing concern that a commercial venture is being proposed in a conservation and residential area.

(Letter dated 11 May 2004 – background paper)

APPRAISAL

The main issues to take into account in determining this application are the suitability of the property for the use proposed and the impact of the use on adjoining and nearby residents.

The property, like many other period properties in Meads, is substantial in size with many large rooms accommodated over three floors (plus a very generously sized basement with store rooms and a garage), and well suited to conversion. This and its detached nature make it suitable for care home use, as are the nearby properties in Darley Road (nos. 7 & 9). It is also close to bus routes, local shops and the seafront. There is a garage at lower ground floor level and space for two cars parked side by side (three if parked in tandem), however there is adequate on street parking in the vicinity to take up any excess, bearing in mind it is unlikely that there would be any more than four or five members of staff on the premises at any one time.

With respect to the impact on residential amenity, it is considered that 8 residents is an appropriate number for a building of this size, with a ratio of one resident per bedroom, and would not represent an over intensification of use. Care homes (regardless of the nature of the residents) are classed as C2 uses and as such are suitable for residential areas.

The borough plan supports this type of housing in residential areas, and at paragraphs 6.40 and 6.41 states:

There is an accepted need for residential care homes (nursing and rest homes) because they provide an important service in caring for the elderly and those with disabilities who find it difficult to look after themselves.

Supported homes offer shared or self-contained accommodation for special needs groups. The Council is supportive of such housing and its policies should reflect this positive attitude. However the tourist accommodation area is not considered a suitable location for such accommodation.

HUMAN RIGHTS IMPLICATIONS

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

SUMMARY

The proposed development would not have any impact on visual or residential amenity or on highway safety and therefore complies with the relevant borough plan policies.

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

D1.1 Commencement of development within five years.

4) 41 SOUTH STREET. Change of use from Class A1 (shops) to Class A2 (financial and professional services) use. EB/2004/0147, MAP G11. MEADS

INTRODUCTION

The application was deferred by Members, at their 6 April meeting, following concerns about the potential impact on the viability of the Little Chelsea area for retail operations and the lack of footfall generated by the proposed use. It was requested that the matter be investigated further.

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 but has since been vacant. The Dew Drop Inn immediately adjoins the site with the Serenity funeral directors on the opposite corner.

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, an application for the change of use from retail (Class A1) to shop for the sale of fish and chips (Class A3) 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 (Class A1) to that of an estate agent (Class 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).

Following the deferment of the application the applicant has provided more detail about the background history to the application. He states, inter alia, that:

"In reply to the two letters of objection, a considerable number of business colleagues and friends in South Street, who are members of the Little Chelsea Traders Association, are not opposed to the proposals as the previous A2 use had been well established over the years".

"… it is recognised that all types of retail planning use, A1, A2 and A3, will generate pedestrian foot-fall to the benefit of the area so long as a fair balance in the mixture of trades and businesses is maintained, details of

which are clearly set out in the new Local Town Plan Policy".

(Letter dated 5 May 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 (13 May) two objections had been received, the contents of which can be summarised as follows:

· The changes of use that have so far been permitted have not taken into account the development of trade in the Little Chelsea area

· The high concentration of funeral directors in South Street should be regarded as a Class A2 rather than a Class A1 use

· Council guidance should take account of the views of Little Chelsea traders in order to improve economic performance

· The results of the Regeneration Group's study of footfall in Little Chelsea need to be considered in the process of determining change in the area

· More Class A2 units in South Street will threaten the survival of many of the retail units in Little Chelsea

· Eastbourne needs to offer a viable alternative retail area to the "High Street"

· Grove Road and South Street are designated as a "Secondary Retail Area"

(Letters dated26 April 2004 – Background paper)

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%. Although this figure could be changed as part of any future review of the recently adopted Borough Plan, the current application has to be considered against the 50% minimum. 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 "Shops" use as stipulated in the Use Classes Order 1987) 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.

Although mentioned by one of the objectors, the Council's Economic Development (formerly Regeneration) division has not, to date, undertaken any study of the footfall in Little Chelsea. Further, Secondary Shopping Areas, as designated in the Borough Plan are specified as preferential locations for A2 and A3 uses. As such, the proposed change of use from A1 to A2 of the application premises cannot be refused under the relevant policy.

HUMAN RIGHTS IMPLICATIONS

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

CONCLUSION

Notwithstanding that the application has been investigated further, the proposed change of use is still considered to accord with the policy of the adopted Borough Plan and is therefore acceptable in terms of land-use planning.

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

5) 12-20 STATION STREET. Alterations and change of use from Class B1/B8 and A1 to three self-contained A3 (restaurant and bar) units. EB/2004/0267, MAP G11. MEADS

SITE LOCATION

These two and three-storey buildings are located at the junction of Station Street and Mark Lane, with substantial frontages to both roads, particularly the former. The premises are currently occupied by Sumfield and Day and comprise a mixture of Class A1, B1 and B8 uses.

PLANNING HISTORY

The following planning history is relevant:-

1967 - permission granted to convert stores to offices and toilets and reconstruction of roof over yard

1968 - permission granted for similar development to the 1967 application

1985 - permission granted for alterations to provide a shop front on the Mark Lane frontage and enlargement of vehicular crossing to car park on the Station Street frontage

1986 - permission granted for external alterations in connection with the use of the ground floor as a retail shop with ancillary storage

1993 - permission granted for a new entrance door

CURRENT APPLICATION

Permission is sought to change the use of the whole premises to three self-contained A3 (restaurant and bar) units, described as follows in the applicant's supporting statement:

Unit 1 – this building has a triangular-shaped footprint (the current retail shop area) with elevations fronting Mark Lane and Station Street and the entrance facing in the direction of Cornfield Road. The property is laid out on three floors – basement, ground floor (which is raised above the pavement level) and first floor. The existing entrance will be retained with a stepped approach to the main restaurant level via an internal flight of stairs.

A separate access is shown on the Mark Lane frontage which gives level access to a lobby and lift to all levels, suitable for disabled customers. The main restaurant levels will be at ground and first floors. Some external alterations are also proposed, including opening up some of the original windows which have been block up in the past.

Unit 2 – this building has frontages to both roads and is lower in height (two floors only – ground and first). The accommodation wraps around an open courtyard, which it is proposed to cover with a glazed lantern roof light creating a two-storey atrium space in the centre of the restaurant allowing light to filter through to restaurant areas at all levels. The ground floor is at pavement level with lift and stair access to first floor level. The first floor restaurant wraps around the lightwell with an open gallery overlooking the ground floor area. Access to the restaurant is via Station Street through the existing gated opening to the courtyard which is to be replaced with glazed door and sidelights. Similar alterations to windows are indicated.

Unit 3 – this unit faces Station Street only and is described by the applicant as "*individual from units 1 and 2 with an elegant façade*". The unit adjoins the rear of 10 Mark Lane and is adjacent to the Greenhouse. The premises are laid out on three floors with restaurant on ground and first with kitchens, toilets and office on the second floor. A staircase is proposed, borrowing space from Unit 2 so as not to adversely affect the façade of the property. The entrance to the restaurant is via the existing door fronting Station Street.

PLANNING POLICY

The following policies in the Adopted Borough Plan are considered to be of most relevance to consideration of this proposal:

UHT1 Design of New Development

UHT4 Visual Amenity

HO20 Residential Amenity

BI1 Retention of Class B1, B2 and B8 Sites and Premises

TC6 Town Centre Shopping Areas

On the Borough Plan Town Centre Inset Map the premises are within an allocated Secondary Shopping Area. The site is also adjacent to the Town Centre and Seafront Conservation Area.

CONSULTATIONS

Nearby residents in Hyde Gardens, together with commercial occupiers in Hyde Gardens, Mark Lane, Station Street and Terminus Road, were notified of the application and the proposal was further advertised by a notice

in the local press and on site. However, despite this extensive publicity for the proposed development no representations have been received.

The Crime Prevention Advisor at Sussex Police comments that "*the proposal to create restaurants or café bars does not raise concerns of crime and disorder issues"*, although he does state that the Police would be concerned at the introduction of three unrestricted public houses in this location because of the close proximity of residential properties and other licensed premises. In these circumstances it is requested that a condition be imposed on any A3 consent to allow use as a café bar or restaurant, but not as a public house. This measure would allow appropriate development of the site in line with the applicant's intentions and would also protect the amenities of local people and avoid potential crime and disorder issues for the future (letter dated 26 April 2003 – background paper).

The Secretary of the Eastbourne Access Group comments that the premises should be accessible to disabled people to comply with the Disability Discrimination Act (e-mail dated 25 April 2004 – background paper).

The Local Plan Officer expresses the following concerns from a planning policy point of view:-

· *Business use- I do not consider that they have demonstrated genuine redundancy under the terms of policy BI 1- just that the premises are not suitable for their purposes. They have not market tested the business use to establish whether other businesses are interested (we know from a recent business survey jointly commissioned with East Sussex County Council that there are businesses which require lower quality accommodation)*

· *Furthermore they have not demonstrated either that the site is incapable of refurbishment/redevelopment or a mixed use scheme retaining some business use. Their case is just based on their opinion.*

· *In this particular instance planning policy is not about resisting loss of employment but it is about resisting the loss of opportunity for business development. Sumfield and Day are a good example of small firms that have grown out of more humble origins and we would want others to have this opportunity as well. Unfortunately there are just too few opportunities in the town and we do need to scrutinise these opportunities carefully.*

· *Retail use: policy TC6 is the relevant consideration and I have two concerns:*

· *I have not asked for a formal calculation of the proportion of non-retail uses in Area 8 but could arrange this if you require the information. However I do note that a significant proportion of the Sumfield and Day shop has frontage is capable of a retail display (para 10.24 definition) and I am concerned that we are likely to be close to or in excess of the 75% of non-retail uses indicated for this area.*

· *I am also concerned that criterion e) of the policy applies and I would hope that Martin Garrod of Sussex Police has been consulted.*

· *Tourism; I do not accept that policy TO8 is relevant to this application. The proposal is not for tourist attractions and facilities but an A3 use. This may well add to the town's offer but it is not for visitors per se.*

In sum I believe the proposal to be premature, as the applicant should have fully investigated the issue of demonstrating genuine redundancy of the business premises first.

(Internal e-mail dated 12 May 2004 – background paper).

The Principal Highway Engineer comments that, whilst the proposed change of use will generate commercial traffic for deliveries, he would expect there to be a net reduction in commercial traffic which would be beneficial to the area in general. The Highway Authority would not object in principle to the reference in the supporting statement to the potential for Station Street to become semi-pedestrianised and it is agreed that the general area could be greatly improved by replacing the existing bituminous road surface and adjacent narrow pavements with block paving. The outcome of this would create a more shared environment between vehicles and pedestrians which would improve access by foot to the new premises. It is confirmed that the Highway Authority would not wish to restrict the grant of consent (internal memo dated 30 April 2004 - background paper).

The Pollution Services Manager in Environmental Health raises no objections in principle to the proposals but does have some concerns about the impact on residential premises in the area and the adequacy of refuse storage facilities (especially for Unit 1) and it is requested that conditions be imposed relating to:

· Noise levels from ventilation, refrigeration, plant, etc.

· Sale of drinks limited to people sitting at tables

· Details of extract ventilation systems

· Provision of refuse storage facilities

(Internal memo dated 6 May 2004 - background paper).

APPRAISAL

The main issues to consider in this case are the loss of the existing retail and B1/B8 uses in relation to Borough Plan Policy, the possible impact of the proposal on the surrounding area and the general suitability of the proposed use on the town centre in general.

As mentioned in the 'Policy' section of this report the site is within a Secondary Shopping Area. In this particular case, however, the table which accompanies Policy TC6 indicates that up to 75% of the area (defined as Station Street Area – see page 117 in the Borough Plan) can be non-retail. The majority of existing retail uses in this area are located towards the western end of the defined area, leaving the Sumfield & Day shop standing in an isolated position at the eastern end. A considerable retail presence will be maintained at this eastern end in shops facing Mark Lane and in The Labyrinth and therefore it is considered that the proposal will not conflict with Policy TC6.

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

a) the site or premises are genuinely redundant and are unlikely to be re-used or redevelopment for industrial or commercial use within the Plan period.

b) continued use of the premises would cause undue disturbance to residential neighbours; or

c) access to the premises does not meet acceptable highway safety standards and cannot be reasonably improved.

In support of their application the agents state that Sumfield & Day have occupied premises in this location for many years, albeit only in part of their existing accommodation initially. With success of the business and increasing technological advances, additional premises have been incorporated and alterations and improvements made, where possible.

