Eastbourne Borough Council

Planning Committee

Tuesday 6 September 2005

Report of the Planning Manager

List of Planning Applications for Consideration

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11) 38 ABBEY ROAD. PROVISION OF AN ATTACHED GARAGE AT SIDE. EB/2005/0498, MAP E5. OLD TOWN

12) 283 KINGS DRIVE. ERECTION OF BUNGALOW AND DETACHED DOUBLE GARAGE IN REAR GARDEN AND WITH ACCESS FROM KINGS DRIVE. EB/2005/0465. MAP I 3. RATTON.

13) PUBLIC HIGHWAY AT THE JUNCTION OF WILLINGDON ROAD AND WISH HILL. INSTALLATION OF TELECOMMUNICATIONS APPARATUS COMPRISING A 12M HIGH GRP TELEGRAPH POLE AND ASSOCIATED EQUIPMENT CABINET. EB/2005/0489(DET), MAP I3. RATTON

14) 12A & 12B ALDER CLOSE. CHANGE OF USE TO BUILDERS MERCHANTS WITH TRADE COUNTER. EB/2005/0453, MAP N9. ST. ANTHONYS

15) 14 HARTFIELD ROAD. DEMOLITION OF EXISTING GARAGE AND ERECTION OF THREE-STOREY DWELLING TOGETHER WITH EXTENSION AND ALTERATIONS TO EXISTING GROUND FLOOR FLAT. EB/2005/0467, MAP H10. UPPERTON

16) 27 PRIDEAUX ROAD. TWO-STOREY EXTENSION AT SIDE IN ASSOCIATION WITH EXTENSION TO MAIN ROOF INCLUDING ADDITION OF THREE DORMERS; TOGETHER WITH SINGLE-STOREY EXTENSION AT REAR. EB/2005/0481, MAP I8. UPPERTON

J. F. Collard
Planning Manager

25 August 2005
Planning Committee

Tuesday 6 September 2005

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/ODPM Circulars
10. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
11. East Sussex and Brighton & Hove Structure Plan 1991-2011
12. Eastbourne Borough Plan 2001-2011
13. Eastbourne Townscape Guide 2004
14. East Sussex County Council Manual for Estate Roads 1995 (as amended)
15. Statutory Instruments
16. Human Rights Act 1998
17. The Planning and Compulsory Purchase Act 2004

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 Committee

Tuesday 6 September 2005

Report of the Planning Manager

List of Planning Applications for Consideration

Devonshire Ward

1) 389 SEASIDE. TWO STOREY EXTENSION AT REAR. EB/2005/0506, MAP M11. DEVONSHIRE

SITE LOCATION

The mid-terrace property is situated on the south-eastern side of Seaside, between the junctions with Sandwich Street and Rye Street. To the rear is Sea Beach Lane which accesses a small group of garages. The property has an existing ground floor extension to the rear.

The adjoining property at 387 Seaside has an identical extension to that proposed at the rear, built under permission EB/1993/0023. The property at 391 Seaside has a larger two-storey projection with pitched roof at the rear which projects approximately 4.5m from the rear of the property.

PLANNING HISTORY

The following application is relevant to the determination of this application:-

Permission was refused to convert single private dwelling to two one-bedroom self-contained flats (EB/1980/0272 – background paper).

The property already has a small single storey extension to the rear built under permitted development rights.

CURRENT APPLICATION

Permission is sought for a two-storey extension at the rear of the property. It will project 2.5m for the full width of the property with a mock pitch roof to the rear with flat roof behind. The extension will mirror that at the adjoining property at 387 Seaside. The extension will

use materials to match those on the main dwelling and the extension to the rear of the adjoining property at 387 Seaside.

PLANNING POLICY

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

Policy HO20	-	Residential Amenity
Policy UHT1	-	Design of New Development

CONSULTATIONS

The application was advertised by letters of notification sent to adjoining properties in Seaside. As a result 4 letters of objection have been received from people with a vested interest in the property at 391 Seaside, two of whom live in the property. The concerns raised can be summarised as follows:-

- The extension will overshadow the property at 391 Seaside leading to a loss of light.
- The extension would overlook 391 seaside and will cause a loss of privacy.
- The extension will cut out air to the rear of the property.
- The light to the kitchen, dining room, bathroom and a bedroom at 391 Seaside will be restricted.

APPRAISAL

The main issues to consider with regard to this application are the impact to the amenities of the occupiers of adjoining properties and the visual impact of the proposed extension on the amenities of the area.

Sea Beach Lane, at the back of the site, is a narrow road giving access to the back of the properties and a small group of garages. It does provide some public view of the proposed extension. The adjoining property at 387 Seaside has an identical extension and as on this extension the mock pitch roof will screen the flat roofed area on the proposed extension. The proposed extension would not appear to dominate the main dwelling with a lower roof height and small projection, not protruding any further to the rear access road than the existing single storey rear projection. The use of matching materials will ensure that the proposed extension is in keeping with the host building and the surrounding streetscene. The siting and design of the extension is considered to be acceptable with regard to Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

The proposed extension would project to the same rear building line as the extension at the property at 387 Seaside. Given this position there would be no loss of outlook, overlooking or overshadowing resulting to the dwelling at 387 Seaside.

A number of objections have been received from people with an interest in the property at 391 Seaside, including two who live there.

Their main concerns are the potential loss of light to the rooms in the property and a loss of privacy.

The property at 391 Seaside, although part of the terrace, is of a different design, having an existing two-storey pitched roof projection at the rear of approximately 4.5m in length and extending across half the width of the rear wall of the house, creating an 'L' shaped footprint. This situation results in the rear of the property having a different window arrangement to the majority of the properties in the terrace, having only one rear facing window for each room instead of two. On the south-eastern facing rear wall of the property there is a dining room window on the ground floor and a single bedroom window on the first floor, both of these windows are the only windows to the rooms that they serve. The south-western facing elevation of the rear extension on the ground floor has two kitchen windows with a bathroom window and bedroom window at first floor level, the bedroom window being on the furthest end from the main dwelling. These windows face the application site. There are no windows to the south-eastern, the end elevation, of the two-storey rear projection.

The ground floor window to the dining room of 391 Seaside currently has a restricted outlook caused by the single-storey extension at the rear of 389 Seaside and the rear projection at 391 Seaside. The addition of the two-storey extension will not significantly impact on this outlook with the proposed extension projecting only 2.5m from the rear of the building. The dining room window already has a degree of overshadowing caused by the rear projection of 391 Seaside in the early morning and to a lesser degree the single-storey extension at 389 Seaside in the late afternoon. The addition of the extension to the rear of 389 Seaside would reduce the direct sunlight to the dining room window in the mid to late afternoon as the window will be in a 'trough' created between the rear projection of 391 Seaside and the proposed extension. The dining room window will still receive sunlight between mid-morning and mid-afternoon and the result of the extension will be to bring forward the time at which the sunlight is lost in the afternoon. On balance, the amount of sunlight which would be lost is considered to be acceptable with regard to the specific circumstances relating to the differing designs between the properties and the current built situation at the property.

The ground floor kitchen windows of 391 Seaside face towards the application site. The outlook from the window closest to the rear of the property is already restricted by the ground floor extension and the second kitchen window is situated such that the predominant outlook is to the south/south-east of the window away from the rear of the adjoining properties. Although the extension will be visible from this window it will not unduly affect the outlook. A kitchen is not considered to be a habitable room and therefore although there will be loss of some sunlight to the window closest to the rear of the property that furthest from the

property, it will still receive a substantial amount of light at a level which is considered acceptable with regard to the use of the room as a kitchen.

At first floor level above the dining room window is a bedroom window. Due to the flat roof nature of the extension the restriction of light to this will be minimised. The morning sunlight will not be affected by the extension although this is restricted to a degree by the property's own rear projection. The extension's effect on the restriction of light to the window is likely to be around mid to late afternoon. The impact will be less than that on the dining room and is considered to be acceptable despite the bedroom being a habitable room.

The bathroom window on the side of the rear projection is obscured glazed. Therefore there will be no loss of outlook and any overshadowing could not be considered detrimental under planning legislation.

The bedroom window adjacent to the bathroom window faces directly towards the application site and as such the proposed extension will be clearly visible. The extension would project to approximately a third of the way across this window, restricting the outlook to a degree. However, as with the kitchen window, the outlook restricted is that back towards the rear of the neighbouring properties with the main outlook to the south-west and south of the window remaining relatively open. The position of the window will result in less impact from the extension with regard to the loss of direct sunlight and the extension will not have an affect until much later in the afternoon. It is considered that the loss of light to this window would be within acceptable limits.

Provided a condition is attached to restrict any future openings to the side elevation of the extension it is considered there would be no loss of privacy to the adjoining properties.

HUMAN RIGHTS

The proposed extension will have some impact on the light entering the property at 391 Seaside. However this is deemed to be acceptable with regard to their above noted rights for protection of property and peaceful enjoyment of possessions.

SUMMARY

The proposal is considered to be acceptable for the following reasons:-

Although there is some loss of direct sunlight to habitable rooms at 391 Seaside the degree of this loss with regard to the existing built situation is considered to be acceptable and the proposed extension will have an acceptable impact on the visual amenity of the area therefore complying with all relevant policies of the Eastbourne Borough Plan 2001-2011.

RECOMMEND: Permission be granted subject to the following conditions:

1. M1.1- Commencement of Development Within 3 Years
2. A2 - Use of Matching Materials
3. A5 - Restriction of New Window Openings in North East Elevation
4. A11 - Restriction of Use of Flat Roof as Balcony

2) 163 TERMINUS ROAD. CHANGE OF USE FROM RETAIL TO A MIXED USE OF A1/A3. EB/2005/0507, MAP H12. DEVONSHIRE

SITE LOCATION

These ground floor retail premises are located on the north east side of Terminus Road, 15m from the junction with Pevensey Road.

PLANNING HISTORY

The premises have been in use for many years as a retail shop.

CURRENT APPLICATION

Planning permission is sought to change the use of the property to a mixed use of A1 and A3. The change of use has already been implemented, and the premises are operating as the Oggy Oggy Pasty Company. The operation of the premises was originally considered to be A1, after information was supplied by the applicant detailing the way the business would be run. Since the commencement of the business, it appears to the Council that it is not purely an A1 use, since there is indoor seating for 26 people, and, latterly, a comparable number outside the premises on the public highway.

PLANNING POLICY

The following policies are relevant to this application:

SH1 - Retail heirarchy
TC6 - Town centre shopping areas

CONSULTATIONS

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

The Economic Development Officer recommends that the application be approved, noting that the quality of the brand in terms of the overall retail offer is a welcome addition.
(Memo dated 12 August 2005 – background paper)

APPRAISAL

The main issue to take into account in determining this application is the impact of the proposal on the vitality of the primary shopping area.

Pasties and pastries are baked from frozen on the premises throughout the day, which are then sold for consumption on or off the premises. The baking is done within the retail area, in full view of customers, and there is no separate kitchen.

Drinks such as tea, coffee and soft drinks are also served. Although there are 26 seats within the premises, the estimate of the proportion of the turnover from eating in is 15%; the floorspace occupied by tables is 50%.

The current level of non-retail uses in this section of Terminus Road is 27.8%, and this would rise to 28.3% if permission were to be granted. The relevant policy stipulates that no more than 30% should be in non-retail use. The proposal therefore complies with approved policy.

HUMAN RIGHTS IMPLICATIONS

None.

