

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 20 JULY 2004

REPORT OF THE HEAD OF PLANNING / PLANNING MANAGER

LIST OF PLANNING APPLICATIONS FOR CONSIDERATION

- 1) 93/95 TERMINUS ROAD. Change of use from retail (Class A1) to coffee shop (Class A3). EB/2004/0332, MAP H12. DEVONSHIRE**

- 2) LAND ADJACENT TO 1 MELBOURNE ROAD AND 2 SYDNEY ROAD. Erection of two detached dwellinghouses with Parking. EB/2004/0356(LA), MAP I12. DEVONSHIRE**

- 3) 46B PEVENSEY ROAD. Variation of condition 3 of permission EB/2003/0509 to extend the use of the premises by one hour to 11.00pm daily. EB/2004/0384, MAP I12. DEVONSHIRE**

- 4) COACH AND LORRY PARK, WARTLING ROAD. Outline application for proposed residential development comprising a maximum of 225 units, together with access off Wartling Road. EB/2004/0274(LA), MAP M.12 DEVONSHIRE**

- 5) SHINEWATER ROUNDABOUT, JUNCTION OF WILLINGDON DROVE, GOLDEN JUBILEE WAY AND HIGHFIELD LINK. Installation of 3 No. sculptures to roundabout. EB/2004/0426. MAP O6. HAMPDEN PARK/LANGNEY/ST ANTHONY'S.**

- 6) SEAFRONT ON LOWER PARADE, GRAND PARADE (OPPOSITE HOWARD SQUARE). Change of use of public shelter, part of promenade and shingle beach to A3 use, including provision of doors, windows and electric roller canopy to shelter and illuminated wooden decking on beach. EB/2004/0393, MAP G13. MEADS**

- 7) 204-206 TERMINUS ROAD. Installation of new aluminium shopfront and external metal roller shutters. EB/2004/0401, MAP H12. MEADS**

- 8) 204-206 TERMINUS ROAD. Display of internally illuminated fascia sign and part illuminated fascia board. EB/2004/0402(ADV), MAP H12. MEADS**

- 9) 23 SANCROFT ROAD. Erection of conservatory at rear and extension of roof with dormers to side and rear of roof slopes. EB/2004/0441, MAP D7. OLD TOWN**

- 10) PUBLIC HIGHWAY AT THE JUNCTION OF CENTRAL AVENUE AND VICTORIA DRIVE. Installation of telecommunications apparatus comprising a 12m high telegraph pole and ancillary equipment cabins. EB/2004/0403(DET), MAP F5. OLD TOWN**

- 11) LAND WITHIN CURTILAGE OF 1 LINDSAY CLOSE. Erection of a detached part-single, part two-storey dwelling with integral garage. EB/2004/0413, MAP D8. OLD TOWN**

- 12) 54 SUMMERDOWN ROAD. Erection of a single dwellinghouse. EB/2004/0388(OL), MAP D.9 OLD TOWN**

- 13) 283 KINGS DRIVE. Erection of bungalow and detached garages at rear with access from Kings Drive. EB/2004/0423, MAP I 3. RATTON**

14) 2 BRANSTON ROAD. Two storey extension at side. EB/2004/0412, MAP. K3 RATTON

15) 31A & 33 ST ANTHONYS AVENUE. Erection of four chalet bungalows with access from St Anthony's Avenue. EB/2004/0355(OL), MAP P10. ST. ANTHONYS

16) LAND ADJACENT TO HARBOUR QUAY FACING NORTH HARBOUR SOVEREIGN HARBOUR. Erection of 24 flats arranged over four, five and six storeys with basement parking for 24 cars. EB/2004/0334(RM), MAP S11. SOVEREIGN

17) LAND ADJACENT TO HARBOUR QUAY, FACING NORTH HARBOUR SOVEREIGN HARBOUR. Erection of three-storey building with half basement level, comprising retail at ground floor, yacht club at first and second floor and berth-holder facilities at basement level. EB/2004/0333, MAP S11. SOVEREIGN

18) GARAGES AT REAR OF 49 UPPERTON GARDENS. Change of use from garages to residential dwelling. EB/2004/0392, MAP G10. UPPERTON

T. C. E. Cookson

Head of Planning / Planning Manager

20 July 2004

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 20 JULY 2004

REPORT OF THE PLANNING MANAGER

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 (2001-2011)
13. Eastbourne Townscape Guide 1994
14. East Sussex County Council Manual for Estate Roads 1995 (as amended)
15. Statutory Instruments
16. 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.

EASTBOURNE BOROUGH COUNCIL

PLANNING AND LICENSING COMMITTEE

TUESDAY 20 JULY 2004

REPORT OF THE PLANNING MANAGER

DEVONSHIRE WARD

**1) 93/95 TERMINUS ROAD. Change of use from retail (Class A1) to coffee shop (Class A3).
EB/2004/0332, MAP H12. DEVONSHIRE**

SITE LOCATION

The application site is located mid-way along a parade of shop units on the northern side of Sussex Gardens; the pedestrianised section of Terminus Road, situated between Bankers Corner and the junction with Bolton Road.

PLANNING HISTORY

The following planning applications have been submitted in respect of the application premises

- Installation of new shop front – Approved in September 1984 (EB/1984/0355 – Background paper)
- Installation of new shop front – Approved in July 2002 (EB/2002/0294 – Background paper)

CURRENT APPLICATION

Permission is sought by "Costa Coffee" for the change of use from Class A1 (shops) use to that of a coffee shop. Most recently the unit was occupied by 'Sanity', a music shop, which ceased trading several months ago since which the unit has been empty. A copy of a five-page letter, submitted by the applicant's agent, is attached to this agenda and reaches the conclusion that,

"even if it is found to be an A3 use, Costa's operation would enhance the vitality, viability, character and appearance of the shopping centre and would not undermine the primary retail function of the street.

There is, to repeat a well-used phrase, no reason why Costa's use of the application premises should not be permitted."

(Letter dated 19 April 2004 – Background paper)

PLANNING POLICY

Relevant policy contained in the adopted Borough Plan (2001 – 2011)

Policy TC6 – Town Centre Shopping Areas (Primary), which states:

"Within the primary and secondary shopping areas of the Town Centre (PSA and SSA on the Proposals Map) planning permission will be granted for the change of use of ground floor units in A1 use to A2 and A3 uses subject to the following considerations:

- a) the location and prominence of the premises within the shopping frontage;
- b) the floorspace and frontage of the premises;
- c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission, for class A2 and A3 uses;
- d) the particular nature and character of the use proposed, including the level of activity associated with it;
- e) whether the proposed use on its own, or cumulatively with other such uses in the area, would give rise to unacceptable noise or disturbance, including disorder.

In Seaside Road (numbers 3-95 and 12-68) no more than three consecutive premises are to be in non-A1 use".

CONSULTATIONS

The Economic Development Officer advises that "the site is well known to this department, and as such forms an important retail unit in the main shopping area.

Section 10.23 of the Borough Plan confirms the Council policy on the retention of the retail stock in this area, and this is reinforced from our perspective by the very low number of voids in the town centre.

For this reason, as there is no chance of a redundancy of the current use being accepted, I would recommend a decline of the application".

(Memo dated 14 May 2004 – Background paper).

The Local Plan Officer has made the following comments in respect of the policy issues associated with the proposed change of use.

“PPG6 Considerations

I do not accept that the approach of the Borough Plan is out-moded in terms of PPG6. The approach adopted is based on paragraph 2.25 of PPG6 which makes it clear that positive contributions have to be judged against "cumulative effects on such matters as loss of retail outlets.

I am aware that government have consulted draft PPS6 and this Council strongly supported paragraph 2.20, because it enables the continuation of a policy approach that we consider to have been important in maintaining the vitality and viability of Eastbourne Town Centre.

Policy TC6 Considerations

I will address each of the criteria in turn, but it should be noted that we would require applications to satisfy all criteria for planning permission to be granted:

- a) I agree that this unit is not a particularly prominent unit
- b) I agree that this unit is a relatively small element of the total floor space and frontage of Primary Shopping Area B of the Borough Plan. However, our calculations (based on GIS) are a frontage of 6.43 metres and a gross floor space of 189 sq metres.
- c) We do not agree with the figures presented by the applicant and the conclusions drawn from them. [This point is considered more fully below in the appraisal section of this report].
- d) I will not comment on their use-class interpretation. [This point will be considered in the appraisal section of this report]. However, on the face of it I do not consider that the proposal fails on this criteria
- e) Likewise I do not feel that the proposal fails on this criteria.”

With regard to the above comments, the Local Plan Officer has no objection to the proposed change of use from a policy point of view.

(Memo dated 27 May 2004 – Background paper).

The Eastbourne Access Group advises that the coffee shop should meet the requirements of the Disability Discrimination Act (e-mail sent 27 May 2004 – Background paper).

REPRESENTATIONS

None received to two notices displayed at the front of the application site.

APPRAISAL

The main issue to consider in the determination of the application is the impact of the proposed change of use on the vitality and viability of the town centre.

The applicant’s agent states, in the covering letter submitted with the application, that with regard to the use category of the proposed Costa Coffee outlet “Different planning authorities take different views, and we have received rulings in favour of A1, A3 and mixed A1/A3 uses... Any one of (a number of) factors [listed by the agent] can be persuasive in tipping the scales in one direction or the other or in balancing them in favour of the mixed or even sui generis use”.

The question here is whether the proposed use falls within Class A1 (shops) or A3 (food and drink) of the Town & Country Planning (Use Classes) Order 1987. If the use falls in the category of “use for the sale of sandwiches or other cold food for the consumption off the premises”, it would be Class A1. If it falls in the category of “use for the sale of food or drink for consumption on the premises or of hot food for the consumption off the premises”, it would be within Class A3.

As such, your officers consider that, given the nature of the proposed coffee shop, the application constitutes a material change of use from that of a Class A1 (shops) to Class A3 (food and drink) and the application should be determined on such a basis.

The agent further states that “if in your view the change of use is both material and from A1 to A3, I invite you to take the view that, in terms of its contributions to a centre’s vitality and viability, a coffee shop (as proposed by Costa Coffee) has as important a place in the high street as any A1 user”. This point will be considered later in this appraisal.

Reference is made by the agent to permission granted for the mixed use of the then Abbey National bank premises, at 124-126 Terminus Road, as bank (Class A2) and café (Class A3) for Abbey and Costa Coffee, respectively, in January 2002 but which, to date, has not been implemented.

The agent states that “its [coffee shop] primary function is the sale of hot drinks and cold or reheated snacks for consumption off the premises... In terms of its turnover a Costa unit would generally take more money from off-sales than from other elements of its trade... Some units will have a window display, but the operators generally prefer to put stools and shelves at the front, it being part of the unit’s ambience that customers watch the world go by while taking a rest and a coffee”. [A drawing entitled ‘Feasibility study seating layout’ submitted with the application has 66 seats and 26 tables]. Your officers consider that the proposed layout of the application premises lends itself to a Class A3 use as many customers will choose to stay in the unit to enjoy their cup of coffee.

The agent continues that “the sale of the same cold/reheated snacks and hot drinks for consumption on the premises, this being the A3, café element” and makes reference to the maxim that “if it looks like a shop, it is probably is a shop”. It should be noted that the ‘seating layout’ submitted with the application shows 14 seats and 7 tables between the serving counter and the front doors, thereby giving the appearance of a café rather than a conventional shop.

The agent then refers to the ways in which a coffee shop can have a positive effect on a street’s vitality as “People are in and out of it all day long and in the evenings, so there is constant movement and activity associated with it” and that “Stopping for coffee and a cake is a very popular part of any shopping trip and customers don’t want to have to walk outside the principal shopping areas in order to take a break”. It is also stated that “The vitality of the unit is further enhanced when the coffee shop spills out onto the street”. However, the Highway Authority would, due to the existing high flows of pedestrians, not grant a licence to allow tables and chairs to be placed in Sussex Gardens, thereby preventing the continental street café element to which the agent refers.

The agent continues that “Costa’s proposed use would be wholly within the guiding principles set out in PPG6 [“Town Centres and Retail Developments”]. It will make a positive contribution to the street and to the shopping centre...”

However, your officers consider that the occupation of the currently vacant shop, the subject of the application, by a conventional retailer would make an even more positive contribution to the primary shopping area of which it forms a part; a parade of retail units which contain a varied mix of shops.

This brings the agent to his consideration of the Council’s recently adopted Borough Plan and in particular Policy TC6. As indicated in the “Consultation” section of this report, the Local Planning Officer has responded to the points raised by the applicant’s agent. There is, in particular, with criterion c) of policy TC6 there is disagreement in respect of the figures presented by the applicant and the conclusions drawn from them and set out the Council’s figures below.

In terms of the proportion of the total number of units in Area B (of the Primary Shopping Area, where 25% is the acceptable proportion of frontages in non-A1 uses as identified in the Borough Plan), using the Council’s figures, in frontage terms the current situation is:

- Class A1 – 72.7%
- Non A1 - 27.3%

These proportions would, with the implementation of a Class A3 use of the application premises, become:

- Class A1 – 71.2%
- Non A1 - 28.8%

However, accepting that 61 Terminus Road (at present occupied by the Halifax) will revert to a Class A1

(shops) use, with the opening in mid-August of the re-located Halifax branch to 107-113 Terminus Road (providing the legal agreement associated with the Halifax approval is implemented), the proportions would become:

- 75.3%
- 24.7%

With regard to the above, it is the Local Plan Officer's conclusion that the Costa Coffee proposal would only be in breach of the 75% threshold in the interim period (a period of a few weeks) before 61 Terminus Road reverted to an A1 use. However, provided the legal agreement is implemented the current application cannot be recommended for refusal on planning policy grounds.