However, they state that no further expansion is possible on this site and restrictions involving parking, access and suitability of such properties for modern industrial purposes have driven the firm to consider relocation. They wish to occupy two premises; one modern purpose-built industrial building of approximately 6-8,000 sq.ft. in an out of town location and one retail unit in a town centre prime/secondary location. A section of their supporting statement

… deals specifically with the issues arising under Policy BI1 and a copy is attached to this report. It can be summarised under the following points:

· the premises are not easy to adapt for modern industrial practices

· there will be no net loss of employment

· the buildings were never designed for the current use

· any other B1/B8 use may not be so neighbour-friendly as Sumfield & Day

· access to the premises is tight and restrictive especially for commercial vehicles

· the applicant will be expanding their retail presence in the town centre

· the site is outside the Conservation Area and Area of High Townscape Value

· the area is suitable for A3 use

This information is very useful in assessing the current needs of the company and the condition of and opportunities for selling or letting the existing premises but, unfortunately it does not give any indication that the premises have been marketed for business use, as required by the draft SPG on Genuine Redundancy of Business Premises (see Agenda item 9). The proposal does not therefore comply with part (a) of Policy BI1.

The continued use of the existing premises by Sumfield & Day would not cause any harm to the surrounding area and whether any future business user would cause problems is pure speculation, which is impossible to predict at this stage.

Clearly a B8 user, relying on large vehicles to service their premises, could create difficulties due to the lack of off-street servicing facilities and the narrowness of both Station Street and Mark Lane, but it is unlikely that such a business would find the premises suitable. As a result it is considered that the proposal does not comply with part (b) of the policy.

With regard to part (c), the existing access roads are clearly far from ideal but it is doubtful whether they could be regarded as not meeting acceptable highway safety standards.

Turning to the impact of the proposal on the surrounding area, the proposed use as three licensed restaurants or café bars would inevitably bring more people into this area, but this would be in line with Government policy which encourages Local Authorities to promote a wider range of facilities and attractions in town centres. There are already two licensed premises in the immediate vicinity, at 10 Mark Lane and the Greenhouse public house in Station Street. Judging by the lack of response from local residents in Hyde Gardens it is assumed that these existing uses do not cause any problems. With conditions to restrict the use of the premises, as suggested by Sussex Police, it is considered that the proposed uses would not cause any harm to residential amenity.

Considered on their own merits the proposed uses are considered suitable for this area. Furthermore, the visual improvements to the buildings would greatly enhance and transform the current ‘back street’ character of Station Street, especially if pedestrianisation could eventually follow, into a vibrant and attractive environment. It would therefore make a very positive contribution to the town centre.

CONCLUSIONS

It is considered that the use of the premises as restaurants and/or café bars, together with the visual improvements to the buildings proposed by the application, would bring significant benefits to the town centre for both residents and visitors alike. However, the proposal is contrary to Policy BI1 and the applicant has not been able to satisfactorily demonstrate compliance with any of the three criteria in the policy.

If Members consider that greater weight should be attached to the advantages of the proposal then these should be considered very carefully against the policy implications and any decision against policy must be fully

justified as a special case, for example because of the exceptional opportunity that the proposal provides, both in respect of visual enhancement and improved attraction for the town centre.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused for the following reason:-

That the proposal would result in the loss of an existing Class B1 use which would thereby conflict with Policy BI1 of the Revised Deposit Draft Borough Plan (2001-2011) and no evidence has been submitted to indicate that the proposal would comply with any of the criteria listed in the above Policy.

6) THE LOFT, LITTLECOTE, 41A BLACKWATER ROAD. Installation of two dormers on front of property and four dormers at rear of property. EB/2004/0203, MAP F12. MEADS

SITE LOCATION

The application site comprises a detached 3-storey block of flats. It is a modern building built in the mid 1980's. The flat that is the subject of this application is the loft apartment of the property. There are currently two dormers and 5 velux windows on the front roof slope and 10 velux windows on the rear roof slope. It is located in an area of High Townscape Value. The property has a rear garden of approximately 12 metres which backs onto the properties in Grassington Road.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was granted for the erection of a three-storey building containing five flats, the provision of a screened drying area at rear and seven car parking places at front and rear (EB/1985/40 - Background paper).

CURRENT APPLICATION

The current application seeks permission to insert two pitched roof dormers on the front roof slope, both 2400mm wide (three panes). At the rear permission is sought to install 4 pitched roof dormers. These will take the form of two 2400mm wide (three pane) dormers, one 3100mm wide (four pane) dormer and a further 3100mm wide dormer to accommodate a double door opening with windows.

A supporting letter has been submitted with the application (Letter received on 12 May 2004 – background paper). The issues raised in this letter can be summarised as follows:

· That the ratio of dormers to velux windows is currently 2:8, this is atypical for the area and the proposal will redress the ration to 8:2. Due to the current need to replace the velux windows this is seen as an opportune time to redress this balance.

· That the majority of new-build multiple occupancy dwellings in Eastbourne have been approved to reflect the architectural legacy of the town and with the location of the property in an Area of High Townscape Value this application is consistent with that ethos.

· The overlooking that will result from the change from a velux window to a dormer will not increase the level of overlooking as the windows will still be in the same location. Further to this there is 3 well established trees on the rear boundary of the site, the one that

screens the private area of the garden most is within the boundary of 1E Grassington Road and therefore the householder has complete control over its effect.

· With regard to the trees within the boundary of 41 Blackwater Road the applicant is prepared to accept a Tree Preservation Order should the trees be worthy of one to ensure their retention.

· Due to the height limitations imposed by velux windows the usable space on which Council Tax is paid is limited. Dormer windows would rectify this providing more usable and flexible space within the property.

· The velux windows in the bedrooms do not meet current safety standards for fire exit and the installation of dormer windows in the bedrooms would rectify this situation. This is of special importance to the applicant due to visiting grandchildren.

· It is noted that when the original application was submitted to build the property only one objection was received and this was over the concern that velux windows were to be installed instead of dormers which were requested by the objector as they were more suitable for a property in this area than velux windows.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

HO20 - Residential Amenity

UHT16 - Areas of High Townscape Value

UHT1 - Design of New Development

REPRESENTATIONS

One letter of objection has been received from letters of notification to surrounding properties and a site notice. Their main concerns can be summarised as follows:

· Loss of residential amenity from overlooking with respect to the dormer to be installed at the eastern end of the rear roofslope.

· The magnitude of the proposed development with respect to its setting in an Area of High Townscape Value.

APPRAISAL

The main issues to determine when considering this application are the impact of the development on the Area of High Townscape Value and the residential amenity of the adjoining properties. The design of the proposed development and the impact on the Area of High Townscape Value is considered first.

Although the building is in an Area of High Townscape Value it is a very modern building and already has two dormers on the front roof slope. The style of the two proposed dormers on the front roofslope will match these existing dormers. The proposed 2400mm wide dormer on the western end of the front elevation adjacent to the existing 1800mm (two pane) wide dormer will mirror that located on the other end of the front elevation and will match the three pane windows situated on the lower two storeys. The second dormer proposed on the front elevation will not mirror the 1800mm (two pane) dormer currently seen on the front elevation. However, due to

the modern nature of the building the slightly unbalanced relationship between the width of the dormers is not considered to create a negative impact on the visual amenity of the Area of High Townscape Value or the building. It is in fact considered that the addition of the two dormers will add to the visual amenity of the building through the provision of additional architectural features on the roof that are more in keeping with the properties in the area than the existing velux windows.

Three of the four dormers located at the rear will be situated above window openings on the lower storeys. The doors located in the 3100mm wide dormer on the eastern end of the rear roofslope will replicate those on the lower two storeys and are deemed not to create a negative impact on the rear of the property.

The second 3100mm wide dormer situated at the western end of the rear roof slope is larger than any other dormer housing a window arrangement. However, it will be the same width as the dormer housing the doors at the other end of the rear roof slope. Further to this it occupies the same width as the existing three velux windows in the same location. As the actual dormer construction will be the same width as that at the eastern end of the roof slope the appearance of a dormer of this size is not seen to create a negative impact on the visual amenity of the property, especially when it is considered that dormers feature strongly on buildings in the immediate area.

The two 2400mm wide dormers on the rear roof slope sit between the two larger dormer constructions. They have the same dimensions as the existing 3 pane dormer on the front roof slope and their smaller size is considered to balance the larger size of the two dormers adjacent to them.

Taken as a whole the design of the proposed dormers is seen to add to the visual amenity of the property and is considered to be in keeping with the existing building and surrounding Area of High Townscape Value.

The addition of the dormers on the rear roof slope has the potential to impact on the residential amenities of the properties at the rear of the property in the form of overlooking.

As is noted above concerns have been raised by the occupier of 1E Grassington Road, the property most directly affected with regard to this issue. The distance to the rear garden from the dormer windows will be approximately 12 metres. The rear dormer closest to the garden that houses the double doors will be the only dormer that will give a view into the patio area of the rear garden. There are a number of trees located on the boundary between the properties, one of which is located in the rear garden of 1E Grassington Road. This tree provides effective screening to the private garden area from the third floor level as can be seen in the supporting photographs. It is considered that there is already a high level of overlooking into the rear garden from the first floor windows on the property in question as they infact allow a view into the rear garden below the canopy of the trees. The distance to the side wall of 1E Grassington Road will be 15 metres. There are two windows on this elevation but no objection was raised by the occupier of 1E Grassington Road on these grounds.

It is considered that the level of overlooking to the property of 1E Grassington Road, due to the location of the majority of the dormers on the rear roof slope and the current overlooking experienced from the first floor windows, that the addition of the dormers will not significantly raise the level of overlooking currently experienced and would not warrant a refusal on residential amenity grounds.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed extensions will not cause a detrimental impact on the rights of on the rights of adjoining residents to the peaceful enjoyment of possessions and protection of property.

SUMMARY

The proposal would not result in any significant adverse impacts on the amenity of surrounding residential properties or the visual amenity of the Area of High Townscape Value and would therefore comply with all relevant policies of the Eastbourne Borough Plan (2001-2011).

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

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

2. That the casements of the windows and doors to be inserted in the dormers shall be of a dark brown mahogany finish to match those existing in the building.

3. That details of the guard rail to be installed across the double doors on the dormer at the eastern end of the rear roof slope shall be submitted to and approved by the head of planning prior to commencement of the development.

RATTON WARD

7) WILLOW COTTAGE, 24 SPRING CLOSE. SINGLE STOREY DETACHED GARAGE. EB/2004/0304, MAP I.2. RATTON

SITE LOCATION

This new detached dwelling is situated on the southern side of Spring Close at the rear of 78 Wish Hill.

PLANNING HISTORY

Planning permission was granted in July 2003 for the erection of a dwelling with vehicular access off Spring Close on land at the rear of 78 Wish Hill. (EB/2003/0309 – background paper)

Condition No.3 attached to the consent states:

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

The reason for attaching such a condition was "to prevent over-development of the site."

CURRENT APPLICATION

Planning permission is sought for the erection of a pitched roof detached garage at the side of the new dwelling. The structure would measure 9 metres in length by 3 metres in width. It would have a maximum ridge height of 4 metres and would measure 2.3 metres to eaves. The building would be constructed of facing brick and roofing tiles to match the existing dwelling.

The garage is proposed to be set back some 7 metres from the front boundary of the site, less than 300mm from the rear boundary of 78 Wish Hill and between 1 and 1.3 metres from the side boundary of 76 Wish Hill.

PLANNING POLICY

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

Policy UHT1 - Design of New Development

Policy HO20 - Residential Amenity

CONSULTATIONS

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

APPRAISAL

When planning permission was granted for this new dwelling it was subject to a condition which removed the

permitted development rights in order to prevent over-development of the site. However, irrespective of this condition, the proposed garage would still have required planning permission as its volume exceeds the usually permitted 70 cubic metres.

The proposed garage is to be sited approximately 7 metres back from the front boundary of the site. It is therefore considered that it would have no harmful effects on the visual amenities of Spring Close. Furthermore, it means there is adequate space in front of the garage for the parking of vehicles without overhanging the highway. It is therefore considered that the proposed development will have no detrimental impact on highway safety.

The design of the proposed garage is also considered acceptable as it is to be constructed of materials to match the existing dwelling. It is therefore considered that the proposed development will have no detrimental impact on the visual amenities of the locality.

The proposed garage is to be sited within 300mm of the rear boundary of the existing property at 78 Wish Hill and as such will be less than 4 metres from the rear elevation of this dwelling. Whilst it is acknowledged that this boundary is currently screened by a 1.8 metre high fence, some 500mm of the garage's brickwork and all of its pitched roof would still be visible above the fence for a distance of 9 metres. It is therefore considered that the garage by reason of its size and siting in such close proximity to 78 Wish Hill would represent a dominant feature, which would result in restricted outlook and would therefore have a harmful effect on the amenities of the occupiers of the adjacent property.

HUMAN RIGHT IMPLICATIONS

It is considered that the proposed development would have an adverse impact on the rights of the occupiers of the adjacent property at 78 Wish Hill to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused for the following reason:-

That the proposed garage by reason of its size and siting would represent a dominant feature along the rear boundary of 78 Wish Hill, which would result in restricted outlook and would therefore be detrimental to the amenities of occupiers of this property and therefore contrary to Policy HO20 of the adopted Borough Plan (2001-2011).