ARTICLE 5 SUMMARY

The development would not result in any adverse impact on the vitality of the primary shopping area, and therefore it complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

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

1. M1.1 Commencement of development within three years.

2. That the retail use on the ground floor shall occupy a minimum of 50% of the floor space.

Langney Ward

3) PUBLIC HIGHWAY IN WILLINGDON DROVE, ADJACENT TO THE JUNCTION WITH KINGFISHER DRIVE. INSTALLATION OF TELECOMMUNICATIONS APPARATUS, COMPRISING A 12M HIGH GRP TELEGRAPH POLE, TOGETHER WITH ANCILLARY EQUIPMENT CABINETS. EB/2005/0500(DET), MAP Q6. LANGNEY

SITE LOCATION

The application site comprises part of the grass verge in Willingdon Drove, 50m from the junction with Kingfisher Drive, adjacent to the rear of bungalows located in Magpie Road.

PLANNING HISTORY

Prior approval of a 12.5m monopole was refused in January 2005, and dismissed on appeal on 5 August 2005; the inspector considered that the proposal would harm the character and appearance of the area.
(EB/2004/0839 – background paper)

Also of relevance are two appeal decisions in respect of masts at the junction of Willingdon Drove and Langney Rise. The first in 2003 for the existing mast, and the second on 5 August 2005 for a second mast, which has been allowed.
(EB/2003/0047 and EB/2005/0116 – background papers)

CURRENT APPLICATION

The current application 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).

It is proposed to erect a 12m high GRP telegraph pole style mast on the grass verge between the footpath and the kerb 50m from the junction with Kingfisher Drive, whilst adjacent to the footpath an equipment cabinet 1.6m high and 1.9m wide is proposed, finished in green.

The necessary ICNIRP certificate has been submitted with the application.

PLANNING POLICY

The following policies are relevant to this application:

US8 - Prior approval of telecommunications development
US9 - Telecommunications development

CONSULTATIONS

At the time of writing this report one letter of objection had been received from a resident of Fern Close, who considers the current proposal is no better than the last one, and would be intrusive in the streetscene.
(Letter dated 21 August 2005 – background paper)

APPRAISAL

The only issue to take into account in determining this application is the siting and appearance of the proposed equipment, and the impact this has on the visual amenities of the area.

Whilst the proposed use of a telegraph pole represents an improvement in the general appearance of the installation, particularly in terms of its width, it would only be 500mm lower in height. The equipment cabinet has been reduced in height by 150mm, but has been increased in width by 500mm, thereby increasing slightly its overall bulk. It is considered that the changes to the proposal are insufficient to warrant an approval, and that the installation would still have an unacceptable impact on the visual amenities of the area, in line with the inspectors' findings on the appeal application, i.e. that the heights and siting of the apparatus would be harmful to visual amenity in an exposed and prominent position.

Approval was given on 5 August 2005 by the inspector for a further mast at the junction of Willingdon Drove and Langney Rise for the same applicant. However it is understood that technically the current application site represents a much better option, and therefore the applicant wishes to pursue it further. The inspector, in his decision letter, stated that:

"*I have studied the alternative site and have noted that there is already a mobile phone pole next to the junction and that, on account of tall streetlights nearby, this is not particularly conspicuous. In the absence of evidence that this alternative site is not feasible I find that the proposal would not be an optimum location. I therefore find that the need for the equipment would not outweigh the harm to the character and appearance of the area.*"

It could be argued that the appellant would not have made an application for the alternative site had it not been technically feasible, and that there can be no reason not to take that site forward.

HUMAN RIGHTS IMPLICATIONS

It is considered that the siting of the mast adjacent to the properties in Magpie Road would adversely affect the rights of nearby residents.

RECOMMEND: Prior approval of the siting and appearance be refused on the following grounds:-

That the proposed apparatus would be seriously detrimental to the visual amenities of the area by reason of their heights and siting, and would therefore conflict with Policy US9 of the Eastbourne Borough Plan 2001-2011 and advice in Planning Policy Guidance 8.

Meads Ward

4) ST ANDREWS SCHOOL MEADS STREET. RETROSPECTIVE APPLICATION FOR RETENTION OF MOBILE CLASSROOM. EB/2005/0442, MAP B12. MEADS

SITE LOCATION

St. Andrews School is located within the Meads Conservation Area and consists of a number of buildings of mixed designs and a large playing field. The part of the site relevant to this application is the area by the Chapel adjacent to the junction of Meads Street and Darley Road.

PLANNING HISTORY

The School site already has a number of temporary mobile classroom units and other temporary buildings but none are directly relevant to this application.

CURRENT APPLICATION

Permission is sought for the retention of a mobile classroom unit which has been located within a courtyard area adjacent to the school chapel. The unit measures 9.8m by 3.8m with a height of 2.8m. It is currently painted a dark olive green with a grey felt roof.

A letter was submitted with the application outlining the events leading to the need for the siting of the mobile classroom (Letter dated 4 July – background paper) and can be summarised as follows:

- Due to emergency floor repairs needed in two classrooms an immediate alternative was required.
- Originally it was intended to hire one for 6 months but the cost of this was prohibitive.
- The solution was seen to be to purchase a unit and keep it on a more permanent basis.
- The unit was purchased and has been installed in a location which the applicant considers has very little impact on the school.

PLANNING POLICY

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

Policy HO20	-	Residential Amenity
Policy UHT1	-	Design of New Development
Policy LCF18	-	Extension of Educational Establishments
Policy UHT15	-	Conservation Areas

CONSULTATIONS

The application was advertised by a site notice displayed on the Meads Street boundary of the school. No representations have been received as a result.

The Historic Buildings Consultant states that the unit is noticeable and that to rectify this two options could be considered; screening it in some way or painting it a neutral colour to minimise its impact (Memorandum dated 16 August 2005 – background paper).

The Conservation Area Advisory Group will consider the proposal at their meeting on 30 August 2005 and their comments will be reported verbally at the Planning Committee.

APPRAISAL

The main issue to consider with this application is the impact on the visual amenity of the conservation area of the mobile classroom.

Policy UHT15 of the Eastbourne Borough Plan requires proposals within Conservation Areas to preserve or enhance them. In its present form the colour of the unit is considered to result in it being a noticeable intrusion within the conservation area from Meads Street. If the unit is to be retained it would need to be painted in a neutral colour to reduce its prominence in line with the advice from the Historic Buildings Consultant. A condition to ensure that the unit is painted within an agreed time period would, it is considered, represent an appropriate solution in this case

The siting of the unit is not considered to be wholly appropriate with regard to its relationship with the adjacent buildings. However, in view of the circumstances under which the unit was required a temporary period of 2 years to allow a more suitable location to be found is considered to be acceptable in this circumstance. This would prevent any permanent detrimental impact to the visual amenity of the conservation area. It is therefore suggested a condition be attached restricting the permission for the current location to two years with an informative stating the need for an alternative location to be found. This is seen to be acceptable as the unit is not suitable for a permanent planning permission in any event due to its construction.

With the proposed measures above the temporary retention of the mobile classroom is seen to be acceptable with regard to Polices UHT1 and UHT15 of the Eastbourne Borough Plan 2001-2011.

The unit is sited such that it is considered to have no detrimental impacts to the amenities of the residential properties in Meads Street and is acceptable with regard to Policy HO20 of the Eastbourne Borough Plan 2001-2011.

HUMAN RIGHTS

The temporary retention of the unit is not considered to have a detrimental impact to the above noted rights of occupiers of adjoining properties to peaceful enjoyment of possessions and protection of property.

SUMMARY

The temporary retention of the mobile classroom is considered to be acceptable for the following reasons:-

That with the proposed conditions the temporary retention of the classroom will have an acceptable impact on the conservation area and the amenities of occupiers of adjoining residential properties and complies with all relevant policies of the Eastbourne Borough Plan 2001-2011.

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

1. U2 - Temporary permission until 30 September 2007.
2. That within one month of the date of this permission a colour scheme for the mobile classroom hereby approved shall be submitted to and approved in writing by the Local Planning Authority and within 3 months of the date of this permission the agreed scheme shall be applied to the southern and eastern elevations of the mobile unit that is the subject of this application and shall be maintained as such thereafter.

INFORMATIVE 1:
The current location of the mobile classroom is not considered to be appropriate for its long term retention and it is intended that once this temporary permission has expired an alternative location for the unit should have been found for it to be re-located.

INFORMATIVE 2:
The submitted colour scheme should allow the mobile unit to blend into the adjacent buildings by either matching the colour of these or alternatively being painted in a neutral colour which reduces its prominence.

5) 8 BOLTON ROAD. CHANGE OF USE OF FIRST AND SECOND FLOORS TO A NIGHTCLUB. EB/2005/0471, MAP H12. MEADS

SITE LOCATION

This three-storey end of terrace property is located on the east side of Bolton Road. It is a Building of Local Interest, and situated in the Town Centre and Seafront Conservation Area.

PLANNING HISTORY

The lower ground floor has been in use as a wine bar since 1981, and permission was granted for the use of the upper ground floor as a kitchen, toilet and store, together with the provision of an outside seating area in 1993. A further permission was granted in 1995 for an extension at the rear to provide an additional seating area.
(EB/93/0288 & EB/95/0281 – background papers)

CURRENT APPLICATION

Permission is now sought for the change of use of the first and second floors as a nightclub, which are currently used as offices and storage. The alterations involved are internal, (removal of walls and the provision of toilets), and include the boarding up of the first floor windows, although not the second floor. No details have been submitted regarding the potential hours of operation.

PLANNING POLICY

The following policies are relevant to this application:

HO20 - Residential amenity
TC6 - Town centre shopping areas
TC7 - Area for later opening of Class A3 uses

CONSULTATIONS

Five letters of objection have been received as a result of neighbour notification and a notice posted on site. The objections are summarised as:

- increase in noise levels which are already very high
- increase in existing anti-social behaviour such as verbal abuse, aggressive behaviour, urinating and throwing broken glass into gardens, using gardens as short cuts that currently affect adjoining residents
- potential noise from the windows in the property, particularly if loud music is played
- noise and disturbance to the residential flat on the first and second floors of 6 Bolton Road (adjacent terraced property)
- over concentration of such uses in the area
- health and safety of staff and customers when leaving 6 Bolton Road

(Letters dated 3 to 15 August 2005 – background papers)

Environmental Health has no adverse comments to make on the application.
(Memo dated 15 August 2005 – background paper)

The Sussex Police Crime Prevention Design Adviser has been consulted on the proposal, and makes the following response:

“Sussex Police are concerned about the concentration of licensed premises in Eastbourne Town Centre. The connection between alcohol consumption and crime and disorder has long been recognised. More recent research has identified alcohol as an issue, in particular, pinpointing hotspots for violence and disorder in areas containing high concentrations of licensed premises. The number of criminal incidents peak between 9pm and 2am on Friday and Saturday nights.

It is important to note that as additional venues are added to a town centre, customer choice increases. The extended options available encourage customers to move between venues to sample the different styles of entertainment available. The resulting lively street scene has the effect of drawing ever more visitors, rather than distributing the existing clientele base. Larger concentrations of people produce more crime, partly due to the increased anonymity available and the consequential lesser chance of detection.

There is already a high concentration of licensed premises in this area with numbers 4, 6 and 8 being wine bars. There are a total of forty two licensed premises in Eastbourne, of which seven are night clubs. And police are already very concerned about the level of public place violent crime associated with the alcohol fuelled violence in the “hotspot” town centre. Criminal incidents are far more prevalent at some of the night clubs than any of the bars and pubs.