With regard to the above, the proposed occupation of the vacant shop unit, the subject of the application, as a coffee shop would result in the loss of a retail frontage, which might not create the same level of public interest or visual interest as that of a conventional retailer. In addition, the Class A3 use of the application premises would create a break in the present continuous shopping frontage between the Woolwich bank (71 Terminus Road) and the soon to be opened Halifax bank (107-113 Terminus Road). However, as indicated by the consultation response of the Local Plan Officer, the proposed Class A3 use would not breach the Borough Plan's 25% non-A1 use threshold for this part of the Primary Shopping Area.

As such, the proposed change of use would not be contrary to Borough Plan policy. Further, a coffee shop could be attractive to shoppers and other users of Sussex Gardens, contributing positively to the area whilst creating few or no amenity problems.

HUMAN RIGHTS IMPLICATIONS

The proposed change of use is unlikely to infringe the above noted Rights of local residents and commercial operators.

CONCLUSION

It is important to "manage" the existing retail stock so the town centre remains attractive to shoppers. Planning policy for the Town Centre has reflected the view that A1 (shops) uses should predominate in the primary (or central) part of the town. However, the proposed change of use would not breach the 25% threshold for the proportion of non-A1 uses as set by Policy TC6 of the Borough Plan and, as such, should not undermine the primary retail function of the area.

RECOMMEND: Permission be granted for the following reasons:

1. D1.1 Commencement within five years
2. C1.1 Restriction of use to a coffee shop
3. D6.2 Submission of details of storage and collection of trade refuse and access thereto
4. A12 Window display
5. C5.1 Hours of operation between 8 am and 11 pm

2) LAND ADJACENT TO 1 MELBOURNE ROAD AND 2 SYDNEY ROAD. Erection of two detached dwellinghouses with Parking. EB/2004/0356(LA), MAP I12. DEVONSHIRE

SITE LOCATION

The application site is located at the southern end of Melbourne Road and Sydney Road at the point where the two roads join. The site is surrounded by a low brick wall and has previously been used as a car park.

The adjacent properties in both Melbourne Road and Sydney Road are all two-storey terraced dwellings, with no off-street parking. Bourne School is on the opposite side of the road and to the south west is the rear of modern flats in Bourne Street.

PLANNING HISTORY

An application was submitted by the Borough Council in March of this year for the erection of four flats with three parking spaces (ref. EB/2004/0189(LA)), but following a large number of objections from local residents, the application was withdrawn, and replaced by the current proposal.

CURRENT APPLICATION

Permission in outline is sought by the Borough Council under Regulation 4 of the Town and Country Planning General Regulations 1992 (ie. where the authority does not propose to carry out the development itself) for the erection of two detached dwellings with on-site garages/parking.

The indicative drawings submitted in support of the proposal show two three-bedroom dwellings, one on each of the two road frontages, with a garage and driveway parking space for each dwelling. Access to the driveways would be from the connecting road at the end of Melbourne Road and Sydney Road. The design of the two properties would be similar to the style and scale of nearby dwellings and the materials schedule indicates brick and slates to match the original building in the surrounding area.

PLANNING POLICY

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

- UHT1** - Design of new development
- UHT2** - Height of buildings
- UHT4** - Visual amenity
- HO6** - Infill development
- HO20** - Residential amenity
- TR11** - Car parking

CONSULTATIONS

Neighbouring and nearby residents were notified of the proposal and three letters have been received from the occupiers of 1 Melbourne Road and 9 and 11 Sydney Road, with the following concerns:-

- The proposed development will cause loss of light to rear garden and kitchen
- Increase in traffic in an already congested road
- Passageway between the proposed development and existing dwellings would pose a security risk
- Traffic hazards due to cars reversing out at this blind corner

(Letters dated 25 May to 10 June 2004 – background papers).

A letter has also been received from the Acting Headteacher of Bourne School objecting to the proposal on the grounds that the development would significantly increase the dangers for children and parents accessing the school.

The Acting Head comments that: “Melbourne and Sydney Road are heavily congested already with vehicles parked in both sides of the narrow roads. This makes general access difficult and access for emergency vehicles almost impossible. There have been occasions in the past when fire engines, despite manhandling parked cars, have been unable to get through. Concerns are also expressed about visibility on the corner in view of the amount of traffic generated by the school, as they have 450 on the roll (letter dated 24 May 2004 – background paper).

The Council’s Principal Highway Engineer confirms that the Highway Authority does not wish to restrict the grant of consent subject to conditions relating to the access and a requirement that the private garden in front of the properties should be kept clear over a height of 600mm to maintain visibility on the corner (internal memo dated 10 June 2004 - background paper).

APPRAISAL

The main issues to consider in this case are whether the application site is of sufficient size to satisfactorily accommodate two dwellings and whether there is likely to be any adverse impact on neighbouring residents or on highway safety in respect of users of the adjacent highway.

A residential development of the site would be entirely compatible with the character of the surrounding area and therefore the proposal is acceptable in principle. The site has an area of approximately 290 square metres which compares very favourably with the typical area of two existing plots in either Melbourne Road or Sydney Road, a pair of which ranges in size from about 100 to 170 square metres. Consequently, the proposal would not be an over-development of the site in comparison to the established layout and densities in the immediate locality.

The height and design of the proposed dwellings shown on the indicative drawings are also in keeping with the style and scale of existing dwellings and therefore it is considered that two dwellings could be satisfactorily accommodated on the site in a manner which would be compatible with the surroundings. The proposal is thereby considered to comply with policies UHT1, UHT2 and UHT4 of the Borough Plan.

The flank walls of the two adjacent properties (2 Sydney Road and 1 Melbourne Road) abut the site but in both cases there are no windows in these walls facing the site. The siting of the dwellings, as shown, would have little impact on the former property as the dwelling proposed adjacent to it is roughly in line with its flank wall. The proposed dwelling facing Melbourne Road would have some effect on No. 1 as it projects about 2.5m. behind the rear wall of this adjacent property and therefore would be visible from a first floor rear window. The proposed dwelling, however, would be some 1.3m. from the boundary which, it is considered, would reduce the impact to an acceptable degree.

There are no windows shown in the indicative elevations (other than bathrooms) which could overlook adjoining properties. For these reasons the development, as indicated, would not conflict with policy HO20.

With regard to parking and highway issues, it is acknowledged that on-street parking is at a premium as none of the existing dwellings have on-site parking. The issue is further exacerbated by the location of the school on the opposite side of the road, which generates a significant volume of additional traffic at the beginning and end of each school session.

Unlike the existing properties, however, the proposed development incorporates on-site parking/garaging for two cars per dwelling, which complies with the current standard, together with policy TR11. The proposal will not therefore add to the existing parking problems in the area. In respect of highway safety the Highway Authority does not wish to restrict the grant of consent and considers the proposal acceptable subject to maintaining the visibility splays on the corner, which can be achieved by condition.

Having regard to all the above points it is considered that the proposed development would cause no harm to the surrounding area or the amenities of neighbours and is therefore acceptable.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal would have no adverse effect on the above noted rights of neighbouring residents.

ARTICLE 5 SUMMARY

The proposed development is considered acceptable as it would make full and effective use of land within an existing urban area in a manner which would be compatible with the surrounding area and without causing harm to the amenities of neighbouring residents. The proposal would thereby comply with all relevant Borough Plan policies.

RECOMMEND: That for the purposes of Regulation 4 of the Town and Country Planning General Regulations 1992, outline planning permission be granted subject to the following conditions:-

1. Approval of the details of the siting, design, landscaping and external appearance of the site (hereinafter called the “reserved matters”) shall be obtained from the Local Planning Authority by application before any development is commenced.
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. A2 Submission of samples of facing materials
5. A8 No walls etc. in front of building line
6. C5.3 Hours of operation (during construction)
7. D9 Restriction of permitted development
8. That, before the dwellings hereby approved are first occupied, provision shall be made to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.
9. The finished surface of the private drives shall not result in loose material being deposited onto the public highway.

3) 46B PEVENSEY ROAD. Variation of condition 3 of permission EB/2003/0509 to extend the use of the premises by one hour to 11.00pm daily. EB/2004/0384, MAP I12. DEVONSHIRE

SITE LOCATION

This vacant unit is located on the west corner of the junction of Pevensey Road and Cavendish Place, and is currently boarded up. There are residential flats (Cator House) above part of the premises, with the remaining part being single storey.

PLANNING HISTORY

The premises were constructed in the 1960's and were used as a car showroom for many years. Planning permission was granted in September 2003 for its subdivision into two units, the smaller of the two being an office (class B1) with the other as a café/restaurant (class A3), subject to conditions which, inter alia, restricted the opening hours of the café to 8.00am to 10.00pm every day.

(EB/2003/0509 – background paper)

CURRENT APPLICATION

Planning permission is now sought to vary condition 3 of the above permission to extend the use of the premises by one hour a day to 11.00pm.

PLANNING POLICY

The following Borough Plan policy is relevant to this application:

HO20 - Residential amenity

CONSULTATIONS

Six letters of objection have been received, five from residents of Cator House and one from a resident of Grafton Court, Cavendish Place. The objections are summarised thus:

there is already too much noise in the immediate area all day long and well into the evening

tables and chairs would be put on the pavement, adding to the noise levels

noise and disturbance would increase from the comings and goings of traffic/people (this has already increased due to the diversion of traffic from Seaside Road)

10.00 pm is already too late, and unsuitable in a residential area

objections to a staircase leading to the roof

objections to position and noise from a flue on the roof

(letters dated 31 May to 23 June 2004 – background papers)

APPRAISAL

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

The application as submitted does not include any proposals for tables and chairs, the use of the roof or the ventilation system (the latter is a condition attached to the previous permission). It relates purely to an extension by one hour of the permitted use of the premises.

Whilst the concerns of local residents are noted, I am mindful that this part of Pevensey Road has a commercial frontage, and that, in the town centre, higher levels of noise are to be expected. The additional use of the premises for one hour each day up to 11.00pm would not encourage customers leaving public houses and wine bars after closing time, which appears to be one of the main causes of disturbance in this area. It is therefore considered that the proposal is not unreasonable and would have minimal impact on residential amenity.

HUMAN RIGHTS IMPLICATIONS

For the reasons given above, it is considered that the impact on the adjacent and nearby residents would be acceptable.

ARTICLE 5 SUMMARY

The development would have a limited impact on the amenities of the area and nearby residents which is considered to be acceptable in a town centre location, and would therefore comply with relevant Borough Plan policies.

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

1. That the use hereby authorised shall only take place between the hours of 8 a.m. and 11 p.m.

4) COACH AND LORRY PARK, WARTLING ROAD. Outline application for proposed residential development comprising a maximum of 225 units, together with access off Wartling Road. EB/2004/0274(LA), MAP M.12 DEVONSHIRE

INTRODUCTION

Members will recall that this application was deferred at their meeting on 24 June 2004 for further information about the density of the development proposed and in particular the impact of increased traffic on the surrounding roads and the Sovereign roundabout, as well as concerns about flooding and the impact of the development on the Crumbles Sewer.

It was requested that further information should be sought in respect of the above concerns and the supplementary information detailed below has been obtained from the Highway Authority, Peter Brett Associates and the Environment Agency. Peter Brett Associates were the authors of the Transport Assessment that accompanied the planning application. The Company was founded in 1965 and is now one of the largest independent consulting engineering practices in the UK.

A copy of the full report on the application as presented to the Planning and Licensing Committee on 24 June 2004 is attached at Appendix 1.

Traffic Impact

East Sussex County Council's Senior Highway Engineer has confirmed:

- That the Highway Authority has not relaxed its existing design standards when considering a connection for the Coach and Lorry Park site;
- As the suggested access/egress arrangement is designed in accordance with the Highway Authority's current design criteria the Authority will not raise an objection to a development of 225 dwelling units on the Coach and Lorry Park site (e-mail received 7 July 2004 - [background paper](#)).

In response to whether the access requirements and the proposed package of highway improvements would be any different for a residential development comprising less than 225 units, Peter Brett Associates have confirmed the following:

- Access would be required regardless of the number of units, with contributions towards sustainable transport measures as identified in the Transport Assessment.
- A reduction in the number of units proposed for the site would also result in a reduction in the Local Sustainable Accessibility Improvement Contributions.

- In response to the query regarding “Spare Capacity” Peter Brett Associates have confirmed the following:
- The Transport Assessment concluded that the proposed site access would operate with spare capacity based on the revised junction layout into the site and the very low flow of vehicles beyond the development site with regard to the existing small residential development in Wartling Road and Brede Close.

With regard to the Sovereign Roundabout, a second extensive traffic survey was carried out on 29 June 2004 in the morning and evening peak periods. Based upon detailed junction analysis during the survey period, the following observations were made:

- In the morning peak period, it could be seen that no significant queuing occurred on any of the roundabout approaches except for Princes Road. Further examination of this queue indicated that traffic in the direction of Royal Parade was creating delays to traffic on Princes Road.
- In the evening peak period, there were no significant queues or delays observed at the junction and it appeared that the roundabout operated efficiently in terms of capacity.
- With regard to the traffic queues from Royal Parade, this could only be attributed to capacity restraints further downstream towards the Pier. Further investigation along the Seafront indicated that high numbers of hotel accesses, minor roads and zebra crossings all contribute to a reduction in capacity on this road and bring about queues.
- It was observed during the traffic survey that any operational problems in the morning peak periods cannot be attributed to insufficient capacity at the Sovereign Roundabout. In the evening peak period the roundabout operates efficiently and within capacity as the flow of vehicles leave Royal Parade.