8) 145 BURTON ROAD. First floor extension to side. EB/2004/0248, MAP G7. RATTON

SITE LOCATION

The application site of 145 Burton Road is located in a cul-de-sac on the western side of Burton Road. The site comprises a two-storey house with a garage at the side. The house has an asymmetrical roof which is characteristic of the estate.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Planning permission is sought to enlarge the house by extending over the garage at the side of the house. It

would follow the footprint of the garage and be set 3.6 metres from the front building line and have a flat roof. It is proposed to clad the extension with hanging tiles replacing the existing shiplap cladding at the front of the house with tile hanging to match.

PLANNING POLICY

UHT1 Design of New Development

UHT4 Visual Amenity

HO20 Residential Amenity

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers in Burton Road. Two letters received, raising no objection to the extension but concerned about the possibility of builders' vehicles blocking neighbouring driveways during period of construction work.

APPRAISAL

The main issues to consider in the determination of this application are the impact on visual amenity and residential amenity of neighbouring dwellings.

The first floor extension would have a flat roof that would not appear harmonious with the asymmetrical roof of the house. The awkward appearance would be detrimental to the appearance of the building. It would be a prominent feature visible from the public highway and be harmful to the street scene, which includes other dwellings with asymmetrical roof.

The amenity of the neighbouring dwelling at 147 Burton Road would not be adversely affected by the extension. The extension would not obstruct light to habitable room at the neighbouring dwelling nor result in overlooking or loss of privacy.

HUMAN RIGHTS

It is considered that there are no human rights implications.

RECOMMEND: Permission be refused for the following reason:-

The proposed extension, by reason of its design and position would harmful to the appearance of the building, the surrounding area and the street scene, contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001 – 2011).

9) SOUTH COAST CATERING, SPRING CLOSE. Demolition of workshop and stores, erection of four terraced cottages and conversion of offices and store to two two-bedroom live/work units. EB/2004/0199, MAP I2. RATTON

SITE LOCATION

The application site is located on the north side of Spring Close and is currently occupied by South Coast

Catering Ltd who use the front building as storage and as offices. The rear single-storey building is used for storage, maintenance and cleaning of appliances. There is also an open sided covered area. Access to the rear is via a narrow road between the side of the front building and the adjacent garages.

To the rear of the proposed dwellings there is a watercourse and trees, the site is further surrounded by a mixture of garages, flats, a bungalow and two-storey dwellings.

PLANNING HISTORY

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

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

1994 - Permission granted for the provision of pitched roof and vertical tile hanging (EB/1994/0585).

1999 - Permission granted for the installation of open sided canopy (EB/99/0367).

2003 - Permission granted for the installation of open sided canopy (EB/02/0712).

A similar application to the current proposal was considered at your meeting held on 9 December 2003. Members requested that the item be deferred for further discussion with the applicants regarding the parking issues (EB/2003/0676).

CURRENT APPLICATION

The application seeks to convert the front building into two live/work units (previously this part of the development proposed four one-bedroom flats) and to reduce its width in order to provide a wider access to the rear.

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

A total of five parking spaces are proposed, comprising two at the rear, two alongside the driveway and one adjacent to the frontage building.

PLANNING POLICY

The following policies in the Eastbourne Borough Plan (2001-2011) are considered to be relevant to the proposal:-

UHT1 - Design of New Development

UHT4 - Visual Amenity

HO20 - Residential Amenity

BI1 - Retention of Class B1, B2 and B8 Sites and Premises

TR11 - Car Parking

CONSULTATIONS

Neighbouring residents were notified of the application and further publicity was given by means of a site notice. In response two letters of representation have been received.

The occupier of 1A Willingdon Close objects to the proposal on grounds of loss of privacy (letter dated 13 April 2004 – background paper).

The occupiers of 5 Spring Close state that they are pleased with the improvements but still express some concern with regard to the proximity of the proposed dwellings at the rear to their property, overshadowing and insufficient car parking (letter dated 21 April 2004 – background paper).

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted, planning conditions are imposed relating to surface water drainage works. In addition, a desktop study as well as a site investigation and a risk assessment are to be carried out to prevent pollution of controlled waters (letter dated 26 April 2004 – background paper).

Southern Water does not wish to comment on the application (letter received on 16 April 2004 – background paper).

The Regeneration Officer states that he is aware that the current occupiers of the site have caused concern to adjoining neighbours, but he considers the loss of starter business units to be a retrograde step and queries whether all avenues have been explored. He also comments that: "*The current site could be retained for B1 use either in existing or amended format and attract firms of a nature different to existing use. This would make the situation more acceptable to neighbours and retain valuable office starter units.*

It would not only satisfy the identified needs to retain commercial use , but ensure the recently introduced 'Redundancy of buildings' policy is adhered to, for the benefit of the town". (Internal memo dated 19 April 2004 – background paper).

The Local Plan Officer considers the proposal to be premature as the applicant has not demonstrated that they have explored measures to retain the established use of the premises in full, either by refurbishment or by redevelopment (internal Memo dated 20 April 2004 – background paper).

The Principal Highway Engineer confirms that the plan has been amended to take account of the Highway Authority's previous concerns and, consequently, the Highway Authority does not wish to restrict the grant of consent subject to four conditions relating to matters of detail (internal memo dated 27 April 2004 – background paper).

APPRAISAL

The main issues to consider in this case are the loss of the existing business use, the impact of the proposed development on adjoining occupiers and the adequacy of proposed parking arrangements.

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

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

d) the site or premises are genuinely redundant and are unlikely to be re-used or redevelopment for industrial or commercial use within the Plan period.

e) continued use of the premises would cause undue disturbance to residential neighbours; or

f) access to the premises does not meet acceptable highway safety standards and cannot be

reasonably improved.

Members will recall that, at the meeting on 9 December 2003, when the previous application was considered, concerns were expressed about the unsuitability of the site for a commercial use of this nature and Members heard from local residents that there had been a number of problems over the years, especially in respect of the firm's lorries and employees' cars causing congestion in the cul-de-sac.

The applicants would no doubt argue that the proposal complies with policy under criterion (b), above, but at the time of writing this report no evidence has been submitted to support any of these claims, nor any information provided with regard to the actual redundancy of these premises for business use. In the absence of any evidence to support the loss of the existing business use the proposal would be contrary to Policy BI1 of the Borough Plan.

The live/work units at the front of the site provide some mitigation but there would still be a significant loss of business floorspace.

With regard to the impact on neighbouring residents, the proposed development comprises two distinctly separate elements. The first of these is the frontage building which is being retained in a slightly reduced and altered form. It would have no clear-glazed windows facing onto adjoining gardens and would therefore have a minimal impact on neighbouring residents.

The second element of the scheme is the construction of a terrace of four two-storey, three-bedroom dwellings at the rear of the site. The siting and location of the terrace will have little impact on Dorchester Court to the west, as only its gable-end will face this property. To the north, the rear gardens of 1 and 1A Willingdon Close are well screened by existing trees and shrubs and will not be significantly overlooked from first floor windows in the proposed dwellings. To the east there is a bungalow (No. 5 Spring Close) which is sited behind the line of the dwellings. The proposal will have some effect on this property in respect of outlook and light but it is considered that the impact will not be sufficiently great to warrant a refusal on these grounds alone.

As mentioned above, the Highway Authority are now satisfied with the current layout in respect of access and parking and it is therefore considered that previous concerns is respect of these issues have satisfactorily been overcome.

CONCLUSIONS

The proposal is considered to be acceptable in respect of its impact on neighbouring residents and the surrounding area in general but, in the absence of any supporting evidence the proposal would be contrary to Policy BI1 of the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: Permission be refused on the following grounds:-

That the proposal would result in the loss of an existing Class B1 use which would thereby conflict with Policy BI1 of the Revised Deposit Draft Borough Plan (2001-2011) and no evidence has been submitted to indicate that the proposal would comply with any of the criteria listed in the above Policy.

10) 7 WILLINGDON CLOSE. Single storey extension to side and rear involving demolition of existing garage, and extension to roof to provide accommodation in roof space. EB/2004/0223, MAP I2. RATTON

SITE LOCATION

The application site is a detached bungalow with attached garage situated in Willingdon Close, a cul-de-sac located behind the properties in Upper Kings Drive. It has a small hard standing at the front and a large rear garden. The other properties in the close are also bungalows with a mix of semi-detached and detached properties.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was granted in 1973 for a single storey extension to provide a lounge at rear and a shower and bathroom at side (EB/1973/244 – background paper).

CURRENT APPLICATION

The current application seeks permission for a small single storey extension at the rear and an extension to the roof to provide accommodation in the roof space. The proposal will involve the demolition of the existing garage with the external wall being rebuilt in the existing position. The proposal will provide one additional room on the ground floor, allow the enlargement of two other rooms on the ground floor to include the provision of en-suite shower rooms and the creation of two small rooms in the roof space with en-suite shower rooms.

PLANNING POLICY

Eastbourne Borough Plan

Policy HO20 - Residential Amenity

Policy UHT1 - Design of New Development

REPRESENTATIONS

Letters of notification have been sent to properties adjoining the application site.

At the time of writing 3 letters of objection have been received from properties in Upper Kings Drive (Letters dated 16-18 April 2004 – background papers). The concerns raised can be summarised as follows:

· The loss of residential amenity and privacy in the form of overlooking.

· Proposed alterations will be out of keeping with the immediate area.

· The proposal will result in an over development of the site.

· The loss of garage and increase in bedrooms leading to parking problems as there will be hardstanding for only one vehicle.

APPRAISAL

The main issues to consider with regard to this application are the impact it will have on the residential amenity of surrounding properties and the design of the proposed development. The impact on the residential amenity of the surrounding properties is considered first.

It is apparent that the majority of the concerns raised with regard to overlooking are associated with properties in Upper Kings Drive and the insertion of the three velux on the front roofslope as these windows will be above the level of any other windows currently on the property. It is noted with regard to this that velux windows could be inserted in the existing roofslope under permitted development rights in association with conversion of the existing roof void into accommodation. Therefore the window on the eastern end of the front roofslope and the central window above the staircase, as they are only slightly outside the existing roof line are essentially windows that could be inserted without planning permission if they were slightly re-aligned to occupy the existing roof slope.

There is substantial screening in the form of vegetation in the rear gardens of the properties immediately to the north of the property in Upper Kings Drive. This screening minimises any overlooking into these properties. Further to this the rear gardens of these properties are in excess of 30 metres in length and this distance is considered sufficient to ensure any visible portions of the rear of these properties will not be overlooked to an unacceptable degree by the velux windows.

It is considered that due to the orientation of the property with regard to the properties to the north-east and east of the property that the level of overlooking will be acceptable. This is emphasised further as the rear gardens of these properties are in excess of 30 metres in length which is considered a sufficient distance to minimise any loss of privacy in the form of overlooking into these properties. It is noted that if a window were inserted in the gable end at the eastern end of the roof extension then this would look directly into the rear gardens of 43 to 47 Kings Drive. Although the size of the rear gardens would minimise any negative impact from overlooking if a window were inserted in this position it is considered that a condition be attached to prevent this and reduce any additional impact in the future for these properties.

The windows to be inserted in the rear roof slope have not been objected to by properties adjoining and to the rear of the application site.

It is considered that the distance to the properties in Spring Close and the relationship with the adjoining properties minimises any issues of overlooking from the velux windows in the roof and the rear window of the ground floor extension. There are no windows in the western elevation of the rebuilt garage and extension and no additional overlooking will result as a consequence to the adjoining property of 6 Willingdon Close. It is considered that if permission is granted a condition be imposed to prevent the insertion of any windows in this elevation in the future.

The proposal is therefore deemed to be acceptable with regard to issues of overlooking.

The only property that can be affected by overshadowing due to the proximity of it to the application site is the adjoining property of 6 Willingdon Close. It is considered that due to the orientation of the properties and their southern aspect that any overshadowing would be minimal. The adjoining property is also set back from the boundary with 7 Willingdon Close by 1.5 to 3 metres and the window on the eastern elevation of this property is an obscured glazed window, presumably associated with a bathroom. It is therefore considered that any overshadowing caused by the ground floor and roof extensions will not create an unacceptable level of over shadowing to the adjoining property. It is also noted that no letter of objection has been received from the occupiers of 6 Willingdon Close.

The impact of creating an additional two bedrooms in the roof space and the loss of the garage are not deemed to have the potential to cause a significant impact from any increase in the parking requirements of the property. The garage could be converted to living accommodation without planning permission so the loss of the garage unit is not considered to have a detrimental impact on the parking strategy of the area. Any increase in the vehicles using the site due to the additional two bedrooms is not considered to warrant a refusal on either residential amenity grounds from increased noise and pollution or highway safety grounds.