There is no evidence that the particular premises, subject of this application, is a source of criminal incidents. Police concern is for the cumulative effect of additional drinking establishments.

Policy TC6 of the Eastbourne Borough Plan seeks to ensure that the town centre does not suffer due to an over concentration of licensed premises. I believe that the addition of a night club at this location is against the spirit of Policy TC6.

PPS6, in common with PPG6, requires local planning authorities to consider the scale and quantity of leisure development and to take into account their cumulative impact and likely effect upon residential amenity. I note that a new housing development is nearing completion close to the application site.

During 2005, police have been called on fourteen separate occasions to Bolton Road to deal with fights. Some of these fights have involved large numbers of youths. In addition, police have been called to deal with disorder, drunkenness, criminal damage and assaults.

Looking now at Eastbourne Town Centre, rather than Bolton Road, for the period December 2004 to June 2005, there have been 644 offences of public place violent crime. Of these, 202 occurred either within or close to licensed premises and it is believed that the vast majority (78.2%) were committed by offenders under the influence of alcohol. The time of day and day of week fit closely to the expected pattern of late evening and early morning of Fridays, Saturdays and Sundays.

Section 17 of the Crime and Disorder Act 1998 gives both police and local authorities a responsibility to *"exercise their various functions with due regard to the likely effect on the prevention of crime and disorder".* I believe that this planning decision is one that will have an influence on crime and disorder and ask that the application is refused.

Should you be minded to offer consent, then I ask that a time condition is imposed. I understand that the applicant would accept a time condition of 2am, however, I emphasise that Sussex Police believe that the Town Centre is already saturated with licensed premises and that additional facilities will result in additional crime and disorder.

The Safer Places document from the ODPM, (2004) offers a good practice guide for the creation of well designed and safe places through the planning system. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act."
(letter dated 18 August 2005 – background paper)

APPRAISAL

The main issue to take into account in determining this application is the impact of the use on the area in general and adjacent residents in particular.

The premises are located on the edge of the town centre commercial area, and consequently directly abuts residential properties. As pointed out by the consultees, a substantial number of residential properties will shortly be finished in Lismore Road, in fairly close proximity. Whilst it is acknowledged that residents of such properties must expect relatively high levels of noise in the evenings, the borough plan and specifically policy TC7 is clear that residential amenity must not be significantly harmed. The existing bars in Bolton Road already have an adverse impact on the closest residents, and it has to be said that no matter how well such establishments are run, there is no control over customers once they have left the premises. Whilst the floor area of the application premises is not particularly large, it would nevertheless result in a significant number of people in the building as a whole. Whilst the blocking up of the windows may reduce some noise, it would require the installation of a significant system of ventilation, which may be difficult to achieve on the building, as it is situated in a conservation area with residential properties at the rear. Furthermore, it is likely that customers would congregate in the outside seating area after the wine bar has closed, and it is considered that even the imposition of a planning condition would not resolve this issue, bearing in mind that the car park of the adjacent property is used as an unauthorised overspill by customers.

It is considered that the later opening hours of a nightclub would extend the hours of noise and disturbance to local residents, and would actually attract more customers from premises that have already closed, resulting in more people, potentially, either waiting to enter the premises or being turned away.

A recent appeal decision in west London in respect of a restaurant and bar applying to extend its hours of operation turned on a similar principle. In dismissing the appeal, the inspector considered that a significant number of customers would leave the premises at 2.30am, when local residents would be more vulnerable to sleep disturbance, and, moreover, that the premises would be likely to attract customers from other food and drink establishments that had already closed; the risk that such people would have to be turned away would create potential for more disturbance, he reasoned.

Taking into account the above, together with the issues raised by the police, it is considered that this is not the correct location for a nightclub, as it would adversely affect the amenities of nearby and adjacent residents to an unacceptable degree.

HUMAN RIGHTS IMPLICATIONS

The proposal is likely to result in an adverse impact on the rights of nearby residents to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: Permission be refused on the following grounds:-

That the proposed use would result in an unacceptable degree of noise and disturbance to adjacent and nearby residents, and would therefore conflict with policies HO20, TC6 and TC7 of the Eastbourne Borough Plan 2001-2011.

6) 20 GRANVILLE ROAD. RECONSTRUCTION OF FIRE DAMAGED 2ND FLOOR FLAT AND ROOF. EB/2005/0474, MAP D.12 MEADS

SITE LOCATION

The application site is situated on the northern side of Granville Road. The site is occupied by a large Victorian property, which until being seriously damaged by fire two years ago, was in use as flats.

PLANNING HISTORY

In March 2004 outline planning permission was granted for the demolition of the existing property and erection of a four storey block of flats containing 10 units with underground access to car parking at the rear of the property. (EB/2003/0759(OL) – background paper)

In May of this year a planning application was submitted to the Council for the proposed reconstruction of the fire damaged 2nd/3rd floor living accommodation to provide two replacement flats (EB/2005/0355 – background paper). However this application was subsequently withdrawn following concerns expressed by the Case Officer and local residents that the proposals involved increasing the height and changing the appearance of the original property.

CURRENT APPLICATION

Planning permission is now sought to rebuild the second floor and roof of 20 Granville Road to the same height as the original property. The plans accompanying the application show that the large second floor flat will comprise four bedrooms, bathroom, shower room, kitchen and lounge/dining room.

The submitted elevational drawings show that the appearance of the rebuilt property would be very similar to how the property looked prior to the fire. It is proposed to rebuild the two tile hung gables at the front of the building and provide replacement dormer windows in the roof slopes.

PLANNING POLICY

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

Policy UHT4	-	Visual Amenity
Policy UHT16	-	Protection of Areas of High Townscape Value
Policy HO20	-	Residential Amenity

CONSULTATIONS

Notification letters were sent to occupiers of adjacent residential properties and a notice was displayed outside the site. At the time of writing this report four letters had been received from the occupiers of properties in Granville Road and Fitzgerald Close and the comments made can be summarised as follows:

- Have no objection in principle to the proposal which fits reasonably well into this area of high townscape value and generally respects the profile and style of the original building;
- Only concern is the reduction in the area of tile hanging on the front elevation – is this practical or desirable?
- Have misgivings about the likely standard of workmanship given the poor aesthetic quality of continuing temporary works to date;
- There is nothing in the new application that makes it any more or any less objectionable;
- Have still not been provided with proposed reconstruction works at 2nd floor level. How many flats are proposed on this floor and how are they to be arranged?

- Clarification is sought as to the overall number of flats that will be provided once reconstruction has been completed;
- Prior to the fire the property had been adapted over time to provide a large number of bedsits. This is why we are now concerned to establish the overall number of units and occupants, so as to avoid this inappropriate form of development being repeated;
- Have reservations that the 3rd floor accommodation can be achieved in the form shown as the pitch of the roof will greatly restrict the usable space;
- How can it be ensured that the finished reconstruction is a genuine match to the original building? Original timber support brackets on the two front gables have been removed and the original brick chimney stacks taken down. Will any of these authentic features be reinstated?
- Retrospective approval should be sought for the existing vehicle crossover. (Letters received between 2 and 11 August 2005 – background paper)

APPRAISAL

The main issues to consider in the determination of this application are whether the proposed development is acceptable in terms of its effect on the visual amenities of the locality and whether it will have any impact on the amenities of occupiers of surrounding residential properties.

Prior to being damaged by fire two years ago, 20 Granville Road was an attractive period property. However since this time the property has been left to deteriorate and it currently has a detrimental effect on the appearance of the locality which is an Area of High Townscape Value. The submission of this planning application and the owner's intention to rebuild the property is therefore welcomed.

The proposed development includes rebuilding the two tile hung gables at the front, constructing a new roof and installing replacement dormer windows in the front, side and rear roof slopes. The resulting building will be very similar in appearance to the original property and bearing in mind the current condition, it is considered that the proposals are acceptable in terms of their effect on the visual amenities of the locality and will actually enhance the appearance of this Area of High Townscape Value.

In terms of the effect of the proposed development on the amenities of occupiers of surrounding residential properties, it is considered that the proposed rebuilding of the living accommodation and roof will have no detrimental effect.

The concerns expressed by local residents regarding the problems associated with the property prior to the fire are noted. However the comments made relate to the management of the property and are not material considerations in the determination of this application.

HUMAN RIGHTS IMPLICATIONS

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

ARTICLE 5 SUMMARY

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the visual amenities of the locality or the amenities of occupiers of surrounding residential properties. The development therefore complies with the relevant policies of the Eastbourne Borough Plan 2001-2011.

RECOMMEND: Permission be granted subject to the following conditions:

1. M1.1 Time limit for commencement of development

2. A1 Submission of samples of facing materials

3. U4.4 Hours of building operations

7) 7 CHISWICK PLACE. REAR EXTENSION TO LOWER AND GROUND FLOORS INCLUDING BALCONY, FORMATION OF TWO WINDOWS AND DOORWAY IN SIDE ELEVATION, DORMER TO REAR ROOFSLOPE WITH ROOFLIGHTS AT FRONT AND CONVERSION OF BUILDING TO SIX SELF-CONTAINED FLATS. EB/2005/0484. MAP G12. MEADS

SITE LOCATION

The application site is comprised of a semi-detached house on the western side of Chiswick Place. The four-storey building has a dental surgery on the ground floor with residential above. Dwellings either side have a matching design and in residential use. At the rear, the site is border by a detached house in Wish Road. There are parking bays in Chiswick Place directly in front of the application site and are controlled by a time limit and residents permit scheme.

PLANNING HISTORY

There is no planning history for this site.

CURRENT APPLICATION

Permission is sought to enlarge and convert this property into 6 flats, all self-contained. The rear of the two lower floors would project 3.6 metres and be built off the side of an existing bay. A balcony would also be created using the flat roofs of the proposed extension and the existing bay. A dormer on the rear roofslope, plus one rooflight to the front and two on the side would provide lighting to the proposed top floor flat.

PLANNING POLICY

UHT1 - Design of New Development
UHT4 - Visual Amenity
UHT15 - Protection of Conservation Areas
HO9 - Conversions and Change of Use
HO20 - Residential Amenity
TR11 - Car Parking

CONSULTATION

Letters of notification were sent to neighbouring occupiers in Chiswick Place and Wish Road and a notice displayed at the site. Four letters of objection have been received with the following comments:

- Six flats would be excessive for the building.
- There will an increase in noise and disturbance.
- There will be inadequate parking for new residents.
- The extension's size and appearance will not be in character.
- The extension will result in loss of privacy, overlooking and overshadowing.
- Wheelie bins will be required. Limited from frontage to the property will presumably be cluttered with bins.
- There will be a visual effect on the landscape as existing trees and shrubs will have to be removed.

Historic Buildings Advisor: The main external change is the proposed two-storey rear extension. The backs of these properties are clearly visible from Blackwater Road. Only No. 6 has a rear extension and this is of 2-storeys with a rooftop balcony. If it pre-dates the designation of the conservation area then I would advise that the proposed extension is an unacceptable alteration to an otherwise largely unaltered terrace. It is made more intrusive by the creation of a rooftop balcony linked to the existing canted bay and connected by a bridge.

The rooflight to the front should be omitted, as it will be visible from Chiswick Place. The dormer window at the rear would be better detailed as a tripartite window.
(Internal memo dated 9th August 2005 – background paper).