In respect of the traffic survey, Peter Brett Associates have also confirmed the following:

- Traffic flows recorded during the morning peak period at Sovereign Roundabout in June were 0.1% higher than those recorded during March, while the total traffic flows recorded during the evening peak period at Sovereign Roundabout in June were 3.5% higher than those recorded in March.

To conclude, Peter Brett Associates have confirmed that based upon a capacity assessment using the June survey data, Sovereign Roundabout would continue to operate within capacity during the morning and evening peak periods with the proposed residential development of 225 units on the Coach and Lorry park site, with minimal additional queuing.

In light of the above findings, Members should note that the number of units proposed for the site would be likely to be upheld on appeal. Indeed Paragraphs 57 and 58 of PPG3: “Housing” promote making the best use of land and state that “Local planning authorities should...avoid developments which make inefficient use of land and seek greater intensity of development at places with good public transport accessibility such as....around major nodes along good quality public transport corridors.”

Furthermore the Transport Assessment submitted with the planning application supported the principle of the density proposed and confirmed that the provision of 225 units on the site was acceptable bearing in mind the site benefits from good accessibility to a range of local services and facilities within easy walking and cycling distances; has good access to existing pedestrian footpaths and benefits from good access to existing bus services.

The above findings are therefore wholly in accordance with Policy HO11 “Residential Densities” of the adopted Borough Plan which states that “within the predominantly residential areas net residential densities of 30-50 dwellings per hectare will be sought, but higher densities will be encouraged at places with good public transport accessibility.”

Therefore in conclusion, having regard to the density of development proposed and in particular the impact of increased traffic on the surrounding roads and the Sovereign Roundabout, both the Highway Authority and Peter Brett Associates have confirmed that the Coach and Lorry Park site can satisfactorily accommodate 225

units without causing harm to the local highway network.

Flooding Issues and the Impact on the Crumbles Sewer

The Environment Agency has confirmed that the Flood Risk Assessment that accompanied the planning application confirms the following in respect of the Coach and Lorry Park:

- the site is not identified on the Agency's Indicative Floodplain Map as being in a fluvial flood risk area;
- the site is not at risk from tidal flows;
- the site is not within the Willingdon Levels Drainage Catchment Area and will therefore have no impact on Eastbourne Park. It is therefore not necessary to make any contribution to flood storage compensation;
- the level of the site is higher than 2.3 metres above Ordnance Datum (AOD) level;
- there have been no recorded incidents of flooding from the land drainage system;
- although the site lies within the Indicative Tidal Floodplain, the current standard of coast protection meets the requirements of PPG25;
- there have been no recorded incidents of coastal flooding that have affected the site;
- in the longer term, by adopting the Redoubt to Cooden Coastal Defence Strategy, there is, subject to agreement and funding by Defra, a commitment by the Council and the Environment Agency to maintain the standard of protection for the frontage;
- the following control structures play a part in the control of river flow in the Crumbles Sewer:

Crumbles Outfall

This structure is formed of three sections separated by inner and outer counter balance tidal doors. The Environment Agency carried out a complete refurbishment of this structure in 2000 and it is considered to be in an excellent condition.

Crumbles Pond Outfall Sluice

This wind up counter-balanced sluice gate controls the outfall for Princes Park boating pond.

Crumbles Pond Feed Sluice

This wind up counter-balanced sluice gate controls the feed into Princes Park boating pond. There is a weed screen upstream of the sluice that collects deleterious material and this is cleared on a regular basis.

Crumbles gate

The twin sluice gates control the amount of water entering the Crumbles Sewer and are operated by the Environment Agency. The structure is regularly checked by the Agency;

- Standard restrictions on any additional surface water drainage into the Crumbles Sewer will apply and this will be reflected on the design of a suitable on-site drainage system to the agreement of the Environment Agency.

· The Environment Agency has no objections to the proposed redevelopment of the site subject to provision being made for maintaining access routes through the site to the Sewer frontage for future maintenance to the agreement of the Agency ([background paper](#)).

As a result of the above, the Environment Agency has confirmed that the Flood Risk Assessment confirms that the concerns expressed by Members of the Planning and Licensing Committee can be satisfactorily managed as part of the site development (e-mail received 1 July 2004 – [background paper](#)).

In light of the above supplementary information, it is considered that the proposed residential development comprising a maximum of 225 units on the Coach and Lorry Park, with access off Wartling Road is acceptable in terms of its effect on the highway network. Furthermore, the site is not at an unacceptable risk from flooding and the proposed development will not have any harmful effect on the Crumbles Sewer.

RECOMMEND: That for the purposes of Regulation 4 of the Town and Country Planning General Regulations 1992, outline planning permission be granted subject to:

The prior conclusion of a Section 106 Agreement with East Sussex County Council to secure off-site highway works and development contributions as required by the County Council's Supplementary Planning Guidance "A New Approach to Development Contributions" (October 2003) and subject to the conditions listed in the report attached at Appendix 1.

HAMPDEN PARK WARD

5) SHINEWATER ROUNDABOUT, JUNCTION OF WILLINGDON DROVE, GOLDEN JUBILEE WAY AND HIGHFIELD LINK. Installation of 3 No. sculptures to roundabout. EB/2004/0426. MAP 06. HAMPDEN PARK/LANGNEY/ST ANTHONY'S.

SITE LOCATION

The application site is comprised of the roundabout at the junction of 3 main roads – Golden Jubilee Way, Highfield Link and Willingdon Drive. Golden Jubilee Way is at the start of the A22, Eastbourne's main link road to London. The central area of the roundabout has soft landscaping with grass and plants. It is located adjacent to the boundary of Eastbourne Park.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Permission is sought for the erection of 3 sculptures. The sculptures would be constructed from stainless steel and consist of human figures in action poses. The height of the sculptures would be 2 metres.

PLANNING POLICY

UHT1 - Design of New Development

UHT4 - Visual Amenity

CONSULTATION

Site notices displayed. No replies received.

Highways Manager: The Highway Authority would have no objection to the proposal subject to the positive results of an external safety audit. The costs of which are wholly to be borne by the applicant. However, to avoid unnecessary costs to the applicant, I will not be submitting to the required Safety Audit until the application has received approval from the Planning Committee. (Internal memo dated 25th June 2004).

Downland, Trees and Woodland Manager: The centre of the roundabout contains a number of semi-mature specimens. The retention category of the trees is classified as high as they are healthy young specimens in good form (BS5837). If approved and the installation of the sculptures is undertaken by hand excavation only, the works will not be detrimental to the retention of the trees. It is imperative that any machinery is excluded from the area containing the trees. If approved, a suitable condition to ensure these details should be included. (Internal memo dated 30th June 2004).

Tourism Manager: No reply at time of writing report.

APPRAISAL

The main issue to consider in the determination of this application is the visual impact of the proposed sculptures.

The roundabout is situated in a relatively new developed part of Eastbourne and is one of the main entrances into the town. There is soft landscaping to the central part of the roundabout and it is considered that the installation of solid sculptures at this location would appear incongruous. Policies UHT1 and UHT4 require new development to harmonise with the character and appearance of the local environment and be of appropriate scale, form and materials and have regard to visual amenity. Two-metre high sculptures constructed from metal would not fit suitably with the street and be contrary to the provisions of the above policies.

The proposal does have implications for highway safety. However, the Council's Highways' Manager has requested that an external safety audit be undertaken only if the planning application is approved.

HUMAN RIGHTS IMPLICATIONS

There are not considered to be any Human Rights issues in this case.

RECOMMEND: Permission be refused for the following reason:

That the sculptures would be an incongruous feature in the street scene harmful to the visual amenity of the area, contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001 – 2011).

MEADS WARD

**6) SEAFRONT ON LOWER PARADE, GRAND PARADE (OPPOSITE HOWARD SQUARE).
Change of use of public shelter, part of promenade and shingle beach to A3 use, including provision of doors, windows and electric roller canopy to shelter and illuminated wooden decking on beach.
EB/2004/0393, MAP G13. MEADS**

SITE LOCATION

This is one of three similar shelters located on the lower promenade between the Wish Tower and the Bandstand. There are a further three shelters between the Bandstand and the Pier, one of which was the subject of a similar application which was approved at your last meeting (ref. EB/2004/0350). The internal dimensions of the shelter are 15.5m in width by a depth of 4.0m. The site is within the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

None.

CURRENT APPLICATION

The proposal relates to the conversion of the existing shelter to a food outlet with seating for around 27 inside and approximately 24 outside on the promenade immediately in front of the building. An area of decking, with additional seating for about 62, is proposed on the beach adjoining the promenade in front of the new food outlet. The decking, which is the same width as the current shelter and extends 5.0m onto the beach with a level access between the two, will be constructed in timber with a natural rope rail running around its perimeter, supported on Oak posts with ball finial detail.

External alterations to the shelter will include the provision of two new windows within Beech timber frames (one on either side of the frontage) and folding glazed Beech timber doors in the three openings between the existing piers. An electric roller canopy in a traditional style is proposed along the fascia of the building which, when fully extended, will project just under 2m over the promenade. Signs with the name "Seafood Restaurant" are shown on a pole mounted banner sign and on the front of the blind box, but these are the subject of a separate application under the Advertisement Regulations.

Recessed floor lights are proposed close to the edge of three sides of the perimeter of the decking and along the front of the food outlet (at the back edge of the promenade).

The internal arrangement (in addition to the main seating area) consists of a preparation area, servery and toilets.

PLANNING POLICY

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

TO7 - Preferred area for tourist attractions and facilities

TO8 - New tourist attractions and facilities

TO9 - Commercial uses on the seafront

UHT15 - Protection of conservation areas

CONSULTATIONS

The Eastbourne Society (formerly the Civic Society) and the Meads Community Association were notified of the application and the proposal was advertised in the Local Press and on site as development affecting a conservation area. No representations have been received.

The Tourism Manager has no objections to the proposal and makes the following comments: "From a tourism perspective the shelters in their current state cannot be regarded as a welcoming option for visitors or indeed the residents of the town. Furthermore I fully support this exciting development on Eastbourne seafront and feel the proposals will be extremely beneficial to the tourism industry and will indeed be a quality enhancement to the seafront." (Internal memo dated 11 June 2004 – [background paper](#)).

The Council's Consultant Historic Buildings Advisor is in favour of the proposal in principle subject to details

of joinery which can be controlled by a condition (internal memo dated 25 May 2004 - background paper).

At the meeting of the Conservation Area Advisory Group on 1 June 2004 Members raised no objection to the proposal subject to further detailing on ventilation and services.

APPRAISAL

The proposal will enable the existing structure to be restored with minimal changes to the external appearance of the original shelter. The loss of the shelter is not considered to be significant as there are two other shelters nearby on this section of the Lower Promenade which can adequately meet the needs of anyone wishing to shelter from the elements. There is no objection in principle therefore to an alternative use for the shelter.

The principle of the proposed use of this shelter as a food outlet is consistent with Policy TO7 of the Borough Plan, which specifically identifies Grand Parade as a suitable location for new quality tourist attractions and facilities.

The proposal will result in the upgrading of the existing structure without significantly altering its original appearance and design, and commercial signage will be kept to a minimum.

Subject to strict control over the precise details of the folding doors, windows and the roller blind, it is considered that the proposal will preserve or enhance the character of the Conservation Area. As such, the proposal complies with policies TO8 and UHT15.

Policy TO9 is primarily intended to control the commercial use of buildings (ie. hotels) on the seafront. Small catering outlets such as kiosks and their associated seating areas have been treated differently and have generally been considered acceptable on the seafront. The nature and scale of the current proposal, although larger than a typical kiosk, places it into the same category of development and therefore it is considered that the proposal does not conflict with this policy.

CONCLUSION

The conversion of the shelter to a food outlet in the manner proposed together with the area of decking over the beach will create an attractive environment and a vibrant use which will have a positive impact on this section of the seafront. The proposal complies with the relevant Borough Plan policies and is worthy of support.

HUMAN RIGHTS IMPLICATIONS

There are not considered to be any Human Rights issues in this case.

ARTICLE 5 SUMMARY

The proposal is considered acceptable as it would preserve or enhance the character of the Town Centre and Seafront Conservation Area and would comply with relevant Borough Plan policies.

RECOMMEND: Permission be granted subject to the following conditions:

1. D1.1 Commencement of development within 5 years
2. That details of all joinery, together with the proposed blind box at a scale of 1:5 shall be submitted to and approved by the Local Planning Authority before the development

hereby approved is commenced.

3. C12 Provision of litter bins

7) 204-206 TERMINUS ROAD. Installation of new aluminium shopfront and external metal roller shutters. EB/2004/0401, MAP H12. MEADS

8) 204-206 TERMINUS ROAD. Display of internally illuminated fascia sign and part illuminated fascia board. EB/2004/0402(ADV), MAP H12. MEADS

INTRODUCTION

The above two applications are considered in the same report with separate recommendations provided.