The design of the proposed development is considered as two aspects, the ground floor rear extension and the side and roof extension. It should be noted that the property is well screened from Upper Kings Drive and from a large portion of Willingdon Close.

The ground floor extension at the rear is considered to be screened from the highway and will not therefore impact on the visual amenity of the area. Its design is considered appropriate for the location.

The roof extension will change the form of the roof from a hipped roof to a half-pitched roof creating a portion of gable which is to be tile hung. The hipped section above the garage will follow the pitch of the existing roof. The front wall of the side extension will have a window in place of the existing garage door that will match those existing on the property and is considered appropriate for the property.

The design of the roof will change the appearance of the property, however, it is considered that as the semi-detached properties in Willingdon Close have hipped and pitched roofs the creation of a pitched section with a ridge on the property is not seen to be out of keeping with the properties in the immediate area. Further to this the bungalow at 55 Willingdon Park Drive has a similar, though admittedly less pronounced arrangement with a pitched roof and small tile hung sections on the gable ends.

The velux windows on the front roof slope are not deemed to have a significant impact on the visual amenity of the property.

Due to the low visibility of the property and the presence of a variety of roof forms in the immediate area the design of the proposed roof extension is not considered to warrant a refusal on visual amenity or design grounds.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed extensions will not cause a detrimental impact on the rights of on the rights of adjoining residents to the peaceful enjoyment of possessions and protection of property.

SUMMARY

The proposal would not result in any significant adverse impacts on the amenity of surrounding residential properties or the visual amenity of the area and would therefore comply with all relevant policies of the Eastbourne Borough Plan (2001-2011).

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

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

2. A5 No windows or other openings in west elevation.

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

4. That details of the materials to be used on the tile hung sections of the roof extension shall be submitted to and approved by the head of planning prior to the commencement of the development.

5. A3 Use of matching materials.

11) CHALK FARM HOTEL COOPERS HILL. Renewal of temporary permission for opening hours and use of horticultural sales display area and change of use of part of glass house from horticultural use to a pet shop sales area (A1), erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths. EB/2004/0268, MAP I1. RATTON

12) CHALK FARM HOTEL COOPERS HILL. Erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths. EB/2004/0269(LB), MAP I1. RATTON

INTRODUCTION

The above applications are considered within the

following report though they should be considered as separate items.

SITE LOCATION

The main buildings on the application site are the Chalk Farm Hotel and its associated outbuildings. The Chalk Farm Hotel and Barn are both Grade II listed buildings. There are a number of other temporary buildings on the site. The building that relates directly to this application is the Glass House at the rear of the site.

The land surrounding the hotel has permission for use as a horticultural area with sales display and parking area.

The yard at the front of the hotel is shared with Chalk Farm and has access arrangements for it granted under the terms of the respective leases. There are currently three parking areas in this shared yard for the hotel and centre visitors and staff.

The application site has residential properties to the south and west boundary of the site and on the other side of Coopers Hill to the east. It is adjacent to the Downland Area of Outstanding Natural Beauty.

PLANNING HISTORY

The following applications are considered relevant to this application:-

Permission was granted in 1993 for the general change of use of rear garden land to horticultural, conversion of residential barn to craft centre, use of store as shop for horticultural centre and erection of new buildings within the grounds, all for use as a day training centre for people with learning difficulty (EB/1993/0394 – background paper).

Permission was granted in 1998 for the renewal of permission for extension to opening hours of horticultural area to include weekends and bank holidays between 9:00 and 17:00 (EB/1998/0329 – background paper).

Permission was granted in 1998 for temporary permission for storage building at rear (EB/1998/0118 – background paper).

Permission was granted in 1997 for the removal of temporary polytunnel entrance/shop to horticultural area;

provision of six car parking spaces on existing hardstanding, arrangement of public display and sales area to enable extension of opening hours to include weekends and bank holidays 9:00 to 17:00 (EB/1997/0201 – background paper).

Permission was granted in 1997 for the renewal of permission for temporary structure to be used as horticultural shop (EB/1997/0156 – background paper).

Temporary permission was granted in 1995 for the erection of shed to house tools (EB/1995/495 – background paper).

Permission was granted in 1995 for the erection of two polythene proporgation tunnels in horticultural area (EB/1995/0124 – background paper).

CURRENT APPLICATION

The current application seeks permission for the renewal of the temporary permission for opening hours for the horticultural sales display area. With regard to the horticultural area it seeks permission for a change of use of part of the glass house from horticultural sales space to a pet retail area. The area sought to be changed is 11.29 square metres. Permission is also sought to erect a 2m tall lattice fence and small wooden building for use as a point of sale for the tea rooms associated with the hotel.

A supporting letter has been submitted with the application (Letter dated 7 May 2004 – background paper). The main issues raised in this document can be summarised as follows:-

· The centre currently uses the horticultural area as a retail outlet and therefore the sale of pet sundries and pet related products would not constitute a change of use of the area as all are retail items.

· The centre offers a valuable alternative to the usual Social Services day care and helps them with their commitment to the Valuing People White Paper.

· Although the sale of animals can be considered as different to retail items for environmental reasons prior contact with Environmental Health has suggested that there would not be a problem with selling animals on environmental grounds.

· The Hotel and Plant Centre are key components within the charity (EAPAG) and these business elements due to the major reduction in funding from Social Services have to make an ever increasing contribution to the general funds of the project.

· The money generated by the business elements are now essential to the project due to the heavy overheads incurred due to the urgent repairs needed to the structure of the building that will require all of the projects donated money and more and therefore profitability must be increased to support the project.

· The pet retail area will offer new learning opportunities and provide the potential for employment for the clients whilst increasing community involvement in the centre.

· More people need to be attracted to the site to increase revenue and the only avenue to do this is through providing new services and goods. Both of the new services are considered to be consistent with the existing uses on the site and can be introduced without the need for any major restructuring or alterations to the site or buildings.

· The project has recently become a green sack distributor and members of staff are working with the local community to ensure the residents of Willingdon can recycle their garden refuse.

· It is stated that the project is trying to preserve the heritage, environment, employment for the staff and education and training services for their clients whilst embracing the pressures of innovation and change.

· It is stated that should the retail use be restricted on the site to the sale of produce from the horticultural

centre then it is feared that the horticultural operation and consequently the fantastic project will come to an end.

PLANNING POLICY

Eastbourne Borough Plan (2001-2011)

Policy HO20 - Residential Amenity

Policy UHT1 - Design of New Development

Policy UHT17 - Protection of Listed Buildings

CONSULTATIONS

The Council's Historic Building Consultant does not wish to restrict the grant of consent as the proposed developments are consistent with the current use of the land around Chalk Farm Hotel (Internal Memorandum dated 27 April 2004 – background paper).

The Highway Authority does not wish to restrict the grant of consent and raises no objection to the proposals (Internal Memorandum dated 26 April 2004 – background paper).

The Downland, Trees and Woodlands Manager objects to the proposals on the following grounds (Internal memorandum dated 12 May 2004 – background paper):

· Unauthorised parking of visitor's vehicles in working areas adjacent to the farm buildings causes problems for the farm tenant and create health and safety issues with relation to the movement of farm machinery and vehicles through the yard area.

· It is considered that if the visitors to the site are increased then this problem will be exacerbated and may lead to an accident.

· The insufficient on street parking regularly leads to partial obstruction of the highway and inconvenience to surrounding residents at weekends.

· He is concerned over health and hygiene issues relating to the sale of animals and the problems this may cause to the organic status of the farm and in light of recent foot and mouth problems and would like conformation on these issues from Environmental Health.

Wealdon District Council were consulted. It is understood that they do not wish consent to be restricted but their comments will be reported more fully at the Planning and Licensing Committee.

Environmental Health has been consulted and their comments will be reported verbally at the Planning and Licensing Committee.

REPRESENTATIONS

The application was advertised by two site notices displayed outside the property on Coopers Hill and through letters of notification to surrounding residential properties. As a result 7 letters of objection have been received (Letters dated 27 April – 12 May 2004 – background papers). The concerns expressed in these letters can be summarised as follows:-

· Chalk Farm Hotel and Plant Sales advertise as having ample parking, which is not true, as there is actually not sufficient parking facilities at the site.

· A situation has arisen in the past where an ambulance was prevented from reaching Chalk Farm Cottages at the rear of the site due to vehicles parked outside of the authorised parking areas.

· Articulated lorries delivering to the site inconvenience the occupiers of surrounding properties.

· There are already tea and coffee facilities at the site therefore why should permission be granted for an extension to these facilities.

· Coopers Hill is a narrow road with a pavement on only one side and functions at the hotel cause highway safety issues on this road particularly with regard to access to and from Tascombe Way.

· Customers, due to the Chalk Farm name used by the hotel, assume that the farm buildings are part of the hotel complex and they are free to wander. Farmers are coming under tighter and more rigorous restrictions from DEFRA regarding bio-security and it is felt that greater public access to the shared farm yard would add extra risk to livestock and public health.

· An increase in traffic and parking problems will result from the change of use to a retail shop use.

· There are difficulties caused for vehicles trying to access or exit Tascombe Way when vehicles are parked on both sides of Coopers Hill.

· There is no need for the garden centre as there is a successful one located in Willingdon already.

· The change of uses previously granted and the ones in question here do not bare any relation to the original use of Chalk Farm as a hotel and to continue to grant changes of use will set dangerous precedents.

· Erection of wooden building to serve teas will lower the tone of the listed building.

· The project is moving away from its original brief to use the horticultural area to grow vegetables for the hotel and sell the surplus.

· Persistent parking outside the designated areas within the shared yard causes a greater risk of accidents due to the need to use the area for farming activities.

· When the hotel hosts bigger functions the clients and visitors often are forced to park on the road which creates a concern over the highway safety.

· An accident has been witnessed due to the much restricted vision due to vehicles parked either side of the farm entrance.

· The scale and extent of the horticultural sales area has exceeded its original brief and that the amount of goods sold from off site sources has exceeded the level at which it could be considered as ancillary to the horticultural area selling produce from the site.

· Noise from the hotel continues late into the night during most weekends in the summer from functions at the hotel and this is unsuitable for a residential area. The noise is exacerbated by the narrow confines of the area.

· Pet shops are not desirable as animals should be allowed to be free from cages and to live in the wild.

· Creation of additional tea facilities will exacerbate parking problems in the vicinity of the hotel.

APPRAISAL

The main issues to determine when considering this application are the impact of the proposed changes on the residential amenity of the surrounding properties, the suitability of the site for the proposed uses and the impact on the listed building. The impact of the additional facilities on the parking situation at the site with specific regard to the areas in the shared farm yard will also be considered.

The impact on the residential amenity of the surrounding properties is considered first. The wooden building and lattice fence are set far enough away from the boundary of the site to prevent any overshadowing to the adjoining properties. The hotel could place tables and chairs in the grounds of the hotel without planning permission, as they would be considered as ancillary to the hotel use. Therefore the location of the lattice fence to screen the tables and chairs, and the point of sale building associated with them are not seen to create a greater impact on the residential amenity of the surrounding properties in the form of noise than that which could be expected by the locating of tables and chairs in that position. This is further emphasised by the fact that the wooden building will be used for the taking of orders and will not house any services for the making of tea and coffees. The erection of the screen fence and building are not therefore considered to create unacceptable impacts on the residential amenities of the surrounding properties.

It is considered that the change of use of 11.29 square metres of the area currently used for the sale of horticultural produce to pets and associated products will not increase the number of visitors to the site by a large enough factor to create a significant impact on the residential amenity of the surrounding residential properties in the form of noise and or pollution. This is considered to be a reasonable assumption as the floor area of the sales area on the site as a whole will not be increased.

The area of the glass house to be used for pet retail currently has some animals, mainly birds residing in it that are kept for private enjoyment by the manager of the Chalk Farm Centre. It is considered that small pet animals in the vicinity of the farm and the downland will not create a significant impact on the residential amenities of the adjoining properties in the form of noise.

It is considered that the change of use of the small area to retail use and the erection of the fence and point of sale building will not generate a significant increase in the number of visitors attending the site as the hotel already serves tea and coffee to visitors to the centre and the pet retail area will not increase the actual floor space associated with the sale of products.

The concerns that have been raised with regard to the functions held at the hotel that are causing disturbance till late at night during weekends in the summer months cannot be considered when determining this application as the hotel use has been long established and is not directly connected to the impact that the horticultural centre and the proposed new pet retail area would have on the area. The main concerns with regard to the impact of the Chalk Farm complex with regard to parking on the highway are predominately related to the hotel holding large functions or breakfast meetings. Further to this provided that vehicles do not park on restricted parking areas they should not cause an impact on the highway safety of the road and it is noted that the Highway Authority have raised no objection to this application. Should none of the horticultural area or pet area remain the hotel would still be operational and any associated problems would continue to persist.