Conservation Area Advisory Group: Minutes of their meeting to be held on the 30th August will be reported to the Planning Committee.

Highways Authority: Does not wish to restrict grant of consent (Internal memo dated 17th August 2005 – background paper).

APPRAISAL

The main issues to consider are the impacts on the Town Centre and Seafront Conservation Area, neighbouring residential amenity and car parking provision.

The proposed extension and balcony at the rear of the property would be the main external alteration and clearly visible from Blackwater Road. The design of the extension does not reflect the style of the existing building and the other houses in the row. Its size and design would make it a prominent feature that would fail to preserve the character of the Town Centre and Seafront Conservation Area. There is a similar extension, but smaller, at the rear of 6 Chiswick Place. This extension, however, was constructed before the designation of the Conservation Area and the current planning policy and supplementary guidance have stronger design requirements. The extension is therefore considered contrary to policies UHT1 and UHT15 and the Eastbourne Townscape Guide.

The design of the proposed dormer at the rear would not adequately reflect the fenestration of the existing rear elevation. It is therefore considered contrary to policies UHT1 and UHT15 as is would fail to preserve or enhance the character of the conservation area. A roof light on the front would also be visible is not considered a feature suitable in this location.

The proposed extension would face towards the house and garden at 27 Wish Road. It is considered that due to a difference in land levels between the two properties and the dominance of extension and its balcony, the development would be intrusive, causing overlooking of the neighbouring house and garden. It is also considered that the balcony would give rise to overlooking of dwellings either of the application site. The size and position in relation to dwellings at 6 and 8 Chiswick Place would not cause harmful loss of light. It would be set far enough from neighbouring habitable room windows not to interfere with daylight.

No off-street car parking can be provided at the site. At town centre development sites, no off-street parking can be acceptable as shops, amenities and public transport are readily accessible. The Highways Authority has not raised any objections to the proposal.

HUMAN RIGHTS

It is considered that the extension may have adverse implications for neighbouring occupiers Right to peaceful enjoyment of property and possessions.

RECOMMEDATION: That planning permission be refused for the following reason:-

1. By reason of design, the proposed extension, dormer and front rooflight would be harmful to the character and appearance of the Town Centre and Seafront Conservation Area, contrary to policies UHT1 and UHT15 of the Eastbourne Borough Plan 2001 – 2011.

2. The rear extension would be an un-neighbourly development, resulting in overlooking and loss of privacy detrimental to the amenity of neighbouring residential properties, contrary to policy HO20 of the Eastbourne Borough Plan 2001 – 2011.

8) 21-23 CORNFIELD ROAD. REMOVAL OF CONDITION 6 OF PLANNING PERMISSION EB/1996/0090 RESTRICTING OPENING HOURS. EB/2005/0486, MAP G12. MEADS

SITE LOCATION

The application site comprises a double fronted commercial unit situated on the eastern side of Cornfield Road. It is located within a secondary shopping area and has a private car park to the rear.

PLANNING HISTORY

Permission was granted in 1996 for the change of use from retail to ale, wine and food bar, together with external alterations to front and rear elevations. A condition restricting the hours of operation between 9:00am and 11:30pm Monday to Saturday (inclusive) and 9:00am and 11:00pm on Sundays unless the written approval of the Local Planning Authority to any variation is first obtained. The reason for the condition is to preserve the amenities of the area in general and nearby residential properties in particular. Since this approval applications have been received and granted for developments relating to this use, e.g., the provision of an external drinking area.

CURRENT APPLICATION

The current application seeks permission to remove condition 6 on approval EB/1996/0090 restricting opening times and for the matter to be controlled by licensing.

PLANNING POLICY

TC7	Area for later opening of A3 uses
HO20	Residential Amenity

CONSULTATION

Letters of notification were sent to the occupiers and the proprietors of the surrounding properties and a site notice was placed at the front of the building. At the time the report was completed (24 August 2005) three representations had been received from Peter Lee Leisure Ltd, David Skinner Chemists and the occupier of 33a Cornfield Road. The objections can be summarised as follows:

Peter Lee Leisure have commented that due to the state of the patrons leaving Wetherspoons they have on several occasions caused problems in Bolton Road in particular having to be turned away from the bars located there.

David Skinner Chemists draws our attention to a recent report from a prominent judge and the Police. “Our towns have already got to a stage where there is a considerable increase in violence, due to drunkenness and any liberation in the hours should be rejected, as it will lead to further deterioration of behaviour due to more drinking”.

The occupier of 33a Cornfield Road has confirmed that there is increased residential take up in the area, including next door to the application site. Furthermore, facts prove that increased hours equals increased problems with licensed premises both for public and police.

(Background papers - Letters dated 10 - 18 August 2005).

APPRAISAL

The main considerations in assessing this application are the suitability of the site for later opening and the potential effects it would have on the amenities of the neighbouring residents.

The relevant policy for assessing this application is Policy TC7 ‘Area for later opening for class A3.’ In April 2005 the Use Classes Order was amended, which involved a division of the A3 use class forming a further two classes, A4 Drinking establishments and A5 Takeaway.

In the applicant’s supporting documents it is stated that “it is an accepted planning precept that residential developments within the city centres generally have a different level of amenity to purely residential areas. Residents living in town centres, whilst having better access to facilities, must also expect greater levels of evening activity and noise.” It is considered that these reduced levels are experienced with the current situation and the potential for this property to remain open 24 hours a day, with the noise associated with this use class, would significantly reduce the level of amenity currently experienced.

The main argument of the applicant is that the condition is unnecessary due to opening hours being controlled by Licensing Powers.

It was the decision of the Court, in a previous case, that there is no basis for suggesting that a planning authority had no power to restrict the opening hours of a pub or restaurant because of the existence of provisions within the Licensing Acts. Due to the arguments above it is considered that the potential for 24-hour opening in this location would be detrimental to the occupiers of the surrounding residential properties. The remaining supporting documents in the application pertains to the suitability of the property for an A4 use and the good management record of the Wetherspoon chains, which are not disputed here.

The area surrounding the application site is a secondary shopping area occupied by a mixture of A1 and A2 uses that would be primarily used within daylight hours. It is not situated within an area specified under policy TC7 although it is adjacent to one. The town centre is in close proximity and it is therefore considered that a variation in opening hours may be acceptable. However, to ensure that the amenities of the residents surrounding the site are protected the removal of restrictive opening hours is not acceptable.

HUMAN RIGHTS

It is considered that the proposed extension could adversely affect the Rights of neighbouring occupiers to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be refused on the following grounds

1. That the removal of condition 6 of permission EB/1996/0090 restricting opening hours would likely to result in an unacceptable degree of noise and disturbance to the detriment of the adjacent and nearby residents. As such, the proposal would not comply with Policies HO20 and TC7 of the Eastbourne Borough Plan 2001-2011.

9) SAFFRONS SPORTS CLUB, COMPTON PLACE ROAD. DEMOLITION OF EXISTING CLUBHOUSE AND CHANGING ROOMS, AND THE ERECTION OF A NEW CLUBHOUSE ADJACENT TO FOOTBALL STAND/CHANGING ROOMS AND FORMATION OF NEW CAR PARKING AND TURNING AREA. EB/2005/0487. MAP F11. MEADS

SITE LOCATION

The application site is the sports ground on the eastern side of Compton Place Road, and also bounded by Meads Road and Saffrons Court. The clubhouse is on the western side of the site, next to the boundary wall

with Compton Place Road. The main vehicular access to the site is also from Compton Place Road.

The southern part of the sports ground is used as a cricket pitch and football pitch, with associated pavilions, scoreboard, changing rooms, stands and storage buildings located in a central part of the site. There is a driveway that leads from the main entrance, past the existing clubhouse and up to the buildings in the centre of the sports ground. There are mature trees around the site, with Elm trees adjacent to the driveway and an Ash tree behind the changing room for the football club. The surrounding roads are residential with houses and flats along Meads Road, Saffrons Road and Compton Place Road. Compton Lodge, a 5-storey apartment block, is directly adjacent to the northern boundary of the site.

PLANNING HISTORY

The following are recent planning applications for Saffrons Sports Club:-

2002 Granted - Proposed building to provide changing facilities, together with terracing adjacent to Meads Road frontage (EB/2002/0113 – background paper).

1999: Granted – Change of use and refurbishment of disused pavilion to a childrens' nursery (EB/1999/0398 – background paper).

1999: Granted - Erection of prefabricated timber cricket pavilion (EB/1999/0008 – background paper).

1996: Granted - Erection of 4 metre high fence along boundary between Croquet Club and adjacent football pitch (EB/1996/0029 – background paper).

1995: Granted - Erection of extension to existing changing rooms (EB/1995/0254 – background paper).

1994: Granted – Continuation of use of Portakabins to provide changing facilities (EB/1994/0061 – background paper).

1993: Granted - Provision of floodlighting to football pitch (EB/1993/0496 –background paper).

1993: Granted – Provision of an all weather surface with floodlighting and football pitch (EB/1993/0145 – background paper).

CURRENT APPLICATION

Permission is sought to develop a new car park and clubhouse in the centre of the sports ground. The proposed clubhouse would be a single-storey building attached to the existing changing rooms and stand of the football club. Where the building would adjoin the changing rooms of the football club it would have a pitch roof, with the main roof over the

clubhouse being pitched. The front of the clubhouse would have a raised terraced area, facing south-west to the cricket pitch.

At 275 square metres, the floor area of the proposed clubhouse and changing rooms is smaller than the existing clubhouse, which is 366 square metres. To the north of the proposed clubhouse and adjacent to the hockey pitch, it is also proposed to construct a car park with 39 spaces, plus a turning space for vehicles.

The existing driveway through the site upgraded would form the access to the car park, and would be widened and upgraded as part of the development. As part of the development proposals, the existing clubhouse would be demolished and car park area reduced, with the land restored to part of the playing fields.

PLANNING POLICY

UHT1 - Design of New Development
UHT4 - Visual Amenity
UHT7 - Landscaping
H020 - Residential Amenity
TR6 - Facilities for Cyclists
TR11 - Car Parking
LCF2 - Resisting Loss of Playing Fields

CONSULTATION

Letters of notification were sent to occupiers in Saffrons Road, Compton Place Road and site notices were displayed. At the time of preparing this report (24th August), five letters had been received with the following comments:

- There would be a loss of privacy
- The main objection is the position of the clubhouse and car park from which the main noise will arise.
- Noise and disturbance from the comings and goings, especially from late night parties held at weekends would affect residents.
- Compton Lodge would be affected by the noise and dust to be generated, the dumping of rubbish and the presence of delivery vans will transform this peaceful corner of the Saffrons almost beyond recognition.
- The orderly appearance of a 'County Ground' will be lost and slowly become a general recreation ground catering for more noisy children's games.
- The more traffic created in and around Compton Place Road, the faster will be the accidents waiting to happen.
- The clubhouse should be erected at the same site as the existing
- If a License is granted for entertainment it could be conditioned that all windows are sealed units to prevent spread of noise at night.
- Cars departing late at night will cause a great deal of disturbance. Grass covered banks could be planted with trees/hedges to stifle the noise of cars departing.

Highways Authority: Two spaces at the end of the car park have restricted room for vehicles to manoeuvre.

The spaces should either have additional turning area or be removed all together. Two bays for disabled drivers must be provided. Width of the access road complies with standards. (Verbal comments received 24th August – formal written memo to be reported at the Planning Committee).