SITE LOCATION

The application site is the ground floor retail unit located at 204-206 Terminus Road. The property is a building of local interest and has a number of residential flats above the shop premises as part of Victoria Mansions. The existing shopfront has a timber frame and low stallriser. It also has a recessed doorway. The existing fascia sign is 900mm deep and extends the full width of the shop front.

The unit was originally two separate retail units but has been converted to one larger unit. The original shop front has been removed but it is considered that there is the potential for original features to be present at fascia height. An original pilaster survives on the right hand side of the shop front.

PLANNING HISTORY

The following applications are considered relevant to this application:

Permission was granted for a new shop front with internal alterations and extension at rear in 1959 (EB/1959/492 – [background paper](#)).

CURRENT APPLICATION

The current applications seek permission for the installation of a new aluminium shopfront, internally illuminated box fascia sign and partially illuminated fascia board.

The proposed new shopfront is to be constructed from aluminium and has a 400mm stallriser. The entrance is proposed as a sliding door located on the left hand side of the central pilaster.

The proposed fascia board is 700mm deep. It will be white enamelled aluminium with an illuminated red strip at the base. The box fascia sign will display the SPAR logo and will be internally illuminated.

The original application also sought permission for the installation of external roller shutters. It is anticipated that these will be removed from the application though at the time of writing no amended plans have been received.

PLANNING POLICY

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

Policy UHT11 - Shopfronts

Policy UHT18 - Buildings of Local Interest

Policy HO20 - Residential Amenity

- CONSULTATIONS

- The application was advertised by two site notices and by letters of notification sent to the surrounding properties. As a result one letter of objection has been received. They are concerned about the impact a new convenience store will have on their business (Letter Dated 25 May 2004 – background paper).

The Eastbourne Access Group states that the shop should be accessible to disabled people (E-mail Dated 4 June 2004 – background paper).

The Means of Escape and Access Officer states that the shopfront will need to comply with approved documents M and B1 and as such the threshold of the entrance door should be no higher than 15mm (Internal Memo Dated 15 June 2004 – background paper).

The Historic Buildings Advisor raises objections to the proposed development for the following reasons:-

- The new shopfront pays little if any respect to the architecture of the building as a whole and is not in accordance with guideline SA2 of the Eastbourne Townscape Guide.
- The design does not incorporate any lost or hidden features such as the fascia or pilasters, he recommends a form of subdivision at fascia level as the unit was originally two separate units.

(Internal Memo Dated 22 June 2004 – background paper).

- APPRAISAL

The design of the fascia signs and shopfront and the impact of these on the building of local interest are the primary issues that need to be considered when determining this application. It is also considered to be relevant that the shop unit is located in a prominent position on a stretch of Terminus Road that has recently had significant investment to create an improved link from the town centre to the seafront.

The proposed fascia board runs the full width of the fascia. The box fascia sign displaying the SPAR logo is to be located slightly off centre, on the left hand side of the central pilaster. It is considered that as the shop unit was originally two units, for the signage to complement the upper floors of the building and to enhance the character of the locally listed building, the fascia sign needs to incorporate a division, as recommended by the Historic Buildings Advisor.

The proposed fascia signs incorporate no division and therefore do not comply with policies SA2 and SA13 of the Eastbourne Townscape Guide and policy UHT11 of the Eastbourne Borough Plan (2001-2011) and as such should be refused.

The level of illumination on the fascia signs is not considered to be out of keeping with the area or the building and will not be detrimental to the visual amenity of the area.

Policy UHT 11 of the Eastbourne Borough Plan (2001-2011) requires new shopfronts to be in a style which is contemporaneous with that of the host building in its design, materials and signage and states that permission should be refused for shopfronts of poor design. In addition policy SA7 of the Eastbourne Townscape Guide requires the glazed areas of new shopfronts to reflect the main structural emphasis and design of the upper floors.

The division of the two shop units is still visible in the remnants of the original fascia and upper floors of the building. Although the proposed shopfront uses the existing pilaster, it is considered that the division present on

the ground floor is out of keeping for the building due to its form, material and break at fascia level. The glass areas of the shopfront are considered to have too much horizontal emphasis, particularly with respect to the 'unit' on the left of the central pilaster. These elements do not reflect the character of the building of local interest or the original features that may be present behind the existing fascia board. The use of aluminium for the shopfront is not in keeping with the upper floors of the building.

Ideally the shopfront should also have a higher stallriser as the minimum height suggested in the Eastbourne Townscape Guide is 500mm. However, despite the fact that the proposed stallriser is only 400mm, the property is not in a conservation area or a listed building and this element is considered to be of less importance than the above.

For the above reasons the shopfront and signage are considered to be poorly designed and out of character for the building of local interest and use of materials and should therefore be refused.

It is considered that the proposal will not impact on the residential amenity of the adjoining properties.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: (A) Permission be refused with respect to application EB/2004/401 for the following reason:-

That the proposed shopfront by virtue of its design and materials does not reflect the structural emphasis on the upper floors of the building or the character and appearance of the building of local interest and is therefore considered to be poorly designed and contravenes policy UHT11 and UHT18 of the Eastbourne Borough Plan (2001-2011).

(B) Permission be refused with respect to application EB/2004/402(ADV) for the following reason:-

That the proposed signage is not in a style that is contemporaneous with that of the host building and therefore contravenes policy UHT11 of the Eastbourne Borough Plan (2001-2011).

OLD TOWN WARD

9) 23 SANCROFT ROAD. Erection of conservatory at rear and extension of roof with dormers to side and rear of roof slopes. EB/2004/0441, MAP D7. OLD TOWN

SITE LOCATION

The application site is comprised of a detached dwelling on the eastern side of Sancroft Road. Adjoining the side boundary of the site is a public footpath which leads to the Old Town Recreation Ground at the rear. The land level slopes downward at the rear, away from the house. The house is built with red-facing bricks on the elevations and the hipped roof has plain red tiles. There is an existing conservatory at the rear which projects 1.35 metres. A side and rear extension has been erected to the neighbouring house to the south, 21 Sancroft Road. No.25, the dwelling on the other side of the public footpath to the Old Town Recreation Ground, has been enlarged with a conservatory at the rear.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Permission is sought to enlarge the dwelling by erecting a conservatory and patio to the ground floor at the rear. The conservatory would be built towards the southern side of the rear elevation and project 4.45 metres and be 4.4 metres high from garden ground level to ridge level.

It is also proposed to enlarge the hipped roof by constructing dormers to the side and roof slopes. The side dormer would have a mock-pitch roof. The alterations to the rear roof slope would involve partially constructing a gable, with the dormer having a mock-pitch roof.

PLANNING POLICY

UHT1 - Design of New Development

UHT4 - Visual Amenity

HO20 - Residential Amenity

CONSULTATION

Neighbouring occupiers in Sancroft Road were notified and a site notice displayed. No representations were received.

APPRAISAL

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

Although the proposed conservatory would have a substantial length and height, it is not considered that it would adversely affect neighbouring dwellings. The neighbouring dwelling to the south, 21 Sancroft Road, does not have windows in the rear or side elevation of its extension. The conservatory would not, therefore, affect light to No. 21 nor cause overlooking subject to the side elevation having semi-obscure glazing. It is considered that the position of the conservatory would not affect the neighbouring house to the north.

The dormers proposed would significantly alter the appearance of the roof and would not be harmonious with the existing dwelling. The rear alterations, creating a partial gable along with a mock-pitch dormer would create an obtrusive feature. The dwelling is in a row of houses which have unaltered roofs, facing Old Town Recreation Ground. The proposed dormers would be highly visible and dominate the roofscape. The side dormer would also be visually dominant in Sancroft Road and be out of character with the street scene.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development is unlikely to infringe the above noted Rights of local residents.

RECOMMEND: Permission be refused for the following reason:-

That the roof extensions would be an obtrusive feature detrimental to the appearance of the existing house, out of character with the street scene and harmful to the visual amenity of the area, contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001 – 2011).

**10) PUBLIC HIGHWAY AT THE JUNCTION OF CENTRAL AVENUE AND VICTORIA DRIVE.
Installation of telecommunications apparatus comprising a 12m high telegraph pole and ancillary equipment cabins. EB/2004/0403(DET), MAP F5. OLD TOWN**

SITE LOCATION

The application site is located on the public highway in Victoria Drive at the junction with Central Avenue, and comprises a large grass verge approximately 40m long and 6m wide. It supports a number of statutory undertakers, such as telephone, gas and water installations, together with street lights and traffic signs.

CURRENT APPLICATION

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

The proposed equipment comprises a 12m high monopole in the form of a GRP telegraph pole sited near to the kerb line adjacent to the parking bay on the back edge of the verge. Three equipment cabins are also proposed, the largest of which would be 1.5m high, 1.25m wide and 0.7m deep; the colour is to be agreed, but dark green would be the most appropriate colour on a grass verge. The statutory ICNIRP certificate has been submitted with the application.

PLANNING POLICY

The following borough plan policies are relevant to this application:

US8 - Prior approval of telecommunications development

US9 - Telecommunications development

CONSULTATIONS

The Health and Safety Executive raises no objections to the proposal on safety grounds.

(Letter dated 14 June 2004 – background paper)

The Highway Manager has identified a number of minor inaccuracies/omissions on the submitted plans, but notwithstanding that, he confirms that there are no grounds to refuse the application with respect to highway safety.

(Memo dated 21 June 2004 – background paper)

The Arboricultural Officer comments that the Wheatley elm on the footpath adjacent to the verge is 10m from the proposed equipment, which is suitable to ensure retention of the tree. He is of the opinion that, as the tree was last pruned in 2002 and will not be reduced again until 2007, it may grow to exceed the height of the mast, leading to requests to prune it unnecessarily. Furthermore, he considers that given the age of the tree and its susceptibility to Dutch Elm disease, the reliance on the tree to provide screening for the mast is inappropriate; if consent is given, the consideration should be given to planting further trees on the grass verge.

(Memo dated 24 June 2004 – background papers)

At the time of writing this report, 10 letters of objection have been received from local residents plus a letter of

objection from Nigel Waterson MP. The objections are summarised thus:

- the mast at 12m high on an open site will be an eyesore
- it should be located at the foot of the Downs
- it should be located tight up against the corner of Edinburgh Court
- it will be a target for vandalism
- devaluation in property values
- adverse impact on health of nearby residents
- it is too close to schools
- the local council will do well out of renting the land
- if it is approved, a proliferation of others would result, as in Albert Parade
- will 3G pay for independent monitoring equipment, and compensate those who suffer ill health
- it will block the view of the Downs
- inappropriate in a residential area
- it is much taller than surrounding buildings, and would be a visual intrusion

(Letters dated 9 June – 3 July 2004 – [background paper](#))

APPRAISAL

The main issue to take into account in determining this application is the siting and appearance of the proposed equipment.

The monopole itself would have a diameter of 200-300mm and would have a GRP finish to resemble a telegraph pole. At 12m in height, it would be taller than the two storey dwellings in the immediate vicinity, although it would be the same height as the blocks of flats on both corners of Central Avenue and the buildings in the adjacent shopping parade in Victoria Drive. The street lights in the area are typically 8m high, and there is a 10m high street tree nearby. Given the large size of the verge and the amount of street furniture on and around it, it is considered that the apparatus itself, in the guise of a telegraph pole, would be an acceptable form of development in the streetscene which would not be out of character with its surroundings; a photomontage submitted with the application adequately demonstrates this.

With respect to comments regarding vandalism and graffiti, it is noted that the existing cabinets and equipment on the verge do not suffer from these problems.

The Arboricultural Officers's comments regarding replacement/additional screen planting are noted, however, the existing street tree would not provide any effective screening for the mast, and given the high concentration of statutory undertakers in the verge, in addition to the potential for introducing a further hazard to visibility at this very busy junction, it is not considered that further tree planting would be a practical proposition in this instance.

Although the courts have held that health concerns can be a material consideration in determining applications,

it remains government advice in PPG8 that provided an installation meets ICNIRP guidelines, it should not be necessary for a local planning authority to consider further the health aspects and concerns associated with it. In this case, a certificate has been provided to confirm compliance with those guidelines. Notwithstanding this, local schools have been notified of the application, although no responses have yet been received. The centre of the beam at its highest intensity falls on Cavendish School according to information supplied with the application, although this is 4041 times lower than the ICNIRP guidelines.

HUMAN RIGHTS IMPLICATIONS

It is considered that the impact on the rights of nearby residents to the peaceful enjoyment of possessions and protection of property would be minimal.

CONCLUSION

It is acknowledged that Old Town is a difficult part of the town in which to find suitable sites for telecommunications apparatus, and this is because of a combination of factors i.e. its topography, the lack of industrial/open areas, the high density residential character of the area and not least the lack of willing site providers. This has resulted in more applications for streetworks applications, since the operators have a statutory right to place equipment on the public highway, and highway authorities can only refuse applications on specific highway safety grounds. In this instance the unusually large size of the verge and its very utilitarian appearance lends itself to the positioning of the proposed telegraph-style pole and ancillary equipment and is considered acceptable in visual terms.

RECOMMEND: That the siting and appearance of the proposed equipment be approved subject to the following condition:

That the equipment and meter cabinets shall be finished in a colour to be agreed with the Local Planning Authority and permanently maintained as such thereafter.

11) LAND WITHIN CURTILAGE OF 1 LINDSAY CLOSE. Erection of a detached part-single, part two-storey dwelling with integral garage. EB/2004/0413, MAP D8. OLD TOWN

SITE LOCATION

The application site comprises the rear half of the plot occupied by 1 Lindsay Close, which is located on the north east side of the road. It currently provides a single storey garage and private garden area for the existing dwelling.