The traffic problems within the shared yard and on the private land by the adjoining farm cottages and farm buildings caused by people parking outside of the designated areas is an issue with the current uses at the site. As this situation would not be exacerbated by the change of a small area of the horticultural sales area and the

provision of some additional seating for the provision of tea and coffee the parking issues are not considered to warrant a refusal for this application. However, as this is obviously a long standing issue with the operations at the Chalk Farm Complex it is considered that if permission be granted it should be restricted to a temporary permission with conditions attached to ensure that the retail use, horticultural sales area and opening hours are tied to the project and that details of the authorised parking areas will be submitted to ensure that these are satisfactory and can be adhered to. In addition it is proposed that an informative be added that will clarify that should the problem of unauthorised parking within the site not be rectified by the end of the permission then no renewals will be granted on temporary permissions at the site. It is considered that this approach is the best solution to the parking problems within the site especially as they would be likely to persist with the hotel use alone should the Chalk Farm Project end.

The erection of the wooden building and lattice fence, provided that they are only given temporary permission will not be detrimental to the listed building and this is confirmed by the Historic Buildings Advisor. Likewise the addition of a small pet retail area will not be detrimental to the listed building due to the present use of the site.

Although a retail use would not under normal circumstances be granted in this location it is considered that as a horticultural area a small number of animals could be sold as ancillary to the use. It is suggested that provided the retail space is strictly conditioned and tied to the Chalk Farm Centre with strict controls to prevent it being taken over by outside parties that it is acceptable as an ancillary use to the horticultural area. As any permission granted will be temporary and the use can be terminated at these intervals it is considered appropriate to allow the small retail space. With regard to concerns over the sale of produce at the horticultural sales point that is acquired from off-site it is considered that by allowing a small element of retail use this will help reduce the reliance on the horticultural produce brought to the site.

The extended opening hours at weekends and bank holidays are not deemed to be unsuitable for the horticultural area as the hotel is still entitled to operate at these times. It is therefore considered appropriate to allow the renewal of the extended opening hours.

With regard to the suitability of the proposed area for the sale of animals this is an aspect that will be controlled under other legislation and is not an issue to be considered when granting the change of use. Environmental Health will confirm the suitability of the site and the potential implications to the bio-security and organic status of the adjoining farm.

The Chalk Farm Centre is run as a centre for training adults with disabilities. It is considered that the addition of a small retail space will allow the training provided on the site to extend to new areas associated with this use and will allow the project to develop the opportunities for training and employment offered to its clients. This element of the project means that the retail use will not be solely run as a commercial venture, though it will aid in providing vital funds for the project, but will provide a new facility for providing additional opportunities for members of the project to gain valuable skills that would otherwise not be available to them. It is considered that the project provides a valuable alternative service to the usual Social Services day care and that to improve the opportunities offered at the site will help maintain it in its present form.

CONCLUSION

It is considered that the change of use of a small portion of the current horticultural sales space to pet retail in association with the provisions of a screening fence and point of sale building associated with the current provision of tea and coffee will not generate a significant increase in the number of visitors to the site. The occasions when parking on the road and in the shared yard are at their worst are considered to be associated with when the hotel holds larger functions and not with visitors to the horticultural area. Therefore when considering this application the parking problems at the site are not deemed to warrant a refusal as this application will not significantly alter the current situation. It is however, as noted above, considered that these problems associated with the unauthorised parking in the shared yard and access to Chalk Farm Cottages need to be addressed by the Chalk Farm Centre and this permission should it be granted will be used to address the parking problems in this area.

The addition of the pet retail area is considered to allow what is considered to be an important project to offer

new opportunities and skills training to its clients and will allow the development of the project through providing some additional income to maintain it in the future.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed alterations would not adversely affect the Human Rights of adjoining and nearby residents.

ARTICLE 5 SUMMARY

The proposal is considered as appropriate for the site considering its current usage and that it will not impact on the residential amenity of surrounding properties. It therefore complies with all relevant policies of the Eastbourne Borough Plan (2001-2011).

RECOMMEND: (A) Permission be granted in respect of EB/2004/0268 subject to the following conditions:-

1. Commencement of development within two years

2. That the weekend and bank holiday opening hereby permitted for the horticultural sales area and pet retail area shall be limited to 9:00 to 17:00 and shall be discontinued on or before the 25 May 2006.

3. That the retail use hereby permitted shall be limited to 9:00 to 17:00 Monday – Friday and shall be discontinued on or before the 25 May 2006.

4. The retail use hereby authorised shall be restricted to 11.29 square metres as shown in the plan received by the Local Planning Authority on 26 March 2004.

5. That the proposed retail use shall at all times remain ancillary to the Chalk Farm Centre and shall not be let or operated as a separate business at any time.

6. That the animals sold on the site shall be limited to small pet animals and associated products and shall not be used for the sale of any other merchandise not associated with this.

7. Details of the authorised parking areas available at the site shall be submitted to and approved by the Head of Planning before the use hereby authorised is commenced.

8. That the fence and point of sale building hereby authorised shall be removed on or before the 25 May 2006 and the land reinstated to its former condition.

(B) Listed Building Consent be granted in respect of EB/2004/0269(LB) subject to the following conditions:-

1. D1.1 Commencement of development within two years

2. That the building and fence hereby permitted shall be removed on or before 25 May 2006 and the land reinstated to its former condition.

INFORMATIVE: It is considered that the current problems associated with centre users, visitors, staff and hotel guests within the shared farm yard and private access to Chalk Farm Cottages is an issue that the Chalk Farm Centre needs to address. Once the details of the authorised parking areas have been submitted and approved by the Head of Planning the centre will be expected to ensure that on site parking is restricted to these zones. Should the Chalk Farm Centre fail to maintain a satisfactory record over the period of this permission with regard to unauthorised parking within the site then the use hereby granted and any existing temporary permissions may not be renewed. It is considered that parking off the site will not be considered as the responsibility of the Chalk Farm Centre as the success of the hotel and the associated parking problems are associated with a long established use.

ST. ANTHONY'S WARD

13) WENHAMS SITE, REAR OF 63-75 ROTUNDA ROAD. Erection of eight three-storey houses and a six-storey building comprised of six one-bedroom flats and two two-bedroom flats, with car parking and access from Leeds Avenue. EB/2004/0177, MAP O10. ST. ANTHONYS

SITE LOCATION

The almost rectangular site, covering some 0.32 hectare and part hard-surfaced and part overgrown, lies to the rear of 55 – 75 (odd) Rotunda Road. There are semi-detached and terraced houses along the south-east side of the application site. The Crumbles Sewer forms the north-west boundary and a watercourse forms the north-east boundary, with flat, open land beyond. Access to the site is from Leeds Avenue via the Manton Court car park, which serves 63 flats in the part 3 and part 4-storey building.

PLANNING HISTORY

Part of the site, at the rear of 63 – 75 Rotunda Road, was occupied by a single-storey building, measuring some 18 metres wide, 58 metres long and with an eaves height of 6 metres, constructed as an aircraft hanger and subsequently used as a warehouse, until it was demolished in 1991. There have been a number of applications for the site, all of which have been refused, as follows:

- In 1968 permission was refused for the storage of building materials including the erection of a screen fence (EB/1968/0483 – Background paper)

- In 1975 permission was refused for the demolition of building and the erection of 18 flats with 28 car-parking spaces (EB/1975/0324 – Background paper).

- In November 1994 an outline application for the erection of 24 flats with 40 car parking spaces was refused and some eleven months later dismissed on appeal (EB/1994/0392(OL) – Background paper).

- In January 1996 outline consent was refused for the erection of 16 flats with 24 parking spaces and subsequently dismissed on appeal, in December of the same year (EB/1995/0572(OL) – Background papers).

The site is currently vacant and unused, although vehicles can be parked on the area of hardstanding comprising the base of the former warehouse building; the remainder of the site is covered with brambles and scrub.

CURRENT APPLICATION

Planning permission is sought to erect 8 three-storey semi-detached houses, each with 3-bedrooms, to be built on stilts to enable car parking below for each dwelling, together with a block of eight flats, on seven floors, with parking beneath.

Both pedestrian and vehicular access for the flats and houses utilises the existing car park that serves Manton Court, situated at the end of Leeds Avenue.

In the "Design and Environment Statement", prepared by the applicant's agent, it is stated, inter alia, that:

· *The proposed building has been sited to provide*

· *Viewing corridors, directly to the wetlands*

· *An impact on adjacent buildings with regards sunlight and daylight that complies with the Building Research Establishment Guidelines*

· *No adverse impact on privacy*

· *The scale of the proposed development takes into account the bulk and massing of its two nearest neighbours, the line of detached houses and Manton Court*

· *The height increase to the north of the site* (i.e. the block of flats) *mirrors that of Manton Court and to give a visual balance to the proposal*

· *The materiality of the project has been developed in response to site conditions, aspect and orientation*

· *The forms of the buildings are an out come of conforming to the requirements of the Environmental Agency whilst preserving and enhancing the environment for the neighbouring buildings*

· *Their forms reflect their function where man made housing is elevated on stilts to completely remove any fear of flooding and to visually break down the transition of the built environment and the existing wetlands*

· *The proposal is a highly sustainable development balancing the acute need for residential units and the improvement of a junction between the built environment and the waterway*

· *The current site access (acceptable to the highways authority) will create a very slow vehicular access and egress to the site and minimise risk to pedestrians and children*

· *The proposed development will:*

- *Deliver much needed housing*

- *Enhance our outstanding natural environment and built heritage.*

- *Contribute to an integrated transport system with more opportunities to walk, cycle and take public transport*

- *Promote good design*

- *Make the best use of land in accordance with PPG3*

(Statement received 14 April 2004 – Background paper).

PLANNING POLICY

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

Policy NE1 - Development outside the Built-Up Boundary

Policy UHT1 - Design of new development

Policy UHT2 - Height of Buildings

Policy UHT7 - Landscaping

Policy TR6 - Facilities for cyclists

Policy TR7 - Provision for pedestrians

Policy TR11 - Car parking

Policy HO4 - Residential allocations

Policy HO12 - Residential mix

Policy HO13 - Affordable housing

Policy HO20 - Residential amenity

Policy LCF4 - Outdoor playing space contributions

Policy US1 - Hazardous installations

Policy US4 - Flood protection and surface water disposal

Policy IR2 - Infrastructure requirements

CONSULTATIONS

The Council's Strategy & Development Manager advises that the application would normally require an affordable housing contribution of 4-5 units, provided on site. However, whilst the design of the proposed buildings is very innovative and potentially exciting, it is probably inappropriate in this location as it is of an entirely different architectural style to adjacent properties and will obstruct their views over Eastbourne Park (Memo dated 30 March 2004 – Background paper).

Transco advise that there is high pressure apparatus in the vicinity and that gas safety advice should be followed (Letter dated 3 April 2004 – Background paper).

The Health & Safety Executive's advice is that given the close proximity of a major hazard pipeline there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case (Letter dated 7 April 2004 – Background paper).

Southern Water has no objections to the proposed method of foul sewage disposal but recommends a condition requiring details of the proposed foul and surface water disposal (Letter dated 14 April 2004 – Background paper).

The Local Plan Officer indicates that the site is allocated for residential purposes in Policy HO4 as part of the wider development north east of St Anthony's Hill. The Concept Plan prepared, at the time of the Borough Plan Inquiry, for the larger site envisaged Leeds Avenue as an exit for pedestrians and emergency vehicles. Therefore concern is expressed to ensure that the wider allocation is not prejudiced by this development (e-mail sent 16 April 2004 – Background paper).

The Crime Prevention Design Adviser, on behalf of Sussex Police, expresses a design-related concern with the lack of protection for vehicles. The need to take account of flooding must be balanced against vehicle crime risks.

As presently planned, the car parking provision would not enjoy any natural surveillance from the dwellings they serve (Letter dated 16 April 2004 – Background paper).

The Council's Arboricultural Officer advises that there is an Oak tree on the northern boundary of the site, which is protected by a Tree Preservation Order. This tree provides significant visual amenity and has a long life expectancy, as it has not yet reached maturity. However, the proposal would result in unacceptable root damage leading to the loss of the tree. A three-bedroom house is proposed one metre and a block of flats are proposed 2.5 metres from the periphery of the crown of the Oak tree. However, no allowance has been made for the ultimate height, weight and branch spread or the potential close proximity of residents (Memo dated 16 April 2004 – Background paper).

The Environment Agency requests that the application be deferred, as the site is in an area liable to flood. The applicant has provided insufficient information to enable the Agency to assess the flood risks of the proposal. The applicant should carry out a Flood Risk Assessment study in accordance with PPG 25 (Development and Flood Risk) (Letter dated 19 April 2004 – Background paper).

Environmental Health has no adverse comments to make (Memo dated 27 April 2004 – Background paper).

The Principal Highway Engineer (Planning) advises that there are a number of areas of concern regarding this application, which are as follows:

· There is no pedestrian link between the site and Leeds Avenue or Rotunda Road. People would have to walk on the access road for the Manton Court car park. The proposed development comprises 16 units and Manton Court has 63 flats. The combined number of units would generate enough traffic movements to warrant a segregated footway preferably 2 metres wide.