Downland, Trees and Woodland Manager: The trees on this site are protected by Tree Preservation Order 82 and are considered to provide significant public visual amenity within the urban setting.

Construction works, including a terrace and path to the new pavilion are shown to be three metres from the adjacent trees, a group of mature Wheatley Elms. There is already an existing hard standing but the construction impact and changes in level required will be in such close proximity to the trees that it is likely to lead to major root severance on the windward side and destabilisation.

The access road is proposed as a six-metre wide grass paviour system and it is assumed that it would be installed on the existing driveway. Further details are required of its position in relation to the trees. This system of roadway still requires excavation, which if in close proximity to the trees may have a detrimental impact.

If approved, I would recommend standard conditions T4, T5, T6 and T7 be relevant.
(Internal memo dated 22nd August 2005 – background paper).

Environmental Health: No reply at the time of preparing this report (24th August 2005).

Sport England: Does not wish to raise objection to the proposed development (Letter dated 9th August 2005 – background paper).

APPRAISAL

The main issues to consider in the determination of this application are the impacts on the provision of sports and recreation facilities, the visual amenity of the area, tree preserved by TPO 82, residential amenity and provision of car parking.

The proposed clubhouse and car park would result in approximately 350 square metres of additional floorspace and hardsurface at the site. The proposed development, however, would not adversely affect the use of the sports pitches at the site. With a reduction to the existing car park and removal of the clubhouse, more playing area would be made available toward the Compton Place Road boundary. The additional area for the playing surface would permit the cricket pitch to be moved so it would no longer overlap the football pitch. The position of the proposed

clubhouse, adjacent to the football stand and changing rooms of the football club, is an area that does not form part of a playing surface. It currently houses several storage buildings. The proposed car park would be sited on a grass area between the Croquet Club and the all-weather hockey pitch. This area is not currently used as a sports pitch, although it is conceivably could be. The proposed car park would result in the loss of a grass area within the site, it is considered that it would not adversely affect the sports and recreational facilities on offer. Indeed, locating changing rooms, a clubhouse and car park in a central area of the site would improve the functional use of the site.

The appearance of the clubhouse would reflect the design of the War Memorial pavilion that is adjacent to the Meads Road boundary and would not appear out of keeping with the sports ground. The building is designed to take account of the flat roof of the football stand it would abut, whilst providing a clubhouse sympathetic to the area as a whole.

Two Wheatley Elm trees are located to the rear of the proposed clubhouse. The siting of the clubhouse would allow it to be constructed without threatening the future health and retention of the protected Elms. The proposal originally included a terrace and pathway to the rear of the clubhouse but these have been removed, as their construction would have interfered with the roots. Wheatley Elms are also situated adjacent to the driveway that is to be upgraded. The widening of the driveway will be towards the cricket pitch and not take it closer to the trees. The Council's Arboricultural Officer has recommended that conditions be imposed to control construction and excavations near to the trees to ensure that works do not adversely affect the identified Elms.

The car park would significantly alter the appearance of an area of the site. However, it is considered that it would not detrimentally affect the visual amenity of the area. The proposed surface of the car park is "grasscrete" blocks that contain apertures to allow grass to grow up through the blocks. This would provide a softer appearance compared to a plain concrete or tarmac surface. A soft-landscaping scheme around the perimeter of the car park would provide additional screening to lessen any visual intrusion.

The proposed development would result in the activity associated with the existing clubhouse being moved away from Compton Place Road and the flats at Saffrons Court. The location of the proposed clubhouse would, however, be closer to Compton Lodge to the north of the site. The distance between the northern most edge of the car park and the boundary with Compton Lodge would be approximately 105 metres. The clubhouse would be 150 metres from Compton Lodge. Noise and activity generated by the use of the clubhouse and car park would be more noticeable at Compton Lodge than at present, particularly in the evenings. However, noise and activity can be expected as part of the general function of a sports ground and its clubhouse, but the amenity of surrounding residential properties should not be detrimentally affected. It is considered that the proposed clubhouse and car park, and the movement of vehicles along the upgraded driveway, although set at a

considerable distance from residential properties, could have an impact if measures are not put in place to control the use. Due to the openness of the site, there is little to deflect or stifle any sound and it is able to travel across the site. It is considered necessary that the hours of operation are limited to prevent activity taking place at a time that would disturb residents. Landscaping would also act a barrier to help reduce the spread of sound from the clubhouse and car park.

Furthermore, the submitted plans do not show dedicated refuse storage. It is considered necessary that further details be provided so that secure storage is provided at the site to protect the amenity and appearance of the area.

The existing car park is to be reduced, but the proposed car park will accommodate a total of 39 vehicles, including two bays for disabled drivers. Alterations to the existing car park will retain some spaces for drivers using the War Memorial Pavilion and squash courts. There would be sufficient turning space at the proposed car park and the driveway would have sufficient width to allow vehicles to pass in opposite directions.

ARTICLE 5 SUMMARY

The development would not be detrimental to the provision of sporting facilities or car parking, nor be harmful to the visual amenity of the area or the amenity of surrounding residential properties, and complies with relevant policies of the Eastbourne Borough Plan 2001 – 2011.

HUMAN RIGHTS

It is considered that the proposed development would not have an adverse affect on neighbouring residents' Right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be granted subject to following conditions:-

1. M1.1 Commencement of Development within 3 Years
2. A1 Submission of Samples of Facing Materials
3. T10 Landscape Design Proposals
4. T4 Tree/Natural Feature Protection: Fencing
5. T5 Tree Protection: No Burning
6. T6 Tree Protection: Excavations
7. T7 Tree Protection: Earthworks

contd…

8. That, before the commencement of development, details of secure bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall installed before the building hereby approved is first brought into use.

9. That, before the commencement of development, details of storage of refuse bins shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before the building hereby approved is first brought into use.

10. That, within one month of the clubhouse hereby approved being first brought into use, the existing clubhouse shall be removed and the adjacent car park reduced as shown on the approved plans, and the land re-instated to grass.

11. That the building hereby authorised shall only be used between the hours of 7 a.m. and 12 a.m. (midnight).

12. U4.4 Hours of Construction

Old Town Ward

10) 8 OLD CAMP ROAD. ERECTION OF A TWO-STOREY EXTENSION AT SIDE AND REAR OF HOUSE, AND CONSERVATORY AT REAR. EB/2005/0387. MAP D8. OLD TOWN

SITE LOCATION

The application site is comprised of a large detached house on the north side of Old Camp Road. It has a mock-Tudor appearance, with overhanging bays at first floor, and half-timbering external finish. There is a double garage to the side of the house, set 1 metre from the boundary shared with 6 Old Camp Road. The house has also been enlarged at the rear with a single-storey extension to the kitchen.

The street scene of Old Camp Road is characterised by large, detached two-storey dwellings with considerable space between neighbouring houses. The dwelling nearest to the proposed extension is a bungalow, 6 Old Camp Road.

PLANNING HISTORY

1986: Granted - Single-storey extension at rear to provide a kitchen and utility room (EB/1986/0016 – background paper).

2001: Granted - Demolition of detached garage and erection of double garage at side (EB/2001/0381 – background paper).

CURRENT APPLICATION

Permission is sought to enlarge this dwelling by extending the first floor over the existing garage at the side as well as the enlarged kitchen at the rear.

A conservatory is also proposed for the rear of the house. It would have a Victorian style, projecting 5 metres with a ridge height of 3.5 metres.

PLANNING POLICY

UHT1 – Design of New Development
HO20 – Residential Amenity

CONSULTATION

Letters of notification were sent to neighbouring occupiers about the original application and revised plans. Two letters have been received from the occupiers of 6 Old Camp Road, objecting to the application:

- The driveway between properties is narrow and the extension would eradicate our daylight considerably within our bungalow.

- There are no windows in the dining room, which relies on daylight coming from the kitchen and front door.
- The building would look completely unbalanced.
- There would be a loss of property value.

APPRAISAL

The main issues to consider in the determination of this application are neighbouring residential amenity and the appearance of the street scene.

The proposed extension to the house would be built over the existing garage and project 3.8 metres past the rear building line. The bulk and scale of the proposed extension is sizeable, but it is considered that it would not have a detrimental affect on the amenity of the nearest neighbouring dwelling, 6 Old Camp Road. A kitchen window and the main entrance door are situated in the eastern elevation of No. 6 and would directly face the extension, which would be at a distance of 4.5 metres. The plans have been amended so that the extension has a hipped roof at the rear instead of a gable, thus reducing the overall bulk. It is considered that there would be some loss of daylight to the kitchen, but that the effect would not be sufficient to warrant refusal. Kitchens are not main habitable rooms and as such are not afforded as much protection as living rooms. Daylight into the kitchen, as well as the main entrance area, helps light an internal dining room. As this room is internal natural daylighting of it is limited. The original plans for the bungalow showed the room as a hallway. It is therefore considered that any reduction of light to the internal room would not greatly differ from the current situation.

The design of the extension is considered to be harmonious with the existing house. The external materials would be rough render with half-timbering, to match the mock-Tudor appearance of the house. The extension would be subordinate, with the first floor being set back 3.5 metres behind the front building line of the house, and would have a matching roof profile. Its appearance would not be out of character with the street, which is comprised mostly of large detached houses.

The proposed conservatory at the rear would be harmonious with the house and its size and position would have no impact on the neighbouring dwellings.

ARTICLE 5 SUMMARY

The development would not detrimentally affect the neighbouring residential amenity or the visual amenity of the area, complying with relevant policies of the Eastbourne Borough Plan 2001 – 2011.

HUMAN RIGHTS

It is considered that the proposed extension would not adversely affect neighbouring occupiers Right to peaceful enjoyment of property and possessions.

RECOMMEND: Permission be granted subject to the following conditions:

1. M1.1. Commencement of Development within 3 Years
2. A2. Use of Matching Materials
3. A11. No Balconies

11) 38 ABBEY ROAD. PROVISION OF AN ATTACHED GARAGE AT SIDE. EB/2005/0498, MAP E5. OLD TOWN

SITE LOCATION

This semi-detached two storey dwelling is located on the west side of Abbey Road, approximately 50m south of the junction with Kirk Way.

PLANNING HISTORY

Planning permission was granted in 2002 for a two storey side extension, which was set back 5m from the front building line, and this has been implemented.
(EB/2002/0353 – background papers)

CURRENT APPLICATION

Planning permission is now sought for the erection of an attached garage at the side of the property, occupying the remaining area between the previously approved extension and the front building line. The garage would be 2.7m wide and 4.7m deep under a monopitch roof with a maximum height of 3.8m; the pitch would be at 90° to the existing roofs. All materials would match those existing.

PLANNING POLICY

The following policies are relevant to this application:

UHT1 - Design of new development
UHT4 - Visual amenity

CONSULTATIONS

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

APPRAISAL

The main issue to take into account in determining this application is the impact of the proposal on the character and appearance of the area.

There are two elements of the scheme with are considered to be unacceptable. The first is the design of the roof, which is at odds with the simple front to back pitch of the original house and the extension, being at 90° to it, thereby introducing a half gable on the front elevation. It would also result in an awkward relationship with the first floor window in the extension. The second element is the siting of the garage, on the front building line and attached to the dwelling. One of the characteristics of the Green Street Farm Estate is that all the garages on individual plots are simple flat roofed, detached garages set well back from the front building lines, which has the effect of reducing the prominence of garages in the streetscene.

It is therefore considered that the design and siting of the garage would result in an incongruous feature at odds with the character and appearance of the area.