PLANNING HISTORY

The existing property was constructed in approximately 1961.

Planning permission was granted in May 2004 for the erection of a single storey extension at the side and a garage and conservatory on the Old Camp Road frontage together with a new vehicular access. The application has not been implemented.

(EB/2003/0793 – background paper)

An application to erect a part single, part two storey dwelling with integral garage was submitted on 5 May 2004 and withdrawn on 27 May 2004.

CURRENT APPLICATION

Planning permission is now sought for the erection of a part single, part two storey dwelling with an integral garage on the site with a new vehicular access from Lindsay Close. The site measures 23.5m wide by 19m

deep, and is set at a lower level than the footpath in Lindsay Close by approximately 1.5m.

The north and east boundaries with 3 Lindsay Close and 36 Old Camp Road respectively are characterised by trees and hedges of substantial height, although not containing any particularly fine specimens, (elder, holly, forsythia, cypress and lonicera nitida). The proposed dwelling would have a footprint of 13.7m in width and 6.7m in depth, with a central two storey section 7.5m high flanked by single storey sections on both sides 4.6m high. The design of the dwelling reflects that of the other dwellings in Lindsay Close in terms of gables, pitches, and fenestration. It provides modestly sized accommodation with one en-suite bedroom on the first floor. The dwelling is shown to be 3.3m from the boundary with 3 Lindsay Close and 3.5m from the boundary with 36 Old Camp Road, with a gap of 7.2m to the flank elevation of 1 Lindsay Road; the front of the dwelling follows the front building line of that property. The scheme also involves the demolition of the existing garage and the closure of the vehicular access to it.

PLANNING POLICY

The following borough plan policies are relevant to this application:

- UHT1 - Design of new development
- UHT2 - Height of buildings
- UHT4 - Visual amenity
- HO2 - Predominantly residential areas
- HO6 - Infill development
- HO11 - Residential densities
- HO20 - Residential amenity
- NE28 - Environmental amenity

CONSULTATIONS

Nine letters of objection have been received from 2, 3, 4, 6, 7, 8, 10 and 14 Lindsay Close and Nigel Waterson MP. The objections are summarised thus:

- overdevelopment
- unacceptable increase in density in the area
- it would set a precedent
- increase in traffic in the close
- noise, disturbance and disruption from building works
- contravention of covenants
- out of keeping with the size of gardens of other properties in the area
- had there been sufficient space for an additional dwelling it would have been sought when the original houses were constructed

(Letters dated 17 June to 6 July 2004 – background papers)

The Arboricultural Officer confirms that the position of the new drive is a suitable distance from the preserved pine tree to ensure its retention; the boundary contains a mixed species hedgerow which is shown on the plans to be retained, however the construction of the dwelling is likely to result in the loss of a cypress tree on the northern boundary, but the retention category of this specimen is low. Protective fencing would be required during construction works.

(Memo dated 24 June 2004 – [background paper](#))

The Senior Highway Engineer raises no objection to the proposal, subject to the reinstatement of the existing vehicular crossing.

(Memo dated 28 June 2004 – [background paper](#))

APPRAISAL

The design of the current submission blends in well with the character of the properties in Lindsay Close, and to a certain extent fills in the gap between 1 and 3 Lindsay Close without having an adverse impact on the streetscene, since most of the dwellings are relatively close together. However, the resultant plot sizes of the proposed dwelling and 1 Lindsay Close would be completely out of character with the other dwellings in Lindsay Close and the wider surrounding area. Furthermore, the siting of the proposed dwelling entirely forward of 3 Lindsay Close would result in an awkward relationship between the two dwellings which would be exacerbated if the hedgerow were significantly reduced or lost. It is also considered that the siting of the dwelling would adversely affect the outlook of both 3 Lindsay Close and 36 Old Camp Road. In both cases this would be mitigated to a degree by the hedgerow, but as the proposed dwelling is so close to both these boundaries, it is not certain that it would survive the construction process adequately, nor that any future occupiers would wish to retain such a feature, since it would take up almost all the space at the side and rear (which at little more than 3m is a very tight fit).

It is not considered that the construction of a two bedroom dwelling would significantly affect the density of the close itself, nor would it lead to an unacceptable level of noise, disturbance or traffic. The provision of an additional access in the position indicated would not be a hazard and has not resulted in any objection from the Highway Authority.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposal could have some adverse impact on the adjacent residents in terms of loss of outlook.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed development would, by reason of its siting and cramped form, result in an over development of a restricted site which would adversely affect the character and appearance of the area, and would also have an adverse impact on the outlook of the adjacent properties. The development is therefore contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

12) 54 SUMMERDOWN ROAD. Erection of a single dwellinghouse. EB/2004/0388(OL), MAP D.9 OLD TOWN

SITE LOCATION

The application site which has an area of 0.06 hectares (0.15 acres), is currently a tennis court in the rear garden of the large detached dwelling at 54 Summerdown Road.

PLANNING HISTORY

Outline planning permission was granted for the erection of a detached dwelling and garage in the rear garden of 54 Summerdown Road (Beresford School Annexe), facing Compton Drive in 1988 (EB/88/0390 – background paper).

Approval of the reserved matters pursuant to the above outline were thereafter granted in 1989 (EB/89/82(RM) – background paper).

In 1992, planning permission was granted for the change of use of 54 Summerdown Road from a school annexe to a single private dwelling (EB/92/246 – background paper).

CURRENT APPLICATION

Outline planning permission is sought for the erection of a detached two storey dwelling within the curtilage of the 54 Summerdown Road, on the site of an existing tennis court. The application only seeks consent for the principle of the development with all matters including siting, design, landscaping, external appearance and means of access reserved for subsequent approval.

The drawing accompanying the application (which is for indicative purposes only), shows the side of the proposed dwelling sited 8 metres from the rear wall of the existing property, 8 metres from the side wall of the property at 2 Compton Drive and 9 metres from the boundary with 52 Summerdown Road.

The drawing indicates a dwelling with a maximum width of 10.4 metres and a maximum depth of 11 metres, served by a vehicular access off Compton Drive. Floor plans of a typical house design have also been provided and indicate that the accommodation could comprise the following:

Ground Floor

Lounge, dining room, kitchen/breakfast room, entrance hall, cloakroom, study and integral garage.

First Floor

Master bedroom with en-suite, three additional bedrooms and a bathroom.

PLANNING POLICY

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

- Policy UHT1 - Design of New Development
- Policy UHT2 - Height of Buildings
- Policy UHT4 - Visual Amenity
- Policy HO2 - Predominantly Residential Areas
- Policy HO6 - Infill Development

Policy HO20 - Residential Amenity

Policy TR11 - Car Parking

CONSULTATIONS

Notification letters were sent to occupiers of surrounding residential properties and a notice was displayed adjacent to the site in Compton Drive. At the time of writing this report five letters of objection had been received from the occupiers of 2 and 4 Compton Drive and 50, 52 and 81 Summerdown Road and the comments made can be summarised as follows:

- Concerned about the position of the proposed property as it would cause a serious hazard at the junction of Summerdown Road and Compton Drive. It would be extremely dangerous to have the drive so close to the junction;
- The proposed site is at a very low ground level compared to adjoining houses in Compton Drive and Summerdown Road and water drains to the proposed building area which is currently a tennis court;
- A house built on this very small site would not be in keeping with other properties in Compton Drive and there would virtually be no garden left at 54 Summerdown Road which would destroy the character of the house;
- 2 Compton Drive has windows serving the kitchen, master bedroom and breakfast room overlooking the site of the proposed dwelling which will undoubtedly cause overshadowing especially on the ground floor;
- All properties in nearby area are good sized detached properties with reasonable sized gardens. If application is approved it would open the floodgates for other properties to dispense of their gardens and infill with additional buildings;
- Proposed development is completely out of keeping with the quality and density of housing in the area;
- Proposal will result in an extreme loss of privacy for occupiers of 52 Summerdown Road. If the dwelling is built the first floor rooms would look directly into the master bedroom, lounge, garden room and playroom and would result in loss of privacy in the back garden;
- A further dwelling will be a drain on the existing water and sewage systems which are already under strain. (Letters dated between 3 and 20 June 2004 – background papers)

The Council's Senior Highway Engineer has confirmed that the Highway Authority does not wish to restrict the grant of consent for the proposed development subject to the following conditions being attached to any planning permission:

- Provision must be made to prevent the discharge of water from the proposed site onto the public highway and similarly to prevent the discharge of surface water from the highway onto the site;
- The finished surface of the drive should not result in loose material being deposited onto the public highway;

- The maximum gradient of the drive shall not exceed 1:9;
- The vehicular crossing must be constructed in accordance with the Highway Authority's requirements. (Internal memorandum dated 18 June 2004 – [background paper](#))

APPRAISAL

The main issues to consider in the determination of this outline application is whether the principle of the proposed development is acceptable, having regard to Government guidance and adopted Borough Plan policy and whether the proposal to erect a dwelling on the site is acceptable in terms of its effect on the visual amenities of the locality and the effects on the amenities of surrounding residents.

Planning Policy Guidance Note 3 (PPG) "Housing" is relevant to this application. The guidance recommends that local planning authorities should seek to make more efficient use of land for housing and to concentrate most additional housing within urban areas. The guidance also emphasises the importance of good design and layout and the need for new housing to have regard to the wider locality. Furthermore, Policy HO6 of the adopted Borough Plan (2001-2011) supports infill residential development within predominantly residential areas for housing, subject to there being no significant harm to residential, visual or environmental amenity.

Whilst it is acknowledged that the siting of the proposed dwelling is not to be dealt with as part of this application, it is considered that by reason of the restricted size of the plot, the proposal would represent a cramped form of development, out of keeping in terms of size and scale with the immediately surrounding detached properties in Compton Drive and Summerdown Road, to the detriment of the visual amenities of the locality. This would be further demonstrated by the size of the rear garden of the existing property at 54 Summerdown Road which would remain as a result of the proposed development. Indeed the indicative site layout plan shows that it would only extend to a maximum depth of 4.5 metres, compared with the 35 metre garden associated with the adjacent property at 52 Summerdown Road.

Whilst it is accepted that the proposed development would contribute an additional dwelling to the Town's housing stock in line with PPG3, it is considered that this benefit is outweighed by the material harm the development would have on the visual amenities of the locality.

Furthermore, as detailed in the Planning History section of this report planning permission was granted in 1988 and 1989 for the erection of a dwelling within the curtilage of 54 Summerdown Road. These permissions were thereafter implemented and the property erected on site in the early 1990s.

It is therefore considered that the further subdivision of this plot would result in an over-development of the original site and would result in a development out of keeping with the character and appearance of the locality.

It is considered that the proposed erection of a dwelling in the rear garden of 54 Summerdown Road would have a seriously harmful effect on the amenities of occupiers of adjacent residential properties. This would especially be the case for the occupiers of 52 Summerdown Road. Wherever the proposed dwelling would be sited within the application site it would have rear windows looking into ground and first floor rooms of this property and would overlook the entire patio area and rear garden. It is therefore considered that the proposed development would result in unacceptable overlooking and loss of privacy for the occupiers of 52 Summerdown Road.

In addition, it is considered that the proposed development would be harmful to the amenities of occupiers of 54 Summerdown Road. This property currently has a rear garden extending to a maximum depth of 22 metres. However the proposal will result in a dwelling being sited within 8 metres of this large detached property. It is therefore considered that the proposed development would result in a restricted outlook for the occupiers of 54 Summerdown Road.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would affect the rights of occupiers of surrounding properties to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused for the following reasons:

That the proposed erection of a dwelling on the application site would result in a cramped form of development, out of keeping with the character and appearance of the surrounding locality. Furthermore, the proposed dwelling would be detrimental to the amenities of occupiers of adjacent residential properties, particularly in terms of restricted outlook, unacceptable overlooking and loss of privacy. As such, the proposed development is considered to be contrary to Policies UHT1, UHT2, UHT4 and HO20 of the adopted Eastbourne Borough Plan 2011-2011.

RATTON WARD

13) 283 KINGS DRIVE. Erection of bungalow and detached garages at rear with access from Kings Drive. EB/2004/0423, MAP I 3. RATTON

SITE LOCATION

The application site is comprised of a two-storey detached dwelling on the north-western side of Kings Drive. The property has a hardstanding in the front garden for car parking, plus a garage to the side of the house. The rear garden is approximately 65 metres in length and borders the Westlords playing fields in Willingdon Road. At the rear boundary line are Lombardy Poplar trees and Austrian Pine trees covered by Tree Preservation Order No.4.

PLANNING HISTORY

Planning permission was granted for the demolition and rebuilding of an enlarged garage (ref. EB/98/416 – [background paper](#)).

Permission was also granted for a single storey side extension (ref. 69/275 – [background paper](#)) and the formation of a dormer window (ref. 72/12 – [background paper](#)).

CURRENT APPLICATION

Permission is sought to develop the rear garden with a three-bedroom bungalow and detached double garage. The existing vehicular crossover at the front of 283 Kings Drive would be used. A new driveway adjacent to the side boundary with 281 Kings Drive would be constructed to link the front of the property with the proposed dwelling. Construction of the driveway to the rear would involve demolition of the existing garage and shed at the side of the house.