· There is no street lighting along the section of the roadway leading to the site through a "pinch point" and to the rear of Manton Court, which would add to the dangers associated with pedestrians walking on the access way.

· A form of vehicular access exists to the rear of 69 – 75 Rotunda Road through the application site, which has not been retained. This access appears to have been used for some considerable time with the property owners in question having established a right of access.

· The vehicular access to the site is via Leeds Avenue, which is of adequate width to serve the proposed development. However, the access then passes through a short section of private road adjacent to the electricity sub-station, which is only some 3.9 metres wide at it's narrowest point. There is also restricted forward visibility at this point. This section does not meet the current standards as laid down in the East Sussex Manual for Estate Roads.

(Memo dated 6 May 2004 – Background paper).

REPRESENTATIONS

The application was advertised in the local press as a major development and a notice displayed at the entrance to the site. In addition, letters of notification were sent to surrounding residential properties. In response, at the time this report was prepared (13 May) one letter of representation and 30 letters of objection, including from the Eastbourne Society and the Member of Parliament, have been received, the contents of which can be summarised as follows:

· The architecture is tasteful and low-key, blending in harmony with the current surroundings

· The development will be making use of a disused brown field site and will help to address the lack of

quality housing in the area

- The mature Oak tree must be protected

- The installation of security gates at the access point to Manton Court would slow down traffic

- There would be an increase in noise and disturbance from traffic movements

- There is a lack of car parking for the proposed development

- There will be a large increase in motor vehicle movements to the detriment of other road users and pedestrians

- The site is not suitable for the size and scope of the proposed development

- The appearance and size of the buildings are not in keeping

- We will suffer from overshadowing, overlooking and loss of privacy

- The access to the site is not adequate for the amount of traffic

- There will be a loss of trees, shrubs and hedgerows, which would be detrimental to the already threatened wildlife

- The area has a history of flooding and the scheme will add to this problem

- Leeds Avenue, a fairly narrow road, is not suitable for any more properties

- The development would be a blot on the landscape

- The right of way to the rear of our property would be adversely affected

- Previous applications were refused and the reasons still apply as the area has not altered at all

- The design is too modern and the flats are too futuristic looking, which does not blend in with 1930's residential houses

- The houses on stilts would greatly obstruct our outlook and take away our privacy due to the nearness of the intended buildings

- For many years there has been severe flooding in the area

- No development should be considered until a major distributor road, ie St Anthony's link road, is constructed

- This is a very unsuitable site for the scale of development proposed

- The thought of a high rise block causes a lot of distress

- There really is no need for such ugly out of place buildings to be built here

- The six-storey building is ludicrous and dwarfs the surrounding the houses

- This is a poorly thought out over development

· The design is even more crowded than the previously refused scheme

· There will be a loss of peace and quiet for residents

· The proposed development, with its extremely utility and boxy design, will be a conspicuous eyesore and quite unsuitable for the neighbourhood.

· It would be very visible from Eastbourne Park and surroundings

(Letters dated 26 March – 5 May 2004 – Background papers)

APPRAISAL

The main issues to consider in the determination of the residential scheme are: the principle of residential development; the design and form of the proposed development; the access arrangements to serve the proposal; the provision of affordable housing, open space and flood compensation, and the impact of the proposed development on the living conditions of surrounding residents.

As indicated in the "Planning History" of this report, the site has been the subject of several previous applications for different forms of residential development, all of which have been refused including two dismissed on appeal in 1995 and 1996. In addition, the application site is not in a predominantly residential area, as identified on the Borough Plan's Proposals Map, but is in fact situated outside the built-up area, also as shown on the Proposal Map. Notwithstanding, the application site forms part of a housing allocation, the subject of Policy HO4, in respect of some 3.26 hectares of land located north-east of St Anthony's Hill, with a target minima of 140 units. It is intended that the allocated site is accessed off a new road – the St Anthony's Link Road - linking Langney Roundabout and Lottbridge Drove, with a route for pedestrians and emergency services to Leeds Avenue. The isolated development of the application site would prejudice the wider allocation.

Further both the Environment Agency and the Health & Safety Executive have raised significant concerns in respect of flooding and safety, respectively. Although part of the application site is considered to comprise previously developed brown-field land, given the above reasons the partial development of the land in question is not considered to be acceptable.

The proposed residential scheme comprises two distinctive elements: a 21 metre high block of eight flats, comprising eight floors including car parking at ground level and a penthouse on the top of the building, together with four pairs of semi-detached houses, each with four floors comprising car parking on the ground floor and three-storeys of living accommodation above, including roof gardens. As mentioned earlier in this report, the design of the scheme is modern, which is not considered to be in keeping with the established housing in the immediate vicinity. Further, due to the massing and position of the proposed buildings, the proposal would give rise to visual intrusion and loss of privacy due to overlooking.

With regard to the access arrangements to serve the development, the Highway Authority has highlighted a number of concerns relating to the pedestrian linkage from the application site to Leeds Avenue, the vehicular access to the rear of properties in Rotunda Road and the reduced width and forward visibility at the entrance to the Manton Court car park. Further, the proposed development is likely to generate a greater degree of vehicular activity than that associated with the site's former warehouse related use. The form of access proposed – in particular the restricted width of the road at the entrance to Manor Court – is unsuitable to accommodate both existing and proposed vehicular activity and is likely to produce traffic congestion to the inconvenience and annoyance of the present users of the access. As such, the proposal is not considered to be acceptable in this respect.

As the application proposes 16 residential units, Policy HO13 of the adopted Borough Plan seeks a maximum of 30% of the units for affordable housing on suitable sites, such as the land the subject of the application. Given the various deficiencies of the scheme, as identified elsewhere in this report, the issue has not been pursued with the applicant. However, on-site provision rather than a commuted sum would be the preferred option. In addition, Policy LCF4 requires that new residential development of 15 or more dwellings should provide open space to meet the needs generated by the new development. Should this not be feasible, as is the

case with the current application, the Council will seek a financial contribution towards the cost of providing or upgrading such facilities elsewhere in the vicinity. Again, given the nature of the current proposal, the appropriate financial contribution has not been progressed with the applicant.

As the application site forms part of the Willingdon Levels, the Environment Agency advises that it is essential that no development within the catchment or infilling of the floodplain should proceed until the required compensatory storage volume has been provided. Such storage should be provided for that lost due to infilling land currently below 2.3 metres above Ordnance Datum and to compensate for additional run-off. Alternatively, consideration could be given to the payment of a financial contribution to be used to provide for the construction of the necessary drainage facilities prior to development. If the land, the subject of the application, were granted planning permission for residential development then a financial contribution would, as is also the case with affordable housing and open space, be secured by way of a legal agreement between the applicant and the Borough Council.

The proposed scheme of 16 residential units, with eight flats in an eight-storey block and eight four-storey houses, in four pairs, all fronting the Crumbles Sewer and Eastbourne Park, both to the west, and backing on to the rear gardens of properties in Rotunda Road, to the east, will have a significant impact on the immediate area. Both the proposed block of flats and the row of houses would result in visual intrusion and loss of privacy, being particularly severe within the garden areas of the existing dwellings. The proposed development, accessed via the car park of Manton Court, would, as indicated by the large number of objections from residents of Rotunda Road and Manton Court, give rise to unacceptable levels of noise, general disturbance, inconvenience, vehicular activity, over-looking, over-shadowing, overbearing effect and/or loss of privacy.

HUMAN RIGHTS IMPLICATIONS

The proposed form of residential development is likely to infringe the above noted Rights of local residents.

CONCLUSION

The proposed development is considered to be unacceptable by your officers, various consultees and the local community for a number of amenity, environmental, highway, planning and safety related reasons.

RECOMMEND: Permission be refused for the following reasons:

The proposal constitutes an undesirable form of residential development that, by reason of its scale, massing, design, layout and access arrangement would result in an unacceptable impact upon the established residential amenity of the area. Further, as the proposed development is within the consultation distance of a major hazard installation any future residents of the development would be at significant risk. In addition, the proposal does not make adequate provision for affordable housing, flood storage or open space in the community. As such, the proposed development is considered to be contrary to Policies UHT1, UHT2, UHT7, TR7, HO13, LCF4, US1, US4 and HO20 of the adopted Eastbourne Borough Plan 2001-2011.

14) LAND BETWEEN 150 AND 152 NORTHBOURNE ROAD. Erection of twelve flats with parking bays. (Amended description). EB/2003/0201, MAP M10. ST. ANTHONYS

SITE LOCATION

The application site is a former Council depot located on the north east side of Northbourne Road, opposite the junction with Roseveare Road. The site contains two prefabricated buildings with a large concrete apron to the rear and is generally in an untidy condition.

There are high voltage overhead wires over a small part of the site with a pylon to the rear. Behind the site tall warehouse/industrial premises abut the rear boundary.

The surrounding area consists primarily of semi-detached two-storey dwellings with hipped roofs.

PLANNING HISTORY

1968 - Permission granted for the use of the site as a housing maintenance depot

1988 - Permission granted for the siting of a Portakabin at the rear for use as offices and use of existing buildings as training workshop and classroom

1995 - Permission granted for change of use of existing buildings from classroom, training workshop and offices to Class B1 and B8 use

CURRENT APPLICATION

The proposal relates to the erection of 12 one-bedroom flats in a 'T' shaped block with the head of the 'T' facing Northbourne Road and the central section of the building projecting to the rear. On the road frontage the building has a width of 20m by a depth of 8.1m and is on the same front building line as adjacent properties.

This part of the building contains eight flats within three floors of accommodation, the top floor located within the roof area. The rear projection, which measures 7.8m in width by a depth of 15.1m (to the rear of the main building), has two storeys and comprises four flats.

The main part of the building (facing Northbourne Road) is designed with a hipped roof of similar size and proportions to neighbouring properties, but with dormer windows in the front and rear roof slopes.

A total of 13 car parking spaces are indicated with a new vehicular access on the right hand side of the building.

The original submission was for a development of 13 flats in a mansard-style building but, following concerns expressed by your officers about the inappropriate design of the building and the number of flats proposed the application was amended as described above.

PLANNING POLICY

The following policies in the Borough Plan are considered to be of most relevance to consideration of this proposal:

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

Policy HO20 - Residential Amenity

Policy BI1 - Retention of Class B1, B2 and B8 sites and premises

Policy TR11 - Car Parking

Policy US4 - Flood Protection and Surface Water Disposal

CONSULTATIONS

Neighbouring and nearby residents were notified of the application and the proposal was further advertised by a notice in the local press and on site. In response to the original scheme (13 flats), three letters of objection were received together with a petition signed by 36 local residents. The grounds for objection are summarised as follows:-

· The erection of 13 flats is not in keeping with the local area

· There are no flats in this area – all the properties are houses

· The flats will overlook our back garden taking away our privacy

· The flats will overshadow our garden

· Increased traffic problems in the area

· Increased noise and disturbance

· Parking will become even more of a problem

(Letters and petition dated between 29 April and 1 May 2003 background papers).

Two letters stating no objections to the proposed development were also received, one comment being that flats would be better than having lorries parked everywhere, as at present. (Letters received on 24 April 2003 - background papers).

In respect of the amended scheme a further petition against the proposal has been received, signed by 29 local residents, stating the same objections as before (petition dated 2 April 2004 - background paper).

Southern Water state that there is not adequate capacity in the existing foul sewerage system, which is currently overloaded, to serve the development. Any additional flows would have to be drained to a point or points where spare capacity exists and in such cases it would be possible to requisition the sewers from Southern Water Services Ltd (SWS) under the Water Industry Act. With regard to surface water disposal, SWS states that, whilst there is insufficient spare capacity in the existing surface water sewer in Northbourne Road, soakaways would be acceptable in this location, as the existing site drains to soakaways. SWS requests that any planning permission should be subject to a condition requiring the submission and approval of details of the proposed method of foul and surface water disposal (letter dated I May 2003 - background paper).

The **Environment Agency** has no objections in principle to the proposal subject to a similar condition to that requested by Southern Water and compensatory flood storage provision (or a commuted sum) for any additional surface water run-off (letter dated 7 May 2003 - background paper).

The Crime Prevention Advisor at **Sussex Police** does not identify any major concerns although he does suggest a few minor points that he believes will create a more crime resistant development (letter dated 24 April 2003 – background paper).

Seeboard highlight the location of their substation and overhead power cable and stipulate that any work in the vicinity of the latter will need to be carried out in accordance with the relevant regulations, after Seeboard has agreed the necessary precautions (letter dated 9 May 2003 - background paper).

The **Heath & Safety Executive** (HSE) states that its assessment methodology indicates that the risk of harm to people at the proposed development is sufficiently high to justify advising against the granting of planning permission in this case on grounds of safety. If the Council is minded to grant permission then the HSE must be given 21 days to further consider the matter. If the Council decides to refuse the application on grounds of safety then the HSE states that it will provide the necessary support in the event of an appeal (letter dated 24 April 2003 - background paper).