HUMAN RIGHTS IMPLICATIONS

None.

RECOMMEND: Permission be refused on the following grounds:-

That the design and siting of the proposed garage would result in an incongruous feature, which would be at odds with the character and appearance of the area and would therefore conflict with policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

Ratton Ward

12) 283 KINGS DRIVE. ERECTION OF BUNGALOW AND DETACHED DOUBLE GARAGE IN REAR GARDEN AND WITH ACCESS FROM KINGS DRIVE. EB/2005/0465. 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 there are Lombardy Poplar trees and Austrian Pine trees covered by Tree Preservation Order No.4.

PLANNING HISTORY

2004: Refused and appeal dismissed - Erection of bungalow and garages in rear garden (EB/2004/423 – background paper).

1998: Granted - Demolition and rebuilding of enlarged garage (EB/1998/0416 – background paper).

1972: Granted - Dormer window (EB/1972/0012 – background paper).

1969: Granted - Single-storey side extension at side of house (EB/1969/0275 – background paper).

CURRENT APPLICATION

The current proposal is a revision of the previous application dismissed on appeal in April 2005. Permission is sought to erect a three-bedroom bungalow in the rear garden and would be set further from the rear boundary than the previous proposal, with a distance of 19 metres. The position of the bungalow has also been altered so that it would be 2.5 metres from the side boundary with 281 Kings Drive and 1275mm from the side boundary with Nos. 285 and 287 respectively. The proposed bungalow and the detached double garage would be set some 30 metres and 16 metres, respectively, from the existing dwelling at the site.

Access would be from Kings Drive, using the existing vehicular crossover, with the garage to the side of the existing house being demolished to construct a driveway to the rear garden.

PLANNING POLICY

UHT1 - Design of New Development
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
TR11 - Car Parking
US4 - Flood Protection and Surface Water Disposal

CONSULTATIONS

Letters of notification were sent to neighbouring occupiers and a notice was displayed at the site. At the time this report was prepared (23rd August) one letter of representation had been received, objecting to the application:-

- The house has been moved closer to our boundary and is a worse scenario that the previous one refused.
- It would be a total intrusion of privacy.
- The development would dominate the rear garden and the upstairs windows look back to our property.
- There would be noise and disturbance from vehicles using the garage.
- There are no other backland developments in this area and it would definitely not be in keeping with the surroundings.

Highways Authority: No objections to this application, subject to the following conditions being applied:

- 2 metres x 2 metres pedestrian visibility splays being provided on both sides of the driveway.
- Driveway to be at least 4.5 metres wide for 10 metres measured from the kerb line of the road.
- Prevention of discharge of water from the site onto the highway and vice versa
- Finished surface of private drives/hardstandings/forecourts should not result in loose material being deposited onto the public highway

(Internal memo dated 17th August 2005 – background paper).

Downland, Trees and Woodland Manager: I have read the submitted tree report. The proposed dwelling is shown to be an acceptable distance from the trees to satisfy requirements of British Standard 5837 section 7.5.4 to prevent damage to root plate of the specimen during construction.

Given the aspect of the proposed property, it is my opinion that the existing trees will create shade within the garden, which could lead to future requests for remedial works. It is further noted that the proposed living room is at the closest point to the existing trees and it is our experience that shading of living rooms is often one of the main causes of complaint regarding trees. It would result in future management implications on the adjacent trees.

Environmental Health: No comments to make on the application (Email dated 8 August 2005 – background paper).

APPRAISAL

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

The current application is a revised scheme taking into account the previous appeal decision. The appeal was dismissed on the grounds that the position of the bungalow risked harm to nearby trees covered by TPO No. 4. The Inspector did not uphold the Council's reasons of refusal about the impact on neighbouring residential amenity and the development being out of character with the area.

The proposal would not result in an overdevelopment of the site, as it would not exceed the recommended density of 30 – 50 dwellings per hectare. It would therefore make best use of urban land in line with national guidance (Planning Policy Guidance Note 3).

The character of the area is low-density development, and includes backland developments in the near vicinity (Warbuton Close, Weatherby Close, and 252 and 254 Willingdon Road). The Planning Inspector concluded that low-density tandem development, as proposed, would not, in principle, be out of character with the area. Views of the proposed bungalow from public areas would be limited. It would not affect the street scene, as the existing house would restrict the proposed bungalow being visible from Kings Drive. At the rear, it would be visible from across Westlords playing fields. The belt of trees would provide limited screening. However, there are other backland developments at Warburton Close and 252 and 254 Willingdon Road that the proposal is considered to be in character with.

The position of the proposed bungalow has been altered and would now be closer to the rear elevation of the existing dwelling. The distances between the proposed bungalow and the neighbouring dwellings at 281 and 285 would be 43 metres and 25 metres, respectively. It is considered that there would still sufficient distance between the proposed bungalow and neighbouring houses to prevent overlooking, as concluded by the Planning Inspector. There is fencing around the site to restrict views of neighbouring gardens from the ground floor windows of the bungalow, and the distance and angle of the rooflights from the other dwellings would prevent intrusive overlooking. The position of the access drive would run alongside the boundary with 281 Kings Drive. The side elevation of the 281 Kings Drive has a kitchen window at ground level, which faces the existing garage at the application site and the room would experience some noise and activity from garage. There would be vehicular and pedestrian movements along the driveway, but the likely levels of noise and activity or fumes would not reach the levels experienced at the front of the neighbouring dwellings or cause unacceptable harm to the living conditions of neighbouring occupiers.

The application site is within the Willingdon Levels Catchment Area. Within this area, new developments are expected to make provisions for the disposal of surface run-off water, either on-site or by a commuted sum towards the Eastbourne Park Scheme.

CONCLUSION

The Planning Inspector's appeal letter is a material factor in the determination of this application and it is considered that the current application has taken account of the reason why the previous proposal was dismissed at appeal. The re-positioning of the bungalow is not considered to result in overlooking, loss of daylight or an increase in general disturbance that would be detrimental to the amenity of neighbouring dwellings. The density of development would not be excessive and despite being tandem development would reflect the general character of the area, making use of urban land. The development would also provide satisfactory parking and access.

ARTICLE 5 SUMMARY

The proposed development would not be harmful to the amenity of neighbouring residential properties, the general character of the area or be detrimental to the health and future retention of the nearby trees protected by TPO No. 4, complying with relevant policies of the Eastbourne Borough Plan 2001 – 2011.

HUMAN RIGHTS

It is considered that the development would not adversely affect adjoining occupiers' peaceful enjoyment of property and possessions.

RECOMMEND: That permission be granted with conditions, subject to the prior conclusion of a legal agreement:-

1. M1.1 Commencement of Development Within 3 Years
2. A1 Submission of Samples of Facing Materials
3. T10 Landscaping Design Proposals
4. T3 Tree Protection: General
5. T4 Tree Protection: Fencing
6. T5 Tree Protection: No Burning
7. T6 Tree Protection: Excavations

contd...

8. T7 Tree Protection: Earthworks

9. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no extensions to the roof and no buildings, structures, hardsurfaces, walls or fences shall be constructed within the curtilage of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

10. U4.4 Hours of Construction

13) PUBLIC HIGHWAY AT THE JUNCTION OF WILLINGDON ROAD AND WISH HILL. INSTALLATION OF TELECOMMUNICATIONS APPARATUS COMPRISING A 12M HIGH GRP TELEGRAPH POLE AND ASSOCIATED EQUIPMENT CABINET. EB/2005/0489(DET), MAP I3. RATTON

SITE LOCATION

The application site comprises part of the grass verge on the north side of the junction of Willingdon Road and Wish Hill.

PLANNING HISTORY

An application for prior approval of a 12.5m high streetworks installation on the verge adjacent to Westlords Playing Field was approved in September 2001, but this has not yet been implemented. A further application for a similar installation (for a different applicant) was refused in January 2005.
(EB/2001/0494 & EB/2004/0838 – background papers)

CURRENT APPLICATION

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

It is proposed to erect a 12m high GRP telegraph pole style mast on the wide grass verge at the junction of Willingdon Road and Wish Hill, together with an equipment cabinet 1.25m high, 1.4m wide and 0.65m deep. The grass verge has an average width of 24m and a depth of 20m, and houses a number of utilities, in particular a water main, which dictates the position of the installation. There is also a large multi-stemmed ash on the verge, adjacent to the boundary of 161 Willingdon Road, 10m from the proposed installation. The nearest residential

property is 161 Willingdon Road, which is 40m from the proposed installation.

The necessary ICNIRP certificate has been submitted with the application.

Other locations considered include Chalk Farm and Butts Brow (both in Council ownership), corner of Wedderburn Road/Buckhurst Close (too visually intrusive), EDF substation Wish Hill (terms could not be agreed), Eastbourne Garden Centre and Willingdon Golf Club (technical difficulties) and the wooded area off Badgers Brow (too visually intrusive and too expensive to develop).

PLANNING POLICY

The following policies are relevant to this application:

US8 - Prior approval of telecommunications development
US9 - Telecommunications development

CONSULTATIONS

At the time of writing this report, six letters of objection had been received from nearby residents, supported by a letter from Nigel Waterson MP, and a letter from an agent acting on behalf of the owners of 161 Willingdon Road. The objections are summarised as:

- the mast would be out of character with high quality, low density residential area
- it would be detrimental to the wide open grass verges characteristic of the area, and would result in excessive clutter
- preferable locations would be at the roundabout, the verge by Westlords, the junction of Park Avenue/Willingdon Road, or near the trees on the opposite corner
- other sites discounted by the applicant probably are available, or possible
- it would be contrary to the provisions of PPG8
- it would be an eyesore in a quiet semi-rural residential enclave
- danger to highway safety
- detrimental to preserved trees

(Letters dated 12 to 22 August 2005 – background papers)

The Highway Manager has no objections to the proposal.
(Memo dated 11 August 2005 – background paper)

APPRAISAL

The only issue to take into account in determining this application is the impact of the proposal on the visual amenities of the area.

The provision of a telegraph pole installation is considered acceptable in this particular location, which is characterised by significant stands of mature trees; such poles blend in well against the backdrop of trees all

year round. The verge is of a considerable size, and is located adjacent to a long curve on one of the busiest roads in and out of the town. The position of the proposed pole 10m back from the kerb line means that it would not be seen from long views, except for a short distance when travelling north, and when immediately approaching the junction; it would always be seen against the backdrop of trees. In addition there are no residential properties that would face towards the installation. The streetlights in the vicinity are 10m high and the adjacent tree is approximately 15m, and it is concluded therefore that the proposed pole would not be so significantly higher, that it would represent an incongruous feature in the streetscene. The comments of the objectors in relation to other sites are noted, but it should be acknowledged that the trees on the opposite corners, and indeed on the Westlords boundary, are all subject to tree preservation orders, and that the works associated with the installation of masts involve substantial foundations and trenches, which are invariably detrimental to tree roots. In this particular instance, the pole is a sufficient distance from the ash tree, which, in any case, is not covered by a preservation order. It is not considered that any of the other locations put forward by the objectors, or *available* sites considered by the applicant, would offer a more visually acceptable solution.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMEND: The siting and appearance of the proposed equipment be granted subject to the following condition:

That the equipment cabinet shall be finished in green (RAL 6005) before the installation becomes operational, and shall be maintained as such thereafter.