PLANNING POLICY

UHT1 - Design of New Development

UHT2 - Height of Buildings

UHT4 - Visual Amenity

UHT8 - Landscaping

HO1 - Residential Development within the Existing Built-up Area

HO2 - Predominantly Residential Areas

HO6 - Infill Development

HO12 - Residential Densities

HO20 - Residential Amenity

CONSULTATIONS

Neighbouring occupiers in Kings Drive and Warburton Close were notified and site notices displayed. Three letters of representation were received, objecting to the application with the following comments:

- There would be an increase in noise and traffic pollution
- Loss of privacy as the upstairs windows on the plan would directly face windows of neighbouring dwellings
- This would be an over development in the garden for the existing residents of the area
- A precedent for future development would be set

Highways Manager:

The turning area in front of the new double garage is a little tight and would benefit from being enlarged. Spoke with the applicant who has agreed to submit a revised drawing to take account of that requirement.

On that basis, the Highway Authority does not wish to restrict grant of consent to this application subject to the following conditions:

- The vehicular entrance and driveway must be a minimum of 4.5 metres wide for the first 10 metres measured from the channel line of Kings Drive.
- Pedestrian visibility splays of 2 metres x 2 metres be retained on both sides of the driveway (the height of the existing wall is acceptable; no obstruction within the visibility splays).
- Provision must be made to prevent the discharge of water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.
- The finished surface of the private drives/hardstandings/forecourt should not result in loose material being deposited onto the public highway.
- The widening of the vehicular crossing must be constructed in accordance with the Highway Authority's requirements.

(Internal memo dated 24th June 2004)

Environmental Health: No comments on the application

Southern Water: Does not wish to comment on this application

APPRAISAL

The main issues to consider in the determination of this application are the scale of the development and the character of the area, access and parking arrangements and impact on neighbouring residential amenity.

The vicinity of the application site has a low density of development. The application site has a considerable area and the proposed development would result in a density equal to 13.5 dwellings per hectare. This would be below the density range of 30 – 50 dwellings per hectare recommended by Policy HO12. The development would not, therefore, constitute an over development of the site.

Although the development would be low density, it is considered that the proposed backland development would adversely affect neighbouring properties. A driveway adjacent to the side boundary with 281 Kings Drive would result in vehicular and pedestrian movements, increasing noise and disturbance.

It is considered that increased noise and disturbance would harm residential amenity, contrary to Policy HO20. Windows are proposed for the elevation of the bungalow facing the existing dwellings in Kings Drive. However, it is considered that the distance between the opposing windows would not result in overlooking.

The presence of a bungalow in the rear garden would be out of character with the area. The surrounding area has detached dwellings with substantial rear gardens. Development of the rear garden would therefore not harmonise with the surroundings. Although it would not be a high density development, Policy UHT1 recommends that development reflects the character of the surrounding area and local distinctiveness. It is considered that the proposal would not comply with this policy.

CONCLUSION

A new dwelling in the rear garden together with shared access at the front of the site would not harmonise with the character of the area and it is considered that it would be an unneighbourly form of development.

HUMAN RIGHTS

It is considered that the development could affect adjoining occupiers peaceful enjoyment of their properties.

RECOMMEND: Permission be refused for the following reason:

That the backland development, with shared front access would be out of character with the area and be detrimental to neighbouring residential amenity by virtue of general noise and disturbance, contrary to Policies UHT1, HO6 and HO20 of the Eastbourne Borough Plan (2001 – 2011).

14) 2 BRANSTON ROAD. Two storey extension at side. EB/2004/0412, MAP. K3 RATTON

SITE LOCATION

The application site is a detached two-storey property with an attached garage that was erected in the 1960's. It has gardens to the front and rear. The property is bounded to the west by 4 Branston Road, to the north by a block of garages accessed from The Broadway and to the east by 30 and 30a Lindfield Road.

PLANNING HISTORY

An application was made for a similar two-storey extension to the side of the property earlier this year, this application was withdrawn on 6 May 2004 (EB/2004/0270 – [background paper](#)).

CURRENT APPLICATION

The current application seeks permission for a two-storey extension to the western side of the property. This

will involve the demolition of the existing garage. The proposed extension will be 9.0m long and 3.8m wide and will rise to the existing ridge height of the main building. The rear section of the extension has a hipped and pitched roof. The extension will project 2.3m from the rear of the existing property line.

The extension will be set in 300mm from the boundary with 4 Branston Road. It is proposed that the ground floor will consist of a garage, utility room and toilet with the first floor providing an additional two bedrooms, one with en-suite shower room.

PLANNING POLICY

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

Policy HO20 - Residential Amenity

Policy UHT1 - Design of New Development

CONSULTATIONS

The application was advertised by a site notice displayed in the garage court at the rear of the property and by letters of notification sent to the surrounding properties. As a result one letter of objection has been received (Letter dated 24 June 2004 – background paper). This letter also refers to earlier letters submitted under application EB/2004/0270 (Letters dated 28 April 2004 - 5 May 2004 – background papers). The objector intends to speak at the Planning and Licensing Committee meeting but the main concerns can be summarised as follows:

- The net effect of the small size of the rear garden at 4 Branston Road, the garage court at the rear, the proximity of 2 and 6 Branston Road and the properties in Lindfield Road is to create a ‘well’ effect which prevents sunlight entering the garden and side windows of the property other than through the gap at first floor level between 4 Branston Road and 2 Branston Road other than at midsummer when the sun is at its zenith. The blocking up of this gap will therefore restrict the light to the property.
- The sitting room is served by the back garden and therefore a loss of light to the rear garden will restrict light into the sitting room.
- If permission is granted I shall have a twilight garden and a loss of light within the house for at least 11 months of the year.
- The loss of light expected from the proposal would go against the spirit of the law whereby a building shall be entitled to light by virtue of having enjoyed it for a continuous period of 40 years.
- Privacy will be infringed by the close proximity of the proposed extension being 25cm from the boundary of my property.
- It will be difficult to describe my house as detached due to this close proximity and as all the light would be cut out to my garden should I extend with a similar extension leaves me in a ‘Catch 22’ situation.
- Granting permission would set a precedent for the road.
- The existing properties in the road are occupied by small families as they have two reasonable and one small bedroom. Once 4 plus bedroom houses are created there will be lettings, multiple occupancy, car parking problems and a change of character to the current spacious, pleasant and peaceful nature of the neighbourhood.
- The layout of the properties in Branston Road means that properties are reliant on the gaps between them for their light.
- A two-storey side extension is out of character for Branston Road.

The property was purchased in good faith as a detached property.

APPRAISAL

The two main issues that need to be considered to determine this application are the impact of the extension on the amenities of the adjoining properties and the impact of the design and appearance of the extension on the visual amenity of the area. The impact of the extension on the amenities of the adjoining properties is considered first.

At first floor level the proposed extension has one window on the rear elevation of the extension and one window on the eastern elevation of the extension. The window at the rear of the extension will cause no issues of overlooking with respect to the adjoining properties or flats to the rear of the property. The windows on the eastern elevation face towards the properties of 30 and 30a Lindfield Road. The distance to these properties is considered to prevent any negative impact on the amenities of these properties. There are no windows in the western elevation facing 4 Branston Road, to prevent any potential for overlooking should any windows be inserted a condition is proposed to restrict these in this elevation.

With respect to the issue of overshadowing it is considered that the only property to be potentially affected is that at 4 Branston Road. The windows on the eastern elevation of 4 Branston Road serve the landing, bathroom and side porch. As none of these are primary windows serving habitable rooms any loss of light to these does not warrant a refusal.

The rear gardens of the properties in Branston Road face north and therefore each dwelling house overshadows its own garden. With respect to the property at 4 Branston Road the effect is more apparent due to the set back of the property from the road and the garages in The Broadway resulting in a garden that is shorter than others in Branston Road. It is therefore reliant on the sunlight that filters through the gap between itself and 2 Branston Road for the majority of the direct sunlight entering the rear garden.

It is acknowledged that the closing of the gap between the properties at first floor level will result in the loss of some sunlight to the rear garden of 4 Branston Road.

However, when determining this application it is important to consider primarily the impact that the extension itself will actually have as the existing overshadowing resultant from both 2 and 4 Branston Road and the shortness of the garden are not effects of the extension.

The rear section of the extension will have a hipped and pitched roof which will not rise to the full height of the main roof. This element will cause minimal overshadowing due to that already experienced from the main dwelling and existing single storey garage as this aspect relates to the early morning sun.

It is the main pitched section of the extension that will have an impact with regard to overshadowing by restricting the gap through which light enters the rear garden. It is considered that this impact will be realised during the hours in the day when the sun is highest, minimising the impact from overshadowing during the summer months. During the winter months it is considered that the extension will have a greater effect on the light entering the rear garden of 4 Branston Road. However, the extension will only have an effect for a short period of the day and will not cause a significant degree of extra overshadowing than that experienced in the current situation. Although the factors noted above already restrict the light to 4 Branston Road's rear garden it is considered that the additional level of overshadowing to the garden is not of a level to warrant the refusal of this application.

The small rear garden and presence of garages at the rear create a limited outlook from the garden of the property. The addition of a first floor element at 2 Branston Road will reduce the outlook from the rear garden to a degree with respect to the outlook to the front and east side of the rear garden. However it is considered that as the rear of the extension will be approximately in line with the rear of 4 Branston Road and the extension will be set in 300mm from the boundary this will reduce the impact to the outlook from 4 Branston Road. The loss of outlook is considered to be acceptable.

The design of the extension is seen to be in keeping with the main dwelling with matching materials and window frames ensuring a unified appearance with the existing building. The addition of a first floor extension

above the garage, although the garage is to be rebuilt, is not seen to have a detrimental impact on the visual amenity of the building. There are no similar extensions in Branston Road, however similar extensions are in existence at the adjacent properties in Lindfield Road. A gap will remain between the buildings and a precedent for this style of extension in the road is not seen to be detrimental to the area. The design of the extension is considered acceptable for the property and area.

HUMAN RIGHTS IMPLICATIONS

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

ARTICLE 5 SUMMARY

The proposed development will not have a seriously detrimental affect on the amenities of adjoining properties or the visual amenity of the area and is therefore in accordance 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. A3 Use of matching materials.
3. A5 No windows or other openings in west elevation.

ST. ANTHONY'S WARD

15) 31A & 33 ST ANTHONYS AVENUE. Erection of four chalet bungalows with access from St Anthonys Avenue. EB/2004/0355(OL), MAP P10. ST. ANTHONYS

SITE LOCATION

This backland site is located on the north west side of St. Anthonys Avenue, and comprises a builders yard with workshop (31a), and part of the garden of 33. Whilst the builders yard has its own access via a very narrow unmade track running between the dwellings at 31 and 33 St. Anthonys Avenue, it is currently accessed through the vehicular entrance to no.33; there are no visible boundaries between the two sites as they are in the same ownership.

PLANNING HISTORY

The authorised use of 31a St. Anthonys Avenue as a builders yard has subsisted for many years.

Planning permission was refused in 1961 for the erection of 18 garages and a petrol pump. Permission was also refused in 1970 for the erection of a workshop for the manufacture of concrete slabs for a landscape gardening business. Inadequate access and residential amenity were the reasons for refusal.

Outline planning permission was granted in 1995 for the erection of a bungalow; the application sought permission for two bungalows, however, as the access is only 2.25m wide in some places, it was considered too narrow to serve more than one property, and the application was amended accordingly. This permission has now lapsed.

(EB/95/0398(OL) – [background paper](#))

There is no planning history relating to 33 St. Anthonys Avenue.

CURRENT APPLICATION

Outline permission is now sought for the erection of four bungalows on an area of land measuring approximately 0.17ha, comprising the builders yard (excluding the original access) and about half of the garden area of 33 St. Anthony's Avenue. The means of access is to be considered with this application, with all other matters reserved.

The access to the bungalows is proposed in the same location as that currently used for the house and the builders yard, but modified to provide a 4.5m wide vehicular entrance with 2m visibility splays on each side. The access would run parallel to the boundary with 35 St. Anthony's Avenue (as it does now) before turning through 45° to the west along the rear garden of no.33.

The submitted plan indicates four detached chalet bungalows with dormers in the roof, broadly set out in a linear arrangement. The plot sizes are generous by modern standards, averaging 9m wide by 32m deep, and provide for two parking spaces in the front of each dwelling; the rear gardens vary in depth from 16m to 19m.

The application as originally submitted showed the dwellings arranged in a different configuration, and although the siting is a reserved matter, the applicant has amended the scheme as a result of comments made by neighbouring residents.

PLANNING POLICY

The following policies are relevant to this application:

- HO2 - Predominantly residential areas
- HO6 - Infill development
- HO11 - Residential densities
- HO20 - Residential amenity
- UHT1 - Design of new development
- UHT2 - Height of new buildings
- UHT4 - Visual amenity
- US4 - Flood protection and surface water

CONSULTATIONS

The scheme as originally submitted attracted four letters of objection, and these can be summarised as follows:

- overdevelopment
- height of the dwellings
- overlooking/loss of privacy/overshadowing from dwellings on higher ground
- bungalows are not in keeping with the area
- additional traffic
- increase in noise and disturbance

- position of turning area at the rear of 39 St. Anthony's Avenue
- hazard to pedestrians, particularly schoolchildren
- impact on the landscape
- increase in water levels after an orchard was bulldozed a few years ago

(Letters dated 1-11 June 2004 – background papers)

Residents were notified of the revised scheme, however at the time of writing this report, no further representations have been received.