The **Principal Highway Engineer** raises a number of detailed issues in respect of the access and parking layout which will need to be resolved (internal memo dated 20 May 2003 - background paper) .

Environmental Health raise a number of issues in respect of land potential contamination and noise, and recommend conditions in respect of each of these (internal memo dated 29 May 3003 - background paper).

APPRAISAL

The main issues to consider in this case are identified as follows:

- the effect of the proposed development on neighbouring residents
- the visual impact on the character of the surrounding area
- the health and safety implications (having regard to the comments of the Health & Safety Executive
- whether the proposal complies with the relevant Borough Plan policies

The Effect of the Proposed Development on Neighbouring Residents

The main frontage building is roughly in line with the front and rear walls of the adjacent dwellings (the rear wall is just over a metre behind no. 152) and will have no direct impact on habitable rooms in these existing properties. There would be some overlooking of the rear garden of 152, especially from the dormer windows in the rear roof slope, but this would be no worse than that which could occur by the installation of a dormer in the roof of the neighbouring property under permitted development rights.

The proposed two-storey rear wing would have more impact on neighbouring residents, although its siting provides reasonable distances to both side boundaries (12m to the boundary with 150 and 7.5m to 152) which should be sufficient to overcome any serious overshadowing issues, especially as the overall height of this part of the building is only 6.3m. The lounge windows to the two first floor flats in the rear wing face towards the boundary with 150 where the greatest distance exists and it is considered that this is adequate to restrict overlooking of the rear windows and garden in 150 to an acceptable level.

On the elevation facing 152 there are two bedroom windows, a kitchen window and an obscure-glazed bathroom window at first floor level and, because of the closer proximity of this part of the building to the boundary, there is greater potential for overlooking of the garden of 152 and some of the rear windows, although the latter would be at a very obscure angle. Part of the garden of 152 would be screened by the existing boundary enclosure, much of this section of which comprises 1.5m high wall with 700mm fence on top. In addition the applicant has indicated new tree screen planting in this area to help minimise overlooking and, if this were conditioned to require semi-mature or mature planting, thus providing an instant screen, then there would be no serious loss of privacy for the neighbour.

In relation to the current and previous uses of the site, which have involved large numbers of lorry and van movements and commercial activity within the site, the proposed use as flats and the associated use of the car park and access by private cars would be likely to have far less impact.

Visual Impact on Surrounding Area

The rear wing of the building will not be readily visible from any public viewpoints and therefore consideration of the visual impact of the development on the character of the surrounding area will concentrate on the frontage building.

As stated above, the alignment of this part of the development respects the established building line set by adjacent properties and its depth is similar. The building is also designed with a hipped roof in the same style and angle of roof pitch, with the same ridge height and similar eaves level (slightly lower). The external materials are shown to match those used in the surrounding area and, apart from the dormers in the roof and the length of the frontage building, the development will appear very similar in style to other buildings in the area. It is therefore considered to be acceptable in respect of its impact on the character of the surrounding area.

Health and Safety Implications

The Health & Safety Executive's concerns are based on the proximity of the site to the Gas Holder Station at the head of Finmere Close, which is about 130m from the nearest part of the development. However, as all the existing residential properties along the entire length of this side of Northbourne Road are similar distances from the Gas Holder Station it may be unreasonable to refuse permission for an infill residential development if the principle is otherwise considered acceptable. The HSE has not indicated whether it would be prepared to accept a lower number of units or whether residential development is unacceptable in principle. The HSE, however, would have the opportunity of reviewing the matter again before any decision is made if Members are minded to grant permission for the development and it is suggested that this may be the most appropriate way forward. The HSE would then have 21 days to consider whether or not to request the Office of the Deputy Prime Minister to call in the application.

Compliance with Borough Plan Policies

As referred to above, it is considered that the design, height and bulk of the proposed development in respect of its effect on visual amenity are acceptable. The proposal therefore complies with Policies UHT1, UHT2 and UHT4.

With regard to its impact on residential amenity, it is acknowledged that there will be some impact on neighbours but that this can be satisfactorily mitigated by appropriate conditions to ensure that the proposal complies with Policy HO20

Policy BI1 (retention of B1, B2 and B8 sites and premises) has been highlighted as a potential issue. However, the original use as a depot was *sui generis* (ie. not within any of the above classes) and therefore the policy would not strictly apply. More recent uses of the site have been for the parking of commercial vehicles and there is no evidence that the 1995 permission for use as B1 and B8 use was ever implemented.

With regard to highway related issues, the Principal Highway Engineer raises no concerns about the level of parking provision proposed as this would comply the current standard under the new zonal approach and there is no conflict with Policy TR11. There are some other highway issues raised but it is hoped to resolve these before the meeting. Others can be covered by conditions.

The site lies within the Willingdon Levels Catchment Area and therefore Policy US4 applies. A Section 106 legal agreement (or unilateral undertaking) will be required, although as hard surfaces or buildings already cover much of the site there may be no net increase in impermeable area. This matter will be the subject of a verbal report at the meeting.

HUMAN RIGHTS IMPLICATIONS

Subject to all the above considerations, including the imposition of appropriate conditions it is considered that the proposed development would not affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property.

ARTICLE 5 SUMARY

That the proposed development would provide additional residential units of accommodation in a style sympathetic to the character of the area and, subject to the recommended conditions, without having a detrimental impact on neighbouring residents. The proposal therefore complies with the relevant policies in the Borough Plan.

RECOMMEND: (a) That the Council is minded to grant permission for the proposed development and the matter be referred to the Health & Safety Executive;

(b) Provided the application is not called in within the 21 day period, then permission be granted subject to the prior conclusion of a Section 106 agreement or unilateral undertaking (if required) and to the following conditions:-

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

2. A2 Submission of samples of facing materials.

3. A9.3 Submission and approval of landscaping scheme to include mature planting between the rear wing of the building and the boundary with no. 152 Northbourne Road and planting buffers between the two car parking areas and the respective side boundaries of the site.

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

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

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

7. Before any development commences on site:

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

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

The investigation must be comprehensive enough to enable:-

· A risk assessment to be undertaken;

· Refinement of the Conceptual Model, and;

· The development of a Method Statement detailing

the remediation requirements.

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

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

8. C5.3 Hours of operation (during demolition and construction)

9. Details of any car park lighting shall be submitted to and approved by the Head of Planning before any such lighting is installed.

10. That, before the development is commenced, full details of the proposed means of enclose of the site shall be submitted to and approved by the Head of Planning and the approved scheme shall be implemented in full before any of the flats are first occupied.

11. B3.1 Closure of existing access

12. That before the development hereby approved is first occupied provision shall be made to prevent the discharge of water from the site onto the public highway and to prevent the discharge of surface water from the highway onto the site.

13. The finished surface of the private drive, hardstanding and forecourt shall not result in loose material being deposited onto the public highway.

14. D6.1 Submission of details of storage and collection of refuse.

UPPERTON WARD

15) 27 SELWYN ROAD. Demolition of existing building and erection of 12 flats in a single block. EB/2004/0185, MAP G9. UPPERTON

SITE LOCATION

The application site is located on the south side of Selwyn Road adjacent to Selwyn House, a modern six-storey block of flats. The site presently contains a two-storey detached dwelling, one of six detached houses on the south side of the road, to the west of the junction with Torfield Road. With the exception of Selwyn House and Selwyn Court, all properties in the immediate area are single dwellings of domestic scale.

Properties on the north side of Selwyn Road, opposite the site and running to the east are within the Torfield Conservation Area.

The site slopes significantly from front to rear with the highest part at the front boundary.

PLANNING HISTORY

A similar application for 14 flats was due to be considered at your meeting held on 10 February 2004, but was withdrawn by the applicant before the meeting and was therefore not determined. Members will recall that it was recommended that permission be refused for the following reasons:-

1. That the proposed development, by virtue of its excessive depth, bulk and mass, would seriously detract from the appearance of the local area and it would be detrimental to the setting and character of the adjacent Torfield Conservation Area. The proposal would thereby be in conflict with policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011.

2. That the proposed building, by reason of its depth and the number of windows proposed in the side elevations, would be seriously detrimental to the amenities of adjacent residents by virtue of loss of outlook, loss of privacy and overshadowing. For these reasons the proposal would be contrary to policy HO20 of the Eastbourne Borough Plan 2001-2011.

3. That the proposed vehicular and pedestrian access arrangements fail to comply with the requirements of the Highway Authority and therefore the proposal would be detrimental to pedestrian and highway safety.

(Ref. EB/2003/0786).

CURRENT APPLICATION

Full planning permission is sought for the demolition of the existing dwelling and the erection of a block of 12 flats, comprising 2 two-bedroom flats on the lower ground floor, 2 two-bedroom and 2 one-bedroom flats on the ground floor, 3 two-bedroom and one one-bedroom flats on the first floor and 2 two-bedroom flats in the roofspace.

The current distribution of flats is therefore 9 two-bedroom flats and 3 one-bedroom flats, compared to the previous scheme which had 10 two-bedroom flats and 4 one-bedroom flats.

As before, there is a raised terrace at the rear above the lower ground floor level, with steps leading down into the communal rear garden.

The footprint of the building is almost double that of the existing dwelling. It projects forward of the buildings either side of it by about 2m and to rear by 1.5m (main building) and 4.5m (raised terrace) behind Selwyn House and 9.5m (main building) and 12.5m (raised terrace) behind the principal two-storey part of no. 25. It is closer to the side boundary to Selwyn House than the existing building with a gap of only about a metre and leaves a gap of just under 7m to the boundary with No. 25.

The proposed driveway runs in the gap on this side of the building, providing access to a parking area at the rear with spaces for 12 cars. In order to achieve visibility splays at the entrance it is proposed to demolish and rebuild the existing front boundary wall at a slight angle to the road.

The façade of the building is in the same 1930s vernacular style as the previous proposal, with traditional external materials (brick/tiles/tile hanging) and a pitched roof, although the end of the roof facing no. 25 is now a gable rather than a hipped end, resulting in a marginal reduction in the height of the roof, but adding more bulk at this end.

The highest part of the new building is some 1.5m above the ridge height of the existing building, but is about 5m lower than Selwyn House.

The internal layout of the building has generated a need for some windows in the side elevations, but these have been significantly reduced from the earlier proposal. The previous scheme included a total of 10 windows (eight of which were at ground and first floor level) and four dormers facing Selwyn House whereas the current proposal replaces the eight ground/first floor windows with four and omits the dormers, instead having a double velux rooflight. On the side facing no. 25 Selwyn Road the two dormers previously shown have been omitted, the pair of single velux rooflights have been retained as a double velux rooflight and the eight windows at ground/first floor level have been reduced to six. The rooms are a mixture of kitchens and staircases, with two bedroom windows at basement level.

PLANNING POLICY

The following policies in the Adopted Borough Plan are considered to be of most relevance to consideration of this proposal:

Policy UHT1 - Design of New Development

Policy UHT2 - Height of Buildings

Policy UHT4 - Visual Amenity

Policy UHT5 - Protecting Walls/Landscape Features

Policy UHT15 - Protection of Conservation Areas

Policy HO20 - Residential Amenity

Policy TR11 - Car Parking

CONSULTATIONS

Neighbouring and nearby residents were notified of the application and the proposal was further advertised by a notice in the local press and on site. In response, 21 letters of objection have been received. The general objections are as follows:-

· The proposed building would be completely out of character with other houses in Selwyn Road

· Despite the reduction in size, the bulk of the building proposed would substantially larger than the building it would replace

· The forward projection of the proposed building would further magnify its atypical appearance and character by comparison with other houses on the southern side of Selwyn Road

· The development would have a detrimental effect on the general ambience of the road and have a negative impact on the conservation area

· The construction of 12 flats is not suitable in an area of mature detached houses

· The size and appearance of the building would not be in keeping with its neighbours

· The proposal would set a precedent, possibly leading to similar developments in the area

· This part of Selwyn Road is already overdeveloped which has eroded the elegant character of the road

· The proposal would cause unacceptable harm to the character and ambiance of the Torfield Conservation Area and surrounding residential properties

· There will be a significant and detrimental increase in noise and traffic

· Residents of the new development will inevitably leave their cars in the road, adding to the existing problems in this narrow road

· The road will become more dangerous

· The highway access is seriously deficient

· Object to demolition and rebuilding of front boundary wall and its proposed alignment on angle will be at

odds with other front boundary walls

The following more specific objections have been received from the immediate neighbours:

· The building will completely overshadow us (at Selwyn House) because of its proximity and height

· We feel overcrowded and hemmed in

· We will be overlooked by windows only a few yards away

· Whilst there will be fewer windows there will still be six overlooking my flat in Selwyn House

· The greater massing and rear projection of the proposed building will have a detrimental effect on adjacent residents

· The proposal will cause serious overlooking and loss of privacy to adjacent residents (both Selwyn House and no. 25)

· The building will have a significant impact on Selwyn House and no. 25 due to its closer proximity and greater height and depth than the existing building

· With the present parking situation it is already a hazardous manoeuvre turning in and out of the driveway to Selwyn House – the increased volume of traffic will add to the existing difficulties

· The occupier of no. 25 objects to the disturbance caused by the proposed driveway alongside his boundary

(Letters received between 23 March and 5 May 2004 - background papers).