St. Anthony's Ward

14) 12A & 12B ALDER CLOSE. CHANGE OF USE TO BUILDERS MERCHANTS WITH TRADE COUNTER. EB/2005/0453, MAP N9. ST. ANTHONYS

SITE LOCATION

The industrial units are located within one of the designated industrial areas as defined on the Eastbourne Borough Plan Proposals Map 2001-2011. Alder Close is accessed from Birch Road, which in turn links with Lottbridge Drove.

The units have parking areas located at the periphery of the building and a fenced yard at the rear.

PLANNING HISTORY

The units were last used by Whiteline Windows who occupied the premises between October 2002 and June 2004. During this period the buildings were used predominantly for storage with two members of staff on site. The premises have remained empty since then.

The following applications are relevant to the determination of this application:-

Permission was granted in 1978 for the erection of a warehouse and provision of 28 carparking spaces (EB/1978/0047 – background paper).

Permission was granted in 1980 for a change of use of unit 12b from warehouse to vehicle repairs unit (EB/0979/0717 – background paper).

Permission was granted in 1980 for a change of use of unit 12a from warehouse to the manufacture of educational, training and display aids (EB/1980/0140 – background paper).

Permission was granted in 1985 for the installation of new roller shutter door and two windows on north east elevation (EB/1985/0211 – background paper).

Permission was granted in 1990 for a single-storey extension to house air compressor (EB/1990/0287 – background paper).

Permission was granted in 1997 for erection of a print plant extension on south side of unit 9; erection of extraction plant extension between units 11 and 15 and formation of optional carpark on north side of unit 15 (EB/1997/0126 – background paper).

CURRENT APPLICATION

The current application seeks permission for a change of use from a warehouse to a builders merchant with trade counter. The proposed use is classified as sui-generis and therefore the proposal if granted permission would result in the loss of an industrial use.

The applicant has filled in and submitted the form provided in the "Demonstrating the Genuine Redundancy of Business Premises" supplementary planning guidance. The two sections under which genuine redundancy is sought are a lack of market interest and the inability of the site to accommodate acceptable business development. In support of this the applicant has provided information with the application related to proving the genuine redundancy of the business use (Letters dated 2 –12 August 2005 – background papers). The following points are pertinent to the determination of this application:-

- The property has been marketed in excess of 12 months at a price which was in line with the market. The rent has not been reduced over the 12 month period but rental values for this type of premises have increased over the 12 months.
- Full details have been mailed out on two occasions, once when the property was first put on the market and again after the refurbishment in February 2005. These mailings involved sending details to all industrialists within a 20 mile radius of Eastbourne, totalling some 500 companies, as well as sending out details to members of the mailing list looking for this type of accommodation, totalling approximately 150 companies.
- The property was also sent to all national agents through the Agents Clearing House mailing circuit on two occasions.
- The property was advertised on four separate occasions in the Eastbourne Property News between 14 July 2004 and 21 January 2005.
- Traditional warehouses in Eastbourne are no longer viable due to its geographical location, local and regional infrastructure and type of companies operating in the town and there has been a downsizing in the accommodation space required from units of 20,000 sq. ft to 10,000 sq. ft.
- The refurbishment associated with Jewsons moving in will prolong the economic life of the property.
- The size of unit does not suit the local market with units of 5000 sq.ft being in demand.
- Only two companies have shown interest over the 12 months, a printing company looking to relocate which found the premises too large and the current applicant Jewsons.
- The letting market is relatively slow in Eastbourne with far more demand for freehold units in developments such as Courtlands Road.

Other points that the applicant would like to be taken into consideration when determining the application are:-

- There is a lack of demand for warehousing in Eastbourne, particularly for large units.
- The intended use will create at least 13 jobs.
- Jewsons is a high profile national company which will benefit the profile of the town.
- Approximately £350 000 capital expenditure will ensure the future of the building.
- There will be knock on benefits to local businesses.

PLANNING POLICY

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

Policy UHT1 - Design of New Development
Policy BI1 - Retention of Class B1, B2 and B8 Uses
Policy US4 - Flood Protection and Surface Water

The supplementary planning guidance "Demonstrating the Genuine Redundancy of Business Premises" is also relevant to the determination of this application.

CONSULTATIONS

The application was advertised by letters of notification sent to surrounding businesses and a site notice displayed to the front of the property. No representations have been received.

The Economic Development Department has noted the problems with the property's size and leasehold tenancy for acquiring a new tenant and acknowledge that the property has been marketed for some time. However, with regard to the economic development of the site it is considered that a trade counter on a valuable industrial site is inappropriate. They note there is a lack of quality industrial space in Eastbourne and this site could conceivably be redeveloped to provide just such space. Although a need for trade counters is acknowledged it is felt these should be co-located on one site rather than the current trend of slowly eroding industrial areas. If the site was redeveloped it could provide in the region of 20,000 sq foot of quality industrial space giving a benefit of skilled jobs for a significant number of people. A trade counter is unlikely to provide such jobs and would not result in economic development for the town (Memorandums dated 20 July 2005 and 9 August 2005 – background papers).

The Highway Authority raise no objection to the proposal (Memorandum dated 16 August 2005 – background paper).

The Planning Policy Officer has noted that such a use would normally be located in such an area but is concerned over the rising number of such quasi-retail uses in these industrial areas and therefore has requested that the genuine redundancy test set out in policy BI1 of the Eastbourne Borough Plan 2001-2011 should be applied (Memorandum dated 20 July 2005 – background paper).

APPRAISAL

The main issues to consider with regard to this application is the loss of the existing industrial use of the premises and the suitability of the proposed use.

There are no specific policies within the borough plan relating to trade counter uses. The site falls within a designated industrial area, and although the proposed use is sui-generis it will retain an element of B8 usage at the site. However, there will be a significant percentage of the floor area which will have a retail element above that of a small ancillary trade counter and this facilitates the need to prove the redundancy of the B1/B8 use. Industrial estates are considered to be a suitable location for trade counters relating to operations such as Jewsons, with no more appropriate locations within other areas of the town. Further to this there are other trade counters within the Birch Road industrial estate. In addition the proposed use will also provide at least 13 full time jobs and therefore, although these may not on the whole be skilled jobs, an element of employment will be retained on the site. The proposed use does not strictly fall within the preferred B1, B2 and B8 uses for the designated industrial area, but with no specific policy regarding the location of trade counters the siting on an industrial estate is seen to be appropriate in principle provided the redundancy of the existing use can be demonstrated.

The applicant has sought to prove the genuine redundancy of the premises through lack of market interest and the unsuitability of the premises for industrial use to allow the loss of the B1/B8 use on the site.

The property has been marketed for a period in excess of 12 months as a B1 premises at a rent that reflects the local market. Although no reduction in price has been made during the period a degree of refurbishment was done in February 2005 and rental values have increased during the 12 month period within Eastbourne. During this period, despite a comprehensive marketing strategy as outlined above only two companies have shown any interest, Jewsons who are making this application and a local printing firm looking to relocate.

The applicant has given evidence that this lack of market interest is due to two main factors. These are the size of the unit and the fact that it is leasehold. The reason given for the printing company not taking on the property was the size of the unit. The consideration given by the applicant relating to the lack of demand for the unit due to its size would appear to be correct in this instance.

The suggestion that freehold units are more attractive also appears to be correct with freehold units in the town in developments such as Courtlands Road selling well.

The property appears to be in good condition externally and has had some refurbishment recently.

The condition of the building is not something that has been cited by parties interested in the property as a reason not to proceed and the condition of the property has not been raised as an issue by the marketing agents. The building was erected in the late 1970's and the building is still physically capable of occupation by a business and it is not therefore considered significant that the property has not been specifically marketed for redevelopment.

From the evidence that has been submitted the premise made that the lack of market interest is a result of the size of the building and its availability on a leasehold basis appears to be an accurate assessment. There is no suggestion that the unit has been marketed at an unrealistic price or insufficiently to meet the requirements of the supplementary planning guidance for the proving of a lack of market interest in the B1/B8 use.

It is noted that the Economic Development Department have raised concerns over the loss of a site which could be redeveloped in the future to provide a large industrial unit that would provide better skilled jobs for the town. Although they have raised concerns over the erosion of prime industrial land recently by such trade counters it is considered that the applicant has provided sufficient evidence to prove the redundancy of the existing industrial use and therefore no objection can be sustained with regard to the relevant policies within the borough plan and the relevant supplementary planning guidance.

The proposed alterations to the exterior of the property will not be detrimental to the visual amenity of the building or the area and are considered to be appropriate with regard to policy UHT1 of the Eastbourne Borough Plan 2001-2011.

There will be no resultant increase in the hardsurfaced area and therefore there is no requirement for a flood storage contribution.

HUMAN RIGHTS

The proposal is not considered to result in any impact on the above noted rights with regard to protection of property and peaceful enjoyment of possessions.

SUMMARY

It is considered that sufficient information has been provided to prove the redundancy of the existing business use and the proposal therefore complies with all relevant policies of the Eastbourne Borough Plan 2001-2011 and the relevant supplementary planning guidance.

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

1. M1.1- Commencement of Development within 3 Years
2. U1.3 - Restriction of use to that specified in application
3. A9.1 - No open storage at front

Upperton Ward

15) 14 HARTFIELD ROAD. DEMOLITION OF EXISTING GARAGE AND ERECTION OF THREE-STOREY DWELLING TOGETHER WITH EXTENSION AND ALTERATIONS TO EXISTING GROUND FLOOR FLAT. EB/2005/0467, MAP H10. UPPERTON

SITE LOCATION

The existing two-storey brick and tiled semi-detached property is situated on the eastern side of Hartfield Road, some 20 metres north-east of the junction with Hartfield Lane and 70 metres south-west of Carew Road.

PLANNING HISTORY

Planning permission was granted in 1963 for the conversion of single private dwelling house into ground floor flat and ground/first floor maisonette; both self-contained (EB/1963/0264 – Background paper).

CURRENT APPLICATION

Planning permission is sought to replace an existing single garage with a three-floored extension, measuring some 5 metres wide and 13.5 metres deep, under a pitched roof, on the north-eastern side of the semi-detached two-storey host property, with four bedrooms on the two upper floors. In addition, it is proposed to erect a single-storey extension on the rear elevation of the property to provide additional living and sleeping accommodation for the existing ground floor flat.

PLANNING POLICY

Relevant policies in the Eastbourne Borough Plan 2001-2011.

- HO2 – Predominantly residential areas
- HO6 – Infill development
- UHT1 – Design of new development
- HO20 – Residential amenity
- TR11 – Car parking

CONSULTATIONS

The Environment Agency has no objections, in principle, to the proposed development providing a condition is imposed to prevent pollution of controlled waters (Letter dated 1 August 2005 – Background paper).

The Highway Authority was consulted on 22 July 2005. Any response will be reported to Members verbally.

REPRESENTATIONS

A notice was displayed at the front of the site and letters of notification sent to the occupiers of surrounding residential properties. At the time this report was prepared (24 August), five letters of objection had been received, the contents of which can be summarised as follows:

- A high number of occupants in the proposed house would result in more parking problems and potential for more noise and disturbance
- This proposal would result in an over development of the area
- This particular section of Hartfield Road is quiet with family homes but contains three professional healthcare businesses
- The extension would block my view
- Hartfield Road and Lane are already heavily parked
- All the properties in Hartfield Road are semi-detached
- It is the beginning of a slippery slope converting our road into terraced properties. Ruining a pleasant residential area.
- Squashing a six-bedroomed property [the application drawing shows a 4-bedroom house] on the site of a single garage is ridiculous

(Letters dated 27 July – 11 August 2005 – Background papers).