The Principal Engineer has no objections to the proposal subject to the applicant bearing the cost of relocating the telegraph pole on the public highway immediately outside the property, and of removing and replacing the elm tree which is located in the visibility splay. He also comments on the width of the access and visibility splays, all of which have been incorporated into the revised scheme.

(Memo dated 10 June 2004 – background paper)

The Arboricultural Officer confirms that there are no significant trees on the site that require consideration, and all specimens including Malus and Eucalyptus can be classified as having a low retention category. The position of the dwellings on the site is suitable to avoid damage to trees on neighbouring properties. It is understood that the Highway Authority would require the removal of a mature Wheatley elm on the footpath; the tree has historical significance, being part of the original avenue planting, and is in good health although it does have a bias towards the property and a probable decay point at the kerb line. The tree could be assessed to provide a monetary value which could be used to provide a number of replacement trees in the area.

(Memo dated 1 July 2004 – background paper)

APPRAISAL

The authorised use of part of the site is that of a builders yard which is a sui generis use, and therefore there are no relevant policies regarding loss of employment land. The alternative use for residential purposes is therefore acceptable and complies with policies HO2 and HO6. As stated above, the plot sizes are generous by modern standards and are comparable to many of the properties to the south west in St. Anthony's Avenue, Seaville Drive and Rotunda Road; the application therefore complies with policy HO11. It could also be argued that the authorised use of the property is an unsuitable one for a backland site in a residential area; certainly the removal of the large workshop building and several portable buildings would improve the visual amenities of the area, and the cessation of the use of the vehicular access by commercial vehicles would be an improvement in terms of highway safety.

The application site is situated on the edge of St. Anthony's Hill and the land rises up, although not steeply, from the public highway towards the rear of the site where it adjoins the dwellings in Rotunda Road. The provision of chalet bungalows would assist in overcoming any problems of overlooking and loss of privacy from this backland site, and the design of this type of dwelling, usually with gables, would reflect the general design typical of the area. The concerns of residents regarding overlooking are noted, however it is already possible to look into surrounding gardens from the site, and it is considered that the provisions of domestic dwellings with separate, fenced off curtilages would be an improvement in this respect. Although the application is submitted in outline, the applicant has amended the scheme in order to overcome the objections of neighbouring properties with regard to loss of privacy and overlooking; the orientation of the dwellings is now such that the first floor windows would look out over each other or away from surrounding properties. Furthermore, the distances between the proposed and existing dwellings are more than adequate. As stated in the previous paragraph, the removal of the builders yard and its replacement with domestic dwellings would be an improvement in visual terms. It is therefore considered that the proposal would comply with policies HO20,

UHT1, UHT2 and UHT4.

The removal of the street tree is regrettable, however the applicant is agreeable to paying the Highway Authority the sum of money formulated by current methods as compensation for the loss of the tree, which would result in the provision of several replacements. The case officer has met on site with the Principal Engineer and Arboricultural Officer and discussed this issue at length. The Highway Authority is unwilling to compromise highway safety on such a busy classified road and insists that the removal of the tree is necessary, as it sits within the visibility splay. It is considered that this stance cannot be ignored.

As the site lies within the flood storage compensation area for Willingdon Levels, a commuted sum will be required. The calculations have been given to the applicant who is satisfied with the requirement of policy US6.

It is considered that the application is acceptable in terms of its impact on the surrounding properties and the area in general and therefore complies with the Borough Plan.

HUMAN RIGHTS IMPLICATIONS

It is not considered that the proposed dwellings would have any adverse impact on the rights of nearby occupiers to the peaceful enjoyment of possessions and protection of property.

ARTICLE 5 SUMMARY

The development would not result in any adverse impact on the residential or visual amenity or on highway safety, and would therefore comply with relevant borough plan policies.

RECOMMEND: Permission be granted subject to the prior conclusion of a unilateral agreement to secure a commuted sum for flood storage compensation and to the following conditions:-

1. D1.3 Commencement of development.
2. D4.1 Submission and approval of detailed plans.
3. A2 Submission of samples of facing materials.
4. A9.3 Submission and approval of landscaping scheme.
5. C5.3 Hours of operation.
6. A5 No windows or other openings in any elevation other than those approved under reserved matters.
7. That before the dwellings hereby approved are first occupied, the visibility splays shown on the approved plans shall be provided and permanently maintained thereafter at the measurements shown and nothing over 600mm in height shall be placed or grown in them.
8. That a continuous or wall of 1 metre in height shall be erected and permanently retained along the first 10 metres of the new pedestrian footpath from the boundary with St. Anthonys Avenue before the dwellings hereby approved are first occupied.

SOVEREIGN WARD

16) LAND ADJACENT TO HARBOUR QUAY FACING NORTH HARBOUR SOVEREIGN HARBOUR. Erection of 24 flats arranged over four, five and six storeys with basement parking for 24 cars. EB/2004/0334(RM), MAP S11. SOVEREIGN

SITE LOCATION

This 0.14 hectare (0.34 acre) site is located on the south western edge of the North Harbour between the harbour edge and the access road now known as Harbour Quay. The site has a frontage length of some 44 metres to the harbour and an average width of around 34 metres. At present part of this land is occupied by the Sovereign Yacht Club in temporary buildings. The remainder of the land between the current application site and the boat hoist and slipway is the subject of the next application in this report and is effectively part of the same overall development scheme.

PLANNING HISTORY

The application site forms part of the area covered by the original outline planning permission for the comprehensive development of Sovereign Harbour (Ref. EB/1986/0431(OL)).

The site also forms part of the area covered by the outline consent ref. EB/1995/0267(OL), issued in August 1997 for residential development comprising houses and flats, together with the construction of the North Harbour. This permission was the subject of a Section 106 legal agreement, which included a contribution towards off-site open space provision.

Permission for the provision of a temporary building to house the yacht club was granted in July 2000 for a ten year period (ref. EB/2000/0221).

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of this reserved matters application:

- UHT1** - Design of new development
- UHT2** - Height of buildings
- UHT4** - Visual amenity
- HO11** - Residential densities
- HO20** - Residential amenity
- TR11** - Car parking

CURRENT APPLICATION

The application, submitted along with application EB/2004/0333, for a proposed permanent yacht club building (which will be described more fully under the next item in this report), seeks approval of reserved matters (siting, design, external appearance and means of access) pursuant to the grant of outline consent EB/1995/0267(OL).

The proposed building contains a total of 24 flats arranged as follows:-

- Lower Ground floor - 24 car parking spaces accessed via a ramp leading down from Harbour Quay at the north eastern end of the site
- Ground floor - two two-bedroom flats and three three-bedroom flats (in two of which the third

bedroom is also shown as a possible dining room or study)

- First floor - same as ground floor
- Second floor - same as ground floor
- Third floor - same as ground floor
- Fourth floor - three three-bedroom flats (in two of which the third

bedroom is also shown as a possible dining room or study, as above)

- Fifth floor (penthouse) - one three-bedroom flat

The building is designed in a modern style with a mixture of external materials, incorporating white render, brick and glazing. Balconies are provided to both the harbour frontage and the elevation facing Harbour Quay and the public car park beyond.

The height starts at four-storeys where it is closest to the adjacent dwelling in St Lawrence Mews (although the ground floor level is more than half a storey higher than that of this three-storey house), rising to five storeys at a point about 13m from the boundary with this adjacent property. The penthouse, which occupies only about 16m of the overall 42m length of the building is a storey higher, but is situated closer to the proposed Yacht Club building and further from the adjacent dwellings. The various roof levels are flat, with emphasised overhangs as part of the distinctive design.

The applicant's architect has prepared a Design Statement in support of the application and this is referred to in the "Appraisal" section of this report (statement dated 12 May 2004 - [background paper](#)).

The Commodore of the Sovereign Harbour Yacht Club provides the following information in support of the application:-

"The planning application [for the new yacht club] has been submitted in conjunction with a separate application for a flats development on the existing Yacht Club site [the current application].

Because the Yacht Club is to be built by the same developer as the flats (and in fact the Yacht Club is being subsidised by that developer) if the flats do not receive planning approval then the Yacht Club will not be built. Indeed, the contract for the construction of the Yacht Club is conditional on planning consent being granted for the flats". (Letter dated 20 May 2004 - [background paper](#)).

CONSULTATIONS

Notification letters were sent to almost 80 neighbouring and nearby residents, including those living on the opposite side of the harbour with views of the proposed development. The application was further publicised as a major development in the local press and by site notices.

In response 21 letters of objection have been received from residents of St Lawrence Mews, Panama Reach, Malden Reach, Monterey Wharf, Silver Wharf, Madeira Way and Phoenix Drive. The following is a summary of the grounds of objection:-

- The proposal, at 133 dwellings per hectare, is well in excess of the Council's policies;
- The development, by virtue of its height, would overshadow adjoining properties;

- The design of the building is out of keeping with adjacent development;
- A six-storey block would look out of place and over-prominent;
- The proposed development is not in keeping with surrounding buildings;
- The building, due to its height, would cast a shadow over the North Harbour and beyond, blocking out evening sunshine;
- The Harbour is in danger of becoming seriously overdeveloped;
- Adjacent properties can be obliquely overlooked at higher levels, leading to loss of privacy;
- Parking provision is grossly inadequate and will exacerbate existing parking problems in the area;
- The location of the car park entrance would have an adverse impact on the adjacent property in St Lawrence Mews by virtue of noise and disturbance;
- There will be traffic conflicts and risks to public safety as a result of additional traffic using Harbour Quay

(Letters dated 15 May to 1 June 2004 – [background papers](#)).

A letter of objection has also been received from the Eastbourne Ratepayers Association on the grounds that the height is not in keeping with the surrounding development and would interfere with the enjoyment of neighbouring land (letter dated 15 May 2004 - [background paper](#)).

The Environment Agency has no objections in principle subject to three conditions to prevent the pollution of ground water (letter dated 4 June 2004 - [background paper](#)).

Southern Water has no objections to the application (letter received 20 May 2004 - [background paper](#)).

The Crime Prevention Design Adviser, on behalf of Sussex Police, is generally satisfied with the scheme, subject to some relatively minor comments which have been relayed to the architects (letter dated 3 June 2004 - [background paper](#)).

The Council's Principal Highway Engineer confirms that the Highway Authority does not wish to restrict the grant of consent subject to conditions relating to the retention of the existing barrier system outside Sovereign Harbour offices, the gradient of the access ramp to the car park, details of footway crossing and signs by the harbour edge to indicate deep water and the provision of life belts where appropriate (internal memorandum dated 15 June 2004 – [background paper](#)).

The Contaminated Land Officer in Environmental Health comments that the site is within 50m of a former landfill site and within 100m of a licensed landfill site. He requests that a condition be imposed requiring remediation measures to be incorporated into the development (internal memorandum dated 20 May 2004 – [background paper](#)).

APPRAISAL

The application seeks approval of the reserved matters pertaining to outline consent EB/1995/0267(OL), referred to in the "Planning History" section of this report. As such, the principle of residential development of

the site has already been established. The statutory reserved matters are: siting, design, external appearance and means of access.

The main issues to consider in the determination of the approval of details application are:

- A) How the proposal accords with the provisions of the outline consent;
- B) The number, design and general relationship of the proposed building to its surroundings and its impact on adjacent residents;
- C) The highway considerations, including vehicular access and parking;

Issue A - The Outline Consent

Outline consent EB/1995/0267(OL) was granted in August 1997 with 21 conditions relating to, inter alia: floor levels of buildings (at least 3.6 metres above ordnance datum), landscaping, quality of design, times of building operations, disabled access, 5% dwellings suitable for wheelchair use, traffic calming, footway/cyclepath network and disposal of surface water. The current application is considered to broadly accord with the outline consent.

Issue B - General features of the scheme

The proposal is for a total of 24 flats to be provided in a predominantly part four-storey/part five-storey building, the latter forming the main dominant mass, with a small penthouse area at six storeys.

The modern design is very different from any other development in the immediate area, but one of the most striking characteristics of the North Harbour is the variety of different styles and designs chosen by each developer, which all adds to the architectural diversity and ambience of the Harbour. There is no reason why another contrasting style of development should not be introduced on this site.

The applicant's Design Statement identifies the site as being in a prominent position at the interface between the existing residential developments around the harbour edge and the contemporary style of the nearby commercial and marine activity and development around it to the west and south.

A contemporary design has been chosen by the architects in a style which, according to the Design Statement, draws on "boating and marine iconography". It rises up from the lower height of the adjacent dwellings in a series of steps to ease the transition from the three storeys of the existing neighbouring development to the predominantly five-storey mass of the proposed building.

The site is at an important gateway to the North Harbour and Waterfront development to anyone arriving by car into the main car park on the opposite side of Harbour Quay and the architects recognise the opportunity of providing an important landmark building in this key location. In this respect the development would be successful in creating an innovative and striking feature when viewed from the car park and from the opposite side of the North Harbour.

Many of the objectors are concerned about the height of the building, but a reasonable height is required to give the building the visual presence it demands as a landmark feature. Some of the more successful developments around the harbour edge have a similar dominating presence. For example, Silver Wharf, on the opposite side of the North Harbour contains buildings of five storeys (plus steeply pitched roofs) facing the water and these contribute significantly to the essential character of the harbour frontage. There are also other approved developments, such as the Redrow scheme on Site S which are considerably higher than the current proposal.