The Environment Agency has no objections in principle to the development but recommends that conditions be imposed to prevent the pollution of ground water (letter dated 24 March 2004 – background paper).

Southern Water has no comments to make on the application (letter received on 24 March 2004 - background paper).

The County Archaeologist comments that the application is of archaeological interest as the site lies immediately opposite the former ECAT site where excavations revealed substantial traces of an Iron Age settlement and an Anglo Saxon cemetery. In the light of this he considers that the developer should be asked to provide an archaeological assessment of the site to establish whether any significant archaeological remains survive and, if so, what are their condition and significance. It is requested that an appropriate condition be imposed in the event of permission being granted (letter dated 22 March 2004 – background paper).

The Crime Prevention Advisor at Sussex Police comments that he is pleased to note that the comments made in his previous letter have been acted upon and incorporated into the design (letter dated 7 April 2004 – background paper).

The Principal Highway Engineer states that the visibility splays are shown on the drawing as 2.4m(x) x 45m(y) to the left and 2.4m(x) x 33m(y) to the right, but having checked the drawing the ‘x’ distance scales only 2m. A reduction in the ‘x’ distance has a detrimental effect on the ‘y’ stopping distance (internal memo dated 7 April 2004 - background paper) .

The Council’s Consultant Historic Buildings Advisor comments that he still finds the overall appearance of the proposed development “*bulky and awkward even though it has been substantially reduced*”. He reiterates his

previous comment that "*There appears to be no clear architectural statement and the elevations have been generated by the plan and then dressed in a 1930s vernacular.* He is therefore unable to support the application in respect of its design although he does express the view that, in respect of its impact on the setting of the Conservation Area, the proposed building would be no more intrusive than the existing building (internal memo dated 23 March 2004 - background paper)

At the meeting of the Conservation Area Advisory Group on 13 April 2004 objections were raised on the grounds that the height and bulk of the proposed development would be out of scale with the majority of nearby buildings. The Group also expressed the concern that the design detail of the front elevation did not sufficiently reflect the style of other buildings in the area. For these reasons it was considered that the proposed development would adversely affect the setting of the adjacent Conservation Area.

APPRAISAL

The main considerations in this case are: the effect of the proposed development on the visual amenities of the surrounding area, in particular the setting of the Torfield Conservation Area; the impact on the residential amenities of neighbouring occupiers; transport and traffic implications; and compliance with Borough Plan policies.

With regard to the visual appearance of the proposed building and its relationship with its surroundings there would, as stated by the Council's Consultant Historic Buildings Advisor, appear to be no clear design statement. Despite the reduction in the number of units and the overall size of the building, the form and design of the development, rather than being influenced by the wider context and character of the surroundings, still appears to be determined by the number of units required to make the development viable. The footprint of the building is therefore of a size which can accommodate the required number of flats, rather than a size which would be in keeping with other buildings in the local area.

Whilst it is acknowledged that the architect has reduced the size of the building in response to previous concerns it is still considered that the resulting development is of excessive bulk and scale in relation to its surroundings. The side elevations, although substantially reduced in extent, would be clearly visible elements of the development and would have a significant impact in the street scene (as well as on adjacent residents). These elevations have been improved in the revised design but they are still extensive in comparison with the more modest domestic scale of the established dwellings in the vicinity.

The overall bulk and massing of the proposed development would relate poorly to the scale of these existing properties and would have a negative effect on the setting and character of the Torfield Conservation Area. For these reasons it is considered that the revised proposal still conflicts with policies UHT1, UHT4 and UHT15.

The amended proposal still contains a number of windows in the side elevations and, although fewer residents in Selwyn House are now affected there still would be a significant loss of privacy for some residents, the effect of which would be seriously detrimental to their amenities. The occupiers of no. 25 Selwyn Road would also suffer significant loss of privacy in their rear garden, which in turn would detract from their enjoyment of an area that is currently relatively private. Whilst a relatively small degree of overlooking is often an inevitable consequence of any new development, it is considered that the amount of potential overlooking generated by the proposal would be unacceptable. The development would thereby fail to accord with policy HO20(b).

As mentioned earlier, the proposed building would project 1.5m/4.5m to the rear of Selwyn House and between 9.5m and 12.5m to the rear of no. 25. Flats on the lower floors of Selwyn House would suffer some loss of light and overshadowing in the mornings, although it is considered that this would not be so serious with the revised scheme to warrant a refusal. The effect on no. 25, however, would much greater, with the loss of afternoon and evening sunlight to the rear of the house and part of the rear garden and it is considered that the impact in respect of overshadowing would create unacceptable living conditions for the occupiers of this property.

The rear projection of the new development would still have some effect on the outlook from flats in Selwyn House, but any seriously detrimental impact is largely overcome in the revised scheme. In respect of no. 25, however, the proposal would still have any overbearing visual impact when viewed from windows at the rear of this adjacent property or from the rear garden. It is therefore considered that the proposal would be contrary to policy HO20 (a) and (c) of the Borough Plan.

Turning to traffic and transport implications, the Principal Highway Engineer had previously confirmed that the number of parking spaces indicated on the submitted plans is acceptable and therefore the proposal complies with policy TR11. However, in order to provide visibility splays across the front of the site for vehicles leaving the new vehicular access it is proposed to demolish most of the existing boundary wall. Whilst it is proposed to rebuild this wall to the same height and materials it would be on a different alignment at a slight angle to the road and would be an incongruous feature in relation to the other established front boundary walls on this south side of Selwyn Road. The front boundary walls should be retained on its present line (ie. along the back edge of the pavement) in order to preserve the character and setting of the Conservation Area and the ambience of the street in general. The loss of this attractive flint boundary wall and its rebuilding on a different alignment would seriously detract from this character and would thereby be in conflict with policy UHT5 (as well as the other "Urban Heritage and Townscape" policies referred to above).

CONCLUSIONS

Having regard to all the above points the revised proposal is still considered inappropriate for this site as it would cause demonstrable harm for the following reasons:

· Its design, mass and scale fail to respect the local distinctive character of the area

· It would have a negative effect on the setting and character of the Torfield Conservation Area

· It would have a seriously detrimental impact on adjacent occupiers by reason of loss of outlook, loss of privacy and overshadowing

· It fails to comply with the requirements of the Highway Authority in respect of the proposed vehicular and pedestrian accesses

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would adversely affect the rights of neighbouring residents to the peaceful enjoyment of their properties, under the above legislation.

RECOMMEND: Permission be refused for the following reasons:-

1. That the proposed development, by virtue of its excessive depth, bulk and mass, together with the proposed realignment of the front boundary wall, would seriously detract from the appearance of the local area and would be detrimental to the setting and character of the adjacent Torfield Conservation Area. The proposal would thereby be in conflict with policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011.

2. That the proposed building, by reason of its depth and the number of windows proposed in the side elevations, would be seriously detrimental to the amenities of adjacent residents by virtue of loss of outlook, loss of privacy and overshadowing. For these reasons the proposal would be contrary to policy HO20 of the Eastbourne Borough Plan 2001-2011.

3. That the proposed vehicular and pedestrian access arrangements fail to comply with the requirements of the Highway Authority and therefore the proposal would be detrimental to pedestrian and highway safety.

16) THE MOUNT SELWYN ROAD. Change of use from dwelling to administrative offices for St WilfrId's Hospice. EB/2004/0151, MAP G9. UPPERTON

SITE LOCATION

The Mount is a detached dwelling in a triangular-shaped site located at the junction of Selwyn Road and Mill Gap Road, adjoining the rear of properties on the south side of Torfield Road. The existing living accommodation is on two floors with a double garage at the side, accessed from Selwyn Road. There is space

for 2-3 cars on a hardstanding the front of the property.

The site has a high retaining wall along its frontage with dense planting in the raised garden behind, as a result of which the building is quite secluded and not prominently visible from Selwyn Road.

PLANNING HISTORY

The existing dwelling was approved in 1965 (ref. 65/523). There is no other planning history.

CURRENT APPLICATION

Permission is sought for the change of use of the property from a dwellinghouse to administrative offices for the nearby St Wilfrid's Hospice in Mill Gap Road. The submitted plans indicate the following proposed uses for the existing rooms:-

Ground Floor:

- Reception
- Meeting room
- Office for Chief Executive
- Office for volunteer personnel
- Retention of the existing double garage

First Floor:

- Area shop manager's office
- Two rooms for fundraising
- Finance office

A detailed statement has been submitted by the applicants in support of their application and a copy is attached to this report.

PLANNING POLICY

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

HO3 - Retaining Residential Use

TR11 - Car Parking

CONSULTATIONS

Neighbouring and nearby residents were notified and the proposal was also advertised by means of a site notice. In response seven letters of representation have been received, all expressing concerns about the proposal, which are summarised as follows:-

· Strongly disapprove of the conversion of the dwelling to offices

· The change of use to offices would be out of character with the area

· The proposal will generate additional traffic in an area already congested with parked vehicles

· Any change of use should only apply to the Hospice and not in perpetuity, so that it would revert to a dwelling if the Hospice ever decided to dispose of the property

· Additional pedestrian and vehicular traffic generated by the proposed use would detract from the present quiet enjoyment of rear gardens

· The security of the area would be compromised

· If permission is granted then it should be for a temporary period to enable the impact of the use to be monitored

(Letters dated 12 to 31 March 2004 – background paper).

The Secretary of the Eastbourne Access Group comments that the premises should be accessible to disabled people to comply with the Disability Discrimination Act (e-mail dated 23 March 2004 – background paper).

The Highway Authority does not wish to restrict the grant of consent to the application (internal memo dated 2004 - background paper).

APPRAISAL

The main issues to consider in this case are the effect of the proposed change of use on the residential character of the surrounding area, the direct impact on neighbouring residents, parking implications and compliance with Borough Plan policies.

Apart from the existing Hospice building and the nearby Leaf Hospital the surrounding area is predominantly residential in character. However, The Mount is conveniently close to the Hospice and the actual use of the building as offices, although more intensive than the current residential use, is unlikely to have any detrimental effect on neighbouring residents in respect of noise and disturbance. Furthermore, the applicant confirms that no external changes to the existing building are proposed.

The largest possible impact is likely to be the potential for increased street parking in Selwyn Road, an issue which is evident by the amount of street parking in Mill Gap Road outside the Hospice at present.

The Mount has space for two cars in the double garage with up to three spaces within the site, but this is unlikely to be sufficient for the amount of office floorspace indicated on the submitted drawings. When the meeting rooms are in use the situation is likely to be exacerbated.

The Hospice are aware of these concerns and comment that they encourage staff to travel to work on a shared car basis, by public transport, on foot or by bicycle and they anticipate that not all the staff that might be accommodated in The Mount would require parking spaces. Nevertheless, it is likely that some street parking will occur and how severe this is will depend to some extent on how successfully the Hospice can encourage their staff to use alternative forms of transport.

The proposal would involve the loss of the existing residential use and therefore it would conflict with Policy HO3 of the Borough Plan which states a presumption against the loss of residential units. Clearly such a use in a residential area would not normally be considered appropriate as it would, together with possible further similar uses in the future once the precedent has been established, erode the residential character of the area. However, the proposal is directly related to an existing use of nearby premises and Members may consider that the proposal could be treated as a special case as an exception to policy, having regard to the nature of the use and the supporting statement submitted by the applicant.

A temporary and/or personal permission may be an option in this case, as it would ensure that the premises reverted to its current use as a dwelling when no longer required by St Wilfrid's Hospice and would also enable the use of the premises to be monitored. The use of a temporary permission would be particularly useful to measure the success or otherwise of the Hospice's staff travel predictions and the impact on parking in the local area. This may also be sufficient to comply with the criteria mentioned in Policy TR11 (car parking).

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed change of use will not infringe the Human Rights of neighbouring and nearby residents and the grant of a temporary permission would enable this to be reviewed at the end of the trial period.

ARTICLE 5 SUMMARY

The proposal is considered acceptable subject to the control exercised by a temporary and personal permission, which would enable the use to be monitored in the interests of the amenities of the surrounding area and the premises to revert to residential use in the future. On this basis the proposal is considered to be an acceptable exception to Borough Plan policy.

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

1. D5.2 Temporary permission until 31 May 2007.

2. C4 Personal permission (St Wilfrid's Hospice)

3. That the garage/car parking spaces indicated in the application shall be retained for use by staff employed in The Mount and shall be used for no other purpose.

T. C. E. Cookson

Head of Planning

14 May 2004