APPRAISAL

The main issues to consider in the determination of the application are the principle of erecting an additional single private dwelling, the car parking arrangements and the impact of the proposed dwelling in terms of the visual and residential amenity of the area.

As the application site is situated in a predominantly residential area, the principle of a further residential unit is considered to be acceptable. Infilling and similar forms of development are a means of increasing the density of residential development within existing urban areas, providing it accords with Central Government guidance as contained in Planning Policy Guidance No 3 “Housing”. In close proximity to the application site (at 18a and 21 Hartfield Road) there are similar developments attached to the sides of semi-detached properties.

With regard to the detailed considerations associated with the proposed development, the proposed on-site car parking space, to be positioned between the existing dropped kerb and the front of the new house, would provide adequate parking arrangements for residents. Visitors attracted to the property could park in Hartfield Road or nearby streets, as already occurs with many other properties in the surrounding area.

The application proposes the demolition of an existing garage on the side of the semi-detached property, containing two residential units, and its replacement with a four-bedroom house, on three floors. This would mean that the existing first floor flat would be positioned between the existing maisonette and the proposed house rather than having an outside flank wall. This would change the existing situation.

However, such an arrangement, with residential properties on either side of a flat, is not unusual and should not detract from the residential amenity of the identified residential unit. In addition, given its scale and position, the proposed development would not cause overshadowing, loss of outlook or loss of privacy of adjoining residential properties.

Notwithstanding the above, the applicant has been advised that the original design for the front elevation of the building, fronting Hartfield Road, with its arrangement of comparatively small window sizes, is not visually acceptable as a subordinate feature to the host building. Following a meeting with the agent, the scheme is to be re-designed so as to incorporate a size, number and position of fenestration, with associated amendments, that better respects the appearance of the existing building. Amended drawings are to be made available for further consideration by Members.

RECOMMEND: Permission be granted subject to the receipt of amended drawings, showing an acceptable form of fenestration, together with the following conditions

1. M1.1 Commencement of development within 3 years
2. A2 Use of matching materials
3. A3.2 Semi-obscure glazing in upper floors of side wall
4. EA1 Provision of surface water drainage works
5. U4.4 Hours of demolition and building operations
6. M5 Amended drawings

16) 27 PRIDEAUX ROAD. TWO-STOREY EXTENSION AT SIDE IN ASSOCIATION WITH EXTENSION TO MAIN ROOF INCLUDING ADDITION OF THREE DORMERS; TOGETHER WITH SINGLE-STOREY EXTENSION AT REAR. EB/2005/0481, MAP I8. UPPERTON

INTRODUCTION

This application is a resubmission of application EB/2005/0366 which was refused at the July Planning Committee. The reason for refusal of this application was:

"*That the proposed Juliet balcony on the rear roofslope will lead to an unacceptable level of overlooking to the private garden area of the occupiers of 29 Prideaux Road to the detriment of their amenities and would therefore contravene policy HO20 of the Eastbourne Borough Plan 2001-2011.*"

In response to this the applicant has removed the Juliet balcony from the proposal and replaced it with a standard dormer on the rear roofslope. A swimming pool enclosure had also been removed from the previous application and this remains the case with this application.

SITE LOCATION

Prideaux Road is a street characterised by large detached dwellings of various forms with substantial private rear gardens, which in this section of Prideaux Road back on to rear gardens of properties in Le Brun Road. The property in question is located on the southern side of the road and the rear of the properties therefore have a southerly aspect.

Situated in the rear garden on the boundary with 29 Prideaux Road is a intermediate/mature Sycamore. The actual boundary is marked by a 1.4m high fence with some vegetation located predominantly on the application site's side of the boundary. The boundary with 25 Prideaux Road is marked by a 1.5m fence. On the 25 Prideaux Road side of the boundary are substantial conifers affording screening to the boundary at a height of approximately 3.5m - 4m.

PLANNING HISTORY

An application for a two-storey extension at side in association with extension to main roof including addition of three dormers together with single-storey extension at rear was refused in 2005 (EB/2005/0366 – background paper).

The property also has had a small rear extension added under permitted development rights.

CURRENT APPLICATION

Permission is sought for a number of extensions to the property. These comprise a single storey flat roof extension to the rear of the property projecting between 3.3m and 4.6m from the rear of the dwelling at a width of 10.3m. A two storey side extension to the western elevation of the dwelling incorporating an extension to the roof, bringing the side wall of the dwelling to within 1.35m to the boundary with 29 Prideaux Road. The extension to the roof will include a dormer to the side roof slope. The proposal also involves the addition of a dormer to the existing eastern roof slope and a dormer to the rear roof slope.

PLANNING POLICY

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

Policy UHT1 - Design of New development
Policy UHT4 - Visual Amenity
Policy HO20 - Residential Amenity

CONSULTATIONS

The application was advertised by a site notice displayed to the front of the property with letters of notification sent to surrounding residential properties. As a result 4 letters of objection have been received at the time of writing, their concerns can be summarised as follows (Letters dated 9-16 August 2005 – background papers):-

- The proposed replacement of the Juliet balcony with a dormer will still lead to a loss of privacy to both of the adjacent back gardens.
- The two-storey extension at the side would allow new windows on each side of the property which would again overlook both properties.
- The proposal will still lead to an overdevelopment of the property and will have a detrimental impact on the street scene as the property will no longer twin with the house at 29 Prideaux Road.
- The proposed structure creating bedroom 4 is not a usual type of attic development and will simply appear as a box added to the roof. This design would not be acceptable on a new build.
- The building would become twice the floor size of its neighbours and changes the building line.
- The large extension will overshadow 25 Prideaux Road at certain times of day and will be unbearable for 29 Prideaux Road.
- The dormer on the eastern roofslope will overlook the private terrace area of 25 Prideaux Road. This could still be opened even if it was obscured glazed.
- The rear dormer will overlook the rear garden of 25 Prideaux Road and possibly back into the house.
- The care home at 21 Prideaux Road has recently had a first floor extension refused and to allow this application would set a precedent.
- Without planning restrictions the outside space at 25 Prideaux Road will be unusable which is used by adults and children on a daily basis.
- The proposal will impinge on the current peaceful and sunny row of uniformly residential homes and would detrimentally affect the occupiers of 25 Prideaux Road rights to continued peace, light and privacy in contravention of Policy HO20 of the Eastbourne Borough Plan.
- Although the balcony and swimming pool have been removed there are still many concerns raised in the previous application which have still not been addressed.
- The resultant property will be out of character with the properties in the immediate section of Prideaux Road.
- The development is out of scale with the existing building.
- The larger properties in the road are surrounded by more space.
- The precedent this application would set would lead to an overdevelopment of many buildings in the road.
- The rear window of the extension will increase the overlooking to 29 Prideaux Road.
- The proposed window in the dormer will have a low sill level and would create a major degree of overlooking, there are no other house in the immediate area with such dormers and this would set a dangerous precedent.

- The removal of the maple tree will cause loss of privacy to 29 Prideaux Road.
- If the applicant left the property it could be used by a far larger number of people due to the increased number of rooms.
- The single storey rear extension is well past the rear building line and is un-neighbourly.
- The increased bulk of the development will result in an overdevelopment of the property.

Queries were also raised over the intention given in correspondence from the previous application to locate a swimming pool enclosure at the bottom of the garden. This has been responded to separately confirming the criteria of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

The Arboricultural Officer has confirmed that although the three trees scheduled for removal on the plans are under threat they do not fulfil the criteria for a tree preservation order (Memorandum dated 5 July 2005 – background paper).

APPRAISAL

The main issues to consider when determining this application are the impact of the proposed development on the streetscene and the amenities of the adjoining residential properties.

The proposed extensions to the property that will be apparent from the public domain are considered to be acceptable with regard to their impact on the street scene. Although the application property and that adjoining it at 29 Prideaux Road are currently a pair, there are many larger properties within the immediate area with a variety of different styles. The side extension will be set back from the main gable to the front of the property and it is not considered that it will have a detrimental impact on the streetscene provided appropriate materials are used. The proposal will close the gap between the properties at ground floor level by only 40cm with the first floor gap being reduced by varying distances due to the form of the existing cat slide roof. The dormer on the eastern elevation of the property is set back on the side of the property and will have a minimal impact on the streetscene.

The trees proposed to be removed as part of the development are not considered worthy of a preservation order and therefore their loss is considered to be acceptable with regard to the impact on the visual amenity of the area.

With regard to the above it is considered that the extensions to the main dwelling will have an acceptable impact on the streetscene of the area and would comply with the criteria in policies UHT1 and UHT4 of the Eastbourne Borough Plan.

The dormer on the eastern roof slope facing 25 Prideaux Road serves a landing and can therefore be obscured glazed preventing any overlooking.

Likewise the dormer to the western slope of the proposed roof extension could be obscured glazed as it serves a shower room. Provided the first floor side window that serves the computer room on the first floor is obscured glazed there would be no overlooking to the private terrace area to the rear of 29 Prideaux Road. The single storey rear extension has no windows facing 29 Prideaux Road and the single door to 25 Prideaux Road is not considered to result in a significant level of overlooking to the detriment of the occupiers of 25 Prideaux road despite its slightly elevated position. A condition to prevent the use of the flat roofed area as a balcony would prevent any future problems arising from the potential for the roof to be used as such.

The removal of the Juliet balcony from the dormer on the rear roofslope has been done to overcome the reason for refusal on the previous application. A dormer on the rear roofslope of a single private dwelling is something which is commonly permissible under permitted development rights. The degree of overlooking will not be significantly greater than the existing overlooking from the first floor windows to the garden at 29 Prideaux Road and it is considered that the existing pitched roof rear projection on the 25 Prideaux Road side of the property will prevent any overlooking from the dormer with regard to this property.

The relatively open aspect to the rear of the properties and the set in of the single storey rear extension from the boundaries with the adjoining properties are considered to make the impact on the outlook from these properties acceptable. 29 Prideaux Road has no primary windows on the side elevation with all but one secondary kitchen window being obscured glazed. The side extension will therefore have no impact on the outlook from the property at 29 Prideaux Road.

The side extension although fairly substantial will not lead to any overshadowing that would be detrimental to the amenities of the adjoining properties due to their southerly aspect and the non-habitable room windows on the side elevation of 29 Prideaux Road. It is considered it will have no impact on the property at 25 Prideaux Road due to the present overshadowing from the existing dwelling in the late evening.

The rear extension is sited such that it will have an acceptable impact with regard to the degree of overshadowing to the adjoining properties due to its single storey nature and set in from the boundary with 25 Prideaux Road in particular.

The proposed extensions to the main dwelling are therefore acceptable with regard to their impact on the amenities of the adjoining properties with regard to policy HO20 of the Eastbourne Borough Plan 2001-2011.

HUMAN RIGHTS

It is considered that the proposed extensions will not result in a breach of the above noted rights of occupiers of adjoining properties to the peaceful enjoyment of possessions and protection of property.

RECOMMEND: That permission be granted subject to the following conditions:-

1. M1.1 - Commencement of development within 3 years
2. A1 - Submission of samples of facing materials
3. A11 - Restriction of use of extension roof as balcony
4. A5 - Restriction of new openings in western elevation
5. A3.1 - Semi-obscure non openable windows in dormer on eastern roofslope.
6. A3.1 - Semi-obscure non openable windows in first floor and dormer on western elevation

J. F. Collard
Planning Manager

25 August 2005