The design is intended to provide the prospective occupants with a light and spacious habitat with far reaching views over the harbour and this is achieved through the use of extensive glazing on the south east elevation (facing the harbour) giving the building a very lightweight appearance when viewed from the water. Solar control is provided through the use of deep roof and balcony projections, reveals and vertical fin walls, which all inform the design.

Having regard to all the above factors it is considered that the current proposal, together with the adjoining Yacht Club building, will enhance this south western corner of the North Harbour and is therefore its design, height and massing are considered to be visually acceptable. The proposal thereby complies with policies UHT1, UHT2 and UHT4.

The development provides good quality spacious flats which sit well within the overall scheme and, taking account of the above comments about the height and massing of the building (together with the later comments about parking provision), the number of flats proposed is not considered excessive in this case, in relation to the generally high densities of development at the harbour, especially around the harbour frontages. The proposal is therefore considered to be an acceptable exception to policy HO11.

Turning to the effect of the development on the occupiers of adjacent properties in St Lawrence Mews, the architects have stepped the height of the building down at this end to minimise its impact. The footprint of the proposed building at this end is also severely restricted so that its rear building line is no further back than that of the adjacent dwelling and, at the front (facing the harbour) it is only about 1.5m further forward. The point at which the building steps back to its main rear building line (just over 6m further back) is around 7.5m from the rear corner of the adjacent dwelling and therefore it is considered that the building mass will not adversely impact on this nearest dwelling.

There are a number of properties at the head of St Lawrence Mews, facing the water, at 90 degrees to the application site which will be affected to some degree by the proposed development which will be prominently visible from their properties. The main impact on these existing occupiers, however, will be loss of view, which is not a planning consideration. A sufficient distance remains between them and the proposed building to negate any serious loss of light or outlook.

The adjoining occupier is concerned about the potential disturbance caused by the location of the access ramp to the basement car park. This point has been considered by the architects who have designed into the scheme a high barrier wall along part of the edge of the ramp which will contain much of the noise generated by cars entering and exiting the car park. Precise details of this barrier will be required by condition to ensure that it is effective, but is not so high that it causes loss of light or is overbearing on the neighbours.

It is considered that the proposal would not result in any unacceptable impact on the amenities of neighbouring and nearby residents and thereby complies with policy HO20.

Issue C - Highway considerations

The number of parking spaces provided by the development in the basement car park is 24, a ratio of one space per flat. Full compliance with the current maximum parking standard would require 32 spaces, but applying the zonal approach, as laid down in the adopted standard a 25% reduction would be acceptable in this location (Zone 4) which would reduce the requirement to 24, as proposed. The proposal therefore accords with Policy TR11 of the Borough Plan.

The Highway Authority has raised no concerns about the level of parking proposed and therefore it is considered acceptable, subject a condition about the gradient of the ramp.

HUMAN RIGHTS ACT

Although the proposed development will change the existing open nature of the site, the residential scheme is unlikely to adversely affect the above noted Rights of local residents.

ARTICLE 5 SUMMARY

The proposal is considered to be acceptable because it would provide a landmark building of quality in an important focal position, which would significantly contribute to the diverse character of Sovereign Harbour, in a positive manner, without having any significantly adverse impact on existing residents and complies with the relevant Borough Plan policies.

RECOMMEND: That the reserved matters of siting, design, external appearance and means of access be approved subject to the following conditions:-

1. The conditions attached to outline consent EB/1995/0267, granted 13 August 1997, are re-iterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with to ensure the validity of the planning permission.
2. A2 Submission of samples of facing materials.
3. A9.1 Submission and approval of a landscaping scheme.
4. That prior to the commencement of the development on site, full details of the proposed barrier/screen between the access ramp and the adjacent property in St Lawrence Mews, shall be submitted to and approved by the Local Planning Authority. The approved barrier/screen shall be provided before any of the flats are first occupied and shall thereafter be maintained.
5. Remediation measures shall be incorporated into the development to prevent the adverse impact of any landfill gas. Details of the proposed remediation measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to those remediation measures being undertaken. Successful completion of the remediation measures shall be confirmed in writing to the Local Planning Authority by a suitably qualified person prior to any of the dwellings being occupied.
6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
7. Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being developed.
8. C5.3 Hours of operation during construction.
9. That the proposed ramp to the basement car park shall be constructed to form a platform not to exceed a 1 in 40 gradient for the first 5 metres measured from the back of the footway. The remainder of the ramp shall not exceed a gradient of 1 in 9.
10. D6.1 Submission of details of storage and collection of refuse.
11. That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the flats are first occupied.

17) LAND ADJACENT TO HARBOUR QUAY, FACING NORTH HARBOUR SOVEREIGN HARBOUR. Erection of three-storey building with half basement level, comprising retail at ground floor, yacht club at first and second floor and berth-holder facilities at basement level. EB/2004/0333, MAP S11. SOVEREIGN

SITE LOCATION

This 0.06 hectare (0.16 acre) site is located on the south western edge of the North Harbour between the harbour edge and the access road now known as Harbour Quay. It lies adjacent to the site which was the subject of the previous application in this report and forms an integral part of the overall development.

PLANNING HISTORY

The same planning history applies as for the previous item in this report, with the exception of the existing temporary Yacht Club building.

PLANNING POLICY

The following policies, contained in the adopted Borough Plan, are considered to be relevant in the determination of this reserved matters application:

- UHT1 - Design of new development
- UHT2 - Height of buildings
- UHT4 - Visual amenity
- HO20 - Residential amenity
- TR11 - Car parking

CURRENT APPLICATION

The application, submitted along with application EB/2004/0334(RM), for 24 flats (described earlier), seeks full planning permission for the erection of a permanent yacht club building, with some retail floorspace, in a three-storey building plus a half basement.

The proposed building contains the following accommodation:-

- Lower Ground floor (half basement) – toilets and other facilities for berth holders and storage for the Yacht Club
- Ground floor - Yacht Club entrance (with associated staircases, lift and toilets) and retail floorspace (about 230 sq.m.)
- First floor - Yacht Club bar (with roof terrace) family/committee room, office and store
- Second floor - Function room (with roof terrace)

The building is designed in a modern style with extensive areas of glazing on the upper floors to afford views over the harbour, with the remaining parts of the exterior in white painted render, glass block, stone and brick.

The applicant's architect has prepared a Design Statement in support of the application and this is referred to in the "Appraisal" section of this report (statement dated 12 May 2004 - background paper).

CONSULTATIONS

Notification letters were sent to the same residents as for the proposed flats development and the application was further publicised by site notices.

As reported above, numerous responses were received opposing the flats development and the majority of these made no reference to the Yacht Club proposal. However, five residents did state that they had no objections to this application and three expressed some reservations, one relating to parking, another that the flat roof design would be out of place and the third considered that the north west elevation was too bland (letters dated 15 May to 1 June 2004 – background papers).

Sovereign Harbour Residents' Association raises no objections to the proposed development (e-mail dated 28

May 2004 – background paper).

The Environment Agency has no objections in principle subject to two conditions to prevent the pollution of ground water (letter dated 7 June 2004 - background paper).

Southern Water has no objections to the application (letter received on 19 May 2004 - background paper).

APPRAISAL

The main issues to consider in this case are whether the height and design of the building are acceptable for the site and whether the uses proposed are appropriate.

The building is designed to take full advantage of its harbourside setting with substantial areas of glazing and roof terraces on the upper floors, giving it a relatively lightweight appearance when viewed from the water and from the opposite side of the North Harbour.

The Design Statement refers to the prominent position of the site and the importance of providing a landmark building. A contemporary style is considered appropriate to harmonise with the flats development (of which it forms a part) and to provide a transition between the residential and commercial/marine related elements of the Harbour. As with the flats development, the proposed Yacht Club is based on “boating and marine iconography”.

The overall height of the building, at three storeys, plus a half basement, is considered acceptable and the design is appropriate for both the setting and the use to which the building will be put. The style and format of the building are innovative and will complement this harbourside location. The proposal thereby complies with policies UHT1, UHT2 and UHT4.

The site is located well away from existing residential properties and therefore the proposed development will have no adverse impact on residential amenity and hence complies with policy HO20.

The application site with its frontage to the harbour is entirely appropriate for a Yacht Club building and it could also provide a much needed local community facility, as the applicants have indicated they would be prepared to let rooms to local organisations and community groups for meetings and functions.

The retail element on the ground floor is likely to be taken up by chandlers or a similar marine related retail use, but there is also the demand for a local convenience store and it possible that part or all the ground floor could be used for this purpose. The proposed uses for the building are therefore considered to be appropriate.

There is no on-site parking proposed for the proposed development. As the applicants maintain that there is adequate spare capacity in the main public car park which is conveniently located on the opposite side of Harbour Quay.

Recent inspections have confirmed this to be the case and therefore it is accepted that the existing car park is adequate to serve the development and that this would comply with policy TR11.

HUMAN RIGHTS ACT

The proposed development would not have any adverse effect on the above noted rights of local residents.

ARTICLE 5 SUMMARY

The proposal is considered to be acceptable because it would provide a landmark building of quality in an important focal position, which would significantly contribute to the diverse character of Sovereign Harbour, in

a positive manner, without having any adverse impact on existing residents. The proposal therefore complies with the relevant policies in the Borough Plan.

RECOMMEND: That the reserved matters of siting, design, external appearance and means of access be approved subject to the following conditions:-

1. D1.1 Commencement of development within five years.
2. A2 Submission of samples of facing materials.
3. A9.1 Submission and approval of a landscaping scheme.
4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
5. Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being developed.
6. C5.3 Hours of operation during construction.
7. D6.2 Submission of details of storage and collection of refuse.
8. That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use.

UPPERTON WARD

18) GARAGES AT REAR OF 49 UPPERTON GARDENS. Change of use from garages to residential dwelling. EB/2004/0392, MAP G10. UPPERTON

SITE LOCATION

The application site is comprised of a flat roof double garage at the rear of 49 Upperton Gardens adjoining Upperton Lane. 49 Upperton Gardens is a three-storey building divided into flats. Neighbouring properties are also divided into flats and have garages and parking at the rear. Office buildings are located on the opposite side of Upperton Lane facing the application building.

PLANNING HISTORY

Planning permission was granted in 2002 for provision of pitch roof to replace flat roof to provide storage to garages and rebuild walls in flint and brick (ref. EB/2002/0673 – [background paper](#)).

Conversion of 49 Upperton Gardens from two flats and one maisonette to four 1-bedroom flats and provision of additional car parking space at rear was granted planning permission in 1978 (EB/1978/0358 – [background paper](#)). Formation of car park at rear of four flats was granted planning permission in 1979 (EB/1979/0025 – [background paper](#)).

CURRENT APPLICATION

Planning permission is sought to convert the garages into a one-bedroom dwelling. The ground floor would be used as a living room and a kitchen, with the bedroom and shower-room/toilet in the roofspace.

PLANNING POLICY

- UHT1 - Design of New Development
- UHT4 - Visual Amenity
- HO1 - Residential Development within the Existing Built-up Area
- HO2 - Predominantly Residential Areas
- HO9 - Conversions and Change of Use
- HO12 - Residential Densities
- HO20 - Residential Amenity

CONSULTATION

Occupiers of properties in Upperton Gardens, Enys Road and Hartfield Road were notified and site notices displayed.

Seven letters of representation were received. One letter in support of the application with the following comments:

- Most garages are used for storage
- Proposal would make better use of land for residential use which is in urgent need so close to the town centre
- Parking is available in the surrounding roadways, especially outside working hours
- Six letters of objection to the application raised the following comments:
 - The development would overlook basement flat and compromise privacy
 - The garages are not suitable for residential occupation
 - The extra traffic generated will cause problems for the occupants of the flats at 49 Upperton Gardens, parking would become difficult and cause inconvenience, noise and pollution
 - The steep pitch of the roof will affect both light and view into and out neighbouring flat
 - The style and character of the alterations would not be in keeping with the area
 - If planning permission is granted it will encourage even more dwellings to the extent of containing large amounts of blocks of flats in this small back road
 - Extra input into the sewerage system would exacerbate existing problems
 - Construction may cause blockage access to neighbouring properties and car parking facilities

Highways Manager: This application would remove the current off-street parking for 49 Upperton Gardens without replacing it or providing for the converted garages. In this location adequate off-street parking must be provided. Therefore the Highway Authority would seek refusal for this application.

APPRAISAL

The main issues in the consideration of this application are the implications for car parking and traffic, and the impact on the character of the area.

The conversion to residential use would result in the loss of garage provision in Upperton Gardens and Upperton Lane. It is considered that the loss of garage accommodation would have an adverse impact on car parking provision in the area. The area in which the application site is located already has a high level of on-street car parking. The conversion of the garage to residential use would add to the demand for on-street parking as there would be no parking provision for the new dwelling. Policies HO9 and TR11 require new residential developments to have adequate parking provision. It is considered that the development would not comply with the identified policies.

The character of the area is residential with garages at the rear, accessed by a service lane. It is considered that converting a garage into a dwelling would not be harmonious with the area and the existing pattern of development, contrary to Policy UHT1.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development would not infringe the above noted Rights of neighbouring residential and commercial occupiers.

RECOMMEND: Refuse for the following reason:-

The development would result in the loss of garage provision and have an adverse impact to on-street parking, and the residential use of the garage building would not be harmonious with the character of the area, contrary to Policies UHT1, HO9 and TR11 of the Eastbourne Borough Plan (2001 – 2011).

T. C. E. Cookson

Head of Planning / Planning Manager

12 July 2004